AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 44—No. 52
3-15-79
PAGES
15641-15985

federal register

THURSDAY, MARCH 15, 1979

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

highlights

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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
DOT/OHMO	USDA//FSQS		DOT/OHMO	USDA/FSQS
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.)**

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02-M]

Title 7—Agriculture

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

[Navel Orange Reg. 457; Navel Orange Reg. 456, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 16-22, 1979, and increases the quantity of such oranges that may be so shipped during the period March 9-15, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective March 16, 1979, and the amendment is effective for the period March 9-15, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The Committee met on March 12 and 13, 1979, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges remains reasonably firm.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.757 Navel Orange Regulation 457.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period March 16, 1979, through March 22, 1979, are established as follows:

(1) District 1: 850,000 cartons;

(2) District 2: 150,000 cartons;

(3) District 3: Unlimited.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

2. Paragraph (a)(1) and (a)(2) in § 907.756 Navel Orange Regulation 456 (44 F.R. 12606), is hereby amended to read:

(1) District 1: 978,000 cartons

(2) District 2: 172,000 cartons

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

Dated: March 14, 1979

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-8114 Filed 3-14-79; 11:37 am]

[3410-07-M]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—PROGRAM REGULATIONS

PART 1900—GENERAL

Subpart B—Farmers Home Administration Appeal Procedure

MISCELLANEOUS AMENDMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its appeal regulations governing its insured program. The intended effect of this action is to clarify and simplify existing regulations. This action results from a review of the regulation.

EFFECTIVE DATE: March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

James E. Lee (202)-447-6257.

SUPPLEMENTARY INFORMATION: Various sections of Subpart B of Part 1900 of Chapter XVIII, Title 7, Code of Federal Regulations are amended to rescind the District Directors' authority to uphold, modify or reverse County Committee decisions at the conclusion of the first appeal action and to establish the State Director or Acting State Director the hearing officer in these cases. The change also

clarifies that appeals involving FmHA guaranteed programs are not processed by the provisions of FmHA Instruction 1900-B.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is being published as a final rule. Publication for comment is unnecessary because the change involving Guaranteed loans is editorial in nature, being made to clarify the existing regulations and the change involving the District Director's review is a matter concerning Agency management. This determination was made by James E. Lee, Assistant Administrator, Farmer Programs, Farmers Home Administration, U.S. Department of Agriculture, Room 5019, Washington, D.C. 20250.

7 CFR Chapter XVIII is amended as follows:

1. Section 1900.51 is revised as follows:

§ 1900.51 Purpose.

This subpart provides a uniform procedure whereby a person may appeal any Farmers Home Administration (FmHA) program administrative action directly affecting such person. This procedure does not apply to Guaranteed loans, Freedom of Information Act, or Privacy Act appeals and is not intended to affect the Suspension and Debarment procedure found at Subpart E of Part 1924 of this Chapter. This procedure takes precedence over all other FmHA appeals procedures affecting applicants, borrowers or grantees, including that found at § 1955.15(d)(3) of this chapter. This procedure is applicable to administrative decisions made after November 13, 1978.

2. In § 1900.52, (d)(1) through (5) are revised as follows:

§ 1900.52 Definitions.

* * * * *

(d) *Hearing Officer.* * * *

(1) In the case of an appeal of an initial decision by a County Supervisor, the District Director having jurisdiction over that County Office. If that District Director had a significant role in the initial determination, the District Director from a nearby geographical district office will be designated by the State Director. For purposes of this subpart, the decision to accelerate an account will be deemed to have been made by the County Supervisor initiating such action.

(2) In the case of appeal of an initial decision by the County Committee, the State Director or Acting State Director. However, the District Director will conduct the hearing in behalf of the State Director and forward all material related to the hearing along with a recommendation to the State Director for final determination. If the District Director having jurisdiction over the County Office had a significant role in the initial determination, the District Director from a nearby geographical District Office will be designated by the State Director to conduct the hearing in behalf of the State Director as described above.

(3) In the case of an appeal of an initial decision by a District Director, the State Director, who may designate a program chief or other State Office official to be the hearing officer.

(4) In the case of an appeal of an initial decision by a State Director, the appropriate Program Assistant Administrator or designee.

(5) In the case of an appeal of an initial decision by an Assistant Administrator, the appropriate Deputy Administrator.

* * * * *

3. Paragraph (d)(7)(i) of § 1900.53 is revised as follows:

§ 1900.53 Appeal from an initial FmHA decision.

* * * * *

(d) * * *

(7) * * *

(i) If the initial decision is reversed, will inform the appellant and original decision-making official by letter of the decision, the reason for it, and what action will be taken. Only the State Director or Acting State Director will execute the letter on County Committee decision reversals.

* * * * *

This regulation has not been determined significant under the USDA criteria implementing Executive Order 12044. A copy of the Impact Statement prepared by FmHA is available at the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

This document has been revised in accordance with FmHA Instruction 1901-G, "Environmental Impact Statement". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190 an Environmental Impact Statement is not required.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9850.)

Dated: March 9, 1979.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 79-7964 Filed 3-14-79; 8:45 am]

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

SUBCHAPTER G—NATURAL GAS (ECONOMIC REGULATORY ADMINISTRATION)

[Docket No. ERA-R-78-22]

PART 580—CURTAILMENT PRIORITIES FOR ESSENTIAL AGRICULTURAL USES

Curtailment Priorities for Essential Agricultural Uses

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby adopts a new rule governing curtailment priorities for essential agricultural uses as required by Section 401 of the Natural Gas Policy Act of 1978. The rule provides that no curtailment plan for an interstate pipeline may provide for the curtailment of deliveries of natural gas for any essential agricultural use, unless:

(1) Such curtailment does not reduce deliveries below the essential use requirements certified by the Secretary of Agriculture,

(2) Such curtailment is necessary to meet the needs of higher priority users or,

(3) The Federal Energy Regulatory Commission has determined, in consultation with the Secretary of Agriculture, that use of another fuel is economically practicable and that the other fuel is reasonably available.

EFFECTIVE DATE: March 9, 1979.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information) Economic Regulatory Administration, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, (202) 634-2170.

Albert F. Bass (Division of Natural

Gas Regulations), Economic Regulatory Administration, 2000 M Street, NW., Room 3308, Washington, D.C. 20461, (202) 632-4721.

James K. White (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461, (202) 633-8814.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Final Rule.
III. Description of Comments and Actions Taken in Response.
A. Alternate Fuel Exclusion for Certain High Priority Users.
B. Ranking of Priorities.
C. Storage Injections.
D. Definitions.
E. Miscellaneous Issues.

I. Background

Section 401(a) of the Natural Gas Policy Act of 1978 (Pub. L. 95-621) (NGPA), which became law on November 9, 1978, directs the Secretary of Energy to prescribe and make effective within 120 days after enactment (that is, by March 9, 1979) a rule to protect essential agricultural uses from curtailment of natural gas deliveries by interstate pipelines. Currently, curtailment priorities for individual pipelines are established in curtailment plans which are part of each pipeline's tariff approved by the Federal Energy Regulatory Commission (FERC). These plans differ in their details from pipeline to pipeline. However, in general they follow the type of end-use plan set forth by the Federal Power Commission in Order No. 467-B (18 CFR 2.78) which is a statement of policy establishing nine general curtailment categories and their relative priority.

The NGPA requires that this rule provide that interstate pipeline companies may curtail natural gas for essential agricultural uses only in the event that such gas is needed to protect high priority users as defined by the NGPA or if it is determined that an alternate fuel is economically practical and reasonably available for that use. The implementation of the NGPA's requirements involves action not only by the Secretary of Energy but also by the Secretary of Agriculture and the FERC. Section 401(c) directs the Secretary of Agriculture to certify to the Secretary of Energy and the FERC the natural gas requirements for essential agricultural uses. The FERC will, pursuant to Section 401(b), determine whether or not it is "economically practicable" to use another fuel for an essential agricultural use and whether such alternative fuels are "reasonably available." The FERC is also charged under Section 403(b) with general responsibility to implement the provisions of the Secretary's rule, through its authority under Section 402(a)(1)(E) of the Department of Energy Organization Act (Pub. L. 95-91) (DOE Act) to establish, review and enforce curtailments under the Natural Gas Act. Both the Department of Agriculture and the FERC have issued their rules under the NGPA.

A proposed rule on essential agricultural uses of natural gas was published by ERA on November 22, 1978 (43 FR 54660). Since the NGPA provides explicitly that this rule is to be issued pursuant to DOE's authority under the DOE Act to establish and review priorities for curtailments under the Natural Gas Act, rather than any new authority given by the NGPA, the proposed rule was referred to the FERC under the procedures established by section 404 of the DOE Act. The FERC subsequently asserted jurisdiction over the rule. Since both we and the FERC were required to hold hearings on this same rule, joint hearings were held on January 10th and 11th in Washington, D.C. to both lessen the burden on the public and expedite passage of the rule.

In addition to consideration of the curtailment priority of essential agricultural uses, we have begun an overall review of the existing priority system pursuant to the Secretary's authority to "review and establish curtailment priorities" under Sections 310(b) and 402(a)(1)(E) of the DOE Act, and we expect to complete our analyses by the end of the year. However, because of the statutory deadline, the essential agricultural use rule must be issued now. We will issue a rule concerning essential industrial process and feedstock use as required by Section 402 of the NGPA (which does not contain a statutory deadline) after we have had the benefit of the economic, regulatory and environmental analyses being conducted. We will also then determine whether, and to what extent, other changes to the natural gas curtailment system should be made.

II. Final Rule

We are prescribing this final rule after consideration of all written and oral comments, the principal ones of which are discussed below, and consultation with the FERC pursuant to the procedures of Section 404 of the DOE Act.

This is a general rule, binding on all interstate pipeline companies. The rule provides that, "to the maximum extent practicable, no curtailment plan of an interstate pipeline may provide for curtailment of natural gas for any essential agricultural use," unless at least one of three conditions exists. The circumstances permitting curtailment of essential agricultural uses are as follows: (1) "Curtailment does not reduce the quantity of natural gas delivered for such use below the use requirement certified by the Secretary of Agriculture;" (2) "such curtailment is necessary to meet the requirements of high-priority users;" or (3) "the Federal Energy Regulatory Commission, in consultation with the Secretary of Agriculture, determines" that a fuel (other than natural gas) "is economically practical" and "reasonably available" for that use.

The rule defines "essential agricultural use" as that use of natural gas which the Secretary of Agriculture determines is necessary for full food and fiber production. "High priority user" is also defined, and includes persons who use natural gas in residences, small commercial establishments, schools, and hospitals and similar institutions. In keeping with the policy illuminated in the Joint Explanatory Statement of the Committee on conference on the NGPA, the definition of "residence" in the highest priority category, which is defined in FPC Order 467-B only as single family and small multi-family units, has been expanded to include apartment buildings and other multi-unit buildings used predominately for residential purposes.

The NGPA leaves to the discretion of the Secretary the determination of high priority uses other than those enumerated in the NGPA, provided they are uses the curtailment of which would endanger life, health, or maintenance of physical property. We are using this discretion to include in the definition of high priority users those users who use natural gas for minimum plant protection at times when operations are shut down, correctional and sanitation facilities, and police and fire protection. In the implementation of this proposed rule, the FERC will continue to exercise its authority on a case-by-case basis pursuant to 18 CFR 2.78(a)(4) to provide for gas deliveries for other essential uses in an emergency, the curtailment of which deliveries would endanger life, health, or maintenance of physical property. Section 580.03(b) expressly provides that where an essential agricultural use as defined by this rule also qualifies as a high priority user under this rule, it shall be considered a high priority rather than an essential agricultural use.

As discussed below, numerous comments in response to the proposed rule pointed out that our rule was deficient in that it did not refer to the curtailment priority for the injection of storage volumes. Because of the importance of filling gas storage fields prior to the beginning of the period of highest demand (i.e., the gas heating season), we did not intend the proposal to impede the prudent storage of

natural gas. To clarify our intention, we have added § 580.03(d) to the final rule which explicitly permits storage injections by interstate pipelines and deliveries to their customers for storage injection, unless it is demonstrated to the FERC that these injections or deliveries are not reasonable necessary to meet the requirements of high priority users or essential agricultural uses.

This rule does not mandate any specific order of priority among the high priority users defined in the Act (as further defined by the Secretary) or among other uses. Instead, it contemplates as the conference committee did that the relative order of priorities in current curtailment plans shall remain in effect except to the extent they are inconsistent with the rule. Section 580.03(c) has been added to the rule to clarify this intent.

In general, therefore, those users defined as high priority users should be moved ahead of essential agricultural users in an interstate pipeline company's currently effective curtailment plan (to the extent they are not already there), and those not within the definitions of high priority users or essential agricultural uses will be placed below the latter. Otherwise, the relative order of ranking among the high priority users and among the non-high priority users should remain as they are in the firm's present curtailment plan. With regard to storage injections, § 580.03(c) and (d) together permit a curtailment plan which currently lists storage injections to continue to rank such use in the same relative position, unless it is demonstrated to the FERC that the injection is not reasonably necessary to serve high priority users or essential agricultural uses.

An illustration of the meaning of Section 580.03(c) is provided below. Mindful of the comments received about the confusion raised by a similar example in the preamble to our proposed rule, we emphasize that this example is just that—an example.

EXAMPLE OF A PRESENTLY EFFECTIVE PLAN

Priority 1: Residential and small commercial (including hospital) requirements of less than 50 Mcf per peak day.

Priority 2: Commercial (including hospital) requirements of more than 50 Mcf per peak day, industrial requirements for plant protection, feedstock, and process needs and other industrial requirements of up to 300 Mcf per day; and storage injection requirements.

Priority 3: School requirements.

Priority 4: Industrial requirements in excess of 300 Mcf per peak day for other than plant protection, feedstock, and process use or for boiler fuel uses.

To conform this hypothetical curtailment plan with the rule, those users falling within the rule's definition of high priority users should be reordered in the same relative ranking as in the existing plan. In the illustration, this would result in Priority 1 remaining the same and the addition of new priority categories two and three. A new Priority 4 for essential agriculture uses (certified by the Secretary of Agriculture) would be created to follow Priority 3. Those commercial requirements in Priority 2 of the present plan which cannot be properly redefined as high priority under the rule would be moved out of Priority 2 to a new Priority 5 in the hypothetical plan, along with feedstock and process needs and other industrial requirements of up to 300 Mcf per day. Priority 4 in the present plan would be renumbered Priority 6. The restructured curtailment plan would be as follows:

EXAMPLE OF REVISED PLAN

Priority 1: Residential and small commercial (including hospital) requirements of less than 50 Mcf per peak day.

Priority 2: Residential and hospital requirements of more than 50 Mcf per peak day, requirements for plant protection, and storage injection requirements (unless it can be demonstrated to the FERC that the injection is not reasonably necessary to serve high priority users or essential agricultural uses).

Priority 3: School requirements.

Priority 4: Essential agricultural uses.

Priority 5: Industrial requirements for feedstock and process needs and other industrial requirements of up to 300 Mcf per day, and non-high priority commercial requirements.

Priority 6: Industrial requirements in excess of 300 Mcf per peak day for other than plant protection, feedstock, and process use or for boiler fuel uses.

As can be seen from the example, it is possible for non-agricultural uses that previously had the same priority level to have different rankings under this rule. For example, plant protection and feedstock uses previously had the same priority in the example, but under this rule they have significantly different priorities. It is even possible for the relative priorities of non-agricultural uses to be reversed, such as in the example where school requirements now qualify as high priority uses, while industrial feedstock uses have dropped to a lower priority level. Such shifts may be unavoidable in order to implement the NGPA and to keep changes in present curtailment plans to a minimum, which is the expressed intent of Congress.

Because the order of priorities in restructured curtailment plans will depend on the relative order in currently established plans, there could be many variations. The FERC has the responsibility for implementing our rule and monitoring the restructuring of the interstate pipeline companys' curtailment plans. Nothing in this rule imposes any particular implementation scheme on the FERC, as long as its procedures protect high-priority users and essential agricultural uses.

Section 580.04 of the rule has been reserved for administrative procedures which are required by the NGPA. Because procedures were not issued as part of the proposed rule, we are publishing them in proposed form in the near future. After an appropriate comment period, a final procedural rule will be issued and incorporated into this rule.

III. Description of Comments and Actions Taken in Response

Over 115 written and oral commenters were received in response to our proposed rulemaking. While the number of comments makes it impractical to address each one individually and requires us to summarize the different positions taken on specific issues, each comment was considered in the drafting of the final rule. The major issues raised are discussed below.

A. Alternate Fuel Exclusion for Certain High-Priority Users

The proposed rule contained an alternate fuel test for schools, hospitals and multi-unit residential buildings, which are high-priority users. Because the NGPA had not explicitly included this exclusion, we asked for comments. A few responses supported the exclusion as being in the interests of conservation and in keeping with past practices. However, the majority of the commenters, including two Members of the Senate, stated that the Congress would have specifically established such a test, as they had for essential agricultural uses, if they had so intended.

Some of those opposing the exclusion stated that it would both unfairly penalize those who had already installed alternate fuel capability and contribute to increased apartment rental and hospital costs. Most expressed the opinion that a blanket exclusion would be administratively difficult to manage and suggested that if any exclusion were retained, a volumetric cut-off of between 50 mcf and 300 mcf per day be established. After considering all the comments on this issue, we conclude that in the absence of more explicit statutory support for an alternate fuel test for high priority users, it should be eliminated from the final rule.

B. Ranking of Priorities

The preamble to the proposed rule expressed our intention not to change relative priority levels at this time except as necessary to implement the requirements of Section 401 of the NGPA. However, it is apparent from the comments received that our pre-

amble was not clear in this regard. Several commenters suggested that the example of priorities given in the preamble into the proposal should be adopted by ERA and new tariff filings required, essentially limiting the way the FERC could implement the rule.

As noted above, we are currently conducting a general review of curtailment priorities. However, the issues involved in such a review are far too complex to be dealt with adequately in the time allowed by Section 401 for completion of a rule dealing with essential agricultural use priorities. Therefore, for the time being, the specific relative order of priorities reflected in effective curtailment plans filed with the FERC shall govern, to the extent they do not conflict with protection of essential agricultural uses. (See § 580.03(c) of the rule.)

C. STORAGE INJECTIONS

As the FERC and other commenters pointed out, our proposed rule did not address explicitly the manner in which storage injections should be treated in interstate pipeline curtailment plans. The problem is further complicated because the NGPA is silent on this issue. During the consultation process, the FERC recommended that gas injected into storage be given the same treatment under this rule as it is given in interstate pipelines' currently effective curtailment plans, to the extent practicable.

Several distribution companies argued that since storage is not an end use but an interim delivery for an end use, the rule should require that the allocations given distributors for storage be in proportion to the actual deliveries made during the storage withdrawal season (winter) to a distributor's customers, an approach referred to as "storage sprinkling". Pipeline companies and others using "block storage" opposed any imposition of "storage sprinkling" where it is not currently included in existing curtailment plans.

The proper priority treatment of storage injection volumes is an issue in our long term review of natural gas curtailment priorities. We do not intend at this time to make a final determination on the treatment of such gas. Yet, because of the importance of filling storage during the summer and protecting gas service to high-priority users and essential agricultural uses, we have added Section 580.03(d) to the final rule. This will also fulfill the FERC's desire to maintain some flexibility to deal with this problem on an operational level.

D. DEFINITIONS

There were a number of definitional questions raised in the comments. Some commenters noted differences between definitions in the proposed ERA rule and the proposed FERC implementing rules. Others wanted specific definitions expanded to include their operations. For instance, small irrigation pumping and crop drying operations asked that they be specifically designated as high-priority users, either as small commercial establishments or under the protection of life, health and property category. Several drug manufacturers also requested that certain of their operations be designated as high-priority.

Definitions of "schools," "hospitals" and "commercial establishments" have been added. These definitions are in accord with those issued by the former Federal Power Commission and now administered by the FERC.

We do not agree that users of gas for irrigation pumping and crop drying operations should be specifically designated as high-priority users. However, the FERC may decide that in the context of a particular curtailment plan, such operations meet the definition of small commercial establishments. Further, we do not have sufficient information at this time to warrant expanding the definition of protection of life, health and property to include the manufacturing of specific end products, such as pharmaceuticals.

Several commenters raised questions concerning the lack of a definition of curtailment, and one suggested that ERA should provide a standard definition. Other commenters also referred to this as a problem, either because they do not now define the interruption of service to customers with interruptible-type contracts as curtailment or because they presently compute curtailment volumes differently from the way the proposed FERC implementation rules would require them to do for essential agricultural uses. In a related area, another commenter suggested the curtailment of "essential agricultural uses" be limited to the service area of a pipeline company and that the needs of its immediate customers be considered before its pipeline customers who have other sources of supplies.

We believe, however, that it would be premature to establish a definition of curtailment prior to completion of our broad review, since it raises issues that go to the very heart of the Federal curtailment system. Furthermore, it is not necessary for us to provide a standard definition of curtailment in order to protect high-priority and essential agricultural uses.

Additionally, many commenters stated that the term "alternate fuel" should be more clearly defined and, with one exception, that propane should not be considered as an alternative to natural gas. Further, it was recommended that the terms "economically practicable" and "reasonably available" be defined. Others either wanted the definition of "essential agricultural use" broadened or narrowed, depending on their perspective.

These definitional issues lie outside the scope of our rulemaking. The statutory authority to define the scope of "essential agricultural use" clearly lies with the Secretary of Agriculture. Likewise, the FERC is given the authority under Section 401 of the NGPA to determine the definition of alternate fuel. We, have not, therefore, adopted these recommendations and have deleted the provision in our proposed rule which excluded solar energy from the category of alternate fuels.

E. MISCELLANEOUS ISSUES

Several commenters raised questions concerning our authority to bind interstate pipelines and to assert jurisdiction over intrastate pipelines and distribution companies. ERA does not either in the proposed rule nor in this final rule assert any jurisdiction over the intrastate market. However, under the DOE Act, the NGA, and the NGPA, we do have the authority to establish curtailment priorities for interstate pipeline companies. Since some of the confusion over whether or not we were asserting jurisdiction over the intrastate market was related to our proposed definition of "interstate pipeline," we have adopted the definition used in section 2(15) of the NGPA.

A few commenters objected to the designation of minimum plant protection requirements as "high priority users" only when plant operations are shutdown. They argued that these requirements for gas are continual and not limited to shutdown periods. However, natural gas requirements for industrial plant operations may properly be considered as process and feedstock use, which Congress has determined will be protected after essential agricultural uses. The high-priority designation of plant-protection gas is intended to provide gas not for plant operations, but only when operations are shut down and gas is required to prevent damage to the physical plant. However, pipelines may continue to make use of the emergency authority contained in 18 CFR 2.78(a)(4) to deliver gas for customers who are able to continue plant operations by using alternate fuels, but who also can support the need for gas to protect their property. Customers may also request exceptions or exemptions pursuant to applicable FERC procedures, including relief under 18 CFR 2.78(a)(2) and (b). Further, it should be noted that the qualification of plant-protection gas as a high-priority use is not limited

to industrial uses, but also includes other types of facilities, such as commercial, which may need gas to prevent damage.

One commenter questioned the need for an environmental review. We have not prepared an environmental review document in conjunction with this rule. The principal discretionary function under Section 401 is the Secretary of Agriculture's authority to certify essential agricultural uses. The Department of Agriculture has issued a draft environmental impact statement (EIS). DOE is reviewing that document and will provide comments to insure that the final EIS considers possible environmental impacts that may be caused by the regulatory actions under Section 401. Furthermore, DOE is currently reviewing existing natural gas curtailment priorities, including those reflected in the rule issued today. A programmatic EIS related to that review is currently being prepared, and it will be considered prior to issuance of any resulting rules or modifications.

A number of other issues were addressed concerning implementation of the rules proposed by the FERC and how alternate fuel determinations would be made. These issues are being addressed by the FERC in its proceedings on regulations to implement ERA's rule, and are outside the scope of our rulemaking. Likewise, comments concerning other areas of natural gas policy, such as incremental pricing, are not at issue here.

Upon issuance (November 16, 1978) of a notice of proposed rulemaking and public hearing concerning our proposed rule to protect essential agricultural use from curtailment, a copy was sent to the FERC for review pursuant to the requirements of Section 404(a) of the DOE Act (Pub. L. 95-91). The Commission responded in a letter to the Secretary of Energy on February 7, 1979 which included suggested revisions to our rule. After informal consultation with members of the Commission's staff, a letter was sent to the Commission on February 27, 1979 transmitting a revised rule. A further revised rule was sent by ERA on March 2, 1979, and concurred with by the Commission at a meeting on March 7, 1979. The final rule being issued today is the revised rule transmitted to the Commission on March 2, 1979.

We have determined that this proposal will not have a major impact within the meaning of DOE's procedures to implement Executive Order No. 12044 on "Improving Government Regulations," (DOE Order No. 2030.1, December 18, 1979). Therefore, no regulatory analysis required.

(Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C., 7101); E.O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3351.)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, is amended by establishing a Subchapter G and adding a Part 580, as set forth below.

Issued in Washington, D.C., March 9, 1979.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

Chapter II of Title 10, Code of Federal Regulations, is amended by establishing a Subchapter G and adding a Part 580 to read as follows:

Subchapter G—Natural Gas (Economic Regulatory Administration)

Part 580—Curtailment Priorities for Essential Agricultural Uses

Sec.
580.01 Purpose.
580.02 Definitions.
580.03 Curtailment Priorities.
580.04 Administration Procedures [Reserved].

AUTHORITY: Secs. 401, 403, Pub. L. 95-621, 92 Stat. 3394-3395, 3396; Secs. 301(b), 402(a), Pub. L. 95-91, 91 Stat. 578, 594, (42 U.S.C. Secs. 7115(b), 7117(a)); E.O. 12009, 42 FR 46267.

§ 580.01 Purpose.

The purpose of this Part 580 is to implement the authority granted to the Secretary of Energy in section 401 of the Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3394-3395 (1978).

§ 580.02 Definitions.

(a) Terms defined in section 2 of the Natural Gas Policy Act of 1978 shall have the same meaning, as applicable, for purposes of this Part 580, unless further defined in paragraph (b) of this section.

(b) The following definitions are applicable to Part 580:

(1) Commercial establishment—means any establishment, (including institutions and local, state and federal government agencies) engaged primarily in the sale of goods or services, where natural gas is used for purposes other than those involving manufacturing or electric power generation.

(2) Essential agricultural use—means any use of natural gas:

(i) For agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, crop drying; or

(ii) As a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food,

which the Secretary of Agriculture determines is necessary for full food and fiber production.

(3) Essential agricultural user—means any person who uses natural gas for an essential agricultural use as defined in paragraph (b)(2) of this section.

(4) Hospital—means a facility whose primary function is delivering medical care to patients who remain at the facility, including nursing and convalescent homes. Outpatient clinics or doctors' offices are not included in this definition.

(5) High-priority use—means any use of natural gas by a high-priority user as defined in paragraph (a)(6) of this section.

(6) High-priority user—means, in no specific order, any person who uses natural gas:

(i) In a residence; or

(ii) In a commercial establishment in amounts of less than 50 Mcf on a peak day; or

(iii) In any school or hospital; or

(iv) For minimum plant protection when operations are shut down, for police protection, for fire protection, in a sanitation facility, in a correctional facility, or for emergency situations pursuant to 18 CFR 2.78(a)(4).

(7) Interstate pipeline—means any person engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act.

(8) Residence—means a dwelling using natural gas predominately for residential purposes such as space heating, air conditioning, hot water heating, cooking, clothes drying, and other residential uses, and includes apartment buildings and other multi-unit residential buildings.

(9) School—means a facility, the primary function of which is to deliver instruction to regularly enrolled students in attendance at such facility. Facilities used for both educational and non-educational activities are not included under this definition unless the latter are merely incidental to the delivery of instruction.

§ 580.03 Curtailment Priorities.

(a) Notwithstanding any provision of law other than section 401(b) of the Natural Gas Policy Act of 1978, or any other rule, regulation, or order of the Department of Energy, the Federal Energy Regulatory Commission or their predecessor agencies, and to the maximum extent practicable, no curtailment plan of an interstate pipeline may provide for curtailment of deliveries of natural gas for any essential agricultural use, unless:

(1) Such curtailment does not reduce the quantity of natural gas delivered for such use below the use requirement certified by the Secretary of Agriculture under section 401(c) of the Natural Gas Policy Act of 1978 in

order to meet the requirements of full food and fiber production; or

(2) such curtailment is necessary in order to meet the requirements of high-priority users; or

(3) the Federal Energy Regulatory Commission, in consultation with the Secretary of Agriculture, determines, by rule or order issued pursuant to section 401(b) of the Natural Gas Policy Act of 1978, that use of a fuel (other than natural gas) is economically practicable and that the fuel is reasonably available as an alternative for such essential agricultural use.

(b) Any essential agricultural user who also qualifies as a high-priority user shall be a high-priority user for purposes of paragraph (a) of this section.

(c) The specific relative order of priority for all uses and users of natural gas, including high-priority and essential agricultural uses and users, shall remain as reflected in effective curtailment plans of interstate pipelines filed with the Federal Energy Regulatory Commission to the extent that the relative order of priorities does not conflict with paragraph (a) of this section.

(d) Nothing in this rule shall prohibit the injection of natural gas into storage by interstate pipelines or deliveries to its customers for their injection into storage unless it is demonstrated to the Federal Energy Regulatory Commission that these injections or deliveries are not reasonably necessary to meet the requirements of high-priority users or essential agricultural uses.

§ 580.04 Administrative Procedures [Reserved].

[FR Doc. 79-7923 Filed 3-14-79; 8:45 am]

[6720-01-M]

[No. 79-161]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORP.

PART 563—OPERATIONS

Liquidity and Investment Provisions

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: These amendments (1) limit the amount of an FSLIC-insured institution's time and savings deposits in one commercial bank; (2) revise the Bank System liquidity provision to count as liquidity all such deposits within the limit; and (3) revise the Bank Board's regulation pertaining to liquidity deficiency penalties by (a) giving the Principal Supervisory Agent greater authority to mitigate penalties and (b) limiting Bank Board involvement to cases where an applicant appeals the Principal Supervisory Agent's refusal to approve mitigation of a penalty, or where the Principal Supervisory Agent requests a Bank Board decision. The amendments are needed to simplify and improve the Bank Board's regulations in these matters.

EFFECTIVE DATE: April 13, 1979.

FOR FURTHER INFORMATION, CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Telephone number: (202) 377-6440.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board by Resolution No. 78-249, dated April 18, 1978 (43 FR 17479), proposed to amend Part 523 of the Regulations of the Federal Home Loan Bank System and Part 563 of the Rules and Regulations of the Federal Savings and Loan Insurance Corporation (12 CFR Parts 523 and 563) as described below. The Bank Board requested submission of comments on the proposal by May 26, 1978. Comments were received from 5 state-chartered and 15 Federal savings and loans, 1 bank and 1 trade association, and are summarized under appropriate subheadings below.

Liquidity Deficiency Penalties

The amendment to § 523.12 proposed to delegate authority to mitigate liquidity deficiency penalties to the Bank Board's Principal Supervisory Agents and to limit the grounds for appeal from that decision to error or abuse of discretion. Comments on this provision were received from 7 savings and loans (1 state, 6 Federal). While all respondents commented favorably on the proposal, concern was expressed that the limited grounds for appeal provided were insufficient to support such a broad delegation of authority to the Principal Supervisory Agent. The Bank Board has, therefore, modified the original proposal to provide that applications not approved by the Principal Supervisory Agent may be appealed by the applicant to the Bank Board for final decision. Applications which the Principal Supervisory Agent believes require Bank Board consideration may be forwarded to the Bank Board for decision.

The language of proposed § 523.12(c) has been clarified to read "* * * the deficiency resulted from (1) * * * or (2) temporary disruption of normal operations because of a merger or similar transaction." This language, which essentially parallels the language of the present regulation, more clearly focuses on the cause of the deficiency as the unanticipated disruption of normal operations and not the merger itself.

The proposal specifically requested comments on the retention of "good cause shown" as the determining factor in the Principal Supervisory Agent's decision. The four savings and loans who addressed the request responded favorably. One suggested that the enumerated factors stand only as examples of what constitutes good cause. The Bank Board believes that the amendment as originally proposed clearly indicates that the enumerated factors are not exclusive but intended as examples only.

Investments in Bank Deposits

The amendment to § 523.10(g)(4)(i) proposed to limit an insured institution's investment in a commercial bank counted as required liquidity to the greater of (a) the insured institution's net worth or ¼ of 1% of bank deposits, whichever is less, or (b) the amount of the deposit insurance coverage. The amendment proposed to add § 563.9-6 to the Insurance Regulations to restrict directly such investment by institutions whose deposits are insured by the FSLIC.

Seventeen comments on these provisions were received from 15 savings and loans (12 Federal, 3 state), 1 bank and 1 trade association. Twelve respondents strenuously objected to inclusion of a net worth limitation on grounds that the limitation would add no greater investment security; impose a substantial burden on small and recently organized savings and loans; force spreading of investments over a large number of commercial banks, resulting in heavier administrative costs and injury to the strong community ties between a local savings and loan and its community bank; and effectively restrict savings and loans from participation in the Federal funds market. Five Federals expressed general agreement with the amendment as proposed.

After careful consideration of the objections raised by the commenters, the Bank Board has decided to retain the net worth limitation but to delete "(b) the amount of the deposit insurance coverage" from the regulation, substituting in its place a one hundred thousand dollar limitation. This new limitation should serve to eliminate the commenters' objections while re-

taining a reasonable limit on investment in one bank.

Under § 523.10(g)(4)(i) as interpreted by the Bank Board, excess investment in time and savings deposits by a member institution in an insured bank renders all such deposits of the member in that bank ineligible as countable liquidity. Included in the proposal was an amendment to § 523.10(g)(4)(i) which would allow investments up to the permitted amount to count toward liquidity, even in cases where there are additional investments beyond the regulatory limit. Comments on this provision were received from 9 savings and loans (2 state, 7 Federal) and 1 trade association, all favorable. With the exception of a minor language modification, the amendment is adopted as proposed.

Accordingly, the Bank Board hereby amends §§ 523.10 and 523.12 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.10 and 523.12) and adds § 563.9-6 to the Rules and Regulations of the Federal Savings and Loan Insurance Corporation (12 CFR 563.9-6), to read as set forth below.

1. Amend § 523.10(g)(4) by revoking subdivision (i) thereof, redesignating subdivisions (ii), (iii), (iv), and (v) as subdivisions (i), (ii), (iii), and (iv), respectively, and revising the introductory clause to read as follows:

§ 523.10 Definitions.

* * * * *

(g) * * *

(4) Time and savings deposits in an insured bank, including time deposits held subject to a repurchase agreement and loans of unsecured day(s) funds to an insured bank (Federal funds or similar unsecured loans to insured banks), up to an amount not to exceed the maximum permissible investment in such deposits allowed under § 563.9-6 of this chapter, if:

* * * * *

2. Amend § 523.12 by revising paragraph (c) thereof to read as follows:

§ 523.12 Deficiencies and Penalties.

* * * * *

(c) *Assessment of penalty; compromise, remission, or reduction.* Except as otherwise provided below, penalties are hereby assessed when deficiencies arise. Upon application and subject to such conditions as may be imposed, the Principal Supervisory Agent or his/her delegate may, before collection of a penalty, compromise, remit, or reduce it for good cause shown; e.g., that the penalty would cause a serious adverse effect on the member, or the deficiency resulted from (1) unexpectedly heavy withdrawals or other situations beyond the control of an institution's management, or (2) temporary disruption of normal operations because of a merger or similar transaction. Applications which the Principal Supervisory Agent believes require Board consideration shall be forwarded to the Board for decision. Applications not approved by the Principal Supervisory Agent may be appealed by the applicant to the Board for final decison. No relief will be granted if the member has failed to observe any condition imposed in connection with prior relief from a liquidity deficiency penalty.

3. Delete the designation "[Reserved]" at § 563.9-6 and substitute the following:

§ 563.9-6 Investment in Commercial Banks.

An insured institution may invest in time and savings deposits in an insured bank, including time deposits held subject to a repurchase agreement and loans of unsecured day(s) funds to an insured bank (Federal funds or similar unsecured loans), in an amount not exceeding the greater of (a) one-fourth of one percent of the bank's deposits (as shown in its most recent published statement of condition prior to the investment) or the institution's net worth, whichever is less; or (b) one hundred thousand dollars.

(Sec. 17, 47 Stat. 736, as amended; secs. 402, 403, 407, 48 Stat. 1256, 1259, 1260, as amended; 12 U.S.C. 1437, 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp., 1943-48 Comp., p. 1071)

Dated: March 8, 1979.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 79-7917 Filed 3-14-79; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17147; Amdt. 21-48]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Export Airworthiness Approvals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This amendment provides for the issuance of export certificates of airworthiness for unassembled normal category rotorcraft and export airworthiness approvals for aeronautical products that do not meet certain procedural requirements in cases where the importing country agrees to accept the products in such condition. This amendment will relieve applicants for export airworthiness approvals from unnecessary burdens with no adverse effect on safety. The amendment also updates certain form number references.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION: This amendment is based on a notice of proposed rule making issued as Notice 77-19 and published in the FEDERAL REGISTER on September 1, 1977, (42 FR 43985).

Notice 77-19, in addition to proposing to amend the export airworthiness approval requirements, also proposed certain changes to the Parts Manufacturer Approval (PMA) requirements. Notice 77-19A (42 FR 61048; December 1, 1977) reopened the comment period for the PMA proposals until January 4, 1978, and Notice 77-19B (43 FR 15432; April 13, 1978) reopened the comment period for the PMA proposals until May 15, 1978. This amendment excludes any consideration of the PMA proposals contained in Notice 77-19. As indicated in Notice 77-19B, PMA will be the subject of a separate rulemaking action.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all matter presented. Three comments pertaining to the proposals to amend the export airworthiness approval requirements were received and they are discussed below.

BACKGROUND AND DISCUSSION OF COMMENTS

The primary purpose of an export airworthiness approval is to notify the importing country as to the airworthiness status of the product involved. Such notification serves the needs of both the foreign airworthiness authority approving a product for import and the purchaser of the product who intends to place it in operation.

Under regulations in effect since 1965, the requirements and procedures

for export airworthiness approvals have helped to assure the export of quality products that meet safety standards at least as high as those applicable to products for domestic use. Moreover, even though an importing country has its own airworthiness authority capable of determining the airworthiness status of a product, U.S. regulations have required essentially full compliance with the FAA standards as a condition for issuance of a U.S. export airworthiness approval. In this connection, the regulations have provided only limited exceptions under which an importing country may elect to receive U.S.-manufactured products that are not in full compliance with FAA standards.

Section 21.325(b), in part, requires that new aircraft be assembled and flight-tested in order to qualify for export airworthiness approvals. By rule to date, only small airplanes and gliders manufactured under production certificates have been excepted from these requirements, subject to individual approvals by the importing countries. However, one U.S. rotorcraft manufacturer has been granted an exemption to allow similar treatment of its unassembled normal category rotorcraft.

Sections 21.329, 21.331, and 21.333 specify the standards and maintenance requirements which must be met by the various classes of aeronautical products in order to qualify for export airworthiness approvals. These regulations to date have contained no provision for allowing importing countries to waive any of these requirements. However, the FAA has issued a number of exemptions from § 21.329(e) to allow issuance of export certificates of airworthiness for used engines that have not been newly overhauled, subject to approval of the importing country.

Based on satisfactory experience with the limited regulatory exception pertaining to unassembled aircraft, and with the exemptions granted to date, the FAA has concluded that the export airworthiness regulations may be amended with no derogation of safety. Under this amendment, the primary purpose of export airworthiness approvals continues to be achieved and the same high standards for issuance of export airworthiness approvals remain in effect. However, the amendment recognizes the ability of knowledgeable foreign airworthiness authorities to determine when strict compliance with FAA standards is not necessary or not desired by their respective countries in specific cases.

The procedures adopted by this amendment will relieve U.S. manufacturers and exporters of a number of burdens heretofore associated with obtaining export airworthiness approvals. The manufactures of normal category rotorcraft will be able to realize cost and time savings by eliminating assembly and flight test. Moreover, the export of unassembled aircraft will eliminate the burden of an actual weighing and will facilitate air freight shipments. Provisions for non-compliance with requirements of the various classes of products subject to acceptance by the importing country, for example the requirement that used engines be newly overhauled, make possible substantial savings without derogating safety. Such savings increase the export potential of U.S.-manufactured aeronautical products and are therefore in the public interest. Finally, all persons subject to the regulations will have the benefits heretofore accorded only be exemption but without the administrative burden and cost and time delays associated with seeking exemptions.

This amendment is in furtherance of the FAA's policy to avoid regulations which are unnecessary to its aviation safety mission.

Contrary to the expressed concern of one commentator, the revised procedures will not adversely affect safety. In this connection, it should be noted that issuance of export airworthiness approvals will be conditioned on full disclosure to the foreign airworthiness authority, and the written acquiescence of that authority to FAA requirements that are not met in any given situation. In this manner, the decision to accept products that do not meet all the U.S. export requirements will properly rest with the airworthiness authority of the importing country. Without approval of the importing country, a product not meeting the regulatory standards will not be issued an export airworthiness approval.

Another commentator expressed general agreement with the proposals. However, he suggested that proposed § 21.325 be changed to allow the export of unassembled rotorcraft of 12,500 pounds or less, maximum certificated takeoff weight, rather than limiting such exports to normal category rotorcraft. The commentator pointed to the export of unassembled fixed-wing aircraft of 12,500 pounds or less, and asserted that the assembly of any aircraft of that weight involves the same degree of complexity. The FAA disagrees. Current standards provide that normal category rotorcraft must weigh 6,000 pounds or less while normal category airplanes may weigh up to 12,500 pounds. The complexity of an aircraft, and of its assembly, is dependent on more than weight alone. More important are the airworthiness requirements it must meet, a matter which is determined by the category into which the aircraft falls.

Finally, one commentator agreed with the proposals but suggested that § 21.339(a) also be amended to permit a special export certificate to be issued for the export of an aircraft with a restricted U.S. certificate of airworthiness. This comment is not directly related to any of the proposals contained in Notice 77-19; however, the FAA is currently evaluating a petition for rule making which makes a similar proposal. Accordingly, action on this matter is not being taken in conjucntion with this rulemaking action.

ADOPTION OF THE AMENDMENT

Accordingly, Subpart L of Part 21 of the Federal Aviation Regulations (14 CFR Part 21) is amended, effective April 16, 1979, as follows:

1. By revising § 21.321(b)(1) to read as follows:

§ 21.321 Applicability.

* * * * *

(b) * * *

(1) A Class I product is a complete aircraft, aircraft engine, or propeller, which—

(i) Has been type certificated in accordance with the applicable Federal Aviation Regulations and for which Federal Aviation Specifications or type certificate data sheets have been issued; or

(ii) Is identical to a type certificated product specified in paragraph (b)(1)(i) of this section in all respects except as is otherwise acceptable to the civil aviation authority of the importing state.

* * * * *

§ 21.325 [Amended]

2. By replacing the word "either" in the lead-in of § 21.325(b)(1) with the word "any", by deleting the word "or" from the end of § 21.325(b)(1)(i), by deleting the period and adding a semicolon and the word "or" at the end of § 21.325(b)(1)(ii), and by adding new §§ 21.325 (b)(1)(iii) and (c) to read as follows:

§ 21.325 Export airworthiness approvals.

* * * * *

(b) * * *

(1) * * *

(iii) A normal category rotorcraft type certificated under Part 6 of the Civil Air Regulations or Part 27 of the Federal Aviation Regulations and manufactured under a production certificate.

* * * * *

(c) *Export airworthiness approval exceptions.* If the export airworthiness approval is issued on the basis of a

written statement by the importing state as provided for in § 21.327(e)(4), the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product, are listed on the export airworthiness approval as exceptions.

§ 21.327 [Amended]

3. By deleting the word "or" from the end of § 21.327(e)(2), by deleting the period and adding a semicolon and the word "or" at the end of § 21.327(e)(3), and by adding a new § 21.327(e)(4) to read as follows:

§ 21.327 Application.

* * * * *

(e) * * *

(4) A product that does not meet a requirement specified in §§ 21.329, 21.331, or 21.333, as applicable, for the issuance of an export airworthiness approval. The written statement must list the requirements not met.

* * * * *

§ 21.327 [Amended]

4. By replacing the words "FAA Form 317" in § 21.327(f)(1) with the words "FAA Form 8130-9", by deleting the words "and all rotorcraft" in the second sentence of § 21.327(f)(2), by inserting a comma and the words "normal category rotorcraft, and gliders" between the words "category airplanes" and "may" in the fourth sentence of § 21.327(f)(2), and by replacing the last word in the fourth sentence of § 21.327(f)(2) with the word "aircraft".

§ 21.329 [Amended]

5. By revising the lead-in of § 21.329, by deleting the phrase "subject to the special requirements of the importing country" from the end of § 21.329(a), and by adding a new § 21.329(g) to read as follows:

§ 21.329 Issue of export certificates of airworthiness for Class I products.

An applicant is entitled to an export certificate of airworthiness for a Class I product if that applicant shows at the time the product is submitted to the Administrator for export airworthiness approval that it meets the requirements of paragraphs (a) through (f) of this section, as applicable, except as provided in paragraph (g) of this section:

* * * * *

(g) A product need not meet a requirement specified in paragraphs (a) through (f) of this section, as applicable, if acceptable to the importing country and the importing country indicates that acceptability in accordance with § 21.327(e)(4) of this part.

6. By revising the lead-in of § 21.331, by redesignating the lead-in of § 21.331 as § 21.331(a) and §§ 21.331 (a) through (d) as §§ 21.331(a)(1) through (a)(4), respectively, and by adding a new § 21.331(b) to read as follows:

§ 21.331 Issue of airworthiness approval tags for Class II products.

(a) An applicant is entitled to an export airworthiness approval tag for Class II products if that applicant shows, except as provided in paragraph (b) of this section, that—

* * * * *

(b) A product need not meet a requirement specified in paragraph (a) of this Section if acceptable to the importing country and the importing country indicates that acceptability in accordance with § 21.327(e)(4) of this part.

§ 21.333 [Amended]

7. By revising the lead-in of § 21.333, by redesignating the lead-in of § 21.333 as § 21.333(a) and §§ 21.333 (a) through (c) as §§ 21.333 (a)(1) through (a)(3), respectively, and by adding a new § 21.333(b) to read as follows:

§ 21.333 Issue of export airworthiness approval tags for Class III products.

(a) An applicant is entitled to an export airworthiness approval tag for Class III products if that applicant shows, except as provided in paragraph (b) of this section, that—

* * * * *

(b) A product need not meet a requirement specified in paragraph (a) of this section if acceptable to the importing country and the importing country indicates that acceptability in accordance with § 21.327(e)(4) of this part.

§ 21.335 [Amended]

8. By amending § 21.335(e)(2) by replacing the words "FAA Form 500 and Form 1362" with the words "AC Form 8050.3 and FAA Form 8100-2."

(Secs. 313(a), 601, 603, and 608, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423, and 1428); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on March 6, 1979.

LANGHORNE BOND,
Administrator.

[FR Doc. 79-7484 Filed 3-14-79; 8:45 am]

[4910-13-M]

[Docket No. 79-NE-05; Amdt. 39-3435]

PART 39—AIRWORTHINESS DIRECTIVES

Consolidated Aeronautics, Inc. Lake Model LA-4-200 Airplanes, Serial Nos. 927, 931, 933 through 941 inclusive, 944 through 947 inclusive, 949 through 953 inclusive, 955, and 957

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On February 17, 1979, during a routine inspection, a crack was found in the left and right U-shaped riveted aluminum straps that attach the lower engine mount fittings to the mount rings. On February 23, 1979, an emergency telegraphic airworthiness directive was issued requiring visual inspection of these straps prior to further flight and thereafter prior to each flight. The airworthiness directive also required replacement of the riveted aluminum engine mount straps with bolted steel engine mount straps prior to further flight, if cracked, and within the next 15 hours flight time, if not cracked. The airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations.

DATES: Effective date—March 15, 1979. Compliance schedule—as prescribed in the body of the airworthiness directive.

ADDRESSES: The applicable service bulletin may be obtained from Lake 4 Sales Corporation, P. O. Box 399, Tomball, Texas 77375. A copy of the service bulletin is contained in the Rules Docket, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

Cheryl L. McCabe, Airframe Section (ANE-212), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

SUPPLEMENTARY INFORMATION: The telegraphic airworthiness directive adopted and made effective to all known U.S. operators of Consolidated Aeronautics, Inc., Lake Model LA-4-200 airplanes, Serial Nos. 927, 931, 933 through 941 inclusive, 944 through 947 inclusive, 949 through 953 inclusive, 955, and 957, on February 23, 1979, was required as a result of cracked left

and right U-shaped riveted aluminum straps that attach the lower engine mount fittings to the mount rings, found during a routine inspection.

The telegraphic airworthiness directive required certain serial numbered airplanes riveted aluminum engine mount straps be inspected for cracks prior to further flight and thereafter prior to each flight, be replaced prior to further flight if cracked, and be replaced within the next 15 hours flight time if not cracked.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the airworthiness directive effective immediately to all known U.S. operators of Consolidated Aeronautics Inc., Lake Model LA-4—200 airplanes, Serial Nos. 927, 931, 933 through 941 inclusive, 944 through 947 inclusive, 949 through 953 inclusive, 955, and 957, by individual telegrams dated February 23, 1979. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

CONSOLIDATED AERONAUTICS. Applies to Lake Model LA-4-200 airplanes, serial numbers 927, 931, 933 through 941 inclusive, 944 through 947 inclusive, 949 through 953 inclusive, 955, and 957. Compliance is required as indicated, unless already accomplished. To prevent operation of riveted aluminum engine mounts with cracked straps, accomplish the following:

1. Prior to further flight and thereafter prior to each flight until paragraph 2 is accomplished, visually inspect the left and right U-shaped straps, P/N 2-5400-245, that attach the lower engine mount fittings to the mount rings for cracks in accordance with Lake Aircraft, Division of Consolidated Aeronautics, Inc., Service Bulletin B61, dated February 23, 1979. Replace cracked aluminum straps, P/N 2-5400-245, with steel straps, P/N 2-5400-275, in accordance with the above-mentioned service bulletin prior to further flight.

2. Within the next 15 hours flight time, replace the aluminum straps, P/N 2-5400-245, installed on riveted aluminum engine mounts, with steel straps, P/N 2-5400-275, in accordance with Lake Aircraft, Division of Consolidated Aeronautics, Inc., Service Bulletin B61, dated February 23, 1979.

3. The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lake 4 Sales Corporation, P.O. Box 399, Tomball, Texas 77375.

This amendment is effective to all operators March 15, 1979, and was effective upon receipt for all recipients of the telegraphic airworthiness directive dated February 23, 1979.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Issued in Burlington, Massachusetts, on March 6, 1979.

ROBERT E. WHITTINGTON,
Director.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 79-7950 Filed 3-14-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-ASW-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Gruver, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: The nature of the action being taken is to designate a transition area at Gruver, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing a proposed instrument procedure to the Gruver Municipal Airport. The circumstance which created the need for the action is the establishment of a navigational aid (NDB) at the airport to provide capability for flight under instrument weather conditions to the airport.

EFFECTIVE DATE: June 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On January 4, 1979, a notice of proposed rule making was published in the FEDERAL REGISTER (44 FR 1122) stating that the Federal Aviation Administration proposed to designate the Gruver, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received and one commentor objected to the proposal.

DISCUSSION OF COMMENTS

The Department of Air Force representative objected to the proposed rule. The commentor expressed concern because the proposed transition area overlapped Strategic Air Command (SAC) Instrument Routes (IRs) 181 and 526. IR-526 will be used for training through June 15, 1979. IR-181 will be used for training through January 10, 1980. These two routes pass in the northern portion of the proposed transition area. The projected activity for aircraft operating under instrument flight (IFR) from the Gruver Municipal Airport is very low. As of August 11, 1978, there were only five aircraft equipped for instrument flight based at the Gruver Municipal Airport. IFR traffic in controlled airspace will be separated by the Albuquerque Air Route Traffic Control Center (ARTCC). There are adequate communications available with both civilian and military aircraft. The Federal Aviation Administration has determined that since a low volume of civil IFR flights will exist any effect on the military would be minimal. This notice was circularized under Airspace Docket No. 78-ASW-55 which was a typographical error. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Gruver, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Gruver Municipal Airport.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) is amended, effective 0901 GMT, June 14, 1979, as follows:

In Subpart G 71.181 (44 FR 442), the following transition area is added:

GRUVER, TEX.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Gruver Municipal Airport (latitude 36°14'12" N., longitude 101°25'56" W.); within 3.5 miles each side of the NDB (latitude 36°14'01" N., longitude 101°25'42" W.) 019° bearing extending from the 5.5-

mile radius area to 11.5 miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 3, 1978).

Issued in Fort Worth, Tex., on February 26, 1979.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 79-7486 Filed 3-14-79; 8:45 am]

[Airspace Docket No. 78-GL-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the controlled airspace near Black River Falls, Wisconsin to accommodate a new NDB approach procedure into the Black River Falls Area Airport. The new instrument approach procedure will be established to Runway 8 and will replace the existing NDB Runway 26 approach procedure.

EFFECTIVE DATE: June 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended affect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in the new area to be affected will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument approach procedure necessitates the FAA to lower the floor of the controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. The floor of the controlled airspace, that will no longer be needed after cancellation of the NDB Runway 26 approach procedure, will be raised from 700' above ground to 1200' above ground. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DISCUSSION OF COMMENTS

On page 58827 of the FEDERAL REGISTER dated December 18, 1978, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Black River Falls, Wisconsin. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective June 14, 1979, as follows:

In § 71.181 (44 FR 442), the following transition area is amended to read:

BLACK RIVER FALLS, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Black River Falls Area Airport (latitude 44°15'05"N, longitude 90°51'05"W) and within three statute miles each side of the 253° bearing from the Black River Falls Area Airport, extending from the 7-mile radius to 8½ miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

NOTE.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Des Plaines, Ill., on March 9, 1979.

WAYNE J. BARLOW,
Acting Director,
Great Lakes Region.

[FR Doc. 79-7940 Filed 3-14-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 79-NE-02]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of the South Weymouth, Massachusetts, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the South Weymouth, Massachusetts, (NAS) control zone by changing the effective hours to coincide with the control tower hours of operation.

EFFECTIVE DATE: March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7385.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to reduce the effective hours of the South Weymouth, Massachusetts, control zone.

As the reduction is less restrictive and will impose no additional burden on any person, notice or public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., March 15, 1979 as follows:.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting from the description of the South Weymouth, Massachusetts, control zone:

This control zone is effective from 0700-2300 hours, local time, Monday through Thursday; 0700-2400 hours, local time, Friday; 0001-2400 hours, local time, Saturday; 0001-2400 hours, local time, Sunday.

and substituting in lieu thereof:

This control zone is effective from 0700-2300 hours, local time, Tuesday through Sunday.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Burlington, Massachusetts, on March 6, 1979.

ROBERT E. WHITTINGTON,
Director, New England Region.

[FR Doc. 79-7941 Filed 3-14-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-SO-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area, Union City, Tennessee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Union City, Tennessee, transition area by lowering the base of controlled airspace south of Everett-Stewart Airport from 1200 to 700 feet and eliminating the existing north transition area extension. This action provides necessary additional airspace for accommodation of the proposed SDF Runway 36 Standard Instrument Approach Procedure and deletes airspace no longer required due to relocation of the Union City Nondirectional Radio Beacon.

EFFECTIVE DATE: April 1, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on Thursday, July 20, 1978 (43 FR 31161), which proposed the alteration of the Union City, Tennessee, transition area. No objections were received from this Notice.

ADOPTION OF THE AMENDMENT

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, March 15, 1979, as follows:

UNION CITY, TENNESSEE

"* * * within 3 miles each side of the 186° and 347° bearings from the Union City RBN (latitude 36°23'06"N., longitude 88°58'50"W.), extending from the 5.5-mile radius area to 8.5 miles north and south of the RNB * * *" is deleted, and "* * * within 3 miles each side of the 186° bearing from the Obion RBN (latitude 36°17'51"N., longitude 88°59'40"W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed on Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in East Point, Georgia, on February 28, 1979.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 79-7944 Filed 3-14-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 79-SO-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area, Paris, Tennessee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Paris, Tennessee, transition area to accommodate a new SDF/Localizer and NDB Standard Instrument Approach Procedure. The existing NDB is being relocated approximately 5 miles south of the Henry County Airport and will serve as the final approach fix for both approaches.

EFFECTIVE DATE: March 15, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: The Paris, Tennessee, transition area is being altered to provide controlled airspace for IFR operations at the Henry County Airport predicated on the new SDF/Localizer and NDB procedures. The existing transition area extensions, described in Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) will be deleted and a new extension, of lesser dimension, will be established. Since this alteration lessens the burden on the public, notice and public procedure hereon are unnecessary.

ADOPTION OF THE AMENDMENT

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., March 15, 1979, as follows:

PARIS, TENNESSEE

"* * * within 3 miles each side of the 213° and 353° bearings from the Paris RBN (lat. 36°20'28"N., long. 88°22'46"W.), extending from the 5-mile radius area to 8.5 miles southwest and north of the RBN * * *" is deleted, and "* * * within 2 miles each side of the 015° bearing from the Trainer RBN (lat. 36°14'57"N., long. 88°24'52"W.), extending from the 5-mile radius area to the RBN * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in East Point, Georgia, on February 28, 1979.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 79-7945 Filed 3-14-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-SO-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area, Cairo, Ga.; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This rule designates the Cairo, Georgia, transition area. The Final Rule published on January 22, 1979, contained an erroneous bearing from the Caidy RBN on which an extension was designated. This correction will reflect the correct bearing.

EFFECTIVE DATE: March 15, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: The Final Rule published in the FEDERAL REGISTER on Monday, January 22, 1979 (44 FR 4462), contained an incorrect bearing. This correction to the Final Rule contains the correct bearing on which an extension is designated in the Cairo, Georgia, Transition Area description. Since this action is editorial in nature, notice and public procedure hereon are not necessary.

ADOPTION OF THE AMENDMENT

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective immediately, as hereinafter set forth:

CAIRO, GEORGIA

* * * the 137° bearing * * * is deleted and * * * the 317° bearing * * * is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in East Point, Georgia, on February 28, 1979.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc 79-7946 Filed 3-14-79; 8:45 am]

[4910-13-M]

[Docket No. 16220; Amdt. No. 91-155]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Operations Review Program; Amendment No. 3: Airspace, Air Traffic and General Operating Rule Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment updates regulations concerning terminal control areas (TCAs), use of noise abatement preferential runways, and flight plan information regarding the number of persons aboard aircraft. It is part of the Operations Review Program and affects regulations involving airspace, air traffic, and related general operating rules considered under that Program.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT:

William E. Broadwater, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3128.

SUPPLEMENTARY INFORMATION:

BACKGROUND OF OPERATIONS REVIEW PROGRAM

These amendments are a part of the 1975-1976 Operations Review Program. The FAA initiated an Operations Review Program because of technological advances in aviation, growth in aeronautical activity, and the favorable reception of an analogous Airworthiness Review Program. The Operations Review Program is part of FAA's efforts to respond to the safety needs of the general public and the aviation community.

Although the changes in this amendment pertain only to airspace, air traffic, and related general operating rules, the 1975-1976 Operations Review Program included other rules, which are the subject of other amendments involving maintenance, airmen certification, air carrier certification, air travel clubs and operators for compensation or hire, and schools and other certificated agencies.

On February 28, 1975, the FAA published Notice No. 75-9 in the FEDERAL REGISTER (40 FR 8685) announcing the 1975-1976 Operations Review Program and requested all interested persons to submit proposals for amending Parts 43, 63, 65, 91, 101, 105, 121, 123, 127 and 129 of the FARs. In response, the FAA received more than 900 proposals from the public and various FAA components. On June 4, 1975, the FAA published Notice No. 75-9A, in the FEDERAL REGISTER (40 FR 24041), stating that each proposal received in response to Notice No. 75-9 had been evaluated and compiled into a document entitled "Compilation of Proposals." That notice also stated that the proposals contained in that document would be considered as possible agenda items for the 1975-1976 Operations Review Conference, scheduled to be held on December 1-5, 1975. Copies of the "Compilation of Proposals" were sent to each person and organization submitting a proposal. Copies were also made available to any person requesting a copy. As scheduled, the Operations Review Conference was held in Arlington, Virginia, on December 1-5, 1975.

After evaluating the comments submitted in response to Notice No. 75-9A and those made by the participants at the 1975-1976 Operations Review Conference, the FAA determined that a number of the proposals were adequately justified to serve as the basis for a notice of proposed rule making.

BACKGROUND OF THIS AMENDMENT

On October 26, 1976, the FAA published Notice No. 76-20 (41 FR 46875), proposing to amend Parts 71 and 91 of the FARs to revoke all provisions for Group III terminal control areas (TCAs) and the 200-knot (230 m.p.h.) indicated airspeed restriction for all TCAs, and to make certain editorial and clarifying changes to requirements regarding flight plan information and a pilot's request of a runway other than the one assigned by ATC for noise abatement purposes. Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all matters presented.

Twenty-seven commenters responded to Notice No. 76-20. Of those, five concurred with all of the proposed changes, without offering any accompanying comments. The following discussion of the comments from the remaining twenty-two commenters is arranged according to the particular proposal to which they relate.

§ 91.24—ATC TRANSPONDER AND AUTOMATIC PRESSURE ALTITUDE REPORTING EQUIPMENT

COMMENTS: Five commenters addressed the proposed changes to § 91.24 to delete the obsolete dates for complying with the required use of ATC transponder and automatic pressure altitude reporting equipment, and to revoke the provisions involving Group III TCAs. Of those five, one opposed deleting the obsolete compliance dates on the grounds that the FAA would be "mandating that all aircraft be equipped with automatic pressure altitude reporting equipment." A second opposed the proposal, believing it would establish a requirement that the equipment be used for entry into any TCA. A third expressed concern that the proposal would require use of the equipment in all controlled airspace.

RESPONSE: Final action on the proposal to revoke the provisions involving Group III TCAs is being withheld to ensure consistency with additional proposals concerning "con-

trolled visual flight" that are being separately developed by the FAA. See Notice 78-19 "Proposed Controlled Visual Flight Rules," published in the FEDERAL REGISTER (44 FR 1322) on January 4, 1979.

In response to the comments concerning compliance dates, it should be noted that the proposed change to § 91.24 did not include any of the requirements as understood and expressed by the commenters. The proposal concerned amending § 91.24 only to delete the obsolete compliance dates.

The current specifications, performance standards, and requirements for the use of transponder equipment for U.S. Registered Civil Aircraft in all airspace and for all aircraft in controlled airspace were promulgated through a series of amendments to the FARs (Amdt. 91-116) (38 FR 14672, June 4, 1973); as amended by Amdt. 91-123 (39 FR 23253, June 27 1974); Amdt. 91-127 (40 FR 16652, April 14, 1975); and Amdt. 91-128 (40 FR 27015, June 26, 1975). This amendment does not alter any requirement concerning transponders or affect their use in any airspace; it merely deletes references to compliance dates that have already passed, and is thus an editorial change. The section heading is also changed, from "ATC transponder equipment" to "ATC transponder and altitude reporting equipment and use." This editorial change reflects the fact that § 91.24 is not limited to transponder equipment standards, but includes requirements for the use of that equipment and the use of automatic pressure altitude reporting equipment. No substantive change results.

§ 91.70(c)—ELIMINATION OF THE 200-KNOT SPEED RESTRICTION

COMMENTS: Six comments were received on the proposal to revoke § 91.70(c) and to make a related change to § 91.1(b)(1). Section 91.70(c) imposes a 200-knot (230 m.p.h.) indicated airspeed restriction on operations in airspace underlying a TCA or in a VFR corridor designated through a TCA. As a result of revoking § 91.70(c), the 250-knot (288 m.p.h.) speed restriction of § 91.70(a) would have applied to these areas. Three commenters agreed with the proposed change on the basis of reduction of cockpit workload and increased ability of pilots to observe other traffic, as stated in Notice No. 76-20.

One commenter expressed disbelief with the position that an increase of 50 knots in TCA's would improve the deck angle and consequently would have a favorable impact on the "see and avoid" principle. Another commenter stated that the elimination of the 200-knot airspeed restriction would be unwise and unsafe, even though aircraft operating in TCA's are under positive control. One commenter disputed the anticipated effect of increasing the speed restriction to 250 knots when he stated that a slower speed would allow more time for a crew to see and avoid other air traffic.

RESPONSE: The FAA has determined that this provision should not be adopted at this time, in order to permit further review of the safety objections raised by the commenters. This proposal in Notice No. 76-20 may be adopted at a later date.

§ 91.83(a)—FLIGHT PLAN INFORMATION: NUMBER OF PERSONS IN AIRCRAFT

COMMENTS: Nine commenters agreed with the proposal that, unless a passenger manifest is readily available, the flight plan should include the number of persons in the aircraft. One commenter objected, stating that any requirement that the number of persons in an airline aircraft be included in either computer-stored or nonstored flight plans would impose an unnecessary and unjustified burden on the airlines. No commenter objected to the effect of the proposal, which is to extend the requirement to list the number of persons in the aircraft beyond international flights.

RESPONSE: The FAA agrees that to require passenger information on airline stored and nonstored flight plans would be burdensome and unnecessary. There are times when the actual number of passengers boarded is not known until departure time or beyond. At that point, the flight plan has usually been filed or computer stored. If a passenger manifest is not available in the latter situation, compliance with the proposal would require the filing of an amended flight plan for each departure. This was not the intended effect of the proposed change. This amendment makes it clear that the number of persons in the aircraft need not be furnished "where that information is otherwise readily available to the FAA."

§ 91.87—OPERATION AT AIRPORTS WITH OPERATING CONTROL TOWERS

COMMENTS: Ten persons commented on the proposal to amend the second sentence of § 91.87(g). Under the proposal, the parenthetical phrase "(air traffic and other conditions permitting)" would be removed and a provision would be added to clarify that a pilot may request ATC approval to use a runway other than the one designated for noise abatement purposes if he determines its use is required in the interest of safety. Only one commenter disagreed with the proposal. That commenter expressed the belief that the safe and efficient operation of all aircraft is best served by the present § 91.87(g) where the safety interest is not expressly the only justification for requesting the use of a runway other than the one assigned. The commenter felt that many other considerations are involved in the selection of the desired runway, such as economics, operational necessities, time, and fuel consumption.

RESPONSE: The FAA does not agree with the commenter's view of what is permitted under the current rule. Section 91.87(g) reflects the formal noise abatement runway use system. Under this system, the FAA insures that the runway program in use is in consonance with noise abatement procedures, unless inconsistent with safety. Under the regulation, only safety considerations permit ATC to assign a runway other than the one designated for noise abatement purposes. This amendment is adopted to clarify that aspect of the current rule. No substantive change results. Like the current rule, § 91.87(g), as amended herein, does not authorize ATC to assign a runway, deviating from a formal runway use program, for reasons of cost, time, or fuel conservation. Aircraft operators desiring, for reasons other than safety, to use runways not included in a formal runway use program, should direct their requests to the airport proprietor.

§ 91.90(c)—REVOCATION OF REGULATION CONCERNING GROUP III TERMINAL CONTROL AREAS

COMMENTS: Sixteen comments were received on the proposal to revoke § 91.90(c), which establishes rules for operating in Group III TCA's, and to delete the reference in § 71.12 to Group III TCA's. As already mentioned, the FAA is withholding final action on this and other changes dealing with Group III TCA's to insure consistency with proposals concerning "Controlled Visual Flight" which are being separately developed.

ADOPTION OF THE AMENDMENT

Accordingly, Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended, effective April 16, 1979, as follows:

1. By amending § 91.24 by amending the section heading and paragraphs (b) (1)-(4) to read as follows:

§ 91.24 ATC transponder and altitude reporting equipment and use.

* * * * *

(b) * * *

(1) In Group I Terminal Control Areas governed by § 91.90(a);

(2) In Group II Terminal Control Areas governed by § 91.90(b), except as provided therein;

(3) In Group III Terminal Control Areas governed by § 91.90(c), except as provided therein; and

(4) In all controlled airspace of the 48 contiguous States and the District of Columbia, above 12,500 feet MSL, excluding the airspace at and below 2,500 feet AGL.

2. By amending § 91.83 by revising paragraph (a)(10) to read as follows:

§ 91.83 Flight plan: Information required.

(a) * * *

(10) The number of persons in the aircraft, except where that information is otherwise readily available to the FAA.

* * * * *

3. By amending § 91.87 by revising the last sentence in paragraph (g) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(g) * * * However, consistent with the final authority of the pilot in command concerning the safe operation of the aircraft as prescribed in § 91.3(a), ATC may assign a different runway if requested by the pilot in the interest of safety.

* * * * *

(Secs. 307, 313(a), and 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), and 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document is not significant under the criteria in Executive Order 12044 and set forth in Interim Department of Transportation Guidelines.

Issued in Washington, D.C., on March 6, 1979.

LANGHORNE BOND,
Administrator.

[FR Doc. 79-7943 Filed 3-14-79; 8:45 am]

[4910-13-M]

[Docket No. 18886; Amdt. No. 95-284]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 95—IFR ALTITUDES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: April 19, 1979.

FOR FURTHER INFORMATION CONTACT:

Lewis O. Ola, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3).)

NOTE: The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on March 9, 1979.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[4910-13-C]

§95.1001 DIRECT ROUTES—U.S.
is amended by adding:

FROM	TO	MEA
Bellaire, Ohio VOR	Sacky INT, W.Va.	3500

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
Manta INT, Calif.	Int. 165 M rad Van Nuys VOR & 323 M rad Los Angeles VOR	4000
Seal Beach, Calif. VOR	Manta INT, Calif.	2500

Bahama Routes

1 Lima is amended to read in part:

*Stage INT, Bh.	Grand Bahama, Bh. NDB	16000
*11500—MCA Stage INT, SE-bound		

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Minneapolis, Minn. VOR	Peggs INT, Minn.	3400
Peggs INT, Minn.	Nodine, Minn. VOR	3000
Renew INT, Minn.	Elpas INT, Minn.	
Via N alter.	Via N alter.	*3400
*2500—MOCA		
Elpas INT, Minn.	Dodie INT, Minn.	
Via N alter.	Via N alter.	*3500
*2800—MOCA		

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Int. 086 M rad Ellensburg VOR & 210 M rad Moses, Lake VOR	Nials INT, Wash.	
Via N alter.	Via N alter.	4700
Nials INT, Wash.	Pasco, Wash. VOR	
Via N alter.	Via N alter.	3500

§95.6005 VOR FEDERAL AIRWAY 5
is amended to read in part:

FROM	TO	MEA
Mason INT, Ohio	Henna INT, Ohio	3000
Henna INT, Ohio	Shirt INT, Ohio	*4000
*2400—MOCA		
Shirt INT, Ohio	Appleton, Ohio VOR	3000

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Seal Beach, Calif. VOR	Aheim INT, Calif.	*3000
*2400—MOCA		
Aheim INT, Calif.	*Olive INT, Calif.	3000
*4100—MCA Olive INT, NE-bound		

§95.6008 VOR FEDERAL AIRWAY 8
is amended to delete:

FROM	TO	MEA
Seal Beach, Calif. VOR	Aheim INT, Calif.	
Via N alter.	Via N alter.	*3000
*2400—MOCA		

§95.6011 VOR FEDERAL AIRWAY 11
is amended to read in part:

FROM	TO	MEA
*Rankin INT, Miss.	Jackson, Miss. VOR	**2300
*3400—MRA		
**1800—MOCA		

§95.6013 VOR FEDERAL AIRWAY 13
is amended to read in part:

FROM	TO	MEA
Mason City, Iowa VOR	Freed INT, Minn.	
Via W alter.	Via W alter.	3000
Freed INT, Minn.	*Almay INT, Minn.	
Via W alter.	Via W alter	**4600
*4600—MRA		
**2600—MOCA		
Almay INT, Minn.	Prags INT, Minn.	
Via W alter.	Via W alter.	*4600
*2400—MOCA		

§95.6016 VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Savil INT, Tenn.	Hinch Mountain, Tenn. VOR	5000

§95.6019 VOR FEDERAL AIRWAY 19
is amended to read in part:

FROM	TO	MEA
Wenny INT, Colo.	Nunns INT, Colo.	*8000
*7000—MOCA		

§95.6021 VOR FEDERAL AIRWAY 21
is amended to delete:

FROM	TO	MEA
Carp INT, Calif.	Seal Beach, Calif. VOR	3500

§95.6021 VOR FEDERAL AIRWAY 21
is amended by adding:

FROM	TO	MEA
Santa Catalina, Calif. VOR	Seal Beach, Calif. VOR	4000

§95.6021 VOR FEDERAL AIRWAY 21
is amended to read in part:

FROM	TO	MEA
Aheim INT, Calif.	*Olive INT, Calif.	3000
*4100—MCA Olive INT, NE-bound		

§95.6025 VOR FEDERAL AIRWAY 25
is amended to delete:

FROM	TO	MEA
Albacore INT, Calif.	Seal Beach, Calif. VOR	
Via E alter.	Via E alter.	2000
Seal Beach, Calif. VOR	Hermo INT, Calif.	
Via E alter.	Via E alter.	2500

§95.6065 VOR FEDERAL AIRWAY 65
is amended to read in part:

FROM	TO	MEA
New Market INT, Mo.	St. Joseph, Mo. VOR	2900

§95.6067 VOR FEDERAL AIRWAY 67
is amended to read in part:

FROM	TO	MEA
Chattanooga, Tenn. VOR	Shelbyville, Tenn. VOR	4000

§95.6081 VOR FEDERAL AIRWAY 81
is amended to read in part:

FROM	TO	MEA
Colorado Springs, Colo. VOR	Foles INT, Colo.	10000

§95.6089 VOR FEDERAL AIRWAY 89
is amended to read in part:

FROM	TO	MEA
Wenny INT, Colo.	Nunns INT, Colo.	*8000
*7000—MOCA		

§95.6094 VOR FEDERAL AIRWAY 94
is amended to read in part:

FROM	TO	MEA
Greenville, Miss. VOR	Kocha INT, Miss.	
Via N alter.	Via N alter.	2000
Kocha INT, Miss.	Wolet INT, Miss.	
Via N alter.	Via N alter.	*5000
*1800—MOCA		

§95.6097 VOR FEDERAL AIRWAY 97
is amended to read in part:

FROM	TO	MEA
Nodine, Minn. VOR	Peggs INT, VOR	3000
Peggs INT, Minn.	Minneapolis, Minn. VOR	3400

§95.6134 VOR FEDERAL AIRWAY 134
is amended to delete:

FROM	TO	MEA
Herls INT, Colo.	Funds INT, Colo.	*17000
*16300—MOCA		
Funds INT, Colo.	Golde INT, Colo.	*17000
*16300—MOCA		
*Golde INT, Colo.	Denver, Colo. VOR	10000
*14100—MCA Golde INT, SW-bound		

§95.160 VOR FEDERAL AIRWAY 160
is amended to read in part:

FROM	TO	MEA
Denver, Colo. VOR	Rayme INT, Colo.	*8000
*7000—MOCA		

§95.6165 VOR FEDERAL AIRWAY 165
is amended to read in part:

FROM	TO	MEA
Reno, Nev. VOR	Pyram INT, Nev.	*11000
*8600—MOCA		

§95.6190 VOR FEDERAL AIRWAY 190
is amended to read in part:

FROM	TO	MEA
Wocco INT, Mo.	Springfield, Mo. VOR	3000

§95.6201 VOR FEDERAL AIRWAY 201
is amended to delete:

FROM	TO	MEA
Carp INT, Calif.	Los Angeles, Calif. VOR	2500

§95.6207 VOR FEDERAL AIRWAY 207
is amended to read in part:

FROM	TO	MEA
Wenny INT, Colo.	Int. 221 M rad Gill VOR & 352 M rad Denver VOR	
Via W alter.	Via W alter.	*8000
*7000—MOCA		
Int. 221 rad Gill VOR & 352 M rad Denver VOR	Gill, Colo. VOR	
Via W alter.	Via W alter.	
	SW-bound	8000
	NE-bound	7000

§95.6208 VOR FEDERAL AIRWAY 208
is amended to delete:

FROM	TO	MEA
Los Angeles, Calif. VOR	Bonit INT, Calif.	3000
Bonit INT, Calif.	Santa Catalina, Calif. VOR	4000

§95.6214 VOR FEDERAL AIRWAY 214
is amended by adding:

FROM	TO	MEA
Martinsburg, W. Va. VOR	Wooly INT, Md.	3800
Wooly INT, Md.	Baltimore, Md. VOR	2400

§95.6218 VOR FEDERAL AIRWAY 218
is amended to read in part:

FROM	TO	MEA
Confa INT, Minn.	Chatfield INT, Minn.	*4500
*2800—MOCA		

§95.6220 VOR FEDERAL AIRWAY 220
is amended to read in part:

FROM	TO	MEA
Denver, Colo. VOR	Flats INT, Colo.	7500
Flats INT, Colo.	Keann INT, Colo.	8000
Deann INT, Colo.	Wiggi INT, Colo.	*9000
*7000—MOCA		

§95.6328 VOR FEDERAL AIRWAY 328
is amended to read in part:

FROM	TO	MEA
*Byson INT, Colo.	**Troze INT, Colo.	12000
*13900—MCA Byson INT, SW-bound		
**10800—MCA Troze INT, SW-bound		

§95.6406 HAWAII VOR FEDERAL AIRWAY 6
is amended to read in part:

FROM	TO	MEA
Blush INT, Hawaii	*Napir INT, Hawaii	5000
*7000—MRA		
Napir INT, Hawaii	Maui, Hawaii VOR	5000

§95.6411 HAWAII VOR FEDERAL AIRWAY 11
is amended to read in part:

FROM	TO	MEA
Maui, Hawaii VOR	*Napir INT, Hawaii	5000
*7000—MRA		

§95.6431 VOR FEDERAL AIRWAY 431
is amended to read in part:

FROM	TO	MEA
Boston, Mass. VOR	Lobby INT, Mass.	2000
Lobby INT, Mass.	Gardner, Mass. VOR	3500

§95.6442 VOR FEDERAL AIRWAY 442
is amended by adding:

FROM	TO	MEA
Ontario, Calif. VOR	Aples INT, Calif.	7700
Aples INT, Calif.	Hector, Calif. VOR	8000

§95.6489 VOR FEDERAL AIRWAY 489
is amended to read in part:

FROM	TO	MEA
Glens Falls, N.Y. VOR	*Krown INT, N.Y.	5000
*6000—MRA		

§95.7010 JET ROUTE NO. 10 is amended to read in part:

FROM	TO	MEA	MAA
Acree INT, Colo.	Shrew INT, Colo.	25000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINT DISTANCE FROM	
V-218 is amended to read in part:			
Grand Rapids, Minn. VOR	Minneapolis, Minn. VOR	46	Grand Rapids

[FR Doc. 79-7951 Filed 3-14-79; 8:45 am]

[4910-13-M]

[Docket No. 17538; Amdt No. 97-1133]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Aircraft Approach Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule eliminates the use of maximum certificated landing weight as a criterion for grouping aircraft in approach categories. It will facilitate aircraft categorization and simplify the determination of landing minimums. As a result, this amendment furthers the intent of Executive Order 12044.

EFFECTIVE DATE: March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond E. Ramakis, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 97.3 of the Federal Aviation Regulations sets forth aircraft approach categories. The principal reason for categorizing aircraft is to assure their ability to maneuver to a safe landing, staying within the obstruction consideration area, primarily during circling approaches. Landing minimums set by the FAA vary with respect to Minimum Descent Altitude (MDA) and visibility requirements depending on the category in which an aircraft is grouped. Currently, the category determination is based on two factors: The aircraft's speed of 1.3 Vso (at maximum certificated landing weight) and the maximum certificated landing weight. If an aircraft falls into two categories, it is placed in the higher one.

The FAA believes that use of the maximum certificated landing weight criterion is unnecessary for two reasons: aircraft weight alone does not determine aircraft maneuverability and the weight factor is already considered in the speed calculation.

The key element in assuring a safe landing is the assignment of landing minimums based on aircraft maneuverability. The present regulation requires that two of the same type aircraft which have essentially the same maneuverability, but belong to different model series, adhere to different landing minimums because a slight weight difference places them in different categories. Accordingly, the deletion of the weight factor would facilitate and simplify the determination of landing minimums based on categories.

This amendment is based on Notice of Proposed Rule Making No. 78-1 published in the FEDERAL REGISTER on January 12, 1978 (43 FR 1803). That notice invited comments by all persons interested in the making of the proposed rule. All interested persons have been afforded an opportunity to participate in the making of this amendment.

Twelve comments were received in response to Notice No. 78-1. Most of the comments were in favor of the proposed amendment and indicated that simplification of the present weight/speed categories is desirable.

The Air Line Pilots Association (ALPA) objected to the proposal on the grounds that aircraft are not flown on final approach at 1.3 Vso and believes an approach speed computed at 1.45 Vso is operationally valid for transport category aircraft. ALPA points out that the proposed categorization of B-727-200 and B-707 aircraft would qualify them as Category C aircraft in lieu of their present Category D status. ALPA states that it would concur with the proposal if the approach speeds utilized for aircraft categorization are based on a stall margin of 1.45 Vso and existing TERPS criteria are amended to limit straight-in minimums to non-precision approaches that are aligned within 10-12 degrees of runway centerline.

The FAA considers the ALPA recommendation to categorize aircraft in accordance with 1.45 Vso and revise TERPS criteria to be outside the scope of this notice. However, it may be considered in future rulemaking action.

One commenter opposed the proposal on the basis that eliminating the maximum landing gross weight factor will lower B-707 landing minimums from Category D to Category C thereby lowering the precision approach minimums for that aircraft. The FAA recognizes that some aircraft are required to observe higher minimums at times by virtue of higher gross weights; however, gross weight alone does not determine aircraft maneuverability, and gross weight is an integral factor in speed calculation. Further, this amendment does not compromise safety in operating the affected aircraft in the lower category, since aircraft maneuverability is not adversely affected.

Another commenter recommended that aircraft Category be based on the speed and configuration for a circling approach. However, this recommendation is not within the scope of the notice and cannot, therefore, be adopted in this proceeding.

THE AMENDMENT

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended, effective March 15, 1979, by revising § 97.3(b) of the Federal Aviation Regulations (14 CFR Part 97) to read as follows:

§ 97.3 Symbols and terms used in procedure.

(a) * * * *

(b) "Aircraft approach category" means a grouping of aircraft based on a speed of 1.3 Vso (at maximum certificated landing weight). Vso and the maximum certificated landing weight are those values as established for the aircraft by the certificating authority of the country of registry. The categories are as follows:

(1) Category A: Speed less than 91 knots.

(2) Category B: Speed 91 knots or more but less than 121 knots.

(3) Category C: Speed 121 knots or more but less than 141 knots.

(4) Category D: Speed 141 knots or more but less than 166 knots.

(5) Category E: Speed 166 knots or more.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on March 8, 1979.

LANGHORNE BOND,
Administrator.

[FR Doc. 79-7942 Filed 3-14-79; 8:45 am]

[6320-01-M]

CHAPTER II—CIVIL AERONAUTICS BOARD

Subchapter E—Organization Regulations

[Regulation OR-148; Amendment No. 81; Docket 34969]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION: NONHEARING MATTERS

Grant of Delegated Authority to the Director, Bureau of Pricing and Domestic Aviation and to the Director, Bureau of International Affairs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. March 13, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule delegates authority to the Directors of the Bureau of Pricing and Domestic Aviation (BPDA) and the Bureau of International Aviation (BIA) to grant or deny applications of air carriers, intrastate air carriers, and foreign air carriers for temporary authority to provide substitute service during any work stoppage in the domestic and foreign markets normally served by the struck carrier. The rule is being adopted at the initiative of the Board in order to expedite action on these matters. Comments are being requested by ODR-16 issued today.

DATES: Effective: March 13, 1979. Adopted: March 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Judith E. Retchin, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202-673-5009).

SUPPLEMENTARY INFORMATION:

DELEGATION TO DIRECTOR, BPDA

On several occasions [1] when airline personnel have threatened to strike, the Board has delegated authority to the Director, Bureau of Pricing and Domestic Aviation (BPDA), to act for the Board on requests under sections 416(b) and 417 of the Federal Aviation Act of 1958, as amended, for temporary authority to provide service during any work stoppage. The Board's most recent delegating order, Order 78-4-83, is consistent with previous orders and summarizes the Board's policy on emergency air transportation requirements. That policy is clear and relatively noncontroversial.[2] Therefore, the authority to grant exemption requests may be delegated to the Director, BPDA.

By adding the present grant of delegation to 14 CFR Part 385, the Board will avoid having to issue a delegation order each time there is a threatened strike, thus eliminating the regulatory lag between the start of the strike and the commencement of substituted service. Disruptions, loss of service and great public inconvenience can be alleviated. In short, the delegation will enable the staff to deal effectively with emergency situations requiring prompt action.

[1] Order 75-12-18, dated December 17, 1975; Order 77-5-26, dated May 6, 1977; and Order 78-4-83, dated April 14, 1978.

[2] We note that the Airline Deregulation Act of 1978, P.L. 95-504, modifies the criteria for granting exemptions. An exemption may now be granted if it is consistent with the public interest.

DIRECTOR, BIA

When Northwest Airlines was hit by a strike last Spring, the Board in Order 78-4-83 delegated authority to the Director, Bureau of Pricing and Domestic Aviation, to grant or deny applications for emergency exemption authority to temporarily serve domestic markets affected by the Northwest strike. Since no such delegation was made to the Director, Bureau of International Aviation, several foreign markets were left inadequately served during the strike.

To alleviate the public hardship which results from a strike, we are instituting a rulemaking to delegate authority to the Director, Bureau of International Aviation, to act on exemption requests to provide substitute service in foreign markets.

The Board finds that the public interest requires that this amendment take effect immediately, since it will enable the Board to better carry out its responsibilities. Furthermore, this amendment essentially concerns matters of agency organization and procedure; therefore notice and public procedure are unnecessary and the rule may be effective immediately. While we have found a need to make this amendment effective immediately, we do wish to give the public an opportunity to comment on this rule. We are therefore issuing simultaneously a notice of proposed rulemaking in order to provide the public that opportunity.

Accordingly, the Civil Aeronautics Board amends Part 385 of its Organization Regulations, Delegations and Review of Action Under Delegation: Nonhearing Matters (14 CFR Part 385) as follows:

1. In § 385.13, a new paragraph (qq) is added, to read:

§ 385.13 Delegation to the Director, Bureau of Pricing and Domestic Aviation.

The Board delegates to the Director, Bureau of Pricing and Domestic Aviation, the authority to:

* * * * *

(qq) When a work stoppage appears imminent and during an actual work stoppage, approve or deny applications to provide substitute service in domestic markets during the work stoppage, made under section 416(b) of the Act for temporary exemptions from sections 401 403 and under section 417 for temporary operating authorizations. The exemption or authorization shall impose conditions as necessary to comport with Board precedent on emergency air transportation requirements. Such applications may be approved if it is shown that the proposed service will neither interfere with scheduled or charter service nor inconvenience passengers holding reservations, and that the proposed service is consistent with the policies set forth in Order 78-4-83 dated April 14, 1978. Exemptions and authorizations granted under this delegation shall be contingent upon the actual occurrence of a work stoppage and shall expire not later than five days after the affected carrier resumes normal service.

2. In § 385.26, a new paragraph (u) is added, to read:

§ 385.26 Delegation to the Director, Bureau of International Aviation.

The Board delegates to the Director, Bureau of International Aviation, the authority to:

* * * * *

(u) When a work stoppage appears imminent and during an actual work stoppage, approve or deny applications of air carriers or foreign air carriers to provide substitute service in foreign air transportation during the work stoppage, made under section 416(b) of the Act for temporary exemptions from sections 401, 402 or 403. The exemption shall impose conditions as necessary to comport with Board prec edent on emergency air transportation requirements. Such applications may be approved if it is shown that the proposed service will neither interfere with scheduled or charter service nor inconvenience passsengers holding reservations, and the proposed service is consistent with the policies set forth in Order 78-4-83, dated April 14, 1978. Exemptions granted under this delegation shall be contingent upon the actual occurrence of a work stoppage and shall expire not later than five days after the affected carrier resumes normal service.

(Secs. 102, 204, 401, 402, 403 and 416 of the Federal Aviation Act of 1958, as amended; 92 Stat. 1706, 72 Stat. 743, 758, 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-7928 Filed 3-14-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

[Docket C-2953]

CHAPTER I—FEDERAL TRADE COMMISSION

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Federal Signal Corp.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Chicago, Ill. manufacturer and seller of public safety and communication equipment to cease, in connection with the sale of such products to governmental entities, from exchanging bidding information with its distributors prior to submission of competitive bids, submitting or soliciting the submission of collusive bids, or otherwise engaging in any practice that may hinder or prevent competitors from bidding successfully. The firm is also required to cease furnishing governmental bodies seeking to purchase civil defense warning systems with advertisements or specifications that might induce these entities to limit distribution of invitations to bid; incorporate the name or model number of firm's products into advertisements for bids or specifications; or draft specifications that would restrain, lessen, or prevent the sale of such devices by others.

DATES: Complaint and order issued February 1, 1979.[1]

FOR FURTHER INFORMATION CONTACT:

Paul C. Daw, Director, 6R, Denver Regional Office, Federal Trade Commission, Suite 2900, 1405 Curtis St., Denver, Colo. 80202, (303) 837-2271.

SUPPLEMENTARY INFORMATION: On Tuesday, Oct. 24, 1978, there was published in the FEDERAL REGISTER, 43 FR 49543, a proposed consent agreement with analysis In the Matter of Federal Signal Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart-Combining or Conspiring: § 13.388 To control allocations and solicitation of customers; § 13.470 To restrain or monopolize trade; § 13.475 To restrain competition in buying; § 13.493 To submit collusive bids; § 13.495 To submit sham or fictitious bids or price quotations. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records. Subpart-Cutting Off Access To Customers or Market: § 13.545 Government specifications; § 13.570 Interfering with competitors' bids or price quotations. Subpart-Submitting Sham or Fictitious Bids or Price Quotations: § 13.2255 Submitting sham or fictitious bids or price quotations.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-7790 Filed 3-14-79; 8:45 am]

[1] Copies of the Complaint and Decision and Order filed with the original document.

[4110-07-M]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart K—Income and Exclusions

Subpart L—Resources and Exclusions

Replacement of Excluded Resources Which Are Lost, Damaged or Stolen

AGENCY: Social Security Administration, HEW.

ACTION: Final Rules.

SUMMARY: Certain resources (e.g., the home, automobile, household goods and personal effects) are wholly or partially excluded from being counted as a resource for the purpose of determining eligibility for Supplemental Security Income (SSI) benefits. These are called excluded resources. These amendments exclude from income and resources any cash or in-kind item received from any source to repair or replace a damaged, lost or stolen excluded resource under the SSI program. Any interest earned on the cash received for these purposes is also excluded from countable income and resources. The exclusions apply for specified temporary periods. Current regulations have proved to be inadequate and program experience has shown the need for expanded policy. These amendments will alleviate the inequities of existing policy.

EFFECTIVE DATE: These amendments shall be effective on March 15, 1979. However, interested parties are invited to submit data, comments, or arguments on or before May 14, 1979.

ADDRESSES: Consideration will be given to any data, views, or arguments which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received in response to these amendments to the regulations will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Henry D. Lerner, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7336.

SUPPLEMENTARY INFORMATION: Present regulations provide that cash received from an insurance company to repair or replace an excluded resource is not counted as income. Also, the cash is not counted as a resource provided the total amount is used to repair or replace the lost, damaged, or stolen excluded resource within 3 months if the resource is personal property and 6 months if the resource is real property. Any cash not used within these time periods is an includable resource for SSI purposes.

In addition, Pub. L. 94-331 and Pub. L. 95-171 provide for exclusion from income or resources of Federal assistance received as a result of a presidentially declared disaster.

Our review of the types of assistance excluded from income and resources under current regulations as well as our recent field experience with casualty losses indicates that the present policy should be expanded to include the exclusion from income and resources of reimbursement for a casualty loss by a governmental agency or private sources in addition to an insurance company, regardless of whether a presidentially declared disaster has occurred.

Also, the 3 and 6 month periods have proved to be inadequate in situations where the repair or replacement is necessary because of damage, loss, or theft caused by a disaster. Without an extension of the 3 and 6 month time periods and a "good cause" provision, the restrictive time limits on use of resources can result in SSI ineligibility through no fault of the recipient. There are situations where, because of contracting difficulties or other un-

controllable factors, an individual is unable to use assistance received in connection with the damage to or loss of an excluded resource to repair or replace the resource. This is especially true in those areas where a disaster (even though not presidentially declared) occurs or other circumstances result in extensive damage, loss, or theft to personal and real property. In these cases, it is extremely difficult for everyone who has suffered property loss to make replacement or to engage the appropriate contractors within time limits provided by the existing regulations. Accordingly, some SSI recipients would retain eligibility while others would lose it. Extension of the basic time period plus a "good cause" provision would alleviate such inequities.

The amendments exclude from income and resources, cash or in-kind assistance received from any source for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen and provide that interest earned on that cash assistance is also excluded from income and resources.

The initial time period for replacement or repair of a damaged, lost or stolen excluded resource will be 9 months and an additional time period (up to 9 months) will be allowed where "good cause" is established. An individual will be found to have good cause when it is shown that circumstances beyond his or her control prevented the repair or replacement or contracting for the repair or replacement of the excluded resource within the initial 9-month time period. These are the situations where our experience has shown that there is a need for extending the period.

A few examples of situations that would justify a finding of "good cause" are as follows: (1) The assistance is not used because bad weather conditions delay contractors from repairing an individual's home within the 9-month period. (2) An illness prevents the individual from handling his or her affairs and using the replacement funds within the 9-month period. (3) The unavailability of contractor services in an area hard hit by a calamity does not permit an individual to have the necessary repairs completed within the 9-month period.

We have adopted a 9-month extension for good cause for the following reasons:

(a) It is similiar to the extension period we have provided in carrying out Pub. L. 95-171;

(b) Our experience in the Grand Teton Dam disaster shows that a total of 18 months is sufficient to repair homes, etc.; and

(c) The support and maintenance exclusion for disaster situations in the Social Security Act provides for 18 months.

Under these regulations, temporary housing furnished to an individual who owned an excluded home which is being repaired or replaced is not counted as income since temporary housing is intended to replace the home until the individual's home is repaired or replaced.

These amendments to the regulations do not cover assistance subject to Pub. L. 95-171 and Pub. L. 94-331 because the provisions of those statutes are covered in other regulations.

These amendments to the regulations are being published as final rules because they are substantive rules which exclude cash or in-kind items from any source, and provide an extension of time, for replacing or repairing an excluded resource that is lost, damaged, or stolen. Under current regulations, SSI recipients may lose eligibility due to excess resources and excess income. Thus, the Notice of Proposed Rule Making is being dispensed with because a delay in implementing these amendments would be contrary to the public interest (5 U.S.C. 553(b)(B)).

(Secs. 1102, 1611, 1612, 1613, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, 1468, 1470, and 1475; 42 U.S.C. 1302, 1382, 1383a, 1382b, and 1383.)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 22, 1978.

STANFORD G. ROSS,
Commissioner of Social Security.

Approved: February 10, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1105 is amended by revising paragraph (b) to read as follows:

§ 416.1105 Receipts from the conversion or replacement of resource not income.

* * * * *

(b) *Cash and in-kind replacement received for casualty losses of excluded resources.*

(1) Cash (including any interest earned on the cash within 9 months of the date of receipt of the cash) or in-kind replacement received from any source for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen is not income but retains the character of the excluded resource. See § 416.1127 for the rule on temporary housing; see § 416.1232 for the rule on treatment of the cash (and interest) or in-kind replacement as an excluded resource.

(2) The initial 9-month time period for not counting interest on the cash as income will be extended for a reasonable period up to an additional 9 months where we find the individual had good cause for not replacing or repairing the resource. An individual will be found to have good cause when circumstances beyond his or her control prevented the repair or replacement or the contracting for the repair or replacement of the resource.

2. Section 416.1127 is added to read as follows:

§ 416.1127 Unearned income; temporary replacement of a damaged or destroyed home.

As indicated in § 416.1125, in-kind support and maintenance (which includes temporary housing) is counted as income. However, when an excluded home (see § 416.1212) is damaged or destroyed and temporary housing is furnished to an individual who owned an excluded home, the in-kind support and maintenance is not counted as income since temporary housing is intended to replace the home until the individual's home is repaired or more permanently replaced.

3. Section 416.1232 is amended to read as follows:

§ 416.1232 Replacement of lost, damaged, or stolen excluded resources.

(a) Cash (including any interest earned on the cash) or in-kind replacement received from any source for purposes of repairing or replacing an excluded resource (as defined in § 416.1210) that is lost, damaged, or stolen is excluded as a resource. This exclusion applies if the cash (and the interest) is used to repair or replace the excluded resource within 9 months of the date the individual received the cash. Any of the cash (and interest) that is not used to repair or replace the excluded resource will be counted as a resource beginning with the quarter after the 9-month period expires.

(b) The initial 9-month time period will be extended for a reasonable period up to an additional 9 months where we find the individual had good cause for not replacing or repairing the resource. An individual will be found to have good cause when circumstances beyond his or her control prevented the repair or replacement or the contracting for the repair or replacement of the resource. If good cause is found for an individual, any unused cash (and interest) is counted as a resource beginning with the quarter after the good cause extension period expires.

(c) Where an extension of the time period is made for good cause and the

individual changes his or her intent to repair or replace the excluded resource, funds previously held for replacement or repair will be counted as a resource effective with the month that the individual reports this change of intent.

[FR Doc. 79-7628 Filed 3-14-79; 8:45 am]

[4110-07-M]

[Regulation No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart K—Income and Exclusions

Subpart L—Resources and Exclusions

Exception to the One-Third Reduction Provision and Income and Resources Exclusions When an Individual Is Affected by a Major Disaster

AGENCY: Social Security Administration, HEW.

ACTION: Final Rule.

SUMMARY: The amendments to the regulations reflect recent amendments to the Social Security Act. These rules provide additional exclusions in determining countable income and resources in the Supplemental Security Income (SSI) program when an individual receives certain assistance as a result of a presidentially declared major disaster. The amendments will remedy those situations where SSI recipients are victims of disasters and have their benefits suspended due to excess income or resources resulting from the assistance they received as a result of the disaster.

EFFECTIVE DATE: The amendments shall be effective on March 15, 1979. However, interested parties are invited to submit data, comments, or arguments on or before May 14, 1979.

ADDRESSES: Consideration will be given to any data, views, or arguments which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received in response to these amendments to the regulations will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Henry D. Lerner, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7336.

SUPPLEMENTARY INFORMATION:

Prior Publication

On April 1, 1977, there was published in the Federal Register (42 FR 17440) Interim Regulations to Subpart K, Regulations No. 16, of the Social Security Administration. The Interim Regulations provided for exclusion of assistance received under the Disaster Relief Act of 1974 or other Federal statutes. They also provided that the value of support and maintenance received by SSI applicants or recipients when forced from their own households as the result of a catastrophe declared by the President to be a major disaster for purposes of the Disaster Relief Act of 1974 (Pub. L. 93-288) will not be considered as unearned income. The amendments implemented Secs. 1612(a)(2)(A)(iii) and 1612(b)(11) of the Social Security Act as added by Secs. 2 and 4 of Pub. L. 94-331 and amended by Sec. 2125 of Pub. L. 94-455, respectively. Both of these amendments to the statute were effective only with respect to presidentially declared disasters occurring on or after June 1, 1976, and before December 31, 1976.

New Legislation

On November 12, 1977, Pub. L. 95-171 was enacted. The provisions of Secs. 6, 7, 8 and 9 of that statute make it necessary to expand the existing Interim Regulations and revise other current regulations.

Pub. L. 95-171 extended the income exclusions reflected in the Interim Regulations. The new law excludes beginning January 1, 1978, Federal assistance received for all presidentially declared disasters occurring on or after December 31, 1976. Federal assistance (including interest received on any cash assistance) is excluded from income and resources for a period of 9 months. Further, the Secretary is required to promulgate regulations to extend the 9-month period for good cause. In addition, Pub. L. 95-171 makes the one-third reduction in the standard payment amount normally imposed as a result of receiving support and maintenance while living in another's household inapplicable to victims of these disasters beginning January 1, 1978.

Finally, beginning July 1, 1976, the Federal assistance received under Pub. L. 94-331 is excluded from resources, and interest on this assistance is excluded from income and resources. These exclusions are also limited to a 9-month period which is to be extended for good cause.

Nine-Month Extension for Good Cause

The regulations provide for extending the period of exclusion for up to an additional 9 months for good cause. The Social Security Administration adopted a 9-month extension for good cause for the following reasons:

(a) It is similar to the initial period in Pub. L. 95-171 which excludes Federal assistance from resources for 9 months;

(b) Our experience in the Grand Teton Dam disaster shows that a total of 18 months is sufficient to repair homes, etc.; and

(c) The support and maintenance exclusion for disaster situations in the Social Security Act provides for 18 months.

An individual will be found to have good cause when it is shown that circumstances beyond his or her control prevented the repair or replacement or contracting for the repair or replacement of a home or other kinds of property within the initial 9-month time period. A few examples of situations that would justify a finding of good cause are as follows:

(a) The assistance is not used because bad weather conditions delay contractors from repairing an individual's home within the 9-month period.

(b) An illness of the individual prevents him or her from handling his or her affairs and using the disaster assistance funds within the 9-month period.

(c) The unavailability of contractor services in an area hard hit by a calamity does not permit an individual to have the necessary repairs completed within the 9-month period.

These are the situations where experience has shown that there is a need for extending the initial 9-month period.

Comments to Prior Publication

Views were expressed by a State social and health services agency regarding the exclusion of support and maintenance which is applicable only where the recipient begins to receive in-kind support and maintenance within 30 days of the disaster. The State agency suggests a 60 day period rather than 30 days, and that a definite beginning date be established from the date of Presidential declaration of a major disaster. Under Sec. 1612(a)(2)(A)(iii) of the Act, the recipient must move from his home and begin receiving support and maintenance within 30 days from the date of the catastrophe. Since the legislation is specific as to the 30 day period and

that this 30 day period must run from the date of the catastrophe, amendments to the regulation cannot include these suggestions.

The agency also suggests that exclusions be provided when relief assistance is made available by voluntary relief agencies. Since there is no specific authority in this legislation for exclusion solely on the basis that the assistance was provided by voluntary agencies, we are unable to adopt this suggestion. However, if any assistance provided by a voluntary agency meets the criteria for exclusions from income under title XVI of the Social Security Act and implementing regulations, or any other applicable Federal statutes, the assistance would not be counted as income. For example, under Sec. 416.1109(a) of Regulations No. 16, the value of any third party payment for medical care or medical services furnished to a recipient is not counted as income. Also, under Sec. 1612(b)(3) of the Act, infrequent or irregular income that does not exceed a certain amount is excluded as income.

The same agency further commented on Sec. 416.1232 of Regulations No. 16, which is not part of the regulation being revised by these amendments. The suggestion concerns extending the time period for the replacement of real property used as a home when excluding resources under the Supplemental Security Income program. We are adopting this suggestion and, concurrently with these regulations, we are revising Section 1232 to reflect the extension of the time period together with other changes.

FINAL RULES IMPLEMENTING NEW LEGISLATION AND PRIOR INTERIM RULES

The purpose of these amendments is to publish in final form the Interim Regulations published April 1, 1977, and to implement the provisions of Pub. L. 95-171 regarding major disasters. A Notice of Proposed Rule Making or Interim Regulations regarding the new legislation is being dispensed with because the new law is already effective and rules are necessary for ongoing administration of the law. However, interested parties are invited to submit comments.

(Sections 1102, 1611, 1612, 1613, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, 1468, 1470, and 1475; 42 U.S.C. 1302, 1382, 1382a, 1382b, and 1383; Secs. 2 and 4 of Pub. L. 94-331, 90 Stat. 781 and 782; Secs. 6, 7, 8 and 9 of Pub. L. 95-171, 91 Stat. 1355.)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 22, 1978.

STANFORD G. ROSS,
Commissioner of Social Security.

Approved: February 7, 1979.

Joseph A. Califano, Jr.,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1126 is added to read as follows:

§ 416.1126 Unearned income; individuals affected by a major disaster.

The value of support and maintenance (in cash or in kind) received by an eligible individual (and eligible spouse, if any) is not counted as income and the one-third reduction in the payment standard for living in the household of another shall not apply if:

(a) the eligible individual (and eligible spouse, if any) was residing in a household maintained by the eligible individual (or by the individual and another person) as a home when a catastrophe occurred in the area in which the home was located;

(b) the castastrophe was declared by the President to be a major disaster for purposes of the Disaster Relief Act of 1974;

(c) the eligible individual (and eligible spouse, if any) stopped living in the home because of the castastrophe and, within 30 days after the castastrophe, began to receive support and maintenance; and

(d) the eligible individual (and eligible spouse, if any) received the support and maintenance while living in a residential facility (including a private household) maintained by another person.

This section only applies to support and maintenance received during the 18 month period beginning with the month that the eligible individual (and eligible spouse, if any) began to receive the support and maintenance.

2. Section 416.1145 is amended by adding paragraph (b)(4-a) to read as follows:

§ 416.1145 Exclusion from income; order of application.

* * * * *

(b) For the purpose of determining countable income in accordance with § 416.1115, the following income shall be excluded after income described in paragraph (a) of this section:

* * * * *

(4-a) Disaster relief assistance under the provisions of § 416.1156.

* * * * *

3. Section 416.1156 is added to read as follows:

§ 416.1156 Assistance received on account of major disaster.

(a) Assistance received under the Disaster Relief Act of 1974 (Pub. L. 93-288) or other assistance provided under a Federal statute because of a catastrophe which is declared to be a major disaster by the President of the United States, is excluded in determining countable income under § 416.1115.

(b) Interest earned on the assistance payments is excluded from income for a period of 9 months beginning on the date the assistance is received.

(c) The initial 9-month period will be extended for a reasonable period up to an additional 9 months where we find the individual had good cause for not having necessary repairs or replacement of the damaged or destroyed property completed. An individual will be found to have good cause when circumstances beyond his or her control prevented the repair or replacement or contracting for the repair or replacement of a home or other kinds of property within the intital 9-month time period.

4. Section 416.1210 is amended by adding paragraph (k) to read as follows:

§ 416.1210 Exclusions from resources; general.

In determining the resources of an individual (and spouse, if any) the following items shall be excluded:

* * * * *

(k) Disaster relief assistance as provided in § 416.1237.

5. Section 416.1237 is added to read as follows:

§ 416.1237 Assistance received on account of major disaster.

(a) Assistance received under the Disaster Relief Act of 1974 (Pub. L. 93-288) or other assistance provided under a Federal statute because of a catastrophe which is declared to be a major disaster by the President of the United States is excluded in determining countable resources under § 416.1210 for a period of 9 months from the date of receipt.

(b) Interest earned on the assistance is excluded from resources for a period of 9 months beginning on the date the assistance is received.

(c) The initial 9-month period in paragraphs (a) and (b) will be extended for a reasonable period up to an additional 9 months where we find the individual had good cause for not having necessary repairs or replacement of damaged or destroyed property completed. An individual will be found to have good cause when circumstances beyond his or her control prevented the repair or replacement or contracting for the repair or re-

placement of a home or other kinds of property within the 9-month time period.

[FR Doc. 79-7629 Filed 3-14-79; 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. 78-39]

PART 650—BRIDGES, STRUCTURES AND HYDRAULICS

Highway Bridge Replacement and Rehabilitation Program; Revision

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this document in order to provide guidance and establish procedures for administering the highway bridge replacement and rehabilitation program in accordance with § 124 of the Surface Transportation Assistance Act of 1978.

DATES: The effective date of this regulation is March 15, 1979. Comments must be received on or before June 13, 1979.

ADDRESS: Anyone wishing to submit written comments may do so, preferably in triplicate, to FHWA Docket No. 78-39, 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:

Mr. Stanley Gordon, Bridge Division (202/472-7697), or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202/426-0346), Federal Highway Administration, United States Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

SUPPLEMENTARY INFORMATION: On November 6, 1978, the President signed into law the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, (92 Stat. 2689. Section 124 of the Act amended 23 U.S.C. 144 which necessitates a revision of the regulations implementing the bridge replacement program. The revisions provide a bridge replacement and rehabilitation program both on and off Federal-aid systems. Inventories and priorities for replacement and rehabilitation of both on and off system bridges shall be made by the Secretary of Transportation in consultation with the States. The Secretary shall determine the eligibility of a bridge for funds under this program.

The Federal share payable for any project under this program is now 80 percent; formerly it was 75 percent.

In consideration of the foregoing, the Federal Highway Administration hereby revises Subpart D of Part 650, Chapter I of Title 23, Code of Federal Regulations as set forth below.

NOTE: The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

Issued on: March 7, 1979.

KARL S. BOWERS,
Federal Highway Administrator.

Subpart D—Highway Bridge Replacement and Rehabilitation Program

Sec.
650.401 Purpose.
650.403 Definitions of terms.
650.405 Eligible projects.
650.407 Application for bridge replacement or rehabilitation.
650.409 Evaluation of bridge inventory.
650.411 Procedures for bridge replacement and rehabilitation projects.
650.413 Funding.
650.415 Reports.

AUTHORITY: 23 U.S.C. 144,116(d), 315; 49 CFR 1.48(b).

Subpart D—Highway Bridge Replacement and Rehabilitation Program

§ 650.401 Purpose.

The purpose of this regulation is to prescribe policies and outline procedures for administering the Highway Bridge Replacement and Rehabilitation Program in accordance with 23 U.S.C. 144.

§ 650.403 Definitions of terms.

(a) *Bridge.* A structure, including supports, erected over a depression or an obstruction, such as water, a highway, or a railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercoping of abutments or spring lines of arches, or extreme ends of the openings for multiple boxes; it may include multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening.

(b) *Sufficiency rating.* The numerical rating of a bridge based on its structural adequacy and safety, essentiality for public use, and its serviceability and functional obsolescence.

(c) *Rehabilitation.* The major work required to restore the structural integrity of a bridge as well as work necessary to correct major safety defects.

§ 650.405 Eligible projects.

(a) *General.* Deficient highway bridges on all public roads may be eligible for replacement or rehabilitation.

(b) *Types of projects which are eligible.* The following types of work are eligible for participation in the Highway Bridge Replacement and Rehabilitation Program (HBRRP), hereinafter known as the bridge program.

(1) *Replacement.* Total replacement of a structurally deficient or functionally obsolete bridge with a new facility constructed in the same general traffic corridor. A nominal amount of approach work, sufficient to connect the new facility to the existing roadway or to return the gradeline to an attainable touchdown point in accordance with good design practice is also eligible. The replacement structure must meet the current geometric, construction and structural standards required for the types and volume of projected traffic on the facility over its design life.

(2) *Rehabilitation.* The project requirements necessary to perform the major work required to restore the structural integrity of a bridge as well as work necessary to correct major safety defects are eligible except as noted under ineligible work. Bridges to be rehabilitated both on or off the F-A System shall, as a minimum, conform with the provisions of 23 CFR Part 625, Design Standards for Federal-aid Highways, for the class of highway on which the bridge is a part.

(c) *Ineligible work.* Except as otherwise prescribed by the Administrator, the costs of long approach fills, causeways, connecting roadways, interchanges, ramps, and other extensive earth structures, when constructed beyond the attainable touchdown point, are not eligible under the bridge program.

§ 650.407 Application for bridge replacement or rehabilitation.

(a) A State or local government participates in the bridge program by conducting bridge inspections and submitting the six computer card format or tapes containing the information called for on the Structure Inventory and Appraisal (SI&A) sheet for bridges on all public roads through the Division Administrator of the Federal Highway Administration (FHWA) for processing. These requirements are

prescribed in 23 CFR 650.307 and 650.311, the National Bridge Inspection Standards.

(b) Inventory data may be submitted as available and shall be submitted at such additional times as the FHWA may request.

(c) Inventory data on bridges that have been strengthened or repaired to eliminate deficiencies, or those that have been replaced or rehabilitated using bridge replacement and/or other funds, must be revised in the inventory through data submission.

(d) The Secretary may, at the request of a State, inventory bridges, on and off the Federal-aid system, for historic significance.

§ 650.409 Evaluation of bridge inventory.

(a) *Sufficiency rating of bridges.* Upon receipt and evaluation of the bridge inventory, a sufficiency rating will be assigned to each bridge by the Secretary in accordance with the approved AASHTO [1] sufficiency rating formula. The sufficiency rating will be used as a basis for establishing eligibility and priority for replacement or rehabilitation of bridges; in general the lower the rating, the higher the priority.

(b) *Selection of bridges for inclusion in State program.* After evaluation of the inventory and assignment of sufficiency ratings, the Secretary will provide the State with a selection list of bridges within the State that are eligible for the bridge program. From that list or from previously furnished selection lists, the State may select bridge projects.

§ 650.411 Procedures for bridge replacement and rehabilitation projects.

(a) Consideration shall be given to projects which will remove from service highway bridges most in danger of failure.

(b) *Submission and approval of projects.* (1) Bridge replacement or rehabilitation projects shall be submitted by the State to the Secretary in accordance with 23 CFR Part 630 Subpart A Federal-Aid Programs, Approval and Authorization.

(2) Funds apportioned to a State shall be made available throughout each State on a fair and equitable basis.

(c) *Completion of projects.* (1) Each approved project will be designed, constructed, inspected for acceptance and maintained in the same manner as other projects on the system on which the project is located.

(2) Whenever a deficient bridge is replaced by a new bridge under the bridge program, the deficient bridge shall be closed to vehicular traffic at the earliest date possible following the opening of the replacement bridge. If the only deficiency of the existing structure is inadequate roadway width and the combination of the new and existing structure can be made to meet current standards for the volume of traffic the facility will carry over its design life, the existing bridge may remain in place and be incorporated into the system.

§ 650.413 Funding.

(a) Funds authorized for carrying out the Highway Bridge Replacement and Rehabilitation Program are available for obligation at the beginning of the fiscal year for which authorized and remain available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system.

(b) The Federal share payable on account of any project carried out under 23 U.S.C. 144 shall be 80 percent of the eligible cost.

(c) Not less than 15 percent nor more than 35 percent of the apportioned funds shall be expended for projects located on public roads, other than those on a Federal-aid system. The Secretary after consultation with State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal-aid system when he determines that such State has inadequate needs to justify such expenditure.

§ 650.415 Reports.

The Secretary must report annually to the Congress on projects approved and current inventories together with recommendations for further improvements.

[FR Doc. 79-7915 Filed 3-14-79; 8:45 am]

[1] American Association of State Highway and Transporation Officials, Suite 225, 444 North Capitol Street, NW, Washington, D.C. 20001.

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-4365]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Naugatuck, New Haven County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Naugatuck, New Haven County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Naugatuck, New Haven County, Connecticut.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Naugatuck are available for review at the Mayor's Office, Naugatuck, Connecticut.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Naugatuck, New Haven County, Connecticut.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Naugatuck River...	Confluence of Spruce Brook.	153
	Just Downstream of confluence of Beacon Hill Brook.	166
	Confluence of Mulberry Brook.	174
	Just Upstream of Dam located 400 feet Downstream of State Route 63.	185
	Just Upstream of State Route 63.	186
	Just Upstream of Maple Street.	189
	Confluence of Hop Brook.	196
	Just Upstream of Prospect Street.	202
	At Northern Corporate Limits.	214
Beacon Hill Brook	Mouth at Naugatuck River.	167
	Just Upstream of Andrasko Road.	171
	Just Upstream of Cotton Hollow Road.	183
	1760 feet Upstream of Cotton Hollow Road.	200
	3400 feet Upstream of Cotton Hollow Road.	225
	Just Upstream of Private Crossing Located 1400 feet Downstream of Beacon Valley Road.	253
	Just Upstream of Beacon Valley road.	271
	Just Upstream of Schmitz Avenue.	323
	Just Upstream of Bowman Drive.	351
	Just Upstream of New Haven Road.	366
	Southeastern Corporate Limits.	373
Long Meadow Pond Brook.	Just Upstream of Elm Street.	189
	Just Upstream of Cherry Street.	192
	Just Upstream of Andrews Avenue.	218
	Just Upstream of Ice House Dam.	274
	Just Upstream of Brookside Avenue.	283
	Just Upstream of National Guard Access Road.	297
	Just Upstream of King Access Road.	313
	Just Upstream of Dam, 1100 feet Upstream of Webb Avenue.	349
	Just Upstream of Rubber Avenue Crossing, 1700 feet Upstream of Dam.	380
	Just Upstream of Rubber Avenue Crossing, 5600 feet Upstream of Dam.	402
Webb Brook.....	Just Upstream of Newman Avenue.	320
	250 feet Upstream of Field Street.	330
	Just Upstream of Webb Avenue.	348
	Just Upstream of Gunntown Road.	378
Hop Brook.....	Just Upstream of Bridge Street (State Highway 68).	197
	Just Upstream of Dam, 400 feet Upstream of Pigeon Brook.	205
	Just Upstream of Porter Avenue.	211
	At a point 2100 feet Upstream of Porter Avenue.	237
Fulling Mill Brook	Just Upstream of North Main Street.	202
	Just Upstream of Union Street.	209
	Just Upstream of confluence of Cold Spring Brook.	230
	Just Upstream of Prospect Street (State Highway 68).	275
	Confluence with Schildgen Brook.	327
	At a point 1825 feet Upstream of Schildgen Brook.	400
	Just Upstream of Maple Street Culvert.	471
	At a point 380 feet Upstream of Maple Street Culvert.	476
Cold Spring Brook	Confluence with Fulling Mill Brook.	230
	Just Upstream of Wooster Street.	305
	Just Upstream of Brook Street.	325
	Just Upstream of Cold Spring Circle.	348
	Just Upstream of Donovan Road.	447
	At Unnamed Tributary, 810 feet Upstream of Donovan Road.	475
	Just Upstream of Pond Hill Road.	536
	At a point 960 feet Upstream of Pond Hill Road.	593
Schildgen Pond Brook.	Just Downstream of Access Road 90 feet Upstream of Confluence with Fulling Mill Brook.	328
	Just Upstream of driveway, 360 feet Upstream of Access Road.	347
	Just Downstream of Union City Road.	373
	Just Upstream of Dam, 500 feet Upstream of Union City Road.	393
	Just Upstream of Cemetary Road.	415
	At a point 1210 feet Upstream of Cemetary Road.	415

(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 Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719,)

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7491 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4604]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Suffield, Hartford County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Suffield, Hartford County, Connecticut. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Suffield, Connecticut.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Suffield, are available for review at Town Hall, 97 Mountain Road, Suffield, Connecticut.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Suffield, Connecticut.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Connecticut River.	Conrail—100 feet [1]	36
	Old Bridge Street Bridge Piers—50 feet [1].	44
	Enfield Dam—100 feet [1].	50
	Old State Route 190 Bridge Piers—50 feet [1].	53
Stony Brook	Canal Bridge—30 feet [1]	38
	1st Crossing Pipe Crossing—50 feet [2].	39
	1st Crossing Pipe Crossing—100 feet [1].	49
	2nd Crossing Pipe Crossing—50 feet [1].	59
	Boston Neck Road Bridge—100 feet [2].	88
	Boston Neck Road Bridge—100 feet [1].	105
	Suffield Street Bridge—100 feet [1].	113
	State Route 75 Bridge—100 feet [1].	116
	Dam Upstream Conrail Bridge—100 feet [2].	118
	Dam Upstream Conrail Bridge—100 feet [1].	123
	2nd Crossing Farm Bridge—100 feet [1].	130
Muddy Brook	State Route 190 Bridge—50 feet [1].	119
	Stiles Road Bridge—50 feet [1].	122
Philo Brook	Russell Avenue—50 feet [1].	124
	Halladay Avenue Bridge—50 feet [1].	130

[1] Upstream of centerline.
[2] Downstream of centerline.

(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 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 Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7492 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3940]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Montgomery, Kane County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in in the Village of Montgomery, Kane County, Illinois.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Montgomery, Kane County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Montgomery, Kane County, Illinois, are available for review at the Montgomery Village Hall, 1300 South Broadway, Montgomery, Illinois.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Montgomery, Kane County, Illinois.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox River	U.S. Route 30, Downstream.	616
	Corporate Limits	616
	Montgomery Street	619
	Montgomery Dam	622
	Ashland Street	622
	Upstream Corporate Limits.	622
Fox River Tributary.	Downstream Corporate Limits.	633
	Illinois Route 31	634
	Confluence of East Branch Fox River Tributary.	636
	Aucott Road	641
Fox River Tributary (East Branch).	Downstream Corporate Limits (Confluence with Fox River Tributary).	636
	Aucott Road	636
Waubansee Creek.	By-Pass U.S. Route 30	664
	County Boundary Line between Kendall and Kane County.	665
	E. J. and E. Railroad, Downstream.	665
	Upstream	667
	Business Route U.S. 30	667

(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 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 Amendments of 1978, Pub. L. 95-557; 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7493 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4607]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Aberdeen, Bingham County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Aberdeen, Bingham County, Idaho. These

base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Aberdeen, Idaho.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Aberdeen, are available for review at City Hall, Aberdeen, Idaho.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Aberdeen, Idaho.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Aberdeen Wasteway.	Central Avenue Road—50 feet.[1]	4387
	Bingham Avenue—40 feet.[1]	4390
	Main Street—50 feet[1]	4392
	County Road 2800 West—50 feet.[2]	4393

[1] Upstream of centerline.
[2] Downstream of centerline.

(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 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 Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7494 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4686]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Audubon, Audubon County, Ia.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Audubon, Audubon County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Audubon, Audubon County, Iowa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Audubon are available for review at the City Hall, Audubon, Iowa.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Audubon, Audubon County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bluegrass Creek	1800 feet downstream from Southside Avenue.	1,286
	Just downstream from Southside Avenue.	1,289
	100 feet upstream from Southside Avenue.	1,290
	Just upstream from Market Street.	1,291
	Just upstream from Chicago, Rock Island and Pacific Railroad.	1,292
	Just downstream from South Street.	1,296
	Just upstream from West Broadway Street.	1,299
	Northwestern corporate limits.	1,305

(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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 6, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7495 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4750]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Humboldt, Humboldt County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Humboldt, Humboldt County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Humboldt, Humboldt County, Iowa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Humboldt are available for review at the City Hall, Humboldt, Iowa.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Humboldt, Humboldt County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, Elevation in feet National geodetic vertical datum
West Des Moines River.	Southern Corporate Limits.	1,062
	3,900 feet downstream from Lewis Street.	1,066
	Upstream side of Lewis Street.	1,071
	Upstream side of Sumner Avenue.	1,073
	500 feet upstream of U.S. Highway 169.	1,076
	Upstream side of dam 2,250 feet above U.S. Highway 169.	1,082
	Western Corporate Limits.	1,084
Tributary A.....	At confluence with West Des Moines River.	1,064
	Downstream side of 5th Street.	1,066
	Upstream side of 5th Street.	1,068
	Downstream side of 3rd Avenue South.	1,070

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 6, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7496 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI- 4026]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Newton, Harvey County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Newton, Harvey County, Kansas.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Newton, Harvey County, Kansas.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Newton are available for review at the City Hall, Newton, Kansas

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Newton, Harvey County, Kansas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Creek.....	Just Upstream of County Road 576 (extraterritorial).	1402
	Just Upstream of Atchison, Topeka and Santa Fe Railway (extraterritorial).	1408

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just Downstream of S.W. 14th Street (extraterritorial).	1413
	Just Downstream of Dam at Downstream Corporate Limits.	1417
	Just Downstream of West 10th Street.	1422
	Just Upstream of Missouri Pacific Railroad (extraterritorial).	1425
Slate Creek	Just Upstream of Confluence with Sand Creek.	1415
	Just Upstream of Atchison, Topeka and Santa Fe Railway.	1416
	Just Upstream of South Plum Street.	1422
	Just Upstream of Washington Road.	1430
	Just Upstream of S.E. 4th Street.	1437
	Just Upstream of South Kansas Street.	1439
	Just Upstream of East 1st Street.	1444
	Just Upstream of East 4th Street.	1451
	Just Upstream of Interstate 135 West.	1465
	Just Upstream of Spencer Avenue.	1473
South Branch Slate Creek.	Just Upstream of Confluence with Slate Creek.	1433
	Just upstream of South Kansas Street.	1443
	Just Upstream of Missouri Pacific Railroad.	1450
	Just Upstream of Rolling Hills Drive.	1454
	Just Upstream of Interstate 135.	1463
	Just Upstream of Spencer Avenue.	1468
Country Club Branch Slate Creek.	Just Upstream of Confluence with South Branch Slate Creek.	1444
	Just Downstream of Dam, 0.42 Miles Upstream of Confluence with South Branch Slate Creek.	1451
Mud Creek	Just Upstream of U.S. Route 50 (extraterritorial).	1421
	Just Upstream of West 1st Street (extraterritorial).	1431
	Just Upstream of West 12th Street.	1440
	Just Upstream of West 24th Street (extraterritorial).	1450
	Just Downstream of U.S. Route 81 (extraterritorial).	1455

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 6, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79- 7497 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4552]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Loch Lynn Heights, Garrett County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Loch Lynn Heights, Garrett County, Maryland. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Loch Lynn Heights, Garrett County, Maryland.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Loch Lynn Heights, Garrett County, Maryland, are available for review at the Loch Lynn Heights Town Hall, Loch Lynn Heights, Maryland.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Loch Lynn Heights, Garrett County, Maryland.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Youghiogheny River.	Upstream Corporate Limits.	2,392
	Downstream Corporate Limits.	2,391

(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 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 Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7498 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4751]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Avon, Norfolk County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Avon, Norfolk County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evi-

dence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Avon, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Avon, are available for review at Town Hall, Buckley Center, Avon, Massachusetts.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Avon, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Brook	Brockton Reservoir at Gravel Path—50 Feet[1].	209
	Pond Street—50 feet[1]	210
	State Highway 24 Exit Ramp—50 feet[1].	210
	Harrison Boulevard—50 feet[1].	211
	State Highway 24 Entrance Ramp—50 feet[1].	212
	State Highway 24—50 feet[1].	213
	Old Railroad Grade—50 feet[1].	226
Tributary A to Beaver Brook.	Strafello Drive—100 fcet[2].	213
	Strafello Drive—200 feet[1].	219
	Ledin Avenue—50 feet[1]	221
	Old Railroad Grade—50 feet[1].	227
Trout Brook	Connelly Road—200 feet[1].	116
	Ladge Drive—100 feet[1]	123

[1]Upstream from centerline.
[2]Downstream from centerline.

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7499 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4695]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Easthampton, Hampshire County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Easthampton, Hampshire County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Easthampton, Hampshire County, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Easthampton are available for review at the Town Hall, 43 Main Street, Easthampton, Massachusetts.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Easthampton, Hampshire County, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Upstream corporate limit.	123
	Downstream corporate limit.	123
Connecticut River Oxbow.	At confluence with Connecticut River.	123
	Upstream corporate limit.	123
Manhan River	At the confluence with Connecticut River Oxbow.	123
	Approximately 132 feet downstream of Mill Street Dam.	123
	Approximately 60 feet upstream of Mill Street Dam.	134
	Approximately 2,640 feet downstream of Glendale Street.	137
	Just downstream of Glendale Street.	140
	Just upstream of Glendale Street.	142
	Upstream corporate limit.	144
Lower Mill Pond	At the confluence with Manhan River.	123
	Just downstream of Ferry Street Dam.	123

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just upstream of Ferry Street Dam.	132
	Just downstream of Liberty Street.	133
	Just downstream of Cottage Street.	138
	Just upstream of Cottage Street Dam.	157
Nashawannuck Pond.	Just upstream of Cottage Street Dam.	157
	At the confluence with Broad Brook.	157
Broad Brook	Approximately 2,165 feet upstream from the confluence with Nashawannuck Pond.	157
	Approximately 3,221 feet downstream of Hendrick Street.	161
	Approximately 530 feet downstream of Hendrick Street.	172
	Approximately 1,056 feet upstream of Hendrick Street.	175
	Approximately 1,320 feet upstream of Hendrick Street.	178
	Approximately 2,745 feet upstream of Hendrick Street.	183
Hannum Brook	At confluence with Manhan River.	138
	Approximately 422 feet downstream of West Street.	139
	Just downstream of West Street.	141
	Just upstream of West Street.	144
North Branch Manhan River.	At the confluence with Manhan River.	142
	Approximately 3,168 feet upstream of Pomeroy Meadow Road.	144
	Approximately 2,376 feet downstream of Torrey Road.	158
	Just downstream of Torrey Road.	183
	Just upstream of Torrey Road.	185
Basset's Brook	At the confluence with Manhan River.	135
	Just downstream of West Street Dam.	135
	Just upstream of West Street Dam.	145
	Approximately 1,526 feet upstream from West Street Dam.	145

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7500 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4696]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Holyoke, Hampden County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Holyoke, Hampden County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Holyoke, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Holyoke, are available for review at City Hall, Mayor's Office, Holyoke, Massachusetts.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Holyoke, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Boston and Maine Railroad—100 feet [1].	68
	State Route 116 Bridge—100 feet [1].	73
	U.S. Route 202 Bridge—100 feet [1].	112
Tannery Brook	Meadowbrook Road—70 feet [2].	286
	Meadowbrook Road—20 feet [1].	292
	Access Road—20 feet [1]	295
	Kane Road—70 feet [1]	313
Broad Brook (Lower).	Rock Valley Road—20 feet [1].	227
	Southampton Road—100 feet [2].	232
	Southampton Road—20 feet [1].	236
	Ross Road—20 feet [1]	238
	Keys Road—20 feet [1]	244
Broad Brook	Footbridge—20 feet [1]	474

[1] Upstream of Centerline.
[2] Downstream of Centerline.

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7501 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4666]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the Town of Montague, Franklin County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Montague, Franklin County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Montague, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Montague, are available for review at Town Clerk, One Avenue A, Turner's Falls, Massachusetts.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Montague, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River	Boston and Maine Railroad Bridge—100 feet[4]	140
	Fifth Street Bridge—100 feet[1]	153
	Turner's Falls Bridge—20 feet[2]	160
	Turner's Falls Bridge—20 feet[1]	207
Millers River	East Mineral Road Bridge—50 feet[1]	192
	Bridge Street Bridge—150 feet[2]	216
	Bridge Street Bridge—50 feet[1]	234
	Main Street Bridge—100 feet[1]	238
	Breached Dam—100 feet[4]	250
	Breached Dam—50 feet[1]	264
Sawmill River	Farm Bridge—50 feet[1]	138
	Meadow Road Bridge—100 feet[1]	155
	Dam located 1000 feet upstream Meadow Road Bridge:	
	100 feet[2]	159
	100 feet[1]	171
	Dam located 150 feet downstream Depot Street Bridge:	
	50 feet[2]	175
	50 feet[1]	192
	Central Street Bridge—50 feet[1]	212
	South Main Street Bridge—100 feet[1]	230
	Bridge—50 feet[1]	290
	Dam located 900 feet upstream Central Vermont Railroad Bridge:	
	50 feet[2]	305
	100 feet[1]	313
	Chestnut Hill Road—50 feet[1]	392
	North Leverett Road Bridge—50 feet[1]	405
Hatchery Brook	Dam and Footbridge—50 feet[2]	139
	Dam and Footbridge—20 feet[1]	148
	Beaubiens Road Bridge—20 feet[1]	150
Pond Brook	Swamp Road—50 feet[2]	209
	Swamp Road—50 feet[1]	214
	Dam located 1045 feet upstream Swamp Road:	
	50 feet[2]	214
	20 feet[1]	223

[1] Upstream of centerline.
[2] Downstream of centerline.

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7502 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4753]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for The Town of South Hadley, Hampshire County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of South Hadley, Hampshire County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of South Hadley, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of South Hadley, are available for review at Town Clerk's Office, Town Hall, 116 Main Street, South Hadley, Massachusetts.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of South Hadley, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An

opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River	State Highway 116 Bridge.	74
	Holyoke Dam—160 feet [1]	78
	Holyoke Dam—80 feet [2]	112
	Confluence with Bachelor Brook—160 feet [1].	122
Bachelor Brook	State Highway 47 Bridge.	122
	Woodridge Road Bridge—at centerline.	125
	State Highway 116 Bridge—70 feet [1].	176
	State Highway 116 Bridge—160 [2].	181
Stony Brook	Morgan Street Bridge—at centerline.	162
	Lower Pond Dam and Pedestrian Bridge—40 feet [2].	177
	Stone Archbridge	186
	Wood Bridge—40 feet [1]	202
	Morgan Street Culvert—at centerline.	213
Buttery Brook	State Highway 116	74
	Gaylord Street	74

[1] Downstream of centerline.
[2] Upstream of centerline.

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7503 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4693]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Midland, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Midland, Allegany County, Maryland. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of Midland, Allegany County, Maryland.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Midland, Allegany County, Maryland, are available for review at the Midland Post Office, Midland, Maryland.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Midland, Allegany County, Maryland.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Georges Creek	Corporate Limits—downstream.	1,663
	250 feet upstream of Corporate Limits.	1,667
	950 feet upstream of Corporate Limits.	1,673
	2,300 feet upstream of Corporate Limits.	1,685
	Union Street—downstream.	1,688
	Union Street—upstream	1,691
	Conrail—upstream	1,699
	Confluence of Neff Run.	1,699
	Church Street—downstream.	1,699
	Church Street—upstream.	1,702
Neff Run	Confluence with Georges Run.	1,699
	Main Street (culvert)	1,708
	New Road (culvert)	1,709
	400 feet upstream of New Road (culvert).	1,717
	800 feet upstream of New Road (culvert).	1,724
	1,300 feet upstream of New Road (culvert) at the Corporate Limits.	1,734

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7504 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4700]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Pontiac, Oakland County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Pontiac, Oakland County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Pontiac, Oakland County, Michigan.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Pontiac are available for review at the Community Development Department, 91 North Saginaw, Street, Pontiac, Michigan.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Pontiac, Oakland County, Michigan.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clinton River Drain No. 2.	East Corporate limit	870
	At State Highway 59	871
	At transition structure	874
	Just upstream of East Boulevard.	888
	Just downstream Paddock Street.	889
	Just upstream Paddock Street.	894
	Culvert for Clinton River Drain No. 1.	895
Clinton River Drain No. 3.	Inlet to Clinton River Drain No. 1.	911
	Just downstream Grand Trunk Western Railroad.	914
	Just upstream Grand Trunk Western Railroad.	915
	Just downstream Gillespie Avenue.	917
	Just upstream Crystal Lake Dam.	919
Clinton River	Approximately 260 feet downstream Grand Trunk Western.	922
	Just upstream Thomas Road.	925
	Just downstream Orchard Lake Road.	926
	Just upstream Dawson's Mill Pond Dam.	931
	Just downstream Telegraph Road (North Boundary).	931
	Just upstream Telegraph Road (South Boundary).	931
Galloway Creek	East corporate limits at Galloway Lake.	910
	Just downstream Perry Street.	914
	Just upstream Perry Street.	916
	Just downstream Walton Boulevard.	921
	Just upstream Walton Boulevard.	923
	At Footbridge, 1,100 feet upstream Stirling Avenue.	926
	Just upstream of Private Drive, 1,100 feet downstream Collier Road.	927
	Just downstream Collier Road.	935
	Just upstream Collier Road.	938
	West Pontiac City/Township corporate limit.	940
	Just downstream Road to Woodchipper.	941
	Just upstream Road to Woodchipper.	944
	West corporate limits	944
Galloway Ditch	Confluence with Galloway Creek.	923
	1,000 feet upstream confluence with Galloway Creek.	924
	1,550 feet upstream confluence with Galloway Creek.	927
	Just downstream Giddings Road.	929
	Just upstream Giddings Road.	932
	Just upstream of Private Drive 1,500 feet upstream Giddings Road.	933
	Northeast corporate limit.	933

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7505 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4703]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Adams, Mower County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Adams, Mower County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Adams, Mower County, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Adams are available for review at the City Hall, Adams, Minnesota.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Adams, Mower County, Minnesota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Cedar River.	At western corporate limit.	1,271
	Just downstream of County Highway 7.	1,276
	Just upstream of County Highway 7.	1,278
	Just downstream of Chicago, Milwaukee, St. Paul, and Pacific Railroad.	1,281
	At eastern corporate limit.	1,283
Little Cedar River Middle Branch.	At confluence with Little Cedar River.	1,273
	Just downstream of Chicago, Milwaukee, St. Paul, and Pacific Railroad.	1,274
	Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	1,275
	1575 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	1,278
	At northern corporate limit.	1,282

(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 Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7506 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4708]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Grain Valley, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Grain Valley, Jackson County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Grain Valley, Jackson County, Missouri.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Grain Valley are available for review at the City Hall, Grain Valley, Missouri.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Grain Valley, Jackson County, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blue Branch.....	Just upstream of Main Street.	778
	Just upstream of State Route AA.	792
	Just downstream of Barr Road.	794
Yennie Avenue Drain.	Downstream Corporate Limits.	774
	Approximately 1,900 feet upstream of Illinois Central Gulf Railroad.	780
	Just upstream of Main Street.	782
	Just upstream of Gregg Street.	785
	Just upstream of Capelle Street.	788
	Just upstream of Yennie Avenue.	792
Sni-a-Bar Creek.....	Downstream Corporate Limits.	772
	Just upstream of Illinois Central Gulf Railroad.	775
	Just downstream of Harris Street.	775

(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 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 Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7507 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4709]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Missouri City, Clay County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Missouri City, Clay County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Missouri City, Clay County, Missouri.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Missouri City are available for review at the Mayor's home, Missouri City, Missouri.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Missouri City, Clay County, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River.....	Downstream corporate limit.	725
	Intersection of Broadway and Water Street extended.	726
	0.5 mile upstream from River Mile Marker 345.0.	727
	At River Mile Marker 346.0.	728

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7508 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4712]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Willow Springs, Howell County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Willow Springs, Howell County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Willow Springs, Howell County, Missouri.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Willow Springs are available for review at the City Hall, 123 East 2nd Street, Willow Springs, Missouri.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Willow Springs, Howell County, Missouri.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Eleven Point River.	Southeast corporate limit.	1,222
	100 feet downstream of St. Louis—San Francisco Railway bridge.	1,227
	100 feet upstream of St. Louis—San Francisco Railway bridge.	1,235
	Just upstream of Cherry Street.	1,236
	Just upstream of Harris Street.	1,241
	Just downstream of Pine Grove Road.	1,251
	Just upstream of St. Louis—San Francisco Railway bridge north of Pine Grove Road.	1,258
	200 feet upstream of St. Louis—San Francisco Railway bridge.	1,263

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of Old Springfield Road bridge.	1,265
	1,100 feet upstream of Old Springfield Road bridge.	1,269
	North corporate limits ...	1,286
Drainage Ditch No. 1.	Mouth at Eleven Point River.	1,238
	Just downstream of Fisk Street.	1,243
	West corporate limit.....	1,255
Drainage Ditch No. 2.	100 feet upstream of mouth at Drainage Ditch No. 1.	1,238
	50 feet upstream of Hill Street bridge.	1,242
	Just downstream of State Highway 137.	1,242
Drainage Ditch No. 3.	Southeast corporate limit (downstream).	1,230
	Southeast corporate limit (upstream).	1,252

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 6, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7509 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4715]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Central City, Merrick County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Central City, Merrick County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Central City, Merrick County, Nebraska.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Central City are available for review at the City Hall, 1608 16th Street, Central City, Nebraska.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Central City, Merrick County, Nebraska.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Warm Slough	4,000 feet downstream of U.S. Highway 30.	1,685
	Upstream side of U.S. Highway 30.	1,690
	Upstream side of Union Pacific Railroad.	1,692
	Upstream side of Burlington Northern Railroad.	1,694
	Upstream side of 19th Avenue.	1,697
	1,500 feet upstream of 13th Street.	1,700
	Upstream side of Fairground Road.	1,702
	3,500 feet upstream of Fairground Road.	1,705
	5,800 feet upstream of Fairground Road.	1,707
Trouble Creek	Upstream side of Union Pacific Railroad.	1,690
	Upstream side of Burlington Northern Railroad.	1,694
	Upstream side of A Avenue.	1,697
	Upstream side of F Avenue.	1,700
	800 feet downstream of Fairground Road.	1,702
	2,000 feet upstream of Fairground Road.	1,706
	Upstream side of County Road.	1,709
	2,500 feet upstream of County Road.	1,709
Platte River	2,500 feet upstream of Union Pacific Railroad.	1,691
	4,000 feet downstream of Burlington Northern Railroad.	1,695
	1,500 feet downstream of Burlington Northern Railroad.	1,698

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7510 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4716]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Elkhorn, Douglas County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Elkhorn, Douglas County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Elkhorn, Douglas County, Nebraska.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Elkhorn are available for review at the City Hall, 401 Glenn Street, Elkhorn, Nebraska.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Elkhorn, Douglas County, Nebraska.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Papillion Creek.	About 100 feet downstream of 192nd Street.	1,135
	Just upstream of Park Road and Union Pacific Railroad.	1,140
	Just downstream of Union Pacific Railroad (about 800 feet downstream of State Street).	1,152
	Just upstream of State Street.	1,161
	Just upstream of Main Street.	1,165
	About 740 feet upstream of Main Street.	1,166
	Just upstream of Union Pacific Railroad.	1,170
	At western corporate limits.	1,172
	Just upstream of Maple Street.	1,183
	About 1,200 feet upstream of County Road 80.	1,196
Elkhorn River.....	About 4,500 feet downstream of Union Pacific Railroad.	1,121
	Just downstream of Union Pacific Railroad.	1,122
	Just upstream of Union Pacific Railroad.	1,124
	1,800 feet downstream of State Highway 64.	1,124

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 6, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7511 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4717]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of South Sioux City, Dakota County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of South Sioux City, Dakota County, Nebraska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of South Sioux City, Dakota County, Nebraska.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of South Sioux City are available for review at the City Hall, South Sioux City, Nebraska.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of South Sioux City, Dakota County, Nebraska.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River.....	Southern extraterritorial limits.	1,083
	2,700 feet upstream of southern extraterritorial limits.	1,084
	Eastern corporate limit..	1,088
	1,500 feet upstream of Dakota Avenue.	1,090
	Northwestern extraterritorial limits.	1,092

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule

has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 6, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7512 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4593]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Wales, Erie County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wales, Erie County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Wales, Erie County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wales, Erie County, New York, are available for review at the Office of Mr. Edward Holt, Building Inspector of Wales, 12327 Big Tree Road, East Aurora, New York.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Wales, Erie County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Buffalo Creek	Big Tree Road (State Route 20A).	889
	Confluence of Hunter Creek.	898
	Strykersville Road	901
	Confluence of Stony Bottom Creek.	903
	Merlau Road (State Route 386).	918
	East Creek Road (State Route 387).	931
	Wales Creek Road (State Route 540).	938
Hunter Creek	Confluence with Buffalo Creek.	898
	Strykersville Road (Upstream side).	903
	Holland Road	911
East Branch Cazenovia Creek.	Downstream Town Boundary.	923
	State Route 16	
	Upstream Town Boundary.	944

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7513 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4568]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for Marion County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Marion County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Marion County, Oregon.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Marion County, are available for review at Marion County Courthouse, Salem, Oregon.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Marion County, Oregon.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Willamette River ..	Butteville Road—20 feet [1].	96
	City of Salem Corporate Limits—1st Downstream Crossing.	137
	City of Salem Corporate Limits—4th Crossing.	145
Santiam River	Interstate Highway 5—20 feet [1].	202
	Jefferson Corporate Limits—50 feet downstream from downstream crossing.	218
	Jefferson Corporate Limits—50 feet upstream from upstream crossing.	224
	Confluence with North Santiam River.	231
North Santiam River.	Green Bridge Road—100 feet [1].	256
	South First Avenue—50 feet [1].	439
	City of Mill City Corporate Limits—100 feet downstream from downstream crossing.	787
	City of Mill City Corporate Limits—100 feet upstream from upstream crossing.	824
	City of Gates Corporate Limits—20 feet downstream from downstream crossing.	894
	City of Gates Corporate Limits—100 feet upstream from upstream crossing.	907
Pudding River	Southern Pacific Railroad—20 feet [1].	100
	Pacific Highway—20 feet [1].	102
Mill Creek (Near Woodburn).	Hubbard-Boones Ferry Road—20 feet [1].	138
	Broadacres Road—50 feet [1].	141
	Crosby Road—20 feet [1]...	150
	Belle Passi Road—20 feet [1].	173
Senegal Creek.....	City of Woodburn Corporate Limits—25 feet downstream from downstream crossing.	160
	City of Woodburn Corporate Limits—25 feet upstream from upstream crossing.	167
	Hillsboro Silverton Highway 214—50 feet [1].	167
Butte Creek	Scotts Mills Corporate Limits—25 feet downstream from downstream crossing.	379
	Scotts Mills Corporate Limits—25 feet upstream from upstream crossing.	460
Silver Creek	Bush Creek Road—50 feet [1].	170
	Silverton Corporate Limits—50 feet downstream from downstream crossing.	219
	Silverton Corporate Limits—50 feet upstream from upstream crossing.	258
	Central Street—40 feet [1].	267
	Peach Street—50 feet [2]...	276
	Peach Street—50 feet [1]...	280
	Private Road-2nd crossing—50 feet [1].	317
Turner Bypass.....	Confluence with Mill Creek.	278
	Turner Cloverdale Road—25 feet [1].	282
Beaver Creek	Confluence with Mill Creek—100 feet [1].	304
	75th Place Southeast—50 feet [1].	324
	Olney Street Southeast—100 feet [1].	335
	Aumsville Highway Southeast—50 feet [1].	341
	Southern Pacific Railroad—75 feet [1].	351
	Shaw Aumsville Road—100 feet [1].	354
Mill Creek	Interstate 5-50 feet [1].....	221
	Battle Creek Road—20 feet [1].	277
	Confluence with Turner Bypass.	278
	Turner Marion Road—20 feet [1].	295
	Confluence with Beaver Creek.	303
	75th Place Southeast—50 feet [1].	324
	West Stayton-Aumsville Road—50 feet [1].	356
	Southern pacific Railroad—20 feet [1].	362
	Bishop Road—10 feet [1]...	373
	Private Road-1st crossing—50 feet [2].	383
	Golf Club Road—20 feet [1].	409
	First Avenue—75 feet [1]...	445
	North Santiam Highway 22-100 feet [1].	448

[1] Upstream of centerline.
[2] Downstream of centerline.

(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 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 Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 25, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7514 Filed 3-13-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4595]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Briar Creek, Columbia County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Briar Creek, Columbia County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Briar Creek, Columbia County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Briar Creek, Columbia County, Pennsylvania, are available for review at the Residence of Mayor Oscar Welsh, 2606 West Front Street, Berwick, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Briar Creek, Columbia County, Pennsylvania

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Confluence with Briar Creek.	492
Briar Creek	Conrail (Upstream)	495
	Rittenhouse Road (Upstream).	506
East Branch Briar Creek.	State Route 93 (Upstream).	507

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7515Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4597]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Coudersport, Potter County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Coudersport, Potter County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Coudersport, Potter County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Coudersport, Potter County, Pennsylvania, are available for review at the Coudersport Building, 201 South West Street, Coudersport, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Coudersport, Potter County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dingman Run	Abandoned Railroad Bridge 412 feet upstream from U.S. Route 6 (Upstream).	1,634
	Abandoned Railroad Bridge 267 feet upstream from U.S. Route 6 (Upstream).	1,632
	U.S. Route 6 (Upstream)	1,631
	Confluence of Allegheny River.	1,631
North Hollow Run	U.S. Route 6 (Upstream)	1,714
	Confluence of Mill Creek.	1,709
Allegheny River	Upstream Corporate Limits.	1,700
	Reese Hollow Run (Upstream).	1,686
	Abandoned Railroad 3,696 feet downstream from Reese Hollow Road (Upstream).	1,678
	Seventh Street (Upstream).	1,660
	Fourth Street (Upstream).	1,657
	Second Street (Upstream).	1,653
	Confluence with Mill Creek.	1,646
	Main Street (Upstream).	1,644
	Chestnut Street (Upstream).	1,640
	Confluence with Dingman Run.	1,631
	Toles Hollow Road (Upstream).	1,628
Mill Creek	Buffalo Street (Upstream).	1,710
	Driveway 5,000 feet downstream from Buffalo Street (Upstream).	1,682
	Driveway 1,520 feet upstream from Mill Street (Upstream).	1,665
	Footbridge 335 feet upstream from Mill Street (Upstream).	1,654
	Mill Street (Upstream)	1,652
	Borie Street (Upstream)	1,647

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7516 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4722]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of East Hanover, Lebanon County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of

East Hanover, Lebanon County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of East Hanover, Lebanon County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of East Hanover, Lebanon County, Pennsylvania, are available for review at the Township Building, Old Route 22, East Hanover, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of East Hanover, Lebanon County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swatara Creek.....	Gravel Hill Road (upstream).	363
	Downstream Limit of Detailed Study (3,450 feet downstream of Legislative Route 38004 Bridge).	395
	Legislative Route 38004 (upstream).	397
	Legislative Route 38060 (upstream).	399
	Upstream Corporate Limits.	401

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7517 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4725]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Howe, Perry County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Howe, Perry County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Howe, Perry County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Howe, Perry County, Pennsylvania, are available for review at the Township Municipal Building, Howe, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Howe, Perry County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Juniata River.....	Dowstream Corporate Limits.	379
	Confluence of Howe Run.	381
	State Route 34 Upstream.	395
	Upstream Corporate Limits.	399

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7518 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4643]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Jackson, Northumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Jackson, Northumberland County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the township of Jackson, Northumberland County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Jackson, Northumberland County, Pennsylvania, are available for review at the International Order of Oddfellows Lodge (IOOF), Route 225, Dornsife, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the township of Jackson, Northumberland County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Downstream Corporate Limits.	422
	Confluence of Mahanoy Creek.	426
	Upstream Corporate Limits.	429
Mahanoy Creek.....	State Route 147	426
	Township Route 377	457
	Legislative Route 49020 .	468
	Legislative Route 49019..	483
	Upstream Corporate Limits.	493
Schwaben Creek....	State Route 225	470
	Confluence of Mouse Creek.	474
	Upstream Corporate Limits.	481

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effet on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7519 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4644]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Liverpool, Perry County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Liverpool, Perry County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Liverpool, Perry County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Liverpool, Perry County, Pennsylvania, are available for review at the residence of Ms. Rebecca Hotzapple, 304 South Front Street, Liverpool, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Liverpool, Perry County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Sewage Disposal Plant 1,500 feet downstream of Barger Run.	390
	Confluence of Barger Run.	392
	Confluence of Tributary No. 37 to Susquehanna River.	393

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the data indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7520 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4728]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Manheim, Lancaster County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Manheim, Lancaster County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Manheim, Lancaster County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Manheim, Lancaster County, Pennsylvania, are available for review at the Municipal Building, 1821 Municipal Drive, Lancaster, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Manheim, Lancaster County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Conestoga Creek.	Farmingdale Road (Upstream).	299
	Harrisburg Pike (Upstream).	300
	Shreiner Station Road (Upstream).	302
	Flory Brothers Mill Road (Upstream).	310
	Manheim Pike (Upstream).	319
	Buch Avenue (Upstream).	324
	Petersburg Road (Upstream).	329
	Quarry Road (Upstream).	344
Tributary No. 1	Confluence with Little Conestoga Creek.	296
	Harrisburg Pike (Upstream).	307
Tributary No. 2	Confluence with Little Conestoga Creek.	301
	Route 72 (Upstream)	314
	Route 283 (Upstream)	316
Conestoga River	Water Treatment Plant Service Bridge.	272
	Route 30 (Upstream)	274
	Pine Drive (Upstream)	278
	New Holland Pike (Upstream).	280
	Confluence of Lititz Run.	290
	Bushong Road (Upstream).	295
Tributary No. 3	Downstream Corporate Limits.	271
	Sunnybrook Drive (Upstream).	287
	New Holland Pike (Upstream).	289
Landis Run	Confluence with Conestoga River.	279
	Butter Road 1,000 feet above New Holland Pike (Upstream).	294
	Route 222 (Upstream)	311
	Oregon Pike (Upstream)	326
Lititz Run	Old Route 222 (Upstream).	290
	Route 722 (Upstream)	299

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7521 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4729]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Middle Paxton, Dauphin County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Middle Paxton, Dauphin County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Middle Paxton, Dauphin County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Middle Paxton, Dauphin County, Pennsylvania, are available for review at the Township Office, Middle Paxton, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Middle Paxton, Dauphin County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Confluence of Clark Creek.	339
	Confluence of Cove Creek.	349
Fishing Creek East.	U.S. Route 22/322	328
	Conrail	345
	State Route 443 (Fishing Creek Road).	389
	Piney Lane	394
	State Route 443 (Fishing Creek Road) 300 feet upstream of Piney Lane.	400
	Getcel Driveway	406
	Mobile Home Park Road	424
	Back Hoe Road	438
	Glen Hills Swim Club Road.	446
	Footbridge 1,800 feet downstream of Wooden Bridge.	453
	State Route 443 (Fishing Creek Road) 400 feet upstream of Wooden Bridge.	462
	Moore Road	469
	Dirt Road 2,200 feet upstream of Moore Road.	478
	Snyder's Acres Road	494
	Upper Creek Dirt Road 2,400 feet upstream of Snyders Acres Road.	500
	Tree Farm Road	515
	Ramsey Road	522
	Hedrick Road	529
Clark Creek	Confluence with Susquehanna River.	339
	Red Hill Road	339
	Extension of Private Road off of T537—800 yards upstream of T537 intersection with McKelvey Road.	362
	T437 Extended	372
	Way Road	392
	Pa. Route 225	393
	Access Road	398
	Pine Road	407
	Old Pa. Route 325	415
	Pa. Route 325, 2,300 feet upstream of Old Pa. Route 325.	422
	Dirt Road off of Route 325, 1,200 feet upstream of Pa. Route 325.	425
	Dirt Road off Route 325, 800 yards downstream of Safety Road.	449
	Safety Road	454
Stony Creek	Confluence with Susquehanna River.	333
	State Route 22/322	342
	Stony Creek Reservoir Dam.	346
	Private Road, 2,200 feet downstream of Singer lane.	356
	Singer Lane	366
	Wynn Road	374
	House Road	374
	Down Creek Footbridge 1,100 feet upsteam of House Road.	383
	Dangerous Bridge Road.	391
	Upper Creek Dirt Road; 100 feet upstream of Lower Creek Dirt Road and 2,500 feet downstream from Posted Road.	403
	Posted Road	412

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7522 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4645]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Mifflin, Columbia County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Mifflin, Columbia County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Mifflin, Columbia County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Mifflin, Columbia County, Pennsylvania, are available for review at the Mifflin Township Municipal Building, First Street, Mifflinville, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Mifflin, Columbia County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Confluence with Tenmile Run.	487
	Legislative Route 19013 (Upstream).	489
	State Route 93 (Upstream).	500
Tributary No. 3 to Susquehanna River.	Conrail (Upstream)	495
	West Street (Upstream).	511
	Fair Street (Upstream)	538
	Township Route 425 (Upstream).	555

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7523 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4646]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Moon, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Moon, Allegheny County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Moon, Allegheny County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Moon, Allegheny County, Pennsylvania, are available for review at the Moon Township Municipal Building, Moon, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Moon, Allegheny County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Northwestern Corporate Limits.	712
	Dashields Lock and Dam.	714
	Sewickley Bridge	715
	Northeastern Corporate Limits.	717

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7524 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4647]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the Borough of Newport, Perry County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Newport, Perry County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Newport, Perry County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Newport, Perry County, Pennsylvania, are available for review at the Newport Borough Building, Newport, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of the final determinations of flood elevations for the Borough of Newport, Perry County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Buffalo Creek.	Downstream of Conrail and Pennsylvania Route 34.	393
	Pennsyvania Route 34	393
	Dirt Road 50035	405
	Dirt Road 500 feet upstream of Road 50035.	408
Juniata River	Confluence of Little Buffalo Creek.	394
	State Route 34	395
	Confluence of Buffalo Creek.	397

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7525 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4648]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Oliver, Perry County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Oliver, Perry County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Oliver, Perry County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Oliver, Perry County, Pennsylvania, are available for review at the Township Municipal Building, Oliver, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Oliver, Perry County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic datum
Little Buffalo Creek.	Confluence with Juniata River.	394
	Pennsylvania State Route 34.	394
	Road 50035	405
	Dirt Road 500 feet upstream of Road 50035.	408
	Upstream Corporate limits of the Township of Oliver.	425
Buffalo Creek	Confluence with Juniata River.	397
	Front Street	397
	Tributary No. 1 to Buffalo Creek.	400
	Covered Bridge	418
Juniata River	Confluence of Little Buffalo Creek.	394
	Confluence of Buffalo Creek.	397

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the data indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7526 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4649]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Rye, Perry County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Rye, Perry County, Pennsylvania. These base (100-year) flood elevations

are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Rye, Perry County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Rye, Perry County, Pennsylvania, are available for review at the residence of Ms. Jean Snyder, Township Secretary, P.O. Box 45, Marysville, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Rye, Perry County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fishing Creek West.	Footbridge 2,400 feet downstream of New Valley Road.	393
	Footbridge 1,400 feet downstream of New Valley road.	395
	New Valley Road, Downstream.	403
	New Valley Road, Upstream.	419
	Footbridge 2,000 feet upstream of New Valley Road.	427
	Footbridge 160 feet downstream of Belleview Road (Extended).	445
	Pennsylvania Route 850, Downstream.	462
	Pennsylvania Route 850, Upstream.	477
	Dirt Road 1,700 feet upstream of Pennsylvania Route 850.	480
	Footbridge 2,300 feet downstream of Idle Road.	495
	Idle Road	505
	Dirt Road 4,000 feet upstream of Idle Road.	516
	Footbridge along extension of Dirt Road off of Pennsylvania Route 850.	545
Fishing Run	Farm Road	506
	Pennsylvania Route 850.	518
	Pine Hill Road	522
	Dirt Road 2,400 feet upstream of Pine Hill Road.	535
	Dirt Road 1,000 feet downstream of Copenhaver Road.	543
	Copendhaver Road	547
	Lingle Road	555
	Kiem Road	564

(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 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 Amendments of 1978, Pub. L. 95-557, 92 stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7527 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4732]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Sharon Hill, Delaware County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Sharon Hill, Delaware County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Sharon Hill, Delaware County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Sharon Hill, Delaware County, Pennsylvania, are available for review at the Borough Hall, Sharon Hill, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Sharon Hill, Delaware County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Darby Creek	Upstream of Amtrak Bridge, 800' downstream of Corporate Limits.	22
	Upstream of Conrail Bridge for Track from S. S. Kresge Plant.	20
	At confluence of Cobbs Creek.	19
Hermesprota Creek.	Upstream Corporate Limits.	56
	Upstream of Conrail Bridge.	50
	Upstream of Elmwood Avenue.	44
	Downstream Corporate Limits.	40

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7528 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4734]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Turbot, Northumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Turbot, Northumberland County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Turbot, Northumberland County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Turbot, Northumberland County, Pennsylvania, are available for review at the Turbot Township Building, Broadway Road, R.D. 3, Milton, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Turbot, Northumberland County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Interstate Route 80 (Upstream).	473
Limestone Run.....	State Route 147 (Downstream).	478
	Township Route 583 (Upstream).	490
	Hoy Road (Upstream)	502
	Legislative Route 49056 (Upstream).	508
	Township Route 594 (Upstream).	516
Tributary No. 1 to Limestone Run.	Township Route 577 (Upstream).	482
	Upstream of State Route 254.	484
Muddy Run.....	State Route 405 (Upstream).	472
	State Route 147 (Upstream).	472
	L.R. 49059 (Upstream)....	486
	Township Road 591 (Upstream).	493

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7529 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4628]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Watts, Perry County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Watts, Perry County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Watts, Perry County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Watts, Perry County, Pennsylvania, are available for review at the residence of R. Pauline Huggins, R.D. 2, Duncannon, Pennsylvania.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Watts, Perry County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Juniata River	Downstream corporate limits of the Township of Watts.	363
	Confluence of Losh Run	370
	Upstream corporate limits of the Township of Watts.	375
Susquehanna River.	Downstream corporate limits of the Township of Watts.	364
	Confluence of Buffalo Creek.	367
	Notch Road (extended)..	375

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7530 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4630]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the Town of Glocester, Providence County, R.I.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Glocester, Providence County, Rhode Island. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Glocester, Providence County, Rhode Island.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Glocester, Rhode Island, are available for review at Town Hall, Maine Street, Chepachet, Rhode Island.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Glocester, Rhode Island.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chepachet River...	Steers Lower Pond Dam—50 feet [1].	357
	U.S. Route 40 (Putnam Pike)—30 feet [1].	405
	Dam located 325 feet upstream U.S. Route 44 (Putnam Pike):	
	50 feet [2]	407
	90 feet [2]	416

[1] Upstream of centerline.
[2] Downstream of centerline.

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7531 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3092]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Mission, Hidalgo County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Mission, Hidalgo County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evi-

dence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Mission, Hidalgo County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Mission, Hidalgo County, Texas, are available for review on the bulletin board in the main entrance lobby, City Hall, 900 Doherty Avenue, Mission, Texas.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Mission, Hidalgo County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Ponding Area.....	Between the Main Canal, West First Street and Nicholson Avenue.	117

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7532 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4766]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for The City of Parker, Collin County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Parker, Collin County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Parker, Collin County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Parker, Collin County, Texas are available for review at the City Offices, Route 1, Box 36, Allen, Texas.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Parker, Collin County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Maxwell Creek	Approximately 100 feet upstream of Gray Lane.	592
	Approximately 100 feet downstream of Parker Road.	601
	Approximately 100 feet downstream of Gregory Road.	611
	Just upstream of Elisa Lane.	625
Cottonwood Creek	Approximately 200 feet downstream of Betsy Lane.	536
	Approximately 100 feet upstream of Parker Road.	560
Dublin Creek	Just upstream of Dublin Road.	545

(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 Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community 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 it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7533 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4857]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Bridport, Addison County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Bridport, Addison County, Vermont. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Bridport, Addison County, Vermont.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Bridport are available for review at the Town Office, Bridport, Vermont.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Bridport, Addison County, Vermont.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Champlain....	From Northern corporate limit to Southern corporate limit.	103

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7534 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4383]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Bremerton, Kitsap County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Bremerton, Kitsap County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Bremerton, Washington.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Bremerton, are available for review at City Hall, Bremerton, Washington.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Bremerton, Washington.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gorst Creek	Old Navy Yard Highway—35 feet [1].	38
	Confluence with Parish Creek.	53
	Dirt Road Bridge—20 feet [1].	59
Parish Creek	Old Navy Yard Highway—60 feet [1].	68
Ostrich Bay (Sinclair Inlet).	Areas adjacent to the shore.	10
Oyster Bay (Sinclair Inlet).	Areas adjacent to the shore.	10
Port Washington Narrows (Sinclair Inlet).	Hefner Street—500 feet south of intersection with Lebo Boulevard.	10
	Warren Avenue Bridge...	10
	Manette Bridge.....	10
	All other areas adjacent to the shore.	10
Kitsap Lake.....	Areas adjacent to the shore.	159

[1] Upstream of centerline

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 25, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7535 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4625]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the City of Kennewick, Benton County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Kennewick, Benton County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Kennewick, Washington.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Kennewick, are available for review at City Hall, 210 West 6th Avenue, Kennewick, Washington.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Kennewick, Washington.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Zintel Canyon.....	Tacoma Street—50 feet [1]	433
	Vancouver Street—60 feet [1].	443
	Upstream Corporate Limits.	472

Source of flooding	Location	Depth, feet
Zintel Canyon.....	Intersection of West Kennewick Avenue and South Quincy Street (Shallow Flooding).	2
	Intersection of West 6th Avenue and South Rainier Street (Shallow Flooding).	2

[1] Upstream of centerline.

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 25, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7536 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4626]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Parsons, Tucker County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Parsons, Tucker County, West Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Parsons, Tucker County, West Virginia.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Parsons, Tucker County, West Virginia, are available for review at the Parsons Mayor's Office, 222 Water Street, Parsons, West Virginia.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Parsons, Tucker County, West Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shavers Fork of The Cheat River.	Downstream Corporate Limits.	1,640
	First Street	1,648
	Whitmer Street	1,652
	Upstream Corporate Limits.	1,660
Mill Race	Downstream Corporate Limits.	1,641
	Magnolian Street	1,646
	Upstream Corporate Limits.	1,654
Black Fork of the Cheat River.	Downstream Corporate Limits.	1,642
	Magnolia Street (extended).	1,646
	Pennsylvania Avenue (U.S. 219).	1,654
	Upstream Corporate Limits.	1,654

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the data indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7537 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4677]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Argyle, Lafayette County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Argyle, Lafayette County, Wisconsin. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Argyle, Lafayette County, Wisconsin.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Argyle are available, for review at the Village Clerk's Office, Argyle, Wisconsin.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Argyle, Lafayette County, Wisconsin.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch Pecatonica River.	About 680 feet downstream of southern corporate limits.	799
	250 feet upstream of Milwaukee Street.	800
	100 feet upstream of western corporate limits.	801

(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. 4001-4123); and 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 6, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7538 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4679]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Blanchardville, Iowa County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Blanchardville, Iowa County, Wisconsin. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Blanchardville, Iowa County, Wisconsin.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Blanchardville are available for review at the Village Hall, Blanchardville, Wisconsin.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Vil-

lage of Blanchardville, Iowa County, Wisconsin.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch Pecatonica River.	Eastern corporate limit..	821
	Downstream side of Main Street Bridge.	821
	Upstream side of Dam....	824
	Western corporate limit.	825
Blue Mounds Branch.	Water Street.....	820
	Northern corporate limit.	820

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7539 Filed 3-14-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4680]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Casco, Kewaunee County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Casco, Kewaunee County, Wisconsin. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Casco, Kewaunee County, Wisconsin.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Casco are available for review at the Village Hall, Casco, Wisconsin.

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.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Casco, Kewaunee County, Wisconsin.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Casco Creek	Western corporate limit.	706
	Just downstream from Church Avenue.	710
	Just downstream from Church Avenue.	713
	Just upstream from Ahnapee and Western Railroad.	714
	Northern corporate limit.	719

(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 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 Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-7540 Filed 3-14-79; 8:45 am]

[4810-31-M]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-56]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Disaster Claims

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: This rule amends Subpart O of 27 CFR Part 170 (Miscellaneous Regulations Relating to Liquor) to implement Public Law 95-423, signed October 6, 1978. Pub. L. 95-423 extends the provisions in 26 U.S.C. 5064 for refund of internal revenue tax and customs duties on distilled spirits, wines, rectified products, and beer to include losses due to (1) fire, flood, casualty, or other disaster, or (2) damage (excluding theft) from vandal-

ism or malicious mischief. Previously, claims for refund were limited to products damaged only as the result of a Presidentially declared major disaster.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Dorene F. Erhard, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION: Public Law 95-423, dated October 6, 1978 and effective February 1, 1979, amends 26 U.S.C. 5064 to provide for refund of internal revenue taxes earlier paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer which are lost, made unmarketable, or condemned due to—

(1) Fire, flood, casualty, or other disaster; or

(2) Breakage, destruction, or other damage (but not theft) resulting from vandalism or malicious mischief.

Background

The excise taxes and customs duties on distilled spirits, wines, rectified products, and beer are paid or determined before these products enter marketing channels. Prepaid excise taxes constitute a high proportion of the cost of alcoholic beverages as compared with excise taxes on other products. Thus, if alcoholic products held for sale are destroyed after taxes and duties have been paid, a large portion of the loss will be attributable to prepaid taxes which cannot be passed on to consumers.

Previously, 26 U.S.C. 5064 allowed refund of these taxes and duties earlier paid only if the loss was the result of a Presidentially declared major disaster. Congress felt that certain other circumstances, although not considered "major disasters", could result in substantial losses of alcoholic products and concluded that these losses should be treated in the same manner as losses caused by Presidentially declared major disasters. Thus, Public Law 95-423 extends the law to also allow refund of taxes and duties on alcoholic products that are lost or ruined as the result of other types of disasters or as the result of damage or destruction (except theft) from vandalism or malicious mischief.

$250 Minimum Claim

Before the change in the law, no minimum amount was prescribed for a claim for refund of taxes, or taxes and duties, allowable under the Presidentially declared major disaster provision. Public Law 95-423 makes no change on this point and claims arising from "major disasters" are not affected.

However, the new law does impose a minimum amount of $250 on a claim resulting from a disaster or damage other than a major disaster declared by the President. The $250 minimum applies to each single disaster or damage event. In other words, the taxes or duties lost from a series of events cannot be totaled or averaged. Furthermore, any loss other than the amount for taxes and duties cannot be attributed to the $250 minimum, even if that loss is the result of the same event.

Additional Provisions of Law

In order for a claim to be allowable under 26 U.S.C. 5064, the disaster or damage must have occurred in the United States and the distilled spirits, wines, rectified products, or beer must have been damaged while being held for sale at the wholesale or retail level. Refund is not available for losses of taxes or duties which were indemnified by insurance or otherwise. The law also disallows refund on Puerto Rican products brought into the United States.

Claims for refund under this law must be filed within 6 months after the date of the loss, except that in the case of claims filed under the Presidentially declared major disaster provision, the claim period is not to expire before the day which is 6 months after the date on which the President determined the disaster occurred. Thus, in some cases, a longer claim period is provided than was available under the previous law.

Other Changes to the Regulations

In addition to implementing the new law, several miscellaneous amendments are being made to Subpart O of Part 170.

(1) Three public use forms (a) Form 2606, Inventory of Spirits Lost by Disaster, (b) Form 2606A, Inventory of Wine Lost by Disaster, and (c) Form 2606B, Inventory of Beer Lost by Disaster, are being eliminated. The purpose of these forms is to support disaster claims for taxes and duties on alcoholic products that were lost, became unmerchantable, or were condemned by an authorized official.

In most cases, claimants are required to submit the same documentation to state and local governments for refund of excise taxes. This documentation is prepared in the form of commercial records and may not be kept in the same format as the inventory forms required by ATF. Since commercial records are sufficient for Bureau auditing purposes, as long as certain minimum information is recorded, we are eliminating the burden of duplicate reporting on ATF forms and simply allowing commercial records to be submitted in support of disaster claims.

(2) A number of title and definition changes are made to reflect reorganization changes that have affected the Bureau over the past several years and to update statutory citations and references to other agencies.

(3) This Treasury decision also clarifies and simplifies the regulatory language in Subpart O, in keeping with our aim of writing improved regulations for easy public understanding.

Drafting Information

The principal author of this regulation is Dorene F. Erhard, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices in the Bureau and from the Treasury Department participated in developing the regulation in matters of substance and style.

Authority and Issuance

Since this Treasury decision is liberalizing in nature and implements Public Law 95-423, effective February 1, 1979, it is found unnecessary and contrary to public interest to issue this regulation according to public rulemaking and effective date requirements in 5 U.S.C. 553(b) and (d).

This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Specific Changes to the Regulations

In consideration of the foregoing, we are amending Subpart O of 27 CFR Part 170 to read as follows:

Subpart O—Losses Resulting from Disaster, Vandalism, or Malicious Mischief

General

Sec.
170.301 Scope of subpart.
170.302 Forms prescribed.

Definitions

170.303 Meaning of terms.

Payments

170.304 Circumstances under which payment may be made.

Claims Procedures

170.305 Execution and filing of claim.
170.305a Record of inventory to support claims.
170.306 Claims relating to imported, domestic and Virgin Islands liquors.
170.307 Claimant to furnish proof.
170.308 Supporting evidence.
170.309 Action on claims.

Destruction of Liquors

170.310 Supervision.

PENALTIES

170.311 Penalties.

AUTHORITY: The provisions of this Subpart O contained in Sec. 201, Pub. L. 85-859, 72 Stat. 1337, as amended by Pub. L. 95-423, 92 Stat. 935; 26 U.S.C. 5064, unless otherwise noted.

Subpart O—Losses Resulting from Disaster, Vandalism, or Malicious Mischief

GENERAL

§ 170.301 Scope of subpart.

(a) This subpart implements 26 U.S.C. 5064, which permits payments to be made by the United States for amounts equal to the internal revenue taxes paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer, previously withdrawn, that were lost, made unmarketable, or condemned by a duly authorized official as the result of disaster, vandalism, or malicious mischief.

(b) This subpart applies to disasters or other specified causes of loss, occurring on or after February 1, 1979.

(c) This subpart does not apply to distilled spirits, wines, rectified products, and beer manufactured in Puerto Rico and brought into the United States.

§ 170.302 Forms prescribed.

The Director is authorized to prescribe all forms required by this part, including applications, claims, records, and reports. Information called for shall be furnished in accordance with the instructions on the forms.

DEFINITIONS

§ 170.303 Meaning of terms.

When used in this subpart, terms are defined as follows in this section. Words in the plural shall include the singular, and vice versa, and words indicating the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude other things not named which are in the same general class or are otherwise within the scope of the term defined.

Alcoholic liquors, or liquors. Distilled spirits, wines, rectified products, and beer, lost, made unmarketable, or condemned, as provided in this subpart.

Beer. Beer, ale, porter, stout, and other similar fermented beverages (including sake or other similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume on which the internal revenue tax has been paid or determined, and, if imported, on which duties have been paid.

Claimant. The person who held the liquors for sale at the time of the disaster or other specified cause of loss and who files a claim under this subpart.

Commissioner of Customs. The Commissioner of Customs, U.S. Customs Service, the Department of the Treasury, Washington, D.C.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

Distilled spirits, or spirits. Ethyl alcohol and other distillates, such as whisky, brandy, rum, gin, and vodka, on which the internal revenue tax has been paid or determined, and, if imported, on which duties have been paid.

Duly authorized official. Any Federal, State, or local government official who is authorized to condemn liquors on which a claim is filed under this subpart.

Duty or duties. Any duty or duties paid under the customs laws of the United States.

Major disaster. A flood, fire, hurricane, earthquake, storm, or other catastrophe defined as a "major disaster" under the Disaster Relief Act (42 U.S.C. 5122(2)), which occurs in any part of the United States and which the President has determined causes sufficient damage to warrant "major disaster" assistance under that Act.

Rectified products. Liquors manufactured by rectifying, purifying, refining, mixing, or blending distilled spirits or wines and on which tax has been paid or determined, and, if imported, on which duty has been paid.

Region. A Bureau of Alcohol, Tobacco and Firearms region.

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

Tax. (a) With respect to unrectified distilled spirits, "tax" means the internal revenue distilled spirits tax that is paid or determined on the spirits.

(b) With respect to wines, "tax" means the internal revenue wine tax that is paid or determined on the wine.

(c) With respect to rectified products, "tax" means the internal revenue distilled spirits tax, the rectified tax (if any), the cordial tax (if any), and the wine tax (if any), that is paid or determined on the products.

(d) With respect to beer, "tax" means the internal revenue beer tax that is paid or determined on the beer.

United States. When used in a geographical sense includes only the States and the District of Columbia.

Wines. All still wines, effervescent wines, and flavored wines, on which internal revenue wine tax has been paid or determined, and, if imported, on which duty has been paid.

PAYMENTS

§ 170.304 Circumstances under which payment may be made.

(a) *Major disasters.* Regional regulatory administrators shall allow payment (without interest) of an amount equal to the tax paid or determined, and the Commissioner of Customs shall allow payment (without interest) of an amount equal to the duty paid, on distilled spirits, wines, rectified products, and beer previously withdrawn, if the liquors are lost, made unmarketable, or condemned by a duly authorized official as the result of a major disaster (as defined in § 170.303).

(b) *Other causes of loss.* (1) *Payment.* Regional regulatory administrators shall allow payment (without interest) of an amount equal to the tax paid or determined, and the Commissioner of Customs shall allow payment (without interest) of an amount equal to the duty paid, on distilled spirits, wines, rectified products, and beer previously withdrawn, if the liquors are lost, made unmarketable, or condemned by a duly authorized official as the result of (i) fire, flood, casualty, or other disaster, or (ii) breakage, destruction, or other damage (excluding theft) resulting from vandalism or malicious mischief.

(2) *Mimimum claim.* No claim of less than $250 will be allowed for losses resulting from any disaster or damage described in paragraph (b)(1) of this section.

(c) *General.* Payment under this section may be made only if—

(1) The disaster or other specified cause of loss occurred in the United States;

(2) At the time of the disaster or other specified cause of loss, the liquors were being held for sale by the claimant;

(3) Refund or credit of the amount claimed, or any part of the amount claimed, has not or will not be claimed for the same liquors under any other law or regulations; and

(4) The claimant was not indemnified by any valid claim of insurance or otherwise for the tax, or tax and duty, on the liquors covered by the claim.

CLAIMS PROCEDURES

§ 170.305

Execution and filing or claim.

(a) *General.* (1) Claims under this subpart shall be filed on IRS Form 843, in original only, with the regional regulatory administrator of the region in which the liquors were lost, became unmarketable, or were condemned.

(2) The claim shall include all the facts on which the claim is based, and be accompanied by a record of inventory of the liquors lost, made unmar-

ketable, or condemned. (See § 170.305a.)

(3) The claim shall contain a statement that no other claim for refund or credit of the amount claimed, or for any part of the amount claimed, has been or will be filed under any other law or regulations.

(b) *Major disasters.* Claims for refund of tax, or tax and duty, on liquors which were lost, became unmarketable, or were condemned as the result of a major disaster must be filed not later than 6 months from the day on which the President determines that a major disaster has occurred.

(c) *Other causes of loss.* Claims for amounts of $250 or more for refund of tax, or tax and duty, on liquors which were lost, became unmarketable, or were condemned as the result of (1) fire, flood, casualty, or other disaster, or (2) damage (excluding theft) resulting from vandalism or malicious mischief, must be filed within 6 months after the date on which the disaster or damage occurred. Claims for amounts less than $250 will not be allowed.

§ 170.305a Record of inventory to support claims.

(a) *Claims relating to distilled spirits.* The record of inventory of distilled spirits lost, made unmarketable, or condemned, which is required to support claims filed under § 170.305, shall show the following information:

(1) Name and business address of claimant (as shown on claim, IRS Form 843).

(2) Address where the spirits were lost, became unmarketable, or were condemned, if different from the business address.

(3) Kind of spirits.

(4) Brand name.

(5) *For full cases, show*—(i) Number of cases; (ii) Serial numbers; (iii) Bottles per case; (iv) Size of bottles; (v) Wine gallons per case; (vi) Proof; and (vii) Proof gallons.

(6) *For bottles not in cases, show*—(i) Total number; (ii) Size of bottles; (iii) Wine gallons; (iv) Proof; and (v) Total proof gallons.

(7) Total proof gallons for all items.

(b) *Claims relating to wines.* The record of inventory of wines lost, made unmarketable, or condemned, which is required to support claims filed under § 170.305, shall show the following information:

(1) Name and business address of claimant (as shown on claim, IRS Form 843).

(2) Address where the wines were lost, became unmarketable, or were condemned, if different from the business address.

(3) Kind of wine.

(4) Percent of alcohol by volume.

(5) Number of barrels or kegs.

(6) Kind and number of other bulk containers.

(7) Number of full cases and bottles per case.

(8) Size of bottles.

(9) Number of bottles not in cases and wine gallons.

(10) Total wine gallons.

(c) *Claims relating to beer.* The record of inventory of beer lost, made unmarketable, or condemned, which is required to support claims filed under § 170.305, shall show the following information:

(1) Name and business address of claimant (as shown on claim, IRS Form 843).

(2) Address where the beer was lost, became unmarketable, or was condemned, if different from the business address.

(3) Number and size of barrels.

(4) *For full cases, show*—(i) Number of cases; (ii) Bottles or cans per case; and (iii) Size (in ounces) of bottles or cans.

(5) Number and size of bottles and cans not in cases.

(6) Quantity in terms of 31-gallon barrels.

(7) Total quantity.

(d) *Special instructions.* (1) Inventories of domestic liquors, imported liquors, and liquors manufactured in the Virgin Islands shall be reported separately.

(2) Liquors manufactured in Puerto Rico may not be included in claims filed under this subpart. Claims for losses of Puerto Rican liquors shall be filed with the Secretary of the Treasury of Puerto Rico under the laws of Puerto Rico.

§ 170.306 Claims relating to imported, domestic, and Virgin Islands liquors.

(a) Claims involving taxes on domestic liquors, imported liquors, and liquors manufactured in the Virgin Islands must show the quantities of each separately in the claim.

(b) A separate claim on IRS Form 843 must be filed for customs duties.

§ 170.307 Claimant to furnish proof.

The claimant shall furnish proof to the satisfaction of the regional regulatory administrator regarding the following:

(a) That the tax on the liquors, or the tax and duty if imported, was fully paid; or the tax, if not paid, was fully determined.

(b) That the liquors were lost, made unmarketable, or condemned by a duly authorized official, by reason of damage sustained as a result of a disaster or other cause of loss specified in this subpart.

(c) The type and date of occurrence of the disaster or other specified cause of loss, and the location of the liquors at the time.

(d) That the claimant was not indemnified by a valid claim of insurance or otherwise for the tax, or tax and duty, on the liquors covered by the claim.

(e) That the claimant is entitled to payment under this subpart.

§ 170.308 Supporting evidence.

(a) The claimant shall support his claim with any evidence (such as inventories, statements, invoices, bills, records, labels, formulas, stamps) that he is able to submit, relating to the quantities and identities of the liquors, on which duty has been paid or tax has been paid or determined, that were on-hand at the time of the disaster or other specified cause of loss and alleged to have been lost, made unmarketable, or condemned as a result of it.

(b) If the claim is for refund of duty, the claimant shall furnish, if possible—(1) The customs number; (2) The date of entry; and (3) The name of the port of entry.

§ 170.309 Action on claims.

The regional regulatory administrator shall date stamp and examine each claim filed under this subpart and will determine the validity of the claim. Claims and supporting data involving customs duties will be forwarded to the Commissioner of Customs with a summary statement by the regional regulatory administrator regarding his findings.

Destruction of Liquors

§ 170.310 Supervision.

When allowance has been made under this subpart for the tax, or tax and duty, on liquors condemned by a duly authorized official or made unmarketable, the liquors shall be destroyed by suitable means under supervision satisfactory to the regional regulatory administrator, unless the liquors were previously destroyed under supervision satisfactory to the regional regulatory administrator. The Commissioner of Customs will notify the regional regulatory administrator as to allowance under this subpart of claims for duty on unmarketable or condemned liquors.

Penalties

§ 170.311 Penalties.

(a) Penalties are provided in 26 U.S.C. 7206 for making any false or fraudulent statement under the penalties of perjury in support of any claim.

(b) Penalties are provided in 26 U.S.C. 7207 for filing any false or fraudulent document under this subpart.

(c) All laws and regulations, including penalties, which apply to internal revenue taxes on liquors shall, when

appropriate, apply to payments made under this subpart the same as if the payments were actual refunds of internal taxes on liquors.

(Pub. L. 83-591, 68A Stat. 852, 853; 26 U.S.C. 7206, 7207)

Signed: February 23, 1979.

G. R. DICKERSON,
Director.

Approved: March 2, 1979.

RICHARD J. DAVIS,
Assistant Secretary
(Enforcement and Operations).

[FR Doc. 79-7983 Filed 3-14-79; 8:45 am]

[6750-06-M]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

706 Designation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on designation of certain State and local fair employment practices agencies so that they may handle employment discrimination charges within their jurisdiction, filed with the Commission. Additionally, a change in nomenclature is made with regard to a previously designated agency.

DATE: Effective March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Boyce Nolan, Equal Employment Opportunity Commission, Office of Field Services, State and Local Division, 2401 E Street, N.W., Washington, D.C. 20506, telephone 202/634-6040.

SUPPLEMENTARY INFORMATION: Publication of this amendment to § 1601.74(a) effectuates the designation of the following agencies as 706 Agencies:

Anchorage (Alaska) Equal Rights Commission
Broward County (Florida) Human Relations Division
Corpus Christi (Texas) Human Relations Commission [1]
Tennessee Commission for Human Development

Notice of the proposed designation of the Anchorage (Alaska) Equal Rights Commission and the Broward County (Florida) Human Relations Division was published in the January 17, 1979 issue of the FEDERAL REGISTER, 44 FR 3513, with notice that written comments must have been filed with the Commission on or before February 1, 1979. Notice of the proposed designation of the Corpus Christi (Texas) Human Relations Commission and the Tennessee Commission for Human Development was published in the January 23, 1979 issue of the FEDERAL REGISTER, 44 FR 4733, with notice that written comments must have been filed with the Commission on or before February 7, 1979. The Commission received no comments within the prescribed period for filing written comments regarding the proposed designation of the above agencies.

In addition to the new designations, correction is being made regarding one previously designated Agency. The name "Charlestown (West Virginia) Human Rights Commission" is corrected to read "Charleston (West Virginia) Human Rights Commission."

With the addition of the above mentioned agencies and noted correction, § 1601.74(a) and (b) are amended and published as follows:

§ 1601.74 Designated and notice agencies.

(a) The designated 706 Agencies are:

Alaska Commission for Human Rights
Alexandria (Virginia) Human Rights Office
Allentown (Pennsylvania) Human Relations Commission
Anchorage (Alaska) Equal Rights Commission
Arizona Civil Rights Division
Augusta/Richmond County (Georgia) Human Relations Commission
Austin (Texas) Human Relations Commission
Baltimore (Maryland) Community Relations Commission
Bloomington (Indiana) Human Rights Commission
Broward County (Florida) Human Relations Division
California Fair Employment Practices Commission
Charleston (West Virginia) Human Rights Commission
Colorado Civil Rights Commission
Commonwealth of Puerto Rico Department of Labor
Connecticut Commission on Human Rights and Opportunities
Corpus Christi (Texas) Human Relations Commission
Dade County (Florida) Fair Housing and Employment Appeals Board
Delaware Department of Labor
District of Columbia Office of Human Rights
East Chicago (Indiana) Human Relations Commission
Evansville (Indiana) Human Relations Commission
Fairfax County (Virginia) Human Rights Commission
Florida Commission on Human Relations
Fort Wayne (Indiana) Metropolitan Human Relations Commission
Fort Worth (Texas) Human Relations Commission
Gary (Indiana) Human Relations Commission
Georgia Office of Fair Employment Practices
Howard County (Maryland) Human Rights Commission
Hawaii Department of Labor and Industrial Relations
Idaho Commission on Human Rights
Illinois Fair Employment Practices Commission
Indiana Civil Rights Commission
Iowa Commission on Civil Rights
Kansas Commission on Civil Rights
Kentucky Commission on Human Rights
Lexington-Fayette (Kentucky) Urban County Human Rights Commission
Lincoln (Nebraska) Commission on Human Rights
Madison (Wisconsin) Equal Opportunities Commission
Maine Human Rights Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination
Michigan Civil Rights Commission
Minneapolis (Minnesota) Department of Civil Rights
Minnesota Department of Human Rights
Missouri Commission on Human Rights
Montana Commission for Human Rights
Montgomery County (Maryland) Human Relations Commission
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New Jersey Division on Civil Rights, Department of Law and Public Safety
New Mexico Human Rights Commission
New York City (New York) Commission on Human Rights
New York State Division on Human Rights
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (Nebraska) Human Relations Department
Oregon Bureau of Labor
Orlando (Florida) Human Relations Department
Pennsylvania Human Relations Commission
Philadelphia (Pennsylvania) Commission on Human Relations
Pittsburgh (Pennsylvania) Commission on Human Relations
Prince Georges County (Maryland) Human Relations Commission
Rhode Island Commission for Human Rights
Rockville (Maryland) Human Rights Commission
St. Paul (Minnesota) Department of Human Rights
Seattle (Washington) Human Rights Commission
Sioux Falls (South Dakota) Human Relations Commission
South Bend (Indiana) Human Rights Commission
South Carolina Human Affairs Commission
South Dakota Division of Human Rights
Springfield (Ohio) Human Relations Department
Tacoma (Washington) Human Rights Commission
Tennessee Commission for Human Development
Utah Industrial Commission

[1] The Corpus Christi (Texas) Human Relations Commission has been designated as a 706 Agency with authority extending only to employees with the city's jurisdiction and does not cover State employees.

Vermont Attorney General's Office, Civil Rights Division
Virgin Islands Department of Labor
Washington State Human Rights Commission
West Virginia Human Rights Commission
Wheeling (West Virginia) Human Rights Commission
Wichita (Kansas) Civil Rights and Equal Employment Opportunity Commission
Wisconsin Equal Rights Division, Department of Industry, Labor, and Human Relations
Wyoming Fair Employment Practices Commission

(b) The designated notice agencies are:

Arkansas Governor's Committee on Human Resources
North Dakota Commission on Labor
Ohio Director of Industrial Relations
Raleigh (North Carolina) Human Resources Department, Civil Rights Unit

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. 2000e-12(a)).)

Signed at Washington, D.C. this 6th day of March 1979.

For the Commission.

ELEANOR HOLMES NORTON,
Chair, Equal Employment Opportunity Commission.

[FR Doc. 79-7822 Filed 3-14-79; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-215]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Malden River, Dorchester Bay Basin, and Broad Canal, Mass.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Massachusetts Metropolitan District Commission, the Coast Guard is providing more restrictive regulations governing the First Street bridge, Broad Canal; William T. Morrissey Boulevard bridge, Dorchester Bay Basin; and Woods Memorial, Revere Beach Parkway bridge, Malden River, to reflect the present needs of navigation. These changes are made because of a steady decrease in navigation. This action will allow further reductions of the requirements for the presence of drawtenders at these bridges while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: On March 9, 1978, the Coast Guard published a proposed rule (43 FR 9625) concerning this amendment. The Commander, First Coast Guard District, also published these proposals as a Public Notice dated May 11, 1978. Interested persons were given until April 10, 1978 and June 22, 1978, respectively, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

Three comments were received and each objected to the proposal. Two objected on the grounds that (1) vandalism may occur without a drawtender to protect the bridges; (2) this change would be contrary to the public interest; (3) this would result in long delays due to the telephone location; (4) money spent to modernize the operation of two of these bridges would be wasted if this proposal is implemented; and (5) this would be administratively indefensible and economically unfeasible. Each of these objections have validity and each was carefully considered. It is the responsibility of the Metropolitan District Commission or its appointed agent to assure that the drawbridges in question are protected from vandalism. The method which the Metropolitan District Commission uses to achieve this goal is up to that agency.

The third objector recommended that the opening dates for the (William T. Morrissey Boulevard) Dorchester Bay Basin bridge be extended from April 15 through October 15 to April 1 through November 1 and that a tender be on duty from 2 p.m. to 11 p.m. to protect against vandalism. The bridge logs for 1974, 1975, and 1976 do not bear out the need for extending the dates at this time.

However, the Coast Guard's position in this matter is that the regulations, as proposed, will provide for the reasonable needs of navigation. The effects of these changes will be closely monitored and if additional amendments appear needed, action will be taken to make the necessary change.

In consideration of the foregoing, § 117.75 of Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (h)(5), revising paragraph (k), and adding a new paragraph (m) to read as follows:

§ 117.75 Boston Harbor, Mass., and adjacent waters; bridges.

* * * * *

(h) * * *

(5) *Broad Canal, Cambridge, First Street Bridge.* From October 1 through May 31, the draw shall open on signal, except that the draw need not open for the passage of vessels from 7:30 a.m. to 9 a.m., and from 4:30 p.m. to 6 p.m. except on Saturdays, Sundays, or legal holidays observed in the locality. From June 1 through September 30 the draw shall open on signal if at least 12 hours notice is given.

* * * * *

(k) *Dorchester Bay (William T. Morrissey Boulevard) Bridge.* From April 16 through October 14, the draw shall open on signal, except that the draw need not open for the passage of vessels from 7:30 a.m. to 9 a.m., and from 4:30 p.m. to 6 p.m. except on Saturdays, Sundays, or legal holidays observed in the locality. From October 15 through April 15, the draw shall open on signal if at least 24 hours notice is given.

* * * * *

(m) *Malden River (Woods Memorial, Revere Beach Parkway) Bridge.* The draw need not be opened for the passage of vessels. Paragraphs (b) through (e) of this section do not apply to this bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5)).

Dated: March 9, 1979.

J. B. HAYES,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-7957 Filed 3-14-79; 8:45 am]

[4910-14-M]

[CGD2-79-1-R2]

PART 165—SAFETY ZONES

Safety Zones-Upper Mississippi River, Mile 0 to 126

AGENCY: Coast Guard, DOT.

ACTION: (Final Rule Safety Zone-Termination).

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations terminates the safety zone on the Upper Mississippi River, Mile 0 to Mile 126 (published in the January 29, 1979 issue of the FEDERAL REGISTER (44 FR 5659)). This safety zone is termi-

nated as ice conditions requiring the safety zone have abated.

DATES: This amendment is effective on February 26, 1979.

FOR FURTHER INFORMATION CONTACT:

CAPT GLENN F. YOUNG, USCG, c/o Commander, Second Coast Guard District, 1430 Olive Street, St. Louis, MO 63103, TEL: 314-425-4614.

DRAFTING INFORMATION: The principal persons involved in the drafting of this rule are CAPT R. W. H. BARTELS, USCG, Project Officer and LCDR K. J. BARRY, USCG, Project Attorney, c/o Commander Second Coast Guard District, 1430 Olive Street, St. Louis, MO 63103, Tel: 314-425-4614. In consideration of the above, Part 165 of Title 33 of the Code of Federal Regulations is amended by deleting § 165.203.

(86 Stat. 427 (33 U.S.C. 1224), as amended by Pub. L. 95-474, 92 Stat. 1475; 49 CFR 1.46 (n)(4)).

Dated: February 26, 1979.

W. E. CALDWELL,
Rear Admiral, U.S. Coast Guard Commander, Second Coast Guard District.

[FR Doc. 79-7958 Filed 3-14-79; 8:45 am]

[4910-14-M]

[CGD1-79-2R]

PART 165—SAFETY ZONE

Establishment of a Safety Zone in Mount Hope Bay and Narragansett Bay, R.I.; Buzzard's Bay, Cape Cod Canal, Cape Cod Bay, Massachusetts Bay, Mass.; and Hampton Harbor, N.H.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes a water Safety Zone 1500 yards long and 1000 yards wide around a S. C. Loveland Company towboat and barge, with said barge at its center, as it proceeds through Mount Hope Bay, Narragansett Bay, Buzzards Bay, Cape Code Canal, Cape Cod Bay, Massachusetts Bay, Hampton Harbor, New Hampshire and connecting U.S. territorial waters. This amendment also establishes land and water Safety Zones; one of 150 yard radius around the towboat and barge, while moored at the Brayton Point Barge Landing Facility at the head of Mount Hope Bay, Somerset, Massachusetts, and another of 300 yard radius around the towboat and barge, while moored at the Seabrook Station Barge Facility at Hampton Harbor, Hampton, New Hampshire. These Safety Zones are established to insure the unimpeded loading and movement of the barge carrying a nuclear reactor containment vessel bound for the nuclear power plant construction site at Seabrook, New Hampshire; for the tug, barge, and cargo's safety; and, for the safety of all persons who might be interested in the movement of the vessel. The movement by barge of the nuclear reactor containment vessel is expected to commence on or after March 10, 1979.

EFFECTIVE DATE: This amendment is effective on March 10, 1979, and will remain in effect until the off-loading of said containment vessel is completed at Seabrook, New Hampshire or until April 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander F. P. Hopkins, USCG, Chief, Port Safety Branch, Marine Safety Division, 150 Causeway Street, Boston, Massachusetts, 02114. Phone: (617) 223-6915.

SUPPLEMENTARY INFORMATION: Notice of the establishment of this Safety Zone and specific identity of the tug and barge will be transmitted as a First Coast Guard District Broadcast Notice to Mariners, commencing on or after March 10, 1979. Pursuant to 5 U.S.C. 553, and due to the expected commencement date of March 10, 1979, for this vessel movement, publication of a notice of proposed rulemaking and public procedures thereon are impractical and contrary to the public interest.

DRAFTING INFORMATION: The principal persons involved in the drafting of this rule are Lieutenant Junior Grade N. C. SMITH, USCG, Port Operations Officer, Marine Safety Office, Providence, Rhode Island and Ensign D. T. BOUCHER, USCGR, Vessel Movement Officer, Marine Safety Office, Boston, Massachusetts.

In consideration of the above, Part 165 of Title 33 Code of Federal Regulations is amended to read as follows:

§ 165.101 Mount Hope Bay, Narragansett Bay.

(a) The land and water area within a 150 yard radius of the S. C. Loveland Company's barge and towboat with the barge as its center while moored at the Brayton Point Barge Landing Facility at approximate position latitude 41°42'42"N, longitude 71°11'21"W is a Safety Zone.

(b) The water area within a zone 1500 yards long and 1000 yards wide moving with the S. C. Loveland Company's barge at its center commencing at the Brayton Point Barge Landing Facility, encompassing the dredged channel to the New England Power Company Plant; then southbound in Mount Hope Bay Channel through East Passage of Narragansett Bay to the sea, is a Safety Zone.

§ 165.102 Buzzards Bay, Cape Cod Canal, Cape Cod Bay.

The water area within a zone 1500 yards long and 1000 yards wide moving with the S.C. Loveland Company barge at its center north through Buzzards Bay, Cape Cod Canal, and Massachusetts Bay to the sea is a Safety Zone.

§ 165.103 Hampton Harbor and Vicinity.

(a) The water area within a zone 1500 yards long and 1000 yards wide moving with the S. C. Loveland Company barge at its center, beginning at the territorial sea off Hampton, New Hamsphire through Hampton Harbor is a Safety Zone.

(b) The waters of Hampton Harbor, Hampton, New Hampshire and the adjacent land area within a 300 yard radius of the S. C. Loveland Company barge, approximate position of latitude 42°53'28"N, longitude 70°49'13"W, and not to extend beyond the fenced in dock area owned by Yankee Power Company, are designated as a Safety Zone.

(92 Stat. 1475 (33 U.S.C. 1225); 49 CFR 1.46(n)(4))

Dated: February 28, 1979.

W. S. SCHWOB,
Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 79-7956 Filed 3-14-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

[FRL 1063-6]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Massachusetts State Implementation Plan (SIP) is revised by adding a particulate emission limitation for sewage sludge incinerators. Sewage sludge incinerators were not previously included in this regulation. This revision is consistent with EPA guidelines for emission limitations, and will help assure the attainment

and maintenance of national ambient air quality standards. No action is being taken at this time on an amendment pertaining to a requirement for submerged fill tanks for certain sizes of stationary tanks.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT:

David H. Stonefield, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: EPA published a Notice of Proposed Rulemaking published on December 13, 1978 (43 FR 58203) for a revision to the Massachusetts SIP, which was submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Department) on February 1, 1978.

The revision amends Regulation 7.02(11) (formerly Regulation 2.5.3), "Emission Limitations from Incinerators", of the Regulation for the Control of Air Pollution in the six Massachusetts Air Pollution Control Districts by adding a particulate emission limitation for sewage sludge incinerators. Sewage sludge incinerators were not previously included in this regulation. The revised emission limitation and the testing method specified is consistent with EPA Standards of Performance for New Stationary Sources as set forth in Subpart O of 40 CFR Part 60 (published in the March 8, 1974, FEDERAL REGISTER, 39 FR 9308).

This revision is consistent with EPA guidelines for emission limitations, and will help assure the attainment and maintenance of National Ambient Air Quality Standards.

No action is being taken at this time on an amendment to Regulation 7.02(12)(d) (formerly Regulation 2.5.4.4) pertaining to a requirement for submerged fill tubes for certain sizes of stationary tanks. Amendments to this regulation are to be resubmitted as part of the SIP revision requirements for volatile organic compound control measures under the Clean Air Act Amendments of 1977.

No letters of comment were received.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. (7401 and 7601).

Dated: March 5, 1979.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart W—Massachusetts

1. A new subparagraph (18) is added in § 52.1120(c) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(18) Revision to Regulation 7.02(11) (formerly Regulation 2.5.3)—Emission Limitation to Incinerators, submitted February 1, 1978 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

[FR Doc. 79-7791 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1056-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule approves the State submitted revision to the Louisiana State Implementation Plan (SIP) which was submitted for the purpose of allowing the construction of a General Motors Corporation (GMC) truck and van assembly plant in Shreveport, Louisiana by implementing the Interpretative Ruling (emission offset policy). Orders were adopted by the Louisiana Air Control Commission for emission reductions from specific existing sources to offset new emissions from the GMC plant.

EFFECTIVE DATE: Effective on March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Jerry M. Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: The State of Louisiana determined that the GMC plant, using technology which would result in the lowest achievable hydrocarbon emissions, would emit an estimated 3650 tons per year of hydrocarbons. Offsetting hydrocarbon emissions totaling an estimated 3726 tons per year were found. Letters of consent were obtained by the State from the existing sources to reduce their hydrocarbon emissions. These letters of consent were adopted by the Louisiana Air Control Commission as Commission orders so as to satisfy the EPA's requirements under the Interpretative Ruling published December 21, 1976, at 41 FR 55524 and as amended by the Clean Air Act Amendments of August 7, 1977, which specified the conditions under which a major new source may locate in an area with air quality worse than a national standard. The Commission orders require the existing sources to install control equipment, discontinue use of existing tanks or discontinue use of residue gas in pneumatic instrumentation and control systems. On January 25, 1978, the Governor of Louisiana submitted the Commission orders to the EPA, for incorporation into the Louisiana SIP. The State met all requirements of 40 CFR 51.4 and 51.6 for notice and public hearings on State Implementation Plan revisions.

The EPA published notice of proposed approval of the State submitted revision to the Louisiana SIP in the FEDERAL REGISTER on August 15, 1978. Comments were requested by September 14, 1978. One comment was received in regard to proposed § 52.987(n) which identified the hydrocarbon emission offsets being provided by the Texas Eastern Products Pipeline Company. The proposed section incorrectly identifies tank No. 415 as being removed from service whereas the tank being removed from service is No. 450. This correction has been incorporated in the revision promulgated below.

CURRENT ACTION

The EPA is approving revisions to the Louisiana State Implementation Plan which consist of Commission orders for existing hydrocarbon sources to reduce their emissions. None of the existing sources providing offsets require control under the currently approved SIP and the emission reductions are creditable as hydrocarbon offsets under the EPA's Interpretative Ruling for GMC's truck and van assembly plant in Shreveport, Louisiana.

The revisions are promulgated as proposed with the exception that tank No. 450 is identified as the tank being removed from service for the hydrocarbon emission offsets provided by the Texas Eastern Products Pipeline Company.

This final rulemaking is issued under the authority of Section 110(a)

of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: March 9, 1979.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart T—Louisiana

1. In § 52.970, paragraph (c) is amended by adding paragraph (8) as follows:

§ 52.970. Identification of Plan.

* * * * *

(c) * * *

(8) Commission Orders creditable as emission offsets for the GM Plant in Shreveport were submitted by the Governor on January 25, 1978 as amendments to the Louisiana State Implementation Plan.

2. Subpart T is amended by adding § 52.987 as follows:

§ 52.987 Control of hydrocarbon emissions.

(a) Notwithstanding any provisions to the contrary in the Louisiana Implementation Plan, the control measures listed in paragraphs (b) through (n) of this section shall be implemented in accordance with the schedule set forth below.

(b) Removal from service of a 10,000 barrel capacity crude oil storage tank at the Belcher Station of the Exxon Pipeline Company, Belcher, Louisiana, with a final compliance date of January 1, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 208 tons per year.

(c) Removal from service of a 55,000 barrel capacity crude oil storage tank at the Weller Station of the Exxon Pipeline Company, near Minden, Louisiana, with a final compliance date of January 1, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 263 tons per year.

(d) Installation of emission control systems on three 3,000 barrel capacity distillate storage tanks, at the Jones O'Brien Inc., Keatchie, Louisiana, with a final compliance date of January 1, 1978. This shall result in an estimated hydrocarbon emission reduction of at least 23 tons per year.

(e) Installation of emission control systems on crude oil storage tanks TK-43, TK-44, T-45 and T-49, and distillate tanks T-46 and T-50 at the Atlas Processing Company, Shreveport, Louisiana with a final compliance date of January 2, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 881 tons per year.

(f) Installation of emission control systems on crude oil storage tanks TK-19-74, TK-HC-74, TK-571-74 and TK-15-74 and agreement to store only nonvolatile organic solvent in tanks TK-F2-74, TK-41-74 and TK-40-74 at the Cotton Valley Solvents Company, Cotton Valley, Louisiana with a final compliance date of January 2, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 934 tons per year.

(g) Discontinue use of residue gas in pneumatic instrumentation and control systems at the Kerr-McGee Corporation, Devon Corporation, and Eason Oil Company, Calhoun Plant, Calhoun, Louisiana with a final compliance date of July 1, 1978. This shall result in an estimated hydrocarbon emission reduction of at least 21 tons per year.

(h) Discontinue use of residue gas in pneumatic instrumentation and control systems with a final compliance date of July 1, 1978, and install emission control systems on distillate storage tanks 2-7 and 2-13 with a final compliance date of January 2, 1980, at the Kerr-McGee Corp., Devon Corp., and Eason Oil Co., Dubach Plant, Dubach, Louisiana. This shall result in an estimated hydrocarbon reduction of at least 367 tons per year.

(i) Installation of emission control systems on a 37,500 barrel capacity crude oil storage tank at Cities Service Pipeline Company, Oil City, Louisiana with a final compliance date of February 1, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 208 tons per year.

(j) Installation of emission control systems on a 25,000 barrel capacity crude oil storage tank at Cities Service Pipeline Company, Haynesville, Louisiana with a final compliance date of February 1, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 28 tons per year.

(k) Installation of emission control systems on a 10,000 barrel capacity crude oil storage tank at Cities Service Pipeline Company, Summerfield, Louisiana with final compliance achieved in August 1977. This shall result in an estimated hydrocarbon emission reduction of at least 162 tons per year.

(l) Installation of emission control systems on a 30,000 barrel capacity crude oil storage tank at the Scurlock Oil Company, Lake End, Louisiana, with a final compliance date of January 15, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 90 tons per year.

(m) Installation of emission control systems on a 55,000 barrel capacity crude oil storage tank at the Scurlock Oil Company, Dutchtown Oil Field near Minden, Louisiana, with a final compliance date of January 15, 1980. This shall result in an estimated hydrocarbon emission reduction of at least 186 tons per year.

(n) Installation of emission control systems on distillate storage tank No. 414 with a final compliance date of September 1, 1979, and the removal from service of tank No. 450 with final compliance achieved on December 1, 1977, at the Texas Eastern Products Pipeline Company, Sarepta, Louisiana. This shall result in an estimated hydrocarbon emission reduction of at least 355 tons per year.

[FR Doc. 79-7919 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1064-5]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the State of Washington Department of Ecology to Matney Lumber Company

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the State of Washington Department of Ecology to Matney Lumber Company. The Order requires the company to bring air emissions from its sawmill at Kettle Falls, Washington, into compliance with certain regulations contained in the federally-approved Washington State Implementation Plan (SIP). Because of the Administrator's approval, Matney Lumber Company's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 15, 1979.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, any any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (11B, 11th Floor).

FOR FURTHER INFORMATION CONTACT:

Kenneth D. Brooks, EPA, Washington Air Coordinator, Enforcement Division, Mail Stop 513, 1200 Sixth Avenue, Seattle, Washington 98101, telephone 206/442-1387.

SUPPLEMENTARY INFORMATION: On December 6, 1978, the Regional Administrator of EPA's Region 10 Office published in the FEDERAL REGISTER, 40 CFR 57163, a notice proposing approval of five delayed compliance orders issued by the State of Washington Department of Ecology. The notice asked for public comments by January 5, 1979 on EPA's proposed approval of the orders. Four of the orders were inadvertently left off the publication so an amendment was published in the FEDERAL REGISTER, 40 CFR 1416, on January 5, 1979 extending the public comment period to February 5, 1979. The Order for Matney Lumber Company was part of that publication. No comments were received.

Therefore, the delayed compliance order issued to Matney Lumber Company is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Matney Lumber Company on a schedule to bring its sawmill at Kettle Falls, Washington into compliance as expeditiously as practicable with WAC 18-04-040, a part of the federally approved Washington State Implementation Plan. The Order meets the requirements of Sections 113 (d)(1)(C) and 113(d)(7) of the Act. If the conditions of the Order are met, it will permit Matney Lumber Company to delay compliance with the SIP regulations covered by the Order until July 1, 1979. The company is unable to immediately comply with these regulations. EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Matney Lumber Company on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Washington State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 7, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. Section 65.521 is amended by adding the following entry to the table to reflect approval of this delayed compliance order:

§ 65.521 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Matney Lumber Co	Kettle Falls, Washington.	WO8	WAC 18-04-040.	1/5/79	7/1/79

[FR Doc. 79-7856 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1064-6]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the State of Washington Department of Ecology to Vaagen Brothers Lumber Company

AGENCY: Environmental Protection Agency.

ACTION Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the State of Washington Department of Ecology to Vaagen Brothers Lumber Company. The Order requires the company to bring air emissions from its sawmill at Colville, Washington, into compliance with certain regulations contained in the federally approved Washington State Implementation Plan (SIP). Because of the Administrator's approval, Vaagen Brothers Lumber Company's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 15, 1979.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (11B, 11th Floor).

FOR FURTHER INFORMATION CONTACT:

Kenneth D. Brooks, EPA, Washington Air Coordinator, Enforcement Division, Mail Stop 513, 1200 Sixth Avenue, Seattle, Washington 98101, telephone 206/442-1387.

SUPPLEMENTARY INFORMATION: On December 6, 1978, the Regional Administrator of EPA's Region 10 Office published in the FEDERAL REGISTER, 40 CFR 57163, a notice proposing approval of five delayed compliance orders issued by the State of Washington Department of Ecology. The notice asked for public comments by January 5, 1979 on EPA's proposed approval of the orders. Four of the orders were inadvertently left off the publication so an amendment was published in the FEDERAL REGISTER, 49 CFR 1416, on January 5, 1979 extending the public comment period to February 5, 1979. The Order for Vaagen Brothers Lumber Company was part of that publication. No comments were received.

Therefore, the delayed compliance order issued to Vaagen Brothers Lumber Company is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Vaagen Brothers Lumber Company on a schedule to bring its sawmill at Colville, Washington into compliance as expeditiously as practicable with WAC 18-04-040, a part of the federally approved Washington State Implementation Plan. The Order meets the requirements of Sections 113(d)(1)(C) and 113(d)(7) of the Act. If the conditions of the Order are met, it will permit Vaagen Brothers Lumber Company to delay compliance with the SIP regulations covered by the Order until July 1, 1979. The company is unable to immediately comply with these regulations. EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Vaagen Brothers Lumber Company on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Washington State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 7, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. Section 65.521 is amended by adding the following entry to the table to reflect approval of this delayed compliance order:

§ 65.521 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Vaagen Brothers Lumber Co.	Colville, Washington.	W10	WAC 18-04-040.	1/5/79	7/1/79

[FR Doc. 79-7857 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1064-7]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the State of Washington Department of Ecology to Nanome Aggregates, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the State of Washington Department of Ecology to Nanome Aggregates, Inc. The Order requires the company to bring air emissions from its limestone crushing and sacking operation at Valley, Washington, into compliance with certain regulations contained in the federally approved Washington State Implementation Plan (SIP). Because of the Administrator's approval, Nanome Aggregates, Incorporated's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATE: This rule takes effect on March 15, 1979.

ADDRESS: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (11B, 11th Floor).

FOR FURTHER INFORMATION CONTACT:

Kenneth D. Brooks, EPA, Washington Air Coordinator, Enforcement Division, Mail Stop 513, 1200 Sixth Avenue, Seattle, Washington 98101, telephone 206/442-1387.

SUPPLEMENTARY INFORMATION: On December 6, 1978, the Regional Administrator of EPA's Region 10 Office published in the FEDERAL REGISTER, 40 CFR 57163, a notice proposing approval of five delayed compliance orders issued by the State of Washington Department of Ecology. The notice asked for public comments by January 5, 1979 on EPA's proposed approval of the orders. Four of the orders were inadvertently left off the publication so an amendment was published in the FEDERAL REGISTER, 40 CFR 1416, on January 5, 1979 extending the public comment period to February 5, 1979. The Order for Nanome Aggregates, Inc. was part of that publication. No comments were received.

Therefore, the delayed compliance order issued to Nanome Aggregates, Inc. is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Nanome Aggregates, Inc. on a schedule to bring its limestone crushing and sacking operation at Valley, Washington into compliance as expeditiously as practicable with WAC 18-04-040, a part of the federally approved Washington State Implementation Plan. The Order meets the requirements of Sections 113(d)(1)(C) and 113(d)(7) of the Act. If the conditions of the Order are met, it will permit Nanome Aggregates, Inc. to delay compliance with the SIP regulations covered by the Order until July 1, 1979. The company is unable to immediately comply with these regulations. EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Nanome Aggregates, Inc. on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Washington State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 7, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. Section 65.521 is amended by adding the following entry to the table to reflect approval of this delayed compliance order:

§ 65.521 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Nanome Aggregates Inc.	Valley, Washington.	WO9	WAC 18-04-040.	1/5/79	7/1/79

[FR Doc. 79-7858 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1064-4]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of Two Delayed Compliance Orders Issued by the State of Washington Department of Ecology to Boise Cascade Corporation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA herey approves two Delayed Compliance Orders issued by the State of Washington Department of Ecology to Boise Cascade Corporation. The Orders require the company to bring air emissions from its sawmill at Kettle Falls, Washington, into compliance with certain regulations contained in the federally-approved Washington State Implementation Plan (SIP). Because of the Administrator's approval, compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 15, 1979.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (11B, 11th Floor).

FOR FURTHER INFORMATION CONTACT:

Kenneth D. Brooks, EPA, Washington Air Coordinator, Enforcement Division, Mail Stop 513, 1200 Sixth Avenue, Seattle, Washington 98101, telephone 206/442-1387.

SUPPLEMENTARY INFORMATION: On December 6, 1978, the Regional Administrator of EPA's Region 10 Office published in the FEDERAL REGISTER, 40 CFR 57163, a notice proposing approval of five delayed compliance orders issued by the State of Washington Department of Ecology. The notice asked for public comments by January 5, 1979 on EPA's proposed approval of the Orders. Four of the Orders were inadvertently left off the publication so an amendment was published in the FEDERAL REGISTER, 40 CFR 1416, on January 5, 1979 extending the public comment period to February 5, 1979. The two orders for Boise Cascade Corporation were part of that publication. No comments were received.

Therefore, the two delayed compliance orders issued to Boise Cascade Corporation are approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). These Orders place Boise Cascade Corporation on a schedule to bring its sawmill at Kettle Falls, Washington into compliance as expeditiously as practicable with WAC 18-04-040, a part of the federally approved Washington State Implementation Plan. The Orders meet the requirements of Sections 113(d)(1)(C) and 113(d)(7) of the Act. If the conditions of the Orders are met, it will permit Boise Cascade Corporation to delay compliance with the SIP regulations covered by the Orders until July 1, 1979. The company is unable to immediately comply with these regulations. EPA has determined that its approval of the Orders shall be effective upon publication of this notice because of the need to immediately place Boise Cascade Corporation on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Washington State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 7, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. Section 65.521 is amended by adding the following entry to the table to reflect approval of this delayed compliance order:

§ 65.521 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Boise Cascade Corp	Kettle Falls, Washington.	WO6	WAC 18-04-040.	1/5/79	7/1/79
Boise Cascade Corp	Kettle Falls, Washington.	WO7	WAC 18-04-040.	1/5/79	7/1/79

[FR Doc. 79-7859 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1065-5]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by Kansas Department of Health and Environment to Bunge Corp., Salina, Kans.

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Kansas Department of Health and Environment to the Bunge Corporation, Salina, Kansas. The Order requires the company to bring air emissions from its grain elevator at Salina, Kansas into compliance with certain regulations contained in the federally-approved Kansas State Implementation Plan (SIP). Because of the Administrator's approval, Bunge Corporation's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Henry F. Rompage, EPA, Region VII, 324 East 11th Street, Kansas City, MO 64106, telephone 816/374-2576.

ADDRESS: A copy of the Delayed Compliance Order and any supporting material are available for public inspection and copying during normal business hours at: EPA, Region VII, 324 East 11th Street, 17th Floor, Enforcement Division, Kansas City, MO 64106.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Regional Administrator of EPA's Region VII

Office published in the FEDERAL REGISTER, 43FR59525, a notice proposing approval of a delayed compliance order issued by the Kansas Department of Environmental Quality to the Bunge Corporation. The notice asked for public comments by January 22, 1979 on EPA's proposed approval of the Order. No public comments were received in response to the proposal notice.

Therefore, the delayed compliance order issued to Bunge Corporation is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Bunge Corporation on a schedule to bring its grain elevator at Salina, Kansas into compliance as expenditiously as practicable with Kansas Air Pollution Emission Control Regulation 28-19-50A Opacity Requirements, a part of the federally-approved Kansas State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Bunge Corporation to delay compliance with the SIP regulations covered by the Order until March 1, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Bunge Corporation on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Kansas State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 9, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 65.211 is amended by adding the following entry to the table to reflect approval of this delayed compliance order:

§ 65.211 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
*	*	*	*	*	*
Bunge Corporation.....	Salina, Kansas....	VII-DCO-78-18 ..	28-19-50A.....	12-21-78.....	3-1-79

[FR Doc. 79-7936 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1065-4]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the Missouri Department of Natural Resources to Mississippi Lime Co., Ste. Genevieve, Mo.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Missouri Department of Natural Resources to the Mississippi Lime Company. The Order requires the company to bring air emissions from its three Kritzer Hydrators at Ste. Genevieve, Missouri into compliance with certain regulations contained in the federally-approved Missouri State Implementation Plan (SIP). Because of the Administrator's approval, Mississippi Lime Company's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Henry F. Rompage, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, telephone 816/374-2576.

ADDRESS: A copy of the Delayed Compliance Order and any supporting material are available for public inspection and copying during normal business hours at: Environmental Protection Agency, Region VII, Enforcement Division, 17th Floor, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On January 8, 1979, the Regional Administrator of EPA's Region VII Office published in the FEDERAL REGISTER 44 FR 1762, a notice proposing approval of a delayed compliance order issued by the Missouri Department of Environmental Quality to the Mississippi Lime Company. The notice asked for public comments by February 7, 1979 on EPA's proposed approval of the Order. No public comments were received in response to the proposal notice.

Therefore, the delayed compliance order issued to Mississippi Lime Company is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Mississippi Lime Company on a schedule to bring its three Kritzer Hydrators at Ste. Genevieve, Missouri into compliance as expeditiously as practicable with Regulation S-V (10 C.S.R. 10-3.050) Restriction of Emission of Particulate Matter from Industrial Processes, for the Outstate Missouri Area (Regulation S-V), a part of the federally-approved Missouri State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Mississippi Lime Company to delay compliance with the SIP regulations covered by the Order until February 28, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Mississippi Lime Company on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Missouri State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 9, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 or Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. Section 65.301 is amended by adding the following entry to the table to reflect approval of this compliance order:

§ 65.301 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
*	*	*	*	*	
Mississippi Lime Co.....	Ste. Genevieve, Missouri.	VII-78-DCO-19 ..	Regulation S-V (10 C.S.R. 10-3.050).	1-8-79.....	2-28-79

[FR Doc. 79-7935 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1072-8]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for General Motors Corporation, GM Assembly Division, Norwood, Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to the General Motors Corporation, GM Assembly Division (GMAD). The Order requires the Company to bring air emissions from its three coal-fired boilers into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). GMAD's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Anne Swofford, Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On December 11, 1978, the Regional Administrator of U.S. EPA's Region V Office published in the FEDERAL REGISTER (43 FR 57926) a notice setting out the provisions of a proposed Federal Delayed Compliance Order for GMAD. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. One comment was received from the Ohio Environmental Protection Agency. They requested that GMAD send copies of all submittals and notifications to their District Office as well as the U.S. EPA. The company has agreed to do this.

Therefore, a Delayed Compliance Order effective this date is issued to GMAD by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1). The Order places GMAD on a schedule to bring its three coal-fired boilers at Norwood, Ohio, into compliance as expeditiously as practicable with Regulation AP-3-11, a part of the federally approved Ohio SIP. GMAD is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit GMAD to delay compliance with the SIP regulation covered by the Order until July 1, 1979.

Compliance with the order by GMAD will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that GMAD is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place GMAD on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 9, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. Section 65.400 is amended by adding the following entry to the table to reflect this delayed compliance order:

§ 65.400 Federal Delayed Compliance Orders issued under Section 113(d)(1), (3), and (4) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
General Motors Corporation, GM Assembly Division.	Norwood, Ohio....	EPA-5-79-A-19...	12/11/78.....	AP-3-11	7/11/79

U.S. ENVIRONMENTAL PROTECTION AGENCY

[Order No. EPA-5-79-A-19]

In the Matter of General Motors Corporation, GM Assembly Division, Norwood, Ohio. Proceeding under sections 113 (a) and (d), Clean Air Act, as amended.

ORDER

The following ORDER is issued this date pursuant to Sections 113 (a) and (d) of the

Clean Air Act, as amended, 42 U.S.C. Section 7413 (a) and (d), (hereinafter referred to as "the Act"). The ORDER contains a compliance schedule with increments of progress, interim emission reduction requirements, and reporting conditions. Final compliance is required as expeditiously as practicable, but no later than July 1, 1979. The source is hereby notified that it may be required to pay a noncompliance penalty in the event it fails to achieve final compliance by July 1, 1979. Public notice, opportunity for a public hearing and notice to the State of Ohio have been provided pursuant to Section 113(d)(1) of the Act.

On November 10, 1977, James O. McDonald, Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereinafter referred to as "U.S. EPA"), pursuant to authority duly delegated to him by the Administrator of U.S. EPA, issued a Notice of Violation to the General Motors Assembly Division (hereinafter referred to as "GMAD") stating that the Company's facility, located in Norwood, Ohio, was found to be in violation of the applicable Ohio Implementation Plan, as defined in Section 110(d) of the Act. The Notice cited GMAD's 3 coal-fired boilers for violation of Ohio Regulation AP-3-11. Said boilers are identified as follows:

Boiler No. 1—101 MMBTU/hr (80,000 lbs steam/hr)
Boiler No. 2—101 MMBTU/hr (80,000 lbs steam/hr)
Boiler No. 3—101 MMBTU/hr (80,000 lbs steam/hr)

A copy of said Notice was sent to the State of Ohio Environmental Protection Agency.

In satisfaction of Section 113(a)(4) of the Act, opportunity to confer with the Administrator's delegate was given to GMAD and on December 13, 1977, a conference was held. At that conference, U.S. EPA advised GMAD that the finding of violation with respect to Ohio Regulation AP-3-11 (contained in the Notice of Violation) was based on emission calculations derived from data submitted to U.S. EPA by GMAD.

At said conference, GMAD stated to U.S. EPA that it did not agree that a violation of Ohio Regulation AP-3-11 existed because on February 19, 1976, GMAD exercised its statutory right under the Ohio State Implementation Plan approved by U.S. EPA and requested an adjudication hearing before the Director of the Ohio EPA challenging the proposed denial of its permit to operate the boilers located at the facility. This request for hearing sought a statutory variance from the emission limitations contained in AP-3-11 or in the alternate a determination that the emission limitation contained in AP-3-11 was unreasonable and unlawful as applied to the subject boilers. On July 14, 1978, the Director of the Ohio EPA held, as a matter of law, that no variance could be granted as to particulate matter standards beyond April 15, 1977. Relief was therefore denied.

GMAD advised the U.S. EPA during discussions subsequent to the December 13 conference that it will install additional particulate control equipment on the boilers at the subject facility which will result in particulate emissions at a rate not greater than that allowed by AP-3-11.

U.S. EPA has determined that said violations have continued beyond the thirtieth day after the date of the Enforcement Director's notification.

After a review of information submitted at the conference and a thorough investigation of all relevant facts, including public comment, and without GMAD admitting any violations, it has been determined that GMAD Norwood is presently unable to comply with Ohio Regulation AP-3-11, that the schedule hereinafter set forth requires compliance as expeditiously as practicable, and that the terms of this ORDER comply with 113(d) of the Act.

Therefore, it is hereby ORDERED that:

I. GMAD shall bring Boilers No. 1, No. 2, and No. 3 into compliance with the emission limitation contained in Ohio Implementation Plan Regulation AP-3-11 no later than July 1, 1979.

II. GMAD shall install control equipment on each boiler sufficient to control emissions to a rate not greater than 0.14 pounds per million BTU input.

III. GMAD shall achieve compliance with Ohio Regulation AP-3-11 in accordance with the following schedule:

Increment	Date
a. Submit specifications and preliminary drawings.	Aug. 25, 1978.
b. Receive bids	Oct. 10, 1978.
c. Commence construction	Nov. 1, 1978.
d. Equipment fabrication and delivery.	Jan. 1, 1979.
e. Cease operation of boiler No. 3	June 30, 1979.
f. Achieve compliance with applicable State and Federal statutes and regulations by boilers Nos. 1 and 2.	July 1, 1979.
g. Commence operation of boiler No. 3 and achieve compliance with applicable State and Federal statutes and regulations by boiler No. 3.	July 31, 1979.
h. Stack test boilers Nos. 1, 2, and 3..	Sept. 1, 1979.
i. Submit test results and demonstrate compliance with AP-3-11 for boilers Nos. 1, 2, and 3.	Oct. 1, 1979.

IV. This schedule provides for final compliance with Ohio Regulation AP-3-11 by July 1, 1979, as required by Section 113(d)(1)(D) of the Act. Final compliance will occur on this date when operation of Boiler No. 3 will cease; operation of this boiler will not begin again until pollution controls have been installed.

V. This schedule is protected by Section 113(d)(10) against Federal enforcement action and citizen suits under Section 304 until July 1, 1979. After July 1, 1979, this schedule is covered by Section 113(a).

VI. Nothing herein shall affect the responsibility of the Company to comply with other Federal, State or local regulations.

VII. No later than ten days after any date for achievement of an incremental step or final compliance, specified in this ORDER, GMAD shall notify U.S. EPA in writing of its compliance or noncompliance and reasons therefor, with the requirement. If delay is anticipated in meeting any requirement of this ORDER, GMAD shall immediately notify U.S. EPA in writing of the anticipated delay and reasons therefor. Notification to U.S. EPA of any anticipated delay does not excuse the delay. In addition, on or before October 1, 1979, GMAD will submit to U.S. EPA a copy of the report for the stack test required in Paragraph III(i) and certify that all 3 of the boilers are in final compliance. All submittals and notifications to U.S. EPA, pursuant to this ORDER, shall be made to Eric Cohen, Chief, Air Compliance Section, Enforcement Division, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

VIII. Pursuant to Section 113(d)(7) of the Act, during the period of this ORDER, until completion of the program set out in Paragraph III herein, the Company shall use the best practicable systems of emission reduction so as to minimize particulate emissions and shall further comply with the requirements of the applicable implementation plan insofar as it is able to. GMAD shall immediately institute an operation and maintenance procedure which will result in the minimization of particulate matter emissions from the boilers on a day-to-day basis during the interim period preceding final compliance. GMAD shall continue operation of the existing control equipment on Boilers Nos. 1, 2, and 3 so that particulate emissions do not exceed 0.30 pounds per million BTU input.

IX. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. Section 7503.

X. GMAD is hereby notified that its failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, the GMAD plant will be formally notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder of its noncompliance. Nothing in this ORDER shall be construed as a waiver of the right of GMAD to contest the validity of any noncompliance penalty, or the legality, constitutionality or reasonableness of the imposition of noncompliance penalties.

XI. In the event that the Ohio Implementation Plan shall be substantially modified or amended during the period of time in which this ORDER is in effect so as to make the above-described control program inadequate or unnecessary to achieve compliance with such modified or amended Ohio Implementation Plan, GMAD and U.S. EPA shall forthwith meet to discuss possible or appropriate modification of this ORDER as circumstances shall then require. No discussions shall be necessary until U.S. EPA approves any proposed revisions to the Plan. Any such discussions shall not operate so as to amend or modify the obligations and undertakings herein contained pending the issuance of any amending or modifying ORDER.

XII. This ORDER shall become effective upon final promulgation in the FEDERAL REGISTER.

Dated: March 9, 1979.

DOUGLAS M. COSTLE,
Administrator, U.S. EPA.

XIII. General Motors Corporation, GM Assembly Division, Norwood, Ohio, has reviewed this ORDER, consents to the terms and conditions of this ORDER, and believes it to be a reasonable means by which the Norwood, Ohio, facility can achieve final compliance with Ohio Regulation AP-3-11.

Dated: September 19, 1978.

WALTER GREGONIS,
Plant Manager, GM Assembly Division, Norwood, Ohio, General Motors Corporation.

[FR Doc. 79-7937 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1065-3]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the Iowa Department of Environmental Quality to Norris Construction Co., Ottumwa, Iowa

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Iowa Department of Environmental Quality to the Norris Construction Company. The Order requires the company to bring air emissions from its asphalt plant at Ottumwa, Iowa into compliance with certain regulations contained in the federally-approved Iowa State Implementation Plan (SIP). Because of the Administrator's approval, Norris Construction Company's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Henry F. Rompage, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, telephone 816/374-2576.

ADDRESSES: A copy of the Delayed Compliance Order, and any supporting material, are available for public inspection and copying during normal business hours at: Environmental Protection Agency, Region VII, 17th Floor, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On January 4, 1979, the Regional Administrator of EPA's Region VII office published in the FEDERAL REGISTER, 44 FR 1193, a notice proposing approval of a delayed compliance order issued by the Iowa Department of Environmental Quality to the Norris Construction Company. The notice asked for public comments by February 5, 1979, on EPA's proposed approval of the Order. No public comments were received in response to the proposal notice.

Therefore, the delayed compliance order issued to Norris Construction Company is approved by the Administrator of EPA pursuant to the Authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Norris Construction Company on a schedule to bring its asphalt plant at Ottumwa, Iowa into compliance as expeditiously as practicable with subrule 400—4.4(2) Iowa Administrative Code, asphalt batching plants, a part of the federally-approved Iowa State Implementation Plan. The Order also imposes emission monitoring and reporting requirements. It was determined that no interim requirements are feasible. If the conditions of the Order are met, it will permit Norris Construction Company to delay compliance with the SIP regulations covered by the Order until April 30, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Norris Construction Company on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Iowa State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 9, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. Section 65.201 is amended by adding the following entry to the table to reflect approval of this compliance order:

§ 65.201 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
*	*	*	*	*	*	*
Norris Construction Co...	Ottumwa, Iowa...	VII-78-DCO-20..	Subrule 400-4.4(2).	1-4-79.....	4-30-79

[FR Doc. 79-7934 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1072-7]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the Iowa Department of Environmental Quality to Terra Chemicals International, Sergeant Bluff, Iowa

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Iowa Department of Environmental Quality to the Terra Chemicals International. The Order requires the company to bring air emissions from its urea prill tower at Sergeant Bluff, Iowa into compliance with certain regulations contained in the federally-approved Iowa State Implementation Plan (SIP). Because of the Administrator's approval, Terra Chemicals International's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Henry F. Rompage, Environmental Protection Agency, Region VII, 324 E. 11th Street, Kansas City, Missouri 64106, telephone 816/374-2576.

ADDRESSES: A copy of the Delayed Compliance Order, and any supporting material, are available for public inspection and copying during normal business hours at: Environmental Protection Agency, Region VII, Enforcement Division, 17th Floor, 324 E. 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On January 24, 1979, the Regional Administrator of EPA's Region VII Office published in the FEDERAL REGIS-

TER, 44 FR 4986, a notice proposing approval of a delayed compliance order issued by the Iowa Department of Environmental Quality to the Terra Chemicals International. The notice asked for public comments by February 23, 1979, on EPA's proposed approval of the Order. No public comments were received in response to the proposal notice.

Therefore, the Delayed Compliance Order issued to Terra Chemicals International is approved by the Administrator of EPA pursuant to the authority of section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Terra Chemicals International on a schedule to bring its urea prill tower at Sergeant Bluff, Iowa into compliance as expeditiously as practicable with subrule 400—4.3(2)a Iowa Administrative Code, Process Weight rate, a part of the federally-approved Iowa State Implementation Plan. The Order determined that interim requirements which meet sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements would be unreasonable. If the conditions of the Order are met, it will permit Terra Chemicals International to delay compliance with the SIP regulations covered by the Order until June 15, 1979. The company is unable to immediately comply with these regulations. The order further provides for an extension of the order for periods of delay from causes beyond the control of the company. If the Iowa Department of Environmental Quality does so extend the order, Environmental Protection Agency will consider the extension as a new Delayed Compliance Order which must be approvable. If not approvable, the Environmental Protection Agency will take other appropriate enforcement action.

EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Terra Chemicals International on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Iowa State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: March 9, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. Section 65.201 is amended by adding the following entry to the table to reflect approval of this compliance order:

§ 65.201 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
*	*	*	*	*	
Terra Chemicals International.	Sergeant Bluff, Iowa.	VII-79-DCO-1	Subrule 400—4.3(2)a.	1-24-79.....	6-15-79

[FR Doc. 79-7933 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1072-6]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for National Can Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to National Can Corporation. The Order requires the Company to bring air emissions from its two two-piece can manufacturing lines at St. Paul, Minnesota, into compliance with certain regulations contained in the federally approved Minnesota State Implementation Plan (SIP). National Can Corporation's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered by the Order.

DATES: This rule takes effect March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On December 7, 1978, the Regional Administrator of U.S. EPA's Region V Office published in the FEDERAL REGISTER (43 FR 57306) a notice setting out the provisions of a proposed State Delayed Compliance Order for National Can Corporation. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to National Can Corporation by the Administrator of U.S. EPA pursuant to the authority of section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places the National Can Corporation on a schedule to bring its two two-piece can manufacturing lines at St. Paul, Minnesota, into compliance as expeditiously as practicable with Regulation APC-1(c)(4), a part of the federally approved Minnesota State Implementation Plan. National Can Corporation is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet sections 113(d)(1)(c) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit National Can Corporation to delay compliance with the SIP regulations covered by the Order until May 1, 1979.

Compliance with the Order by National Can Corporation will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is termi-

nated. If the Administrator determines that National Can Corporation is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place National Can Corporation on a schedule for compliance with the Minnesota State Implementation Plan.

(42 U.S.C. 7413(d), 7601.)

Dated: March 9, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. Section 65.281 is amended by adding the following entry to the table to reflect approval of this compliance order:

§ 65.281 U.S. EPA Approval of State Delayed Compliance Orders issued by major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Date of FR proposal	SIP regulation involved	Final compliance date
National Can Corporation	St. Paul, Minnesota.	12/7/78	APC-1(c)(4)	5/1/79

MINNESOTA POLLUTION CONTROL AGENCY AIR QUALITY STIPULATION AGREEMENT

A. RECITALS

In the Matter of National Can Corporation, St. Paul, Minnesota.

1. *Parties.* The parties to this stipulation agreement are the Minnesota Pollution Control Agency, hereinafter referred to as the "Agency", and National Can Corporation, hereinafter referred to as the "Company".

2. *Company.* The Company is engaged in the manufacturing of steel and aluminum cans at its plant located at 139 Eva Street, St. Paul, County of Ramsey, State of Minnesota.

3. *Agency Authority.* The Agency is charged with overall power and duties to administer and enforce all laws, including, but not limited to, standards, regulations, and stipulation agreements relating to the prevention, control or abatement of air and noise pollution in the State. This authority is specifically described in Minnesota Statutes, Chapters 115 and 116 (1976).

4. *Regulations.* The Agency, after legal notice and hearing thereon, adopted and has filed in the Office of the Secretary of State, air and noise pollution control regulations that have the force and effect of law and general application throughout the State of Minnesota.

5. *Duty.* It is the duty of every person affected to comply with the provisions of the state air and noise pollution control laws, as now in force or hereafter amended, and all regulations adopted by the Agency thereunder, and to do and perform all acts and things within such person's power required to effectuate, carry out and accomplish the purposes of such laws and regulations.

6. *Chronology of Events.* The Company is located in an area which has been designated by the Agency and the U.S. Environmental Protection Agency (hereinafter "EPA") as not attaining ambient air quality standards for oxidants (43 Fed. Reg. 9006, March 3, 1978). The Company, in the operation of its existing facilities contributes to existing violations of the ambient air quality standards for oxidants by emitting hydrocarbons, which are precursors to the formation of oxidants in the ambient air. Such emissions also contribute to existing violations of Minn. Reg. APC-1(c)(4) which establishes the ambient air quality standard for hydrocarbons.

Under EPA's "Interpretative Ruling for Implementation of the Requirements of 40 C.F.R. 51.18," 41 Fed. Reg. 55528 (December 21, 1976) (hereinafter "Interpretative Ruling"), new major sources are required to meet certain conditions if they are to be constructed in areas designated as not meeting ambient air quality standards. The Interpretative Ruling was subsequently adopted by Congress as applicable Federal Law in Section 129(a) of the Clean Air Act Amendments of 1977, P.L. 95-95.

In November, 1976, the Company applied for an installation permit to allow it to replace one existing three-piece can manufacturing line with two two-piece can manufacturing lines to its existing operations. Hydrocarbon emissions from the two two-piece lines, which were to be controlled by direct flame contact (thermal oxidation), were estimated to be 73 tons per year. Based on this estimate, the Agency determined that the proposed source was not a "major source" for hydrocarbons under section IIB of the Interpretative Ruling (41 Fed. Reg. 55528). As a result of this determination, the Company was not required to obtain "emission offsets" within the meaning of section IVA, Condition 3 of the Interpretative Ruling (41 Fed. Reg. 55529) and was not required to achieve the "lowest achievable emission rate" under section IVA, Condition 1 of the Interpretative Ruling (41 Fed. Reg. 55528-9). The Agency issued Installation Permit Number 1443-77-I-1 to the Company on February 9, 1977.

Construction of the two lines was completed in July, 1977. In August, 1977, hydrocarbon emission testing of the two two piece and three-piece line was conducted. The results of the testing showed that the hydrocarbon emissions from the two-piece lines were 46.2 pounds per hour (or 182 tons per year based on 330 days of operation). These emissions were offset by the hydrocarbon emissions from the three-piece line that was removed and by emission reductions in a second three-piece line. However, the hydrocarbon emission of 182 tons per year was in excess of the original estimated 73 tons per year. Based on this finding, the Agency has determined that the two lines constitute a "major source" and are thus subject to the conditions set forth in the Interpretative Ruling, including the requirement that the source meet the lowest achievable emission rate.

7. *Violations.* The Agency finds that in the operation of its two new two-piece can manufacturing lines at the Company's plant in St. Paul, Minnesota, the Company contributes to an existing violation of Minn. Reg. APC-1, "Ambient Air Quality Standards" and violates section IVA, Condition 1 of EPA's Interpretative Ruling, 41 Fed. Reg. 55528 (December 21, 1976).

B. AGREEMENT

Now therefore, for the purposes of achieving compliance by the Company with applicable regulations and settlement of the claims of the parties to this stipulation agreement, it is hereby agreed and stipulated as follows:

1. *Company.* a. *Air Pollution Abatement Program.* The Company agrees to perform the following acts on or before the dates specified in order to achieve compliance with Section IVA, Condition 1 of EPA's Interpretative Ruling 41, Fed. Reg. 55528.

(i) Submit plans and specifications for the modification of the existing two-piece can lines to change the inside spray coating to a water borne formulation so that emissions from this coating are no more than 4.2 lb. of solvent emission per gallon of coating used exclusive of water. October 1, 1978.

(ii) Award contracts for the installation or modification of equipment. November 1, 1978.

(iii) Commence installation or modification of equipment. March 1, 1979.

(iv) Complete installation or modification of equipment and commence operation. April 15, 1979.

(v) Submit verification of the composition of the inside spray coating. May 1, 1979.

b. *Continuance of Current Pollution Abatement Activities.* During the period in which this stipulation agreement is in effect, the Company shall not allow any emission from its facility to occur at a level beyond the present level, except due to a breakdown, which shall be reported to the Agency in accordance with APC-21 or other factor beyond the control of the Company.

No alterations or additions that would materially alter method or the effect of treating or disposing of any air contaminant shall be made to the facilities presently operated by the Company without prior written consent of the Agency.

c. *Reporting.* The Company shall submit quarterly reports to the Agency detailing progress made and problems occurring in the implementation of the requirements of this stipulation agreement.

d. *Noncompliance Penalties.* The Company agrees that this stipulation agreement shall serve as notice that this stipulation agreement does not release the Company from the assessment for noncompliance penalties as they may be applicable, pursuant to Section 120 of the Clean Air Act, in the event the Company fails to comply with all applicable air pollution control laws and regulations by July 1, 1979.

e. *Liquidated Damages.* For any violation of section B-1-a of this agreement, the Company shall pay into the Treasury of the State of Minnesota the sum of one thousand dollars ($1,000.00) per day of violation of each provision.

2. *Agency.* a. In consideration of the Company's performance of the terms, covenants and agreements contained herein, the Agency agrees that for such period of time as the Company is in compliance with this stipulation agreement, it shall stand in lieu of administrative, legal and equitable remedies available to the Agency regarding the violations of Minn. Reg. APC-1 and EPA Regulations by the Company at its St. Paul, Minnesota facility which have occurred prior to the effective date of this stipulation agreement and which will occur during the term of this stipulation agreement.

b. *Air Permits.* Upon compliance with applicable laws, regulations and standards of the Agency, and upon proper application by the Company, the Agency shall issue appropriate installation and operating permits with respect to the air pollution control equipment and emission facilities at the Company's St. Paul, Minnesota facility.

3. *General Conditions.* a. *Remedies of the Parties.* It is intended that the terms of this stipulation agreement shall be legally enforceable by either of the parties in a court of competent jurisdiction and each of the parties retains the right to assert any legal, equitable or administrative right of action or defense which may be available by law in order to implement or enforce the terms of this stipulation agreement.

b. *Liability and Obligation.* This stipulation shall not release the Company from any liability or obligation imposed by Minnesota Statutes, regulations or local ordinances now in effect or which may hereinafter be adopted except as specifically set forth herein.

c. *Agency Monitoring.* The Company shall allow the agency or any authorized member, employee or agent thereof, upon presentation of credentials, access at reasonable times to the Company's property and facilities to obtain such information and documentation as authorized by Minn. Stat. § 116.091 (1976) which is relevant to making a determination that the Company is in compliance with the terms of this stipulation agreement.

d. *Company Information.* The Company shall not knowingly make any false statement, representation or certification of any record, report, plan or other document filed or required to be submitted to the Agency under the terms of this stipulation agreement. The Company shall immediately report to the Agency any errors in such reports, records, plans or other documents upon discovery.

e. *Effective Date.* This stipulation agreement shall be effective upon the date it is signed by the Executive Director of the Agency and the Chairman of the Agency Board.

f. *Successors.* This stipulation agreement shall be binding upon the Company, its agents and assigns and upon the Agency, its agents and assigns.

g. *Emergency Powers.* Nothing in this stipulation agreement shall prevent the Agency from exercising emergency power pursuant to Minn. Stat. § 116.11 (1976) in the event conditions warranting such action should arise.

h. *Amendments.* This agreement may be amended in writing at any time by the agreement of the parties.

Dated this 24th day of July 1978.

NATIONAL CAN CORPORATION,
N. CHERNIKOFF,
Vice President, Engineering.

Dated this 4th day of October 1978.

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY,
JOSEPH F. GRINNELL,
Chairman.
SANDRA S. GARDEBRING,
Executive Director.

[FR Doc. 79-7932 Filed 3-14-79; 8:45 am]

[6820-26-M]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amendment B-42]

PART 101-11—RECORDS MANAGEMENT

Micrographics Management

AGENCY: National Archives and Records Service (NARS), GSA.

ACTION: Final rule.

SUMMARY: This rule expands the regulations of the General Services Administration to include Federal agency responsibilities in establishing, documenting, and maintaining a program for micrographics management. It also updates micrographics standards to improve microfilming practices within the Federal Government.

DATE: March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Jon R. Halsall, Program Operations Division, Office of Records Management, General Services Administration (NR), Washington, D.C. 20408, Telephone 202-376-8801.

SUPPLEMENTARY INFORMATION: On March 27, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 12731) to revise the standards and guidelines for micrographics management in the Federal Government. Interested persons were given until May 26, 1978, to submit comments, suggestions, or objections. Many of the comments received substantiated the need to update the regulations and to provide for the development of sound micrographics systems in Federal agencies. Several comments led to changes which improved the clarity of the final rule.

General comments were received that the FPMR requirement may be too rigid and may be restrictive in the face of rapidly changing technology. Careful attention was given to possible restrictive effects of the proposed rule, and some changes were made in the final rule as a result. In other instances, the standards adopted are necessary to the effective development of micrographics technology in Federal agencies. The technical standards adopted are based on standards already in force in some agencies or on available industry standards which are within the capabilities of micrographics technology. The new management requirements are intended to promote and encourage micrographics within the agencies, but do so in an effective and cost beneficial manner. The procedural requirements for microfilming for the purpose of disposing of original records have not changed.

Specific comments or changes to the proposed rule focused on the following areas:

1. *NARS and Federal Agency Program Responsibilities.* Agencies commented that the requirement to assign review and approval authority to a specific officer or official appeared to prohibit the delegation of such authority. The requirement was not intended to prohibit delegation of authority, but to centralize management responsibility to ensure consistency of policy and maximum utilization of resources. Accordingly, the requirement was reworded to clarify this point.

Agencies objected to the requirement to submit implementing agency directive material at the first subordinate level below the agency headquarters. This requirement was deleted. There was also a request that NARS adopt a time requirement in responding to agency requests to dispose of original records. A 60 day response time was adopted and included in the regulation.

2. *Systems Analysis Requirement.* Comments were received that the requirement for a micrographic systems analysis be deleted and replaced by a statement that a cost benefit analysis

may be required in accordance with OMB Circular A-76. The purpose of the systems analysis is to ensure that micrographic systems are justified and meet the validated needs of their users. OMB Circular A-76 was promulgated to implement the Government's policy of reliance on private industry for commercial and industrial products and services. It therefore does not satisfy the requirement.

It was also suggested that the systems analysis requirement be changed to allow latitude for adjusting the scope of the analysis to the size of the system. Changing the subpart for this reason is unnecessary as it simply lists the basic elements which are to be considered in the systems analysis. The depth of the analysis for various types of applications is left to the discretion of agency management and should be covered in an agency's implementing directive.

3. *Micrographic Standards and Guidelines.* Some concern was expressed that the technical standards for creating microform records could make a number of current agency applications obsolete, or require the acquisition of additional equipment for systems which adequately meet user needs. The technical standards adopted for creating microform records are to assure that microform copies of Federal records will meet present and anticipated needs of the Federal Government. They are mandatory only for applications where the original records are to be destroyed. Agencies whose present or proposed microfilm applications cannot conform to the standards but can assure the necessary quality, permanence, and integrity of the records with alternative standards may describe the standards they propose for use on the SF 115, Request for Records Disposition Authority, as provided in 101-11.506-1 (a)(2). Such applications will be evaluated on a case by case basis.

Comments or changes to specific micrographic standards and guidelines are as follows:

Index Locations—There was a need for clarification of an apparent conflict in the regulation on index locations. Agencies also expressed concern that the mandatory requirement on index location could restrict some types of retrieval equipment and indexing systems. The apparent conflict in index locations was resolved by deleting paragraph 101-11.506-2(c), and the requirement in paragraph 101-11.506-3(b) was changed to allow other index locations as may be dictated by special system constraints.

Duplicate Requirement—Objections were raised to the requirement for producing an immediate silver duplicate in all permanent record microfilm systems where the camera microfilm does not meet archival requirements. This requirement was changed to allow agencies to submit a schedule for the production of the archival microfilm. This avoids the heavy cost that might be imposed on some systems by the immediate duplicate requirement.

Quality Index—Some comments were received that the requirement for a Quality Index of 5 was not realistic for rotary cameras because of the limited resolution capabilities of this type of equipment. The intent of this requirement is to prescribe a standard of image quality that will ensure that microfilm copies of Federal records are of acceptable quality, that is, legible without difficulty. A Quality Index of 5 as prescribed in the regulation provides this assurance. Any equipment capable of providing this level of quality may be used, and in many cases the rotary camera will be able to meet the required Quality Index. For example: For filming source documents having a character height of 2.0 mm for the lower case "e" at 24:1, a Quality Index of 5 at the third generation requires a resolving power of less than 90 lines/mm. This resolution is within the capabilities of many rotary cameras. For documents using smaller type sizes, the Quality Index requirement may exceed the resolution capabilities of certain types of equipment to produce acceptable quality film and reproductions. While the Quality Index does not take into consideration the contrast in the original document, it is the best method available at this time for measuring image resolution.

It was suggested that an alternative approach to ensuring image quality would be the development of standards for source documents. NARS agrees that a standard for the quality of source documents is desirable. However, many microfilming applications in the Federal Government will continue to involve documentation such as historical materials, materials received from the private sector, and other materials for which such standards would be unenforceable.

Density—The density ranges specified in § 101-11.506-3(e)(2) have been changed from a requirement to a recommended density range. They provide guidelines for Federal agencies and are appropriate for the types of documents specified. The paragraph was changed to allow flexibility where peculiar document characteristics or systems considerations may require it.

Format—Format requirements were expanded to allow a wider range of formats by referencing ANSI as well as Federal standards.

Maintenance Standards for Microforms—Storage standards for microforms were changed to allow use of paper containers which meet the standards prescribed in the new ANSI PH 1.53-1978. The prohibition against the use of dehumidifiers using desiccants in storage rooms was deleted. A new paragraph, (e), was added to clarify that Federal agencies are responsible for inspecting microfilm records transferred to Federal Records Centers in accordance with the provisions of § 101-11.507-2.

Usage Standards for Microfilm—Agencies commented that the prohibition on the use of the master microform for reference and high volume duplication purpose was unnecessary. It was suggested that the subpart be revised to allow handling of the master for update and correction as required for updatable and jacket microfilm systems. The subpart was reworded to clarify that the prohibition on the use of the master applies only to permanent record microforms and microforms of records filmed to dispose of the original record. It serves as a guideline for all other microfilm systems. The intent is to protect the master from damage in handling. Use of the master for updates and corrections is permitted.

The requirement that agencies treat classified information on microfilm in accordance with DOD Regulation 5200.1R was deleted. Agencies authorized to classify documents should provide appropriate guidance to protect classified information on microforms.

The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore is not significant for the purposes of Executive Order 12044.

Subpart 101-11.5 is revised to read as follows and the table of contents for Part 101-11 is amended by adding or revising the following entries:

Subpart 101-11.5—Micrographics

Sec.
101-11.500 Scope of subpart.
101-11.501 Authority.
101-11.502 Definitions.
101-11.503 Agency program responsibilities.
101-11.504 NARS responsibilities.
101-11.505 Micrographic systems analysis.
101-11.506 Standards and guidelines for creation of microform records.
101-11.506-1 Authorization.
101-11.506-2 Preparation.
101-11.506-3 Microfilming.
101-11.507 Standards and guidelines for the maintenance of microform records.
101-11.507-1 Storage.
101-11.507-2 Inspection.
101-11.508 Standards and guidelines for the use of microform records.
101-11.509 Disposition of microform records.
101-11.510 Centralized micrographic services.
101-11.510-1 Services available.
101-11.510-2 Requesting services.
101-11.510-3 Fees for services.

AUTHORITY—Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c))

Subpart 101-11.5—Micrographics

§ 101-11.500 Scope of subpart.

This subpart provides (a) standards, regulations, and guidelines for using micrographics technology in the creation, use, storage, retrieval, preservation, and disposition of Federal Government records and (b) information concerning micrographics services available from the National Archives and Records Service (NARS). Additional guidance on the use of micrographics is available in NARS records management handbooks.

§ 101-11.501 Authority.

As provided in 44 U.S.C. chapters 29 and 33, the Administrator of General Services is authorized to (a) establish standards for the photographic and micrographic production and reproduction of records by Federal agencies with a view to disposal of the original records; (b) establish uniform standards within the Government for the storage, use, and disposition of processed microfilm records; (c) develop and promote standards to improve the management of records; and (d) establish, maintain, and operate centralized microfilming services for Federal agencies.

§ 101-11.502 Definitions.

For the purpose of this Subpart 101-11.5, the following definitions shall apply:

(a) *Archival microfilm.* Silver halide microfilm meeting the requirements of Federal Standard No. 125D, Film, Photographic and Film, Photographic, Processed (for permanent records use); American National Standards Institute (ANSI) Standard PH1.25-1976 Safety Photographic Film, Specifications for; PH1.28-1976 Photographic Film for Archival Records, Silver Gelatin Type on Cellulose Ester Base, Specifications for; PH1.41-1976 Photographic Film for Archival Records, Silver Gelatin Type on Polyester Base, Specifications for; when tested by ANSI Standard PH4.8-1971, Methylene Blue Method for Measuring Thiosulfate and Silver Densitometric Method for Measuring Residual Chemicals in Films, Plates, and Papers; and stored in accordance with ANSI Standard PH1.43-1976, Storage of Processed Safety Photographic Film, Practices for.

(b) *Computer Output Microfilm (COM).* Microfilm containing data produced by a recorder from computer-generated signals.

(c) *Facility.* An area set aside for equipment and operations required in the production or reproduction of microforms either for internal use or for the use of other organizational elements of the Federal Government.

(d) *Microfilm.* (1) Raw (unexposed and unprocessed) film with characteristics that make it suitable for use in micrographics;

(2) The process of recording microimages on film; and

(3) A fine-grain, high-resolution photographic film containing an image greatly reduced in size from the original.

(e) *Microform.* A term used for any form containing microimages.

(f) *Micrographics.* The science and technology of document and information microfilming and associated microform systems.

(g) *Microimage.* A unit of information, such as a page of text or a drawing, that has been made too small to be read without magnification.

(h) *Permanent Record.* Any record (see 44 U.S.C. 3301) that has been determined by the Archivist of the United States to have sufficient historical or other value to warrant its continued preservation by the Government.

(i) *Micrographic System.* A configuration of equipment and procedures for the production, reproduction, maintenance, storage, retrieval, display, or use of microforms. A micrographic system may involve one or more, but not necessarily all, of the functions listed above.

§ 101-11.503 Agency program responsibilities.

Each agency shall:

(a) Issue internal regulations and procedures for the submission, review, and approval or disapproval of proposed micrographic systems and applications;

(b) Issue procedures for evaluating the continued efficiency and effectiveness of micrographic systems and applications;

(c) Review ongoing micrographic systems periodically for conformance to established policies, procedures, and standards;

(d) Develop and maintain a complete and accurate inventory of micrographic production and reproduction equipment within the agency; e.g., cameras, processors, duplicators, COM recorders for the purpose of resource management. The inventory shall, as a minimum, include: Type of equipment, name of manufacturer, model and serial number, date of acquisition, location, and purchase or rental status;

(e) Disseminate all NARS publications containing micrographics standards and guidelines and other current information concerning the advantages and limitations of micrographic systems to managers and operating officials involved in the development or operation of micrographic systems;

(f) Assign responsibility for the review and approval of all micrographic systems to a specific office or official. The responsible office or official shall establish procedures for the review and approval of ongoing and proposed system and application requests to ensure that they are complete and contain the information shown in § 101-11.505; and

(g) Submit to General Services Administration (NRO), Washington, DC 20408, one copy of agency directives issued in accordance with paragraphs 101-11.503 (a), (b), and (f).

§ 101-11.504 NARS responsibilities.

NARS shall:

(a) Disseminate to agencies the standards and criteria necessary for developing, evaluating, and operating micrographic systems. This includes:

(1) Information to acquaint potential users with micrographics technology and its various applications;

(2) Methods and procedures for conducting feasibility studies;

(3) Criteria for estimating cost and guidelines for comparing existing and proposed systems with alternative approaches;

(4) Standards for microforms and formats, and guidelines for selecting appropriate micrographic systems for specific types of applications; and

(5) Standards and guidelines for evaluating the continuing efficiency and effectiveness of micrographic systems;

(b) Analyze Government-wide practices through research projects and inspections to determine areas in which the application of micrographics will improve efficiency and effectiveness in the creation and use of documents and information;

(c) Conduct periodic inspections of agencies' micrographics programs as part of the NARS records management program evaluation prescribed in § 101-11.103, Agency program evaluation;

(d) Coordinate with the Government Printing Office (GPO) on matters involving micropublishing, with the National Bureau of Standards (NBS) on Federal Information Processing Standards concerning micrographics, and with the Automated Data and Telecommunications Service (ADTS), GSA, on procurement and use of COM equipment;

(e) Respond within 60 days to agency requests to the Office of Federal Records Centers (NC) for authorization to dispose of original records after microfilming as prescribed in § 101-11.506-1; and

(f) Provide centralized micrographic services described in § 101-11.510.

§ 101-11.505 Micrographic systems analysis.

(a) A system analysis including a cost/benefit analysis shall be conducted by the agency prior to the decision to establish a micrographic system. The cost/benefit analysis shall include a comparative cost analysis in accordance with Office of Management and Budget (OMB) Circular A-76, if it meets the guidelines described therein.

(b) The system analysis shall contain the following items:

(1) An examination of the current operating system to evaluate the need for the documents or information and the use to which they are put,

(2) A consideration of the alternatives to micrographics including such measures as:

(i) Revising records control schedules to provide for the disposition of paper records by disposal, by transfer of inactive paper records to the Federal records centers, or by offer of permanently valuable paper records to the National Archives and Records Service; and

(ii) Improving current retrieval and distribution procedures using paper records.

(3) A consideration of all feasible alternative methods of creating the microform records, such as:

(i) Purchase, lease, or lease-purchase of equipment.

(ii) Sharing micrographic production equipment already in the agency.

(iii) Using the micrographic facility of another agency.

(iv) Contracting for NARS reimbursable micrographic services.

(v) Contracting with a non-Government commercial services firm.

(vi) Other alternatives identified in the analysis.

(4) An analysis of the workload and staffing requirements to ensure sufficient trained personnel to operate and maintain the micrographic system.

(5) An examination of the information needs of the user when determining reduction ratio, format, quality control procedures, viewing equipment, and user training.

(6) A review to ensure compatibility of microforms used within the agency and those used to transmit information to other agencies and the public.

(7) A determination of the availability and cost of specialized space requirements: i.e., temperature, humidity control, or plumbing.

(c) The chosen alternative shall be the most cost effective and efficient system unless overriding intangible benefits necessitate an alternate decision.

(d) Procurement of COM equipment is subject to the provisions of 41 CFR 101-32 covering utilization and procurement of automatic data processing equipment.

(e) Procurement of equipment for micropublishing is subject to the provisions of the Government Printing and Binding Regulations published by the Joint Committee on Printing, Congress of the U.S.

§ 101-11.506 Standards and guidelines for creation of microform records.

§ 101-11.506-1 Authorization.

(a) Agencies proposing to microfilm records to dispose of the original records shall request authority on Standard Form (SF) 115, Request for Records Disposition Authority, in accordance with § 101-11.406-2. The SF 115 shall provide for the disposition of original records and microforms.

(1) Agencies proposing microfilming methods and procedures meeting the standards in § 101-11.506-3 shall include on the SF 115 the following certification: "This certifies that the records described on this form will be microfilmed in accordance with the standards set forth in 41 CFR 101-11.506."

(2) Agencies whose proposed microfilming methods and procedures do not meet the standards in § 101-11.506-3 shall include on the SF 115 a description of the system and standards proposed for use.

(b) Agencies proposing to retain and store the silver original microforms of permanent records after disposal of the original records shall include on the SF 115 a statement that storage conditions shall adhere to the standards of §§ 101-11.507 and 101-11.508. Such agencies shall also indicate when the first inspection of microfilm required by § 101-11.507-2 will be conducted.

(c) Agencies proposing to retain the original records in accordance with the approved records disposition schedule should not submit an SF 115. These agencies may apply agency standards and requirements for creation of microforms of the records. The agency shall, however, ensure that the requirements of § 101-11.503 are satisfied.

§ 101-11.506-2 Preparation.

(a) The integrity of the original records authorized for disposal shall be maintained by ensuring that the original microforms are adequate substitutes for the original records and serve the purpose for which such records were created or maintained. Copies shall be complete and contain all record information shown on the originals.

(b) The records shall be arranged, identified, and indexed so that any individual document or component of the records can be located. At a minimum, the records shall include information identifying the agency and organization; the title of the records; the number of identifier for each unit of film; the security classification, if any; and the inclusive dates, names, or other data identifying the records to be included on a unit of film.

§ 101-11.506-3 Microfilming.

(a) The film stock used to make microforms of permanent records for the purpose of disposal of the original shall conform to Federal Standard No. 125D and be on safety-base permanent record film as specified in ANSI PH1.25-1976, Safety Photographic Film, Specifications for; PH1.28-1976, Photographic Film for Archival Records, Silver Gelatin Type on Cellulose Ester Base, Specifications for; PH1.41-1976, Photographic Film for Archival Records, Silver Gelatin Type on Polyester Base, Specifications for; and tested according to PH1.29-1971, Curl of Photographic Film, Methods for Determining the; and PH1.31-1973, Brittleness of Photographic Film, Method of Determining the. Procedures for testing are covered in Federal Standard No. 170B, Film Photographic, Black and White, Classification and Testing Methods, which cites ANSI standards. To ensure protection for permanent records, agencies using microfilm systems which do not produce silver halide originals meeting the above standards shall submit with the SF 115 required by § 101-11.506-1, a schedule for the production of silver duplicates meeting the standards.

(b) All indexes, registers, or other finding aids, if microfilmed, shall be placed in the first frames at the beginning of a roll of film or in the last frames of a microfiche or microfilm jacket. Computer-generated microforms shall have the indexes following the data on a roll of film or in the last frames of a microfiche or microfilm jacket. Other index locations may be used only if dictated by special system constraints.

(c) Systems that produce original permanent records on microfilm with no paper original; e.g., COM, shall be designed so that they produce microfilm which meets the standards of this § 101-11.506-3.

(d) Microfilm processing.

(1) Microforms of permanent records planned for the purpose of disposal of the original shall be processed so that the residual thiosulfate ion concentration will not exceed 0.7 microgram per square centimeter in a clear area. Agencies or services that conduct tests for Federal agencies shall meet this requirement by performing the methylene blue test specified in ANSI PH4.8-1971. Agencies that do not have testing facilities or use commercial testing services shall submit a sample for testing from a clear area of the film measuring at least 6 square inches

(i.e., 12 inches of 16mm film; 6 inches of 35mm film, 3 aperture cards, or 1 microfiche), to General Services Administration (NAP), Washington, DC 20408. A charge will be made for each sample tested. Charges are announced in the FPMR Bulletins.

(2) If the processing is to be of the reversal type, it shall be full photographic reversal; i.e., develop, bleach, expose, develop, fix, and wash.

(e) *Quality standards.* (1) The method for determining minimum resolution on microforms of source documents shall conform to the Quality Index Method of determining resolution and anticipated losses when duplicating as described in the National Micrographics Association (NMA) Recommended Practice MS104.

(i) For permanent records, a Quality Index of five is required at the third-generation level.

(ii) For nonpermanent records, a Quality Index of five is required at the level of the specific number of generations used in the system.

(iii) Resolution tests shall be performed using the NBS 1010a Microcopy Resolution Test Chart and the patterns will be read following the instructions provided with the chart.

(iv) The character used to determine the height used in the Quality Index formula shall be the smallest character used to display record information.

(2) The background photographic densities on microforms must be appropriate to the type of documents being filmed. Recommended background densities are as follows:

Classification	Description of documents	Background density
Group 1	High-quality printed books, periodicals, and dense typing	1.30–1.50
Group 2	Fine-line originals, letters typed with a worn ribbon, pencil writing with a soft lead, and documents with small printing.	1.15–1.40
Group 3	Pencil drawings, faded printing, graph paper with pale, fine colored lines, and very small printing such as footnotes.	1.00–1.20
Group 4	Very weak pencil manuscripts and drawings, and poorly printed, faint documents.	0.90–1.10
Group 5	COM	1.50–2.00

The procedure for density measurement is described in NMA Recommended Practice MS104-1972.

(3) Computer Output Microforms shall meet the NMA Standard MS1-1971, Quality Standards for Computer Output Microfilm.

(f) *Microforms and formats.* (1) The following formats shall be mandatory standards for microforms produced by or for Federal agencies:

(i) The formats described in ANSI Standard MS14-1978, Specifications for 16 and 35mm Microfilms in Roll Form, shall be used for microfilming source documents on 16mm roll film. A reduction ratio of 24:1 shall be used whenever document size permits.

(ii) The formats described in ANSI Standard MS14-1978, Specifications for 16 and 35mm Microfilms in Roll Form, shall be used for microfilming source documents on 35mm roll film. When microfilming on 35mm film for aperture card applications, format 2 prescribed in MIL-STD 399A, Military Standard Microform Formats, shall be mandatory.

(iii) Format 3 prescribed in MIL-STD 399A shall be used for aperture cards.

(iv) For microfilming source documents on microfiche, the formats prescribed in MIL-STD 399A and the standards and specifications referenced therein shall be used where appropriate for the size of documents being filmed.

(v) Mandatory Federal COM format standards are contained in Federal Information Processing Standards (FIPS) Publication Number 54 which is hereby incorporated by reference.

(2) The outside dimensions for microfilm jackets shall be 148.00+0.00 −1.00mmX105.00+0.00−0.75.

(g) *Microfilm duplicating.* The production of more than 250 duplicates from an original microform: i.e., one roll of microfilm 100 feet in length or one microfiche, requires the approval of the Joint Committee on Printing, Congress of the United States, as set forth in the Government Printing and Binding Regulations. Administrative records and accounting reports are exempted from this requirement.

§ 101-11.507 Standards and guidelines for the maintenance of microform records.

§ 101-11.507-1 Storage.

Nonpermanent microform records can be safely maintained under the same conditions as most paper records. The following standards as specified in ANSI PH1.43-1976 are required for storing permanent record microforms:

(a) Microforms stored in roll form shall be wound on cores of reels made of noncorroding materials such as nonferrous metals or inert plastics. Other metals may be used provided that they are coated with a corrosion-resistant finish. Plastics and coated metals that may exude fumes during storage shall not be used. Rubber bands shall not be used for confining film on reels or cores. If paper bands are used, the paper shall meet the specifications of ANSI PH1.53-1978.

(b) Storage containers for microforms shall be made of inert materials such as metal or plastic. Containers made of paper products should be avoided unless the conditions prescribed in ANSI Standard PH1.53-1978 are met. The containers shall be closed to protect the microforms from environmental inpurities and improper humidities.

(c) Storage rooms or vaults for archival microforms shall be fire-resistant and must not be used for other purposes such as storage of other materials, office space, or working areas. The National Fire Protection Association (NFPA) publication NFPA 232, Protection of Records, 1970, provides further guidance. Protection from damage by water shall be accomplished by storing permanent record microforms above reasonably anticipated flood stages.

(d) *Environmental conditions required.* (1) The relative humidity of the storage room or vault shall range from 20 to 40 percent with an optimum of 30 percent. Rapid and wide-range humidity changes will be avoided and shall not exceed a 5 percent change in a 24-hour period.

(2) Temperature shall not exceed 70° F. Rapid and wide-range temperature changes shall be avoided and shall not exceed a 5 percent change in a 24-hour period. A storage temperature of 35° F. or below should be used for color film.

(3) Solid particles, which may abrade film or react with the image, shall be removed by mechanical filters from air supplied to housings or rooms used for archival storage. The mechanical filters are preferably of dry media type having an arrestance or cleaning efficiency of not less than 85 percent as determined by the stain test described in ASHRAE Standard 52-68(11).

(4) Gaseous impurities such as peroxides, oxidizing agents, sulphur dioxide, hydrogen sulfide, and others which cause deterioration of microforms shall be removed from the air by suitable washers or absorbers. Archival microforms shall not be stored in the same room with nonsilver gelatin films. They also shall not be stored in another room using the same ventilation system because gases given off by the other films may damage or destroy the images on the silver archival films.

§ 101-11.507-2 Inspection.

(a) Master films of permanent record microforms and records microfilmed to dispose of the original record

shall be inspected every 2 years during their scheduled life. The inspection shall be made using a 1 percent randomly selected sample in the following categories: 70 percent microforms not previously tested, 20 percent—microforms tested in the last inspection, and 10 percent—control group. The control group shall represent samples of microforms from the oldest microforms filmed through the most current. The results of the inspection shall be reported to General Services Administration (NC), Washington, DC 20408, 30 days after the inspection is completed. Reports shall include (1) the quantity of microform records on hand; i.e., number of rolls and number of microfiche; (2) the quantity of microforms inspected; (3) the condition of the microforms; (4) any defects discovered; and (5) corrective action taken.

(b) The elements of the inspection shall consist of (1) an inspection for aging blemishes following the guidelines in the National Bureau of Standards Handbook 96, Inspection of Processed Photographic Record Films for Aging Blemishes; (2) a rereading of resolution test targets; (3) a remeasurement of density; and (4) a certification of the environmental conditions under which the microforms are stored, as shown in § 101-11.506-1.

(c) An inspection log shall be maintained. Information to be contained in the log shall include (1) a complete description of all records tested (title; number or identifier for each unit of film; and inclusive dates, names, or other data identifying the records on the unit of film); (2) the record group; i.e., newly tested, previously tested; or control group; (3) the date of inspection; (4) the elements of inspection; (5) the defects uncovered; and (6) the corrective action taken. In addition, the log shall contain the results of all archival film tests required by § 101-11.506-3.

(d) An agency having in its custody a master microform that is deteriorating, as shown by the inspection, shall prepare a silver duplicate to replace the deteriorating master.

(e) Agencies are responsible for the inspection of agency microfilm records transferred to Federal Records Centers.

§ 101-11.508 Standards and guidelines for the use of microform records.

(a) The master microform shall not be used for reference purposes. Duplicates shall be used for reference and for further duplication on a recurring basis or for large-scale duplication, as for distribution of records on microform. Agency procedures shall ensure that master microforms remain clean and undamaged during the duplication process.

(b) Agencies retaining the original record in accordance with an approved records disposition schedule may apply agency standards for the use of microform records.

§ 101-11.509 Disposition of microform records.

The disposition of microform records shall be carried out in the same manner prescribed for other types of records in Subpart 101-11.4, with the following additional requirements;

(a) The silver halide original (or a silve halide duplicate microform record created in accordance with § 10-111.506-3), plus one copy (silver, diazo, or vesicular), for permanent records, of each record microfilmed by an agency, shall be verified for completeness and accuracy. The microforms shall be transferred to an approved agency records center, the National Archives, or to a Federal Records Center, at the time that the records are to be retired in accordance with the approved records control schedule.

(b) The microforms shall be accompanied by information identifying the agency and organization; the title of the records; the number or identifier for each unit of film; the security classification, if any; the inclusive dates, names, or other data identifying the records to be included on a unit of film; and a certification by an agency official that the microforms were produced in the normal course of agency operations and that care has been taken to ensure that the microforms are a complete and accurate copy of the original records.

§ 101-11.510 Centralized micrographic services.

§ 101-11.510-1 Services available.

The following micrographic services of the National Archives and Records Service are available to Federal agencies:

(a) Technical advice and assistance in designing and implementing agency projects and programs to preserve records, reduce volume, provide security copies, make duplicate copies, or improve information retrieval systems;

(b) Information on current uses of micrographics, new micrographic techniques, and developments in the field; and

(c) Reimbursable microfilming services including the preparation, indexing, and filming of records, inspection of film, and labeling of film containers.

§ 101-11.510-2 Requesting services.

(a) Agencies desiring technical assistance from NARS should communicate with General Services Administration (NR), Washington, DC 20408, or the appropriate regional National Archives and Records Service.

(b) Agencies desiring microfilming services should contact General Services Administration (NC), Washington, DC 20408, or the nearest regional Office of the National Archives and Records Service or any of the Federal Archives and Records Centers.

§ 101-11.510-3 Fees for services.

The fees for microfilming services will be announced in GSA bulletins. For microfilming services not listed, contact the office shown in § 101-11.510-2(b).

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

Dated: February 28, 1979.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 79-7927 Filed 3-14-79; 8:45 am]

[4310-84-M]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5659; Utah 19068]

UTAH

Partial Revocation of Air Navigation Site Withdrawal

AGENCY: Bureau of Land Management (Interior).

ACTION: Final Rule.

SUMMARY: This order will restore approximately 239 acres to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: April 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Eldon G. Hayes—202-343-8731.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The departmental order of February 22, 1943, creating Air Navigation Site Withdrawal No. 199, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 7 N., R. 17 W.,
Sec. 6, S½NE¼ lot 5, W½ lot 5, SE¼ lot 5, lot 6, S½NE¼, S½N½SE¼NW¼, S½SE¼NW¼, NE¼SW¼.

The area described aggregates 238.77 acres in Box Elder County.

The land is located about 30 miles north of Wendover, Utah, and is on a

gently rolling plain at an approximate elevation of 4,412 feet above sea level.

2. At 10 a.m. on April 12, 1979, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 12, 1979, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on April 12, 1979, the lands will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries should be addressed to the State Director, Bureau of Land Management, Utah State Office, 136 East South Temple, Salt Lake City, Utah 84111.

GUY R. MARTIN,
Assistant Secretary of the Interior.

MARCH 7, 1979.

[FR Doc. 79-7939 Filed 3-14-79; 8:45 am]

[4910-59-M]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket 25, Notice 31]

PART 575—CONSUMER INFORMATION REGULATIONS

Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule and establishment of effective dates.

SUMMARY: This notice announces the effective dates for application of the Uniform Tire Quality Grading (UTQG) regulation to radial tires and discusses comments on previously announced testing and analysis of radial tire treadwear under the road test conditions of the UTQG regulation. The regulation will provide consumers with useful, comparative data upon which to base informed decisions in the purchase of radial tires.

This notice also interprets the effect of the thirty-day stay of the UTQG effective dates, granted by the U.S. Court of Appeals for the Sixth Circuit, and corrects an inadvertant error in the text of the regulation.

EFFECTIVE DATE: For all requirements other than the molding requirement of paragraph (d)(1)(i)(A) and the first purchaser requirement of paragraph (d)(1)(iii), the effective date for radial tires is April 1, 1980.

For paragraph (d)(1)(i)(A), the molding requirement, and paragraph (d)(1)(iii), the first purchaser requirement, the effective date for radial tires is October 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: Acting under the authority of the National Traffic and Motor Vehicle Safety Act of 1966 (the "Act") (15 U.S.C. 1381, et seq.), the NHTSA republished as a final rule the UTQG Standards, establishing a system for grading passenger car tires in the performance areas of treadwear, traction and temperature resistance (43 FR 30542; July 17, 1978). The regulation will provide consumers with useful, comparative data upon which to base informed decisions in the purchase of tires. Extensive rulemaking preceded the July 17th notice, and a comprehensive discussion of the regulation's purpose and technical justification may be found in a series of earlier FEDERAL REGISTER notices (40 FR 23073; May 28, 1975; 39 FR 20808; June 14, 1974; 39 FR 1037; January 4, 1974; 36 FR 18751; September 21, 1971).

The July 17 notice also established effective dates for application of the regulation to bias and bias-belted tires. Establishment of an effective date for radial tires was deferred pending further analysis of test results relating to the treadwear properties of radials. Questions concerning the two other performance areas of the standard, traction and temperature resistance had previously been resolved, and therefore are not discussed in this notice.

On November 2, 1978, NHTSA issued a notice (43 FR 51735; November 6, 1978) announcing the availability for inspection of the results of the agency's test program for radial tires and NHTSA's analysis of the test results (Docket 25; Notice 28). A thirty-day period, later extended to 45 days (43 FR 57308; December 7, 1978), was provided for public comment on the data and analysis. After examination of all comments received, NHTSA has concluded that an effective date for grading of radial tires under the UTQG system can and should be established at this time.

NEED FOR GRADING OF RADIAL TIRES

In response to Notice 28, several commenters pointed out the importance of extending the UTQG Standards to radial tires at the earliest possible date. The Federal Trade Commission (FTC), while recognizing the establishment of a credible system for grading bias and bias-belted tires as a substantial accomplishment, commented that extension of the system to radial tires will be of special significance to the public. The FTC, the Center for Auto Safety (CFAS), and Consumer's Union noted the increasing share of the tire market represented by radial tires, which now account for approximately half of the replacement tire market and an even higher percentage of original equipment sales. CFAS noted that NHTSA's test data revealed significant differences in treadwear properties among radial tires of different manufacturers. In fact, it is likely, based on the data, that some radial tires may yield twice the mileage of those of other manufacturers.

CFAS and the City of Cleveland's Office of Consumer Affairs commented on the need, exemplified by the recent recall of 14.5 million radials by one domestic tire manufacturer, to make safety a factor in the purchase of radial tires. The City of Cleveland reported encountering consumer frustration with present tire marketing practices and expressed concern that inability on the part of consumers to ascertain the quality of tires they are buying may lead to careless and ill-advised purchasing decisions and unsafe operating practices. NHTSA agrees and has seen no new arguments that suggest Congress' directive for establishing a uniform system for grading motor vehicle tires should not be fulfilled by the contemplated method.

EXTENT OF NHTSA RADIAL TIRE TESTING

General Motors Corporation and the Rubber Manufacturers Association (RMA) contended that NHTSA's tests of radial tire treadwear were inadequate as a basis for extension of the UTQG regulation to radial tires. General Motors argued that radial tire treadwear does not become constant after tires are broken in, but continues to vary upward and downward, as evidenced by comparing adjusted wear rates in the final 6,400 miles of NHTSA's 38,400-mile radial tire treadwear test with the averages of adjusted wear rates from several 6,400-mile test series. The RMA stated its position that radial tire wear rates continue to decline in the later stages of tire life, pointing to NHTSA and RMA test data on the subject. Both General Motors and the RMA contended that, given the nature of radial tire treadwear, NHTSA must test some radial tires to actual wearout to confirm that treadwear projections based on 6,400-

mile tests correlate closely with actual tire treadlife.

NHTSA has not suggested that radial tire treadwear is precisely constant after break-in. Rather the agency's position, as stated in Notice 28, is that radial tire treadwear after break-in can be adequately described by a straight line fitted to a series of data points representing tread depth against miles traveled, thereby providing an adequate basis for teadwear projections. Variations in wear rate of the type noted by General Motors and the RMA cause a sinuous fluctuation in wear pattern which can be closely approximated by a straight line projection of treadwear based on the first 6,400 miles of testing.

NHTSA chose not to run tested tires to actual wearout because such tests are expensive and time consuming, and accurate projections of treadlife are possible with tires which have substantial wear, but are not worn out. For these reasons, projecting radial tire treadlife from tests run short of wearout is common in the industry (e.g., "A Statistical Procedure for the Prediction of Tire Tread Wear Rate and Tread Wear Rate Differences" by Dudley, Bower, and Reilly of the Dunlop Research Centre) and is, the agency has concluded, a reliable means of determining tire treadwear properties of radial, bias, and bias-belted tires.

Accuracy of the Treadwear Grading Procedure for Radial Tires

General Motors, Michelin Tire Corporation, and the RMA commented that the existing UTQG procedure does not project the treadlife of radial tires with a sufficient degree of accuracy, based on the data submitted to the rulemaking docket in connection with Notice 28. General Motors and the RMA noted that treadwear projections calculated only from wear rates observed in the initial 6,400-mile test sequence differed in some cases by one or two UTQG grade levels from projections based on wear rates from later 6,400-mile test cycles or from averages of several test cycles. These commenters noted that the range of such differences was slightly higher when individual tires were compared rather than than averages of four-tire sets. Michelin expressed concern that the regulation would create an impression of equality among tires which in reality vary in quality. General Motors suggested that projections based on later test cycles or averages established over a longer test period would provide a more accurate projection of actual treadlife.

NHTSA established the 6,400-mile test sequence, with an 800-mile break-in, after considering the adequacy of the data which could be obtained over that test distance and the expenditure of money and resources required for additional testing. The grades arrived at by projecting from later test series or combinations of series were generally consistent with the results obtained in the first 6,400 miles of testing, and those variations which did occur were relatively minor.

As noted by the U.S. Court of Appeals for the Sixth Circuit in *B. F. Goodrich Co. v. Department of Transportation*, 541 F.2d 1178 (1976), no system designed to grade millions of tires can be expected to approach perfection. Considering the present absence of tire quality information in the market place, the agency has concluded that the UTQG treadwear grading procedure provides reasonable accuracy when applied to radial tires and will be of significant value to tire consumers in making purchasing decisions.

General Motors commented that tire grades should be assigned based on the lowest mileage projected for any tire among a set of four candidate tires and not on the average projected mileage of a four tire set. The UTQG regulation states that each tire will be capable of providing at least the level of performance represented by the UTQG grades assigned to it. UTQG grades based solely on either average grade levels or on the projected mileage of a particular tested tire would not provide an adequate basis for consumer reliance on the grading information. In determining accurate treadwear grades for tire lines, manufacturers must consider the population variability evidenced in their tire testing.

Validity of the CMT Adjustment Procedure

The UTQG regulation accounts for environmental influences on candidate tire wear rates during testing by means of an adjustment factor derived by comparing the wear rates of concurrently run course monitoring tires (CMT's) with an established CMT base course wear rate (BCWR) (49 CFR 575.104(d)(2)). In Notice 28, NHTSA explained how the same adjustment procedure could be used to correct for a measurement anomaly that generates the appearance of a higher wear rate for radial tires in the first 4,000 miles of testing following the 800-mile break-in. In response to Notice 28, CFAS reviewed the UTQG adjustment procedure, as it applies to radial tires, and commented that this procedure is the proper method for grading radials. However, Michelin and the RMA, in their comments on that notice, suggested that the CMT adjustment procedure may be invalid for radial tires, both in the context of wear rate changes and as a control on environmental factors.

The RMA argued that NHTSA has not provided supporting data for its theory that the shift in radial tire wear rate during the initial phases of treadlife is caused by changes in tire geometry as the tire attains its equilibrium shape. However, detailing the underlying mechanism of the apparent change in wear rate is incidental to the fact that radial tire wear rates do stabilize in a consistent fashion, permitting use of the CMT adjustment to project treadlife with reasonable accuracy.

The RMA contended that wear patterns of certain radial tires differ markedly from the apparent accelerated pattern observed by NHTSA during the first 4,000 miles of treadlife after the 800-mile break-in, and that NHTSA's test of several tire brands provided an inadequate basis to draw conclusions about radial tires in general. Michelin, although citing no data on the subject, commented that an accelerated wear pattern in the early stages of treadlife may not exist in all radial tires to the same degree.

NHTSA's test of radial tire treadwear, reported in Notice 28, included ten different tire brands, selected to include a wide range of prices and materials, as well as both domestic and foreign manufacture. This sample constitutes a reasonable and adequate basis upon which to draw conclusions concerning tires available on the American market. In spite of the wide variety of radial designs included in NHTSA's test, the agency found the wear rate patterns of the tires studied to be remarkably consistent in the initial 6,400 miles of testing, after the 800-mile break-in. This consistency is exemplified by treadwear projections in the paper "Test of Tread Wear Grading Procedure—the Course Monitoring Tire Adjustment on Radial Tire Wear Rates", by Brenner and Williams (Docket 25, General Reference No. 105), which compared estimates of tread life for nine sets of candidate tires based on data from the first 6,400 miles of testing after break-in, with estimates based on data from 6,400 to 38,400 miles of testing. The projections computed from these data sets did not differ significantly, indicating that the UTQG adjustment procedure accurately accounted for the initial wear rate characteristics of all tires tested.

Based on this test experience, the agency believes that the data from its tests and analysis of that data has demonstrated that the wear patterns exhibited by radial tires early in their treadlives are sufficiently consistent to permit accurate projection of treadwear based on the existing UTQG test procedure. NHTSA plans to closely monitor testing at the San Angelo course to insure that the UTQG test

procedure accommodates future developments in tire technology and continues to provide an accurate basis for treadwear grading.

On the question of consistency beyond the initial 4,000 miles of testing, both Michelin and the RMA argued that not all tires tested by NHTSA responded to environmental factors in an identical manner, as demonstrated by comparing graphs of unadjusted candidate tire wear rates by test cycle with graphs of data from concurrently run CMT's. The RMA also noted that graphic representations of radial tire adjusted wear rates per test cycle were not always horizontal, but in some cases sloped somewhat upward or downward.

Close examination of the graphs of unadjusted candidate tire wear rates and CMT wear rates indicates that the wear rates fluctuated in a reasonably parallel fashion in all but an insignificant number of cases. NHTSA has never contended that every tire of every brand must behave in a perfectly consistent manner before a valid grading system can be established. NHTSA finds that the level of consistency exhibited by the tested tires is sufficient to confirm the validity of the CMT approach as a reasonably fair and reasonably reliable means of radial tire grading.

With regard to the slope of the adjusted wear rate curves, NHTSA has applied a test of independence to this data to determine if the adjusted wear rates of the tested tires were dependent on the test cycle. In no case was the slope significantly different from zero at the 95 percent confidence level. In fact, of the curves which slanted to any measurable degree, sixteen had a slightly positive slope and seventeen has a slightly negative slope, as would be expected if the true slope were zero. This analysis suggests that CMT and candidate tires continue to wear in a consistent fashion beyond the initial phase of testing.

The RMA's comments suggest that some confusion may exist as to whether CMT's are to be reused for testing after an initial 6,400-mile test cycle after break-in. Since radial tires, including CMT's, exhibit an apparent change in wear pattern during this initial phase of tread life, when measured by a tread depth guage, the CMT adjustment procedure will be accurate only if new candidate tires are run with new CMT's so that the wear rate change occurs in all tires simultaneously.

Radial CMT's were run beyond the initial 6,400-mile cycle in NHTSA's testing announced in Notice 28, in order to provide an extended comparison of CMT's and candidate tires run concurrently. In its UTQG compliance testing, however, NHTSA will use new radial CMT's, broken-in in accordance with 49 CFR 575.104(d)(2)(v), for each 6,400-mile test.

Also on the issue of the CMT adjustment procedure, the RMA commented that NHTSA's test data indicate a coefficient of variation (COV) for radial CMT's of over 5 percent, the standard upheld in the *B. F. Goodrich* case as the agency's target for the maximum permissible level of variability for these tires. Much of the data cited by the RMA on this point involved test cycles beyond the initial 6,400-mile cycle, after break-in. Data on the variability of CMT's at test distances beyond 6,400 miles, after break-in, are irrelevant to the UTQG system, since, as noted above, radial CMT's will not be reused after an initial 6,400-mile test cycle.

In examining data from the initial test cycle, the RMA combined wear rates from several test vehicles and then developed COV's from that data, thereby interjecting vehicle variability into the computation. Vehicle variability, while unrelated to the properties of the tire, has the effect of inflating coefficients of variation. When this extraneous factor is removed from the computation, the test data indicate a COV well within the acceptable 5 percent level.

Michelin expressed concern that running CMT's of a standard size with candidate tires of differing sizes may lead to inaccuracy in the adjustment of data. National Bureau of Standards Technical Note 486, "Some Problems in Measuring Tread Wear of Tires", by Spinner and Barton (Docket 25, General Reference No. 4), compared projected mileages for three sizes of radial and bias-ply tires of several manufacturers run under different road conditions. Data in the report suggest that tires of different sizes react similarly to differing external conditions. Therefore, the practical burden of providing a different CMT for each size of candidate tire may be avoided.

Finally, General Motors and the RMA asserted that, in order to facilitate comparisons among radial, bias, and bias-belted tires, BCWR's must be established by running the three types of CMT's concurrently to limit the influence of environmental variables on the test results. The RMA also contended that a BCWR cannot be established without running CMT's to actual wearout.

NHTSA established BCWR's through experience with tires of all three construction types in over 5 million tire miles of testing over a two year period. In the course of this extensive testing, each tire type can be expected to have encountered a random mix of environmental conditions resulting in a similar net impact on treadwear.

Other Comments

Michelin commented that the regulation's procedure of rotating tires among different positions on a test vehicle, but not between vehicles, precludes the detection of vehicle mechanical problems which could affect grading. Adequate preventive maintenance of test vehicles is the primary safeguard against distortion of data by vehicle malfunctions. Additionally, and analysis of variance of the data obtained in a convoy or on a vehicle provides another effective method of detecting a malfunction. (See, "Elements in the Road Evaluation of Tire Wear", by Brenner and Kondo, Docket 25; General Reference No. 17). NHTSA does not believe that rotation of tires among vehicles would significantly improve on these existing techniques.

General Motors noted that several tires studied by NHTSA had to be removed from the test due to failure or uneven wear prior to actual wearout and suggested that the agency must account for these anomalies before proceeding with rulemaking.

Early in the course of rulemaking on UTQG, NHTSA concluded that considerations of cost and consumer understanding required some limitation on the number of grading categories in which UTQG information would be presented. Based on examination of numerous comments in the rulemaking docket, the agency concluded that treadwear, traction, and temperature resistance are the tire characteristics of greatest importance to consumers. For this reason, information on subjects such as evenness of tread wear and susceptibility to road hazard damage, while of value to consumers, is not provided under the regulation. NHTSA will consider General Motors comment, however, as a suggestion for possible future rulemaking.

The RMA noted several minor computational and other errors in the previously referred to paper by Brenner and Williams (Docket 25, General Reference No. 105), submitted to the docket in connection with Notice 28. Some of these errors were corrected by a subsequent submission to the docket (Docket 25, General Reference No. 105A). In any case, the errors were of a non-substantive nature and had no impact on the agency's rulemaking process and decisions.

Impact of the Thirty-Day Stay of Effective Dates

On January 19, 1979, the U.S. Court of Appeals for the Sixth Circuit, in the case *B. F. Goodrich Co. v. Department of Transportation* (No. 78-3392), granted a thirty-day stay of the effec-

tive dates for application of the UTQG regulation to bias and bias-belted tires. The regulation was scheduled to become effective March 1, 1979, for bias-ply tires and September 1, 1979, for bias-belted tires, with the exception of the sidewall molding requirements of paragraph (d)(1)(i)(A) and the first purchaser requirements of paragraph (d)(1)(iii) which were to become effective September 1, 1979, and March 1, 1980, for bias and bias-belted tires, respectively.

NHTSA interprets the Sixth Circuit's action as postponing the effective dates of the UTQG regulation one month to April 1, 1979, for bias-ply tires and October 1, 1979, for bias-belted tires. However, the effective dates for the molding requirements of pararaph (d)(1)(i)(A) and the first purchaser requirements of paragraph (d)(1)(iii) are postponed to October 1, 1979, for bias-ply tires and April 1, 1980, for bias-belted tires to allow manufacturers time to convert tire molds. This postponement of effective dates has been taken into account in establishing effective dates for application of the regulation to radial tires, to assure adequate lead time for completion of tire testing.

In accordance with Departmental policy encouraging adequate analysis of the consequences of regulatory actions, the agency has evaluated the anticipated economic, environmental and other consequences of extending the UTQG regulation to include radial tires and has determined that the impact of this action is fully consistent with impacts evaluated in July 1978 in establishing effective dates for bias and bias-belted tires. Based on the authority of Section 203 of the Act, previous agency findings concerning required lead time for grading tires, and the decision of the U.S. Court of Appeals for the Sixth Circuit in *B. F. Goodrich*, the NHTSA hereby establishes radial tire effective dates consistent with the basic six-month phase-in schedule announced on July 17, 1978 (43 FR 30542) for bias and bias-belted tires.

In an unrelated matter, NHTSA's FEDERAL REGISTER notice announcing effective dates for application of the UTQG Standards to bias and bias-belted tires (43 FR 30542; July 17, 1978) contained an inadvertent error in use of the word "of" rather than the intended word "are" in the first sentence of the third section entitled "temperature" of Figure 2 of the regulation. This error is corrected by substitution of the word "are" in place of "of" the first time it appears in that section Figure 2.

In consideration of the foregoing, the Uniform Tire Quality Grading Standards (49 CFR 575.104), are amended as follows:

§ 575.104 [Amended]

1. Section 575.104, paragraph (d)(1)(i)(A) is amended by substitution of the words "October 1, 1979," in place of the words "September 1, 1979, and", and substitution of the words "April 1, 1980, and a radial-ply tire manufactured prior to October 1, 1980," in place of the words "March 1, 1980,".

2. Section 575.104, paragraph (d)(1)(iii) is amended by substitution of the words "October 1, 1979," in place of the words "September 1, 1979, and", and substitution of the words "April 1, 1980, and a motor vehicle equipped with radial-ply tires manufactured prior to October 1, 1980," in place of the words "March 1, 1980,".

3. The third section of Figure 2, following the heading "TEMPERATURE A B C", is corrected by substitution of the word "are" in place of the word "of" in the first line of that section.

The program official and lawyer principally responsible for the development of this rulemaking document are Dr. F. Cecil Brenner and Richard J. Hipolit, respectively.

(Secs. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 49 CFR 1.50.)

Issued on: March 9, 1979.

JOAN CLAYBROOK,
National Highway Traffic Safety Administrator.

[FR Doc. 79-7716 Filed 3-9-79; 4:41 pm]

[4310-55-M]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR.

PART 33—SPORT FISHING

Opening of Certain National Wildlife Refuges In Arizona, California, New Mexico, Oklahoma, and Texas.

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges in the States of Arizona, California, New Mexico, Oklahoma, and Texas is compatible with the objectives for which these areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming sport fishing seasons.

DATES: January 1, 1979, through December 31, 1979.

FOR FURTHER INFORMATION CONTACT:

The Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

GENERAL CONDITIONS

Sport fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR, Part 33 and the following special regulations. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. No vehicle travel is permitted except on designated maintained roads and trails. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that such recreational use will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the following areas:

ARIZONA AND CALIFORNIA

Cibola National Wildlife Refuge, Box AP, Blythe, CA 92225. Contact Wesley V. Martin, Refuge Manager at 714-922-4433. Special conditions:

(1) Zone III is closed to fishing and boating from January 1 through March 15, 1979, and from September 6 through December 31, 1979. The use of boats, rafts, or floating devices or fishing from the banks of the lake or Colorado River in Zone III is prohibited during this period. This closure is necessary to protect migratory waterfowl wintering on Cibola Lake from disturbance. Zone III includes Cibola Lake and associated waters and is identified as all refuge lands lying within the area enclosed on the north by the east-west half section line of Sec. 7, T. 2 S., R. 23 W.; the refuge boundary on the east and south; and the center of the Cibola Dry Cut section of the Colorado River on the west.

(2) Bullfrogs may be taken in open waters between July 1 and November 30, 1979. Frogs may be taken by spear, gig, hook and line, bow and arrow, fishing tackle, or by hand with the aid of artificial light.

(3) Only conventional fishing tackle approved by State regulations (one rod with line and two hooks or lures) is authorized. The possession of any non-conventional fishing gear such as trotline, set lines, nets, etc., is illegal.

(4) The taking of fish or amphibians, other than bullfrogs, during the season with bow and arrow is prohibited.

Havasu National Wildlife Refuge, P.O. Box A, Needles, Calif. 92363. Contact Tyrus W. Berry, Refuge Manager at 714-326-3853. Special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1979, except that the closed area, as posted, in Topock Marsh is closed to fishing and entry from January 1 through January 31, 1979, and from October 1 through December 31, 1979.

(2) The possession of trotlines or limblines on the refuge is prohibited. A trotline or limbline is any unattended hook and line arrangement that, when used, constitutes a violation of the "angling" laws of either Arizona or California.

(3) The taking of carp and bullfrogs with bow and arrow is permitted during the open season, except in designated closed areas.

Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Ariz. 85364. Contact Gerald E. Duncan, Refuge Manager at 602-783-3400. Special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1979, except for an area of approximately 175 acres in Martinez Lake, as posted, to be closed during the periods from January 1 through March 1, 1979, and from October 1 through December 31, 1979, and an area of approximately 60 acreas in Ferguson Lake, Calif., as posted, to be closed during the same periods.

(2) The use of bow and arrow for the taking of carp, buffalo, mullet, suckers, and bullfrogs is permitted.

(3) Taking of bullfrogs, crustaceans, and mollusks is permitted in refuge waters open to fishing and shall be in accordance with State regulations.

NEW MEXICO

Bitter Lake National Wildlife Refuge, Box 7, Hoswell, N. Mex. 88201. Contact LeMoyne B. Marlatt, Refuge Manager at 505-622-6755. Special conditions:

(1) The open season for sport fishing on the refuge in pool Units 5, 6, 7, 15, and 16 extends from April 1 through October 15, 1979.

(2) The use of boats or floating devices is prohibited.

(3) Fishing hours are from one hour before sunrise until one hour after sunset daily.

Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801. Contact Ronald L. Perry, Refuge Manager at 505-835-1828. Special conditions:

(1) The open season for sport fishing on all areas on the refuge extends from May 26 through September 30, 1979, inclusive.

(2) Fishing hours are from one-half hour before sunrise to one hour after sunset.

(3) Trotlines and bow and arrows are prohibited.

(4) The use of boats or other floating devices is prohibited.

(5) Fires are prohibited.

(6) Frogging is prohibited.

OKLAHOMA

Salt Plains National Wildlife Refuge, Route 1, Box 76, Jet, Okla. 73749. Contact Ronald S. Sullivan, Refuge Manager at 405-626-4794. Special conditions:

(1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1979, in Great Salt Plains Lake, as posted; in Sand Creek; the three main channels of Salt Fork River; and north of the right-of-way of Oklahoma State Highway 11, as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

Sequoyah National Wildlife Refuge, P.O. Box 695, Vian, Okla. 74962. Contact John R. Akin, Refuge Manager at 918-773-5251. Special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1979, except for an area of approximately 2,200 acres south of Vian Creek and east of the refuge tour road, as posted, to be closed during the periods January 1 through March 15, 1979, and from October 1 through December 31, 1979.

(2) Some refuge roads leading to waters open to fishing may be closed, as posted, from January 1 through March 15, 1979, and from October 1 through December 31, 1979.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Okla. 73460. Contact Joshua J. Harman, Refuge Manager at 405-371-2402. Special conditions:

(1) Sport fishing in that part of the Washita River and Lake Texoma lying within the Tishomingo National Wildlife Refuge and all waters within the Tishomingo Wildlife Management Unit is permitted during the period March 1 through September 20, 1979, except that bank fishing with two poles or two rods or one pole and one rod per person is permitted year-round in the immediate area of the Refuge headquarters boat launching ramp in Lake Texoma. With the above exception, fishing in the Washita River and Lake Texoma lying within the Refuge and the Management Unit will be in accordance with State regulations. Fishing in the Tishomingo Wildlife Management Unit, other than in the Washita River, will be limited to fishing with not more than two poles or two rods or one pole and one rod per person.

(2) In refuge waters, other than the Washita River and Lake Texoma, fishing is permitted year-round but is limited to fishing with not more than two poles or two rods or one pole and one rod per person, except that all waters of the Tishomingo National Wildlife Refuge will be closed to fishing during the special annual fall deer hunt, as posted.

(3) No pole or rod shall have attached to it more than two hooks (single, double, or treble) or more than one artificial lure equipped with double or treble hooks.

(4) No trotlines, shag lines, throwlines, limblines, set lines, juglines, or other fishing equipment left unattended may be left in the Washita River or Lake Texoma within the Refuge or the Management Unit from January 1 through March 1, 1979, or from October 1 through December 31, 1979.

Washita National Wildlife Refuge, Route 2, Box 100, Butler, Okla. 73625. Contact Evan V. Klett, Refuge Manager at 405-473-2205. Special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 14, 1979, except that the eastern shoreline of Foss Reservoir from the Lakeview Recreation Area to the Pitts Creek Recreation Area and the eastern bank of Pitts

Creek itself shall be open to year-round bank fishing.

(2) Access is permitted only from designated recreation areas, namely; McClure, Riverside, Turkey Flat, Owl Cove, Pitts Creek and Lakeview and by boat from Foss Reservoir.

(3) Seining is prohibited in all refuge waters.

(4) Trotlines must be removed from all refuge waters on or before October 14, 1979.

(5) Boats and other flotation devices are prohibited in all refuge waters from October 15 through March 31.

Wichita Mountains Wildlife Refuge, P.O. Box 448, Cache, Okla. 73527. Contact Robert A. Karges, Refuge Manager at 405-429-3222. Special conditions:

(1) Sport fishing is permitted in all waters in the public use area except areas closed by sign and in marked swimming areas.

(2) Fish may be taken only with closely attended poles and lines, or rods and reels. Possession or use of trotlines, set lines, limblines or juglines is prohibited.

(3) Fishermen may use one-man inner tube-type fishing floaters, lifejackets or buoyant vests to take fish in all waters open to fishing. Wading is permitted when fishing.

(4) Fishermen may use hand-powered boats on Jed Johnson, Rush, Quanah Parker, and French Lakes.

(5) The taking of frogs by any means is prohibited.

(6) Gigs, spears, or similar devices (but not including bow and arrows) containing not more than 3 points with no more than 2 barbs may only be used in Elmer Thomas Lake to take non-game fish.

(7) Obtaining any type of bait from refuge lands or waters is prohibited.

TEXAS

Anahuac National Wildlife Refuge, P.O. Box 278, Anahuac, Tex. 77514. Contact Russel W. Clapper, Refuge Manager at 713-267-3337. Special conditions:

(1) Boats and floating devices may not be used for fishing on inland waters. Boats may be launched from the refuge into East Bay.

(2) In inland waters, fishing is permitted only by ordinary pole and line, rod and reel, or hand-held line. Trotlines, set lines, bow and arrows, gigs and spears may not be used in inland waters.

Braxoria National Wildlife Refuge, P.O. Box 1088, Angleton, Tex. 77515. Contact Ronald G. Bisbee, Refuge Manager at 713-849-6062. Special condition:

(1) Fishing is not permitted on interior waters except Nicks Lake, Salt Lake and Lost Lake.

Buffalo Lake National Wildlife Refuge, P.O. Box 228, Umbarger, Tex. 79091. Contact Larry D. Wynn, Acting Refuge Manager at 806-499-3382.

Due to lack of water in Buffalo Lake, the Buffalo Lake National Wildlife Refuge is closed to fishing for Calendar Year 1979.

Hagerman National Wildlife Refuge, P.O. Box 123, Sherman, Tex. 75090. Contact Bert E. Blair, Refuge Manager at 214-786-2826. Special conditions:

(1) The open season for fishing and frogging are permitted from April 1 through September 30, 1979. Frogs may be taken by dip net, hands, and gigging only.

(2) Trotlines are permitted but must be removed when fishing is completed.

(3) Boating is permitted during fishing season. Fishermen are cautioned to be alert for submerged logs, pipelines, stumps and abandoned trotlines.

(4) Fishing from bridges is prohibited.

(5) Overnight camping and firearms are prohibited.

(6) Swimming and waterskiing are prohibited.

Laguna Atascosa National Wildlife Refuge, P.O. Box 2683, Harlingen, Tex. 78550. Contact Robert H. Stratton, Refuge Manager at 512-748-2426. Special conditions:

(1) Fishing with trotlines is not permitted.

(2) The refuge officer-in-charge may at his discretion close the fishing area for public safety, to protect wildlife, or to protect government property.

Muleshoe National Wildlife Refuge, P.O. Box 549, Muleshoe, Tex. 79347. Contact Allen C. Jones, Refuge Manager at 806-946-3341.

Due to lack of water in the lakes, Muleshoe National Wildlife Refuge is closed to fishing for Calender Year 1979.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651 secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270 sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

NOTE: The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, N. Mex.

MARCH 9, 1979.

[FR Doc. 79-7914 Filed 3-14-79; 8:45 am]

[3510-22-M]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING

Reports and Recordkeeping

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final Regulations.

SUMMARY: These regulations modify the degree of accuracy required by foreign fishing vessels when recording and reporting catch data. This change is based on comments which indicate that the present degree of accuracy cannot reasonably be expected and is not needed for management purposes.

FOR FURTHER INFORMATION CONTACT:

Mr. W. Perry Allen, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634-7265.

SUPPLEMENTARY INFORMATION: Under authority of the Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), regulations applicable to fishing by foreign vessels in the fishery conservation zone of the U.S. were promulgated on December 19, 1978 (43 FR 59292). Section 611.9(d)(2) of those regulations requires all foreign fishing vessels to maintain a daily cumulative catch log of allocated species to the nearest hundredth of a metric ton (0.01 m.t.). Section 611.50(e) (1) and (2) require in the Northwest Atlantic Ocean fishery a fishing log and a quarterly scientific report which record and report catches to the nearest hundredth of a metric ton (0.01 m.t.). Comments have been received which indicate that such a degree of precision cannot reasonably be expected and is not needed for management purposes. Accordingly, the foreign fishing regulations are hereby amended so that catches are recorded and reported to the nearest tenth of a metric ton (0.1 m.t.).

The Assistant Administrator has determined that these regulations

should be effective immediately for the following reasons:

A. No regulatory restrictions are imposed on any person as a result of this action; and

B. This action relates to the extension of a benefit.

The Assistant Administrator has made an initial determination that these regulations are not significant regulations under Executive Order 12044. Environmental impact statements for preliminary fishery management plans concerned are on file with the Environmental Protection Agency.

Dated: March 8, 1979.

(16 U.S.C. Section 1801 *et seq.*)

WINFRED H. MEIBOHM,
Executive Director, National Marine Fisheries Service.

1. 50 CFR 611.9(d)(2)(vi) is amended to read as follows:

§ 611.9 Reports and recordkeeping.

* * * * *

(d) * * *
(2) * * *

(vi) Daily catch by allocated species to the nearest tenth of a metric ton (0.1 m.t.).

§ 611.9 [Amended]

2. 50 CFR 611.9, Appendix IIIA 6 and 8 are amended to read as follows:

A. *Form Entries*

* * * * *

6. Catch: Enter each day's catch by species, to the nearest tenth of a metric ton (0.1 m.t.), round weight, by fishing area.

* * * * *

8. Cumulative: Enter the cumulative catch by species, to the nearest tenth of a metric ton (0.1 m.t.), round weight, by fishing area.

3. 50 CFR 611.9, Appendix III C 1 is amended to read as follows:

C. *Sample log entries*

1. The stern trawler NAVIS, LTUX, permit number LT-79-0001-A, commenced fishing under its 1979 permit on March 13, 1979. On that date in the Yakutat area (code 64) of the Gulf of Alaska the vessel's catch of allocated species was 80.3 tons of pollack (code 701), 12.2 tons of Pacific ocean perch (code 780), and 6.2 tons of Atka mackerel (code 207). The pollack and Pacific ocean perch were frozen and the Atka mackerel were processed for fishmeal. On March 14, the vessel's catch of allocated species was 41.3 tons of pollock, 5.6 tons of Pacific ocean perch, and 1.8 tons of Atka mackerel in the Yakutat area before shifting to the Kodiak area where 23.4 tons of pollock, 23.7 tons of Pacific ocean perch, 86.4 tons of Atka mackerel, and .4 tons of sablefish were caught. The pollock and Pacific ocean perch were frozen and the Atka mackerel were discarded.

4. 50 CFR 611.9, Appendix III C 2 is amended by replacing the sample Daily Cumulative Catch Log with the following:

DAILY CUMULATIVE CATCH LOG

Vessel name and call sign: NAVIS, LTUX.
Permit No. LT-79-0001-A.
Fishing area and code number: YAKUTAT, 64.

SPECIES: POLLOCK—701

Date: March 13, 1979—
Catch: 80.3 tons.
Disposition: C.
Cumulative: 80.3 tons.

Date: March 14, 1979—
Catch: 41.3 tons.
Disposition: C.
Cumulative: 121.6 tons.

SPECIES: PACIFIC OCEAN PERCH—780

Date: March 13, 1979—
Catch: 12.2 tons.
Disposition: C.
Cumulative: 12.2 tons.

Date: March 14, 1979—
Catch: 5.6 tons.
Disposition: C.
Cumulative: 17.8 tons.

SPECIES: ATKA MACKEREL—207

Date: March 13, 1979—
Catch: 6.2 tons.
Disposition: M.
Cumulative: 6.2 tons.

Date: March 14, 1979—
Catch: 1.8 tons.
Disposition: D.
Cumulative: 8.0 tons.

5. 50 CFR 611.50 (e)(1) (vii) and (viii) are amended to read as follows:

§ 611.50 Northwest Atlantic Ocean fishery.

* * * * *

(e) * * *
(1) * * *

(vii) Quantity of total catch to the nearest tenth of a metric ton (0.1 m.t.);

(viii) Quantity of each species to the nearest tenth of a metric ton (0.1 m.t.) (use species codes from Appendix I to § 611.9);

6. 50 CFR 611.50(e)(2)(i), last sentence, is amended to read as follows:

§ 611.50 Northwest Atlantic Ocean fishery.

* * * * *

(e) * * *
(2) * * *

(i) * * * The catch of each species taken, even if discarded, must be shown in tenths of a metric ton (0.1 m.t.) (live round weight).

[FR Doc. 79-7772; Filed 3-14-79; 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.

[4810-33-M]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Ch. I]

[International Banking Act of 1978]

FEDERAL BRANCHES AND AGENCIES OF FOREIGN BANKS

Notice of Proposed Statement of Policy on the Applicability of the National Banking Laws to Foreign Banks Operating at Federal Branches and Agencies in the United States

AGENCY: Comptroller of the Currency.

ACTION: Proposed statement of policy.

SUMMARY: This proposed statement sets forth certain guidelines concerning the applicability of the national banking laws to foreign bank operations at federal branches and agencies. Such guidelines are not all-inclusive but are intended to be informative concerning the basic legal ground rules which will govern these federally chartered institutions. The proposal does not meet the Treasury Department's criteria for a "significant regulation".

DATE: Written comments must be received on or before May 14, 1979.

ADDRESSES: Comments should be addressed to Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT:

Mr. William B. Glidden, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880)

SUPPLEMENTARY INFORMATION:

1. INTRODUCTION

Section 4(b) of the International Banking Act of 1978 (P. L. 95-369) states that except as otherwise provided in the Act or in rules, regulations or orders of the Comptroller of the Currency, operations of a foreign bank at a federal branch or agency shall be conducted with the same rights and privileges as a national bank at the same location and shall be subject to the duties, restrictions, penalties, liabilities, conditions, and limitations that would apply under the National Bank Act to a national bank doing business at the same location. Four exceptions are then enumerated in this section of the IBA, relating to examinations, restrictions based upon the capital and surplus of a national bank, membership in the Federal Reserve System and insurance status.

It is the opinion of the Comptroller that the reference in this section to "National Bank Act" is not specifically restrictive but is merely descriptive of the national banking laws generally. In other words, the complete body of laws and regulations that apply to national banks are also potentially applicable to federal branches and agencies of foreign banks, except as otherwise provided in the IBA and in rules, regulations and orders of the Comptroller. A number of considerations support this conclusion.

First, rights and privileges are largely inseparable from duties, conditions and restrictions. The initial portion of the sentence in question provides that federal branches and agencies have the same rights and privileges as a national bank at the same location. To achieve consistency, the conditions and restictions placed upon the exercise of such rights should similarly be those that apply to national banks and not be limited to those found in the National Bank Act.

Second, if Congress had intended that only the National Bank Act be applied to federal branches and agencies, there would have been no need for some of the exemptions or qualifications contained in the International Banking Act. For example, the requirements that national banks be members of the Federal Reserve System and be insured under the Federal Deposit Insurance Act are contained in section 2 of the Federal Reserve Act (12 U.S.C. 222). If only the National Bank Act were supposed to apply to federal branches and agencies, the specific exemptions in section 4(b) of the IBA relating to membership and insurance would have been unnecessary.

Third, the legislative history of the IBA indicates that the Congress intended that national banks and federal branches and agencies of foreign banks be treated comparably to the fullest extent possible. Thus, the 1978 House Report accompanying the bill states that one of the two basic objectives of the legislation is "to provide to the extent possible or appropriate equal treatment for foreign and domestic banks operating in the United States". The Comptroller is authorized to charter federal branches and agencies "regulated and supervised like national banks to the extent appropriate". In referring to section 4 of the IBA, the House Reports states that "[f]or the purposes of the McFadden Act and federal banking laws in general the branches would be treated as if they are national banks or branches thereof. Agencies would not be subject to McFadden Act restrictions and could perform all of the functions of branches except for the receipt of deposits and the excercise of fiduciary powers". See, H.R. Rep. No. 95-910, 95th Cong., 2d Sess. 5, 6, 12 (1978). The 1978 Senate Report also notes that the legislation "establishes the principle of parity of treatment between foreign and domestic banks in like circumstances". In analyzing section 4 of the IBA, the Senate Report states that "[w]ith certain exemptions, statutory or regulatory, the activities of a federal branch or agency shall be conducted in the same manner as a national bank". See, S. Rep. No. 95-1073, 95th Cong., 2d Sess. 2, 21 (1978).

The Comptroller, within the parameters of the International Banking Act, has broad discretion to determine what rules and regulations that apply to national banks do or do not apply to federal branches and agencies. Effective regulation and supervision of foreign bank activities in the United States is possible only if bankers, bank examiners, and the public generally know the legal ground rules under which these federally chartered entities must operate.

Most of the national banking laws and their implementing rules and regulations are contained in Volume 1 of Title 12 of the United States Code (12 U.S.C.) and in Chapters 1 and 2 of Title 12 of the Code of Federal Regulations (12 CFR). There are, of course, some relevant provisions of law contained in other portions of Title 12 and in other titles of the United States Code. The Comptroller's Manual for National Banks is indexed by topic and is a convenient source material for the body of laws, rules and regulations that apply to national banks, although even it is not fully current nor complete. For example, the regulations promulgated by the Federal Reserve Board and published in Chapter 2 of

12 CFR, many of which are applicable to national banks, do not appear in the manual. The statutory and regulatory system that governs the activities of national banks has evolved over a century and is constantly subject to change. Any comprehensive list of inclusions, or exclusions, that might be compiled for foreign banks would have to be updated at least annually and would probably be no more helpful or easier to use than the Comptroller's Manual for National Banks.

Therefore, the Comptroller believes that it is most useful to summarize in a statement of policy the basic laws, and sometimes their implementing rules and regulations, that will apply to foreign banks operating at federal branches and agencies. This statement is intended to provide information and guidance; it is not all-inclusive and does not have the force and effect of law. It is expected that managing personnel at federal branches and agencies, and any counsel they may employ, will rely primarily on the Comptroller's Manual for National Banks to assure themselves that they are conducting business in accordance with applicable law, supplementing the manual from time to time in specific instances by reference to 12 U.S.C. and 12 CFR. At least in the early phase of operations, bank management may wish to seek advice from Comptroller of the Currency officials in Washington or in the appropriate regional office concerning any particular matter of law.

2. General Rule

Apart from the specific exemptions and qualifications contained in the International Banking Act, the Comptroller believes that foreign banks operating at federal branches and agencies: (1) can exercise the same rights and privileges that are available to national banks, and (2) the exercise of any such right or privilege must be subject to the same duties, restrictions, penalties, liabilities, conditions and limitations that apply to national banks at the same location.

3. Rights and Privileges

Under the International Banking Act, federal agencies cannot receive deposits from United States citizens or residents and cannot exercise fiduciary powers. Federal branches located outside the parent bank's home state can accept only such types of deposits as are permissible to Edge Act corporations pursuant to 12 U.S.C. 615 and 12 CFR 211. Apart from these exemptions or qualifications, federal branches and agencies can engage in the same type of business and exercise the same powers as a national bank, subject to the conditions and requirements contained in the statutes and any implementing rules and regulations promulgated by the federal banking authorities.

The basic corporate and banking powers exercisable by a national bank are stated in a general way in 12 U.S.C. 24. In addition, a national bank is specifically authorized, under prescribed conditions, to hold real estate (12 U.S.C. 29); incur indebtedness (12 U.S.C. 82); receive interest on loans and evidences of debt (12 U.S.C 85 and 86); exercise trust powers (12 U.S.C. 92a); make real estate loans (12 U.S.C 371); pay interest on time and savings deposits (12 U.S.C. 371b); accept drafts or bills of exchange drawn upon it (12 U.S.C. 372, 373); invest in an Edge Act corporation (12 U.S.C. 618); and invest in a bank service corporation (12 U.S.C. 1861-1865).

4. General Duties, Restrictions and Conditions

To the extent that federal branches and agencies engage in the types of activities described above, they must also comply with the requirements and conditions contained in the following laws and regulations: payment of interest on deposits (12 U.S.C. 371a, 376, 461, and 12 CFR 217); real estate lending (12 U.S.C. 2601-17, 2801-09, 42 U.S.C. 4012a, 4104a, 4106, 12 CFR 22, and 12 CFR 203); consumer lending (15 U.S.C. 1601-91, 12 CFR 226); nondescrimination in lending (15 U.S.C. 1691, 42 U.S.C. 3605, 12 CFR 202); loans to insiders (12 U.S.C. 375a); loans secured by stock of an insured U.S. financial institution (12 U.S.C. 1730(1), 1817(j)).

The following prohibitions, restrictions or requirements are also relevant: political contributions (2 U.S.C. 441b, 18 U.S.C. 591); lotteries (12 U.S.C. 25A); transfers in contemplation of insolvency (12 U.S.C. 91); purchases and sales involving directors (12 U.S.C. 375); relationships with securities dealers (12 U.S.C. 78, 377 and 378); certification of checks (12 U.S.C. 501); security measures at bank premises (12 U.S.C. 1881-84); tie-in arrangements (12 U.S.C. 1971-78); disposition of abandoned money orders and travelers' checks (12 U.S.C. 2501-03).

Finally, federal branches insured by the Federal Deposit Insurance Corporation are subject to the record retention requirements of 12 U.S.C. 1829b and to the provisions of the Community Reinvestment Act (Public Law 95-128).

5. Limitations Based on Capital and Surplus

The following statutory limitations and restrictions based upon the capital and surplus of a national bank apply to federal branches and agencies: investment securities (12 U.S.C. 24); indebtedness (12 U.S.C. 82); lending limits (12 U.S.C. 84); real estate loans (12 U.S.C. 371); investment in bank premises (12 U.S.C. 371d); acceptance of drafts and bills of exchange (12 U.S.C. 372 and 373); an investment in an Edge Act corporation (12 U.S.C. 618). However, as applied to a federal branch or agency, the dollar equivalent of the capital and surplus of the parent foreign bank is the reference point for determining compliance with any limitation. Furthermore, if the foreign bank has more than one federal branch or agency, the business transacted by all such branches and agencies shall be aggregated in determining compliance. An example may clarify. Assume the foreign bank has 100 million dollars in capital stock and surplus and operates at four federal branches in the United States. The 10 percent lending limit in 12 U.S.C. 84 applies to the four branches in the aggregate. Thus, unless one of the exceptions in 12 U.S.C. 84 is available, no more than 10 million dollars can be lent to a single borrower. If one branch lends 5 million dollars to a borrower, and another branch lends 5 million dollars to the same borrower, the lending limit would have been reached and no more funds could be extended by any of the four branches to the borrower in question.

6. Duties and Liabilities of Management

The officers and directors of a national bank have the general duty to conduct the affairs of their institutions in a safe and sound manner, with a view to the protection of depositors, creditors and shareholders, and to assure the compliance of the institution with applicable laws and regulations. Laws relevant to this concern are 12 U.S.C. 73, 93, 375, 375a, 376, 503 and 1818. As a condition to receiving a charter for a federal branch or agency, the management of a foreign bank is responsible in good faith for ensuring that the operations of such branch or agency are conducted in a safe and sound manner and in conformity with applicable law. This responsibility is also imposed upon the managing personnel of any federal branch or agency, whether they be designated directors or officers or be known by any other title.

7. Regulation and Supervision by the Comptroller

In order to effectively supervise and regulate the operations of foreign banks at federal branches and agencies, the Comptroller will need to obtain information from parent banks concerning their general affairs. Fairly extensive information will ordinarily be requested upon receipt of an initial application for a federal branch or agency. Thereafter, a foreign bank

wil be required to submit general financial reports periodically, perhaps on an annual basis.

Federal branches and agencies will be examined at least once each calender year and will be required to maintain separate accounts and prepare call reports. These entities shall also keep such books and records and submit such reports as may be prescribed by the Comptroller in particular cases or in general rules and instructions. Two general principles will be observed in connection with the Comptroller's supervision of federal branches and agencies: (1) the recordkeeping and reporting requirements shall be kept to a mimimum so that federal branches and agencies are not unduly burdened in their operations or treated unfairly in comparison with national banks; (2) the recordkeeping and reporting system, and examinations, must be sufficiently comprehensive and be conducted in a way that will ensure that bankers and bank examiners have an accurate basis upon which to assess the safety and soundness and the legality of operations at any given entity.

Dated: March 7, 1979.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 79-7906 Filed 3-14-79; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 79-RM-07]

ESTABLISHMENT OF TRANSITION AREAS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) proposes to establish a 700 foot and 1,200 foot transition area at Miller, South Dakota to provide controlled airspace for aircraft executing the new nondirectional radio beacon (NDB) standard instrument approach procedure developed for the Miller Municipal Airport, Miller, South Dakota.

DATES: Comments must be received on or before March 23, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT:

Pruett B. Helm, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-530), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

AVAILABILITY OF NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The Federal Aviation Administration (FAA) is considering an amendment to subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish 700 foot and 1,200 foot transition areas at Miller, South Dakota. This proposal is necessary to provide controlled airspace for aircraft executing the new NDB standard instrument approach procedure developed for the Miller Municipal Airport, Miller, South Dakota. It is proposed to make the establishment of the transition areas coincident with the effective date of the new standard instrument approach. Accordingly, the Federal Aviation Administration proposes to amend subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

By amending 71.181 so as to establish the following transition areas to read:

MILLER, SOUTH DAKOTA

That airspace extending upward from 700' above the surface within a 5 mile radius of the Miller Municipal Airport (latitude 44°31'00" N., longitude 98°57'27" W.) and within 3 miles each side of the 326° bearing from the Miller NDB (latitude 44°31'17.4" N., longitude 98°57'30.6" W.) extending from the 5 mile radius to 8.5 miles northwest of the Miller NDB; and that airspace extending upward from 1,200' above the surface bounded on the west and northwest by V-263, on the south by V-120 and on the east by V-15W excluding the Aberdeen, South Dakota, Pierre, South Dakota, Mitchell, South Dakota, and Huron, South Dakota 1,200' transition areas and all Federal airways.

DRAFTING INFORMATION

The principal authors of this document are Pruett B. Helm, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Aurora, Colorado on February 28, 1979.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc. 79-7485 Filed 3-14-79; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 79-SO-15]

DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Proposed Alteration of Transition Area, Fort Rucker, Ala.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will alter the Fort Rucker, Alabama, transition area and will lower the base of controlled airspace within a 6.5 mile radius of the Andalusia-Opp Airport from 1200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A new public use instrument approach procedure has been developed for the Andalusia-Opp Airport and the additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before: May 6, 1979.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before May 6, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date of comments, in the Rules Docket for examination by interersted persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Fort Rucker, Alabama, Transition Area. This action will provide controlled airspace protection for IFR operations at Andalusia-Opp Airport. An NDB standard instrument approach procedure utilizing the Judd (owned and operated by the U.S. Army) nondirectional radio beacon has been developed to serve the airport, and if the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Administration Regulations (14 CFR Part 71) by adding the following to the existing Fort Rucker, Alabama, Transition Area:

"* * * within a 6.5 mile radius of Andalusia-Opp Airport, Andalusia, Alabama, (latitude 31°18'45" W., longitude 86°23'00" W."

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Georgia, on February 28, 1979.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 79-7947 Filed 3-14-79; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 79-CE-6]

TRANSITION AREA—CAMBRIDGE, NEBR.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Cambridge, Nebraska, to provide controlled airspace for aircraft executing new instrument approach procedures to Runways 14 and 32 on the Cambridge, Nebraska Airport, which are based on the Non-directional Radio Beacon (NDB) installed on the airport.

DATES: Comments must be received on or before April 23, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before April 23, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Cambridge, Nebraska. To enhance airport usage by providing instrument approach capability to the Cambridge Airport, the City of Cambridge, Nebraska has installed an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of new instrument approach procedures to Runways 14 and 32 based on this navigational aid entails designation of a transition area at Cambridge, Nebraska at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedures under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by adding the following new transition area:

CAMBRIDGE, NEBR.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Cambridge, Nebraska Airport (latitude 40°18'20" N; longitude 100°09'43" W); within 3 miles each side of the Cambridge NDB 165° bearing extending from the 7-mile radius area to 8.5 miles southeast of the airport; within 3 miles each side of the Cambridge NDB 326° bearing extending from the 7-mile radius area to 8.5 northwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

NOTE: The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Kansas City, Missouri, on March 5, 1979.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 79-7949 Filed 3-14-79; 8:45 am]

[4910-13-M]

[14 CFR Parts 121 and 129]

[Docket No. 18310; Notice No. 79-5]

RADIATION SURVEYS OF AIRPORT X-RAY INSPECTION CABINETS

Extension of Time

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to amend the regulations pertaining to surveys of baggage X-ray Inspection Cabinets by extending the time required for such surveys from six months to one year.

DATE: Comments must be received on or before May 14, 1979.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-24), Docket No. 18310, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Theo P. Tsacoumis, Technical Security Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone (202) 755-8715.

SUPPLEMENTARY INFORMATION:

I. COMMENTS INVITED

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposal contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before May 14, 1979, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

II. AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

III. CURRENT SECURITY REQUIREMENTS

Under §§ 121.538 and 129.26(b)(1) of the Federal Aviation Regulations (FARs), United States domestic, flag, and foreign air carriers engaging in scheduled air transportation and commercial operators engaging in common carriage between two points entirely within any State with the frequency set forth in § 121.7 are required to adopt and use a screening system which is designed to prevent the carriage aboard their aircraft of any weapon, explosive or incendiary device on or about the person or in the carry-on baggage of passengers.

The affected certificate holders are also required to adopt a security program designed to prevent the unauthorized access to aircraft and to assure the security of checked baggage and cargo. Current §§ 121.538a(b) and 129.26(b)(1) provide that no certificate holder may use an X-ray system unless within the preceding six calendar months a radiation survey has been conducted which shows that the system meets certain applicable performance standards.

IV. PETITIONS FOR RULE MAKING

On September 15, 1978, the Air Transport Association of America (ATA) petitioned the FAA for expedited rule making to amend § 121.538a(b) by extending the time required for surveys of baggage X-ray inspection cabinets from six calendar months to one year. In support of this petition, ATA presents documentation that the radiation hazard to employees in the vicinity of the baggage X-ray inspection cabinets at five sampled airports is negligible. ATA references a National Institute for Occupational Safety and Health (NIOSH) study to support this conclusion. Additionally, ATA states that certain officials from the bureau of Radiological Health, Department of Health, Education, and Welfare have advised that the accepted period for radiation surveys by the various states is normally once a year.

V. PROPOSED CHANGE

The FAA agrees with the change to the regulations desired by ATA. The requirement to conduct a survey every six calendar months on each X-ray baggage inspection system was established in March, 1975 and the FAA receives a copy of each six-month survey. After reviewing these surveys, the FAA believes that the data provides sufficient evidence to conclude that reliability of the X-ray device is excellent and justifies the proposed change. Since § 129.26(b)(1) regulates the use of X-ray systems in the United States by foreign carriers, it is also proposed to amend this section.

THE PROPOSED AMENDMENTS

Accordingly, the Federal Aviation Administration proposes to amend Parts 121 and 129 of the Federal Aviation Regulations (14 CFR Parts 121 and 129) as follows:

§ 121.538a [Amended]

(1) By amending paragraph (b) of § 121.538a by deleting the number "6" and substituting the number "12" in its place.

§ 129.26 [Amended]

(2) By amending paragraph (b)(1) of § 129.26 by deleting the number "6" and substituting the number "12" in its place.

(Secs. 313(a), 315, 316 and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357 and 1421), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines.

Issued in Washington, D.C., on March 2, 1979.

RICHARD F. LALLY,
Director, Civil Aviation Security Service.

[FR Doc. 79-7948 Filed 3-14-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[14 CFR Part 385]

[ODR-16, Docket 34969; dated March 8, 1979]

DIRECTORS, BUREAU OF PRICING AND DOMESTIC AVIATION AND BUREAU OF INTERNATIONAL AFFAIRS

Grant of Delegated Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemakings.

SUMMARY: The Board, on its own initiative, is inviting public comment on amendments to the Board's Organization Regulations, or OR-148 which is being issued contemporaneously with this rule. The amendments delegate authority to the Director, Bureau of Pricing and Domestic Aviation and the Director, Bureau of International Aviation to grant or deny applications to provide substitute services during any work stoppage in the markets normally served by the struck carrier.

DATES: Comments by: April 13, 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 34969, Civil Aeronautics Board, 1825 Connecticut Ave. NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Ave. NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Judith E. Retchin, Bureau of Pricing and Domestic Aviation, 1825 Connecticut Ave. NW., Washington, D.C. 20428; 202-673-5009.

(Sections 102, 204, 401, 402, 403 and 416 of the Federal Aviation Act of 1958, as amended; 92 Stat. 1706, 72 Stat. 743, 758; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1386)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-7929 Filed 3-14-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing/ Federal Housing Commissioner

[24 CFR part 882]

[Docket No. R-79-629]

TRANSMITTAL

AGENCY: Housing and Urban Development/Office of Assistant Secretary for Housing-Federal Housing Commissioner.

ACTION: Notice of Transmittal.

SUMMARY: Under recently-enacted legislation the Chairmen of the House Committee on Banking, Finance and Urban Affairs and the Senate Committee on Banking, Housing and Urban Affairs have requested the Secretary of Housing and Urban Development to provide their Committees with certain rules at least 15 days of continuous session prior to publication in the FEDERAL REGISTER. This Notice advises of the transmittal of specifically identified proposed rule(s) pursuant to such requests.

FOR FURTHER INFORMATION CONTACT:

Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 Seventh Street, S.W., Room 5218 Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the rulemaking document described below: Part 882, Subpart C, Administration of Program by Contract Administrator (CA) on behalf of HUD.

This proposed rule would set forth criteria by which to determine that there does not exist for a municipality, county or similar locality a PHA, public body or Governmental entity able or willing to administer the Section 8 Existing Housing program. In addition, the rule outlines procedures for selecting a contract administrator in the event that HUD decides not to administer the program directly.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535 7(o), Section 324 of the Housing and Urban Development Amendments of 1978.)

Issued at Washington, D.C., March 9, 1979.

PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

[FR Doc. 79-7793 Filed 3-14-79; 8:45 am]

[6350-06-M]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rule.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation of one local agency so that it may handle employment discrimination charges filed with the Commission. Proposed is a local agency that requested deferral designation as provided under the authority of Title VII of the Civil Rights Act of 1964, as amended. The proposal would authorize the agency listed below to process

charges deferred to it by the Commission.

DATES: Comments must be received by April 2, 1979.

ADDRESS: Comments should be sent to: Equal Employment Opportunity Commission, Office of Field Services (State and Local), 2401 E Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Boyce Nolan, Equal Employment Opportunity Commission, Office of Field Services (State and Local), 2401 E Street NW., Washington, D.C. 20506, telephone 202/634-6040.

SUPPLEMENTARY INFORMATION: Pursuant to § 1601.71, Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 42 FR 55388, October 14, 1977, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agency listed below be designated as a "706 Agency", § 1601.70(a). The purposes of "706 Agency" designation are as follows: First, that the agency receive charges deferred by the Commission pursuant to Section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; and second, that the Commission accord "substantial weight" to the final findings and orders of the agency pursuant to Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended. The proposed designation of the agency listed below is hereby published to provide any person or organization not less than 15 days within which to file written comments with the Commission as provided for under § 1601.71(l).

At the expiration of the 15 day period, the Commission may effect designation of the agency by publication of an amendment to § 1601.74(a).

With the limitation set forth in the Footnote below, the proposed "706 Agency" is as follows:

Jacksonville (Florida) Community Relations Commission.[1]

Written comments pursuant to this notice must be filed with the Commission on or before April 2, 1979.

Signed at Washington, D.C. this 6th day of March, 1979.

For the Commission.

ELEANOR HOLMES NORTON,
Chair, Equal Employment Opportunity Commission.

[FR Doc. 79-7823 Filed 3-14-79; 8:45 am]

[1]The Jacksonville (Florida) Community Relations Commission has been proposed as a 706 Agency with authority extending only to private employers within its jurisdiction and for the consolidated government of the City of Jacksonville, which does not include State of Florida employees and those of the government of the Second, Third, Fourth, and Fifth Urban Services District.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[31 CFR Part 1]

PRIVACY ACT OF 1974

Proposed Notice of Rules Exempting a System of Records From Certain Requirements

AGENCY: Comptroller of the Currency, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the Comptroller of the Currency hereby gives notice of a proposed rulemaking exempting the system entitled "Enforcement and Compliance Information System (ECIS)," from certain provisions of the Privacy Act of 1974. The proposed notice of rules includes changes to the system name and exempts this system from the application of certain parts of the Privacy Act in accordance with 31 CFR §§ 1.23(c) and 1.36. The proposed system notice will be published in its entirety since these provisions extensively change the language presently used in 31 CFR 1.36 (see the notices section of this issue of the FEDERAL REGISTER). The above-named system was previously entitled "Information file on Individuals and Commercial Entities known or suspected of being involved in fraudulent activities," (Treasury/Comptroller 00.013). The Comptroller filed a revised system report with the Office of Management and Budget, the Speaker of the House and the President of the Senate.

DATES: Comments must be received on or before April 16, 1979.

ADDRESSES: Director, Enforcement and Compliance Division, Comptroller of the Currency, Administrator of National Banks, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT:

Peter E. Rosden, Attorney, Enforcement and Compliance Division, Comptroller of the Currency, Administrator of National Banks, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Telephone: (202) 447-1983.

It is proposed to amend § 1.36 by adding the following exemptions at the end of the material under the center heading Comptroller of the Currency and before Appendix A.

§ 1.36 Systems exempt in whole or in part for provisions of 5 U.S.C. 552a and this part.

* * * * *

COMPTROLLER OF THE CURRENCY

Notice of rules exempting certain systems of records from the requirements of the Privacy Act of 1974

* * * * *

In general. The Comptroller of the Currency exempts the following systems of records from certain provisions of the Privacy Act of 1974:

(1) Enforcement and Compliance Information System.

(2) Federal Bureau of Investigation Report Card Index.

Purpose. The reason for these exemptions is to maintain the confidentiality of data obtained from various sources which relate to law enforcement activities.

Authority. The authority to issue exemptions for this Agency is vested in the Secretary of the Treasury pursuant to 5 U.S.C. 552a (j) and (k) but has been delegated by the Secretary to the Comptroller of the Currency in accordance with 31 CFR § 1.23(c).

Name of System. The Enforcement and Compliance Information System.

Provisions from which exempted. The Enforcement and Compliance Information System is exempt under 5 U.S.C. 552a(k)(2) since it is utilized in connection with law enforcement activities by the Enforcement and Compliance Division of the Office of the Comptroller of the Currency whose chief responsibility is the enforcement of the National Bank Act and related legislation. This function is consistent with the requirements of 5 U.S.C. 552a(k)(2). Exemptions will be claimed for the system under 5 U.S.C. 552a(k)(2) from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H) and (I); and (f) of 5 U.S.C. 552a.

To the extent that information contained in the above system has as its principal purpose the enforcement of criminal laws, exemption for such information under 5 U.S.C. 552a(j)(2) is claimed. Exemptions will be claimed for the system under 5 U.S.C. 552a(j)(2) from subsection (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4)(g), (H) and (I); (e) (5) and (8); (f) and (g).

Reasons for Exemption. Certain provisions of the Privacy Act of 1974 would ordinarily require a series of disclosures which would hamper law enforcement activities. Subsections (c)(4), (d), (e)(4)(G), and (H), and (f) would require the Office of the Comptroller of the Currency to notify an individual of investigative material maintained in its system of records which relates to him. Such a notification would obstruct law enforcement efforts by prematurely disclosing the knowledge of illegal activities and the evidentiary basis for possible enforcement proceedings. Subsection (c)(3) would require an accounting of the

disclosures of records within the system of records. This disclosure would further hinder law enforcement activities. Such a procedure would necessitate the disclosure of investigative techniques. Subsection (e)(4)(I) requires publication of sources. Disclosure of information pursuant to this section would seriously curtail, if not totally prohibit, the receipt of further information from previous sources. Subsection (e)(1) requires that records be examined to insure that only information about an individual that is relevant and required to accomplish a specific purpose be maintained by this Office. Adherence to this provision would require the unnecessary destruction of valuable reference information not directly related to any ongoing investigation. Subsection (e)(2) would require this agency to collect information to the greatest extent possible directly from a subject individual. Information on the criminal nature of a subject's activities is generally derived by this Office through examinations of national banks. Direct contact with individual customers and others is unusual. Our procedure assists in the accumulation and verification of evidence necessary for a successful criminal prosecution. Moreover, often subjects may not be legally required to supply information on possible criminal activities. Subsection (e)(3) would require that a subject that has been asked to supply information be given certain data concerning the request. Disclosure of such information would seriously hinder and compromise criminal investigations. Subsection (e)(5) would require that all records maintained by this agency be accurate, relevant, timely and complete. However, information concerning possible criminal activities by its very nature tends to include allegations and other materials which may not become complete, relevant, timely or accurate until final disposition of the matter under investigation. The restriction of this subsection would impede the making of a complete report of possible criminal activities to the proper authorities. Subsection (e)(8) would require that a subject individual be notified if any record on that individual is made available to any person as a result of compulsory legal process. Providing such notice would reveal prematurely the existence of a criminal investigation to the subject of that investigation, thereby impeding its progress.

Compliance with the aforementioned provisions, which would entail disclosure of information relating to improper activities of various individuals and entities would have a detrimental effect on law enforcement activities. Consequently, the Comptroller of the Currency has determined that an exemption from the above mentioned sections of the Privacy Act of 1974 is necessary and is in the public interest.

Name of System. Federal Bureau of Investigation Report Card Index.

Provisions from which exempted. The Department of Justice has exempted this system of records from certain provisions of 5 U.S.C. 552a (see Justice Department Exemptions 28 CFR 16.71 thru 16.101). The purpose of this exemption is to maintain confidentiality of information compiled for the purpose of criminal investigation.

Authority. The authority to rely upon the exemption promulgated by the Department of Justice for its records which are disseminated to our agency is set forth at 5 U.S.C. § 552a, section 6 and Office of Management and Budget Guidelines for implementation of the Privacy Act (40 FR 28971-28974).

Dated: March 8, 1979.

W. J. McDONALD,
Acting Assistant Secretary (Administration).

[FR Doc. 79-7756 Filed 3-14-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

[FRL 1076-8]

1977 CLEAN AIR ACT AMENDMENTS FOR STACK HEIGHTS

Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of public comment period.

SUMMARY: On January 12, 1979 EPA published in the FEDERAL REGISTER (44 FR 2608) proposed rulemaking to implement the Stack Heights provisions of the 1977 Clean Air Act Amendments. The public comment period for that proposal was to end on March 13, 1979. This action extends the comment period to April 2, 1979 in response to requests from the public for additional time to ensure the development of complete and adequately reviewed comments.

DATES: Comments must be received or postmarked no later than April 2, 1979.

ADDRESSES: Comments are to be sent to: Environmental Protection Agency, Control Programs Development Division (MD-15), Research Triangle Park, North Carolina 27711, Attn: Mr. Darryl D. Tyler.

FOR FURTHER INFORMATION CONTACT:

Darryl D. Tyler, Chief, Standards Implementation Branch, Control Programs Development Division (MD-15), Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Telephone (919) 541-5497.

Dated: March 8, 1979.

DAVID HAWKINS,
Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79-7921; Filed 3-14-79 8:45 am]

[6560-01-M]

[40 CFR Part 52]

[FRL 1077-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Air Pollution Control, State of Nevada

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA proposes to take various actions on regulations submitted by the State of Nevada as revisions to the Nevada State Implementation Plan (SIP) under section 110 of the Clean Air Act. EPA proposes to disapprove regulations governing sulfur dioxide and particulate matter emissions from the Kennecott copper smelter located in McGill, Nevada (the McGill smelter), and to approve the deletion of a regulation governing supplementary control system (SCS) requirements. EPA proposes to disapprove two control strategy revisions for particulate matter and sulfur dioxide in White Pine County, Nevada, and to take no action on a variance from particulate matter and sulfur dioxide emission limits applicable to the McGill smelter. The proposed SIP revisions were submitted to EPA on October 7, 1976.

DATES: Comments may be submitted on or before June 13, 1979.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Engineering Section (A-4-1), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the State submission and the EPA Evaluation Report are available for public inspection during normal business hours at the EPA, Region IX Office at the above address and at the following locations:

Nevada Department of Conservation and Natural Resources, Nye Building, 201 South Fall Street, Carson City, NV 89710.

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Arnold Den, Chief, Air Technical Branch, Environmental Protection Agency, Region IX, 415-556-7882.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 31, 1972 (37 FR 10842) and July 27, 1972 (37 FR 15080) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the State of Nevada implementation plan for attainment and maintenance of the national Ambient Air Quality Standards (NAAQS). Article 8.1.3 of the State of Nevada Air Quality Regulations (NAQR) which required 60 percent control of potential sulfur emissions from existing copper smelters, was approved as assuring attainment and maintenance of the primary standards for sulfur dioxide in the Nevada Intrastate Air Quality Control Region, but disapproved as to the secondary standard. The Administrator extended for 18 months the statutory timetable for submittal of the plan for attainment and maintenance of the secondary standard so that a monitoring network could be established to collect data on short term ambient levels of sulfur dioxide in the area affected by the Kennecott Copper Corporation's McGill smelter, the primary industrial source in the area.

The Administrator also disapproved the control strategy portion of Nevada's plan for attainment and maintenance of both the primary and secondary national standards for particulate matter in the Nevada Intrastate Region on May 31, 1972 (37 FR 10842). However, the process weight regulation (Article 7.2 of the NAQR), which established an emission limitation for particulate matter from industrial sources (including the McGill smelter), was approved.

On June 14, 1974 the Governor of Nevada submitted to the Administrator amendments to the NAQR for control of sulfur dioxide emissions. On February 6, 1975 (40 FR 5508) the Administrator disapproved the June 14, 1974 amendments to the NAQR for control of sulfur dioxide emissions, disapproved the previously approved State regulation (Article 8.1.3 of the NAQR, approved on July 27, 1972, 37 FR 10842) for attainment and maintenance of the primary standard for sulfur dioxide in the Nevada Intrastate Region, and promulgated replacement sulfur dioxide regulations applicable to the McGill smelter.

The June 14, 1974 amendments to the NAQR were disapproved because they permitted permanent (rather than temporary) reliance on dispersion techniques (tall stacks and (SCS) [1] to attain and maintain the standards for sulfur dioxide, lacked enforceable emission limits, and lacked specific requirements for the use of SCS. The previously approved State regulation for the McGill smelter (which required 60 percent reduction in emissions) was disapproved because air quality data collected by EPA in the vicinity of the McGill smelter in 1973-74 indicated that 86 percent reduction in emissions was required to meet the primary and secondary NAAQS for sulfur dioxide. EPA's regulations limited sulfur dioxide emissions from the McGill smelter to the extent necessary to attain and maintain the NAAQS.

The EPA regulations which are currently in effect [40 CFR 52.1475 (c), (d) and (e)] require control of low-level fugitive emissions and establish an ultimate emission limit (which requires an emission reduction of 86 percent) sufficient to attain the primary and secondary NAAQS for sulfur dioxide through the use of constant controls.[2] The EPA regulations also establish an interim alternative to the ultimate emission limitations. This alternative requirement provides for the use of interim constant controls (usually a sulfuric acid plant) to treat only the smelter's converter gases, in combination with the interim use of an SCS to protect the NAAQS for sulfur dioxide. This altenative requirement would result in approximately 60 percent reduction of emissions at full production.

On February 10, 1975 Kennecott Copper Corporation filed suit in the U.S. Court of Appeals for the Ninth Circuit challenging the sulfur dioxide regulations promulgated by EPA on grounds that EPA lacked authority to require continuous emission reduction techniques in preference to dispersion techniques. On November 28, 1975 the Ninth Circuit upheld the EPA regulations. *Kennecott Copper Corp.* v. *EPA* (*Kennecott I*), 526 F.2d 1149 (9th Cir., 1975), *cert. denied*, 425 U.S. 935 (1976).

On July 20, 1976 EPA requested that Kennecott submit a schedule and timetable for compliance with the sulfur dioxide regulations by August 1, 1976. On August 1, 1976 Kennecott closed the smelter. On October 1, 1976 the Nevada Environmental Commission, in response to a request from Kennecott, adopted new regulations purporting to revise the regulations promulgated by EPA.[3] These proposed revisions established new emission limits for particulate matter and sulfur dioxide and granted Kennecott a one year variance from those limits. The new requirements permitted Kennecott to continue to operate the smelter without the use of any sulfur dioxide constant controls.

On October 12, 1976, before EPA had a chance to review and act on these submissions, Kennecott filed suit in the U.S. District Court for the District of Nevada to enjoin EPA from enforcing the existing SIP and to require EPA to approve the State's revisions. On November 24, 1976, the district court granted the requested relief and Kennecott subsequently resumed operations at the smelter in late January, 1977. However, on April 4, 1978, the U.S. Court of Appeals for the Ninth Circuit reversed the district court's judgment and ordered the case dismissed. *Kennecott Copper Corp.* v. *EPA* (*Kennecott II*), 572 F.2d 1349 (9th Cir., 1978).

During the course of the court proceedings, which lasted approximately a year and a half, Congress enacted the 1977 Amendments to the Clean Air Act. Certain of these amendments changed and clarified the statutory requirements applicable to primary nonferrous smelters. Section 110(a)(2)(B) of the amended act requires a state implementation plan to include emission limitation and such other measures as are necessary to insure attainment and maintenance of national ambient air quality standards. In section 302(k), Congress made clear that those emission limitations must be achieved by the use of constant emission reduction technology. Under section 123, the degree of emission limitation (con-

[1] Dispersion techniques do not reduce total emissions into the atmosphere on a continuous basis. Rather, the rate of emissions is varied according to atmospheric conditions by use of a supplementary or intermittent control system (SCS or ICS) which disperses pollutants over time, or emissions are dispersed over a wide geographic area by use of a stack that is higher than required by good engineering practice (a tall stack). Although ambient concentrations of a pollutant may be reduced in the vicinity of a source, the amount of pollution entering the atmosphere is not reduced by use of a tall stack and is reduced on only an intermittent basis by use of SCS or ICS.

[2] Constant control, constant emission reduction, or continuous emission reduction techniques diminish the overall atmospheric loading of pollutants either by continuously preventing pollutants from being generated or removing pollutants from waste gas on a continuous basis.

[3] Section 116 of the Clean Air Act provides that, with certain exceptions, States may adopt or enforce any air pollution emission limitations as long as those emission limitations are equal to or more stringent than an applicable limitation in the state implementation plan (SIP), or under sections 111 and 112. In other words, a state cannot unilaterally revise the SIP by adopting regulations which are less stringent than the provisions in the existing SIP. Any revisions to the SIP proposed by a state do not become part of the SIP until approved by EPA. For simplicity the "purposted revisions" have generally been referred to as "revisions" or "proposed revisions."

stant control) thus required may not be reduced to any extent by use of any dispersion technique, including stack heights in excess of good engineering practice (tall stacks) and supplementary control systems (SCS), unless the stack height was in existence or the dispersion technique implemented before the enactment of the Clean Air Act of 1970 (December 31, 1970). The degree of emission limitation required by section 110(a)(2)(B) is that amount needed to insure that national standards are achieved. The net effect of these provisions is that SIPs must insure attainment and maintenance of national standards through the use of constant control technology alone. The use of any dispersion techniques in SIPs to meet national standards is prohibited, except as provided in section 123. Regulations to implement section 123 were proposed by EPA on January 12, 1979 (44 FR 2608).

Further, in the newly adopted section 119 of the Clean Air Act, Congress adopted a modified version of the interim sulfur dioxide control policy for primary nonferrous smelters set forth in EPA's Stack Height Increase Guideline (February 18, 1976, at 41 FR 7450).[4] EPA's Guideline had permitted temporary use of dispersion techniques in combination with some continuous emission reduction technology (usually a sulfuric acid plant to treat all converter gases) to prevent violations of NAAQS.

Section 119 establishes a new enforcement mechanism, the primary nonferrous smelter order (NSO), which permits a smelter to defer compliance with its SIP sulfur dioxide emission limitation, if several conditions are satisfied. If the smelter can demonstrate that it is unable to afford the adequately demonstrated technology which would enable it to comply with its SIP emission limitation for sulfur dioxide, and it meets other requirements of section 119 and applicable regulations, then the smelter may receive an NSO. Under an NSO, a smelter must use some continuous emission reduction technology in combination with dispersion techniques to protect NAAQS. The first NSO issued to a smelter may not extend beyond January 1, 1983. In addition, if certain conditions are met, a second NSO can be issued, but may not extend beyond January 1, 1988. However, the SIP sulfur dioxide emissions limitation necessary to attain NAAQS remains in effect, and the smelter remains responsible for compliance with the limitation solely through the use of constant controls upon expiration of the NSO(s).

[4]The interim program for the McGill smelter, set forth at 40 CFR 52.1475(e), 40 FR 5508 (February 6, 1975), was based on Agency policy which was later published in the Stack Height Increase Guideline.

In enacting section 119, Congress also provided specific relief for the McGill smelter.[5] Under section 119(d)(2), the interim continuous emission reduction technology requirement of the NSO may be waived for a smelter without any constant controls, if the cost of installation of such controls would be so great as to necessitate permanent or prolonged temporary cessation of operations of the smelter. If the smelter makes this showing, then it would be eligible for the waiver. Upon receipt of a smelter's NSO application containing a request for a waiver of the constant control requirement, the Administrator will determine whether installation of constant controls will require closure of the smelter. Regulations to implement section 119 were proposed by EPA on January 31, 1979 (44 FR 6284).

Discussion of Action

Throughout the litigation concerning Nevada's proposed SIP revisions, EPA took no action on the submissions because it was awaiting resolution of the case by the courts. Following the Ninth Circuit's decision, EPA reviewed the proposed revisions in accordance with the requirements of section 110(a)(2). EPA now proposes to act on the revisions as discussed below.

The proposals submitted by Nevada on October 7, 1976 concern control of sulfur dioxide and particulate matter emissions from the McGill smelter. The State's proposed regulations relax the emission limitations for sulfur dioxide and particulate matter. The sulfur dioxide regulation does not require the use of any constant control equipment ot limit emissions, but instead permits the use of dispersion techniques alone to protect the NAAQS for sulfur dioxide. Control strategy revisions supporting the sulfur dioxide and particulate matter regulations were submitted. In addition, the State proposes to delete existing regulations for use of supplementary control systems and control of sulfur emissions, and to grant a variance deferring compliance by the McGill smelter with the sulfur dioxide and particulate matter emission limitations for one year beginning October 1, 1976.

The following is a summary of the Administrator's evaluation of the State submission. A more detailed explanation is available in the Evaluation Report on file at the EPA and Nevada offices listed above.

EPA proposes to disapprove the State revision relaxing the sulfur dioxide emission limitations for the McGill smelter. The proposed regulation is intended as an alternative to the EPA-promulgated fugitive emission control program, ultimate emission limitation and alternative control program at 40 CFR 52.1475(c), (d) and (e). It establishes a relaxed plant-wide emission limitation, eliminates the requirements to use constant controls to reduce sulfur dioxide emissions on a continuous basis and permits use of dispersion techniques to attain NAAQS for sulfur dioxide. In addition, the regulation does not contain an emission limitation which assures attainment and maintenance of the NAAQS for sulfur dioxide through the use of constant controls alone.

The chief result of the State's alternative program is to enable the McGill smelter to avoid the constant control requirement. Sections 110(a)(2)(B), 123 and 302(k) of the Act require that SIPs insure NAAQS be attained and maintained through use of constant controls alone. Since the Nevada alternative regulation requires no constant control technology, but allows the NAAQS to be achieved through use of dispersion techniques, it cannot be approved as a SIP revision.

In addition, the control strategy revision supporting the Nevada regulation shows that the relaxed emission limitation in the regulation is not sufficient to insure attainment and maintenance of the NAAQS for sulfur dioxide. The Nevada alternative program can only be approved if it insures attainment and maintenance of NAAQS through constant controls alone. As the relaxation of the State's regulation fails to provide for attainment and maintenance of NAAQS as required by the Act, it must be disapproved.

As previously discussed, since the enactment of the 1977 amendments to the Clean Air Act, the constant control requirement of section 110(a)(2)(B) can be temporarily deferred through the issuance of a primary nonferrous smelter order (NSO) under section 119, but not through revision of the SIP. However, even the interim constant control requirement of section 119 may be waived if Kennecott applies for and receives an NSO with a waiver. Following promulgation of the regulations implementing section 119, the McGill smelter may apply for an NSO and a waiver. If it meets the conditions for waiver of the interim constant control requirement as set forth in section 119(d)(2), the smelter will not be required to use constant controls during the term of the NSO.

EPA also proposes to disapprove the State's relaxation of the particulate matter emission limitation. The revised emission inventory and control strategy for particulate matter demonstrate that particulate matter emissions from Kennecott's smelter will,

[5]See, *e.g.*, Cong. Rec., 95th Cong., 1st Sess., at S9193-9195 (Daily ed., June 8, 1977, Statement of Senator Cannon of Nevada).

by themselves, cause violations of the primary and secondary 24-hour standards under the provisions of the revised regulation. In addition, the proposed revision regulates only "solid particulate matter," while the existing regulation (NAQR Article 7.2) in the SIP regulates particulate matter (which includes liquids as well as solids). There is no control strategy demonstration in the SIP Revision submittal to show that this change is not a further relaxation of the regulation which would interfere with attainment and maintenance of the NAAQS for particulate matter. Furthermore, the regulation does not define "solid particulate matter," or specify a compliance test method. This allows the State unlimited discretion in defining "solid particulate matter" and selecting a test method. Since the amount of particulate matter measured at a source depends on the definition of "solid particulate matter" and the selection of the test method, this regulation is unenforceable.

The control strategy revisions supporting the revisions to the sulfur dioxide and particulate matter regulations are proposed for disapproval because they do not show that the NAAQS will be attained and maintained. The particulate matter control strategy projects violations of the primary and secondary 24-hour standards after implementation of the control strategy. The sulfur dioxide control strategy projects violations of the primary annual arithmetic mean, the primary 24-hour, and the secondary 3-hour standards after implementation of the control strategy and addition of a growth factor.

EPA proposes to approve the deletion of Nevada's previous regulation for use of supplementary control systems because section 123 does not permit SIPs to include dispersion techniques implemented after December 31, 1970.

EPA proposes to take no action on the State's deletion of its regulation governing copper smelter sulfur emissions. Since the regulation was disapproved by EPA on February 6, 1975 (40 FR 5508), no action by EPA is necessary.

Finally, EPA proposes to take no action on the variance from compliance with all emission limitations applicable to the McGill smelter. The variance was granted to Kennecott by the Nevada Environmental Commission on October 1, 1976 for a period of one year and has now expired. Similar one year variances have been issued to Kennecott in 1977 and 1978, but they have not been submitted to EPA as SIP revisions. Therefore, no action is necessary.[6]

This Notice of Proposed Rulemaking is issued under the authority of sections 110 and 301 of the Clean Air Act as amended (42 U.S.C. 7410 and 7601).

Dated: February 13, 1979.

SHELIA M. PRINDIVILLE,
Acting Regional Administrator.

[FR Doc. 79-7922 Filed 3-14-79; 8:45 am]

[6560-01-M]

[40 CFR Part 52]

[FRL 1076-7]

MASSACHUSETTS APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Rulemaking Governing the Burning of Higher Sulfur Fuel in Four Air Pollution Control Districts, and the Use of Higher Ash Content Fuel in Two Air Pollution Control Districts, State of Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA is proposing to approve four Implementation Plan revisions which permanently extend Massachusetts Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof" for the Pioneer Valley Air Pollution Control District (APCD), Metropolitan Boston APCD, Southeastern Massachusetts APCD, and Merrimack Valley APCD. The regulation being extended permits the burning of higher sulfur content fuels by certain sources under specified conditions. EPA is also proposing to approve two revisions to Massachusetts Regulation 310 CMR 7.05(4) "Ash Content of Fuels" to permit the burning of fossil fuels with ash content in excess of nine percent, by dry weight, at any facility in the Pioneer Valley APCD and Metropolitan Boston APCD (the present regulation prohibits sources with rated capacities of less than 250 million Btu per hour heat input from burning fuel with more than nine percent ash content).

DATES: Comments must be received on or before April 16, 1979.

ADDRESSES: Copies of the Massachusetts submittals and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and the Massachusetts Department of Environmental Quality Engineering, Division of Air and Hazardous Materials, 600 Washington Street, Room 320, Boston, Massachusetts 02111. Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT:

Victor Trinidad, Air Branch, Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, 617/223-5609.

SUPPLEMENTARY INFORMATION: In July, 1978, December, 1978 and January, 1979, the Commissioner of the Massachusetts Department of Environmental Quality Engineering (The Department) submitted to the Environmental Protection Agency (EPA) revisions to the Massachusetts State Implementation Plan (SIP), Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof" (formerly Regulation 5.1). One revision was submitted for each of four of the Massachusetts Air Pollution Control Districts (APCD's): Pioneer Valley, Metropolitan Boston, Merrimack Valley, and Southeastern Massachusetts. The revisions allow certain fossil fuel burning facilities in the APCD's to continue burning higher sulfur fuel oil beyond the present expiration date of July 1, 1979. Also, the Department submitted revisions to Massachusetts Regulation 310 CMR 70.5(4) "Ash Content of Fuels" allowing facilities in the Pioneer Valley APCD and Metropolitan Boston APCD with rated capacities of less than 250 million Btu per hour, heat input, to burn fossil fuel with an ash content in excess of nine percent on a dry weight basis (the present regulation prohibits sources with rated capacities of less than 250 million Btu per hour heat input from burning fossil fuel with an ash content in excess of nine percent on a dry weight basis).

Sulfur In Fuel Limitations Revisions.—The original Massachusetts SIP was approved by EPA on May 31, 1972 (37 FR 10842). This SIP established specific limits for the sulfur content of fuels. Massachusetts Chapter 494 of the Acts of 1974, requires the Department to periodically review the control strategies and to relax any regulation more stringent than necessary.

Pursuant to Chapter 494, the Department reviewed the sulfur in fuels regulations for each of its air pollution control districts. As a result of that review the Department submitted initial revisions to its SIP to permit cer-

[6] It should be noted that the State variances could not be approved if submitted to EPA by the State for the same reasons that EPA is now proposing to disapprove the corresponding State regulation which would relax control of sulfur dioxide emissions.

tain sources to burn higher sulfur fuels. The actual requirements vary from APCD to APCD.

In all APCD's, sources over 100 million Btu per hour heat input can apply to the Department for permission to burn the higher sulfur (up to 2.2 percent sulfur) fuels. The Department analyzes the impact from each source which submits a request to insure that national ambient air quality standards (NAAQS) will not be violated. In addition, sources permitted to burn are required to demonstrate that they can do so without violating other State regulations including the particulate matter emission limitations and the opacity requirement. Also, certain sources are required to establish and operate an ambient air monitoring network around the sources. The data from those networks are submitted to the Department regularly and are used to evaluate the effect of burning higher sulfur fuels.

To insure adequate review, analysis and public input into the evaluation of the impacts of burning higher sulfur fuels, the initial revisions were temporary with specific end dates. Each date has been extended until July 1, 1979.

Not all sources eligible to burn high sulfur fuel have elected to do so. The State has submitted a list of over 80 sources with heat input capacity over 100 million Btu per hour. EPA has determined that it cannot adequately review and take action on the entire list before July 1, 1979. Therefore, in order to permit the continuous burning of higher sulfur fuel at facilities presently burning it, EPA has, with consultation of the Department divided the list into two groups. The first list consists of those sources which are presently burning higher sulfur fuels or have received permission from the State to burn higher sulfur fuel and for which EPA has evaluated the information submitted. The second list is all other sources.

Since these are permanent revisions, the State has established a procedure in the SIP to review and re-analyze the burning of higher sulfur fuels not later than July 1, 1982 and at least every three years thereafter.

The Department submitted mathematical modeling in support of the original revisions. Additional modeling has been conducted in support of this revision consistent with the EPA Guidelines for Air Quality Maintenance Planning and Analysis, Volume 10 (revised): Procedures for Evaluating Air Quality Impacts of New Stationary Sources (OAQPS No. 1.2-029R), October 1977, EPA 450/4-77-001, and Guideline Series (OAQPS 1.2-080), April 1978, Guidelines on Air Quality Models. No violations of the NAAQS were predicted for the sources proposed to be approved today. In addition, EPA has reviewed the sulfur dioxide (SO_2) levels recorded by the private monitoring networks and by the state monitoring network. No violations or exceedances of the SO_2 NAAQS were observed.

Several Massachusetts cities and towns have been designated as nonattainment for the total suspended particulates (TSP) NAAQS. The Department is preparing an attainment plan for TSP in those cities and towns. That plan will include the particulate emissions from the approved sources while burning higher sulfur fuels. At EPA's request, the Department submitted supplementary information on the TSP NAAQS violations in Massachusetts. The Department demonstrated that sources presently burning higher sulfur content fuel have not caused or significantly contributed to TSP NAAQS violations.

The present revisions are not subject to the requirements of 40 CFR 51.24 concerning Prevention of Significant Deterioration (PSD) of Air Quality. In all cases the State had submitted the original revisions increasing the sulfur in fuel levels before August 7, 1977, and those revisions or extensions of these revisions were pending approval before the Administrator on August 7, 1977. Therefore, the allowable emissions from the sources covered are included in the "baseline concentration" and do not represent increased air quality deterioration over this baseline.

The Department submittals include justifications for more sources to burn higher sulfur fuel than EPA is proposing to approve today. EPA is taking no action on those sources at this time and will propose approval or disapproval action when the review is completed.

Ash Content Revision—The original Massachusetts SIP approved on May 31, 1972 (37 FR 10842) specified both a particulate emission limit and a limit of nine percent by dry weight on the ash content in fuels. The regulation permitted fossil fuel utilization facilities of 250 million or greater Btu per hour heat input to request permission to burn higher ash content fuel. The Department has submitted revisions to 310 CMR 70.5(4) "Ash Content of Fuels" for two APCD's, Pioneer Valley and Metropolitan Boston APCD. These revisions would allow the fossil fuel burning facilities with less than 250 million Btu per hour heat input capacity to burn fossil fuel with an ash content in excess of nine percent by dry weight. However, the particulate emission limitation has not been changed and the Department has determined that there will be no increase in particulate matter emissions. The change to the ash content regulation does not require an analysis for PSD increment consumption (40 CFR 51.24) since the emission limitation will not be changed and no air quality deterioration will result.

Pioneer Valley APCD—On February 1, 1977 (42 FR 5975) EPA approved the initial SIP revision for the Pioneer Valley APCD [the Massachusetts portion of the Hartford-New Haven-Springfield Interstate Air Quality Control Region (AQCR)]. That revision permitted fossil fuel burning facilities over 100 million Btu per hour heat input to apply for permission to burn fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately 2.2% sulfur residual oil) instead of the base SIP requirement of 0.55 pounds per million Btu (approximately 1.0% sulfur residual oil). That revision was valid through June 1, 1978. EPA approval excepted the following facilities:

1. Mount Tom Generating Station, Holyoke
2. Deerfield Specialty Paper Company, Monroe Bridge
3. Westfield River Paper Company, Russell
4. Strathmore Paper Company, Westfield
5. Riverside Generating Station, Holyoke
6. University of Massachusetts (Tillson Farm), Amherst
7. Westover Air Force Base, Building 7102, Chicopee
8. Erving Paper Mills, Erving
9. Holyoke Gas and Electric Company, Holyoke

On June 21, 1978 (43 FR 26574) EPA approved a thirteen month extension of that revision until July 1, 1979. At that time EPA removed two sources from the excepted list. EPA approved Deerfield Specialty Paper Company to burn fuel with a sulfur content not in excess of 1.21 pounds per million Btu and required Mount Tom Generating Station to conduct monitoring before approval to burn higher sulfur fuels would be granted.

On January 3, 1979 the Department submitted to EPA a request for a SIP revision permanently extending regulation 310 CMR 7.05(1) for the Pioneer Valley APCD. This revision named 29 eligible sources with heat input capacity over 100 million Btu per hour. EPA evaluated 9 of those sources (which are burning higher sulfur fuel) and proposes to allow them to burn fuel with a sulfur content not to exceed 1.21 pounds per million Btu heat input after July 1, 1979. Those 9 sources are:

1. Amherst College, Amherst
2. Brown Company, Holyoke
3. Monsanto Polymer and Petrochemical Company, Building 21, Springfield

4. Monsanto Polymer and Petrochemical Company, Building 49, Springfield
5. Mount Holyoke College, South Hadley
6. Uniroyal Tire Inc., Chicopee
7. Smith College, Northampton
8. West Springfield Generating Station, Western Massachusetts Electric, West Springfield
9. Deerfield Specialty Paper, Monroe Bridge

Also included in the January 3, 1979 submittal was a revision to Massachusetts Regulation 310 CMR 7.05(4) "Ash Content of Fuels" for Pioneer Valley APCD. As described previously, this revision would allow fossil fuel utilization facilities rated at less than 250 million Btu per hour heat input capacity to burn fossil fuel with an ash content in excess of nine percent by dry weight. This revision will not lead to any increased emissions and EPA is proposing to approve it.

Metropolitan Boston APCD—On December 5, 1975 (40 FR 56889) EPA approved the initial SIP revision for the Metropolitan Boston APCD (the same geographic boundaries as the Metropolitan Boston Interstate Air Quality Control Region). That revision permitted electric generating facilities having a heat input capacity of 2500 million Btu per hour in the following cities and towns: Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown (the Boston Core Area) to burn fuel with a sulfur content not in excess of 0.55 pounds per million Btu (approximately equivalent to 1% sulfur content residual oil).

All other sources burning fossil fuel located in the Boston Core Area were required to continue the burning of fuel with a sulfur content not in excess of 0.28 pounds per million Btu heat release potential (approximately 0.5% sulfur content residual oil). Also, those facilities located in the Metropolitan Boston APCD but not in the Boston Core Area having an energy input capacity over 100 million Btu's per hour were allowed to request permission to use fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately 2.2% sulfur content residual oil) and all other sources in those areas burning residual oil were limited to burning fuel with a sulfur content not in excess of 0.55 per million Btu heat release potential (approximately 1.0% sulfur content residual oil), in accordance with the original SIP regulation. This revision expired on July 1, 1977. On August 22, 1977 (42 FR 42218) EPA approved a one year extension (to July 1, 1978) of that revision. On November 30, 1978 (43 FR 56040) EPA approved another one year extension (to July 1, 1979).

On February 7, 1979 (44 FR 7712) EPA approved the buring of fuel with a sulfur content not to exceed 1.21 pounds per million Btu at the New England Power Company's Salem Harbor Station Unit No. 1, Salem, Massachusetts, from February 7, 1979 to December 31, 1979. This revision, which also included a relaxation of the opacity limitation, was approved to allow the experimental burning of a coal/oil slurry. The action EPA is proposing today will not affect that revision.

On December 28, 1978, the Department submitted a revision to the Massachusetts SIP for a permanent extension to the Massachusetts Regulation 310 CMR 7.05(1) for the Metropolitan Boston APCD. The proposed revision makes permanent Regulation 310 CMR 7.05(1), which allows the burning of higher sulfur fuel at selected combustion facilities. This submittal named 29 eligible sources. EPA has evaluated eleven of those sources (now burning higher sulfur fuel) and is proposing to approve the burning of higher sulfur fuel for those sources as follows:

Facility	Sulfur content of fuel[1]
1. New England Power Company, Salem Harbor Station, Salem	1.21
2. Boston Edison, L. Street Station, New Boston, Boston	0.55
3. Boston Edison, Mystic Station, Everett	0.55
4. Ventron Corporation, Danvers	1.21
5. General Electric, Lynn River Works, Lynn	1.21
6. U.S.M. Corporation, Beverly	1.21
7. Medfield State Hospital, Medfield	1.21
8. General Dynamics, Quincy	1.21
9. Hollingsworth and Vose, East Walpole	1.21
10. Kendal Company, Walpole	1.21
11. Dennison Manufacturing Company, Framingham	1.21

[1] Not to exceed in pounds per million Btu's.

On July 20, 1978 the Department submitted a revision to Massachusetts Regulation 310 CMR 7.05(4) "Ash Content of Fuels" for the Metropolitan Boston APCD. As described previously, this revision would allow fossil fuel utilization facilities rated at less than 250 million Btu per hour heat input capacity to burn fuels with an ash content in excess of nine percent by dry weight. This revision would not lead to an increase in emissions and EPA proposes to approve this revision.

Southeastern Massachusetts APCD—On September 2, 1977 (42 FR 44235) EPA approved the initial SIP revision for the Southeastern Massachusetts APCD (the Massachusetts portion of the Metropolitan Providence Air Quality Control Region). That revision permitted fossil fuel utilization facilities over 100 million Btu per hour heat input capacity to apply for permission to burn fuel with a sulfur content not to exceed 1.21 pounds per million Btu heat input (approximately 2.2 percent sulfur content residual oil) instead of the base requirement of 0.55 pounds per million Btu heat input approximately 1 percent sulfur content residual oil).

The Department had proposed that seventeen fossil fuel utilization facilities in the Southeastern Massachusetts APCD having an energy input capacity rated at 100 million Btu per hour or greater burn higher sulfur fuels until May 1, 1978 be approved. All other sources were required to continue burning fossil fuel with sulfur content not in excess of 0.55 pounds per million Btu heat input (approximately 1 percent sulfur content residual oil) in conformance with the originally approved SIP. EPA approved ten sources to burn high sulfur fuels, disapproved four sources, and took no action on the remaining three sources.

On January 12, 1978 (42 FR 1793), EPA approved the use of the higher sulfur content fuel for the remaining three sources. New England Power Company, Brayton Point Station, Somerset; Montaup Electric Company, Somerset Station; and Harodite Finishing Company, Dighton. On September 8, 1978 (43 FR 40010), EPA extended the effective period of Regulation 310 CMR 7.05(1) from May 1, 1978 to July 1, 1979.

On January 31, 1979, the Department submitted to EPA a revision to the Massachusetts SIP to permanently extend Massachusetts Regulation 310 CMR 7.05(1) beyond the July 1, 1979 expiration date. EPA has reviewed the submitted data in support of the permanent extension and is proposing approval for the following sources (presently burning higher sulfur fuel):

1. New England Power Company, Brayton Point Station, Somerset.
2. Montaup Electric Company, Somerset Stations, Somerset (provided it is limited to 75 percent capacity while burning higher sulfur fuels).
3. Canal Electric Company, Sandwich.
4. Taunton Municipal Lighting Plant, Somerset Avenue, Taunton.

On March 7, 1979 (44 FR 2459) EPA proposed approval of a revision to the SIP which defines the requirements under which coal can be burned in Units 1, 2, and 3 at the New England Power Company Brayton Point facility. This revision does not affect that proposal.

Merrimack Valley APCD—On December 30, 1976 (41 FR 56804) EPA approved the initial SIP revision for the Merrimack Valley APCD (the Massachusetts portion of the Merrimack Valley-Southern New Hampshire Interstate AQCR), which permit-

ted all residual oil burning facilities in the Merrimack Valley APCD to burn fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately 2.2 percent sulfur residual fuel oil) until May 1, 1978. Excluded from the revision were sources in the City of Lawrence, the Towns of Andover, Methuen, North Andover and the Haverhill Paperboard Corporation in Haverhill. Sources in these communities and Haverhill Paperboard Corporation remained subject to the previously approved regulations, which stipulated that sources are required to burn fossil fuel having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil).

On July 12, 1977 (42 FR 35833) EPA approved the burning at Haverhill Paperboard Corporation of fuels with a maximum sulfur content of 0.75 pounds per million Btu heat release potential (approximately 1.4 percent sulfur content residual oil).

On June 21, 1978 (43 FR 26574) EPA approved a 14 month extension to the revision which now expires on July 1, 1979.

On December 28, 1978 the Department submitted a revision to the Massachusetts SIP for a permanent extension to Massachusetts Regulation 310 CMR 7.05(1) beyond the July 1, 1979 expiration date. EPA has reviewed the submitted data in support of the permanent extension and is proposing approval with the following conditions and exceptions:

1. Haverhill Paperboard Corporation, Haverhill [remains restricted to fuels with a sulfur content not in excess of 0.75 pounds per million Btu heat release potential (approximately 1.4 percent sulfur residual fuel oil)].

2. Boott Mill, Lowell (EPA is taking no action on Boott Mill, Lowell at this time).

3. The City of Lawrence, and the Towns of Andover, Methuen, and North Andover. [Sources in these areas remain subject to the previously approved requirements of Regulation 310 CMR 7.05(1), which stipulate that sources are limited to burning fossil fuel having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight)].

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revision to the Massachusetts State Implementation Plan should be approved or disapproved.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)-(H) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: March 9, 1979.

WILLIAM R. ADAMS, Jr.,
Regional Administrator, Region I.

[FR Doc. 79-7920 Filed 3-14-79; 8:45 am]

[6560-01-M]

[40 CFR Part 52]

[FRL 1075-2A]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama: Proposed Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Alabama has revised its air pollution control regulation by revoking the provisions for the preconstruction review of complex sources—parking facilities, roads, and airports. EPA proposes to approve this change and solicits public comment on the proposal.

DATE: To be comsidered, written comments must be received on or before April 16, 1979.

ADDRESSES: Copies of the Alabama submittal may be inspected by the public during normal business hours at the following locations:

Alabama Air Pollution Control Commission, 645 S. McDonough Street, Montgomery, Alabama 36130.
Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308.
Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Comments should be submitted to Mr. Eliot Cooper of EPA Region IV's Air Programs Branch at the Atlanta address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Eliot Cooper, EPA, Region IV, Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: Pursuant to a decision by the District of Columbia Circuit Court of Appeals in the case of *NRDC* v. *EPA*, 475 F.2d 968, the Agency on June 18, 1973 (38 FR 15834) promulgated changes in 40 CFR 51.18 requiring State Implementation Plans to provide for preconstruction review of indirect sources of air pollution. Alabama was one of the few states to respond within the deadline set by EPA for the submittal of an indirect source plan. The Alabama plan, set forth as Chapter 10 of the State's air pollution control regulations, was approved by the Administrator, aside from its provisions for public comment, on February 25, 1974 (39 FR 7270); at this time a Federal regulation was promulgated for States which had failed to submit an acceptable indirect source plan.

Because of Congressional opposition to the regulation of indirect sources, these Federal regulations have never been implemented. Consequently, Alabama has never implemented its own indrect source regulations. The State now feels that these regulations are unnecessary since the Clean Air Act as amended in 1977 requires States to meet standards for vehicle related pollutants by more effective and reliable means, e.g., comprehensive transportation planning and inspection/maintenance programs.

Following notice and public hearing in conformity with 40 CFR 51.4, Alabama on November 27, 1978, revoked its indirect (complex) source regulations. This change was submitted to EPA's Region IV office as a proposed implementation plan revision on December 6, 1978.

The subject of new source review provisions in state implementation plans was addressed by the 1977 Clean Air Act Amendments, Pub. L. 95-95. The amendments added section 110(a)(5) to the Act, the purpose of which, as explained by the Conference Report, was to prohibit the Administrator "outright from requiring indirect source review programs as part of state implementation plans, either directly or indirectly, except with respect to federally funded projects." H. R. Rep. 95-564, 95th Cong. 1st Sess., 126 (1977). The report further says: "Any program which has already been approved by the Administrator may remain part of the applicable implementation plan. However any State at any time may suspend or revoke such a program."

EPA's October 1977 appropriation bill included a prohibition against EPA's enforcement of parking regulations that are not specifically authorized by subsequent legislation, Pub. L. 95-119 section 406. Taken together, these laws restrict EPA's authority to: (1) require state plans to include indirect source review programs, (2) disapprove plan revisions for eliminating such programs, (3) promulgate federal indirect source review regulations, except with respect to federally

owned, operated or assisted projects, or (4) enforce any such programs.

EPA emphasizes that indirect source review is a means of assuring attainment and maintenance of the carbon monoxide and oxidant standards. In Alabama, as in many areas of the country, the SIP does not now provide for attainment or maintenance of these standards. Therefore, the January 1979 SIP revision submittal must show that this defect has been remedied. If the state continues to disfavor a complete indirect source review program, some other measures must be adopted in its place.

The Agency proposes to approve the Alabama revision on the grounds that it is authorized by section 110(a)(5) of the Clean Air Act; that Alabama is proceeding to revise its SIP to provide for the attainment and maintenance of the National Ambient Air Quality Standards as required by Part D of Title I of the Act; and that in all other respects the plan meets the requirements of section 110(a) of the Act.

(Section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)).)

Dated: March 5, 1979.

JOHN C. WHITE,
Regional Administrator.

[FR Doc. 79-7795 Filed 3-14-79; 8:45 am]

[6560-01-M]

[40 CFR Part 60]

[FRL 1059-1]

NEW STATIONARY SOURCES: SULFURIC ACID PLANTS

Review of Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Review of Standards.

SUMMARY: EPA has reviewed the standards of performance for sulfuric acid plants (40 CFR 60.80). The review is required under the Clean Air Act, as amended August 1977. The purpose of this notice is to announce EPA's decision to not revise the standards at this time and to solicit comments on this decision.

DATES: Comments must be received by May 14, 1979.

ADDRESS: Send comments to: Mr. Don Goodwin (MD-13), Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Ajax, telephone: (919) 541-5271. The document "A Review of Standards of Performance for New Stationary Sources—Sulfuric Acid Plants" (EPA report number EPA-450/3-79-003) is available upon request from Mr. Robert Ajax (MD-13), Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Prior to the proposal of the standard of performance in 1971, almost all existing contact process sulfuric acid plants were of the single-absorption design and had no SO_2 emission controls. Emissions from these plants ranged from 1500 to 6000 ppm SO_2 by volume, or from 10.8 kg of SO_2/Mg of 100 percent acid produced (21.5 lb/ton) to 42.5 kg of SO_2/Mg of 100 percent acid produced (85 lb/ton). Several State and local agencies limited SO_2 emissions to 500 ppm from new sulfuric acid plants, but few such facilities had been put into operation (EPA, 1971).

In August of 1971, the Environmental Protection Agency (EPA) proposed a regulation under Section 111 of the Clean Air Act to control SO_2 and sulfuric acid mist emissions from sulfuric acid plants. The regulation, promulgated in December 1971, requires that no owner or operator of any new sulfuric acid production unit producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides, mercaptans, or acid sludge shall discharge into the atmosphere any gases which contain sulfur dioxide in excess of 2 kg/Mg (4 lb/ton); any gases which contain acid mist, expressed as H_2SO_4, in excess of 0.075 kg/Mg of acid produced (0.15 lb/ton), expressed as 100 percent H_2SO_4; or any gases which exhibit 10 percent opacity or greater. Facilities which produce sulfuric acid as a means of controlling SO_2 emissions are not included under this regulation.

The Clean Air Act Amendments of 1977 require that the Administrator of the EPA review and, if appropriate, revise established standards of performance for new stationary sources at least every 4 years [Section 111(b)(1)(B)]. This notice announces that EPA has completed a review of the standard of performance for sulfuric acid plants and invites comment on the results of this review.

FINDINGS

INDUSTRY GROWTH

Since the proposal, 32 contact process sulfuric acid units have been constructed. Of these, at least 24 units result from growth in the phosphate fertilizer industry and are dedicated to the acidulation of phosphate rock, mainly in the Southern U.S.

In 1976, over 70 percent of the total national production of new sulfuric acid was in the South. It is projected that three of the four units predicted to be coming on line each year will most probably be located in the South.

BEST DEMONSTRATED CONTROL TECHNOLOGY

Sulfur dioxide and acid mist are present in the tail gas from the contact process sulfuric acid production unit. In modern four-stage converter contact process plants burning sulfur with approximately 8 percent SO_2 in the converter feed, and producing 98 percent acid, SO_2 and acid mist emissions are generated at the rate of 13 to 28 kg/Mg of 100 percent acid (26 to 56 lb/ton) and 0.2 to 2 kg/Mg of 100 percent acid (0.4 to 4 lb/ton), respectively. The dual absorption process is the best demonstrated control technology for SO_2 emissions from sulfuric acid plants, while the high efficiency acid mist eliminator is the best demonstrated control technology for acid mist emissions. These two emission control systems have become the systems of choice for sulfuric acid plants built or modified since the promulgation of the NSPS. Twenty-eight of the 32 sulfuric acid production plants subject to the standard incorporate the dual absorption process; all 32 plants use the high efficiency acid mist eliminator.

COMPLIANCE TEST RESULTS

All 32 sulfuric acid production units subject to the standard showed compliance with the current SO_2 standard of 2 kg/Mg (4 lb/ton). The 29 compliance test results for dual absorption plants ranged from a low of 0.16 kg/Mg (0.32 lb/ton) to a high of 1.9 kg/Mg (3.7 lb/ton) with an average of 0.9 kg/Mg (1.8 lb/ton). Information received on the performance of several sulfuric acid plants indicates that low SO_2 emission results achieved in NSPS compliance tests apparently do not reflect day-to-day SO_2 emission levels. These levels appear to rise toward the standard as the conversion catalyst ages and its activity drops. Additionally, there may be some question about the validity of low SO_2 NSPS values, i.e., less than 1 kg/Mg (2 lb/ton), due to errors in the application of the original EPA Method 8. This method was revised on August 18, 1977, to include more detailed procedures to prevent such errors.

All 32 affected sulfuric acid production units also showed compliance with the current acid mist standard of 0.075 kg/Mg of 100 percent acid (0.15 lb/ton). The compliance test data are all from plants with acid mist emission control provided by the high efficien-

cy acid mist eliminator. The data showed a range with a low of 0.008 kg/Mg (0.016 lb/ton) to a high of 0.071 kg/Mg (0.141 lb/ton), and an overall average value of 0.04 kg/Mg (0.081 lb/ton). Acid mist emission (and related opacity) levels are unaffected by factors affecting SO_2 emissions, i.e., conversion efficiency and catalyst aging. Rather, acid mist emissions are primarily a function of moisture levels in the sulfur feedstock and air fed to the sulfur burner, and the efficiency of the final absorber operation. The order-of-magnitude spread observed in compliance test values is probably a result of variation in these factors. Additionally, the potential for imprecision in the application of the original EPA Method 8 may have contributed to this spread.

POSSIBLE REVISION TO STANDARD

The compliance test data indicate that the available control technology could possibly meet both lower sulfur dioxide and sulfuric acid mist emission standards. However, the available test data indicate that variability in indicated emission rates occurs—possibly as a result of process variables, and test method precision. Therefore, to meet a tighter standard designers and operators would need to design for attainment of a lower average emission rate in order to retain a margin of safety needed to accommodate emission variability. The available compliance data do not provide a basis for concluding that this is possible.

In contrast, the effect of catalyst aging is controllable by more frequent replacement. As an outside limit, complete replacement of catalyst in the first 3 beds of a four-bed converter 3 times as frequently as is normally practiced could potentially maintain emissions in the range of 1 to 1.5 kg/Mg and would result in a net emission reduction of approximately 0.3 kg/Mg (0.6 lb/ton).

Based on an estimated sulfuric acid plant growth rate of four new production lines per year between 1981 and 1984, a 50 percent reduction of the present SO_2 NSPS level—from 2 kg/Mg (4 lb/ton) to 1 kg/Mg (2 lb/ton)—would result in a drop in the estimated SO_2 contribution to these new sulfuric acid plants to the total national SO_2 emissions, from 0.04 percent to 0.02 percent (8,000 tons to 4,000 tons).

CONCLUSIONS

Based upon the above findings, EPA concludes that the current best demonstrated control technology, the duel absorption process and the acid mist eliminator are identical in basic design to that used as the rationale for the original SO_2 standard. Therefore, from the standpoint of control technology, and considering costs, and the small quantity of emissions in question, it does not appear necessary or appropriate to revise the present standard of performance adopted under Section 111 of the Clean Air Act. It should be noted that for the purpose of attaining national ambient air quality standards and prevention of significant deterioration, State Implementation Plan new source reviews may in some cases require greater emission reductions than those required by standards of performance for new sources.

PUBLIC PARTICIPATION

All interested persons are invited to comment on this review, the conclusions, and EPA's planned action. Comments should be submitted to: Mr. Don Goodwin (MD-13), Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

(Section 111(6)(1)(B) of the Clean Air Act, as amended (42 U.S.C. 7411(6)(1)(B)).

Dated: March 9, 1979.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 79-7926 Filed 3-14-79; 8:45 am]

[6560-01-M]

[40 CFR Part 81]

[FRL 1076-2]

AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Attainment Status Designations

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: This action proposes revisions to certain attainment status designations for the Environmental Protection Agency (EPA) Region IX that were published on March 3, 1978 (43 FR 8962). Five areas in California are proposed to be redesignated to "nonattainment" for oxidant (O_x) and two islands in Hawaii are proposed to be redesignated from "unclassified" to "nonattainment" for sulfur dioxide (SO_2). In addition, one island in Hawaii is proposed to be redesignated from "unclassified" to "nonattainment" for total suspended particulates (TSP).

EPA is soliciting public comments on the proposed designation changes and will publish revised designations as appropriate. Relevant comments received on or before May 14, 1979 will be considered in the final rulemaking. States with areas redesignated "nonattainment" in the final rulemaking will have nine months from the date of that rulemaking to submit to EPA an implementation plan revision (Nonattainment Area Plan).

DATES: Comments will be accepted on or before May 14, 1979.

ADDRESS: Comments should be directed to: Arnold Den, Chief, Air Technical Branch, EPA Region IX (A-4), 215 Fremont Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT:

Charlotte Hopper, Acting Chief, Technical Analysis Section, EPA Region IX, Phone (415) 556-2002.

SUPPLEMENTARY INFORMATION: On March 3, 1978 pursuant to Section 107 of the Clean Air Act Amendments of 1977, EPA promulgated attainment status designations for all states in relation to the National Ambient Air Quality Standards (NAAQS). Although the designations were immediately effective, EPA solicited public comments for 60 days and indicated that designations would be revised as appropriate.

This notice concerns designations that are currently "attainment" or "unclassified" and are proposed to be changed to "nonattainment." For every nonattainment area, a State must revise its state implementation plan (SIP) to provide for attainment.

On January 26, 1979, EPA established a new NAAQS for ozone of 0.12 ppm (primary and secondary) to replace the photochemical oxidant standard of 0.08 ppm. Because of this change, some areas designated as nonattainment with respect to the oxidant standard will become candidates for redesignation as attainment areas by the States. Region IX will review the status of specific areas at the request of interested State and local governments to determine whether they should be attainment areas under the new standard. Any changes to the designations which are currently in effect and those which are proposed here will be published in a future FEDERAL REGISTER.

A separate rulemaking has been developed for areas within EPA Region IX that have been redesignated to either "attainment" or "unclassified."

The State of California Air Resources Board (ARB) has recommended changing the O_x designation of a portion of the Mountain Counties Air Basin from "unclassified" to "nonattainment". The ARB has received ozone monitoring data from Placer County (the Mountain Counties non-AQMA portion) which showed violations of the O_x NAAQS on 43 of the 89 days monitored from June through September 1977. Mariposa County, the southernmost county in the air basin, has been recording O_x violations for

some time and was designated "nonattainment" in the March 3, 1978 rulemaking notice. A recent monitoring study was conducted in El Dorado County which showed violations of the O_x NAAQS as well.

Air monitoring for O_x has not been conducted in the three counties (Amador, Calaveras, and Tuolumne) which lie between El Dorado and Mariposa Counties. However, all these counties are in the Mountain Counties Air Basin and have similar topographical and meteorological characteristics and may receive O_x transported from the Sacramento and San Joaquin Valley Air Basins which are dsignated "nonattainment" for O_x. This rulemaking notice proposes to change the O_x designations for Amador, Calveras, El Dorado, Placer (non-AQMA portion within the Mountain Counties Air Basin), and Tuolumne Counties from "unclassified" to "nonattainment".

On March 3, 1978 EPA designated the islands of Maui and Oahu as "unclassified" for SO_2 pending the results of a study near two power plants on those islands. The results of the air monitoring portion of the study are now available and indicate violations of the 24-hour primary SO_2 NAAQS at the power plant on Maui and the one on Oahu. Based on this air monitoring data, EPA is proposing to modify the designation of Maui Island and Oahu Island from "unclassified" to "nonattainment" (primary) for SO_2.

EPA also designated Maui Island as "unclassified" for TSP. A review of the 1977 air quality data for Hawaii, shows that the annual TSP standard is violated at Kahului, Maui Island. Based on this information, EPA is proposing to change the Island's designation from "unclassified" to "nonattainment" for TSP.

For the areas of California and Hawaii that may be redesignated as "nonattainment" in the final rulemaking, the States will have nine months from the final designation to submit to EPA an implementation plan revision.

Interested persons may participate in this rulemaking by submitting written comments to the EPA Region IX office as indicated in the ADDRESS section of this notice. All relevant comments received on or before May 14, 1979 will be considered, and final designations will be published in the FEDERAL REGISTER. Comments received will be available for public inspection during normal business hours at the EPA Region IX office.

(Secs. 107(d), 171(2), 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7501(2), 7601(a)).)

Dated: March 7, 1979.

DOUGLAS COSTLE,
Administrator.

[FR Doc. 79-7794 Filed 3-14-79; 8:45 am]

[6560-01-M]

[40 CFR Part 117]

[FRL 1077-1]

HAZARDOUS MATERIALS

Determination of Reportable Quantities

AGENCY: Environmental Protecion Agency.

ACTION: Extension of time.

SUMMARY: EPA now extends by fifteen days the time during which public comments will be received for consideration of the proposed rule, Hazardous Substances Part 117, published in the FEDERAL REGISTER on February 16, 1979, 44 FR 10271.

DATE: Comments on this proposal will be received until 5:00 P.M., April 3, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-0100.

Dated: March 9, 1979.

THOMAS C. JORLING,
Assistant Administrator.

[FR Doc. 79-7961 Filed 3-14-79; 8:45 am]

[4110-35-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Part 405]

MEDICARE PROGRAM

Direct Apportionment of Malpractice Costs to Medicare

AGENCY: Health Care Financing Administration.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would require malpractice costs incurred by a provider to be directly apportioned to Medicare based on Medicare malpractice loss experience, instead of the current apportionment basis of Medicare's overall utilization of provider services. It would require a separate accumulation and direct apportionment of malpractice insurance premiums and self-insurance fund contributions. In addition, if a provider is paying uninsured malpractice losses directly, either through deductible or coinsurance provisions or as a governmental provider, or as a result of an award in excess of reasonable coverage limits, Medicare would reimburse the costs of these losses and any related direct costs only as attributable to Medicare beneficiaries. The purpose is to reimburse Medicare providers on a basis more closely related to actual malpractice experience.

DATES: Consideration will be given to written comments or suggestions received on or before April 30, 1979.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013.

In commenting, please refer to MAB-110-P. Comments will be available for public inspection beginning approximately 2 weeks after publication in Room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202-245-0950).

FOR FURTHER INFORMATION CONTACT:

Mr. Hugh McConville, Medicare Bureau, Health Care Financing Administration, East Building, Room 412, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-9430.

SUPPLEMENTARY INFORMATION: Under sections 1814(b) and 1833(a)(2)(A) of the Social Security Act, providers of services are to be paid the lesser of reasonable cost of services furnished to beneficiaries or the customary charges made by the provider for the same services. Section 1861(v)(1)(A) of the Act defines reasonable cost and authorizes the Secretary to issue regulations establishing the methods to be used and items to be included in determining reasonable costs. These regulations are set forth in 42 CFR Part 405, Subpart D.

Under current regulations and other instructions issued by Medicare, malpractice costs are accumulated in the administrative and general cost center and allocated to the revenue-producing and other cost centers on the statistical basis of accumulated costs. The costs in the revenue-producing cost centers, including appropriate allocated overhead costs, are then apportioned to Medicare on an appropriate statistical basis—the ratio of Medicare charges to total charges for ancillary and outpatient services, and the ratio of Medicare days to total days for gen-

eral routine and special care unit services.

This method results in Medicare paying a disproportionate amount of malpractice costs. A study conducted by an HEW consultant indicates that malpractice awards for Medicare and Medicaid patients are significantly lower in amount than losses for other patient population. The lower awards for these patients result because their income potential and life expectancy are less than the remainder of the patient population. Thus, the use of overall Medicare utilization to allocate malpractice costs results in Medicare paying for a disproportionate amount of malpractice costs.

The proposed amendment would correct the above situation by restructuring the cost finding and cost apportionment procedure. costs of malpractice insurance premiums and self-insurance fund contributions would be accumulated in a specific malpractice cost center and apportioned to Medicare based on the provider's Medicare malpractice paid loss experience. The dollar ratio of malpractice losses paid with respect to Medicare beneficiaries to total malpractice losses paid for all patients for a current cost reporting period and the preceding 4-year period would be the basis for apportioning these malpractice costs to Medicare. If a provider had no malpractice claim loss experience for the 5-year period with respect to Medicare beneficiaries, an actuarial estimate of Medicare's share of these current malpractice costs would be obtained by the provider from an independent actuary, insurance company or broker. The cost of this actuarial estimate would be directly assigned to Medicare for reimbursement. If a provider paid allowable uninsured malpractice losses either as a governmental provider, or as a result of the application of deductible or coinsurance provisions of a purchased insurance policy or a funded self-insurance program, or as a result of an award in excess of reasonable coverage limits, those losses and related direct costs shall be directly assigned to Medicare for reimbursement.

We plan to make the final regulation applicable for cost reporting periods beginning on or after July 1, 1979. If the appropriate cost reporting forms are not available on time, instructions will be provided through fiscal intermediaries for the treatment of malpractice costs for these periods.

Medicare has selected a single provider's 5-year malpractice loss ratio as the apportionment basis based on the theory that the estimated malpractice losses paid in future periods are closely related to past malpractice losses paid. However, Medicare is aware that other statistics could be used for the apportionment basis, such as: (1) a national ratio of Medicare malpractice paid losses to total malpractice paid losses as opposed to a single provider's malpractice loss experience; (2) a ratio utilizing a period different than the proposed 5-year period; or (3) an actuarial estimate instead of a ratio of malpractice loss experience. Therefore, HCFA welcomes any recommendations from the health care and insurance industries which could be taken into consideration in arriving at an equitable apportionment basis.

Under 42 CFR 447.261(b)(2), for payment of inpatient hospital services, States participating in Medicaid must adopt Medicare standards and principles for determining reasonable cost reimbursement as set forth in 42 CFR 405.402 through 405.455; or as an alternative meet the criteria in paragraph (d) of § 447.261. Accordingly, the provisions of this proposed amendment would automatically affect Medicaid providers, unless a special rule were promulgated. We welcome comment on whether Medicaid reimbursement should be treated differently than Medicare reimbursement.

COMMENT PERIOD: Because of our interest in making this regulation effective for cost reporting periods beginning on or after July 1, 1979, we are providing a 45-day comment period rather than our normal 60-day period. In our view, this proposal is not complex and 45 days should provide an adequate opportunity for interested parties to analyze it and submit comments.

42 CFR 405.542 is amended by revising paragraph (b)(1) to read as follows:

§ 405.452 Determination of cost of services to beneficiaries.

* * * * *

(b) *Principle for cost reporting periods starting after December 31, 1971.* Total allowable costs of a provider shall be apportioned between program beneficiaries and other patients so that the share borne by the program is based upon actual services received by program beneficiaries. For cost reporting periods starting after December 31, 1971, the methods of apportionment are defined as follows:

(1) *Departmental Method.* (i) Except as provided in paragraph (b)(1)(ii) of this section with respect to the direct apportionment of malpractice costs, the ratio of beneficiary charges to total patient charges for the services of each ancillary department is applied to the cost of the department; to this is added the cost of routine services for program beneficiaries, determined on the basis of a separate average cost per diem for general routine patient care areas, taking into account, to the extent pertinent, an inpatient routine nursing salary cost differential (see § 405.430 for definition and application of this differential), and in hospitals, a separate average cost per diem for each intensive care unit, coronary care unit, and other special care inpatient hospital units.

(ii) *Exception:* For cost reporting periods beginning on or after July 1, 1979, costs of malpractice insurance premiums and self-insurance fund contributions must be separately accumulated and directly apportioned to Medicare in accordance with the dollar ratio of the provider's Medicare paid malpractice losses to its total paid malpractice losses for the current cost reporting period and the preceding 4-year period. If a provider has had no malpractice loss experience for the 5-year period, an actuarial estimate of Medicare's share of these current malpractice costs must be obtained from an independent actuary, insurance company or broker. The cost of this actuarial estimate may be directly assigned to Medicare for reimbursement. If a provider pays uninsured malpractice losses through allowable deductible or coinsurance provisions, or as a governmental provider, such losses and related direct costs must be directly assigned to Medicare for reimbursement.

* * * * *

(Sections 1102, 1814(b), 1861(v)(1) of the Social Security Act; 42 U.S.C. 1302, 1395f(b), 1395x(v), 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.773—Medicare—Supplementary Medical Insurance.)

Dated: March 5, 1979.

LEONARD D. SCHAEFFER,
Administrator, Health Care Financing Administration.

Approved: March 8, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-7930 Filed 3-14-79; 8:45 am]

[4110-35-M]

[42 CFR Part 405]

MEDICARE PROGRAM

Limitations on Reimbursable Costs

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed Rule.

SUMMARY: We propose revising the existing Medicare regulation for setting limits on reimbursable costs, based on estimates of the costs necessary in the efficient delivery of needed health services. We would clarify and expand the exemptions and exceptions providers may obtain. We would also set a time limit within which a provider must request a reclassification, ex-

emption, or exception, and would require a provider seeking an exception to agree to an operational review by HCFA. The purpose is to implement more effectively section 223 of the Social Security Amendments of 1972 (Pub. L. 92-603).

DATES: Consideration will be given to written comments or suggestions received by May 14, 1979.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. When commenting, please refer to file code MAB-112-P. Comments will be available for public inspection beginning approximately 2 weeks after publication, in room 5231 of the Department's offices at 330 C Street, S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (telephone 202-245-0950).

FOR FURTHER INFORMATION CONTACT:

Mr. Carl Slutter, Medicare Bureau, Health Care Financing Administration, Room 474 East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, 301-594-8170.

SUPPLEMENTARY INFORMATION: Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) authorizes the Secretary to set prospective limits on the costs that are reimbursed under Medicare. Such limits may be applied to the direct or indirect overall costs or to costs incurred for specific items or services furnished by a Medicare provider, and may be based on estimates of the cost necessary in the efficient delivery of needed health services. Regulations implementing this authority are set forth at 42 CFR 405.460. Under this authority, limits on hospital inpatient general routine service costs have been published annually since 1974.

We are proposing to reorganize § 405.460, to clarify the existing provisions and to make several changes, as follows:

1. Time Limit for Provider To Request a Change in the Application of Cost Limits

We are proposing that a provider seeking a reclassification, exemption, or exception to cost limits established under this section would have to submit its request within 180 days of the date of its intermediary's notice of program reimbursement. (A provider could, of course, make a request as soon as a schedule of cost limits is published, or at any time during its cost reporting year affected by the cost limits, if it knew how it would be affected by the cost limits.) We are proposing this in order to expedite the final resolution of cost reimbursement to the provider and to avoid possible duplication of work by the intermediary.

We have also tried to clarify how the request is to be submitted, how it is decided, and the provider's review rights. The provider would submit its request to its intermediary, which would make a recommendation to HCFA. HCFA's decision on the request would be subject to the standard review process set forth in Subpart R of the Medicare regulations.

2. Exemption for New Providers

The present regulation permits "new providers" to carry forward to succeeding cost reporting periods certain costs which are not reimbursed because of the cost limits established under this section. (New providers are facilities that have been in operation for less than 3 years, under present or previous ownership.) However, the implementation of this provision has proven to be very complicated, because of its interaction with the provisions of section 405.455 for carrying over certain other unreimbursed costs. We recognize that new providers have great difficulty meeting applicable cost limits and believe that some relief from these cost limits is warranted. Therefore, we are proposing that new providers could receive an exemption from cost limits during their initial years of development. The exemption would be good for approximately the first three years of the provider's existence. It would expire at the end of a provider's first cost reporting period starting at least 2 years after it first began to accept patients.

We are proposing that this exemption be available only to facilities serving inpatients. This would include hospitals and skilled nursing facilities, but not home health agencies. In our view, the latter do not incur the same problems of initial underutilization as inpatient facilities and should not experience the same difficulty in avoiding the impact of cost limits.

3. Narrowing the Exemption for Sole Community Providers

The present regulation permits an exemption for sole community providers. We have reviewed this in light of the Congressional intent in recommending such an exemption. The report of the Senate Committee on finance accompanying section 223 of P.L. 92-603 (Senate Report No. 92-1230, page 188) states in part "The Committee expects that the provision will not be applicable where there is only one hospital in a community . . ." We believe this exemption is justified only for the acute care furnished by hospitals. Therefore, we propose to revise the regulation to reflect the Congressional intent that this exemption apply only to hospitals.

4. Additional Exceptions

We are also proposing several new exceptions. An exception differs from an exemption. If a provider receives an exemption, it is not affected at all by the cost limits and is reimbursed under the standard rules for reasonable cost or customary charges. If a provider receives an exception, it is reimbursed on the basis of the cost limit, plus an incremental sum for the reasonable costs warranted by the circumstances that justified its exception.

A new exception would be added for providers located in areas which have large variations in population during the year. The purpose of this exception is to provide reasonable reimbursement for those providers (such as those in resort areas) that need to maintain a larger capacity than would be required by the area's permanent population, in order to meet the needs of an expanded population during only a portion of the year.

Another new exception would be available if a provider could demonstrate that it exceeds the applicable limit as the result of more intense services, of the type covered by the limit, which result in a shorter average length of stay and increased per diem costs. We believe this exception, for per diem costs, is warranted because it will encourage shorter lengths of stay and, therefore, result in cost savings.

In order to qualify for either of these two new exceptions, the provider would have to meet minimum occupancy standards established by the Secretary, to assure that the excess costs are not merely the result of low occupancy. These standards will be established on a national or regional basis, after public notice and comment.

In addition, the present exception for atypical costs due to approved medical education programs would be clarified. We would permit an exception for additional costs (which are not classified in the provider's cost centers for intern and resident and nursing school) that result from the provision of medical education programs. For example, if a provider could show that its medical record costs were higher than those of other providers in the group as a result of medical education programs, an exception would be granted for the increased medical records costs.

5. Operational Review of Providers Requesting Exceptions

We are proposing a new provision requiring that a provider that requests an exception must make itself available for an operational review by

HCFA. The purpose of such a review is to study a provider's operations and make appropriate recommendations for improvements to increase efficiency and economy. If such recommendations were made, granting any subsequent exception to a provider would be contingent on its implementation of the recommendations.

42 CFR 405.460 is revised to read as follows:

§ 405.460 Limitations on reimbursable costs.

(a) *General principle.* Reimbursable provider costs may not exceed the costs estimated by the Secretary to be necessary for the efficient delivery of needed health services. The Secretary may establish estimated cost limits for direct or indirect overall costs or for costs of specific items or services or groups of items or services. These limits may be calculated on a per admission, per diem, per visit, or other basis.

(b) *Procedure for establishing limits.* (1) In establishing limits under this section, the Secretary may classify providers by type of provider (e.g. hospitals, skilled nursing facilities, and home health agencies) and by any other factors the Secretary finds appropriate and practical, including:

(i) Type of services furnished;

(ii) Geographical area where services are furnished, allowing for grouping of noncontiguous areas having similar demographic and economic characteristics;

(iii) Size of institution;

(iv) Nature and mix of services furnished; or

(v) Type and mix of patients treated.

(2) Estimates of the costs necessary for efficient delivery of health services may be based on cost reports or other data providing indicators of current costs. Current and past period data will be adjusted to arrive at estimated costs for the prospective periods to which limits are being applied.

(3) Prior to the beginning of a cost period to which limits will be applied, the Secretary will publish a notice in the FEDERAL REGISTER, establishing cost limits and explaining the basis on which they were calculated.

(c) *Provider requests regarding applicability of cost limits.* A provider may request a reclassification, exception, or exemption from the cost limits imposed under this section. The provider's request must be made to its fiscal intermediary within 180 days of the date on the intermediary's notice of program reimbursement. The intermediary will make a recommendation on the provider's request to HCFA, which will make the decision. HCFA's decision is subject to review under Subpart R of this part.

(d) *Reclassification.* A provider may obtain a reclassification if it can show that its classification is at variance with the criteria specified in promulgating the limits.

(e) *Exemptions.* Exemptions to the limits imposed under this section may be granted in the following circumstances:

(1) *Sole community hospital.* The hospital, by reason of factors such as isolated location or absence of other hospitals furnishing similar services, is the sole source of such care reasonably available to beneficiaries.

(2) *New provider.* The provider of inpatient services has operated as the type of provider (or the equivalent) for which it is certified for Medicare, under present and previous ownership, for less than 3 full years. An exemption granted under this paragraph expires at the end of the provider's first cost reporting period beginning at least 2 years after the provider accepts its first patient.

(3) *Risk-basis HMO.* The items or services are furnished to beneficiaries enrolled in an HMO by a provider that is either owned or operated by a risk-basis HMO or related to a risk-basis HMO by common ownership or control (see § 405.2050(c)).

(f) *Exceptions.* Limits established under this section may be adjusted upward for a provider under the circumstances specified in paragraphs (f) (1) through (5) of this section. An adjustment will be made only to the extent the costs are reasonable, attributable to the circumstances specified, separately identified by the provider, and verified by the intermediary.

(1) *Atypical services.* The provider can show that:

(i) The actual cost of items or services furnished by a provider exceeds the applicable limit because such items or services are atypical in nature and scope, compared to the items or services generally furnished by providers similarly classified; and

(ii) The atypical items or services are furnished because of the special needs of the patients treated and are necessary in the efficient delivery of needed health care.

(2) *Extraordinary circumstances.* The provider can show that it incurred higher costs due to extraordinary circumstances beyond its control. These circumstances include, but are not limited to, strikes, fire, earthquake, flood, or similar unusual occurrences with substantial cost effects.

(3) *Providers in areas with fluctuating populations.*

(i) The provider is located in an area (e.g., a resort area) that has a population that varies significantly during the year;

(ii) The appropriate health planning agency has determined that the area does not have a surplus of beds and similar services and has certified that the beds and services made available by the provider are necessary; and

(iii) The provider meets minimum occupancy standards established by the Secretary.

(4) *Medical education.* The provider can demonstrate that, when compared to other providers in its group, it incurs increased costs for items or services covered by limits under this section because of its operation of an approved medical education program.

(5) *More intensive routine care.* The hospital:

(i) Furnishes a greater intensity of inpatient general routine care than other hospitals having a reasonably similar mix of patients;

(ii) Shows that the more intensive care results in a shorter average length of stay and higher per unit costs than in comparable hospitals; and

(iii) Meets minimum occupancy standards established by the Secretary.

(g) *Operational review of providers receiving an exception.*

Any provider that applies for an exception to the limits established under paragraph (f) of this section must agree to an operational review at the discretion of HCFA. The findings from any such review may be the basis for recommendations for improvements in the efficiency and economy of the provider's operations. If such recommendations are made, any future exceptions shall be contingent on the provider's implementation of these recommendations.

(Secs. 1102, 1814(b), 1861(v)(1), 1866(a), and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f(b), 1395x(v)(1), 1395cc(a), and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance.)

Dated: March 5, 1979.

LEONARD D. SCHAEFFER,
Administrator, Health Care Financing Administration.

Approved: March 9, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-7931 Filed 3-14-79; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 172 and 175]

[Docket No. HM-149B; Notice 79-4]

HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS; CARRIAGE BY AIRCRAFT

Air Transportation of Limited Quantities of Low-level Radioactive Materials; Exemption Renewal

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, D.O.T.

ACTION: Notice of proposed exemption renewal.

SUMMARY: The Material Transportation Bureau (MTB) proposes to renew the limited exemption found in 49 CFR 172.204(c)(4), 175.10(a)(6) and 175.700(d) for air transport of small quantities of materials exhibiting very low levels of radiation. These materials do not present a significant hazard to passengers and crew of an aircraft. The intended effect of this proposed action is to permit continued transportation by passenger aircraft of these materials under existing restrictions.

DATES: Comments must be received on or before April 16, 1979.

ADDRESS: Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

John C. Allen, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Washington, D.C. 20590; 202-755-4962.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau (MTB) is proposing to renew for two years the limited exemption found at 49 CFR 172.204(d)(4), 175.10(a)(6) and 175.700(d) for air transportation of small quantities of materials exhibiting very low levels of radiation. This exemption would also include exceptions from shipping paper and shippers' certification requirements for only those materials shipped as a component part of an instrument or manufactured article.

Conforming with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemption in §§172.204(c)(4), 175.10(a)(6) and 175.700(d) is limited to a two-year life unless reexamined and renewed. The exemptions were last renewed by Docket HM-149 (42 FR 22366) published on May 3, 1977. The legal background and regulatory history of these exemptions were discussed in that amendment and the preceding notice of proposed rulemaking (42 FR 16459, March 28, 1977). The exemptions will expire on May 3, 1979. MTB proposes to renew the exemptions on the finding that renewal is consistent with the public interest and safety.

Primary drafters of this document are John C. Allen, Office of Hazardous Materials Regulation, Materials Transportation Bureau and Evan C. Braude of the Office of the Chief Counsel, Research and Special Programs Adminstration.

In consideration of the foregoing, it is proposed to amend Parts 172 and 175 of Title 49, Code of Federal Regulations as follows:

1. In § 172.204, paragraph (c)(4) would be revised to read as follows:

§ 172.204 Shippers certification.

* * * * *

(c) * * *

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, medical diagnosis or treatment. Prior to May 3, 1981, this provision does not apply to materials meeting the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1979.

* * * * *

2. In § 175.10, paragraph (a)(6) would be revised to read as follows:

175.10 Exceptions.

(a) * * *

(6) Prior to May 3, 1981, radioactive materials which meet the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1979.

* * * * *

3. In § 175.700, paragraph (d) would be revised to read as follows:

§ 175.700 Special requirements for radioactive materials.

* * * * *

(d) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research or medical diagnosis or treatment. Prior to May 3, 1981, this prohibition does not apply to materials which meet the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1979.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and paragraph (a) of Appendix A to Part 106).

NOTE: The Materials Transportation Bureau has determined that this proposed regulation will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9583). A regulatory evaluation is available for review in the Docket.

Issued in Washington, D.C. on March 7, 1979.

ALAN I. ROBERTS,
Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-7648 Filed 3-14-79; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 79-02; Notice 1]

CONSUMER INFORMATION REGULATIONS

Response to Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking and invitation for applications for financial assistance in the preparation of comments.

SUMMARY: This notice responds to a petition for rulemaking submitted by General Motors Corporation and proposes to amend the Consumer Information Regulations by deletion of the acceleration and passing ability items and modification of the class of vehicles to which the tire reserve load provisions apply. Revision of the timing of manufacturers' submissions of performance information to NHTSA is also proposed. These proposals are intended to minimize reporting requirements on industry, while providing consumers with safety information of value in the purchase and operation of motor vehicles. This notice also invites applications for financial assistance from individuals and organizations which are unable to participate effectively in this proceeding without such assistance.

DATES: Comments must be received on or before June 10, 1979. Applications for financial assistance must be submitted by April 11, 1979. Proposed effective dates: For the amendment of Section 575.6(d), regarding submission of information to the Administrator, the effective date would be October 1, 1979. For the amendment of Section 575.102, regarding tire reserve load,

the effective date would be January 1, 1980. For the deletion of Section 575.106, the acceleration and passing ability requirements, the effective date would be the date of publication of the final rule.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Applications for financial assistance should be submitted to: Ms. Jeannette Feldman, Special Assistant to the Evaluation Board, National Highway Traffic Safety Administration, Room 5232, 400 Seventh Street, SW. Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Ivy Baer, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: The NHTSA has issued Consumer Information Regulations (49 CFR Part 575) under the authority of Sections 112(d) and 203 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(d), 1423). They establish a system for providing consumers with information on the performance and safe operation of motor vehicles and tires. Manufacturers are required to provide information in five areas: passenger car and motorcycle stopping distance (49 CFR 575.101), passenger car tire reserve load (49 CFR 575.102), truck camper loading (49 CFR 575.103), passenger car tire performance (49 CFR 575.104), and passenger car and motorcycle acceleration and passing ability (49 CFR 575.106). This information is furnished to first purchasers and prospective purchasers of motor vehicles and tires, and submitted to NHTSA at least 30 days prior to its availability to prospective purchasers (49 CFR 575.6). General Motors Corporation has petitioned the agency to rescind those portions of the Consumer Information Regulations which apply to vehicle stopping distance, tire reserve load, and acceleration and passing ability.

The Effectiveness of NHTSA's Consumer Information Program

General Motors' petition argues that NHTSA's present consumer information program is of little or no value to consumers, as evidenced by the lack of interest generated by past publications of safety-oriented performance data. GM points to the decline in orders for NHTSA performance data publications and the limited demand for point-of-sale data booklets from GM dealers, contending that the benefits of the program do not justify its cost to industry.

NHTSA believes that any loss of public interest in the consumer information program resulted primarily from deficiencies in the dissemination of data, rather than a lack of consumer interest in safety information. As noted in the GM petition, NHTSA's compilation of comparative performance data typically was not made available to the public until seven or eight months into the model year, too late to be useful to most new car buyers in making comparisons among competing makes and models.

NHTSA considers the presentation of comparative performance data to be a critical aspect of the agency's consumer information effort. The agency would therefore prefer a solution to the existing deficiencies that does not simply revoke the majority of the program, as suggested by GM. A useful and widely circulated comparative publication could, for example, largely obviate the need for and expense of publishing many individual point-of-sale booklets.

To make the consumer information program a better aid to marketplace decisions, NHTSA plans to revise and reestablish its comparative performance data publication to ensure that useful information is provided in a timely manner. The agency intends to reevaluate the types of vehicle performance data which can be of real value to consumers and how best to present this information to have maximum impact on purchasing decisions. The Uniform Tire Quality Grading System has been subject to regular intensive review and will not be included in the review.

For this program to be successful, comparative data must be available to new-car buyers early in the model year. The feasibility of early publication is evidenced by the success of the Environmental Protection Agency's fuel economy information effort. NHTSA has tentatively concluded that its present requirement that performance data be supplied by manufacturers 30 days prior to the model year is inadequate to assure that useful information reaches consumers in time to influence purchasing decisions. For this reason, NHTSA proposes to revise the deadline for submission of data to 90 days, or in the alternative, 60 days, prior to the introduction of new models. The 30-day deadline for Uniform Tire Quality Grading information would be retained so as not to interfere with the lead time for implementation of that regulation.

The GM petition also questioned the need for provision of performance data to vehicle first purchasers as required by 49 CFR 575.6(b), suggesting that this information does not play a role in purchasing decisions and contains too many qualifications to be a useful guide to vehicle operation. NHTSA finds that this information is of value as an alternative means of making consumers aware of the availability of safety-performance data. Furthermore, the information presented provides drivers with a valid guide to safer operation of their vehicles, permitting them to anticipate deficiencies in vehicle performance and adjust their driving style accordingly. In view of these considerations, NHTSA has concluded that safety-performance data is beneficial to vehicle first purchasers and should continue to be required.

General Motors estimated the cost of NHTSA's Consumer Information Regulations to domestic automakers to have been $1,384,000 for model year 1977. Assuming the accuracy of this estimate, a comparison of this figure to 1977 domestic new-car sales of approximately 9,109,000 indicates a per-vehicle cost for the consumer information program as it then existed of roughly 15 cents per vehicle. NHTSA finds this cost small compared to the potential benefit of the program to motor vehicle safety.

Vehicle Stopping Distance

Apart from questioning the overall impact of the Consumer Information Regulations, General Motors' petition challenged the need for particular information items, including the vehicle stopping distance requirements of section 575.101. GM argued that the issuance of Federal Motor Vehicle Safety Standard No. 105-75, *Hydraulic Brake Systems* (49 CFR 571.105-75), establishing stringent performance requirements for passenger car brake systems, eliminates significant differences among passenger car stopping distances. According to GM, this similarity in performance characteristics makes comparisons among vehicles meaningless.

While the manufacturers' reported performance levels of some current models approach the minimum requirements of Standard No. 105-75, data submitted to NHTSA for the three most recent model years indicate that significant differences in vehicle stopping distances continue to exist. For example, in model year 1976, the shortest stopping distance from 60 mph reported to NHTSA for the light-load, stopping test with fully operational service brakes, as prescribed by both Standard No. 105-75 and Part 575.101, was 159 feet. This represents an eighteen-percent improvement over the 194 feet required by Standard No. 105-75. by the 1978 model year, the leading manufacturer reported a stopping distance of 144 feet in the same

test, twenty-four percent below the Standard No. 105-75 requirement. The shortest stopping distance reported for a 1979 model was 147 feet. NHTSA concludes that this differential in braking performance should continue to be brought to the attention of consumers. Therefore, General Motors' petition is denied as it relates to Section 575.101.

NHTSA has observed apparent discrepancies between the vehicle stopping distances reported to the agency by certain manufacturers and actual vehicle performance measured in tests for compliance with Standard No. 105-75. In some cases, for example, stopping distance data furnished in accordance with the requirement of Section 575.101 exactly duplicates the minimum requirements of Standard No. 105-75, while the actual performance of these vehicles in compliance testing exceeds those requirements. The NHTSA believes that this practice frustrates the purposes of the consumer Information Program and plans to monitor it closely. If the practice persists, it may be necessary to alter the manner in which performance data is submitted.

Tire Reserve Load

Another consumer information item considered unnecessary by General Motors is Section 575.102, *Tire Reserve Load*. That section requires manufacturers of passenger cars to provide information on the difference, expressed as a percentage of tire load rating, between the load imposed on a vehicle's tires at maximum loaded vehicle weight and the tires' load rating under Federal Motor Vehicle Safety Standard No. 109. GM notes that the tire reserve loads of passenger cars are minimal, and, therefore, of little or no benefit to consumers. GM points out that nearly 70 percent of vehicles listed in NHTSA's 1976 performance data publication had a tire reserve load of less than five percent, and many had a tire reserve load of less than two percent.

NHTSA tentatively agrees that the small tire reserve loads presently existing on many passenger cars make the provision of information on this subject of limited value. Furthermore, the expression of tire reserve load as a percentage of excess tire capacity over tire load rating may confuse consumers and further limit the utility of the information. As noted by GM, the provisions regarding the listing of recommended tire size designations and recommended inflation pressures (49 CFR 575.102(c)(2) and (3)) duplicate information which must be included on passenger car glove compartment placards under Federal Motor Vehicle Safety Standard No. 110 (49 CFR 571.110, S4.3(c) and (d)). For these reasons, NHTSA grants in part General Motors' petition with respect to Section 575.102 and proposes that tire reserve load information no longer be required for passenger cars with limited cargo capacity.

While the data supplied by manufacturers indicates that passenger car tire reserve loads are generally small, NHTSA's examination of the tire reserve loads of thirteen 1979 model-year light trucks and vans indicates that much more significant differences exist with regard to these vehicles. NHTSA found tire reserve loads on the vehicles studied ranging from one to twenty percent of tire load capacity, with twelve of thirteen vehicles exceeding five-percent tire reserve load and seven of thirteen above ten percent. In terms of pounds, the ratings included a low of 17 pounds and a high of 393 pounds of reserve. Within one comparable class of light pickups, differences in tire reserve load ranged from 113 pounds to 245 pounds (eight to seventeen percent), and in another from 17 pounds to 267 pounds (one to thirteen percent).

Similarly, NHTSA found that some passenger cars designed to carry cargo, such as station wagons, had substantial tire reserve load capacity. Tire reserve loads on some current General Motors station wagons exceeded 500 pounds, while others had less than half this reserve.

Tire reserve load takes on increased importance as a safety factor in trucks, vans and passenger cars with significant cargo capacity, due to the greater susceptibility of these vehicles to overloading. NHTSA believes that differences of the magnitude revealed by NHTSA's study may be useful to consumers in choosing among competing vehicles. Therefore, NHTSA proposes revision of Section 575.102 to require tire reserve load information for trucks with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, multipurpose passenger vehicles with a GVWR of 10,000 pounds or less and passenger cars with a maximum cargo capacity of 25 cubic feet or more. In order to improve the clarity and usefulness of the information, the regulation would be modified to require the statement of tire reserve load in terms of the difference in pounds between vehicle maximum load on the tire and tire load rating.

Acceleration and Passing Ability

The final aspect of the Consumer Information Regulations questioned by the General Motors petition is the requirement for acceleration and passing ability information, Section 575.106. That section directs passenger car and motorcycle manufacturers to provide information on the distance and time required by their vehicles to accelerate and pass a 55-foot "pace" vehicle traveling at speeds of 20 and 50 mph. In the course of these maneuvers the passing vehicle is permitted to reach maximum speeds of 35 and 80 mph in the respective tests.

NHTSA has tentatively concluded that, while information of this type may have provided a safety benefit in the era of higher speed limits and potentially greater differentials in operating speeds, acceleration and passing ability data is now of less value from a safety perspective and may interfere with present fuel economy and safety goals. The nation's need to conserve energy has increased interest, both within government and among the consuming public, in vehicles with improved fuel economy characteristics rather than inefficient, rapid-acceleration capability. further, the clear cut safety benefits derived from the national, 55-mph speed limit weigh heavily against a procedure which appears to sanction the use of speeds up to 25 mph above the maximum speed limit. For these reasons, NHTSA proposes to rescind section 575.106, *Acceleration and Passing Ability*.

In accordance with departmental policy encouraging analysis of the impact of regulatory actions upon the public and private sector, NHTSA has determined that these proposals will have no appreciable negative impact on safety, and will relieve some reporting requirements on industry. The proposed actions will have no measurable impact on the environment.

In consideration of the foregoing, it is proposed that 49 CFR Part 575, *Consumer Information Regulations*, be amended as follows:

1. Section 575.6(d) would be amended to read as follows:

§ 575.6 Requirements.

* * * * *

(d) Each manufacturer of motor vehicles, each brand name owner of tires, and each manufacturer of tires for which there is no brand name owner shall submit to the Administrator 10 copies of the information specified in Subpart B of this part that is applicable to the vehicles or tires offered for sale, at least 30 days in the case of § 575.104, and 90 days in the case of all other sections of Subpart B, before it is first provided for examination by prospective purchasers pursuant to paragraph (c) of this section.

2. Section 575.102 would be amended to read as follows:

§ 575.102 Tire reserve load.

(a) *Purpose and scope.* This section requires manufacturers of light trucks, and multipurpose passenger vehicles and passenger cars with significant cargo capacity to provide information

as to the difference in pounds between the load imposed on a tire at maximum loaded vehicle weight and the tire load rating as determined under Federal Motor Vehicle Safety Standard Nos. 119 for trucks and multipurpose passenger vehicles and 109 for passenger cars, for the tire size designations recommended for use on the vehicle.

(b) *Application.* This section applies to trucks with a gross vehicle weight rating of 10,000 pounds or less, to multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less, and to passenger cars with a maximum cargo capacity of 25 cubic feet or more, manufactured on or after September 1, 1979.

(c) *Required information.* Each manufacturer shall furnish the information in paragraphs (c) (1) through (5) of this section, in the form illustrated in Figure 1. The table that is provided for a specific vehicle shall contain only information that is applicable to that vehicle. The tire reserve load given for each tire size designation or combination of tire size designations shall not exceed the lowest value that is correct for all vehicles in the group to which the table applies.

(1) *Vehicle description.* The group of vehicles to which the table applies, identified in the terms by which they are described to the public by the manufacturer.

(2) *Recommended tire size designations.* All tire size designations and combinations of tire size designations recommended by the manufacturer for use on the vehicle.

(3) *Recommended inflation pressure for maximum loaded vehicle weight.* Vehicle manufacturer's recommended inflation pressure for maximum loaded vehicle weight, for each recommended tire size designation.

(4) *Tire reserve load.* The tire reserve load for the vehicle, determined according to paragraph (d) of this section, for each of the tire size designations or combinations of tire size designations recommended by the manufacturer.

(5) *Warning.* The following statement, placed in proximity to the table:

WARNING: Failure to maintain the recommended tire inflation pressure or to increase tire pressure as recommended when operating at maximum loaded vehicle weight, or loading the vehicle beyond the gross vehicle weight rating specified on the vehicle certification label, may cause unfavorable handling characteristics, excessive tire wear, and premature tire failure resulting in unsafe operatig conditions. The tire reserve load is a measure of tire capacity, not of vehicle capacity. Loading beyond the specified vehicle weight rating may result in failure of other vehicle components.

(d) *Determination of tire reserve load.* The tire reserve load for a vehicle, required by paragraph (c) of this section, shall be determined as follows:

(1) Determine W_1, the vehicle maximum load on the tire, for the front and rear tires respectively. These figures are determined by distributing to each axle its share of the maximum loaded vehicle weight and dividing that share by the number of tires on that axle.

(2) Find W_2, the load rating for each tire as installed, as determined under Standard No. 109 or No. 119, using the vehicle manufacturer's recommended inflation pressure for maximum loaded vehicle weight. When the vehicle is equipped with dual tires on the rear axle, use the dual maximum load value for the tire.

(3) Calculate the tire reserve load for each tire as:

$$(W_2 - W_1)$$

(4) The tire reserve load for the vehicle is the lowest of the differences calculated in subparagraph (3) for each tire on the vehicle.

FIGURE 1

This table lists the tire size designations recommended by the manufacturer for use on the vehicles to which it applies, with the recommended inflation pressure for maximum loading and the tire reserve load for each of the tires listed. The tire reserve load indicated is met or exceeded by each vehicle to which the table applies.

Description of vehicles to which this table applies:

Recommended tire size designations	
Recommended cold inflation Pressure for maximum loaded vehicle weight	Front
	Rear
Tire reserve load[1]	

WARNING. Failure to maintain the recommended tire inflation pressure or to increase tire pressure as recommended when operating at maximum loaded vehicle weight, or loading the vehicle beyond the gross vehicle weight rating specified on the vehicle certification label, may cause unfavorable handling characteristics, excessive tire wear, and premature tire failure, resulting in unsafe operating conditions. The tire reserve load is a measure of tire capacity, not of vehicle capacity. Loading beyond the specified vehicle weight rating may result in failure of other vehicle components.

§ 575.106 [Deleted]

3. Section 575.106 would be deleted.

Interested persons are invited to submit comments on these proposals.

[1] The difference between (a) the load rating of a tire at the vehicle manufacturer's recommended inflation pressure at the maximum loaded vehicle weight and (b) the load imposed upon the tire by the vehicle at that condition.

It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available to the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

APPLICATIONS FOR FINANCIAL ASSISTANCE

NHTSA invites all qualified individuals and organizations financially unable to participate in this proceeding to apply for financial assistance. All applications submitted before the deadline specified at the beginning of this notice will be examined by an evaluation board, composed of NHTSA and other Department of Transportation officials, to determine whether each applicant is eligible to receive funding. Consideration of late applications is at the discretion of the evaluation board.

In general, an applicant is eligible if its participation would contribute substantially to a full and fair determination of the issues involved in the proceeding, taking into consideration the novelty, complexity, and significance of the ideas advanced and the ability of the applicant to represent the interests it espouses competently. Additionally it must be demonstrated that the applicant does not have sufficient resources available to participate effectively in the proceeding in the absence of an award under this program.

If more than one applicant representing the same or similar interest is deemed eligible, the board will either select the applicant which can make the strongest presentation or select more than one applicant if justified. Compensation is to the extent the agency's budget for this purpose will permit. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim, but not later than 60 days after a completed claim is submitted.

Each applicant should specify in its application which rulemaking actions and issues it proposes to address if its application for funding is approved, and the nature of its proposed work product. Applicants must submit as part of their application all information required by section 5.49 of the recently revised DOT regulations governing this financial assistance program (44 FR 4675; January 23, 1979). Failure to submit the required information may result in delays in evaluation and possible disqualification of the application.

The principal authors of this proposal are Ivy Baer of the Office of Automotive Ratings and Richard J. Hipolit of the Office of Chief Counsel.

(Secs. 103, 112, 119; Pub. L. 80-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: March 8, 1979.

MICHAEL M. FINKELSTEIN,
Associate Administrator
for Rulemaking.

[FR Doc. 79-7952 Filed 3-14-79; 8:45 am]

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.

[6110-01-M]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON AGENCY DECISIONAL PROCESSES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 10:30 a.m., Tuesday, April 3, 1979, in the office of Ginsburg, Feldman and Bress, 1700 Pennsylvania Avenue, N.W., Suite 300, Washington, D.C.

The Committee will meet to discuss its draft recommendation based on Professor Michael Baram's study of the use of cost-benefit analysis in Federal regulation.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact David M. Pritzker (202-254-7065). Minutes of the meeting will be available on request.

Dated: March 9, 1979.

RICHARD K. BERG,
Executive Secretary.

[FR Doc. 79-7775 Filed 3-14-79; 8:45 am]

[6110-01-M]

COMMITTEE ON GRANTS, BENEFITS AND CONTRACTS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Grants, Benefits and Contracts of the Administrative Conference of the United States, to be held at 10:00 a.m., March 21, 1979 in the library of the Administrative Conference, the Gelman Building, 2120 L Street, N.W., Suite 500, Washington, D.C.

The Committee will meet to consider the comments on the report by Professor Peter W. Martin entitled "Procedures Used in Forming and Carrying Out Federal-State Agreements under the Supplemental Security Income Program" and on its proposed recommendations.

Attendance is open to the interested public but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting. The Committee meeting has been scheduled for March 21st in order to ensure sufficient time for further consideration of the proposed recommendations prior to the Administrative Conference's upcoming plenary session.

For further information concerning this meeting contact Charles Pou, Jr. (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 9, 1979.

[FR Doc. 79-7900 Filed 3-14-79; 8:45 am]

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

WAREHOUSES LICENSED UNDER THE U.S. WAREHOUSE ACT

Publication of List

Notice is hereby given that the Agriultural Marketing Service has published a list of warehouses licensed under the U.S. Warehouse Act (7 U.S.C. 241 *et. seq.*) as of December 31, 1978, as required by section 26 of that Act. Copies of the list will be distributed to all licensed warehousemen. Other interested persons may obtain a copy of the list from:

Mrs. Judy Fry, Warehouse Service Branch, Transportation & Warehouse Division, U.S. Department of Agriculture—AMS, Room 1777—South Agriculture Bldg., Washington, DC 20250. Phone 202-447-3616.

Done at Washington, D.C., March 12, 1979.

WILLIAM T. MANLEY,
Deputy Administrator, Marketing Program Operation.

[FR Doc. 79-7911 Filed 3-14-79; 8:45 am]

[3410-11-M]

Forest Service

NEZPERCE NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Nezperce National Forest Grazing Advisory Board will meet at 9:00 a.m. April 4, 1979 in the Forest Supervisor's Conference room, Grangeville, Idaho. The purpose of this meeting is to discuss range improvement fund and allotment management plan programs.

The meeting will be open to the public. Persons who wish to attend should notify James J. Harvey, 208-983-1950. Written statements may be filed with the board before or after the meeting.

The board has established the following rules for public participation: Public comments and discussion limited to after agenda items are covered.

Dated: March 5, 1979.

DON BIDDISON,
Forest Supervisor.

[FR Doc. 79-7776 Filed 3-14-79; 8:45 am]

[3410-11-M]

FREEPORT GOLD COMPANY, JERRITT CANYON, GOLD MINE AND MILL

Humboldt National Forest, Elko County, Nevada; Intent to Prepare an Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an environmental statement for Freeport Gold Company's proposed Jerritt Canyon Gold Mine and Mill project on the Humboldt National Forest, Elko

County, Nevada. The mill will have an estimated capacity of 2,000 tons per day. The waste material (tailings and waste rock) is estimated at 16,000 tons per day. This statement will address alternative mill sites, mine access, tailings and waste rock disposal areas, and other related developments. It will also provide the environmental assessment for a number of other potential mine sites within the 42 square mile claim block that have not been evaluated for production potential.

Initial issues and concerns have been identified through consultation with a number of federal, state, and local agencies that have a concern for or regulatory authority over certain aspects of this development.

From this consultation a draft scoping document has been developed which identifies these initial issues and concerns. Additional efforts will be made during March and April to insure that a wide range of concerned or affected parties will have an opportunity to participate in the assessment and identification of the significant issues. Some of the key issues include: threat to the critical habitat of a fish species (Lahontan Trout), loss of raptor nesting (Golden Eagle), Mining reclamation in steep high elevation topography, degradation of the areas physical and biological environment, and the socioeconomic impacts of the development on the surrounding area.

A consulting firm has been contracted to assist the lead agency (Humboldt National Forest) with the assessment and development of the required studies and permits.

John A. Hafterson, the Forest Supervisor is the responsible official; and Gary N. Rahm, the Forest Planner, will be the Project Coordinator for the environmental assessment and statement.

It is anticipated that the environmental statement will take approximately 18 months to complete. The draft environmental statement is scheduled for completion in December 1979, with a two month review period, and the final environmental statement scheduled for completion in June 1980. If the decision is favorable for this development, construction will occur during 1980-1981, with operations expected to begin in 1981.

Comments on this Notice of Intent or on the project should be sent to John A. Hafterson, Forest Supervisor, Humboldt National Forest, 976 Mountain City Highway; Elko, Nevada 89801.

JOHN A. HAFTERSON,
Forest Supervisor.

MARCH 1, 1979.

[FR Doc. 79-7826 Filed 3-14-79; 8:45 am]

[3410-11-M]

OCHOCO NATIONAL FOREST

Tree Seedling Management; Finding of No Significant Effect on Human Environment

An Environmental Assessment Report that discusses tree seedling management on approximately 2,837 acres of National Forest lands in Crook, Wheeler and Grant Counties, Oregon, is available for public review in the Forest Service Office in Prineville, Oregon.

Although this project involves application of the herbicides Dalapon and Aatrex 4L, the environmental assessment report does not indicate that there will be any significant effect on the quality of the human environment. Therefore, it has been determined that an environmental statement is not needed.

This determination was based upon consideration of the following factors which are discussed in the environmental assessment report: (1) Application of the herbicides Dalapon and Aatrex 4L in accordance with federal and state regulations and requirements will have only a slight adverse effect on the ecosystem; (2) there will be no irretrievable or irreversible resource commitments on the proposed project areas; (3) physical and chemical effects of Dalapon and Aatrex 4L, when properly applied, have proven to be acceptable based on the best scientific evidence available, and (4) no known threatened or endangered plant or animal species are located within the proposed project areas.

Public concern has been expressed about possible effects of Dalapon and Aatrex 4L on human health. Herbicides will be used in accordance with federal and state regulations which provide controls that assure protection of human health and welfare.

No action will be taken prior to April 16, 1979.

The responsible official is William L. McCleese, Forest Supervisor, Ochoco National Forest, P.O. Box 490, Prineville, Oregon 97754.

Dated: February 2, 1979.

JACK H. ROYLE,
Acting Forest Supervisor.

[FR Doc. 79-7828 Filed 3-14-79; 8:45 am]

[3410-11-M]

WILLAMETTE NATIONAL FOREST

Control of Undesirable Species for the Purpose of Plantation Release and Site Preparation; Finding of No Significant Effect on Human Environment

An Environmental Assessment Report that discusses proposed control of undesirable vegetation for the purpose of site preparation and plantation release on not more than 1,957 acres on the Willamette National Forest, Lane and Douglas Counties, in Oregon is available for public review in the Forest Service Office in Eugene, Oregon.

Although this project involves the application of 2,010 pounds of the herbicide 2,4-D to 670 acres, 2,556 pounds of Glyphosate to 639 acres, 240 pounds of Atrazine to 75 acres, and Picloram + 2,4-D applied to 56 acres and 253 acres being treated manually; the Environmental Assessment Report does not indicate that there will be any significant effects upon the quality of the human environment. Therefore, it has been determined that an environmental statement is not needed.

This determination was based upon consideration of the following factors, which are discussed in the Environmental Assessment Report: (a) all chemicals are approved by EPA for the proposed use; (b) application will comply with applicable EPA labels, State and Federal law and Forest Service policies; (c) the use of 2,4-D, Atrazine, and Picloram + 2,4-D for site preparation and plantation release was discussed extensively in the Final Environmental Statement, Vegetation Management with Herbicides—USDA-FS-R6-FES (Adm) 75-18 (Revised). They were included in the preferred alternative; (d) the herbicide Glyphosate is discussed in the Environmental Assessment. It does not contain TCDD. Available literature indicates it is safe and effective when used according to label directions and precautions; (e) no irreversible or irretrievable commitments of resources; (f) physical and biological effects limited to the area of the projects; (g) no known threatened or endangered plants or animals are within the effected area.

Some public concern exists over the use of any chemical and the effects it has on water quality. The proposed project includes measures designed to protect the water quality. State and Federal standards will be met.

No action will be taken prior to April 16, 1979.

The responsible official is Jack E. Alcock, Forest Supervisor, Willamette National Forest, 211 E. 7th Avenue, Eugene, Oregon.

Dated: March 6, 1979.

JOHN E. LOWE,
Acting Forest Supervisor.

[FR Doc. 79-7827 Filed 3-14-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket No. 34885; Order 79-3-49]

UNITED AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1979.

By tariff revisions [1] marked to become effective March 31, 1979, United Air Lines, Inc. (United) proposes to amend its denied boarding compensation rules to provide that it will not pay compensation to those passengers involuntarily denied boarding when the seating capacity of the aircraft is unexpectedly reduced due to inoperative emergency evacuation doors and slides which render certain passenger seats unusable.

United States that when an emergency door or slide is inoperative, it is necessary for it to block off seating in certain sections of the aircraft in order to maintain evacuating capability of the aircraft. This reduced seating can result in denying boarding to some passengers holding reservations. It alleges that this situation cannot be foreseen sufficiently in advance to limit the number of reservations accepted, and therefore it believes that it should not be penalized for such denied boardings. It further alleges that this situation is entirely analogous to the substitution of a different aircraft of lesser capacity when required by operational or safety reasons and that the Board does not require payment of compensation to displaced passengers when such a substitution occurs.

No complaints have been filed.

The Board finds that United's proposal may be unlawful and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

We find that the operational problem for which United seeks an exception is closely analogous to the types of operational problems, *i.e.* extraordinary fuel requirements and reduction in allowable takeoff or landing weight for reasons beyond the carrier's control (high summer temperatures, etc.), for which the carriers sought, and were denied exemption from the requirement to pay denied boarding compensation (DBC) when Part 250 was adopted.[2] There we said that occasional operational problems are to be expected in the normal course of operations. Passengers involuntarily denied boarding in these situations are no less inconvenienced than those passengers bumped because of overbooking and deserve compensation.

We also recently denied a request of Hawaiian Airlines to be excused from paying DBC when it had to bump passengers in order to carry emergency stretcher patients.[3] We see no reason, as we said in the stretcher case, why the DBC cost arising from the need to preempt seats in an emergency situation, or the cost resulting from operational problems of the type cited by United should not be spread to all passengers (DBC is a cost to the carrier which is reflected in the fare level) rather than be absorbed by the passengers bumped.

Accordingly, pursuant to sections 102, 204(a), 403, 404, 801, and 1002 of the Federal Aviation Act of 1958:

1. We institute an investigation to determine whether the provisions set forth in Appendix A [3a], insofar as they apply on foreign air transportation, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions, or rules, regulations, or practices;

2. Pending hearing and decisions by the Board, the tariff provisions specified in Appendix A insofar as they apply on foreign air transportation are suspended and their use deferred from March 31, 1979, to and including March 30, 1980, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President [4] and shall become effective on March 13, 1979; and

4. Copies of this order shall be filed with the tariffs, and served upon United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[5]
Secretary.

[FR Doc. 79-7861 Filed 3-14-79; 8:45 am]

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 142, 175 and 248.

[2] ER-503, August 3, 1967.

[3] Order 79-1-44, January 5, 1967.

[3a] Appendix A filed as a part of the original document.

[4] This order was submitted to the President on March 2, 1979.

[5] All members concurred.

[6335-01-M]

CIVIL RIGHTS COMMISSION

PHILADELPHIA HEARING

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that public hearings of the U.S. Commission on Civil Rights will commence on April 16, 1979 at the Federal Building Auditorium, 300 Spring Garden Street, Philadelphia, Pennsylvania. An executive session, if appropriate, may be convened at any time before or during the hearings.

The purpose of the hearing is to collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice, particularly concerning police practices; to appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice, particularly concerning police practices; and to disseminate information with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice, particularly concerning police practices.

Dated at Washington, D.C., March 12, 1979.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc. 79-7825 Filed 3-14-79; 8:45 am]

[3510-13-M]

DEPARTMENT OF COMMERCE

Office of the Secretary

NATIONAL LABORATORY ACCREDITATION CRITERIA COMMITTEE FOR FRESHLY MIXED FIELD CONCRETE

Open Meeting

The National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete will hold its second meeting on April 3-4, 1979 in the Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, DC (public entrance to the building is on 14th Street, between Constitution Avenue and E Street, NW). The Committee will meet from 10:00 a.m. to 5:00 p.m. on April 3 and 9:00 a.m. to 5:00 p.m. on April 4 in Room 6802.

The Committee was established on December 13, 1978 (43 FR 58222) to develop and recommend to the Secretary of Commerce general and specific criteria for accrediting testing laboratories that test freshly mixed field concrete. The Committee consists of 23 members; 11 of whom represent specifiers, producers, users/contrac-

tors, testing laboratories, and general interests in the private sector; 7 of whom represent Federal agency interests; and 4 of whom represent state and local government interest. The Committee is chaired by Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards for the Department of Commerce.

Tentative agenda items include:

1. Discussion of written comments submitted by the Committee members.
2. In-depth discussion of criteria, questionnaires, and examiner's verification forms.
3. Factors influencing costs and fees for accreditation.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of the minutes and material distributed will be made available for reproduction, following certification by the Chairman, in accordance with the Federal Advisory Committee Act, at Room 3876, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Additional information may be obtained from Mr. Peter S. Unger, Assistant Coordinator, National Voluntary Laboratory Accreditation Program, Room 3876, U.S. Department of Commerce, Washington, DC 20230, telephone: 202-377-5872.

Dated: March 9, 1979.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

[FR Doc. 79-7877 Filed 3-14-79; 8:45 am]

[3910-01-M]

DEPARTMENT OF DEFENSE

Department of the Air Force

DETERMINATIONS OF ACTIVE MILITARY SERVICE AND DISCHARGE

Civilian or Contractual Personnel (WASP)

MARCH 9, 1979.

In accordance with Pub. L. 95-202, Section 401 (The G.I. Bill Improvement Act of 1977), and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of Defense determined on March 8, 1979, that the service of the Women's Airforces Service Pilots (WASP) and the predecessor organizations of that group, whose service encompassed the period September 10, 1942, through December 20, 1944, shall be considered active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans' Administration. Individual members of the WASP may submit applications to the Department of the Air Force, Air Force Military Personnel Center (HQ AFMPC/MPCDOA1), Randolph AFB, Texas 78148. Applications may be prepared using DD Form 2168 or in narrative form. Applications on behalf of individuals who are deceased or incompetent must be accompanied by legal proof of death or incompetence. Applications should include any supporting material or evidence of membership and character of service performed which supports the individual claim of membership in the WASP.

FOR FURTHER INFORMATION CONTACT:

Captain Mary C. Pruitt, USAF, Telephone: 6945204 or 6945074 Office of the Secretary of the Air Force (Personnel Council), (SAF/MIPC), The Pentagon, Washington D.C. 20330.

CAROL M. ROSE,
Air Force Federal Register Liaison Officer.

[FR Doc. 79-7777 Filed 3-14-79; 8:45 am]

[3710-92-M]

Department of the Army

ENVIRONMENTAL IMPACT STATEMENT

Scoping Meetings on Disposal of Dredged Materials

The New England Division of the U.S. Army Corps of Engineers is preparing a Environmental Report on the disposal of dredged materials in Long Island Sound, Block Island Sound, and adjacent ocean waters: A complete survey of all feasible disposal sites within these waters will be undertaken. The Environmental Report will contribute to and become a part of a Composite Environmental Impact Statement and Management Plan which are intended to address the broader aspects of the disposal or deposition of dredged materials from the Long Island Sound Region.

As required by Section 1501.7 of the Council on Environmental Quality's implementation of procedural provisions and final regulations to the National Environmental Policy Act as published in the FEDERAL REGISTER on 29 November 1978 (Part VI), the Corps will hold Public Scoping Meetings on this proposal and will seek comments from attendees on the scope of issues to be addressed and for identifying the significant issues related to the disposal of dredged materials within these waters and this region. Meetings are planned for the week of 26 March 1979 in Huntington, Long Island; New Haven, Connecticut; and Providence, Rhode Island. Public Notice on specific times and locations of the meetings will be issued to appropriate media and persons that either express a desire to attend or request additional information. A preliminary Public Notice has been sent to agencies and individuals that might have an interest in this proposal.

For further information on the scoping meetings, the proposed action or the CEIS, contact (Mr. Kidd or Major Hando) at the New England Division, U.S. Army Corps of Engineers, 424 Trapelo Road, Waltham, Massachusetts, 02154 (telephone 617-894-2400, ext. 518 or 270).

Dated: March 6, 1979.

JOESPH L. IGNAZIO,
Chief, Planning Division.

[FR Doc. 79-7778 Filed 3-14-79; 8:45 am]

[3810-71-M]

Department of the Navy

NAVAL DISCHARGE REVIEW SYSTEM

Hearing Locations

In November 1975, the Naval Discharge Review Board began to convene and conduct prescheduled discharge review hearings for a number of days each quarter in certain announced locations. The cities in which these hearings are scheduled are determined in part by the concentration of applications in a geographical area.

The following NDRB itinerary for April 1979 through August 1979 has been approved, but remains subject to modification if required:

April 1979—Chicago, Illinois.

May 1979—Albany, New York; Minneapolis, Minnesota; St. Louis, Missouri.

June 1979—El Paso, Texas; San Diego, California; Portland, Oregon; San Francisco, California; Denver, Colorado; San Diego, California.

July 1979—Salt Lake City, Utah; San Francisco, California; Omnibus—North Central States; Chicago, Illinois; Minneapolis, Minnesota; Boston, Massachusetts; Cleveland, Ohio.

August 1979—Kansas City, Missouri; Dallas, Texas.

The foregoing schedule supersedes the schedule published in the FEDERAL REGISTER for Wednesday, December 20, 1978.

Any former member of the Navy or Marine Corps who desires to obtain a review of his or her discharge, either in Washington, D.C., or in one of the other cities in which the Board will conduct hearings, should file an application with the Board using DD Form 293. If a personal appearance is requested, the petitioner should indicate on the application which location is

preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address:

Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, VA 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification, and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and/or their representatives, if any, will be notified by mail of the date and place of their scheduled hearing when a personal appearance is requested.

For Further information concerning the NDRB, contact:

Captain John G. Shaw, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, VA 22203, telephone number 202-692-4881.

Dated: March 6, 1979.

P. B. WALKER,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Administrative Law).

[FR Doc. 79-7181 Filed 3-14-79; 8:45 am]

[3810-71-M]

ACADEMIC ADVISORY BOARD TO THE SUPERINTENDENT, UNITED STATES NAVAL ACADEMY, A SUBCOMMITTEE OF THE SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy, a subcommittee of the Secretary of the Navy's Advisory Board on Education and Training, will meet on April 9, 1979, at conference room 301, Rickover Hall, United States Naval Academy, Annapolis, Maryland. The meeting will commence at 8:30 a.m. and terminate at 3:00 p.m.

The purpose of the meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of midshipmen. To accomplish this objective, the Board will review academic policies and practices of the Naval Academy and will submit their proposals to the Superintendent to aid him in improving educational standards and in solving academic problems.

For further information concerning this meeting contact:

Major Donald W. Nelson, USAF, Military Secretary to the Academic Advisory Board, Division of English and History, United States Naval Academy, Annapolis, MD 21402. Telephone number (301) 367-2170.

P. B. WALKER,
Captain, JAGC, U.S. Navy, Deputy Assistant, Judge Advocate General (Administrative Law).

[FR Doc. 79-7829 Filed 3-14-79; 8:45 am]

[3810-70-M]

Office of the Secretary of Defense

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 4 April 1979, at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1, § 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c) (1) (1976), and that accordingly, this meeting will be closed to the public.

H. E. LOFDAHL,
Dep. Director, Corres. & Directives, WHS, Department of Defense.

MARCH 12, 1979.

[FR Doc. 79-7876 Filed 3-14-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

NATIONAL PETROLEUM COUNCIL, TASK GROUP OF THE COMMITTEE ON UNCONVENTIONAL GAS SOURCES

Meeting

Notice is hereby given that two task groups of the Committee on Unconventional Gas Sources will meet in March 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Unconventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report it findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task groups scheduling meetings are the Tight Gas Reservoirs Task Group and the Devonian Shale Task Group. The time, location and agenda of the task groups meetings follows:

The fourth meeting of the Tight Gas Reservoirs Task Group will be on Thurday, March 22, 1979, starting at 8:30 a.m. in the Conference Room of the Mobil Corporation's offices, First International Building, 1201 Elm Street, Dallas, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the overall progress of the Tight Gas Reservoirs Task Group.
3. Review status of separate assignments of the Tight Gas Reservoirs Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Tight Gas Reservoirs Task Group.

The second meeting of the Devonian Shale Task Group will be on Thursday, March 29, 1979, starting at 10:00 a.m. in Room 906 of the Consolidated Natural Gas Service Company, Four Gateway Center, Pittsburgh, Pennsylvania.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the study methodology to be employed by the Devonian Shale Task Group and a review of assignments.
3. Discussion of the timetable of the Devonian Shale Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Devonian Shale Task Group.

The meetings are open to the public. The chairmen of the task groups are empowered to conduct the meetings in a fashion that will, in their judgement, facilitate the orderly conduct of busi-

ness. Any member of the public who wishes to file a written statement with the task groups will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633-9482, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, 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.

Issued at Washington, D.C. on March 9, 1979.

GEORGE S. MCISAAC,
Assistant Secretary for Resource Applications.

MARCH 9, 1979.

[FR Doc. 79-7796 Filed 3-14-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

ANDERMAN OPERATING CO.

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

MARCH 6, 1979.

On March 1, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

WYOMING OIL & GAS CONSERVATION COMMISSION, STATE OIL & GAS SUPERVISOR

FERC Control Number: JD79-561
API Well Number: 49-005-24527
Section of NGPA: 102
Operator: Anderman Operating Co.
Well Name: #1-31 Ruby Ranch
Field: Hartzog Draw
County: Campbell
Purchaser: Phillips Petroleum Co.
Volume: 9,686 MMCF

FERC Control Number: JD79-562
API Well Number: 49-005-24180
Section of NGPA: 102
Operator: Anderman Operating Co.
Well Name: #2-31 Ruby Ranch
Field: Hartzog Draw
County: Campbell
Purchaser: Phillips Petroleum Co.
Volume: 9,000 MMCF

FERC Control Number: JD79-563
API Well Number: 49-005-24829
Section of NGPA: 102
Operator: Anderman Operating Co.
Well Name: #1-32 Ruby Ranch
Field: Hartzog Draw
County: Campbell
Purchaser: Phillips Petroleum Co.
Volume: 5,813 MMCF

FERC Control Number: JD79-564
API Well Number: 49-005-24802
Section of NGPA: 102
Operator: Anderman Operating Co.
Well Name: #3-31A Ruby Ranch
Field: Hartzog Draw
County: Campbell
Purchaser: Phillips Petroleum Co.
Volume: 8,132 MMcf

FERC Control Number: JD79-565
API Well Number: 49-005-24697
Section of NGPA: 102
Operator: Anderman Operating Company
Well Name: Anderman-So. Roy. #2-6 Ruby Ranch
Field: Hartzog Draw
County: Campbell
Purchaser: Phillips Petroleum Co.
Volume: 2,037 MMcf

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 30, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7864 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Docket No. CP72-9]

ARKANSAS LOUISIANA GAS CO.

Petition To Amend

MARCH 6, 1979.

Take notice that on February 8, 1979, Arkansas Louisiana Gas Company (Petitioner), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP72-9 a petition to amend the order of November 1, 1971,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional delivery point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of November 1, 1971, as amended, Petitioner was authorized to exchange gas with Cities Service Gas Company (Cities) at various delivery points in Texas, Kansas and Oklahoma pursuant to an agreement between the two companies dated June 11, 1971, as amended. From time to time various other exchange points have been added and duly certificated, it is stated. Petitioner states that through the years an imbalance has built up leaving gas owing from Cities to Petitioner, this having resulted primarily because of capacity problems at the various delivery points from Petitioner to Arkla.

Petitioner indicates that in an effort to eliminate the exchange imbalance now existing under the exchange arrangement between it and Cities, Petitioner and Cities have entered into an amendment to their base exchange agreement of June 11, 1971, as amended, in order to add another delivery point from Cities to Petitioner, which additional delivery point would be at the existing delivery point from Petitioner to Cities near Jane, Missouri under Petitioner's Rate Schedule X-26 at which point Petitioner has historically sold gas for resale to Cities under Petitioner's FERC Rate Schedule No. X-26. The deliveries of exchange gas from Cities to Petitioner at the proposed additional delivery point would be accomplished by Petitioner's simply not delivering that much gas to Cities under the Petitioner-to-Cities sale contract, it is stated. Petitioner states that Cities would continue to buy gas from Petitioner at this point in its normal volumes, but Petitioner would not deliver to Cities as much gas as Cities has purchased, and the volume of underage thus not delivered would be deemed gas delivered from Cities to Petitioner under the exchange arrangement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 28, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7865 Filed 3-14-79; 8:45 am]

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[6450-01-M]

[Docket No. OR79-5]

ASSOCIATION OF OIL PIPELINES, ET AL.

Petition for Declaratory Order

MARCH 6, 1979.

Take notice that on February 15, 1979, the Association of Oil Pipe Lines and the individual oil pipeline companies signatories thereto, filed a motion in the subject docket requesting various forms of relief with regard to orders for suspension and investigation of tariffs proposing rate increases filed by a number of oil pipeline carriers.

The Association of Oil Pipelines *et al.* moves the Commission to take the following action:

(1) Setting down immediately for hearing, a reopened Docket No. RM78-2 to receive further evidence upon the issues of the appropriate rate base and rate of return for oil pipeline carriers;

(2) Staying all pending investigations of oil pipeline tariffs until the conclusion of Docket No. RM78-2 (with the possible exception of the tariffs of Williams Pipe Line Company that are subject to the mandate of the Court of Appeals in *Farmers Union*);

(3) Directing the Oil Pipeline Board to abandon the 7% "policy" for suspension and to replace that standard with one reflecting the continued use of an 8% and 10% return on valuation until the conclusion of Docket No. RM78-2;

(4) Directing the Staff and the Oil Pipeline Board to follow the ICC practices and procedures for oil pipelines (49 U.S.C. 15(7); 49 CFR 1100.01 *et seq.*); and

(5) Issuing an order vacating all suspension orders issued by the Oil Pipeline Board since the transfer of jurisdiction over oil pipeline rates from the Interstate Commerce Commission and requiring their reevaluation in light of the standards set forth above.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 2046. (See Section 1100.99 of the Commission's Rules of Practice and Procedure for Oil Pipeline Matters (49 CFR 1100.99).) All such comments or protests should be filed on or before March 27, 1979. Copies of the motion by the Association of Oil Pipelines, *et al.*, are on file with the Commission and are available for public inspection.

The Association of Oil Pipelines, *et al.* states that a copy of the Petition for Declaratory Order was served upon counsel for each party of record in the following proceedings:

(1) Docket No. RM78-2, *Valuation of Common Carrier Pipelines;*
(2) Docket No. RM78-22, *Revision of Part I, Title 18, Code of Federal Regulations Rules of Practice;*
(3) Docket No. IS78-1, *Phillips Pipe Line Company;*
(4) Docket No. IS78-2, *Texaco-Cities Service Pipe Line Company*
(5) Docket No. IS78-3, *Mobil Pipe Line Company;*
(6) Docket No. IS79-2, *Gulf Central Pipeline Company;*
(7) Docket No. IS79-3, *Portland Pipe Line Corporation*
(8) Docket No. IS79-5, *Dixie Pipe Line Company;*
(9) Docket No. IS79-4, FS79-1 and FS79-2, *Williams Pipe Line Company.*

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7866 Filed 3-14-79; 8:45 am]

[6450-01-M]

BURLESON & HUFF, ET AL.

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

MARCH 6, 1979.

On March 1, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

NEW MEXICO ENERGY & MINERALS DEPARTMENT OIL CONSERVATION DIVISION

FERC Control Number: JD79-566
API Well Number: 30-025-25753
Section of NGPA: 103
Operator: Burleson & Huff
Well Name: Smith #2
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 15 MMCF

FERC Control Number: JD79-567
API Well Number: 30-025-26055
Section of NGPA: 103
Operator: Burleson & Huff
Well Name: Marshall #1
Field: Eumont
County: Lea
Purchaser: Northern Natural Gas Co.
Volume: 162 MMCF

FERC Control Number: JD79-568
API Well Number: 30-025-25842
Section of NGPA: 103
Operator: Burleson & Huff
Well Name: Mobil #1
Field: Queen-Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 28 MMCF

FERC Control Number: JD79-569
API Well Number: 30-025-25607
Section of NGPA: 103
Operator: Burleson & Huff
Well Name: Cooper #2
Field: Jalmat
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 12 MMCF

FERC Control Number: JD79-570
API Well Number: 30-025-26077
Section of NGPA: 103
Operator: Burleson & Huff
Well Name: Saunders Estate #3
Field: Langlie-Mattix
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 144 MMCF

FERC Control Number: JD79-571
API Well Number: 30-025-25825
Section of NGPA: 103
Operator: Burleson & Huff
Well Name: Harrison #2
Field: Langlie-Mattix
County: Lea
Purchaser: El Paso Natural
Volume: 12 MMCF

FERC Control Number: JD79-572
API Well Number: 30-025-25675
Section of NGPA: 103
Operator: Burleson & Huff
Well Name: McQuatters #1
Field: Eumont
County: Lea
Purchaser: Northern Natural and El Paso Natural Gas Co.
Volume: 90 MMCF

FERC Control Number: JD79-573
API Well Number: 30-045-07994
Section of NGPA: 108
Operator: El Pam Co., Inc.
Well Name: Aztec/Fruitland
Field:
County: San Juan
Purchaser: El Paso Natural Gas Co
Volume: 18 MMCF

FERC Control Number: JD79-574
API Well Number: 30-045-07792
Section of NGPA: 108
Operator: El Pam Co., Inc.
Well Name: Sullivan #5
Field: Aztec
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 34 MMCF

FERC Control Number: JD79-575
API Well Number: 30-045-07901
Section of NGPA: 108
Operator: El Pam Co., Inc.
Well Name: Sullivan #6
Field: Aztec/Fruitland
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 18 MMCF

FERC Control Number: JD79-576
API Well Number: None
Section of NGPA: 108
Operator: Calvin Petroleum Corp.
Well Name: #1 Lee SE¼NE¼ of Sec. 30, T30N-R11W
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 13.766 MMCF

FERC Control Number: JD79-577
API Well Number: None
Section of NGPA: 108
Operator: Calvin Petroleum Corp.
Well Name: #1 Campbell NE¼NE¼ of Sec. 30 T30N-R11W
Field: Blanco Pictured Cliffs
County: San Juan
Purchaser: El Paso Natural Gas Co.
Volume: 13.044 MMCF

FERC Control Number: JD79-578
API Well Number: None
Section of NGPA: 108
Operator: Calvin Petroleum Corp.
Well Name: #1 Wright SW¼SE¼ of Sec. 19, T30N-R11W
Field: Blanco Pictured Cliffs
County: San Juan
Purchaser: El Paso Natural Gas Company

Volume: 10.581 MMCF

FERC Control Number: JD79-579
API Well Number: 30015-22242
Section of NGPA: 103
Operator: Yates Petroleum Corp.
Well Name: Mitchell "IN" #Z
Field: Eagle Creek Atoka Morrow, East
County: Eddy
Purchaser: Transwestern Pipeline Co.
Volume: Not Available

FERC Control Number: JD79-580
API Well Number: 30-01522424
Section of NGPA: 103
Operator: Yates Petroleum Corp.
Well Name: Griffin J. J. Com. #1
Field: Eagle Creek Permo Penn
County: Eddy
Purchaser: Transwestern Pipeline Co.
Volume: Not Available

FERC Control Number: JD79-581
API Well Number: 30-015-22449
Section of NGPA: 103
Operator: Yates Petroleum Corp.
Well Name: Cities J H State #1
Field: Wildcat Morrow
County: Eddy
Purchaser: Not Available
Volume: Not Available

FERC Control Number: JD79-582
API Well Number: 30-015-22383
Section of NGPA: 103
Operator: Yates Petroleum Corp.
Well Name: State "CO" Com. #2
Field: Wildcat Atoka
County: Eddy
Purchaser: Transwestern Pipeline Co.
Volume: Not Available

FERC Control Number: JD79-583
API Well Number: 30-015-22600
Section of NGPA: 103
Operator: Yates Petroleum Corp.
Well Name: Johnson JT Com #1
Field: Kennedy Farms Morrow
County: Eddy
Purchaser: Not Available
Volume: Not Available

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 30, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7863 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Project No. 2205]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Application for Use of Project Lands

MARCH 7, 1979.

Take notice that Central Vermont Public Service Corporation (Applicant) filed on January 29, 1979, an application for use of lands at Project No. 2205 pursuant to the Federal Power Act, 16 U.S.C. 791a-825r. Project No. 2205 is located on the Lamoille River in Milton, Chittendon County, Vermont. Correspondence concerning the application should be addressed to: Mr. Darrow R. McLeod, General Manager, Central Vermont Public Service Corp., 77 Grove Street, Rutland, Vermont 05701.

The Applicant requests the Commission to authorize its issuance of an easement to the Town of Milton to construct a sewage outfall line. The permanent easement would include a strip of land 20 feet by 8 feet and a strip of water 20 feet by 95 feet.

Milton has constructed a 0.23 mgd secondary sewage treatment plant. Milton would install a temporary dike in Lamoille River, approximately 1,300 feet downstream of the project dam. The ductile steel pipe would be buried to a depth of 3 to 6 feet below the river bank and bed. The pipe would be located 7 feet below normal river elevation and would extend about 95 feet into the river. The terminus of the pipe would be inverted towards the surface and protected by a concrete block anchored to the river bed. The construction work would take place in the summer and last about two weeks.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before March 23, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7867 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-183]

COLORADO INTERSTATE GAS CO.

Application

MARCH 6, 1979.

Take notice that on February 13, 1979, Colorado Interstate Gas Company (Applicant), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP79-183 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to increase the capacity of its existing Deerfield and Forgan meter stations in Kearny County, Kansas, and Beaver County, Oklahoma, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that based on estimated deliveries of exchange gas to it by Cities Service Gas Company (Cities), the capacity of its Deerfield meter station must be increased in order to handle estimated redelivery volumes to Cities. Furthermore, Applicant indicates that an increase in the capacity of its Forgan meter station is required to accommodate sales and exchange volumes to be delivered by Applicant to Natural Gas Pipeline Company of America.

The total estimated cost of the proposed facilities is shown to be $120,000. Applicant proposes to finance these costs from current funds on hand, funds from operations, short-term borrowing, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a

hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7868 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-1]

COLORADO INTERSTATE GAS CO.

Revised Changes in Rates

MARCH 6, 1979.

Take notice that Colorado Interstate Gas Company (CIG) on February 27, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2.

The purpose of the filing is to comply with the directive stated in ordering Paragraph (D) of the Commission's Order of October 27, 1978, requiring CIG (1) to eliminate from Docket No. RP-79-1 all costs associated with facilities which have not been certificated and placed in service by April 1, 1979, and (2) to reflect in Docket No. RP79-1 the actual balances of advance payments in Account 166 as of March 31, 1979. Additionally, CIG is revising its tariff sheets to reflect the reduction, as of January 1, 1979, of the maximum federal corporate tax rate from 48 percent to 46 percent. As a result of this filing, the jurisdictional cost of service in Docket No. RP79-1 will be reduced by approximately $3.2 million.

First Substitute Third Revised Sheet Nos. 7 and 8 are proposed to be substituted for and to replace Second Revised Sheet Nos. 7 and 8, as filed with the Commission on February 21, 1979, in Docket Nos. RP72-122 (PGA78-3), RP78-51, and RP79-1. CIG requested that First substitute Third Revised Sheet Nos. 7 and 8 be made effective as of April 1, 1979, the date previously provided for in Docket No. RP79-1.

First Revised Sheet Nos. 187, 251, and 330, reflecting the adjusted transportation rates contained in Rate Schedules X-14, X-19, and X-25, were also tendered for filing with a requested effective date of April 1, 1979.

Copies of this filing have been served upon the Company's jurisdictional customers and upon interested bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7869 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-195]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Petition

MARCH 7, 1979.

Take notice that on February 26, 1979, Distrigas Corporation (Distrigas) and Distrigas of Massachusetts Corporation (Domac), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP79-195 a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) for an order of the Commission declaring that:

(1) The liquefied natural gas (LNG) sold by Distrigas to DOMAC from the cargoes delivered by the Mostefa Ben Boulaid on December 20, 1978, and February 16, 1979, which cargoes were lifted from Arzew, Algeria, was properly resold to DOMAC under Distrigas' special rate schedule No. 1;

(2) In the future, cargoes of LNG which may be lifted by Sonatrach from Arzew, Algeria, and received by Distrigas and accepted under the April 13, 1976, import contract may be properly resold to DOMAC under Distrigas' special rate schedule No. 1; and

(3) The LNG received by DOMAC from Distrigas from the cargoes delivered by the Mostefa Ben Boulaid on December 20, 1978, and February 16, 1979, or other cargoes lifted from Arzew which may be received in the future do not constitute "off-system cargoes" within the meaning of that term as used in the settlement agreement of October 19, 1977; and that DOMAC's customers are required to pay for such volumes, including the terminalling of such volumes, in accordance with the terms of the applicable rate schedules of DOMAC's tariff. Petitioners' proposals are more fully set forth in the subject petition which is on file with the Commission and open to public inspection.

Petitioners state that a disagreement has arisen between DOMAC and certain of its customers concerning delivery of LNG under its FERC Gas Tariff relating to a question whether those customers are required to purchase all contract volumes of Sonatrach-produced LNG which have been tendered to them by DOMAC pursuant to the terms of the applicable GS, BO, and TS rate schedules. This, in turn, Petitioners assert, involves an interpretation whether any volumes received by DOMAC from Distrigas which Distrigas has imported, or may import, pursuant to its authorization granted in Docket No. CP77-218 and in accordance with the Sonatrach-Distrigas contract of April 13, 1976, can, nevertheless, be construed to be "off-system cargoes."

It is indicated that Article IV of the Settlement agreement of October 19, 1977, among DOMAC and its customers, approved by the Commission by its order of December 28, 1978, in Docket No. CP77-216, *et al.*, provides for a refund of a portion of the revenues received by DOMAC for terminalling "off-system cargoes" delivered to Distrigas and terminalled by DOMAC. It is asserted that this provision recognizes that if DOMAC were to process extra volumes through its terminal not included under the long term program, the unit cost of terminalling would be reduced, and, accordingly, an appropriate refund is provided for these so-called "off-system cargoes" if and when they should occur. Petitioners aver that since the inception of the long term program, DOMAC has received no "off-system cargoes" and that all LNG received by DOMAC has been purchased from Distrigas, which in turn, has purchased all its supplies from Sonatrach under the April 13, 1976, contract and imported under the authorization granted in Docket No. CP77-218.

Petitioners state that several of DOMAC's customers have notified DOMAC that they construe certain volumes received and paid for by them under DOMAC's applicable rate schedules to represent volumes from an "off-system cargo" and that the cryogenic tanker, Mostefa Ben Boulaid, was the ship utilized by Sonatrach to deliver the LNG. It is asserted that (1) Distrigas is informed that the LNG was lifted at Arzew, Algeria, and it conformed to the quality specifications of the contract and came within

the volumes provided for in the April 13, 1976, contract; (2) nothing in that contract precludes acceptance of LNG lifted at Arzew; (3) accordingly, Distrigas accepted the cargo in partial satisfaction of Sonatrach's obligation under that contract. Petitioners state that the LNG delivered by the Mostefa Ben Boulaid was imported pursuant to authorization granted in Docket No. CP77-218; Distrigas sold the LNG to DOMAC under its special rate schedule pursuant to authorization granted in Docket No. CP77-217; and DOMAC resold the LNG to its distribution company customers pursuant to its FERC Gas Tariff and the authorization granted in Docket No. CP77-216.

Petitioners assert that the customers contend that the LNG constituted an "Off-system cargo", presumably in an attempt to support a claim for a refund under the TS rate schedule at the end of the contract year, and that it is unclear whether they are raising the "off-system cargo" contention to support an additional assertion that they are not required to take the LNG.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 28, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7870 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Docket No. RP75-46, RP77-17]

EASTERN SHORE NATURAL GAS CO.

Adjustment to Rates and Charges

MARCH 5, 1979.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on February 23, 1979, tendered for filing the following revised tariff sheets:

To Be Effective March 1, 1979

Tenth Revised Sheets No. 5 and No. 6 Superseding Ninth Revised Sheets No. 5 and No. 6

Tenth Revised Sheets No. 10, No. 11 and No. 12

The revised tariff sheets listed above provide:

1. Tracking increase of a similar filing by Eastern Shore's supplier, Transcontinental Gas Pipe Line Corporation (Transco) on January 26, 1979 of $.223 per dekatherm.

2. An increase of $.0343 per dekatherm to reflect curtailment credits. (RP75-46)

3. A decrease of $.0143 per dekatherm reflecting the amount in Eastern Shore's Account 191 from revenues received for the transportation of natural gas pursuant to Order No. 533 (RP77-17) and the cost of gas related to gas purchased from Dover Exploration Company which is in excess of the commodity rate of Transco.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7871 Filed 3-14-79; 8:45 am]

[6450-01-M]

HAYNIE & MAYER

Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

MARCH 6, 1979.

On March 2, 1979, the Federal Energy Regulatory Commission received notice from the Wyoming Oil & Gas Conservation Commission, State Oil & Gas Supervisor, of a determination pursuant to 18 CFR 274.104 and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

FERC Control Number: JD79-584
API Well Number: 49-009-21402
Operator: Haynie & Mayer
Well Name: #1-24 Lebar
Field: Mike's Draw
County: Converse
Purchaser: Inexco Oil Co.
Volume: 104MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 30, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7862 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-176]

MOUNTAIN FUEL SUPPLY CO.

Application

MARCH 6, 1979.

Take notice that on February 6, 1979, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP79-176 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by application filed in Docket No. CP79-80, three joint Applicants propose to construct and operate an 840-mile pipeline facility known as the "Trailblazer System" and that while this system is intended to operate as an integrated facility, it is composed of three distinct segments, each having different ownership and operating interests. It is that the westernmost of the three proposed segments is the Overthrust Pipeline Company (Overthrust) segment commencing in the Pineview area of Summit County, Utah, and extending eastward some 107.5 miles through Uinta and Sweetwater Counties, Wyoming, to a terminus near Green River, Wyoming. The remaining two pipeline segments proposed would transport the volumes shipped through Overthrust, as well as volumes from other sources, eastward to the markets served by Colorado Interstate Gas Company (CIG), Columbia Gulf Transmission Company (Columbia Gulf), and Natural Gas Pipeline Company of America (Natural), it is said.

Applicant indicates that the first of these two remaining segments would extend 290 miles from the Green River Terminus of Overthrust and would parallel the existing facilities of CIG to Rockport, Colorado, and would

be owned and operated by CIG. From the Rockport terminus of the CIG segment, the third proposed segment of the Trailblazer System would continue in an easterly direction approximately 445 miles to a point of interconnection with existing facilities of Natural in southeastern Nebraska and would be owned by an as-yet-unformed partnership between Columbia and an affiliate of Natural and would be operated by Natural or an affiliate, it is said.

Applicant proposes herein to transport and exchange up to 304,030 Mcf per day of natural gas for the Trailblazer applicants and to construct and operate compression facilities and a necessary 20-inch tie-in line to interconnect the system of Applicant and the existing system of CIG, and, as required, the CIG segment of the Trailblazer system. Further, if required, Applicant proposes a 20-inch looping of its existing 10-inch pipeline located in Summit County, Utah, and Uinta County, Wyoming.

Applicant asserts that the western portion of the proposed Trailblazer System, including all of the Overthrust segment and 26 miles of the CIG segment, presents a classic situation involving the duplication of existing facilities and that the Overthrust segment and the first 26 miles of the CIG segment of the Trailblazer System would duplicate the existing transmission facilities of Applicant between Summit County, Utah, and Sweetwater County, Wyoming.

Applicant asserts that the western portion of the proposed Trailblazer System, including all of the Overthrust segment and 26 miles of the CIG segment, presents a clasic situation involving the duplication of existing facilities and that the Overthrust segment and the first 26 miles of the CIG segment of the Trailblazer System would duplicate the existing transmission facilities of Applicant between Summit County, Utah, and Sweetwater County, Wyoming. Applicant further asserts that, by reason of its existing facilities, it can render precisely the same service proposed by Overthrust and the first 26 miles of the CIG segment at an incremental capital cost of only $23,662,000, as compared to approximately $57,861,000 for the Overthrust/26-mile CIG segment projected capital cost. Applicant alleges that its proposal can save millions of dollars for the Trailblazers shippers and the consumers they serve and that its proposal presents truly *de minimis* environmental consequences and an enormous environmental savings over the environmental consequences of the project proposed by Overthrust and CIG.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless othewise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7872 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Docket No. OR79-2]

THE TEXAS DEEPWATER PORT AUTHORITY

Order Establishing Expedited Procedures, Omitting Initial Decision and Granting Interventions

MARCH 7, 1979.

INTRODUCTION

On December 7, 1978, the Texas Deepwater Port Authority (DPA), an agency of the State of Texas, filed a petition for a declaratory order, requesting that this Commission approve its proposed offshore oil terminal tariff structure.[1] The proposed tariff structure would provide for lower rates for those shippers who make certain commitments alleged to be required to finance the project. The DPA requested an order declaring that it "may lawfully charge its customers according to the formulae presently proposed, with specific findings that the nature and magnitude of the differential proposed is lawful."[2] Also, DPA requested that its petition be considered under an adjusted form of the "modified procedure" as set forth in the Interstate Commerce Commission Rules of Practice and Procedure, 49 CFR 1100.43-1100.52.[3] The procedure requested would resolve all issues on the basis of written submissions, with no opportunity for oral hearing and cross examination.

Public notice of the petition was issued on January 11, 1979. The Commission invited comments on both the merits of the proposed tariff structure and the procedure requested by DPA. Any comments, along with protests and petitions to intervene, were to be filed on or before January 22, 1979. Petitions to intervene were filed by the United States Department of Justice (Justice),[4] Pelican Terminal Corporation (Pelican), Atlantic Richfield Company (Atlantic Richfield), and the Economic Regulatory Administration of the United States Department of Energy (ERA). All have demonstrated an interest in this proceeding not likely to be adequately protected by any other party and their participation may be in the public interest. Accordingly, the petitions to intervene shall be granted.

BACKGROUND

The Deepwater Port Act of 1974[5] gives the Secretary of Transportation (Secretary) the authority to license deepwater ports. On August 23, 1978, DPA filed its application with the Secretary.[6] DPA's application is an

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[1] Section 8 of the Deepwater Port Act of 1974, 33 U.S.C. 1507(a), subjects deepwater ports and storage facilities serviced directly by such deepwater ports, to regulation as oil pipeline common carriers under the Interstate Commerce Act. Jurisdiction over the Texas DPA rests with this Commission, pursuant to Section 402 of the Department of Energy organization Act, 42 U.S.C. 7172(b).

[2] Petition at 1.

[3] These rules are applicable in all proceedings before this Commission involving transportation of oil by common carrier. See Order issued October 6, 1977.

[4] By separate filing, Justice submitted Initial Comments which, along with those contained in the various petitions to intervene, are summarized *infra*.

[5] 33 U.S.C. 1501 *et seq.*

[6] Attached as Appendix 1 to DPA's Petition in this docket.

[7] DPA proposes a facility physically identical to that formerly proposed by Seadock.

[8] The Secretary's decision is Appendix 2 of the Petition.

[9] See Appendix 6 to the instant Petition for details of the reasons for withdrawal as presented by Exxon, Gulf, and Mobil in hearings before the House Committee on Merchant Marine and Fisheries. See also the Secretary's decision at 49-59.

amended version of a prior application of Seadock, Inc., a consortium of private oil companies.[7] The Secretary approved Seadock's license application on December 17, 1976.[8] However, because of certain license conditions designed to ameliorate the anticompetitive potential of private shipper ownership of the port, the applicants declined to accept the license.[9]

According to DPA, its license application presents a question which "must be answered by this Commission if [the Department of Transportation] is to proceed to the issuance of a license to [DPA]." In order to grant a license, the Secretary must find, under Section 4 of the Deepwater Port Act,[10] that the applicant is "financially responsible." The DPA is proposed to be financed entirely through revenue bonds.[11] DPA alleges that the marketability of the bonds depends on shipper commitments to use the port and that the proposed tariff structure is needed to induce those commitments. It concludes that the Secretary can make the "financial responsibility" determination only if he has this Commission's assurance that the proposed inducement tariff structure is lawful. In that regard, DPA asserts that the Secretary advised it to obtain a declaratory order and stressed the importance of such an order to the processing of the DPA application.[12] DPA advises that the Secretary has indicated a strong desire to reach a license decision by August 23, 1979.

The Proposed Tariff Structure

DPA proposes to divide its potential shippers into two classes—signatories and non-signatories.[13] Signatories are those shippers who sign a "use agreement" by which they agree to use the facility and to pay fees which, when added to those paid by non-signatories, will cover the financial requirements of the facility on a fiscal year audited basis. Non-signatory shippers would not sign an agreement, although the option to do so would remain available to them. Signatory shippers would be compensated in two ways. First, signatories would be charged a per barrel "user fee" which would be lower than the "service charge" paid by non-signatories. As presently proposed, the service charge would be 115% of the user fee. The second portion of compensation is more complex. In addition to paying the lower user fee, signatories would be entitled to recover an annual adjustment of 60% of the "coverage" for the year just ended. Coverage is a term used for a percentage of principal and interest payments in a given year whch is collected in addition to the actual requirements on the bonds. This is usually set at 25% of the actual requirement and is provided to give additional security to bondholders against the risk of overly-optismistic revenue projections. DPA proposes to return 60% of this amount to the signatories and to devote the remainder to early retirement of the bonds and other uses.

DPA states that if 85% of the facility use is by signatory shippers, those shippers will pay approximately 5¢ less per barrel of oil shipped. Appendix E of DPA's License Application shows estimated tariffs based on current investment and operating cost estimates as follows:

Year	Signatory Shippers in cents	Nonsignatory Shippers in cents
1984	21	24
1990	24	27
1995	27	30

The remaining 2¢ of the anticipated differential in per barrel charges is due to the return of coverage charges to the signatory shippers. Also, DPA estimates that if 95% of the shippers become signatories, the total differential would be 2.8¢ and if only 70% become signatories, the differential would be 8.5¢. See Appendix 7 (Kerley Statement) at 19.

Position of the Parties

Atlantic Richfield and Pelican express no opinion on the merits of the requested order. Atlantic Richfield supports the use of the modified procedure and urges that the Commission establish a briefing schedule to "assure full consideration of the issues presented." The ERA "supports the concept of an incentive tariff" and "in general supports the cost 'formula' concepts" as presented in DPA's Petition.

Justice, after reviewing the applicable statutes and precedents, concludes that the tariff structure and differential are not unlawful, provided that, when tested by the appropriate legal standard of "reasonableness," they bear some reasonable relationship to the value of the guarantees, are available to all shippers, and are determined by arm's length bargaining. Justice believes that "the documents and other materials in the appendices of the . . . Petition . . . do not constitute an adequate record upon which the Commission may render a Declaratory Order," and that further proceedings are necessary. Justice urges that DPA be required to "perfect its case" with further comments or protests permitted to be filed after DPA files additional information.

The Need for Further Proceedings

We are not unmindful to the desirability for a prompt determination of DPA's petition. All parties agree, and the Secretary found in his approval of the seadock application, that a deepwater port located offshore Texas is in the national interest. However, the present record in this proceeding does not permit this Commission to make the specific findings requested by DPA's petition. It is noted that DPA asks us to make "specific findings that the nature and magnitude of the differential proposed is lawful". Our review of the applicable statutes and case law, *infra*, leads us to conclude that a tariff structure whereby shippers who make commitments of the type proposed herein are charged lower rates, is not *per se* unlawful and we hereby approve in principle an incentive two-tier tariff structure. However, notwithstanding this legal determination, certain factual determinations must be made before this Commission can approve the specific (5¢) differential proposed by DPA's petition. We shall establish expedited procedures to provide a fuller record for these factual determinations.[14]

Lawfulness of an Inducement Tariff Structure

DPA's proposed inducement tariff structure would permit those shippers providing certain financial guarantees to pay lower rates than do shippers who make no such guarantees. At issue is whether a differential, in the form of an inducement tariff structure, is permissible under controlling provisions of the Interstate Commerce Act (ICA), 49 U.S.C. § 1(5), § 2, and § 3. Section 2 of the ICA prohibits carriers from charging different rates to shippers for "like and contemporaneous service in the transportatin of a like kind of traffic under substantially similar circumstances and conditions. . ." Section 3 makes unlawful any "undue or unreasonable preference or advantage to any particular shipper." Section 1(5) provides that all charges shall be "just and reasonable".

Not all differences in rates charged to shippers are unlawful under section 2. Equally clear however, is that differences in "circumstances and conditions" of service must be demonstrated to justify any rate differentials. *ICC* v.

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[7] 33 U.S.C. 1503(c)(1).

[8] A requirement of Texas state law.

[9] Petition at 4. See also letter from Ernest T. Bauer, Deputy Director, Office of Deepwater Ports, DOT, to Gerald A. Jackson, General Manager, Texas DPA, attached as Appendix 3 to the Petition.

[10] See Appendix 7 (Kerley Statement).

[14] We note the Department of Transportation's letter to DPA urging it to obtain the order requested herein makes reference to obtaining "approval in principle of an incentive, two-tiered tariff." Our finding, *supra*, may constitute sufficient "approval in principle" to allow the Secretary to make his "financial responsibility" finding, and this could obviate DPA's need to obtain further findings at this time. See n. 12 *supra*.

Alabama Midland Railway, 162 U.S. 197 (1896). Here, both Justice and DPA assert that the "circumstances and conditions" governing service to guarantor-shippers are quite different from those under which non-guarantor shippers would take service, since signatories undertake risks not applicable to non-signatories. Also, the commitment in the "use agreement" is of substantial benefit to DPA. The Commission, in examining tariffs under Section 2 of the Act, is not strictly limited to an assessment of cost-related factors, but may look to other national transportation policy factors as well. *ICC* v. *Mechling*, 330 U.S. 567 (1947). Of course, actual *cost* savings resulting from efficiencies and lower capital costs made possible by shipper-guarantors would provide grounds for different rate treatment. *Central & Southern Motor Freight Traffic Association* v. *United States*, 273 F. Supp. 823 (D. Del. 1967). DPA's inducement tariff structure, because it involves *different* circumstances and conditions, is not prohibited under Section 2. However, the rate differential must be justified by the existence of differences in circumstances and conditions of service (including risks) and the magnitude of any differential must bear a reasonable relationship to the value of risks assumed by the guarantor-shippers.

The principle that any rate differential bear a reasonable relationship to the benefit conferred by the shipper upon the carrier is equally applicable to the anti-discrimination and antipreference standards of Section 3. Additionally, Section 3 imposes an obligation upon carriers to afford all shippers equal treatment. The services cannot be offered to some shippers and denied to others. *Cooper-Jarrett* v. *United States*, 226 F. Supp. 318 (W.D. Mo.), affd. per curiam 379 U.S. 6 (1964), *Chicago and Alton Railroad* v. *Kirby*, 225 U.S. 155, 165 (1912). Here the question is whether guarantor-shipper rates are available to all who can comply with the provisions contained therein. *Coal to New York Harbor Area*, 311 I.C.C. 355, 370 (1960). Under DPA's proposal, guarantor-shipper status is open to all who are willing to enter into the required commitment. In fact, shippers are given the opportunity to become guarantors throughout the life of the project.[15] We conclude that there is no undue preference or advantage inherent in DPA's proposed tariff structure where guarantor status is available at all times to any shipper.

As for the "just and reasonable" standard of Section 1(5), we conclude that DPA's proposed tariff structure is not per se unjust or unreasonable. A specific finding as to the justness or reasonableness of a 5¢ differential, however, requires further factual inquiry.

Factual Questions Presented

We have concluded that it is not unlawful *per se* for DPA to establish two service classifications where service under either classification is available to all shippers willing to comply with applicable tariff provisions. Neither is it unlawful *per se* to establish an inducement tariff structure where rate differentials bear a reasonable relationship to differences in circumstances and conditions of service.

However, as noted previously, DPA seeks an order declaring that "the nature and *magnitude* of the proposed differential is lawful". Justice maintains that the appropriate magnitude of the differential is a factual issue and that the differential must bear a reasonable relationship to the value of the guarantees given by the shippers. Justice makes the further observation that the value of these guaranties ought to approximate a competitive market price. "Arm's length dealing between DPA and potential guarantors," Justice concludes, "will likely produce a result comparable to that which would be produced by competition." *Initial Comments of Department of Justice*, p. 52.

We are aware of the difficulty in assessing with a great degree of certainty the value of the signatory commitment and the risks underlying such a commitment.[16] We also note that DPA itself expresses some concern that it may have "misjudged the level of inducement required".[17] However, notwithstanding the difficulty of ascertaining precisely the value of the signatory commitments, some greater showing is necessary in order to permit this Commission to find that any specific differential is just and reasonable. In particular, we shall require additional information which addresses the following questions:

(1) Is the specific inducement proposed by DPA necessary to compensate the signatory shippers for the risks they undertake? Some quantification of the risks assumed must be associated with the differential tariff in order to evaluate the merits of DPA's proposal.

(2)(a) What methodology was employed to arrive at the 15% surcharge to non-signers of use agreements for the Dallas-Fort Worth Airport?

(2)(b) Is the framework within which DPA and potential signatories will operate comparable to that within which the Airport and its signatories operated?

(2)(c) Are the risks undertaken by DPA signatories comparable to the risks undertaken by signatories to the airport use agreement?

(3) Would any differential, if arrived at by arms-length bargaining, bear a reasonable relationship to the value of the risks undertaken by signatories?

We shall require DPA to file additional information responsive to these questions within 20 days of the issuance of this order. Also, we shall require the Presiding Administrative Law Judge to convene a conference within 10 days of that filing. Other interested parties may also file comments responsive to the questions presented herein. Our final requirement is that the Presiding Administrative Law Judge certify to the Commission the complete record in this proceeding on or before May 25, 1979. All other procedural matters shall be left to the informed discretion of the Presiding Administrative Law Judge. The Presiding Judge may determine that further comments or briefs are in order after DPA filed the additional information required herein. He may find that the record will be adequate without more. On the other hand, he may find that testimony and cross examination is needed. These alternative procedures are merely suggestive and not intended to limit the flexibility of the Presiding Judge in adopting appropriate expedited procedures.

The Commission orders: (A) The DPA shall file additional information discussed above within 20 days of the issuance of this order.

Other interested parties are also invited to file information on the questions presented herein.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within 10 days of the date prescribed pursuant to Paragraph (A). The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions except motions to consolidate, sever, or dismiss.

(C) The Presiding Administrative Law Judge shall omit his initial decision and certify to the Commission the complete record in this proceeding on or before May 25, 1979.

(D) Petitioners to intervene are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and, *Provided, further,* that the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

[15] See Petition, p. 29, Kerley Statement (Appendix 7) at 9, 22.

[16] See Petition at 5, Kerley Statement (Appendix 7) at 22-24.

[17] Petition at 5.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7873 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-178]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MARCH 6, 1979.

Take notice that on February 8, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-178 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, on a firm basis, of up to 1,400 Mcf per day of natural gas for United Gas Pipe Line Company (United) from a point of receipt in Block 132, South Marsh Island Area (SMI), through Applicant's southeast Louisiana gathering system to existing points of interconnection between Applicant and United near Starks, Calcasieu Parish, Louisiana, and in Victoria County, Texas, where Applicant would deliver to United quantities of gas thermally equivalent to those received by Applicant, less fuel and line loss make-up, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was authorized in Docket No. CP77-453 to construct and operate the pipeline facilities which would be utilized, in part, to provide the proposed transportation service for gas United would purchase from Shell Oil Company in Block 149, SMI, from Block 132, SMI, to points of delivery onshore. It is indicated that the proposed service, pursuant to an agreement, dated November 3, 1978, would be for a primary term of 8 years, and that Applicant would render the service for an estimated initial monthly demand charge of $16,282.

Applicant asserts that in the event additional facilities are required to transport gas owned by Applicant and others and maintain capacity for the contract demand quantity for United, United has the option of (1) terminating the transportation service, (2) reducing the contract demand quantity to a level that would eliminate the need for installation of additional facilities (and the monthly demand charge would be adjusted to reflect such reduction), or (3) notifying Applicant to install such additional facilities as may be required to maintain capacity for United's contract demand quantity.

It is indicated that with respect to the portion of the demand charge attributable to the transportation through the facilities authorized in Docket No. CP77-453, a rate of return of 10.34 percent is used; this is the rate of return sought by Applicant in its general rate filing in Docket No. RP77-108. It is stated that because of the extensive facilities authorized in Docket No. CP77-453, Applicant contemplates that the demand charge attributable to the transportation through such facilities would generally fluctuate with the rate of return in effect from time to time on Applicant's system. Therefore, Applicant states, if a lower rate of return subsequently becomes effective by final order in Docket No. RP77-108, it would make appropriate refunds to United and would reduce its rate if appropriate to reflect such lower rate of return for the period the transportation service proposed is rendered while the Docket No. RP77-108 rates are in effect.

The application shows that to provide for offshore compressor fuel and line loss make-up, Applicant reserves the right to retain a portion of the quantities received at Block 132, SMI, based upon a determination by Applicant that such quantities are warranted by operating conditions. Further, it is stated that to provide for onshore compressor fuel and line loss make-up, Applicant initially would retain 1.2 percent of the quantities received at Block 132, SMI.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 28, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7875 Filed 3-14-79; 8:45 am]

[6450-01-M]

[Docket No. CP76-423]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition To Amend

MARCH 6, 1979.

Take notice that on February 8, 1979, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-423 a petition to amend the order of November 5, 1976, in the instant docket (56 FPC)[1] pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to authorize Petitioner to continue transportation service for various consumer-customers of Pennsylvania Water and Gas Company (PG&W), one of Petitioner's existing resale customers, for an additional two-year term and to authorize the transportation of gas from an additional source of supply, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of November 5, 1976, Petitioner was authorized to transport on an interruptible basis up to 3,500 Mcf of natural gas per day for Champion Valley Farms, Inc.; Community Medical Center; Fitchburg Coated Products, a Division of Litton Business Systems, Inc.; Foster Wheeler Energy Corporation; Fulton Manufacturing Co., Inc.; Geisinger Medical Center; International Paper Company; National Pretzel Company; Sampson Management Corp.; Schott Optical Glass, Inc.; Sprout-Waldron Operations, Koppers Company, Inc.; Sunbury Community Hospital; The Trane Company; Watsontown Brick Company; West Side Area Vocational-Technical School; The Williamsport Hospital;

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

and Wilkes-Barre Area Vocational-Technical School. It is further indicated that the gas was purchased from Penninsula Resources Corporation (Penninsula) in the Longhorn Field Extension, Duval County, Texas, and from Southport Exploration, Inc., Vulcan Materials Company (Southport, *et al.*) in the Bayou Piquant field, Terrebonne Parish, Louisiana, which gas Petitioner receives at mutually agreeable points on its system and delivers to PG&W for the account of the various consumer-customers listed above, pursuant to the terms of an agreement dated May 4, 1976, as amended, among Petitioner; the consumer-customers, acting severally and not jointly by and through the Energy Buyers Service Corporation (Energy Buyers) as duly authorized agent; and PG&W.

By this amendment Petitioner requests authorization to continue the transportation service for an additional two years. Petitioner states that because four of the consumer-customers (Fulton Manufacturing Co., Inc.; International Paper Company; Schott Optical Glass, Inc., and Watsontown Brick Company) have elected not to participate in the proposed additional two-year transportation service, Petitioner proposes to transport up to 3,039 Mcf of natural gas per day for the consumer-customers seeking the additional service.

It is stated that in order to assure themselves of an adequate supply of gas throughout the additional two-year term, the consumer-customers have contracted to purchase gas from Entex, Inc., *et al.*, (Entex, *et al.*) in the Southwest Lake Boeuf Field Area, Lafourche Parish, Louisiana, at an initial price of $1.96 per Mcf. It is indicated that the subject gas is not available to the interstate market. Petitioner states that the gas would be delivered to it at a mutually agreeable point on its system in Lafourche Parish. It is also stated that Buyers have amended their gas purchase contract with Penninsual and entered into a new gas purchase contract with Southport, *et al.*, so as to provide for continued deliveries of gas from the Longhorn and Bayou Piquant Fields during the extended term of transportation service.

Petitioner proposes to render the proposed additional term of service to the consumer-customers under its currently effective Rate Schedule T. In accordance with Rate Schedule T, Petitioner would charge an initial rate of 24.0 cents per dekatherm equivalent for all natural gas quantities delivered hereunder and retain, initially, 4.4 percent of the quantities received for transportation as makeup for compressor fuel and line loss, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 28, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-7874 Filed 3-14-79; 8:45 am]

[6450-01-M]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meetings:

I. A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 21, 1979, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 2:30 p.m. The purpose of this meeting is to permit a group of members of Subcommittee A to plan for a training session of the Industry Supply Advisory Group (ISAG), to be held later this year. The agenda is as follows:

1. Opening remarks.
2. Planning for ISAG training seminar.
3. Future work.

II. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 22 and 23, 1979, at the headquarters of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 11:00 a.m. on March 22. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris beginning at 11:00 a.m. on March 22, and at a joint meeting of the SEQ and the IEA Standing Group on the Oil Market (SOM), which is being held at Paris beginning at 9:30 a.m. on March 23. The agendas for the meetings are under the control of the SEQ and the SOM.

The agenda for the March 22 meeting is as follows:

1. Approval of Draft Agenda.
2. Summary Record of 24th Meeting.
3. Dispute Settlement Center (Presentation by the IAB).
4. Emergency Reserves:

A. Treatment of consumer stocks in IEA Reporting Systems.

B. EEC Directive of May 20, 1975 on stocks in powerplants.

5. Demand Restraint:

A. Future review program.

B. Arrangement for border crossing traffic in an emergency.

C. Counterseasonal adjustments and time shift of demand in crisis management.

6. Emergency Management Manual: National Emergency Sharing Organizations (Proposed text by IEA Secretariat).
7. Voting on certain questions under the Emergency Program.
8. IEA/EEC Emergency Systems Interface (Report by the Secretariat and by the EC Commission).
9. Special Section of the Information System:

A Questionnaires A/B New Reporting Instructions.

B. Base Period Final Consumption Current Calculation (4th Quarter 1977-3rd Quarter 1978). Report by the SEQ Working Group on seasonalization of BPFC.

C. Frequency and timing of Questionnaire A and B reporting during a period of fast-changing crisis parameters.

D. Seasonality of supply in Sweden and other participating countries.

10. Future meeting dates.
11. Any other business.

The agenda for the March 23 Joint Meeting of the SEQ and the SOM is as follows:

1. Adoption of the preliminary agenda.
2. Developments in the international oil market.
3. Discussion of future procedures for monitoring.
4. Individual countries' plans for:
   Demand Restraint
   Fuel Switching
   Increase of indigenous production.
5. In depth demand restraint preparation. Reviews of:
   Switzerland
   Germany
6. Emergency Reserves.

A. As of October 1, 1978, based on oil statistics.

B. Projected development of IEA stocks October 1, 1978 through April 1, 1980.

7. Other business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings

will not be open to the public. As provided by § 209.32 of DOE regulations, IEP requirements and unanticipated procedural delays in processing this notice require the usual 7-day notice period to be shortened.

Issued in Washington, D.C., March 8, 1979.

ROBERT C. GOODWIN, Jr.,
Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 79-8041 Filed 3-14-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00086; FRL 1077-2]

PESTICIDE USE AND PRODUCTION BY VETERINARIANS

Proposed Statement of Policy on the Applicability of the Federal Insecticide, Fungicide, and Rodenticide Act to Veterinarians

AGENCY: Office of Pesticide Programs/Office of Enforcement, Environmental Protection Agency (EPA).

ACTION: Notice of a proposed policy for implementation of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, with respect to veterinarians.

SUMMARY: This notice explains EPA's proposed policy for enforcement of various provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended [FIFRA] (7 U.S.C. 136 et seq.), and regulations thereunder, with regard to Doctors of Veterinary Medicine [veterinarians] who use, mix, or prescribe pesticides.

DATES AND ADDRESSES: The Administrative Procedure Act [5 U.S.C. 553(b)] provides that the solicitation of comments is not required of federal agencies for "interpretative rules, general statements of policy, or rules of agency organization, procedure or practice." EPA has determined that this notice falls within this exemption. Nevertheless, interested persons may submit written comments regarding the proposed policy set forth. If possible, three copies of all comments should be submitted by April 30, 1979, to the Federal Register Section (TS-757), Program Support Division, Office of Pesticide Program, EPA, Rm. E-401, 401 M Street, S.W., Washington, D.C. 20460.

All comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m., Monday through Friday. EPA will respond to significant relevant comments prior to or at such time as this policy statement is published in final form in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Ralph Colleli, (TS-766), Office of Pesticide Programs (202) 755-8030.

SUPPLEMENTARY INFORMATION: FIFRA, as amended, is a comprehensive regulatory statute affecting many phases of pesticide production, distribution, and use, on both national and local levels. EPA has the primary responsibility for enforcing FIFRA and implementing the programs created under the Act. Among these programs are four which may apply to veterinarians who deal with pesticides in the course of their practice: (a) Certification of applicators who use pesticides classified for restricted use by EPA; (b) registration of pesticide products; and (c) registration of pesticide production establishments. Regulations have been written to implement these programs (40 CFR Part 171, 162, and 167, respectively). In addition, regulations under Section 25(c)(3) of FIFRA were promulgated on February 7, 1979 (44 FR 7695), describing special (childproof) packaging requirements for pesticides, applicable to practicing veterinarians under certain circumstances.

Veterinarians who use restricted use pesticides, or who dispense pesticides to their clients, are, to some extent, subject to all these programs. This notice describes EPA's proposed policy for applying these regulations to veterinarians. In general, this policy would allow veterinarians to continue their usual practices without having to comply with all the procedural requirements to which they are legally subject, provided that they comply with certain minimal safety precautions described in this policy. These conditions would not extend or augment in any way the legal responsibilities or liabilities of veterinarians. Rather, compliance with these precautions would permit EPA to authorize veterinary practices which may be technically inconsistent with some provisions of FIFRA, but which are wholly consistent with the legislative intent and purposes of the Act.

USE OF RESTRICTED USE PESTICIDES

Under Sections 3, 4, and 12(a)(2)(F) of FIFRA, no individual may use a restricted use pesticide unless he is an applicator certified under a plan approved by EPA, or is under the direct supervision of a certified applicator, or is expressly exempted from the certification requirement. Regulations promulgated under Section 4 in 1974 (39 FR 36446) established an exemption from the certification requirement for veterinarians who use restricted use pesticides in "the course of their normal practice" (40 CFR 171.4(e)). The regulations explained, however, that this exemption does not apply to veterinarians who are "in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large-scale use of pesticides" (40 CFR 171.3(b)(1)(ii)). Activities such as these would not be part of a "normal practice," and veterinarians would have to be certified to use restricted use pesticides for such purposes. Although the meaning of "normal practice" is broad and may vary according to local needs, some activities clearly do not come within the scope of that term. For instance, application of pesticides by a veterinarian as a "principal or regular occupation" (39 FR 36447), or solicitation of pesticide application business by veterinarians, is not considered part of a "normal practice." Veterinarians who use restricted use pesticides for such purposes, or in any other manner which is not part of their "normal practice," are required to become certified under an appropriate approved State or Federal certification plan, unless they use such pesticides under the direct supervision of a certified applicator.

Although EPA strongly recommends that veterinarians keep abreast of advances in pesticide use and technology through appropriate professional continuing education, veterinarians who do practice within the bounds of 40 CFR 171.4(e) are exempt from the certification requirement. EPA interprets this exemption as also extending to regular employees of a veterinarian when applying restricted use pesticides "under the direct supervision" of the veterinarian. Such supervision requires, unless the pesticide labeling specifies otherwise, that the employee be a competent individual, acting under the supervision and control of a veterinarian who is available if and when needed, even Veterinarians are not authorized to dispense restricted use pesticides to, or supervise the use of restricted use pesticides by, any other uncertified persons, including their clients. However, EPA will specifically consider the need of veterinarians to dispense a pesticide to clients as part of any future decision on whether to restrict use of such a pesticide.

The supervising veterinarian is, of course, responsible for the actions of his employees, including any misuse of a pesticide by an employee. In addition, veterinarians must use all pesticides, including those not classified for restricted use, consistently with their registered labeling. As authorized by Section 2(ee) of FIFRA, this includes use against a pest not specified on the labeling as long as the animal or site treated *is* so specified, unless use

against that pest is expressly forbidden by the Administrator of EPA.

Repackaging and Dispensing of Pesticides

Sections 3(a) and 7(a) of FIFRA, and regulations thereunder, require every "producer" of pesticides to register all pesticides produced by him, and to register the establishment in which they are produced, prior to sale or distribution of such pesticides. By regulation, the term "producer" includes all persons who "repackage or otherwise change the container of any pesticide. . . ." (40 CFR 167.1 (c) and (d)). Therefore, a veterinarian who prescribes or otherwise dispenses a pesticide in a new container, or a container which he has altered [by changing the package or its labeling] after receipt of the original product, is considered a "producer." The veterinarian is, then, legally responsible for registering such a product with EPA (even though the original product may already have been registered by its producer); for registering his establishment; for complying with all applicable labeling and packaging standards established by EPA; and for keeping all records required of producers under Section 7(c) of FIFRA and 40 CFR 167.5.

However, EPA recognizes the substantial benefits which may be gained by permitting veterinarians who obtain pesticides in bulk containers to dispense such pesticides to clients in individual containers better suited to the specific case for which each pesticide is prescribed. EPA also recognizes the care with which most veterinarians prescribe, package, and distribute pesticides. Therefore, EPA, as a matter of policy, will not subject veterinarians who prescribe and dispense repackaged pesticides to the requirements imposed on "producers," provided that the following minimal conditions are met.

(1) The pesticide is registered by EPA for a use consistent with the use for which the pesticide is prescribed, and the EPA registered use is not classified as restricted.

(2) The veterinarian supplies the client with labeling for the pesticide which contains:

(a) The name(s) and percentage(s) of the active ingredient(s);

(b) The EPA product registration number;

(c) Use directions for the use prescribed;

(d) Human safety precautionary statements;

(e) An antidote statement;

(f) Directions for disposal of the pesticide and the package dispensed to the client; and

(g) The name and address of the veterinarian.

If the original labeling accompanying the pesticide, as received by the veterinarian, would satisfy some of the above requirements, a copy of that labeling may be supplied to the client in partial satisfaction of these conditions.

In all cases, however, *at a minimum*, the information contained in (a), (b), (c), and (g) above must be physically attached to the package given to the client.

(3) The container in which the pesticide is dispensed to the client is a childproof package as described in 40 CFR 162.16 of the "Special Packaging" rule (44 FR 7695), unless the veterinarian has determined that the package is not likely to come within the reach of children.

(4) The pesticide is prescribed and dispensed to the client for the treatment of a specific pest problem, on a case-by-case basis, as part of the veterinarian's "normal practice."

In addition to meeting the above requirements, all veterinarians distributing pesticides are urged to discuss labeling directions with the client at the time the pesticide is dispensed.

Any veterinarian who repackages and dispenses pesticides, and who does not satisfy conditions (1) through (4) above, must comply with all federal registration and recordkeeping requirements for "producers," and may be penalized under Section 14 of FIFRA for failure to do so.

Producing and Dispensing Special Pesticide Formulas

Veterinarians who prepare their own special products for treatment of pests—by altering the original formulation of another pesticide (other than by mere dilution in accordance with the pesticide labeling), or by combining ingredients which are not otherwise considered pesticides may also be "producers." If the product formulated by the veterinarian is a "new animal drug" [as defined in 21 U.S.C. 321(w) and 321(g)(1)], the product and the veterinarian are subject to regulations of the U.S. Food and Drug Administration. If, however, the product is not a "new animal drug," or an animal feed containing a new animal drug, and is intended to prevent, repel, mitigate, or destroy any pest, it is a pesticide [Section 2(u) of FIFRA] and is subject to the primary jurisdiction of EPA. The veterinarian is then considered a "producer" under FIFRA Section 2(w).

As described above, "producers" are ordinarily required to register products and establishments, to keep records, and to meet labeling and packaging standards. If, however, the veterinarian produces a special pesticide blend solely for his own use, or use by persons in his presence and under his immediate supervision, then the veterinarian is exempt from these requirements [*See, e.g.*, 40 CFR 162.3(gg); 162.5(a); 167.2(a)]. Nevertheless, when mixing or using special pesticide blends, veterinarians are still required to comply with the labeling directions of any registered pesticides used. In addition, EPA recommends that labeling meeting the minimum standards of 40 CFR Part 162 accompany the special blend, in order to promote safe use, storage, and disposal of such pesticides by the veterinarian and his employees. Also, when applying a special blend which will leave a residue on or in an animal intended for use as food, the veterinarian must ensure that the ingredients used have been granted necessary clearances under the Federal Food, Drug, and Cosmetic Act.

On the other hand, veterinarians who formulate special pesticide mixtures for distribution to others are legally subject to all registration, labeling, and packaging requirements imposed on producers. However, EPA recognizes the benefit which may be obtained by allowing veterinarians to formulate products to meet unusual cases. Therefore, EPA will not subject veterinarians who dispense such products to these requirements if:

(1) The special pesticide blend is produced by mixing two or more pesticides already registered by EPA, or by altering the composition of an EPA registered pesticide, provided that special blends made from registered pesticides classified for restricted use by EPA are not dispensed to uncertified clients.

(2) The special blend is formulated and dispensed in accordance with recognized clinical practices and not primarily for purposes of experimentation.

(3) The use prescribed is consistent with uses authorized by the labeling of the registered products used as ingredients, and the use directions in the labeling for the registered ingredients(s) do not prohibit the mixture or alteration performed by the veterinarian.

(4) The special product is prescribed and dispensed to individual clients of the veterinarian on a case-by-case basis to meet specific pest problems.

(5) The veterinarian supplies the client with labeling for the special product which contains:

(a) The name(s) and percentage(s) of active ingredient(s);

(b) The EPA registration number for each registered product used as an ingredient;

(c) Use directions for the use prescribed, which are consistent with the directions found in the original labeling for the registered products used as ingredients;

(d) Human and environmental safety precautionary statements;

(e) An antidote statement;

(f) Directions for disposal of the pesticide and its container; and

(g) The name and address of the veterinarian; *provided that* (a), (b), (c), and (g) shall be physically attached to the container of the special product sold to the client.

(6) The container in which the special product is sold to the client is a childproof package, as described by the "Special Packaging" rule, unless the veterinarian has determined that the package is not likely to come within the reach of children.

In addition to meeting the above requirements, all veterinarians distributing their own special products are encouraged to discuss labeling instructions for the special product with the client at the time the pesticide is dispensed.

Veterinarians who do not meet these conditions when distributing specially formulated pesticides must comply with all registration, recordkeeping, labeling, and packaging requirements established for "producers." Failure to comply may result in the imposition of penalties under Section 14 of FIFRA.

SPECIAL PACKAGING

As mentioned above, it is expected that veterinarians who "produce" pesticides for their clients' use will frequently be subject to the requirements of the "Special Packaging" rule. That is, a veterinarian producing a pesticide which meets the toxicity requirements of the "Special Packaging" rule must package the product in a child-resistant container before dispensing it to the public.

In addition, in those cases where the rule will not apply by its own terms, but the prescribed pesticide is likely to come within the reach of children, voluntary compliance is a prerequisite to certain exemptions from registration, recordkeeping, and labeling requirements.

These facts, coupled with the practical difficulty that some veterinarians may have in determining whether a prescribed pesticide is subject to the terms of the "Special Packaging" rule, make it to the veterinarians' advantage to comply with the rule whenever there is a reasonable possibility that a prescribed pesticide will be handled by children. Therefore, voluntary compliance with packaging standards established by the rule is strongly encouraged for the above reasons, and also to increase safety in the use by clients of prescribed pesticides.

STATE REGULATIONS OF VETERINARIANS.

This proposed policy statement concerns only EPA policy under FIFRA and Federal regulations. It does not apply to State regulatory restrictions covering veterinarians who deal with pesticides. Therefore, all veterinarians should consult their local professional associations, licensing offices, and State pesticide regulatory agencies for detailed information on local requirements.

Dated: March 2, 1979.

JAMES M. CODLON,
Associate Deputy Assistant Administrator for Pesticide Programs.

Dated; February 26, 1979.

RICHARD D. WILSON,
Deputy Assistant Administrator for General Enforcement.

[FR Doc. 79-7903 Filed 3-14-79; 8:45 am]

[6560-01-M]

[PP 7G2006/T189; FRL 1077-3]

PESTICIDE PROGRAMS

Extension of Temporary Tolerances; 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one

On August 18, 1978, the Environmental Protection Agency (EPA) announced (43 FR 36684) the establishment of temporary tolerances for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in or on the raw agricultural commodities wheat forage at 2 parts per million (ppm); barley straw and wheat straw at 1 ppm, and barley grain and wheat grain at 0.75 ppm. These tolerances were established in response to a pesticide petition (PP 7G2006) submitted by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898. These temporary tolerances expire April 11, 1979.

E. I. du Pont de Nemours & Co., Inc., requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permits 352-EUP-99 and 352-EUP-100 that have been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that an extension of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been extended on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. E. I. du Pont de Nemours & Co., Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire February 15, 1980. Residues not in excess of 2 ppm remaining in or on wheat forage, 1.0 ppm remaining in or on barley straw and wheat straw, and 0.75 remaining in or on barley grain and wheat grain after this expiration date will not be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerances. These temporary tolerances may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Robert Taylor, Product Manager 25, Registration Division (TS-767), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460 (202/755-7013).

Dated: March 12, 1979.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 79-7905 Filed 3-14-79; 8:45 am]

[6560-01-M]

[PP 5G1593/T190; FRL 1077-4]

PESTICIDE PROGRAMS

Renewal of a Temporary Tolerance; Ethanedial Dioxime

On January 9, 1978, the Environmental Protection Agency (EPA) announced (43 FR 1405) a reextension of a temporary tolerance for combined residues of the plant growth regulator ethanedial dioxime in or on the raw agricultural commodity oranges at 0.1 part per million (ppm). These tolerances were established (41 FR 4637) in response to a pesticide petition (PP 5G1593) submitted by Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, NC 27409. The tolerance was subsequently extended for one year (42 FR 14729). The reextension expired January 31, 1979.

Ciba-Geigy Corp. requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of

the experimental use permit 100-EUP-42 that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determiend that an extension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been renewed on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 1, 1980. Residues not in excess of 0.1 ppm remaining in or on oranges after this expiration date will not be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquires concerning this notice may be directed to Mr. Robert Taylor, Product Manager 25, Registration Division (TS-767), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460 (202/755-7013).

Dated: March 12, 1979.

(Section 408(J) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 79-7904 Filed 3-14-79; 8:45 am]

[6560-01-M]

[OPP-30000/28B; 1077-5]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide products Containing Coal Tar, Creosote, and Coal Tar Neutral Oil; Correction

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Correction Notice.

SUMMARY: On October 18, 1978 (43 FR 48154), EPA published a notice of presumption against registration and continued registration of certain products containing the ingredient coal tar, creosote, and coal tar neutral oil. As indicated in that Federal Register Notice, omissions in the computerized listings presented were to be corrected via further publication. Omissions have been discovered; this notice serves to correct the list of affected parties/products.

DATES: Rebuttal evidence and other information must be received on or before April 30, 1979.

ADDRESS MATERIAL TO: Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M ST., S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Herman J. Gibb, Special Pesticide Review Division, Office of Pesticide Programs, Rm. 447, East Tower EPA, (202) 755-5632.

SUPPLEMENTARY INFORMATION: The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty days may be granted in which such evidence may be submitted (40 CFR 162.11(a)(1)(i)). Certified copies of the rebuttable presumption against registration were mailed to these affected parties on January 22, 1979. The comment period will close on April 30, 1979.

Dated: March 12, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Admisistrator
for Pesticide Programs.

PRODUCT SEARCH LISTING

FEDERALLY REGISTERED PRODUCTS CONTAINING COAL TAR AS AN INERT; FEBRUARY 15, 1979

Registrant 000043—Name and address: Cabot Samuel, Inc., One Union St., Boston, MA 02108.
Registrant 00022—Product name: Cabot's Creosote Shingle Stains 289 Light Weather Brown.
Registrant 000607—Name and address: Carbola Chemical Company, Inc., Natural Bridge, NY 13665.
Registrant 00044—Product name: Carbola White Interior Coating and Insecticide.
Registrant 001678—Name and address: Dyall Products, 35 E. Blecke Ave., Addison, IL 60101.
Registrant 00002—Product name: No. 125—WT5 Toxic Ceraseal.
Registrant 008763—Name and address: Thomson Procelite Paint Co., P.O. Box 5550, Philadelphia, PA 19143.
Registrant 00001—Product name: Thompson's Porcelite Marine Fin. Shipbtm, Antifoul, Super Trop, No. 9805.
Registrant 010148—Name and address: Nationwide Chemical Company, Inc., 395 Johnson Avenue., Brooklyn, NY 11211.
Registrant 00008—Product name: Complete Vegetation Killer.
Registrant 011553—Name and address: Southern Imperial Coatings Corp., Inc., P.O. Box 29077, New Orleans, LA 70129.
Registrant 00001—Vitron Anti-fouling Mastic Base Anti-fouling Mastic Curving Agent.
Registrant 00004—Product name: Dinosets Technical.

[FR Doc. 79-7902 Filed 3-14-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 79-85; RM-2908]

SELECTION OF FREQUENCY ASSIGNMENTS

Participation of Industry Advisory Committees; Memorandum Opinion and Order Denying Petition for Rule Making

Adopted: February 5, 1979.

Released: February 13, 1979.

By the Commission: Commissioner White concurring in the result.

In the matter of amendment of Subpart S, Part 89 of the Commission's Rules to provide for the participation of industry advisory committees in the selection of frequency assignments in the 800 MHz band.

1. The Commission has before it a petition (RM-2908) filed jointly by six frequency coordinators[1] requesting that the Commission's rules be amended to provide for the participation of industry advisory committees in the selection of frequency assignments in the 800 MHz band.

2. The Associated Public-Safety Communications Officers, Inc. (APCO) filed comments in support of the petition, but only on an interim basis until the Commission completes its spectrum management proceedings (Docket 21229). The National Association of Radiotelephone Systems (NARS) filed comments indicating general opposition to the idea of frequency coordination at 800 MHz. GTE Service Corporation also filed comments, generally supporting the petition, but urging that specific rules and standards for the coordinators be adopted in advance of their undertaking any new role. In reply comments,

[1] Central Committee on Telecommunications of the American Petroleum Institute (API), Forest Industries Telecommunications (FTI), International Municipal Signal Association (IMSA), National Association of Business and Educational Radio (NABER), Special Industrial Radio Services Association (SIRSA), and Utilities Telecommunications Council (UTC).

the California Mobile Radio Association was opposed to any introduction of frequency coordination.

3. In general, the petition and comments suggested several approaches to coordination. Under the petitioners' plan, there would be four committees, namely, the Public Safety, Industrial, Business, and Land Transportation Committees. This situation follows closely that used in grouping services under our present rules for the lower bands. The present channels allocated for 800 MHz conventional systems would be divided into groups (or blocks) so that each committee initially would be recommending frequencies from four different frequency groups, each with its own starting point. In addition, the petitioners' plan would also require changes in our rules which would permit the coordinating committees to make frequency recommendations under more flexible standards, using present criteria and limitations only as guidelines. The Commission would have the responsibility of "closely auditing" the performance of each committee, and we would settle any disputes that might arise between them. Petitioners' plan would also allow applicants to follow the "engineering route" in requesting frequency assignments. Finally, under this plan, each committee applying to us for recognition as "coordinator" would be required to explain in detail the manner in which it proposed to operate, including the technical parameters of its program and what fees, if any, it would charge.

BACKGROUND CONSIDERATIONS

4. Frequency coordination groups, including the petitioners, were established primarily to assist applicants in selecting the best available frequencies and to date have functioned only at bands lower than 800 MHz. Frequencies in the lower bands are allocated in blocks to each radio service. Since frequencies are generally shared, it was our practice to group like users together, thus improving the chances of amicable sharing. The coordination groups are organized along the lines of these radio services. There are coordinators for the Police, Fire, Business, Power, Special Industrial and Petroleum Services and a number of others. Over the years, the Commission has relied on the essential role fulfilled by the coordinators in the selection of frequencies in the lower bands.

5. Frequency coordination in the lower bands involves the selection of a frequency which will result in the least amount of harmful interference to the applicant and existing radio users. Frequency coordinators also strive to insure technical and operational compatibility among the users sharing a channel, thus providing for a balanced and harmonious sharing arrangement. The detailed methods of the coordinators vary, depending on the nature and degree of frequency congestion characterizing the radio services. In general, the task involves an analysis of license records within the environment of the applicant to determine the likelihood and extent of co-channel and adjacent channel interference. Coordinators then evaluate channel sharing compatibility on the basis of factors such as the nature of the applicant's business, mode of operation (private or shared mobile relay), and number of mobile units. The value of frequency coordinators rests on their ability to make informed judgments affecting channel sharing. Based on continual contacts with users, equipment suppliers and service personnel, coordinators understand the conditions in localized environments, i.e., relative degree of frequency congestion, nature of user operations, terrain conditions and knowledge of area-wide frequency assignment plans. In summary, frequency coordinators play a useful and necessary role in frequency selection in the lower bands.

BASIS FOR DECISION

6. In Docket 18262, we introduced a frequency assignment philosophy for the 800 MHz band which is markedly different from that of the lower frequency band. Our aims were to design an assignment strategy which would promote spectrum efficiency and which could be administered with relative ease. Many of the judgments frequency coordinators must make when evaluating frequencies in the lower bands are incorporated into specific criteria in the Commission's Rules for 800 MHz. There are specific standards for mobile loading and co-channel base station separation. These standards were devised to prevent the occurrence of co-channel interference between users in distant markets and limit the degree of frequency congestion within a single market. The assignment criteria further preclude sharing among "urban" and "suburban" users in the same or nearby urbanized areas. The standard separation of 45 MHz between transmit and receive frequencies further precludes adjacent channel interference to base stations. Thus, to a large extent, interference analysis at 800 MHz has been incorporated into a set of specific criteria. This virtually eliminates the need for frequency coordinators.

7. Unlike the system we use in the lower bands, 800 MHz frequencies are assigned sequentially from one pool of undifferentiated channels. Assignments are made on a first-come, first-served basis. We follow a "vertical" assignment strategy: before an unoccupied channel is made available, all previously assigned frequencies must be fully loaded according to the prescribed criteria. We have found that the most prevalent mode of operation at 800 MHz is the shared mobile relay system, the so-called community repeater. For second and subsequent users on a community repeater, there is no need for frequency selection because each desires the frequency already assigned to that repeater. To the extent that there is an effort to group compatible users on these systems, it is done by the equipment vendors.

8. The principal contention of the coordinators is that they have specialized expertise and, in some instances, local knowledge, which cause them to make effective decisions about user compatibility for frequency sharing. Since most of the frequencies are shared, there is a potential for a significant impact to be made by the coordinators. It is our view that this potential is diminished significantly by the reality of the market place. As noted, the principal licensing vehicle at 800 MHz is the shared system, the so-called community repeater. An applicant proposing to join an existing repeater has very little need for frequency selection; he obviously wants the same frequency that is assigned to the repeater. It is the equipment vendors, for the most part, who put together the groups that share facilities in this manner. This means that the coordinator, for all second and subsequent users on a repeater, has virtually nothing to add to the process. In those cases where an applicant does not propose to share transmitting equipment, there is only a limited opportunity for a coordinator to apply his expertise. The mechanical operation of vertical loading and sequential assignment policies leaves little room for judgments about user compatibility.

9. Although the major emphasis of the petition is the participation of industry advisory committees in the selection of frequencies, the petitioners also requested rules allowing the coordinator some flexibility in making frequency recommendations. Presently, the rules are quite rigid regarding loading standards and sequential assignments. The petitioners suggest that they be given the authority to vary from these standards when it was their best judgment to do so. Since the Commission will be considering substantive changes in the rules governing the use of this band in a subsequent proceeding, our decision today is limited to the narrow question of coordinator participation under present licensing policies. When rulemaking on possible changes is initiated, we would

anticipate a full range of comments from the coordinators.

10. At 800 MHz, channel efficiency is determined by mobile loading standards which specify the number of mobile units that will be assigned to each channel. Overall spectrum efficiency is a function of these standards and the sequential assignment policy, which provides that an applicant may not have access to an unoccupied channel if there is a channel, previously assigned, which would accommodate the system he proposes. These policies have resulted in an orderly and efficient assignment of frequencies at 800 MHz. With a very limited staff we have been successful in licensing hundreds of systems using these policies, without a demonstrated need for assistance from coordinators.

11. In light of these policies, it is difficult to envision any measurable improvement in spectrum efficiency by permitting the participation of coordinators. Use of mobile loading criteria, co-channel separation and sequential assignment of frequencies will necessarily result in the coordinator achieving a comparable spectrum efficiency.

12. We believe that the introduction of frequency coordination would result in an increased cost to the user, without offsetting benefits. The various coordinating groups finance their activities in a number of ways, ranging from direct fees for the service to membership dues. Although we have no specific information on how 800 MHz coordination would be financed, we know that there would be costs involved in maintaining data and making frequency selections. In one way or another, these costs would be borne by the users. Presently, this same service costs the users nothing. Since the Commission's oversight and licensing functions would involve redundancies in the selection process, to an unavoidable extent, the net effect would be that the users would be paying more for a license than under the present system.

13. If the coordinators are included in the frequency assignment plan, the direct cost to the Commission would remain relatively constant. The Commission would have to maintain its own data base in order to be able to perform its audit functions. At the time the data base becomes automated, an additional cost would be imposed on the Commission because of the necessary computer security measures which would have to be taken in order to give on-line access to the coordinators.

14. One other factor which the Commission considered in arriving at its decision was whether there would be a saving in application processing time by permitting the participation of coordinators in this band. While the selection of the proper frequency is probably the most essential element in the application processing procedure, the recommendation of a specific frequency by a coordinator would not significantly speed up the processing time, especially in light of the Commission's "audit" functions. Any time saved on the application processing stage would be more than offset by the added time required to mail a request and receive an answer.

CONCLUSION

15. Our analysis of the coordinators' petition does not support a finding that it would be in the public interest to initiate rulemaking as proposed. The Commission's rules for 800 MHz assignments are quite specific with regard to channel loading and the sequential assignment of frequencies. They are not compatible with a system of frequency coordination, because the large majority of selections are based strictly on the number of mobiles and the separation of co-channel stations. The coordinators' special expertise of matching compatible users has a very limited usefulness in this context. Furthermore, the cost to the user that would result from a coordination system does not appear to be offset with any specific advantages. By adding one more step in the process that an applicant must follow, we fear that the result would be more time spent in obtaining a license, with no appreciable benefit.

16. On the basis of the petition before us, we have examined our current licensing policies at 800 MHz. It is likely that some adjustments to these policies will be proposed in the near future. It does not appear that such changes will have an impact on this issue. Our experience to date has been that the assignment of frequencies without coordination, and without the use of radio service blocks or pools, works efficiently. This experience does not support a conclusion that there is a user need that is not being satisfied. This experience with hundreds of licensed systems is perhaps the most compelling argument against making a decision that would increase the complexity of filing for a license. In our view, it is the Commission's obligation to add to the regulatory burden only when a compelling need is demonstrated.

17. In view of the above and upon careful consideration of all aspects of the petition, IT IS ORDERED that the petition (RM-2908) to provide for the participation of industry advisory committees in the selection of frequencies in the 800 MHz band is DENIED.

18. IT IS FURTHER ORDERED that this proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-7824 Filed 3-14-79; 8:45 am]

[4110-83-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of April 1979:

Name: National Advisory Council on Health Professions Education.

Date and time: April 2-5, 1979, 8:30 a.m.

Place: Conference Room 7-32, April 2, Conference Room 10-53, April 3-5, Center Building, 3700 East-Highway, Hyattsville, Maryland 20782. Open April 2, 1979, 8:30 a.m.-12:30 p.m. (10:30 a.m.-12:30 p.m. will be structured study for Council members.) Closed remainder of meeting.

Purpose: The Council advises the Secretary concerning the programs authorized by the Health Professions Educational Assistance Act of 1976, including recommendations on contracts, grant applications for construction, capitation, special projects, and financial need. These and other programs are designed to enable the health professions education institutions to meet the Nation's health manpower requirements.

Agenda: Agenda items for the open portion of the meeting will include Bureau Update, Update on 1979 Budget, Update on National Health Service Corps Report to Congress, consideration of minutes of previous meeting, and discussion of future meeting dates. The remainder of the meeting will be closed to the public for the review of applications for General Internal Medicine and General Pediatrics, Physician Assistants, U.S. Foreign Medical Students, Dental Team Practice, and Expanded Function Dental Auxiliaries. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Robert L. Belsley, Bureau of Health Manpower, Room 4-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone 301-436-6564.

Agenda items are subject to change as priorities dictate.

Dated: March 6, 1979.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 79-7780 Filed 3-14-79; 8:45 am]

[4110-92-M]

Office of Human Development Services

MODEL ADOPTION LEGISLATION AND PROCEDURES ADVISORY PANEL

Meeting

The Model Adoption Legislation and Procedures Advisory Panel was established by the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (Public Law 95-266, Title II, Section 202) to advise and assist the Secretary of HEW in the review of current conditions, practices, and laws relating to adoption, with special reference to their effect on facilitating or impeding the location of suitable adoptive homes for children who would benefit by adoption and the completion of suitable adoptions for such children. The Panel will propose to the Secretary model adoption legislation and procedures not later than twelve months after its appointment.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Public Law 95-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Panel will hold a meeting on April 9, 10 and 11, 1979 from 9:00 a.m. to 5:00 p.m., Room 5549, Donohoe Building, 400 6th Street SW., Washington, D.C.

At this meeting the Panel will consider and approve an agenda for the three day meeting. The Panel will discuss the third draft of the model adoption legislation and the first draft of the model adoption procedures. The Panel will meet in plenary session throughout the three day meeting.

Further information on the Panel may be obtained from Mrs. Diane D. Broadhurst, Executive Secretary, Model Adoption Legislation and Procedures Advisory Panel, Children's Bureau, P.O. Box 1182, Washington, D.C. 20013, telephone (202) 755-7730. Model Adoption Legislation and Procedures Advisory Panel meetings are open for public observation.

ARNOLD SAMPSON,
HDS Committee Management Officer.

MARCH 6, 1979.

[FR Doc. 79-7792 Filed 3-14-79; 8:45 am]

[4110-84-M]

Public Health Service

APPOINTMENT OF UNIFORMED GUARDS AS SPECIAL POLICEMEN

Delegation of Authority

Notice is hereby given that, in furtherance of the delegation of authority to the Assistant Secretary for Health by the Secretary of Health, Education, and Welfare (41 FR 34346) under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, concerning the appointment of uniformed guards of the Department of Health, Education, and Welfare as special policemen for duty in connection with the policing of the U.S. Public Health Service Hospital, Staten Island, New York, the following delegations have been made:

1. Delegation of authority, effective January 22, 1979, by the Assistant Secretary for Health to the Director, Office of Management, Public Health Service, with authority to redelegate, to appoint uniformed guards as special policemen, to make all needful rules and regulations, and to annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c) as will ensure their enforcement for the protection of persons and property at the U.S. Public Health Service Hospital, Staten Island, New York, over which the United States has exclusive jurisdiction.

2. Delegation of authority, effective March 2, 1979, by the Director, Office of Management, Public Health Service, to the Administrator, Health Services Administration, Public Health Service, with authority to redelegate, to appoint uniformed guards as special policemen, to make all needful rules and regulations, and to annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c) as will ensure their enforcement for the protection of persons and property at the U.S. Public Health Service Hospital, Staten Island, New York, over which the United States has exclusive jurisdiction.

The exercise of such authorities is subject to the limitations and requirements of the above-cited acts and the policies, procedures, and controls prescribed by the General Services Administration; the Department of Health, Education, and Welfare; and the Public Health Service.

Dated: March 2, 1979.

JOHN C. DROKE,
Director, Office of Management, Public Health Service.

[FR Doc. 79-7779 Filed 3-14-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-79-549 Designation]

NEW COMMUNITY DEVELOPMENT CORP.

Acting General Manager

Section A. Designation. Each of the officials listed in Items (1)-(7) below is designated to act as General Manager, New Community Development Corporation, in the case of absence or vacancy in such position. The named officials shall serve in the order set forth.

(1) Deputy General Manager
(2) Director, Office of Operations
(3) Director, Office of Program Policy and Management
(4) Director, Office of Planning Assistance
(5) Deputy Director, Office of Program Policy and Management
(6) Director, Office of Finance
(7) Director, Office of Surplus Land and Housing

Section B. Functions. The official serving in an acting capacity under this designation shall have all the powers, functions and duties assigned to such position.

Section C. Effective Date. This designation is effective as of March 8, 1979.

Section D. Supersedure. The designation dated May 11, 1977, (42 FR 23884), naming officials to act as General Manager, New Community Development Corporation is hereby revoked.

Issued at Washington, D.C., March 8, 1979.

WILLIAM J. WHITE,
General Manager, New Community Development Corporation.

[FR Doc. 79-7878 Filed 3-14-79; 8:45 am]

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

KAH-BAY-KAH-NONG (WARROAD CHIPPEWA) TRIBAL COUNCIL

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

MARCH 6, 1979.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Kah-Bay-Kah-Nong (Warroad Chippewa) Tribal Council, c/o Mrs. James Boucha, Box

336, Warroad, Minnesota 56763, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on February 12, 1979. The petition was forwarded and signed by Mr. James Boucha, chairman of the tribal council.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20245.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 79-7830 Filed 3-14-79; 8:45 am]

[4310-02-M]

SAN JUAN DE GUADALUPE TIWA AND SOUTHEASTERN CHEROKEE CONFEDERACY INC.

Receipt of Petition for Federal Acknowledgment of Existence as Indian Tribes; Correction

MARCH 6, 1979.

AGENCY: Bureau of Indian Affairs.

ACTION: Corrections to notice.

SUMMARY: In FEDERAL REGISTER Document 4310-02-M appearing at pages 116 and 117 in the FEDERAL REGISTER of Tuesday, January 2, 1979, a list of groups filing for acknowledgment by the Secretary of the Interior that they exist as Indian tribes was published with the dates of receipts of their petitions. The date of receipt of the petition of the San Juan de Guadalupe Tiwa is corrected to January 18, 1971. The date of receipt of the petition of the Southeastern Cherokee Confederacy Inc. is corrected to March 9, 1978.

The last paragraph of the notice is amended to read: Petitions may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20240. Telephone 703 235-2360.

EFFECTIVE DATE: January 2, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. John A. Shapard, Jr., Federal Acknowledgment Project, Division of Tribal Government Services, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 79-7831 Filed 3-14-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

[Colorado 12823]

COLORADO

Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 27, 1979.

Notice of a Forest Service, U.S. Department of Agriculture application, Colorado 12823, for withdrawal and reservation of lands for public purposes, was published as FR Doc. 71-6637, on page 8818 of the issue for May 13, 1971. The applicant agency has cancelled its application in its entirety. The lands involved are described as:

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

T. 9 N., R. 72 W.,
Sec. 7, Lots 1, 2, NW¼NE¼, E½NW¼ and N½NE¼SW¼;
T. 10 N., R. 74 W.,
Sec. 26, W½W½W½;
Sec. 27, E½;
T. 10 N., R. 75 W.,
Sec. 13, SW¼NE¼, W½SE¼NE¼, S½NW¼, SW¼, NW¼NE¼SE¼, N½NW¼SE¼, SW¼NW¼SE¼, and W½SW¼SE¼;
Sec. 20, S½N½S½, and S½S½;
Sec. 24, W½NW¼NE¼ and N½NW¼;
Sec. 29, N½.

The areas described aggregate approximately 1,645 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at 10:00 a.m. on April 4, 1979, will be relieved of the segregative effect of the above listed application.

RODNEY A. ROBERTS,
Leader, Canon City, Grand Junction Team, Branch of Adjudication.

[FR Doc. 79-7781 Filed 3-14-79; 8:45 am]

[4310-84-M]

ENVIRONMENTAL STATEMENT

Preparation of Grazing Environmental Statement

The Bureau of Land Management, Canon City District will commence preparing an environmental statement on a proposed Grazing Management Program on April 1, 1979. This statement will analyze the environmental impacts of livestock grazing on public lands administered by the Bureau of Land Management within the Royal Gorge and Raton Basin Planning Areas in Southeastern Colorado.

A draft statement will be available for public review and comment on or about April 1, 1980. The final statement will be distributed on or about September 29, 1980.

This environmental statement is necessary to comply with the National Environmental Policy Act of 1970 (42 U.S.C. 4321 et seq.).

Questions and comments may be addressed to Jack Albright, Project Manager, Bureau of Land Management, Royal Gorge Resource Area, P.O. Box 1470, Canon City, Colorado 81212.

MELVIN D. CLAUSEN,
District Manager.

[FR Doc. 79-7782 Filed 3-14-79; 8:45 am]

[4310-84-M]

[Colorado 25122 i, j, k]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

MARCH 9, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for rights-of-way for 12¾", 10¾" and 4½" o.d. natural gas pipelines for the Foundation Creek Gathering Systems approximately 8.645 miles across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO AND GARFIELD COUNTIES, COLORADO

T. 4 S., R. 103 W.
Sec. 15: SW¼SE¼.
T. 5 S., R. 103 W.
Sec. 23: SE¼SE¼;
Sec. 24: SW¼NW¼, W½SW¼;
Sec. 26: E½NE¼, SW¼NE¼, NW¼SE¼, NE¼SW¼;
Sec. 27: S½NE¼, W½SE¼, SE¼SW¼;
Sec. 32: S½SE¼;
Sec. 33: S½NE¼, NW¼SE¼, E½SW¼, SW¼SW¼;
Sec. 34: N½NW¼, SW¼NW¼.
T. 5 S., R. 104 W.
Sec. 14: SW¼SW¼;
Sec. 15: Lot 4;
Sec. 23: SE¼NE¼, NW¼NE¼, N½NW¼, E½SE¼;

Sec. 24: SW¼SW¼;
Sec. 25: NW¼NW¼, SA½NW¼, E½SW¼.

The above-named gathering systems will enable the applicant to collect natural gas in areas through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Braodway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 79-7783 Filed 3-14-79; 8:45 am]

[4310-84-M]

[Colorado 24402 s]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

MARCH 9, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a 4½" o.d. natural gas gathering system for the East Douglas Creek Gathering System for approximately 1.619 miles across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLORADO

T. 3 S., R. 100 W.
Sec. 8: S½SE¼, NW¼SE¼;
Sec. 9: NE¼SW¼, NW¼SE¼, S½SW¼;
Sec. 17: NE¼NE¼.

The above-named gathering system will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 79-7784 Filed 3-14-79; 8:45 am]

[4310-84-M]

[Colorado 24128 m]

NORTHWEST PIPELINE CORP.

R/W Application for Purchase Meter Station

MARCH 9, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a Purchase Meter Station for the Philadelphia Creek Gathering System on approximately 0.143 acre on the following Public Lands:

SIXTH PRINCPAL MERIDIAN, RIO BLANCO COUNTY, COLORADO

T. 2 S., R. 101 W.,
Sec. 9, NW¼NE¼.

The above-named Meter Station will enable the applicant to collect natural gas and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions, (2) to give all interested parties the opportunity to comment on the application, (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 79-7785 Filed 3-14-79; 8:45 am]

[4310-84-M]

[Colorado 23734 r]

NORTHWEST PIPELINE CORP.

R/W Application for Check Meter Station

MARCH 9, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a Check Meter Station for the North Douglas Creek Gathering System on approximately 0.0803 acre on the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLORADO

T. 1 S., R. 101 W.,
Sec. 18, SE¼SE¼.

The above-named Meter Station will enable the applicant to collect natural gas and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions (2) to give all interested parties the opportunity to comment on the application (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado

80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 79-7786 Filed 3-14-79; 8:45 am]

[4310-84-M]

[NM 35774 and 35942]

NEW MEXICO

Applications

MARCH 6, 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), Southern Union Gathering Company has applied for several 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 19, SE¼SE¼;
Sec. 20, lots 3 and 8;
Sec. 21, SW¼NE¼;
Sec. 22, SW¼NE¼ and NW¼SE¼;
Sec. 23, NE¼NE¼;
Sec. 25, N½SW¼ and SW¼SW¼;
Sec. 26, SE¼SE¼;
Sec. 29, lots 3, 4, 5, 6, 7, 8, 12 and 13;
Sec. 30, lots 5, 7, 8 and 13;
Sec. 31, lot 12;
Sec. 35, N½NE¼ and SE¼NW¼.
T. 30 N., R. 10 W.,
Sec. 34,, lots 1, 3 and 4;
Sec. 35, lots 5 and 6.

These pipelines will convey natural gas across 4.800 miles of public lands in San Juan County, 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. 79-7787 Filed 3-14-79; 8:45 am]

[4310-84-M]

[NM 35972, 35974]

NEW MEXICO

Applications

MARCH 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 two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 9 W.,
Sec. 19, SW¼NE¼ and NW¼SE¼.
T. 30 N., R. 9 W.,
Sec. 9, E½SE¼.

These pipelines will convey natural gas across 0.206 of a mile of public lands in San Juan County, 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. 79-7788 Filed 3-14-79; 8:45 am]

[4310-84-M]

ALASKA

[AA-6679-A through AA-6679-J]

Alaska Native Claims Selection

On January 10 and September 10, 1974, Manokotak Natives Limited, for the Native village of Manokotak, filed selection applications AA-6679-A through AA-6679-J under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)) (ANCSA) for the surface estate of certain lands in the Manokotak area.

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. 12(a), aggregating approximately 101,665 acres, is considered proper for acquisition by Manokotak Natives Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 14 S.,R. 57 W.
Secs. 19 and 20, all;
Secs. 21 and 28, excluding the Snake River;
Secs. 29 and 30, all.
Containing approximately 3,725 acres.
T. 13 S., R. 58 W.
Secs. 19, 20 and 21, all;
Secs. 22, 23 and 26, excluding the Weary River;
Secs. 27 to 35, inclusive, all.
Containing approximately 9,251 acres.
T. 14 S., R. 58 W.
Secs. 2 to 11, inclusive, all;
Secs. 14 to 17, inclusive, all;.
Sec. 18, excluding the Igushik River;
Secs. 22 to 26, inclusive, all.
Containing approximately 12,691 acres.
T. 12 S., R. 59 W.
Sec. 9, excluding Native allotment AA-7976;
Sec. 10, excluding Native allotment AA-7976 and Amanka Lake;
Sec. 14, excluding Native allotment A-056054 and Amanka Lake;
Sec. 15, excluding Native allotment A-056053 and Amanka Lake;
Sec. 16, all;
Sec. 17, excluding Native allotment A-055103 and Amanka Lake;
Secs. 18 and 19, excluding Native allotment A-055103;
Sec. 20, excluding Native allotments AA-8577, A-055103, A-056045 Parcel B and Amanka Lake;
Secs. 21 and 22, excluding Amanka Lake;
Sec. 23, excluding Native allotment AA-055105, A-056054, A-056055 Parcel A and Amanka Lake;
Sec. 25, all;
Sec. 26, excluding Native allotment A-055105 and Amanka Lake;
Secs. 27 and 28, excluding Amanka Lake;

Sec. 29, excluding Native allotment A-056045 Parcel B and Amanka Lake;
Sec. 30, excluding Native allotment A-055113 and Amanka Lake;
Sec. 31, excluding Native allotments A-055102 Parcel E, A-055110 Parcel A, A-055113, A-055114 Parcel A, A-056006 Parcel A, A-056007 and Amanka Lake;
Sec. 32, excluding Native allotment A-055110 Parcel A and Amanka Lake;
Secs. 33, 34 and 35, excluding Amanka Lake;
Sec. 36, excluding U.S. Survey 4934, Native allotment A-055102 Parcel B and Amanka Lake.

Containing approximately 8,594 acres.

T. 13 S., R. 59 W.
Sec. 4, excluding U.S. Survey 4934 and Amanka Lake;
Sec. 5, excluding Amanka Lake;
Sec. 6, excluding Native allotments AA-7530, A-056034 and Amanka Lake;
Secs. 7, 8 and 9, all;
Secs. 14 to 18, inclusive, all;
Sec. 19, excluding Native allotment A-055117 and the Igushik River;
Secs. 20 and 21, excluding the Igushik River;
Secs. 22 to 26, inclusive, all;
Secs. 27, 28, 29 and 30, excluding the Igushik River;
Secs. 31 and 32, all;
Secs. 33 and 34, excluding the Igushik River;
Secs. 35 and 36, all.

Containing approximately 16,448 acres.

T. 14 S., R. 59 W.
Sec. 1, excluding U.S. Survey 4875;
Sec. 2, excluding U.S. Survey 4875 and the Igushik River;
Sec. 3 excluding the Igushik River;
Secs. 4 to 10, inclusive, all;
Secs. 11 to 14, inclusive, excluding U.S. Survey 4875 and the Igushik River;
Sec. 15, excluding Native allotment A-055053 and the Igushik River;
Secs. 16 to 21, inclusive, all;
Seccs. 22 to 26, inclusive, excluding the Igushik River;
Secs. 27 to 34, inclusive, all;
Secs. 35 and 36, excluding the Igushik River.

Containing approximately 21,161 acres.

T. 12 S., R. 60 W.
Sec. 12, excluding Native Allotment A-056046 Parcel A;
Sec. 13, excluding Native allotments A-056006 Parcel B, A-056046 Parcel A and Ualik Lake;
Sec. 14, excluding Native allotment A-056006 Parcel B and Ualik Lake;
Sec. 15, excluding Native allotment AA-6430 and Ualik Lake;
Sec. 16, excluding Native allotment A-056042 Parcel B and Ualik Lake;
Sec. 17, excluding Native allotment AA-7984 and Ualik Lake;
Sec. 18, all;
Sec. 19, excluding Native allotments A-055102 Parcel A, A-056036 Parcel B and Ualik Lake;
Sec. 20, excluding Native allotment AA-7984 and Ualik Lake;
Sec. 21, excluding Ualik Lake;
Sec. 22, excluding Native allotment AA-6430 and Ualik Lake;
Secs. 23 to 27, inclusive, all;
Sec. 28, excluding Native allotment AA-7988 and Ualik Lake;
Sec. 30, excluding Native allotment A-056036 Parcel B and Ualik Lake;
Sec. 33, excluding Native allotment AA-7988 and Ualik Lake;
Secs. 34 and 35, all;
Sec. 36, excluding Native allotments A-055102 Parcel E, A-055113, A-055114 Parcel A, A-056006 Parcel A, A-056007, A-056036 Parcel A, A-056042 Parcel A, A-056045 Parcel A, A-056090, A-056300 Parcel A, A-058200 Parcel A and Amanka Lake.

Containing approximately 10,146 acres.

T. 13 S., R. 60 W.
Secs. 1 and 2, all;
Secs. 3, 4 and 5, excluding Amanka Lake;
Sec. 8, excluding Native allotment A-056092;
Sec. 9, excluding Native allotments A-056092, A-056094 and Amanka Lake;
Sec. 10, excluding Amanka Lake;
Secs. 11 and 12, all;
Sec. 13, excluding Native allotment A-056064 and the Igushik River;
Sec. 14, all;
Sec. 15, excluding Native allotments A-056093 Parcel A, A-058200 Parcel B and Amanka Lake;
Sec. 16, excluding Native allotments A-056094, A-058200 Parcel B and Amanka Lake;
Sec. 17, all;
Sec. 21, excluding Native allotment A-058200 Parcel B;
Sec. 22, excluding Native allotment A-056031;
Sec. 23, all;
Sec. 24, excluding Native allotments A-055117, A-056064 and the Igushik River;
Secs. 25, 26, 35 and 36, all.

Containing approximately 12,380 acres.

T. 14 S., R. 60 W.
Secs. 1 and 2, all;
Secs. 11 and 12, all.

Containing approximately 2,560 acres.

T. 13 S., R. 61 W.
Secs. 2 and 3, excluding Ualik Lake;
Sec. 5, excluding Native allotment AA-7977 and Ualik Lake;
Sec. 6, excluding Ualik Lake;
Sec. 7, excluding Native allotment AA-8084 and Ualik Lake;
Secs. 9 and 10, excluding Ualik Lake;
Secs. 11, 14 and 15, all;
Sec. 16, excluding Native allotment A-055102 Parcel C and Ualik Lake;
Secs. 17 and 18, excluding Native allotment AA-7978 and Ualik Lake.

Containing approximately 4,709 acres.

Total aggregated acreage, approximately 101,665 acres.

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

1. 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

2. 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 following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-6679-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 1 C, D1 D9) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coast line easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

b. (EIN 3 C5) An easement for an existing access trail twenty-five (25) feet in width from Dillingham westerly to Manokotak and Twin Hills. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN 6 D9) A fishery management and public use easement upland of the ordinary high water mark in Sec. 22, T. 13 S., R. 60 W., Seward Meridian, on the right bank of the Igushik River. The site is two (2) acres in size

with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, vehicle use, and fishery management purposes.

d. (EIN 6a D9) A fishery management and public use easement upland of the ordinary high water mark in Secs. 15 and 22, T. 13 S., R. 60 W., Seward Meridian, on the left bank of the Igushik River. The site is two (2) acres in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, vehicle use, and fishery management purposes.

e. (EIN 6b E) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 6a D9 northwesterly to site EIN 7 D9. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

f. (EIN 6c E) An easement for a proposed access trail twenty-five (25) feet in width from the Igushik River and site EIN 6 D9 southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

g. (EIN 7 D9) A site easement upland of the ordinary high water mark in Sec. 15, T. 13 S., R. 60 W., Seward Meridian, near the outlet of Amanka Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

h. (EIN 9 C5) A site easement upland of the ordinary high water mark in Secs. 10 and 15, T. 12 S., R. 59 W., Seward Meridian, on the north finger of Amanka Lake at the mouth of Longhorn Creek. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle, use.

i. (EIN 9a C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 9 C5 in Secs. 10 and 15, T. 12 S., R. 59 W., Seward Meridian, northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

j. (EIN 10 C5) A site easement upland of the ordinary high water mark in Secs. 15 and 16, T. 12 S., R. 60 W., Seward Meridian, on the north bank of Ualik Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

k. (EIN 10a C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 10 C5 in Secs. 15 and 16, T. 12 S., R. 60 W., Seward Meridian, northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation

1. (EIN 12 D9) A site easement upland of the ordinary high water mark in Sec. 16, T. 13 S., R. 61 W., Seward Meridian, on the south bank of Ualik Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

m. (EIN 12a D9) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 12 D9 in Sec. 16, T. 13 S., R. 61 W., Seward Meridian, southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

n. (EIN 13 C4) A site easement upland of the ordinary high water mark in Sec. 33, T. 12 S., R. 60 W., Seward Meridian, on the eastern shore of Ualik Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

o. (EIN 13a C4) A site easement upland of the ordinary high water mark in Sec. 36, T. 12 S., R. 59 W., Seward Meridian, on the east side of Amanka Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping and vehicle use.

p. (EIN 13b C4) A site easement upland of the ordinary high water mark in Sec. 30, T. 12 S., R. 59 W., Seward Meridian, on the north shore of Amanka Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping and vehicle use.

q. (EIN 13c E) An easement for a proposed access trail twenty-five (25) feet in width from Ualik Lake at site EIN 13 C4 southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

r. (EIN 13d E) An easement for a proposed access trail twenty-five (25) feet in width from Amanka Lake at site EIN 13a C4 easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

s. (EIN 14 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978 and published as final rulemaking on November 27, 1978, 43 FR 55326. Conformance will be made at a later date in accordance with the terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Bristol Bay Native Corporation, Manokotak Natives Limited and other Bristol Bay village corporations.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the 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. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Airport lease AA-1092, containing approximately 82.116 acres, located within Sec. 1, T. 14 S., R. 59 W., Seward Meridian, issued to the State of Alaska, Division of Aviation, under the provisions of the act of May 24, 1928 (45 Stat. 728-729; 49 U.S.C. 211-214 (1970));

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; and

5. The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Bristol Bay Native Corporation, Manokotak Natives Limited, and other Bristol Bay village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Manokotak Natives Limited, serialized AA-6679-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 701 C Street, Anchorage, Alaska 99513.

Manokotak Natives Limited is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 101,665 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 13,535 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above shall be granted to Bristol Bay Native Corporation when conveyance is granted to Manokotak Natives Limited for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water bodies, within the described lands, are considered to be navigable:

Amanka Lake.
Ualik Lake.
Igushik River—Navigable upstream to the protracted section line between Secs. 13 and 14, T. 13 S., R. 60 W., Seward Meridian.
Weary River—Tidal up to Sec. 15, T. 13 S., R. 58 W., Seward Meridian.
Snake River—Tidal up to Sec. 24, T. 13 S., R. 57 W., Seward Meridian.

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 ANCHORAGE TIMES. 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, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 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 March 15, 1979 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.

4. If Manokotak Natives Limited or Bristol Bay Native Corporation objects to any easement which is identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a petition for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. For further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

Manokotak Natives Limited
Manokotak, Alaska 91628.

Bristol Bay Native Corporation
P.O. Box 198
Dillingham, Alaska 99576.

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

[FR Doc. 79-7800 Filed 3-14-79; 8:45 am]

[4310-84-M]

ALASKA

[AA-6705-A through AA-6705-F and AA-6705-H through AA-6705-M]

Alaska Native Claims Selection

On January 10, November 11 and December 18, 1974, Togiak Natives Limited, for the Native village of Togiak, filed selection applications AA-6705-A through F and AA-6705-H through M under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)) (ANCSA), for the surface estate of certain lands in the Togiak area.

On December 5, 1975, Bristol Bay Native Corporation filed selection application AA-8097-28 under the provisions of Sec. 12(c) for two nonnavigable unnamed lakes in Secs. 26 and 36, T. 14 S., R. 66 W., Seward Meridian. Section 12(a)(2) of the Act states that villages must select in whole sections and since Sec. 12(a) selections have priority over Sec. 12(c) selections, Regional selection AA-8097-28 is hereby rejected as to the unnamed lakes in Secs. 26 and 36, T. 14 S., R. 66 W., Seward Meridian.

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 descried lands, selected pursuant to Sec. 12(a), aggregating approximately 119,007 acres, is considered proper for acquisition by Togiak Natives Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

SEWARD MERIDIAN, ALASKA (UNSURVEYED)

T. 11 S., R. 65 W.
Sec. 3, excluding Native allotment A-060256 and the Togiak River;
Sec. 4, excluding the Togiak River;
Secs. 5, 6, 7 and 8, all;
Sec. 9, excluding the Togiak River;
Sec. 10, excluding Native allotment AA-7402 and the Togiak River;
Sec. 11, excluding Native allotment AA-7402;
Sec. 14, excluding Native allotment AA-6352;
Sec. 15, excluding Native allotments AA-6352, AA-7331 and the Togiak River;
Secs. 16, 17 and 18, all;
Sec. 19, excluding Native allotment AA-7056;
Sec. 20, excluding Native allotments AA-77-7056, AA-7416 and the Togiak River;
Sec. 21, excluding Native allotment AA-6363, and the Togiak River;
Sec. 22, excluding Native allotments AA-6363, AA-7054, the Togiak River and the east fork of the Togiak River (Twin Hills River);
Secs. 27 and 28, excluding the Togiak River and the east fork of the Togiak River (Twin Hills River);
Sec. 29, excluding Native allotments AA-5878 Parcel A, AA-7056, AA-7416, AA-7417, AA-7426 and the Togiak River;
Sec. 30, excluding Native allotments AA-7056, AA-7417, AA-7426 and the Togiak River;
Sec. 31, excluding Native allotment AA-7426 and the Togiak River;
Sec. 32, all;
Sec. 33, excluding the east fork of the Togik River (Twin Hills River).
Containing approximately 13,291 acres.
T. 14 S., R. 65 W.
Sec. 31 (fractional), excluding Native allotment AA-7436;
Sec. 32 (fractional), excluding Native allotments AA-7436 and AA-6351;
Sec. 33, excluding Native allotment AA-6351.
Containing aproximately 1,418 acres.
T. 15 S., R. 65 W.
Sec. 4, all;
Sec. 5 (fractional), excluding Native allotments AA-7436 and AA-7442;
Sec. 6 (fractional), excluding Native allotment AA-7436;
Sec. 8 (fractional), excluding Native allotments AA-6356 Parcel A, AA-7412 and AA-7442;
Sec. 9, excluding Native allotment AA-6356 Parcel A;
Sec. 10, all;
Sec. 11, excluding Native allotment AA-7427;
Sec. 12, all;
Sec. 13 (fractional), all;
Sec. 14 (fractional), excluding Native allotment AA-7427;
Sec. 15 (fractional), excluding Native allotment AA-6297;
Sec. 16, all;
Sec. 17 (fractional), excluding Native allotments AA-6356 Parcel A and AA-7412;
Sec. 20 (fractional), all;
Sec. 21 (fractional), excluding Native allotment AA-7401;
Sec. 22 (fractional), excluding Native allotments AA-6297 and AA-7443.
Containing approximately 5,536 acres.
T. 11 S., R. 66 W.
Secs. 1 and 2, all;
Secs. 11, 12, 13 and 14, all;
Secs. 22 to 28, inclusive, all;
Secs. 31 to 35, inclusive all;
Sec. 36, excluding the Togiak River.
Containing approximately 12,124 acres.
T. 12 S., R. 66 W.
Secs. 1 and 2, excluding the Togiak River;
Secs. 3 to 9, inclusive, all;
Sec. 10, excluding Native allotments AA-6345 and AA-7421;
Sec. 11, excluding Native allotments AA-6345, AA-7421 and the Togiak River;
Sec. 12, excluding Native allotment AA-7389 Parcel B and the Togiak River;
Sec. 13, excluding Native allotment AA-7410 Parcel A and the Togiak River;
Sec. 14, excluding Native allotment AA-6345 and the Togiak River;
Sec. 15, excluding Native allotment AA-6345;
Sec. 16 to 20, inclusive, all;
Sec. 21, excluding Native allotments AA-7407 and AA-7419;
Sec. 22, excluding Native allotments AA-7053, AA-7407, AA-7419, AA-7420 and the Togiak River;
Sec. 23, excluding Native allotments AA-7052, AA-7053, AA-7413 and the Togiak River;
Sec. 24, excluding Native allotments AA-7052, AA-7413 and the Togiak River;
Sec. 25, excluding Native allotments AA-7413;
Sec. 26, excluding Native allotments AA-6432, Tract B, AA-7050, AA-7413 and the Togiak River;
Sec. 27, excluding Native allotments AA-6432 Tract B, AA-7050, AA-7406 AA-7407, AA-7418, AA-7420 and the Togiak River;
Sec. 28, excluding Native allotments AA-6486, AA-7407, and AA-7419;
Secs. 29 30, 31, and 32, all;
Sec. 33, excluding Native allotment AA-6486;
Sec. 34, excluding Native allotments AA-6432, Tract B, AA-7406, AA-7418 and the Togiak River;
Sec. 35, excluding Native allotments AA-6432, Tract B, AA-6623, AA-7422 and the Togiak River;
Sec. 36, all.
Containing approximately 19,148 acres.
T. 14 S., R. 66 W.
Sec. 2, excluding Native allotment AA-6349;
Sec. 3 (fractional), excluding Native allotment AA-6349;
Sec. 9 (fractional), excluding Native allotment AA-5878 Parcel B and AA-7423;
Sec. 10 (fractional), excluding Native allotment AA-7423;
Sec. 11, all;
Sec. 15, excluding Native allotment AA-7423;
Sec. 16 (fractional), excluding Native allotments AA-5878 Parcel B AA-7423, AA-7444 and AA-7445;
Sec. 17 (fractional), excluding Native allotments AA-7444 and AA-7445;
Sec. 20 (fractional), excluding Native allotments AA-7389 Parcel A, AA-7440 and AA-7441 Parcels A and B;
Sec. 21 (fractional), excluding Native allotments AA-6353, AA-7400 and AA-7441 Parcel B;
Sec. 22 (fractional), excluding Native allotments AA-6353, AA-7425 and AA-7428;
Sec. 26 (fractional), excluding Native allotment AA-7425;
Sec. 27 (fractional), excluding Native allotments AA-6350, AA-6353 and AA-7425;
Sec. 28 (fractional), excluding Native allotments AA-6350 and AA-6353;
Secs. 34 and 35 (fractional), all;
Sec. 36, all.
Containing approximately 4,681 acres.
T. 15 S., R. 66 W.
Secs. 1 and 2 (fractional), excluding Native allotment AA-6346;
Sec. 3 (fractional), all;
Sec. 11 (fractional), excluding Native allotments AA-6346 and AA-6348.
Containing approximately 865 acres.
T. 12 S., R. 67 W.
Secs. 8 to 17, inclusive, all;
Secs. 20 to 29, inclusive, all;
Secs. 32 to 36, inclusive, all;
Containing approximately 16,000 acres.
T. 13 S., R. 67 W.
Sec. 1, excluding Native allotment AA-7410 Parcel B and the Togiak River;
Sec. 2, excluding Native allotment AA-7398;
Sec. 3 excluding Native allotment AA-7051;
Secs. 4 to 10, inclusive, all;
Sec. 11 excluding Native allotment AA-7404;
Sec. 12 (fractional), excluding U.S. Surveys 2051 and 4905;
Sec. 13 (fractional), excluding U.S. Survey 4905;
Sec. 14 (fractional), all;
Secs. 15 to 20, inclusive, all;
Sec. 21 (fractional), excluding Native allotments AA-6358 and AA-7057;

Sec. 22 (fractional), excluding Native allotment AA-6358;
Sec. 28 (fractional), excluding Native allotment AA-6358;
Sec. 29, 30 and 31 (fractional), excluding Native allotment AA-7411.

Containing approximately 12,418 acres.
T. 13 S., R. 68 W.

Sec. 1, all;
Secs. 12 and 13, all;
Sec. 17, all;
Secs. 20 to 29, inclusive, all;
Secs. 32 to 36, inclusive, all.

Containing approximately 12,160 acres.
T. 14 S., R. 68 W.

Sec. 1 (fractional), excluding Native allotments AA-6365, AA—7408 Parcel A and AA-7489;
Sec. 2 (fractional), excluding Native allotments AA-6365 and AA-7489;
Secs. 3 to 9, inclusive, all;
Secs. 10 and 11 (fractional), all;
Secs. 15 and 16 (fractional), all;
Sec. 17 (fractional), excluding Native allotments AA-7362 and AA-7490;
Sec. 18, all;
Sec. 19 (fractional), excluding Native allotments AA-7234 and AA—7235;
Sec. 20 (fractional), excluding Native allotments AA-7234 and AA-7362;
Sec. 30 (fractional), excluding Native allotment AA-7234.

Containing approximately 7,821 acres.
T. 14 S., R. 69 W.
Secs. 1 and 2, all;
Secs. 11, 12, 13 and 14, all;
Sec. 23, all;
Sec. 24, excluding Native allotment AA-7235;
Sec. 25 (fractional), all;
Secs. 26 and 34, all;
Secs. 35 and 36 (fractional), all.

Containing approximately 7,820 acres.
T. 15 S., R. 69 W.
Secs. 2 and 3 (fractional), all;
Sec. 4, all;
Secs. 8 and 9, all;
Sec. 10 (fractional), all;
Sec. 16 (fractional), all;
Sec. 17, all;
Secs. 18, 19, 20 and 21 (fractional), all;
Secs. 28 and 29 (fractional), excluding Native allotment AA-7403;
Sec.32 (fractional), all.

Containing approximately 5,725 acres.
Aggregating approximately 119,007 acres.

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

1. 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

2. 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 following public easements, referenced by easement maps attached to this document, copies of which will be found in case file AA-6705-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 uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

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

a. (EIN 1a D1, C4) A one (1) acre site easement upland of the mean high tide line in Sec. 16, T. 14 S., R. 68 W., Seward Meridian, on the northwest shore of Togiak Bay. The uses allowed are those listed above for a one (1) acre site.

b. (EIN 13 D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 22, T. 11 S., R. 65 W., Seward Meridian, on the left bank of the Togiak River. The uses allowed are those listed above for a one (1) acre site.

c. (EIN 15 D1, C5) An easement for an existing access trail twenty-five (25) feet in width from the Village of Togiak in Sec. 12, T. 13 S., R. 67 W., Seward Meridian, westerly to public lands and Goodnews Bay. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 19 C4) An easement for a proposed access trail twenty-five (25) feet in width from the site easement EIN 13 D9 in Sec. 22, T. 11 S., R. 65 W., Seward Meridian, westerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 21 C4) An easement for a proposed access trail twenty-five (25) feet in width from the site easement EIN 13 D9 in Sec. 22, T. 11 S., R. 65 W., Seward Meridian, easterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the 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 limiting 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. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Airport lease AA-660, containing approximately 64 acres, located in Secs. 11, 12, 13 and 14, T. 13 S., R. 67 W., Seward Meridian, issued to the State of Alaska, Department of Public Works (now the Department of Transportation and Public Facilities) Division of Aviation, under the provisions of the act of May 24, 1928 (45 Stat. 728-729; 49 U.S.C. 211-214 (1970)); and

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.

Togiak Natives Limited is entitled to conveyance of 138,240 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 119,007 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 19,233 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above shall be granted

to Bristol Bay Native Corporation when conveyance is granted to Togiak Natives Limited for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water bodies, within the described lands, are considered to be navigable:

Togiak River.
East fork of the Togiak River (Twin Hills River).

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 ANCHORAGE TIMES. 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, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 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 March 15, 1979 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, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken the adverse parties to be served are:

Togiak Natives Limited, Togiak, Alaska 99678.

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

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

[FR Doc. 79-7801 Filed 3-14-79; 8:45 am]

[4310-84-M]

[C-19885]

COAL LEASE OFFERING BY SEALED BID

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Notice is hereby given that at 2:00 p.m., April 10, 1979, certain coal resources in the lands hereinafter described in Routt County, Colorado will be offered for lease by sealed bid to the qualified bidder submitting the highest bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101).

Coal Offered: The coal resource to be offered is limited to all strippable reserves of the Wolf Creek and overlying coal beds in the following described lands located approximately ten miles southeast of Hayden, Colorado.

T. 5 N., R. 87 W., 6th P.M. (Routt County)
Section 1: Lots 5, 6, 7 and 8
Containing 125.16 acres. (Bonus must be computed on the basis of 126 acres)

The estimated total strippable reserves are 1,686,971 tons. The coal quality is as follows: Btu—11,063; Sulfur—0.5 and Ash—11.4 percent. The Wolf Creek coal bed averages 15.3 feet thick over 91.19 acres of the described lands.

Rental and Royalty: A lease issued as a result of this offering will provide for payment of an annual rental of $3 per acre or fraction thereof and a royalty payable to the United States at the rate of 17.08 or 12.5 percent for coal mined depending upon the bidding method used by the successful high bidder. The value of coal shall be determined in accordance with 30 CFR 211.63.

Advance Royalty: Upon request by the lessee, the Mining Supervisor may accept, for a total of not more than 10 years, the payment of advance royalties in lieu of the condition of continued operation for any particular year. Any payment of advance royalties in lieu of continued operation shall be pursuant to an agreement, signed by the lessee and the Mining Supervisor, which shall be made a part of this lease. The agreement shall include a schedule of payments and shall be subject to the advance royalty conditions set forth in the applicable regulations in 43 CFR Part 3500. The advance royalty shall be based on a percent as specified in the lease of the value of a minimum number of tons which shall be determined on a schedule sufficient to exhaust the leased reserves in 40 years from the date of approval of the mining plan.

Public Comments: The public is invited to submit written comments and any recommendations concerning the Fair Market Value of the Wolf Creek and overlaying coal beds to the Bureau of Land Management for its consideration of fair market value and for U.S. Geological Survey consideration of resource economic evaluation. Public comments will be sent to the State Director, (CO-946), Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, CO 80202, to arrive no later than April 5, 1979.

Qualified Bidder: In addition to the qualification requirements in 43 CFR 3502, the bidder will have to meet the criteria of the Amended Order in *Natural Resources Defense Council, et al. v. Royston C. Hughes, et al.*, Civil Action No. 75-1749, in the United States District Court for the District of Columbia, dated June 14, 1978. If the bidder is other than the applicant, the documents purporting to meet the criteria most be enclosed with the sealed bid.

Warning to Bidders: In accordance with the Federal Coal Leasing Amendments Act of 1976, it will be necessary that the high bidder, as a prospective lessee, disclose the nature and extent of his coal holdings to the Department of Justice before issuance of the lease. A lease will not be issued to a bidder who holds or controls more than 46,080 acres of Federal coal leases in any one State or 100,000 acres of Federal coal leases in the United States. Issuance of this lease is subject to Sec.

714 of the Surface Mining Control and Reclamation Act of August 3, 1977 (91 Stat. 445; 30 U.S.C. 1201).

Method of Bidding: Qualified bidders shall formulate their bids using one, but not both, of the following Cash Bonus Payment methods:

1. The bidder may elect to accept a royalty figure of 17.08 percent and submit a bid of at least $25 per acre or fraction thereof.

2. The bidder may elect to accept a royalty figure of 12½ percent and submit a bid of at least $4,884.90 per acre or fraction thereof.

The bidding in either method will be on the dollars per acre and not on the Production Royalty Rate, and the bids will be reviewed to calculate the highest bidder.

In the event of tying bids, the tying bidders will be allowed to submit additional oral bids to break the tie.

The sale will be held at 2:00 p.m., April 10, 1979, in Room 708, Colorado State Bank Building, Denver, Colorado. No bids received after 2:00 p.m., April 10, 1979, will be considered. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time and place set for opening of such bids. The Department of the Interior reserves the right to reject any and all bids and also the right to offer the lease to the next highest qualified bidder if the successful bidder fails to obtain the lease for any reason.

If any bid is rejected, the deposit made on the day of the sale will be returned. Payment of the bonus shall be on a deferred basis, one-fifth due on the day of the sale, and the balance in equal annual installments on the first four anniversary dates of the lease. The successful bidder is obligated to pay for the newspaper publications of this notice.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Terms and Conditions of Lease Offer and Lease. A copy of the Statement and the Proposed Coal Lease are available at the Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. All case file documents and written comments submitted by the public on Fair Market Value or royalty rates, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, are available for public inspection in Room 701.

JACK G. LORTS,
Chief, Division of Technical Services.

[FR Doc. 79-7832 Filed 3-14-79; 8:45 am]

[4310-84-M]

FLOODPLAIN MANAGEMENT

Policy and Protection Procedures—Final Guidelines

AGENCY: Bureau of Land Management (Interior).

ACTION: Notice of Final Guidelines.

SUMMARY: This notice provides the Bureau of Land Management's policy and final internal procedures to implement Executive Order 11988 (Floodplain Management) in accordance with the United States Water Resources Council's Floodplain Management Guidelines (43 FR 25317, June 9, 1978).

EFFECTIVE DATE: March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Henry J. Gerke III, Bureau of Land Management (350), 18th and C Streets, NW., Washington, D.C. 20240, Telephone (202) 343-5994.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management's Interim Guidelines were published in the FEDERAL REGISTER on September 28, 1978, for review and comment. Seven responses were received from Federal agencies on the guidelines. No responses were received from the private sector or State governments.

The Water Resources Council, Council on Environmental Quality, and the Federal Insurance Adminsitration have reviewed the Bureau of Land Management's guidelines in accordance with Section 2(d) of the Executive Order. A formal letter of concurrence, dated November 30, 1978, was received by the Bureau of Land Management after interagency meetings resolving issues and recommendations raised by the reviewing staffs. The final procedures incorporated the recommended changes.

Concerns expressed by other Federal agencies and the response to the concerns:

A. Lack of Specific Guidance

1. Construction of structures and facilities.

2. Restrictions on and withholding public land use and land disposal.

3. Informing the public of flood hazards.

4. Budgetary submittal procedures.

Section .04 of 7221 procedures directs the Assistant Directors and Division and Office Chiefs of the Bureau of Land Management within their assigned areas of responsibility, to modify existing regulations and procedures to be in compliance with these directions. The magnitude of the Bureau of Land Management's regulatory and directive system will require a reasonable period of time to update.

During the interim period, all Bureau of Land Management actions must proceed through the Bureau's Planning System, Environmental Assessment System, the Public Participation System, and the Decisionmaking Process. The Bureau guidelines have been amended to address these key areas. Executive Order 11988 was very specific in its direction to use existing processes, where possible.

The supplemental material in the FEDERAL REGISTER of September 28, 1978, indicated the Bureau of Land Management would maintain management of the base floodplains except under two conditions. Since supplemental material would not appear in the Bureau's Directives System, the policy Section .04 of 7221 procedures was updated to incorporate this concept.

B. Specific criteria for the identification of the 100-year and 500-year floodplain.

The Bureau of Land Management administers over 20 percent of the land area of the United States. The Bureau of Land Management presently has "limited" to "no data" on the 100-year floodplains or the 500-year floodplains occurring on the public lands. The Bureau's Technical Service Center has been directed to develop a uniform, economic, and professionally sound procedure for the identification of these floodplain areas. During the interim period, the Bureau hydrologist, and geologists will identify these

areas. This will occur in either the specific environmental assessment relating to a proposed action or a specific Bureau Land Use Plan.

C. The Bureau of Land Management's procedures exceed the Executive Order requirements. The stated procedures are reflective and in keeping with four documents: Executive Order No. 11988, Water Resources Council Guidelines, the Department of the Interior Interim Guidelines, and the Federal Land Policy and Management Act of 1976.

The final procedures support the President's emphasis on nonstructure approaches to floodplain management. The Bureau of Land Management's notice of availability of its Wetland Protection procedures for review and comment was published in 43 FR 52171, November 8, 1978, in accordance with E.O. No. 11990 (Wetland Protection). These procedures provide emphasis on one of the many biological communities found in the base floodplain area.

7221—FLOODPLAIN MANAGEMENT

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.01 *Purpose.* This Manual Section describes the policies, responsibilities, and procedures to be used to incorporate floodplain management into all Bureau activities.

.02 *Objectives.* The objectives of floodplain management are to:

A. Reduce the risk of flood loss or damage to property.

B. Minimize the impact of flood loss on human safety, health, and welfare.

C. Restore, maintain, and preserve the natural and beneficial functions of floodplains.

.03 *Authority.*

A. *Federal Land Policy and Management Act of 1976,* Pub. L. 94-579, (90 Stat. 2743; 43 U.S.C. 1701 et seq.)

B. Executive Order 11988, Floodplain Management (42 CFR 26951 May 25, 1977).

.04 *Responsibility.*

A. *The Director and Associate Director* are responsible for overall floodplain management and its interaction with all other Bureau programs. This responsibility is exercised through the Assistant Directors.

B. *Assistant Directors* within their assigned areas of responsibility, are responsible for implementing the procedures for floodplain management and evaluating the results of the efforts. This responsibility is exercised through the Chiefs of the Divisions and Offices.

C. *The Chief, Division of Watershed,* under the direction of the Assistant Director, Resources, is responsible for:

1. Developing the policy and establishing the procedures for implementing floodplain management.

2. Ensuring the floodplain management procedures are incorporated into all Bureau programs.

3. Evaluating the effectiveness of floodplain management.

4. Developing the guidance for the preparation of plans to protect, maintain, and restore beneficial and natural floodplain functions.

5. Providing for a review, evaluation, and guidance of floodplain legislation and regulations to ensure opportunities to protect and restore floodplain functions.

6. Providing for systematic review and update of regulations and procedures relative to floodplain management.

D. *Other Division and Office Chiefs* are responsible for:

1. Ensuring the incorporation of floodplain management policy and procedures into their program areas.

2. Evaluating and reviewing their own programs for compliance with the floodplain management objectives.

E. *Service Center Director* under the direction of the Director (350) is responsible for:

1. Providing technical assistance on floodplain management.

2. Developing and maintaining technical guides and procedures for determining the extent of the base and critical floodplains.

F. *State Directors* are responsible for:

1. Ensuring compliance with the procedures for floodplain management.

2. Providing guidance or services to the District Managers to implement floodplain management procedures.

3. Conducting evaluations and monitoring floodplain management.

G. *District Managers* are responsible for:

1. Implementing the procedures and guidance for floodplain management.

2. Ensuring that floodplain functions and needs are considered during the preparation of land use plans through the Bureau Planning System.

3. Identifying and requesting technical assistance from their respective State Offices.

.05 *Definitions.* (See Glossary of Terms.)

.06 *Policy.* It is Bureau policy for domestic and foreign activities that:

A. Direct or indirect support of floodplain development must be avoided wherever there is a practicable alternative.

B. The long- and short-term adverse impacts on natural and beneficial floodplain functions associated with the use and modification of floodplains must be avoided, to the extent possible.

C. Actions causing definable adverse impacts (long- or short-term) to the natural and beneficial floodplain functions must include protection, minimization of damage, restoration, and preservation measures.

D. Public lands, minerals, and subsurface estates within the base floodplains must be retained under BLM administration except:

1. If Federal, State, public and private institutions and parties have demonstrated the ability to maintain, restore, and protect the floodplain on a continuous basis.

2. If transfer of public lands, minerals, and subsurface estates is mandated by legislation or Presidential order.

E. Actions or proposed actions must be monitored to ensure the incorporation of the floodplain objectives.

.07 *References.*

A. Floodplain Management Guidelines for Implementing Executive Order 11988, printed in the FEDERAL REGISTER, Volume 43, No. 29, February 10, 1978.

B. A Unified National Program for Floodplain Management, July 1976.

C. Guideline for determining Flood Frequency, Water Resources Council Bulletin 17A, June 1977.

.1 *Protecting and Enhancing Floodplain Functions.* The Bureau must evaluate the effects any proposed plan or action will have on a floodplain. The planning and evaluation of proposed actions must be existing BLM procedures whenever possible. Floodplain management must be carried out primarily through the use of the Bureau's Planning and Environmental Assessment Systems. This Manual Section describes the decisionmaking process for actions affecting the floodplain.

.11 *Location of the Proposed Action.* The Bureau determines whether or not the proposed action or part of the action is located in the base floodplain or will affect the floodplain if located outside the base floodplain. Only critical actions must be identified within the critical floodplain. This determination is necessary to evaluate the impact of the proposed action on the floodplain according to the Bureau of Land Management environmental assessment process and during the planning process.

A. *Identification in the Bureau Planning System.* The Bureau Planning System provides for the identification and delineation of the base floodplain. The system provides instructions to identify the anticipated. The identification, delineation, and recordation occur in Steps 2 and 3 of the Unit Resource Analysis based on existing data and necessary studies.

B. *Other Means of Identification.* Where existing plans do not contain floodplain identification, the appropriate official must identify the base and critical floodplain in relation to the location of each specific proposed action. This identification must extend upstream and downstream beyond the boundaries of the proposed action far enough to permit an analysis of impacts the proposal may have on the floodplain functions beyond the project boundaries.

.12 *Public Participation.* The public must be involved in the decisionmaking process for all actions within a floodplain or that may affect it. The type, amount, timing, and kinds of public participation during the evaluation of projects proposed in floodplains may vary depending upon the action proposed; however, a minimum of 2 weeks must be allowed for public comment. Public participation occurs through the Bureau environmental assessment and planning processes. BLM Manual Section 1127 provides guidance for preparing a plan for such participation.

A. *Early Notification.* The public must be notified as early as possible that a contemplated action or a proposed action may occur within or affect the base floodplain or critical floodplain area. (See BLM Manual Section 1790.) This notice must be issued before site and alternative site identification and analysis begins. Seek public help in the process of alternative site identification. Indicate, if possible, if the action may result in loss of human life, safety, and welfare, property, and natural and beneficial functions.

B. *Notification of Tentative Decision.* When a tentative decision has been reached, a public notification is issued. This notification requests comments as well as additional material and other information which was previously unknown or unavailable. The decision is published in the appropriate places, such as the FEDERAL REGISTER, newspapers, etc. Actions of national significance or impact requiring environmental statements and the decisions are required to be published in the FEDERAL REGISTER. The public reached, is provided, at a minimum, a 2-week review period for comments. The public notice includes:

1. A time period for receiving public comments.

2. An explanation of why the action is proposed to be located in the floodplain.

3. A description of the facts considered for the proposed and alternative actions.

4. A description of how the action is designed to minimize harm, restore, and protect the floodplain.

5. A statement indicating whether the proposed action conforms to State or local floodplain protection standards.

6. A statement about how the action affects natural or beneficial floodplain functions.

7. A statement listing other involved agencies and individuals.

C. *Clearinghouse Notification.* The proposed action must be brought to the attention of the State and area clearinghouses established under OMB Circular A-95. (See BLM Manual Section 1785.) At a minimum, State and area clearinghouses must be furnished the information listed below. The information document should not exceed three pages:

1. A location map and brief description of the proposal.

2. A description of why the proposed action must be located in the floodplain, or impact the floodplain.

3. A listing and description of all significant facts, including alternatives, considered in making the determination.

4. A statement indicating whether the actions conform to applicable State or local floodplain protections standards.

.13 *Assessing the Impacts of the Proposed Action.* The guidance for analyzing the impacts of the proposed action is found in the Bureau's environmental assessment process (see BLM Manual Section 1791) and Bureau Planning System (BPS). (See BLM Manual Sections 1601 through 1609.) The environmental assessment must include floodplain analyses which record the environmental effects of

the proposed action.

A. *Impacts of Alternatives.* Identify alternatives and their possible impacts using the procedure outlined in BLM Manual Sections 1791 and 1792, and the Management Framework Plan of the Bureau Planning System (BLM Manual Section 1608). Identify and evaluate alternative locations outside the floodplain. The alternative sites or methods must be analyzed as thoroughly as the proposed action itself has been analyzed.

1. *Consider No-Action Alternative.* This alternative measures the benefits or losses derived from no action as opposed to a contemplated action.

B. *Impacts of the Proposed Action.* Identify the possible impacts using procedures described in BLM Manual Sections 1791 and 1792 and discuss all alternative sites or methods being contemplated. Also, assess the impacts of any action outside the floodplain, but affecting the floodplain. The analysis and documentation of floodplain impacts must be included in the same document used for environmental analysis. For any analysis, actions which may support subsequent actions must be considered with their own impacts.

C. *Possible Mitigating and Restoring Measures.* During the preparation of the environmental assessment, the special means to minimize adverse impacts and/or restore and protect the existing environment must be identified and described according to BLM Manual Sections 1791 and 1792. If there are alternative proposals for actions in the floodplain, each action must be complete with its own mitigating and restoring measures.

1. These measures must be:

a. Possible and practical.

b. Consistent with Bureau plans, and those of other agencies and State and local governments.

c. Not likely to cause additional adverse impacts.

.14 *Steps in the Decision Process.* The decision process contains three separate steps to ensure that all considerations are taken into account in the final decision.

A. *Selecting the Desired Action.* The impacts and mitigating, preserving, and restoring measures of the proposed action and alternatives must be analyzed. After this analysis, a tentative decision is made to use the proposed or an alternative action that will cause the least amount of degradation to the beneficial floodplain function(s), and environmental values. If a location outside the floodplain would satisfactorily accomplish the same purpose, do not locate the action in the floodplain.

B. *Reevaluating the Selected Action.* The selected action must be reevaluated after receiving public comments (see .12B). Comments are incorporated into plans for the selected action. In some cases, a different action may be chosen because the public comments have provided information that was unknown or not available when the tentative selection was made. A decision document or notice must be issued to the public explaining the final decision.

C. *Implementing the Decision.* Immediately after issuing the decision document, other documents such as contracts or land use authorizations are prepared. All actions that affect floodplain functions are monitored and recorded according to the appropriate Manual Sections. The monitoring action ensures that:

1. Mitigating, preserving, and restoring measures are mandated in any construction documents or land use authorization terms and conditions.

2. Terms and conditions of a contract or land use authorization are satisfactorily completed.

.2 *Floodplain Management Plan.* The floodplain Executive Order 11988 states that all Federal agencies must provide floodplain management leadership. The Federal Land Policy and Management Act (Sections 102(a) (8) and (11)), requires protection and management of the public lands. The preparation of floodplain management activity plans can assist in the accomplishment of these mandates. Activity plans to accomplish the above management must be developed similarly to other Bureau activity plans. (See BLM Manual Section 1601.) The floodplain for which an activity plan is prepared must be identified through the Bureau Planning System. The activity plan must address protection, restoration, and maintenance of the floodplain functions. It must also incorporate those measures that are necessary for the protection of human safety, life, welfare, and property.

.21 Content of Plan (Reserved)

.22 Plan Development Process (Reserved)

GLOSSARY OF TERMS

A

Action: any Federal activity for:

(1) Acquiring, managing, and disposing of Federal lands and facilities.

(2) Providing federally undertaken, financed, or assisted construction and improvements.

(3) Conducting Federal activities and programs affecting land use, including, but not limited to, water resources and related land resources planning, regulating, and licensing activities.

B

Base Flood: The flood level which has a 1 percent chance of occurring in any given year (also known as a 100-year flood).

Base Floodplain: The area of land inundated by the base flood.

C

Critical Flood: The flood level which has a 0.2 percent chance of occurring in any given year (known as a 500-year flood).

Critical Floodplain: The 500-year floodplain (0.2 percent chance floodplain).

Critical Action: Actions and land use allocations in areas where even a slight chance of flooding is too great.

Development: Any land use that alters the land, affects the natural and beneficial floodplain functions, or would be affected by flooding.

Definable: The boundary or limit of a specific impact that can be recognized and documented.

F

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain: Land areas susceptible to being flood-inundated from any source, including small and often dry watercourses and areas adjoining coastal waters, areas along rivers, streams, and lakes.

Floodplain Function: The natural biological, physical, ecological and environmental actions that commonly

occur in a floodplain.

Floodplain Management: All actions taken to preserve, restore, and maintain the natural and beneficial functions of floodplains and to prevent or minimize the loss of human life, and promote safety, welfare, and protect property.

Floodplain Values: The beneficial uses of the floodplain including esthetics, wildlife habitat, and uses by humans.

M

Maintain: To keep up and to repair as necessary to retain the current biological, physical, and environmental features of a floodplain.

Minimize: To reduce to the smallest possible amount or degree.

Mitigation: Measures or tasks taken to minimize or eliminate definable adverse impacts.

P

Practical: Capable of being done within existing constraints. The test of what is practical depends upon the situation and includes consideration of the pertinent factors, such as environment, cost, and technology.

Preserve: To prevent modification to the natural floodplain environment or to maintain it as closely as possible to its natural state.

R

Restore: To reestablish a setting or environment in which the natural and beneficial functions of the floodplain can again operate.

ARNOLD E. PETTY,
Acting Associate Director,
Bureau of Land Management.

MARCH 16, 1979.

[FR Doc. 79-7918 Filed 3-14-79; 8:45 am]

[4310-84-M]

[N 12216]

NEVADA

Correction of Order Providing for Opening of Public Land

In FR Doc. 78-32986 appearing on page 55002 of the FEDERAL REGISTER of November 24, 1978, which restored 637.23 acres of public land to the operation of the public land laws, the land description reading T. 30 N., R. 50 E. is corrected to read T. 30 N., R. 54 E.

WM. J. MALENCIK,
Chief, Division of
Technical Services.

[FR Doc. 79-7840 Filed 3-14-79; 8:45 am]

[4310-84-M]

[NM 35779]

NEW MEXICO

Application

MARCH 6, 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), Gas Company of New Mexico has applied for several 2-inch, 4-inch and 6-inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 9 W.,
Sec. 5, SE¼SW¼;
Sec. 6, lots 6, 9, 13, 14, E½SW¼ and SW¼SE¼;
Sec. 7, N½NE¼ and SE¼NE¼;
Sec. 8, S½NE¼, W½W½, E½NW¼ and SE¼SW¼;
Sec. 9, SW¼NW¼ and N½SW¼;
Sec. 17, NE¼NW¼ and W½NW¼.
T. 28 N., R. 9 W.,
Sec. 7, lots 2, 3, 5 and SE¼SW¼;
Sec. 18, lots 1, 2, 4, NW¼NE¼, SE¼SW¼ and SW¼SE¼;
Sec. 19, lot 1 and NW¼NE¼.
T. 29 N., R. 9 W.,
Sec. 31, lots 17 and 18.
T. 27 N., R. 10 W.,
Sec. 1, lots 2, 4, 6, 7, SW¼NE¼, S½NW¼, NW¼SW¼ and NW¼SE¼;
Sec. 2, lots 1, 2, 3, 4, NE¼SW¼ and NW¼SE¼;
Sec. 3, lot 2 and S½SW¼;
Sec. 4, lots 2, 3, 4, S½NE¼, SW¼NW¼, W½SW¼ and SE¼SW¼.
Sec. 9, N½NE¼, E½W½, NW¼SW¼ and SW¼SE¼;
Sec. 10, NW¼NW¼;
Sec. 12, lot 1;
Sec. 16, N½NE¼, SE¼NE¼, E½W½ and W½SW¼;
Sec. 21, N½NE¼, SE¼NE¼ and NE¼NW¼.
T. 28 N., R. 10 W.,
Sec. 7, S½SE¼;
Sec. 9, S½SW¼ and SW¼SE¼;
Sec. 10, lot 2 and S½S½;
Sec. 11, SW¼SW¼;
Sec. 13, E½NE¼ and SE¼SW¼;
Sec. 14, SW¼NE¼ and S½NW¼;
Sec. 15, N½NE¼, S½N½ and W½SW¼;
Sec. 16, N½NE¼, SE¼NE¼, N½SW¼ and NE¼SE¼;
Sec. 17, SW¼NE¼, W½SW¼, SE¼SW¼ and SE¼;
Sec. 18, lots 3, 4, W½NE¼, SE¼NW¼ and NE¼SW¼;
Sec. 19, lots 3, 4, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼ and SE¼SE¼;
Sec. 20, NW¼NE¼, N½NW¼, W½SW¼, SE¼SW¼ and S½SE¼;
Sec. 21, SE¼NE¼, SW¼SW¼ and E½SE¼;
Sec. 22, NW¼NW¼, S½N½ and SW¼SW¼;
Sec. 23, SE¼NW¼, N½SW¼ and SW¼SW¼;
Sec. 24, N½NE¼, NE¼SW¼, NW¼SW¼ and S½S½;
Sec. 25, SW¼NE¼, S½NW¼ and SW¼SW¼;
Sec. 26, NW¼NE¼, S½N½, NE¼NW¼, W½SW¼, SE¼SW¼ and SE¼SE¼;
Sec. 27, E½NE¼, S½SW¼, NE¼SE¼ and W½SE¼;
Sec. 28, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼ and S½SW¼;
Sec. 30, lot 3, NE¼NE¼, W½NE¼, SE¼NW¼ and NE¼SW¼;
Sec. 31, lot 1 and NE¼NW¼;
Sec. 32, NE¼NE¼, S½NE¼, NE¼SW¼ and NW¼SE¼;
Sec. 33, E½NE¼, NW¼NW¼ and E½W½;
Sec. 34, S½NE¼, N½NW¼, SW¼SE¼ and E½SE¼;
Sec. 35, NE¼NE¼, W½NE¼ and W½SW¼;
Sec. 36, SW¼NE¼, SE¼NW¼, SW¼ and SW¼SE¼.
T. 29 N., R. 10 W.,
Sec. 34, W½SW¼.
T. 27 N., R. 11 W.,
Sec. 1, lot 4, SW¼NW¼, W½SW¼ and SE¼SW¼;
Sec. 12, W½NE¼, NE¼NW¼ and W½W½.
T. 28 N., R. 11 W.,
Sec. 13, SW¼NE¼, SE¼NW¼, SW¼ and SE¼SE¼;
Sec. 14, SW¼SE¼ and E½SE½;
Sec. 23, NW¼NE¼ and NE¼NW¼;
Sec. 24, NE¼NE¼;
Sec. 25, SW¼SW¼ and S½SE¼;
Sec. 35, SE¼NE¼, SE¼SW¼ and S½SE¼;
Sec. 36, NW¼NE¼, NE¼NW¼ and W½W½

These pipelines will convey natural gas across 59.965 miles of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application 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. 79-7833 Filed 3-14-79; 8:45 am]

[4310-84-M]

[NM 35766]

NEW MEXICO

Application

MARCH 5, 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), Southern Union Gathering Company has applied for a right-of-way involving several two-and four-inch natural gas pipelines across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 9 W.,
Sec. 19, SE¼SE¼;
Sec. 28, NW¼NW¼ and SW¼SW¼;
Sec. 29, N½N½;
Sec. 30, lot 2, NE¼NE¼, S½NE¼ and SE¼NW¼.
T. 30 N., R. 10 W.,
Sec. 25, lots 6, 7, 8, 11, 12 and 13;
Sec. 26, lots 13, 14, 15 and 16.

These pipelines will convey natural gas across 4.545 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application 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. 79-7834 Filed 3-14-79; 8:45 am]

[4310-84-M]

[NM 36236]

NEW MEXICO

Proposed Withdrawal and Reservation of Lands

MARCH 6, 1979.

The Corps of Engineers, Department of the Army, filed application NM 36236, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws and the mineral leasing laws subject to valid existing rights:

INDIAN MERIDIAN, OKLAHOMA

T. 3 N., R. 13 W.,
Blocks 15, 34, 35, and 36 of the Golden Pass Townsite, located in the SE¼SE¼ Section 19, and SW¼SW¼ Section 20.

The lands described contain 10.32 acres, more or less, in Comanche County.

The Department of the Army desires that the lands be withdrawn for the continued use for troop maneuvers and field artillery firing exercises.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, on or before April 16, 1979. If a public hearing is scheduled, notice will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with Bureau of Land Management Manual, Section 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER.

The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate upon (1) rejection of the application by the Secretary; (2) withdrawal of the lands by the Secretary; or (3) the expiration of two years from the date of publication of this notice, (March 15, 1981).

All communications (except from public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Division of Technical Services, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, New Mexico 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-7835 Filed 3-14-79; 8:45 am]

[4310-84-M]

[NM 35776]

NEW MEXICO

Application

MARCH 9, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leas-

ing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for several 2-inch, 4-inch, 6-inch and 8-inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 9 W.,
Sec. 7, lots 1, 2, 3, 5, SE¼SW¼ and SW¼SE¼;
Sec. 8, SE¼SE¼;
Sec. 17, N½NE¼;
Sec. 18, lots 1, 3, NW¼NE¼ and NE¼NW¼;
Sec. 19, lots 2, 3 and NE¼SW¼.
T. 29 N., R. 9 W.,
Sec. 29, lot 7;
Sec. 30, lots 9, 10 and 13;
Sec. 31, lots 6, 7, 9, 11, 12, 13, 14, 15, 16, 18, 19 and 20.
T. 28 N., R. 10 W.,
Sec. 8, lot 2, SE¼SW¼ and S½SE¼;
Sec. 9, lot 1, and S½S½;
Sec. 10, lots 1, 2, 3, and S½SE¼;
Sec. 11, lots 2, 4 and S½SE¼;
Sec. 12, lots 3, 4, S½SW¼ and SE¼SE¼;
Sec. 13, N½NE¼, SW¼NE¼, W½ and N½SE¼;
Sec. 14, W½NE¼, SE¼NE¼, NW¼ and NE¼SE¼;
Sec. 15, SE¼NE¼, W½NW¼, SE¼NW¼ and N½SE¼;
Sec. 16, NW¼NE¼ and NW¼NW¼;
Sec. 17, N½N½ and SW¼NW¼;
Sec. 18, lot 1, N½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 24, E½E½, NE¼NW¼, W½NW¼, N½SW¼, SE¼SW¼ and SW¼SE¼.
T. 29 N., R. 10 W.,
Sec. 31, lots 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼ and E½SE¼;
Sec. 34, SE¼NE¼, W½W½ and S½SE¼;
Sec. 35, W½SW¼, SE¼SW¼ and S½SE¼.
T. 28 N., R. 11 W.,
Sec. 13, N½NE¼ and NE¼NW¼.

These pipelines will convey natural gas across 29.080 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application 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.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-7836 Filed 3-14-79; 8:45 am]

[4310-84-M]

[NM 35778]

NEW MEXICO

Application

MARCH 5, 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), Southern Union Gathering Company has applied for several 2-inch, 4-inch and 6-inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 12 W.,
Sec. 4, lot 3;
Sec. 6, SE¼NW¼, E½SW¼ and SW¼SE¼;
Sec. 7, NE¼, E½SW¼ and NW¼SE¼;
Sec. 8, SW¼NW¼, N½SW¼, SE¼SW¼, N½SE¼ and SW¼SE¼;
Sec. 9, S½NW¼;
Sec. 17, N½N½, SW¼NW¼ and W½SW¼.
T. 31 N., R. 12 W.,
Sec. 33, N½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼ and NW¼SE¼.
T. 30 N., R. 13 W.,
Sec. 1, lots 1, 2, SW¼NE¼, SE¼NW¼ and N½SW¼;
Sec. 6, SE¼NE¼;
Sec. 11, W½W½;
Sec. 14, NW¼NW¼;
Sec. 15, E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 21, N½NE¼;
Sec. 22, NW¼NE¼, S½NE¼, N½NW¼, SW¼NW¼, N½SW¼ and SE¼SW¼;
Sec. 23, W½SW¼;
Sec. 25, SW¼NE¼, SE¼NW¼, N½SW¼ and S½SE¼;
Sec. 26, E½NE¼ and NE¼SE¼;
Sec. 27, NE¼NW¼, W½W½, E½SW¼ and S½SE¼;
Sec. 33, SE¼NE¼, E½SE¼ and SW¼SE¼;
Sec. 34, NW¼NW¼.

These pipelines will convey natural gas across 19.418 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application 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. 79-7837 Filed 3-14-79; 8:45 am]

[4310-84-M]

[NM 35781]

NEW MEXICO

Application

MARCH 7, 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), Gas Company of New Mexico has applied for a right-of-way involving several two- and four-inch natural gas pipelines across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 10 W.,
Sec. 30, lot 4;
Sec. 31, lot 1.
T. 27 N., R. 11 W.,
Sec. 14, W½NW¼ and SW¼SW¼;
Sec. 15, lots 4, 5, 9, W½NE¼, SE¼NE¼ and SE¼SE¼;
Sec. 23, NE¼SE¼ and S½SE¼;
Sec. 24, NW¼SW¼;
Sec. 25, SE¼SE¼;
Sec. 26, NW¼NE¼;
Sec. 35, NE¼NE¼;
Sec. 36, SW¼NW¼.

These pipelines will convey natural gas across 4.584 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application 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. 79-7838 Filed 3-14-79; 8:45 am]

[4310-84-M]

NEVADA

Winnemucca District Grazing Advisory Board Meeting; Correction

MARCH 8, 1979.

Notice is hereby given of a date correction in the March 8, 1979 FEDERAL REGISTER announcing the Winnemucca District Grazing Advisory Board Meeting. The original notice stated the meeting will be held on March 27, 1979. The correct date of the meeting is May 1, 1979.

Publication of this notice is in accordance with Public Law 92-463. The meeting will begin at 10 a.m. in the conference room of the Bureau of Land Management Office at 705 E. 4th Street, Winnemucca, Nevada.

The agenda for the meeting will include: 1) briefing on the land use planning process and environmental statement schedules, 2) discussion of projects in the annual work plan, 3) reading of letters and public comment period, 4) update of the wild horse and burro program, and 5) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1 p.m. and 2 p.m. on Tuesday, May 1, 1979, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 705 E. 4th Street, Winnemucca, Nevada, 89445 by April 17, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

ROGER J. MCCORMACK,
Associate State Director, Nevada.

[FR Doc. 79-7839 Filed 3-14-79; 8:45 am]

[4310-84-M]

[Wyoming 66906]

WYOMING

Application

MARCH 7, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado field an application for a right-of-way to construct a 4½ inch O.D. pipeline and appurtenant facilities for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 14 N., R. 92 W.,
Sec. 2, lot 8 and SW¼NE¼ and S½NW¼;
Sec. 3, lot 6 and S½NE¼.
T. 15 N., R. 92 W.,
Sec. 35, NE¼SW¼, S½SW¼ and NW¼SE¼.

The proposed pipeline will transport natural gas from the Grynberg Federal #2-1 Well at a location in the NE¼ of section 2, in a generally southwesterly direction to a point in section 3, and thence in a generally northwesterly direction to the point of connection with the existing natural gas pipeline facilities in the NE¼ section 3, T. 14 N., R. 92 W. In addition, a proposed natural gas line will extend from the Hamilton Federal #35-1 Well location in the S½ section 35, T. 15 N., R. 92 W., southerly to a point of connection with the proposed line located within section 2, T. 14 N., R. 92 W., Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

MARLA B. BOHL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-7841 Filed 3-14-79; 8:45 am]

[4310-84-M]

[Wyoming 66849]

WYOMING

Application: Correction

MARCH 6, 1979.

In FR Doc 79-4976 appearing at page 9812 in the FEDERAL REGISTER of February 15, 1979, the first paragraph is corrected in the seventeen line by deleting NE¼SW¼ and adding in its palce NE¼SE¼.

MARLA B. BOHL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-7842 Filed 3-14-79; 8:45 am]

[4310-55-M]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland 20811.

The applicant requests an amendment to his permit for scientific research with brown pelicans (Pelicanus occidentalis) to allow taking a 5-cc blood sample from up to 20 birds from colonies where unusual mortality is discovered.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-633. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before April 16, 1979. Please refer to the file number when submitting comments.

Dated: March 6, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-7758 Filed 3-14-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Robert W. Orr, 16 Starr Way, Mountain View, California 94040.

The applicant requests a permit to purchase one pair of masked bobwhite quail (*Colinus virginianus ridgwayi*) in interstate commerce from Mr. Seymour Levy of Tuscon, Arizona, for propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3867. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before April 16, 1979. Please refer to the file number when submitting comments.

Dated: March 6, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife service.

[FR Doc. 79-7759 Filed 3-14-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Louisiana Purchase Garden and Zoo, P.O. Box 123, Monroe, Louisiana 71201.

The applicant requests a permit to purchase in interstate commerce one (1) male and one (1) female black and white ruffed lemur (*Lemur variegatus*) from the Duke University Primate Center, Durham, North Carolina, for exhibition and enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3859. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before April 16, 1979. Please refer to the file number when submitting comments.

Dated: March 6, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-7760 Filed 3-14-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Memphis Zoo and Aquarium, Overton Park, Memphis, Tennessee 38112.

The applicant requests a permit to purchase in interstate commerce one (1) male and two (2) female orangutans from the San Diego Zoological Garden, San Diego, California, for exhibition and enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3466. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before April 16, 1979. Please refer to the file number when submitting comments.

Dated: March 6, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-7761 Filed 3-14-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112.

The applicant requests an amendment to their Endangered Species Permit (PRT 2-289) to authorize the importation of wild-caught Proboscis monkeys (*Nasalis larvatus*) that are presently held in captivity at various zoological parks and scientific institutions. They are presently authorized to import only captive-bred Proboscis monkeys.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this request are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This permit has been assigned file number PRT 2-289. Interested persons may comment on this request by submitting written data, views, or arguments to the Director at the above address on or before April 16, 1979. Please refer to the file number when submitting comments.

Dated: March 5, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-7762 Filed 3-14-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: U.S. Fish and Wildlife Service, Patuxent Wildlife Research Center, Laurel, Maryland 20811.

The applicant requests an amendment to his permit for bald eagle (*Haliaeetus leucocephalus*) research, the application for which was published in the FEDERAL REGISTER V41 No. 132—Thursday, July 8, 1976. This request seeks to 1. increase from 6 to 12 per year the number of eggs to be removed from wild nests for artificial incubation and return of young to the wild; 2. to increase the number of wild-produced young that may be moved from

one nest to another from 6 to 10 per year; and 3. to increase the number of captive-produced eggs or young that may be placed in wild nests from 10 to 20 per year.

Human care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-197. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before April 16, 1979. Please refer to the file number when submitting comments.

Dated: March 5, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-7763 Filed 3-14-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112.

The applicant requests a permit to import two male and two female hooded parrots (*Psephotus chrysopterygius*) from the Melbourne Zoological Gardens, Parkville, Australia, and four males and four females from the Taronga Zoo, Mosman, Australia.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3838. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before April 16, 1979. Please refer to the file number when submitting comments.

Dated: March 5, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-7764 Filed 3-14-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Robert E. Baudy, c/o Rare Feline Breeding Compound, P.O. Box 132, Center Hill, Florida 33514.

The applicant requests a permit to purchase in interstate commerce one male ruffed lemur (*Lemur variegatus*) from the San Antonio Zoo, San Antonio, Texas, for exhibition and enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3837. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before April 16, 1979. Please refer to the file number when submitting comments.

Dated: March 8, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-7765 Filed 3-14-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Leland B. Hayes, 1707 SW Salmon, Redmond, Oregon 97756.

The applicant requests a permit to buy two male and two female masked bobwhite quail (*Colinus virginianus ridgwayi*) *in interstate commerce from Mr. Jeff Earl of Santa Cruz, California, for propagation purposes.*

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO) Washington, D.C. 20240.

This application has been assigned file number PRT 2-3736. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before April 16, 1979. Please refer to the file number when submitting comments.

Dated: March 6, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-7766 Filed 3-14-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. ARMCO STEEL CORP. ET AL

Proposed Consent Judgment in United States v. *Armco Steel Corporation, et al.* and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b) through (h), that a Proposed Consent Judgment and Competitive Impact Statement as set out below have been filed with the United States District Court for the Southern District of Texas in Civil No. 73-H-1427, *United States of America* v. *Armco Steel Corporation, et al.*, (October 15, 1973). The Proposed Decree would terminate the Department of Justice's civil antitrust suit involving the fabrication, sale and distribution of reinforcing steel materials throughout the State of Texas.

The complaint alleged that beginning in or about mid-1969, and continuing thereafter until at least the

latter part of 1972, the defendants engaged in a combination and conspiracy to restrain and to monopolize interstate commerce in the fabrication and sale of reinforcing steel materials in the State of Texas.

The complaint sought a judgment by the court that the defendants had engaged in a combination and conspiracy in restraint of trade in violation of Section 1 of the Sherman Act and in a combination and conspiracy to monopolize in violation of Section 2 of the Sherman Act together with an order by the court to enjoin and restrain the defendants from such activities in the future.

On April 30, 1974, the complaint was amended to add a Second Cause of Action to recover damages sustained by the United States by reason of said violations pursuant to Section 4A of the Clayton Act (15 U.S.C. § 15a).

Proceedings in this case were stayed pending disposition of a companion criminal prosecution in Judge Allen B. Hannay's court, (S.D. Texas). The criminal prosecution was initiated by a grand jury indictment returned on August 30, 1973, charging the same nine corporate defendants and nine individuals with criminal violations of the Sherman Act arising out of the same conspiracy alleged in the civil complaint. Between November 3, 1975, and April 9, 1976, pleas of *nolo contendere* were entered by all of the defendants to the criminal charges and fines totalling $566,500 were imposed by Judge Hannay. These fines have been paid and the criminal case concluded.

On May 1, 1978, the parties hereto stipulated that the Second Cause of Action for damages, as alleged in the amended complaint, be dismissed, with prejudice, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure and in the light of *Illinois Brick Co.* v. *Illinois*, 431 U.S. 720 (1977) barring antiturst claims by indirect purchasers.

Entry by this court of the Proposed Consent Judgment will terminate the First Cause of Action for injunctive relief, except insofar as the court will retain jurisdiction over the matter for such further proceedings as may be required to interpret, modify or enforce the Judgment, or to punish violations of any other provisions of the Judgment.

The proposed Final Judgment permanently enjoins the defendants from directly or indirectly entering into or adhering to, maintaining or enforcing any contract, agreement, understanding, combination or conspiracy: to fix, maintain or stabilize prices or any other term or condition for the sale of re-bar materials in the State of Texas to any third person; to allocate, limit or divide customers, construction projects, territories or markets in the sale of re-bar materials in the State of Texas or to limit mills, indpendent steel fabricators or other competitors in their price quotations and bid submissions to supply re-bar materials for construction projects in the State of Texas to any particular type, size, tonnage or dollar value.

The Judgment also enjoins and restrains each defendant from requiring, proposing, coercing, compelling or attempting to require, coerce or compel any other steel mill, independent fabricator or other person: to adopt, establish or adhere to any price, schedule or list of prices to supply re-bar materials; to limit price quotations of bid submissions to construction projects of any particular size, type, tonnage or dollar value; to submit knowingly any fraudulent or collusive bid to supply re-bar materials; or to limit, prevent or refuse to sell re-bar materials to any mill, independent fabricator for the purpose of achieving any of the practices prohibited by the Judgment.

The only exception to the broad prohibitions of the Judgment concerns bona fide joint venture sub-contracts to sell or furnish re-bar materials for a specific construction project in the State of Texas. This exception, however, binds each defendant to make known to the purchaser of such materials, in writing, prior to or at the time of submission of any such joint bid or offer, the intention or fact that the supplier plans to submit or enter into a joint venture sub-contract.

In addition to the prohibitions of the Decree, the Judgment orders and directs each defendant to take certain affirmative steps to insure compliance with its provisions. Each defendant is required to advise each of its officers and employees engaged in the sale of re-bar materials of their obligations under the Final Judgment and of the criminal penalties for violation thereof. Further, each defendant is required to conduct at least once each year for five years after the entry of the Judgment, meetings of its officers and employees to review the terms of the Final Judgment and the requirement to comply therewith. For a period of five years from the date of the entry of the Judgment, each defendant is required to file with the Court and the United States a written statement signed by an officer setting forth the steps taken during the prior year to assure compliance with the terms of the Judgment.

In accordance with the Antitrust Procedures and Penalties Act of 1974, the Competitive Impact Statement describes the violations involved, explains the provisions of the Proposed Judgment, discusses the remedies available to private litigants, outlines the procedures available for the modification of the Judgment and evaluates alternative relief proposals considered by the Government.

The Proposed Judgment, Stipulation and Competitive Impact Statement are available for inspection and copying on request in the Legal Procedure Unit of the Antitrust Division, Room 7416, Department of Justice, Washington, D.C. 20530. They are also available for inspection in the Office of the Clerk of the United States District Court for the Southern District of Texas, 515 Rusk Avenue, Houston, Texas 77061.

Comments concerning the Proposed Judgment are invited from members of the public within the statutory 60 day time period. Such comments should be directed to Joseph H. Widmar, Chief, Trial Section, Antitrust Division, United States Department of Justice, Washington, D.C. 20530.

Dated: March 2, 1979.

CHARLES F. B. MCALEER,
Special Assistant for Judgment Negotiations.

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

United States of America, Plaintiff, v. *Armco Steel Corporation; Bethlehem Steel Corporation; Border Steel Rolling Mills, Inc.; The Ceco Corporation; Laclede Steel Company; Schindler Brothers Steel; Structural Metals, Inc.; Texas Steel Company;* and *United States Steel Corporation*, Defendants.

Civil Action No. 73-H-1427.

Filed: March 2, 1979.

STIPULATION

It is hereby stipulated by and between the plaintiff, United States of America, and each of the above named defendants, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form attached hereto may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on the defendants and filing that notice with the Court.

2. In the event plaintiff withdraws its consent hereto, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall have no effect whatever and the making of this Stipulation shall be without prejudice to any consenting party in this or any other proceeding.

Dated: March 2, 1979.

For the Plaintiff: John H. Shenefield, *Assistant Attorney General;* William E. Swope, Charles F. B. McAleer, Joseph H. Widmar, Wilford L. Whitley, Jr., Robert E. Bloch, *Attorneys, United States Department of Justice.*

For the Defendants: David S. Patterson, *of Breed, Abbott & Morgan, Citicorp Center, 153 E. 53rd Street, New York, New York 10022, Telephone: (212) 888-0800, Attorneys for Armco Inc. (formerly Armco Steel Corporation);* E. W. Barnett, *of Baker & Botts, 3000 One Shell Plaza, Houston, Texas 77002, Telephone: (713) 229-1234, Attorneys for Bethlehem Steel Corporation;* C. H. Barnette, *Vice President, Law and General Counsel, Bethlehem Steel Corporation, 2007 Martin Tower, Bethlehem, Pennsylvania 18016, Telephone: (215) 694-6137, Attorney for Bethlehem Steel Corporation;* Thomas M. Phillips, *of Baker & Botts, 3000 One Shell Plaza, Houston, Texas 77002, Telephone: (713) 229-1234, Attorneys for the Ceco Corporation;* Thad T. Hutcheson, *of Hutcheson & Grundy, 3300 Two Allen Center, Houston, Texas 77002, Telephone: (713) 654-7000, Attorneys for Laclede Steel Company;* Stanly B. Binion, *of Reynolds, Allen & Cook, 1100 Milam, 16th Floor, Houston, Texas 77002, Telephone: (713) 225-2411, Attorneys for Schindler Brothers Steel;* F. B. Davis, of Andrews, Kurth, Campbell, & Jones, 2500 Exxon Building, Houston, Texas 77002, Telephone: (713) 224-6616, Attorneys for Structural Metals, Inc.; Clifford Gunter, *of Bracewell & Patterson, 2900 South Tower, Pennzoil Place, Houston, Texas 77002, Telephone: (713) 223-2900, Attorneys for Border Steel, Rolling Mills, Inc;* David T. Hedges, Jr., *of Vinson & Elkins, First City National Bank Building, Houston, Texas 77002, Telephone: (713) 225-2411, Attorneys for United States Steel Corporation;* Kleber C. Miller, *of Shannon, Gracey, Ratliff & Miller, 2700 Continental National Bank Building, Fort Worth, Texas 76102, Telephone: (817) 336-9333, Attorneys for Texas Steel Company.*

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

United States of America, Plaintiff, v. *Armco Steel Corporation, Bethlehem Steel Corporation, Border Steel Rolling Mills, Inc., The Ceco Corporation, Laclede Steel Company, Schindler Brothers Steel, Structural Metals, Inc., Texas Steel Company, and United States Steel Corporation, Defendants.*

Civil Action No. 73-H-1427.

Filed: March 2, 1979.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Compliant herein on October 15, 1973, and its Amended Complaint herein on April 30, 1974, and plaintiff and the defendants, by their attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or an admission by any party consenting hereto with respect to any such issue:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby:

Ordered, Adjudged and Decreed as follows:

I.

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendants under Sections 1 and 2 of the Sherman Act (15 U.S.C. §§ 1 and 2).

II.

As used in this Final judgment:

A. "Re-bar Materials" means fabricated reinforcing steel bar materials, including but not limited to ¼ inch to 1½ inch round and deformed reinforcing steel bars, steel wire mesh in varying gauges, and steel bar supports and accessories, used in reinforced concrete construction projects.

B. "Mill(s)" means a person engaged in the production and sale of mill length reinforcing steel bars and in the fabrication and sale of re-bar materials.

C. "Independent Fabricator(s)" means a person not affiliated with a mill who is engaged in the purchase of mill length reinforcing steel bars and in the fabrication and sale of re-bar materials.

D. "Construction projects" means any proposed public or private building, facility or installation and any proposed addition thereto which incorporates re-bar materials.

III.

The provisions of this Final Judgment shall apply to each of the defendants and shall also apply to each of their domestic subsidiaries, successors and assigns and their officers, directors, agents and employees, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; provided, however, that this Final judgment shall not apply to transactions or activities solely between a defendant and its directors, officers, employees, parent companies, subsidiaries or any of them when acting in such capacity.

IV.

Each defendant is enjoined and restrained from directly or indirectly entering into, adhering to, maintaining, enforcing or claiming any rights under any contract, agreement, understanding, combination or conspiracy with any other mill, independent fabricator or other person to:

A. Fix, maintain or stabilize prices, or any other term or condition for the sale or re-bar materials in the State of Texas to any third person;

B. Allocate, limit or divide customers, construction projects, territories or markets in the sale of re-bar materials in the State of Texas; or

C. Limit mills, independent fabricators, or other competitors, in their price quotations and bid submissions to supply re-bar materials for construction projects in the State of Texas, to any particular type, size, tonnage or dollar value.

V.

Each defendant is enjoined and restrained from requiring, proposing coercing, compelling or attempting to require, coerce or compel any other mill, independent fabricator or other person to:

A. Adopt, establish or adhere to any price, schedule or list of prices, or level of prices in formulating price quotations or bid submissions to any third party to supply re-bar materials for construction projects in the State of Texas;

B. Limit price quotations or bid submissions for re-bar materials to construction projects of any particular size, type, tonnage or dollar value in the State of Texas;

C. Submit knowingly any fraudulent or collusive bid to supply re-bar materials to any governmental entity or person in the State of Texas; or

D. Limit, prevent or refuse to sell re-bar

materials to any mill, independent fabricator or any other person for construction projects in the State of Texas to achieve any of the practices prohibited in Section IV or Subsections V A. and B.

VI.

Nothing in this Final Judgment shall prohibit defendants from negotiating or entering into any bona fide and arms-length contract, agreement or understanding to sell or furnish re-bar materials to any mill, independent fabricator or competitor, or joint venture, subcontract or similar contract or agreement, to sell or furnish re-bar materials for any specific construction project, or from preparing or presenting, with any mill, independent fabricator or competitor, a joint bid or offer to sell re-bar materials for any specific construction project in the State of Texas, provided, however, that the intention or fact that a defendant plans to submit or enter into a joint venture, subcontract or similar agreement, or negotiate, prepare or present a joint bid or offer to sell re-bar materials for any construction project in the State of Texas with any other defendant, mill, independent fabricator or competitor is made known to the purchaser of said materials, in writing, prior to or at the time of submission of any joint bid or offer to sell re-bar materials for any specific construction project in the State of Texas.

VII.

Each defendant is ordered and directed to take the affirmative steps enumerated below to ensure compliance with each provision of this Final Judgment:

A. Each defendant shall advise each of its officers and employees, who sell re-bar materials, have responsibility for or authority over the sale of re-bar materials, or the establishment of prices therefor in the State of Texas, of their obligations under this Final Judgment and of the criminal penalties for violation of this Final Judgment;

B. Each defendant shall conduct, at least once each year for five (5) years after the entry of this Final Judgment, meetings of its officers and employees described above to review the terms of this Final Judgment and the requirement to comply therewith.

VIII.

For a period of five (5) years from the date of entry of this Final Judgment, each defendant is ordered to file with this Court and the plaintiff on each anniversary date of this Final Judgment, a written statement signed by an officer, setting forth the steps it has taken during the prior year to comply with Paragraph VII of this Final Judgment.

IX.

A. For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

1. Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this final Judgment; and

2. Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners, or employees of such defendant, who may have counsel present, regarding any such matters.

B. A defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this final Judgment as may from time to time be requested.

No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a defendant to plaintiff pursuant to this Section, such defendant represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

X.

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of any of the provisions herein, for the modification of any of the provisions contained herein, for the enforcement of compliance therewith and for the punishment of violations thereof.

XI.

Entry of this Final Judgment is in the public interest.

Dated: _____

_____,

United States District Judge.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA, Plaintiff, v. *Armco Steel Corporation, Bethlehem Steel Corporation, Border Steel Rolling Mills, Inc., The Ceco Corporation, Laclede Steel Company, Schindler Brothers Steel, Structural Metals, Inc., Texas Steel Company, and United States Steel Corporation,* Defendants.

Civil No.: 73-H-1427.

Filed: March 2, 1979.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16 (b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

NATURE AND PURPOSE OF THE PROCEEDING

On October 15, 1973, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. § 4) to enjoin the above named corporate defendants from continuing violations of Section 1 and Section 2 of the Sherman Act (15 U.S.C. §§ 1 and 2).

The complaint alleged that beginning in or about mid-1969, and continuing thereafter until at least the latter part of 1972, the defendants engaged in a combination and conspiracy to restrain and to monopolize interstate commerce in the fabrication and sale of reinforcing steel materials in the State of Texas.

The complaint seeks a judgment by the court that the defendants had engaged in a combination and conspiracy in restraint of trade in violation of Section 1 of the Sherman Act and in a combination and conspiracy to monopolize in violation of Section 2 of the Sherman Act together with an order by the court to enjoin and restrain the defendants from such activities in the future.

On April 30, 1974, the complaint was amended to add a Second Cause of Action to recover damages sustained by the United States by reason of said violations pursuant to Section 4A of the Clayton Act (15 U.S.C. § 15a).

Proceedings in this case were stayed pending disposition of a companion criminal prosecution in Judge Allen B. Hannay's court, (S.D. Texas). The criminal prosecution was initiated by a grand jury indictment returned on August 30, 1973, charging the same nine corporate defendants and nine individuals with criminal violations of the Sherman Act arising out of the same conspiracy alleged in the civil complaint. Between November 3, 1975, and April 9, 1976, pleas of *nolo contendere* were entered

by all of the defendants to the criminal charges and fines totalling $566,500 were imposed by Judge Hannay. These fines have been paid and the criminal case concluded.

On May 1, 1978, the parties hereto stipulated that the Second Cause of Action for damages, as alleged in the amended complaint, be dismissed, with prejudice, pursuant to Rule 41(a)(1) (ii) of the Federal Rules of Civil Procedure and in the light of *Illinois Brick Co.* v. *Illinois*, 431 U.S. 720 (1977) barring antitrust claims by indirect purchasers.

Entry by this court of the Proposed Consent Judgment will terminate the First Cause of Action for injunctive relief, except insofar as the court will retain jurisdiction over the matter for such further proceedings as may be required to interpret, modify or enforce the Judgment, or to punish violations of any other provisions of the Judgment.

II

THE TERMS OF THE ALLEGED CONSPIRACY

The defendant steel mills are engaged in the production and sale of reinforcing steel bars and in the fabrication and sale of reinforcing steel materials in Texas. Re-bar materials, in turn, include round and deformed reinforcing steel bars, steel wire mesh in various gauges, and steel bar supports and accessories, used in reinforced concrete construction. In 1971 the sales of re-bar materials in the State of Texas by the defendants, pursuant to the unlawful contract allocation arrangement alleged in the complaint, exceeded 175,000 tons and had a value of over $20,000,000.

The complaint alleged that the defendants combined and conspired to restrain trade and to monopolize from 1969 to at least 1972 in violation of Sections 1 and 2 of the Sherman Act by raising and stabilizing prices of reinforcing steel bars, requiring independent fabricators in the Dallas and Houston areas to limit their bid submissions for the supply of re-bar materials to construction projects requiring no more than a specified tonnage of steel bars and allocating certain construction contracts among themselves in accordance with their respective shares of the market for re-bar materials in the State of Texas. According to the complaint, the conspiracy among the defendants has had the effect of increasing the price of re-bar materials in Texas and of eliminating competition between the mills and the independent fabricators in the Houston and Dallas-Fort Worth areas.

III

EXPLANATION OF THE PROPOSED JUDGMENT

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there is no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Judgment is conditioned upon a determination by the court that the proposed Judgment is in the public interest.

The proposed Final Judgment permanently enjoins the defendants from directly or indirectly entering into or adhering to, maintaining or enforcing any contract, agreement, understanding, combination or conspiracy: to fix, maintain or stabilize prices or any other term or condition for the sale of re-bar materials in the State of Texas to any third person; to allocate, limit or divide customers, construction projects, territories or markets in the sale of re-bar materials in the State of Texas or to limit mills, independent steel fabricators or other competitors in their price quotations and bid submissions to supply re-bar materials for construction projects in the State of Texas to any particular type, size, tonnage or dollar value.

The Judgment also enjoins and restrains each defendant from requiring, proposing, coercing, compelling or attempting to require, coerce or compel any other steel mill, independent fabricator or other person: to adopt, establish or adhere to any price, schedule or list of prices to supply re-bar materials; to limit price quotations of bid submissions to construction projects of any particular size, type, tonnage or dollar value; to submit knowingly any fraudulent or collusive bid to supply re-bar materials; or to limit, prevent or refuse to sell re-bar materials to any mill, independent fabricator for the purpose of achieving any of the practices prohibited by the Judgment.

The only exception to the broad prohibitions of the Judgment concerns bona fide joint venture subcontracts to sell or furnish re-bar materials for a specific construction project in the State of Texas. This exception, however, binds each defendant to make known to the purchaser of such materials, in writing, prior to or at the time of submission of any such joint bid or offer, the intention or fact that the supplier plans to submit or enter into a joint venture subcontract.

In addition to the prohibitions of the Decree, the Judgment orders and directs each defendant to take certain affirmative steps to insure compliance with its provisions. Each defendant is required to advise each of its officers and employees engaged in the sale of re-bar materials of their obligations under the Final Judgment and of the criminal penalties for violation thereof. Further, each defendant is required to conduct at least once each year for five years after the entry of the Judgment, meetings of its officers and employees to review the terms of the Final Judgment and the requirement to comply therewith. For a period of five years from the date of the entry of the Judgment, each defendant is required to file with the Court and the United States a written statement signed by an officer setting forth the steps taken during the prior year to assure compliance with the terms of the Judgment.

The Department of Justice is given access under the proposed Judgment to the files and records of the defendant corporations to examine such records for compliance or non-compliance with the Judgment. The Department is also granted access to interview officers, directors, agents or employees of the defendants to determine whether the defendants are complying with the Judgment. Finally, the defendants, upon the written request of the Department of Justice, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in the Decree.

IV

REMEDIES AVAILABLE TO PRIVATE LITIGANTS

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. The entry of the proposed Final Judgment will not have any effect on the right of any potential private plaintiff who claims to have been damaged by the alleged violation to sue for monetary damages or any other legal or equitable remedies, provided that such potential claim is timely under Section 4 and 5(i) of the Clayton Act (15 U.S.C. §§ 15, 16(i)). However, this Final Judgment may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)).

Shortly after the commencement of this case by the United States, two suits were instituted in this district by private parties who described themselves as builder-owners of structures incorporating re-bar materials, seeking treble damages and injunctive relief on behalf of themselves and an alleged class or classes consisting of all persons who, as builder-owners of structures incorporating re-bar materials, had purchased such materials directly or indirectly from one or more of the defendants (one of the complaints in those actions described the alleged class alternatively as including all private direct and indirect purchasers of re-bar materials from one or more defendants within the State of Texas). *Summit Office Park* v. *U.S. Steel corp., et al.*, C.A. No. 73-H-1512 (S.D. Tex.); *T&T Builders Co., et al.* v. *Armco Steel Corp., et al.* C.A. No. 73-H-1551 (S.D. Tex.). A third suit was commenced by the State of Texas, seeking similar relief on behalf of itself and an alleged class consisting of all political subdivisions, governmental entities, and tax-supported institutions within the State of Texas. *State of Texas* v.

U.S. Steel Corp., et al., C.A. No. 74-H-533 (S.D. Tex.). The court has not determined whether any of those cases may proceed as class actions.

Following the Supreme Court's decision in *Illinois Brick Co.* v. *Illinois*, 431 U.S. 720 (1977), the district court in which those three cases are pending ruled that they should be dismissed insofar as they seek treble damages on behalf of indirect purchasers of re-bar materials, and also denied motions by several contractors who claimed to have purchased re-bar materials directly from one or more defendants, which motions sought to amend the complaints in the *Summit Office Park* and *T&T* cases by substituting the movants as named plaintiffs and representatives of an alleged class or classes of direct purchasers of re-bar materials.

V

PROCEDURES AVAILABLE FOR MODIFICATION FOR THE PROPOSED FINAL JUDGMENT

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to Joseph H. Widmar, Department of Justice, Antitrust Division, 10th & Constitution Avenue, Washington, D.C. 20530, within the 60-day period provided by the Act. The comments and the government's responses to them will be filed with the court and published in the FEDERAL REGISTER. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to its entry if it should determine that some modification of the Judgment is necessary to the public interest. The proposed Judgment itself provides that the court will retain jurisdiction over this action, and that the parties may apply to the court for such orders as may be necessary or appropriate for the modification or enforcement of the Judgment.

VI

ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

As previously stated, the recent decision by the Supreme Court of the United States in *Illinois Brick Co.* v. *Illinois*, 431 U.S. 720 (1977), effectively bars antitrust claims by indirect purchasers of reinforcing steel materials and other commodities. This decision precipitated the dismissal of the Government's second cause of action for damages as alleged in the amended complaint.

The proposed Judgment disposes of the claim for injunctive relief. The only alternative available to the Department of Justice is a full trial of this issue on the merits. It was determined that such a trial would involve a substantial expense to the United States and an unwarranted burden upon the court. The proposed Judgment provides essentially all the equitable relief requested in the complaint. The Decree absolutely prohibits the continuation or revival of the "bid rigging" scheme employed by the defendant steel mills in the sale of re-bar materials and prevents the defendants from imposing any limitations upon the competition of independent fabricators of reinforcing steel. It further severely limits the circumstances in which representatives of the defendants can otherwise communicate with competitors concerning prices. It is the view of the United States that the proposed Consent Judgment will be effective to restore competition in the fabrication and sale of reinforcing steel materials in the State of Texas.

VII

DETERMINATIVE MATERIALS

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)] were considered in formulating this proposed Judgment. Consequently, none are filed herewith.

Dated: March 2, 1979.

WILFORD L. WHITLEY, Jr.,
ROBERT E. BLOCH,
Attorneys, Department of Justice.

[FR Doc. 79-7843 Filed 3-14-79; 8:45 am]

[4410-01-M]

UNITED STATES v. BRINK'S, INC., AND WELLS FARGO ARMORED SERVICE CORP.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16 (b) through (h), that a stipulation, proposed consent judgment, and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of Georgia (Atlanta Division) in Civil Action No. 77-1027A, *United States of America* v. *Brink's, Inc., and Wells Fargo Armored Service Corporation.*

Defendants Brink's, Incorporated ("Brink's"), and Wells Fargo Armored Service Corporation ("Wells Fargo") are engaged in the business of providing armored car and related services to customers in various parts of the United States. The complaint in this case alleges that beginning at least as early as 1968, and continuing thereafter until at least August 1975, the exact dates being unknown to the plaintiff, Brink's and Wells Fargo and other co-conspirators engaged in a continuing combination and conspiracy in unreasonable restraint of interstate trade and commerce, the substantial terms of which were to divide, allocate and apportion customers among the defendants and co-conspirators in the United States and to submit collusive, non-competitive and rigged bids and price quotations for the providing of armored car and related services in the United States.

The proposed judgment enjoins the defendants from entering into or enforcing any agreement or understanding with any person engaged in the business of providing armored car service to divide, allocate or apportion territories, markets or customers for armored car service or related services in the United States or to submit collusive, non-competitive and rigged bids or price quotations or to refrain from submitting bids or price quotations to customers for armored car service or related services in the United States. In addition, the defendants are enjoined from communicating with any other person engaged in the business of providing armored car service concerning future prices at which or contractual terms or conditions upon which armored car and related services will be provided or offered or whether any bid or price quotation will be submitted to any person. The defendants also are enjoined for a period of ten years from communicating with any other person engaged in the business of providing armored car service concerning current prices at which, or current contractual terms or conditions upon which, armored car service or related services are provided.

Public comment is invited within the 60-day statutory period. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be addressed to Donald A. Kinkaid, Chief, Atlanta Field Office, Antitrust Division, United States Department of Justice, Suite 420, 1776 Peachtree Street, N.W., Atlanta, Georgia 30309.

Dated: March 5, 1979.

JOHN H. SHENEFIELD,
Assistant Attorney General,
Antitrust Division.

U.S. DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

United States of America, Plaintiff, v. *Brink's Inc., and Wells Fargo Armored Service Corporation* Defendants.

Civil Action.

File No. C77-1027A.

Filed: March 5, 1979.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16], and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendants in this or any other proceeding.

Dated: MARCH 5, 1979.

For the Plaintiff: John H. Shenefield, *Assistant Attorney General.* William E. Swope, Charles F. B. McAleer, Donald A. Kinkaid, Charles C. Murphy, Jr., John T. Orr, Jr., James M. Griffin, *Attorneys, Department of Justice.*

For the Defendant: Brink's, Inc.: *Donovan, Leisure, Newton & Irvine*, by: Samuel W. Murphy, Jr. *Trotter, Bondurant, Griffin, Miller & Hishorn*, by: Emmet J. Bondurant.

For The Defendant: Wells Fargo Service Corporation: *Sullivan & Cromwell*, by: William E. Willis. *Sutherland, Asbill & Brennan*, by: D. Robert Cumming, Jr.

U.S. DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

United States of America, Plaintiff, v. *Brinks, Inc. and Wells Fargo Armored Service Corporation*, Defendants.

Civil Action No. C77-1027A.

Filed: March 5, 1979.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on June 21, 1977, and plaintiff and defendants Brink's, Incorporated and Wells Fargo Armored Service Corporation, by their respective attorneys, having consents to the making and entry of this Final Judgment, without admission by any party in respect to any issue or allegation and without this Final Judgment's constituting evidence or an admission by any party hereto with respect to any such issue or allegation;

NOW, THEREFORE, before any testimony has been taken herein, without trial or adjudication of any issue of fact or law, and upon consent of the parties hereto, it is

ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

A. The term "armored car service" shall mean the arranging for and providing of ground transportation of valuables by armored vehicle under guard in the United States.

B. The term "related services" shall mean coin sorting and wrapping, preparation and distribution of payrolls, air courier service (the arranging for and providing of air transportation of valuable items under guard) and ground courier service (the arranging for and providing of transportation of items of small monetary value, such as cancelled checks, computer data and mail, by station wagon, panel truck or other non-armored vehicle).

C. The term "person" shall mean any natural person, proprietorship, partnership, firm, corporation or any other legal or business entity.

D. The term "customer" shall mean any person who or which purchases armored car service or related services.

E. The term "common control" shall mean at least a 50 percent direct or indirect ownership interest in the controlled person by the controlling person.

III

The provisions of this Final Judgment are applicable to the defendants Brink's, Incorporated and Wells Fargo Armored Service Corporation and shall apply also to their subsidiaries, affiliates, successors and assigns; to their respective directors, officers, agents and employees and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. This judgment shall not apply to acts not in or affecting the foreign or domestic commerce of the United States.

IV

A. The defendants are enjoined and restrained from entering into, adhering to, claiming or maintaining any right under any agreement or understanding or concert of action with any other person engaged in the business of providing armored car service to:

(1) Divide, allocate or apportion customers, territories or markets for armored car service or related services;

(2) Submit any collusive, non-competitive or rigged bid or price quotation or to refrain from submitting any bid or price quotation to any customer for armored car service or related services.

B. The defendants are enjoined and restrained from communicating with any other person engaged in the business of providing armored car service except as permitted by Section V hereof, concerning:

(1) future prices at which, or contractual terms or conditions upon which, armored car service or related services will be offered or provided;

(2) consideration of changes or revisions in the prices at which, or the contractual terms or conditions upon which armored car service or related services will be offered or provided; and

(3) whether any bid or price quotation will or will not be submitted to any person for armored car service or related services.

C. For a period of ten (10) years from the entry of this Final Judgment, defendants are enjoined and restrained from communicating with any other person engaged in the business of providing armored car service concerning current prices at which, or current terms or conditions upon which, armored car services or related services are provided except as permitted by Section V hereof.

V

Nothing in this Final Judgment shall prohibit defendants from:

A. Complying with any order or regulation of the United States Interstate Commerce Commission, state public utility regulatory authority or any similar local, state or federal regulatory authority having jurisdiction over the defendants, or taking any action in accordance with the practices or procedures authorized or contemplated by Section 5a of the Interstate Commerce Act (49 U.S.C. 5b) and the regulations thereunder (49 C.F.R. 1331);

B. Exchanging information or agreeing with any other person engaged in the business of providing armored car service or related services, or both, regarding the coordinating and scheduling of pickups, deliveries or exchanges of cargoes between defendants and any such person;

C. Engaging in necessary communications with any other person engaged in the business of providing armored car service or related services, or both, in the course of, and related to, negotiating for, entering into, or carrying out a contract pursuant to which one of said persons agrees to provide armored car service or related services, or

both, for or on behalf of the other said person;

D. Exchanging information necessary to conduct joint labor negotiations and collective bargaining under the federal labor laws with any other person engaged in the business of providing armored car service or related services; however, nothing herein shall authorize discussion of future prices or future bids or quotations to be submitted to any person by an armored car service or related services company;

E. Engaging in necessary communications with any other person engaged in the business of providing armored car service or related services in the course of, and related to, negotiating for, entering into, or carrying out a contract pursuant to which defendants would acquire or be acquired by such other armored car service or related services company;

F. Engaging in necessary communications with any other person engaged in the business of providing armored car service or related services for the purpose of proposing or supporting legislation or the adoption or modification of local, state or Federal rules, regulations or policies relating to the provision of armored car service or related services; however, nothing in this subparagraph F shall authorize discussion of future prices or future bids or quotations to be submitted to any person by an armored car service or related services company;

G. Submitting to a customer a bid for armored car service or related services which is jointly entered with any other person engaged in the business of providing armored car service or related services in cases where defendants do not operate in the entire area of service contemplated by the bid, and the customer has notice that the bid is jointly entered; or

H. Participating in a bidding conference conducted by a customer or potential customer.

VI

The injunctions contained in this Final Judgment shall not apply to relations solely between either defendant and a parent, subsidiary or affiliate of, or corporation under common control with, such defendant, or between the officers, directors, agents and employees thereof.

VII

For a period of five (5) years from the date of entry of this Final Judgment, each defendant is ordered to make and maintain an annual record of the steps such defendant has taken during the preceding year to advise its appropriate officers, directors and employees of its and their obligations under this Final Judgment.

VIII

Each defendant is ordered and directed to:

A. Furnish a copy of this Final Judgment to each of its officers and directors and to each of its agents and employees having sales, supervisory and/or pricing responsibility for armored car service or related services, or both, within ninety (90) days after the date of entry of this Final Judgment;

B. Furnish a copy of this Final Judgment to each successor to those persons described in subparagraph A hereof within thirty (30) days after each such successor is employed by or becomes affiliated with such defendant insuch capacity;

C. Obtain from each such person furnished a copy of this Final Judgment pursuant to subparagraphs A and B hereof a signed receipt therefor which receipt shall be retained in the defendant's files;

D. Attach to each copy of this Final Judgment furnished pursuant to subparagraphs A and B hereof a statement advising each person of his obligations and of such defendant's obligations under this Final Judgment, and of the criminal penalties which may be imposed upon him and/or upon such defendant for violation of this Final Judgment;

E. Establish and implement a plan for monitoring compliance with the terms of this Final Judgment, by the persons described in subparagraphs A and B hereof; and

F. File with this Court and serve upon the plaintiff within one hundred and twenty (120) days after the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subparagraphs A, C, and D hereof.

IX

A. For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to either defendant made to its principal office, be permitted, subject to any legally recognized privilege:

1. Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents relating to any matter contained in this Final Judgment in the possession or under the control of such defendant, which may have counsel present; and

2. Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners or employees of such defendant, who may have counsel present, regarding any such matter.

B. Each defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports, in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment, as may from time to time be requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by either defendant to plaintiff, said defendant represents and identifies in writing the material in any such information or documents which is of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under the Federal Rules of Civil Procedure", then 10 days notice shall be given by plaintiff to said defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which said defendant is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction of any of the provisions thereof, for the enforcement of compliance therewith and for the punishment of violations thereof.

XI

Entry of this Final Judgment is in the public interest.

This —— day of ———, 1979.

United States District Judge.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

United States of America, Plaintiff, v. *Brink's, Inc.*, and *Wells Fargo Armored Service Corporation*, Defendants.

Civil Action: C77-1027A

Filed: March 5, 1979

PROPOSED CONSENT JUDGMENT; COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties act [15 U.S.C. §§ 16(b)-(h)], the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of This Proceeding

On June 21, 1977, the Department of Justice filed a civil action under Section 4 of the Act of Congress of July 2, 1890, as amended [15 U.S.C. § 4], commonly known

as the Sherman Act, against Brink's, Inc. ("Brink's") and Wells Fargo Armored Service Corporation ("Wells Fargo"). The complaint alleges that beginning at least as early as 1968 and continuing thereafter at least until August 1975, the defendants and co-conspirators engaged in a continuing combination and conspiracy in restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act [15 U.S.C. § 1]. The suit seeks a judicial determination that the defendants and co-conspirators have engaged in the alleged unlawful combination and conspiracy and requests the Court to order that each defendant, including any subsidiaries, its officers, directors, employees, agents, successors, and assigns, and all persons acting or claiming to act on behalf thereof, be perpetually enjoined from continuing, maintaining or renewing the alleged unlawful combination and conspiracy and from engaging in any other combination, conspiracy, agreement or understanding having a similar purpose or effect.

Entry of the proposed consent judgment by the Court will terminate the action. In connection with the proposed judgment, the Court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify, or enforce the judgment or to punish violations of any of the provisions of the judgment.

II. Description of the Practices Giving Rise to the Alleged Violation of the Sherman Act

The defendant Brink's is a Delaware corporation having its principal corporate headquarters at Greenwich, Connecticut and is engaged in the business of providing armored car and related services to customers in various parts of the United States.

Wells Fargo is also a Delaware corporation engaged in the business of providing armored car and related services to customers in various parts of the United States. Wells Fargo maintains its principal corporate headquarters at Atlanta, Georgia.

By engaging in the armored car service industry, these defendants arrange for and provide ground transportation of valuables by armored vehicle under guard. These valuable cargoes usually consist of such items as coins, currency, precious metals and stones, negotiable instruments and securities. Customers utilizing the services of these defendants include banks, brokerage firms, savings and loan associations, governmental agencies, merchants and manufacturers. In addition to the armored car services described above, these two defendants provide their customers with related services including coin sorting and wrapping, preparation and distribution of payrolls, air courier service (which is the arranging for and providing of air transportation of valuable items under guard) and ground courier service (which is the arranging for and providing of transportation of items of small monetary value, such as canceled checks, computer data and mail, by station wagon, panel truck, or other non-armored vehicle).

In 1974 the defendants and their corporate affiliates realized combined gross revenues of approximately $150 million from the sale of armored car and related services in the United States.

The complaint alleges that the defendants and co-conspirators, consisting of their corporate affiliates and individuals employed either by the defendants or by their affiliated corporations, engaged in a combination and conspiracy the substantial terms of which were to divide, allocate, and apportion customers among the defendants and the co-conspirator corporations in the United States and to submit collusive, noncompetitive, and rigged bids and price quotations for the providing of armored car and related services in the United States.

The Government would seek to prove at trial that at least as early as 1968, Brink's and Wells Fargo had arrived at and were implementing a mutual understanding that the companies would refrain from competing for each other's armored car and related services customers. The Government is aware of no geographic limit on the scope of the understanding, and implementation of it shows that it applied to all existing armored car and related services customers of both companies throughout the 50 United States. This included not only those customers located in areas in which both companies operated but also those customers located in areas in which only one of the two companies operated. The understanding or conspiracy did not generally extend to refraining from competing for new business, *i.e.*, customers who were not being served by either Brink's or Wells Fargo.

The Government would also seek to prove at trial that, as part of the overall conspiracy, it was understood by the co-conspirators that Brink's and Wells Fargo would submit collusively rigged bids and price quotations to customers of armored car or related services when necessary to avoid competing for such customers. In implementing the conspiracy, Brink's and Wells Fargo did frequently submit artificially inflated and rigged bids and price quotations to customers seeking competitive bids or price quotations for armored car or related services. Information concerning specific customers' price rates and service requirements was often exchanged between representatives of Brink's and Wells Fargo to facilitate the submission of such artificially inflated and rigged bids and price quotations. Such information was exchanged, at various times, both in person and over the telephone. In otherwise implementing the conspiracy, Brink's and Wells Fargo also generally refrained from soliciting each other's customers and used various devices, in addition to inflated prices, to discourage existing customers from changing service companies.

The complaint alleges that the effects of this combination and conspiracy have been, among other things, to: (a) restrain competition among the defendants and the co-conspirator corporations in the armored car service industry in the United States; (b) restrict the freedom of customers to do business with armored car companies of their choice in the United States; and (c) stabilize and maintain prices charged by the defendants and the co-conspirator corporations at artificially high and non-competitive levels.

The complaint requests the Court to find that the defendants and co-conspirators have entered into a combination and conspiracy in unreasonable restraint of interstate trade and commerce in the provision of armored car and related services to customers in the United States in violation of Section 1 of the Sherman Act [15 U.S.C. § 1]. The complaint also requests the Court to enjoin and restrain each defendant, including any subsidiaries thereof, its officers, directors, employees, agents, successors, and assigns and all persons acting or claiming to act on behalf thereof, from continuing, maintaining, or renewing the combination and conspiracy and from engaging in any other combination, conspiracy, agreement, or understanding having a similar purpose or effect.

III. Explanation of the Proposal for a Consent Judgment and its Anticipated Effects on Competition

The United States and the defendants have stipulated that the proposed consent judgment, in the form negotiated by and between the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. the stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(e)], entry of the proposed judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

The proposed consent judgment provides for substantially all of the relief which the United States could have expected to receive if this case had been tried. The provisions of the judgment are specifically made applicable to each defendant's directors, officers, agents and employers, each defendant's subsidiaries, successors, and assigns, their respective directors, officers, agents and employees, and all persons in active concert or participation with them who receive actual notice of the judgment.

Section IV(A)(1) of the proposed consent judgment enjoins each defendant from entering into, adhering to, claiming or maintaining any right under any agreement or understanding or concert of action with any other person engaged in the business of providing armored car service to divide, allocate, or apportion customers, territories or

markets for armored car service or related services in the United States. Section IV(A)(2) of the proposed consent judgment prohibits each defendant from entering into, adhering to, claiming or maintaining any right under any agreement, undertaking or concert of action with any person engaged in the business of providing armored car service to submit collusive, non-competitive and rigged bids or price quotations or to refrain from submitting any bids or price quotations to customers for armored car service or related services in the United States.

The anticipated effect of Sections IV(A)(1) and (2) is to free the marketplace of the collusive activity by the defendants and their co-conspirators thereby allowing the normal competitive forces to dictate its operation. The sections are drafted not only to prohibit collusive conduct aimed at customer allocation and bid rigging between the defendants and their co-conspirators in this case, but also between either defendant and any other person engaged in the business of providing armored car service. These sections prohibit the conduct which the Government would have contended at trial constituted *per se* violations of the Sherman Act and denied customers of armored car and related services the benefits of free and open competition in that industry.

Section IV(B) of the proposed consent judgment prohibits both defendants from communicating with any other person engaged in the business of providing armored car service concerning, among other things, future prices at which, or contractual terms or conditions upon which, armored car or related services will be provided or offered. In addition, the defendants are prohibited from engaging in any communication with any person engaged in the business of providing armored car service concerning whether any bid or price quotation will be submitted to any person for armored car service or related services. Finally, Section IV(C) prohibits both defendants from communicating (for a period of ten years) with any other person engaged in the business of providing armored car service concerning current prices at which, or current contractual terms and conditions upon which, armored car service or related services are provided.

Sections IV (B) and (C) are designed to have the effect of prohibiting the conduct by which the defendants allegedly carried out the anticompetitive agreement to allocate customers and rig bids and price quotations which is the subject of this suit. These safeguards offer additional assurances that the proposed judgment will restore competitive conditions to the armored car and related services industry by prohibiting the means and methods by which the anticompetitive agreement was effectuated.

The removal of these artificial restraints from the market will restore to the customer the freedom of chosing the company from which it wishes to purchase armored car and related services and should result in increased competition in the market with respect to those terms, in the form of increased and more efficient service at reduced prices to the customer.

Recognizing that to some degree the armored car and related services industry is subject to the authority of local, state and federal regulatory agencies, Section V of the proposed consent judgment limits the scope of the prohibitions contained in Section IV to make clear that compliance with orders or regulations of the Interstate Commerce Commission or other local, state or federal regulatory authority is not prohibited. In addition, the defendants are not prohibited from communicating with respect to or performing *bona fide* subcontracts with or for any person engaged in the business of providing armored car and related services or from exchanging information or agreeing with any other person involved in the industry regarding the coordinating and scheduling of interconnect services between either defendant and any such persons. *Bona fide* subcontract relationships and interconnect dealings between persons in this industry are common and are not seen as having any substantial anticompetitive effects. Normally, these practices actually make available to customers of armored car and related services, services which would not otherwise be available to them or would be available only at substantially increased costs. Therefore, it is important that these practices not be restrained by any judgment entered in this case, and Sections V (B) and (C) of the proposed consent judgment acknowledge that neither defendant is prohibited from engaging in such conduct by this decree.

In order to further protect the legitimate business interest of both defendants, subparagraphs D and E of Section V simply specify that the injunction does not extend to communications necessary to *bona fide* joint labor negotiations (provided such communications do not involve future prices or future bids or quotations) or to *bona fide* negotiations for the acquisition or sale of a firm engaged in the business of providing armored car service or related services. In addition, subparagraph G of Section V authorizes the submission of jointly entered bids in cases where the defendant submitting the bid does not operate in the entire area of service contemplated by the bid, provided the customer has notice that the bid is jointly entered. Each of these dealings between persons in this industry is common, and, when carried out in good faith, is not seen as having any substantial anticompetitive effects. In particular, the practice of submitting jointly entered bids, where the bidding defendant does not operate in the entire area of service contemplated by the bid, actually increases the availability of armored car service and related services to the customer.

Subparagraph H of Section V authorizes the defendants to participate in bidding conferences conducted by a customer or potential customer, a practice which should actually increase price competition in the market.

Finally, subparagraph F of Section V insures that nothing in the decree is designed, or should be interpreted, to restrain either defendant's exercise of its right to engage in communications necessary to propose or support the adoption or modification of local, state or Federal legislation or the adoption or modification of local, state or Federal rules, regulations or policies relating to the provision of armored car service or related services, provided such communications do not involve discussions of future prices or future bids or quotations.

In order to insure continued compliance with the terms of the judgment, upon written request of the Government, both defendants are required to allow attorneys for the Government to inspect and copy their business records and to interview their officers and employees. Each defendant is ordered to provide (within ninety (90) days after the entry of the judgment) a copy of the final judgment to each of its officers and directors and to each of its employees having sales, supervisory and/or pricing responsibility for armored car service or related service, along with a statement advising each such person of his and the defendant's obligations under the judgment and of the criminal penalties which may be imposed upon him and the defendant for violation of the judgment. For a period of five years, each defendant is also required to make and maintain annual records of the steps it has taken during the preceding year to advise its appropriate officers, directors and employees of its and their obligations under the judgment. Furthermore, upon request by the Government, each defendant must submit written reports with respect to any matter contained in the judgment. Finally, the judgment provides that this Court shall retain jurisdiction of this matter for the purpose of interpreting, modifying, and enforcing compliance with the provisions of the judgment as well as punishing any violations of its terms.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act [15 U.S.C. § 15] provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages sustained, as well as costs and reasonable attorney fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions, nor will it have any effect on pending actions. Under the provisions of Section 5(a) of the Clayton Act [15 U.S.C. § 16(a)], this consent judgment has no *prima facie* effect in any lawsuit

which might be brought or is currently pending against these defendants.

On February 23, 1978, Brink's, Wells Fargo and Purolator Services, Inc., announced that they had reached an agreement with the named plaintiffs in 15 pending class action antitrust civil suits, which, if approved by the Court, would create a fund of $11.8 million to be shared by a nationwide class of all commercial, state and local governmental purchasers of armored car service and related services. This settlement must be approved by the Court and all class members notified and given the opportunity to "opt-out" of the settlement. The entry of the proposed consent judgment will have no effect on the settlement of the class action suits or on any future suit instituted on behalf of any private plaintiff not a member of the class or who "opts-out" of the class.

V. Procedures Available for the Modification of this Proposal

As provided by the Antitrust Procedures and Penalties Act, within 60 days of the submission of the proposed consent judgment and this Competitive Impact Statement, any person, believing that the proposed consent judgment should be modified, may submit written comments to Donald A. Kinkaid, Chief, Atlanta Field Office, United States Department of Justice, Antitrust Division, Suite 420, 1776 Peachtree Street, N.W., Atlanta, Georgia 30309, who will file such comments, and the response by the United States thereto, with the Court and publish them in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification is appropriate.

The proposed consent judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for such orders as may be necessary or appropriate for its modification, interpretation, or enforcement.

VI. Alternative Remedies Considered By The Government

The United States did not actually consider any alternatives to the proposed consent judgment now being filed (other than prior drafts containing substantially the same relief, but with minor language differences), since the judgment provides all of the relief sought by the United States. The alternative to the entry of the proposed judgment is a full trial of the issues on the merits and the relief sought.

VIII. Materials or Documents Which Were Determinative in Formulating the Proposal for a Consent Judgment

Inasmuch as there are no materials or documents which were determinative in formulating the proposal for a consent judgment, none are being filed by the United States pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)].

Dated: MARCH 5, 1979.

Respectfully submitted, Charles C. Murphy, Jr., John T. Orr, Jr., James M. Griffin, *Attorneys, Antitrust Division, U.S. Department of Justice, Suite 420, 1776 Peachtree Street, N.W., Atlanta, Georgia 30309, Telephone: 404-881-3828, FTS: 257-3828,*

[FR Doc. 79-7844 Filed 3-14-79; 8:45 am]

[4410-18-M]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

INCAPACITATION AS CRIME CONTROL STRATEGY

Program Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a solicitation for research proposals on incapacitation as a crime control strategy. This solicitation has a closing date of May 1, 1979. Interested researchers may obtain a copy of the solicitation by writing to:

NCJRS, Program Announcement No. 79-106, A Research Progam on Incapacitation, Box 6000, Rockville, Maryland 20850.

This program will award only grants.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 79-7845 Filed 3-14-79; 8:45 am]

[4410-18-M]

INVESTIGATIVE INFORMATION AND BEHAVIOR

Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant aimed at improving knowledge regarding investigative information and behavior. The ultimate objective is to develop information that will be helpful to administrators and policy-makers in upgrading the criminal investigation process.

The solicitation asks for the submission of a preliminary proposal rather than a concept paper or a full proposal. One or more full proposals will be requested from the preliminary proposal authors following reviews of these papers. In order to be considered, a preliminary proposal must be received by the National Institute no later than May 30, 1979. One grant, between $250,000-$275,000, will be awarded for an 18 month period.

Additional information and copies of the solicitation can be obtained by contacting Shirley Melnicoe, Police Division, NILECJ, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (301) 492-9110.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 79-7846 Filed 3-14-79; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

SPECIAL PROJECTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Special Projects Advisory Panel to the National Council on the Arts will be held April 5, 6, and 7, 1979, from 9:00 a.m. to 5:30 p.m., in room 1422, Columbia Plaza, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: March 9, 1979.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-7847 Filed 3-14-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE EVENT

Degraded Engineered Safety Systems

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10950). The third general criterion states that major deficiencies in design, construction, use of, or management controls for licensed facilities * * * can be considered an abnormal occurrence. The following description of the event also contains the remedial actions taken.

Date and Place—The event which raised the safety concerns occurred on September 16, 1978, at the Arkansas Nuclear One (ANO) site and involved both Unit 1 and Unit 2. Arkansas Power and Light Company (AP&L) provided preliminary information to the NRC by telephone on September 19, 1978.

Nature and Probable Consequences—On September 16, 1978, an unusual sequence of events occurred at Arkansas Nuclear One, Units 1 and 2. The events involved the electrical power sources and culminated in the spurious activation and degraded operation of Unit 2 Engineered Safety Features (ESF). Analysis of the course of the incident has identified serious deficiencies in the electrical distribution system operation and design. No radiological consequences occurred and the likelihood of such an occurrence was very low.

However, three safety concerns emerged from the analysis of these events:

(1) The offsite power supply for ANO Unit 1 Engineered Safety Feature loads was deficient in that degraded voltage could have resulted in the unavailability of ESF equipment, if it were to be needed.

(2) The design of the ANO site electrical system that provides offsite power to Units 1 and 2 did not fully meet the Commission's Regulations, 10 CFR 50, Appendix A, General Design Criterion 17, because in certain circumstances a failure of one of the two offsite power circuits would also result in a failure of the other such circuit.

(3) Deficiencies existed in the operation of the Unit 2 inverters that convert battery power to AC power for certain safety-related equipment.

The sequence of events was as follows: Unit 1 was operating at 100 percent power; Unit 2 was in hot standby performing hot functional testing in preparation for initial critically and power operation.[1] Unit 1 auxiliary electrical loads were being supplied from the Unit 1 main generator via the unit auxiliary transformer. Unit 2 auxiliary electrical loads were being fed from an offsite source through Startup Transformer No. 3. The normal operating status was interrupted by the failure of the Unit 1 Loop "A" Main Steam Line Isolation Valve (MSIV) air operator solenoid causing the MSIV to close as designed. The Unit 1 Reactor Protection System properly sensed the conditions requiring reactor shutdown and tripped the reactor. The Unit 1 turbine-generator tripped concurrently. Because the Unit 1 generator could no longer supply power for the Unit 1 auxiliary loads, these loads were automatically transferred to Startup Transformer No. 1 to supply this power from offsite. The sequence of events should have ended at this point.

The power to Startup Transformer No. 3, which was feeding Unit 2, and to Startup Transformer No. 1, now feeding Unit 1, normally passes through a single piece of equipment, the Bus Tie Auto-Transformer. (Figure 1 shows a simplified block diagram of the principal electrical equipment involved in the sequence of events.) The Auto-Transformer has the capacity to provide power for both units, but due to an error, the protective relays were still adjusted for the operation of Unit 1 only. As a result, when both units drew power concurrently, these protection relays tripped and cut off power to Startup Transformer Nos. 1 and 3.

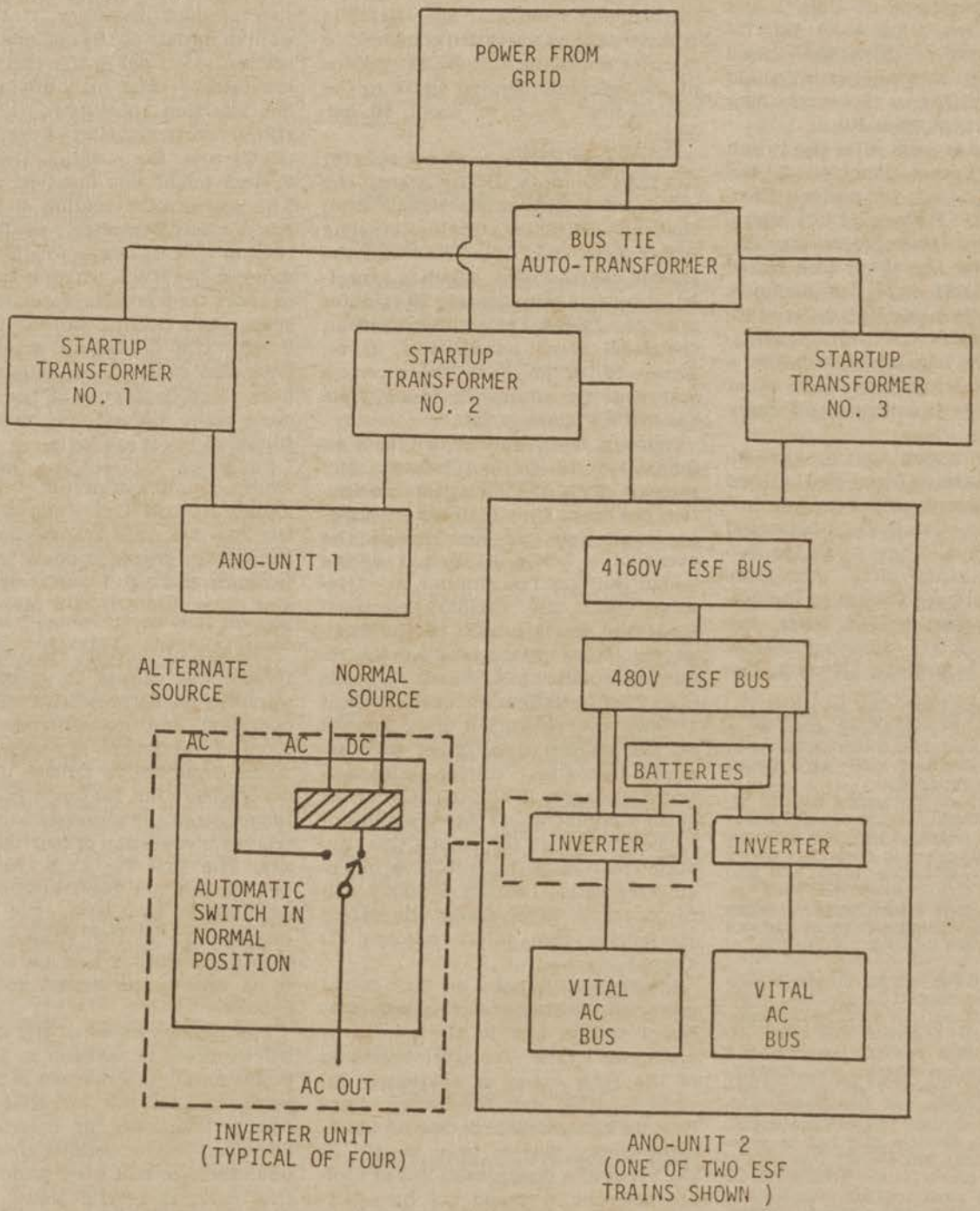
Startup Transformer No. 2, also shown in Figure 1, thus became the only source of offsite power for both Units 1 and 2. The onsite switching equipment automatically transferred the auxiliary loads for both units to this transformer. However, this transformer is designed as an alternate supply for one unit and is not designed to carry full auxiliary loads for both units. For this reason, Startup Transformer No. 2 became overloaded and the voltage dropped on the station distribution system for offsite power. At this time and during most of the incident, operating personnel at both units were unaware of the degraded voltage[2] condition due to the overloaded Startup Transformer No. 2.

[1] The Unit 2 Operating License did not permit criticality or power operation at the time of the incident.

[2] Two other events involving degraded voltage for ESF equipment occurred at Millstone Unit 2 in July 1976. These events were reported as an abnormal occurrence (No. 76-9) in NUREG-0900-5, Report to Congress on Abnormal Occurrences, July-September 1976.

[7590-01-C]

7590-01



SIMPLIFIED BLOCK DIAGRAM - ELECTRIC DISTRIBUTION

FIGURE 1

[7590-01-M]

The events to this point demonstrated the design deficiency described in safety concern (2) above. That is, for certain combinations of Unit 1 and Unit 2 operation [3] a loss of the Bus Tie Auto-Transformer, which was caused in this case by personnel error, would automatically lead to the overloading of Startup Transformer No. 2.

At Unit 2, 8 seconds after the switch to Startup Transformer No. 2, the relays [4] which act to protect Engineered Safety Feature (ESF) equipment from low (degraded) voltage disconnected and therefore deenergized both Unit 2 ESF buses [5] as designed. At the same time, the Unit 2 Core Protection Calculator (CPC) instrumentation registered trips which indicated a loss of AC power to the circuits [6] that supply at least two instrument channels.

The loss of power on two vital instrument buses, which also caused CPC trips, caused, as designed, a failsafe actuation of all Unit 2 Engineered Safety Features. Thus, when the two Unit 2 emergency diesel generators started and provided power to the previously deenergized ESF buses, the Engineered Safety Features equipment began to operate. However, due to inverter failures, premature activation of the Recirculation Actuation System (RAS) occurred which momentarily opened a flow path between the Refueling Water Tank (RWT) and the containment sump. ESF operation and premature RAS operation combined to transfer approximately 60,000 gallons of the refueling borated water to the containment sump in about 90 seconds.

The normal design sequence calls for the RAS to automatically change the valve lineup only when signals from the level instruments on the Refueling Water Tank (RWT) indicate that the tank is nearly empty, which is expected to occur approximately 30 minutes after the LOCA. During this incident, the RAS acted immediately in response to the failure of the inverters and made the change in lineup while the RWT was nearly full.

Initially, the sequence of events on September 16 did not indicate any problem with the electrical distribution system of Unit 1. However, subsequent analysis indicated that in the event of a LOCA at Unit 1 during which Startup Transformer No. 1 received both the auxiliary electrical loads and starting loads of the Engineered Safety Features a voltage reduction would result. The safety loads might not initially transfer to the Unit 1 diesel generators but could remain on the startup transformer with reduced (degraded) voltage. Although there is margin in the sizing of emergency equipment and the conditions of operation of such equipment, this situation could cause fuses to blow in Engineered Safety Feature circuits which could result in disabling the safety equipment. (See safety concern (1) above.)

Inverter deficiencies on Unit 2 had remained undetected during preoperational testing and in the course of events led to the premature operation of the RAS valves as previously described. Had the Emergency Core Cooling System and/or the Containment Spray System been needed in the event of a design basis loss of coolant accident, it would not have performed as designed because of the premature RAS valve actuation. ESF degradation on Unit 2 did not involve a threat to the health and safety of the public because Unit 2 was preoperational and had no radioactive fission product inventory in the core. However, there was no assurance that the inverter deficiencies which caused the premature operation of the RAS valves would have been corrected prior to Unit 2 power operation. (See safety concern (3) above.)

In the event of a LOCA with a fission product inventory, if the RAS were to initiate at the beginning of the accident, as it did in this incident, the low pressure and high pressure coolant injection subsystems (LPCI and HPCI) of Emergency Core Cooling (ECC) and the Containment Spray System might not function properly. The premature actuation of the RAS has not been completely analyzed. Actuation of RAS causes isolation of the water in the RWT, which is the source of short term cooling water for Emergency Core Cooling and Containment Spray. The premature actuation of RAS also causes these pump suction lines to be connected to the containment sump when there may not be sufficient water available.

Cause or Causes—The immediate causes of the undesirable event at Arkansas Nuclear One were: (1) loss of the Bus Tie Auto-Transformer which resulted in degraded power operation through Startup Transformer No. 2, and (2) multiple Unit 2 inverter failures.

The loss of the Bus Tie Auto-Transformer was caused by inappropriate setpoints for its protective relays. The operation and maintenance of this piece of equipment is assigned to an AP&L organization outside of Arkansas Nuclear One. No one within AP&L remembered the necessity to reset the relays for operation of two units at the site. The Bus Tie Auto-Transformer failure had not been adequately reviewed prior to this event in that the overloading of the shared Startup Transformer No. 2 had not been identified during the design and review process.

The primary cause of the failure of the inverters to perform as a reliable power supply was the lack of adequate preoperational test procedures, inadequate knowledge of inverter operation and lack of maintenance control (maintenance had been performed on the inverters several times prior to this event).

The deficiency in the Unit 1 emergency power design had not been previously considered.

Actions Taken To Prevent Recurrence

Licensee—The Bus Tie Auto-Transformer overcurrent relays were reset to

[3] These combinations were: 1. Both units in either startup or shutdown mode, or; 2. trip of one unit while the other is in either the startup or shutdown mode, or; 3. Simultaneous trip of both units.

[4] These relays are the second level of undervoltage protection required as a result of the NRC staff review of the 1976 Millstone 2 degraded voltage event. Corrective design changes (i.e., undervoltage relays and loan sequencing to offsite power) had been implemented on Unit 2 for degraded voltage protection. These design changes had not been implemented on Unit 1 at the time of the event.

[5] The ESF buses supply power to the plant's safety equipment.

[6] Each one of the four CPC instrumentation circuits receives power from a vital AC bus which in turn receives power from a battery through an inverter that converts DC power to AC power. Each inverter normally provides power through a circuit with access to both an ESF bus and the station batteries. Each inverter also has an automatic switch that can cut off this normal supply circuit and shift the loads to an alternate supply circuit, which includes just the ESF bus. (See insert on Figure 1.) With both Unit 2 ESF buses momentarily deenergized the only source of instrument power was from the station batteries through the normal switch position. However, although the exact cause is unknown, all four inverter automatic switches were found in the alternate position. Three of four inverters had improper settings on time delay relays and one inverter had the undervoltage trip setting too high, which may have in part been the cause.

provide for correct operation of both Unit 1 and Unit 2 on September 26, 1978.

On October 6, 1978 representatives of Arkansas Power and Light Company and the NRC met at Bethesda, Maryland to discuss the September 16, 1978 incident. At that meeting the licensee committed to the following:

(1) Investigate and correct the problems with inverters at Unit 2 prior to initial criticality.

(2) Evaluate the adequacy of the inverters at Unit 1.

(3) Implement procedures for the protection of plant equipment in the event both Unit 1 and Unit 2 are transferred to Startup Transformer No. 2.

The licensee installed an Engineered Safety Feature load sequencer to prevent overloading the startup transformers on October 31, 1978.

NRC—The NRC has reviewed and approved corrective actions taken by the licensee. The licensee was cited for an infraction of Unit 2 Technical Specifications because of the lack of written procedures for the surveillance and test activities related to the inverters.

The NRC determined that the operation of the offsite electrical system did not fully meet the design criteria and discussed alternatives with the licensee to correct the problems. The NRC approved the licensee actions dealing with the operation of Startup Transformer No. 2 and issued a confirmatory order for the installation of an Engineered Safety Feature load sequencing to offsite power on Unit 1 by October 31, 1978.

The NRC undertook a telephone survey to determine if other licensees had voltage drop problems, such as those found for Unit 1. The survey results did not reveal any problems. The existing NRC generic review activity regarding Degraded Voltage is being expanded to ensure that adequate voltage will be available at the ESF buses during all electrical starting transients including voltage degradation resulting from overloading due to automatic switching such as the Arkansas Nuclear One incident with the shared startup transformer (Startup Transformer No. 2).

The NRC has issued an IE Circular to inform licensees/applicants of the problems experienced by ANO inverters for vital buses. Included for consideration by the licensees/applicants is the need for proper settings of the relays and time delays and the need for administrative controls that will ensure operability of the safety systems after its subcomponents have been subjected to maintenance or testing.

Dated at Washington, D.C., this 6th day of March 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-7803 Filed 3-14-79; 8:45 am]

[7590-01-M]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EVALUATION OF LICENSEE EVENT REPORTS

Change of Meeting Date

The meeting of the ACRS Subcommittee on Evaluation of Licensee Event Reports scheduled to be held on March 23-24, 1979 has been rescheduled to being on March 22 and continue through March 23-24.

The following session has been added to the agenda:

THURSDAY, MARCH 22, 1979

7 P.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will neet in open Executive Session with its consultants to review discussions held at the March 1-2, 1979 meeting. This session is intended to provide background information for those consultants who were unable to attend the prior meeting.

All other items regarding this meeting remain the same as announced in the FEDERAL REGISTER on March 8, 1979 (44 FR 12783).

Dated: March 9, 1979.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc. 79-7804 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Dockets Nos. 50-313 and 50-368]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendments to facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 40 and 8 to Facility Operating Licenses Nos. DPR-51 and NPF-6, issued to Arkansas Power & Light Company (the licensee), which revised the licenses for operation of Arkansas Nuclear One, Units Nos. 1 and 2 (ANO-1 & 2) located in Pope County, Arkansas. The amendments become effective on February 23, 1979.

The amendments incorporate the "Arkansas Nuclear One Industrial Security Plan, January 11, 1979" into the licenses.

The licensee's filing 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 reguations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any signficiant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact apprisal need not be prepared in connection with issuance of these amendments.

The licensee's filing dated January 11, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 40 to License No. DPR-51 and Amendment No. 8 to License No. NPF-6, and (2) the Commission's related letter to the licensee dated February 23, 1979. 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 Arkansas Polytechnic College, Russellville, Arkansas. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Reguatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated this 23d day of February, 1979.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7805 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Dockets Nos. 50-317 and 50-318]

BALTIMORE GAS & ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 37 and 20 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas & Electric Company (the licensee), which revised the licenses for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facility), located in Calvert County, Maryland. The amendments are effective as of the date of issuance.

The amendments add a license condition to License No. DPR-53 and modify License No. DPR-69 to include the Commission-approved physical security plan as part of the licenses.

The licensee's filings comply 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 the amendments.

The licensee's filing dated February 10, 1978, revised July 7, 1978, November 6, 1978, February 14, 1979, and February 20, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment Nos. 37 and 20 to License Nos. DPR-53 and DPR-69 and (2) the Commission's related letter to the licensee dated February 28, 1979. 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 Calvert County Library, Prince Frederick, Maryland. A copy of items (1) and (2) 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 February, 1979.

For the Nuclear Regulatory Commision.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7806 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 43 and 40 to Facility Operating License Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) which revise Technical Specifications for Zion Station, Unit Nos. 1 and 2, located in Zion, Illinois. The Amendments are effective as of the date of issuance.

These amendments allow the containment equipment hatch of the containment building to remain open during refueling operations at each of these units and require auxiliary building ventilation through charcoal filters when irradiated fuel is being handled.

The applications for these amendments comply 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 amendments. Prior public notice of this action was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant enviromental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal is not required for these amendments.

For further details see (1) the applications for amendments September 21, 1978, (2) the above cited amendments and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. 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 2nd day of March, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7807 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket No. 50-255-SP]

CONSUMERS POWER CO.

Establishment of Atomic Safety and Licensing Board to Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

CONSUMERS POWER CO.

(Palisades Nuclear Plant)

Provisional Operating License No. DPR-20

This action is in reference to a notice published by the Commission on January 29, 1979, in the FEDERAL REGISTER (44 FR 5732) entitled "Proposed Issuance of Amendment to Provisional Operating License".

The Chairman of this Board and his address is as follows:

Charles Bechhoefer, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555.

The other members of the Board and their addresses are as follows:

Dr. George C. Anderson, Department of Oceanography, University of Washington, Seattle, Washington 98195.

Dr. M. Stanley Livingston, 1005 Calle Largo, Santa Fe, New Mexico 87501.

Dated at Bethesda, Maryland, this 9th day of March, 1979.

JAMES R. YORE,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 79-7808 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Dockets Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 69, 69, and 66 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company (the licensee), which revised the Technical Specifications for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3 (the facility), located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the Appendix B Technical Specifications by deleting the Aquatic Surveillance Program and special study programs.

The application for the amendments 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 finding as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action. The impact of the facility was predicted and described in the Commission's Final Environmental Statement for the Oconee Nuclear Station.

For further details with respect to this action, see (1) the application for amendments dated December 2, 1977, as supplemented September 11, 1978, (2) Amendments Nos. 69, 69, & 66 to Licenses Nos. DPR-38, DPR-47, DPR-55, respectively, and (3) the Commission's related Environmental Impact Appraisal. 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 Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. 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 2nd day of March, 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7809 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Dockets Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 68, 68, and 65 to the Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments become effective on February 23, 1979.

The amendments add a license condition to include the Commission-approved security plan as part of each license.

The licensee's filing 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 the issuance of these amendments.

The licensee's filing dated November 19, 1977, as revised February 1, 1978, September 15, 1978, and February 14, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendments Nos. 68, 68, and 65 to Licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, and (2) the Commission's related letter to the licensee dated February 23, 1979. 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 Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. A copy of items (1) and (2) 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 23rd day of February, 1979.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7810 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Dockets Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 70, 70 and 67 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments to the Release of Liquid Radioactive Waste Technical Specifications reflect the installation of a new instrument to continuously monitor radioactive releases, and include editorial changes for clarification.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 9, 1978, (2) Amendments Nos. 70, 70, and 67 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, 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 Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691. 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 6th day of March, 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7811 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the facility) has issued Amendment No. 30 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the license for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of the date of issuances.

The amendment modifies the license to include the current Commission-approved physical security plan.

The licensee's filing 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 to be prepared in connection with issuance of this amendment.

The licensee's filing dated October 18, 1978, revised February 20, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 30 to License No. DPR-67 and (2) the Commission's related letter to the licensee dated February 28, 1979. 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 Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (1) and (2) 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 February 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7812 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket No. 50-382-OL]

LOUISIANA POWER AND LIGHT CO. (WATERFORD STREAM ELECTRIC STATION, UNIT 3)

Hearing on Issuance of Facility Operating License

On January 2, 1979, at 44 FR 125, the Staff of the Nuclear Regulatory Commission published a notice which, *inter alia*, stated that the Commission had received an application for a facility operating license from Louisiana Power and Light Company (Applicant) to possess, use and operate the Waterford Steam Electric Station, Unit 3, a pressurized water nuclear reactor, located on Applicant's site in St. Charles Parish, Louisiana. The reactor is designed to operate at a core power level of 3390 megawatts thermal, with an equivalent net electrical output of approximately 1104 megawatts.

The notice stated the Commission will consider the issuance of a facility operating license which would author-

ize the applicant to possess, use and operate the Waterford Station, Unit 3, in accordance with the provisions of the license and the technical specifications appended thereto. The notice provided that by February 1, 1979 any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. On February 12, 1979, an Atomic Safety and Licensing Board was established to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event a hearing was ordered. The Board members are Dr. Walter H. Jordan, Dr. Harry Foreman, and Sheldon J. Wolfe, who will serve as Chairman of the Board.

Save our Wetlands, Inc. and the Oystershell Alliance, Inc. filed a joint petition for leave to intervene and the Louisiana Consumer's League, Inc. filed a petition for leave to intervene. As indicated in our Memorandum and Order of March 7, 1979, the Atomic Safety and Licensing Board ruled that the three petitioners for leave to intervene had established standing to intervene.

Pursuant to 10 CFR 2.751a the Board will conduct a special prehearing conference on April 26, 1979 in New Orleans, Louisiana at a time and place to be specified in a later order. The parties to this proceeding, including the petitioners for leave to intervene, or their respective counsel, are directed to appear. This special prehearing conference is held in order to:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

The attention of the petitioners for leave to intervene is directed to 10 CFR 2.714(b) which provides that not later than fifteen (15) days prior to the holding of the special prehearing conference pursuant to § 2.751a, a petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity.

The public is invited to attend the prehearing conference but members of the public may not participate in this conference. An opportunity for any person who wishes to make an oral or writtern statement in this proceeding but who has not filed a petition for leave to intervene will be provided. Any person may request permission to make a limited appearance pursuant to provisions of 10 CFR 2.715 of the Commission's "Rules of Practice". Subject to the conditions set forth in subsequent Orders, limited appearances will be permitted at the time a § 2.752 prehearing conference is held and also at the beginning of the hearing, if any. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further details see the application for the facility operating license and the Applicant's environmental report, which were transmitted by letter dated December 15, 1978, and papers filed concerning the petitions for leave to intervene including the Memorandum and Order dated March 7, 1979, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Whether a hearing is ultimately held will depend upon whether contentions suitable for hearing develop in the prehearing procedures to follow.

It is so ordered.

Dated at Bethesda, Maryland, this 8th day of March, 1979.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Chairman.

[FR Doc. 79-7813 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 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 changes the Technical Specifications for engineered safety feature actuation system and radiation monitoring instrumentation. These changes concern the alarm/trip setpoints, the minimum channels operable and the action statements for the containment airborne radioactivity monitor, the spent fuel storage area monitors and the spent fuel storage airborne radioactivity monitor.

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 August 15, 1978, (2) Amendment No. 49 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 1st day of March, 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-7814 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket No. 50-344SP]

PORTLAND GENERAL ELECTRIC CO., ET AL. (Trojan Nuclear Plant)

Prehearing Conference on Phase II Control Building Proceeding

MARCH 8, 1979.

Phase II of this proceeding involves a consideration of whether the scope and timeliness of the proposed modifications to the Control Building of the Trojan facility, required to bring the facility into substantial compliance with the license, are adequate from a safety standpoint.

Please take Notice that a prehearing conference will be held in this proceeding on March 29-30, 1979 commencing at 9:00 a.m., local time, in the Main Auditorium of the Bonneville Power Administration Building located at 1002 N.E. Holladay Street, Portland, Oregon 97205.

This prehearing conference will consider: (1) the contentions filed by the Intervenors and the responses thereto; (2) the duration and extent of any remaining discovery; (3) scheduling matters, including dates for filing motions for summary disposition, if any, dates for filing written direct testimony and exhibits, and the date of commencement of the evidentiary hearing; (4) the status of the Staff's review of PGE-1020 and the Staff's Safety Evaluation of the proposed modifications; and (5) any additional procedural matters raised by the parties.

If time permits, the Licensing Board will also hear some limited appearance statements from those persons who have made written requests for limited appearances, and who have not been previously heard in this proceeding. Such limited appearance statements may be made, if the Board's schedule permits, at 1:30 p.m. on March 30, 1979 at the Bonneville Power Administration Main Auditorium described above.

It is so ordered.

Dated at Bethesda, Maryland this 8th day of March, 1979.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc. 79-7815 Filed 3-14-79; 8:45 am]

[7590-01]

[Docket No. 50-549; Case No. 80006]

POWER AUTHORITY OF THE STATE OF NEW YORK (GREENE COUNTY NUCLEAR POWER PLANT AND NUCLEAR GENERATING FACILITY)

Joint Proceeding; Prehearing Conference and Resumption of Evidentiary Hearings

Before the Atomic Safety and Licensing Board in the matter of Power Authority of the State of New York (Greene County Nuclear Power Plant). (Docket No. 50-549), and the State of New York Department of Public Service Board on Electric Generation Siting and the Environment, in the matter of the application of the Power Authority of the State of New York (Greene County Nuclear Generating Facility) (Case No. 80006).

Take Notice that in accordance with the schedule set forth in the Joint Board Order issued January 5, 1979, a preheating conference will be held at the offices of the Public Service Commission, Agency Building 3, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York, on March 14, 1979, at 1 p.m. to establish the sequence in which evidence will be presented by the parties and the cross-examination conducted thereon and to handle any other matters ripe for consideration.

Also in accordance with the previous schedule, evidentiary sessions will resume on April 2, 1979. The starting time on April 2 is changed from 10 a.m. to 1 p.m.

It is so ordered.

Dated at Bethesda, Maryland, this 8th day of March, 1979.

For the Atomic Safety and Licensing Board.

ANDREW C. GOODHOPE,
Chairman.

Board on Electric Generation Siting and the Environment.

EDWARD D. COHEN,
Presiding Examiner.

[FR Doc. 79-7816 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company (the licensee), which revised the license for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility), located in Salem County, New Jersey. The amendment became effective on February 23, 1979.

The amendment adds license conditions to include the Commission-approved physical security plan as part of the license.

The licensee's filings comply 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 did 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.

The licensee's filings dated May, 24, 1977, as supplemented September 29, 1977, August 3, 1978 and February 16, 1979, and the Commission's Security Plan Evaluation Report are being

withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 14 to License No. DPR-70, and (2) the Commission's related letter to the licensee dated March 5, 1979. 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 Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (1) and (2) 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 5th day of March, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7817 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC AND GAS CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment was effective from 5:55 P.M., January 12, 1979 to 11:55 A.M., January 13, 1979.

The amendment consisted of a temporary change to the Technical Specifications which revised the time limitation that the Boron Injection Tank (BIT) was permitted to be inoperable prior to placing the reactor in a HOT STANDBY condition with a SHUTDOWN MARGIN equivalent to 1% $\Delta k/k$ at 200° F.

The application for the amendment complied 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 did not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment did 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 January 12, 1979 and as supplemented January 15, 1979, (2) the Commission's letter to the licensee dated January 12, 1979, (3) Amendment No. 15 to License No. DPR-70 and (4) 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 NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2), (3) and (4) may be obtained upn request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of March 1979.

For the Nuclear Regulatory Commission.

MARSHALL GROTENHUIS,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-7818 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket No. 50-272-SP; Operating License No. DPR-70]

PUBLIC SERVICE ELECTRIC AND GAS CO. (SALEM NUCLEAR GENERATING STATION, UNION 1)

Reconstitution of Board

Glenn O. Bright was a member of the Atomic Safety and Licensing Board for the above proceeding. Mr. Bright is unable to continue his service on this board.

Accordingly, Mr. Lester Kornblith, Jr., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a Member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Maryland, this 8th day of March, 1979.

JAMES R. YORE,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 79-7819 Filed 3-14-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-445 and 50-446]

TEXAS UTILITIES GENERATING CO., ET AL.

Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

TEXAS UTILITIES GENERATING CO., ET AL.

(Comanche Peak Steam Electric Station, Units 1 and 2).

Construction Permit Nos. CPPR-126 and CPPR-127.

This action is in reference to a notice published by the Commission on February 5, 1979, in the FEDERAL REGISTER (44 FR 6995) entitled "Availability of Applicant's Environmental Report, Consideration of Issuances of Facility Operating Licenses, and Op-

portunity for Hearing".

The Chairman of this Board and her address is as follows:

Elizabeth S. Bowers, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The other members of the Board and their address are as follows:

Mr. Lester Kornblith, Jr., Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 9th day of March, 1979.

JAMES R. YORE,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 79-7820 Filed 3-14-79; 8:45 am]

[6820-36-M]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

OPEN MEETING

In accordance with Subsection 10(a) of the Federal Advisory Committee Act, Pub. L. 92-463, the National Transportation Policy Study Commission announces the following Meeting. This notice extends the dates of the meeting as previously published at 44 FR 12784, March 8, 1979.

Name: Meeting of the Commission.

Date: March 28 and 29, 1979.

Time: 9 am to 5 pm.

Place: 2253 Rayburn House Office Building, Washington, D.C. 20515.

Type of Meeting: Open.

Contact Person: Joseph LaSala, National Transportation Policy Study Commission, 2000 M St. NW., Suite 3000, Washington, DC 20036, 202-254-7453.

Purpose of the Commission: The National Transportation Policy Study Commission was established under Section 154 of the Federal Aid Highway Act of 1976 (PL 95-280) to report findings and recommendations with respect to the Nation's transportation needs, both national and regional, through the year 2000.

Tentative Agenda: Review of Draft Chapters, Review of Special Reports, Review of Staff Working Papers.

Dated: March 12, 1979.

EDWARD R. HAMBERGER,
General Counsel.

[FR Doc. 79-7798 Filed 3-14-79; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-11]

ACCIDENT REPORTS, SAFETY RECOMMENDATIONS AND RESPONSES

Availability

Aviation

Aircraft Accident Report No. NTSB-AAR-78-7.—The National Transportation Safety Board has concluded its investigation of the takeoff crash of a Japan Air Lines cargo flight on January 13, 1977, at Anchorage (Alaska) International Airport. The cargo consisted of live beef cattle for delivery to Japan. The three crewmembers and the two cargohandlers aboard the air craft died in the accident and the aircraft was destroyed.

The Safety Board's formal investigation report, released March 5, shows that the probable cause of the accident was a stall that resulted from the pilot's control inputs aggravated by airframe icing while the pilot was under the influence of alcohol. Contributing to the cause of its accident was the failure of the other flightcrew members to prevent the captain from attempting the flight.

As a result of this accident and a second accident involving a cargo of live cattle (Air Trine Corp. CV 800, Miami, Fla., December 16, 1976), the Safety Board on June 2, 1977, recommended that the Federal Aviation Administration establish criteria for the design, installation, and use of livestock restraining systems, and that FAA conduct an engineering analysis to determined the adequacy of existing livestock restraining systems. In reply, FAA has resissued an order establishing criteria for the design, installation, and use of livestock restraining systems and completed an audit of engineering approvals of livestock restraining systems. (See 43 FR 57359, December 7, 1978, concerning recommendations A-77-34 and 35.)

Civil Aviation Accident Reports.—On March 6 of the Safety Board released a series of 11 reports which break down 1977 civil aviation accident statistics by type of aircraft or accident, kind of flying, or accident cause.

Ten of the eleven reports include computer-printed accident "briefs" which give the basic accident facts, probable cause, and contributing factors, if any, for all of the 1977 accidents in each category. Statistical tables analyze the accidents by type, injury, and cause. All of these 10 reports cover general aviation. They are entitled "Briefs of Accidents Involving—

Midair Collisions (NTSB-AMM-78-13)
Turbine Powered Aircraft (NTSB-AMM-78-14)
Rotorcraft (NTSB-78-15)
Weather as a Cause/Factor (NTSB-AMM-78-16)
Alcohol as a Cause/Factor (NTSB-AMM-78-17)
Missing and Missing-Later-Recovered Aircraft (NTSB-AMM-78-18)
Corporate/Executive Aircraft (NTSB-AMM-78-19)
Amateur/Home Built Aircraft (NTSB-AMM-78-20)
Aerial Application Operations (NTSB-AMM-78-21)
Commuter Air Carriers and On-Demand Air Taxi Operations (NTSB-AMM-78-22)."

The eleventh publication, "Listing of Aircraft Accidents/Incidents by Make and Model" (NTSB-AMM-78-12), covers both airline and general aviation accidents. It identifies the accidents by make and model, but does not include a brief of each accident.

Aviation Safety Recommendations Nos. A-79-4 and 5.—In a letter issued March 8 to the Federal Aviation Administration, the Safety Board expressed concern about general aviation engine-starter system failures that sometimes result in complete failure of the airplane's electrical system.

A Beechcraft Queen Air Model 65, operating under 14 CFR Part 135, had a complete electrical failure shortly after takeoff at Norfolk, Va., March 4, 1978. The pilot manually extended the landing gear and apparently decided it was down and locked. However, the gear collapsed during the landing roll, and the airplane was substantially damaged. Although the accident can be attributed to failure to follow the checklist for emergency extention of the landing gear, the total electrical failure must be considered the underlying cause.

In view of a survey of similar experi-

ence in the FAA's Service Difficulty Records, covering General Aviation Starter Systems for a 1-year period through August 9, 1978, the Safety Board believes that the hazard potential is sufficiently universal as to call for industrywide attention. Accordingly, the Board recommends that FAA:

Issue an Advisory Circular to take other appropriate action to alert pilots to the fact that unwanted and unknown continued engine starter operation may result in complete electrical failure in general aviation airplanes in service. Also, describe actions pilots can take to avoid such engine-starter operation. (Class II, Priority Action) (A-79-4)

Amend 14 CFR Parts 23 and 27 to require indication by which a pilot can be advised whenever an electric engine starter is operating. (Class III, Longer Term Action) (A-79-5)

Aviation Safety Recommendation No. A-79-6.—Last October 20 a Learjet crashed near Vickery, Ohio, during a copilot proficiency flight check. The aircraft impacted at high speed, approximately 4 miles from the position it was last seen on radar at an altitude of 16,500 feet. Three persons were killed. The Safety Board's ongoing investigation has shown that a simulated runaway pitch trim exercise may have been a factor in this accident. Interviews with other Learjet operators have disclosed that runaway pitch trim exercises have in the past resulted in dangerous nosedown attitudes at high airspeeds. Recovery from such an attitude was difficult.

In view of its findings to date, the Safety Board on March 6 recommended that the FAA issue an Alert Bulletin with the following proposed wording:

A simulated runaway pitch trim exercise is suspected as a factor in a recent Learjet accident. Until the results of the ongoing investigation are final, it is recommended that all operators of Learjets review their requirement to practice a runaway trim. If practice runaway pitch trim exercises are deemed necessary, it is recommended that the exercise be performed in a manner which will not allow an excessive nosedown attitude or high airspeeds to develop. Interviews with some operators of Learjets have disclosed that runaway trim exercises have resulted in dangerous nosedown attitudes at high airspeeds and that recovery from these conditions was marginal.

Recommendation A-79-6 has been designated "Class I, Urgent Action."

Highway

Highway Safety Recommendations Nos. H-79-5, 6, and 7.—On August 26, 1977, a 1973 Dodge van and a 1977 Peterbilt truck, pulling an empty 1977 Reliance full trailer, collided head-on during a moderate-to-heavy rainstorm on U.S. Route 91, 8 miles north of Scipio, Utah. The eight occupants of the van were killed and the truck-driver was injured. Available physical evidence and research data could not confirm or deny several possible factors that could have caused or contributed to the accident. Therefore, the Safety Board was only able to conclude that the accident occurred because either or both drivers failed to maintain their vehicle in the proper traffic lane.

In developing and evaluating the evidence for this accident, the Safety Board did become concerned about a lack of research data in two significant areas that are mainly a function of the National Highway Traffic Safety administration. The Board found no data indicating how commercial vehicle tires perform at various speed levels when loaded to within 15 to 25 percent of their capacity, and the full potential effect of a fluctuating and progressively lower pavement frictional quality on a continuously steepening grade could not be determined. These were conditions that existed in this accident. To assist future accident investigations, the Safety Board on March 6 recommended that NHTSA:

Accelerate efforts to identify the frictional properties of commercial vehicle tires at all degrees of tire yaw, under loading conditions ranging from 15 to 100 percent of rated load capacity. (H-79-5)

Examine the full potential effect of fluctuating and progressively lower pavement frictional quality on vehicle performance. (H-79-6)

Both of these recommendations are designated "Class II, Priority Action," as is highway safety recommendation No. H-79-7, also issued March 6, to Federal Highway Administration. FHWA was asked to:

Evaluate the procedures used in the Safety Board's investigation of this accident for possible inclusion in FHWA guidelines for determining the frictional quality of pavements during pavement inventory programs. (H-79-7)

Marine

Marine Accident Report No. NTSB-MAR-79-2.—The Safety Board on March 6 released its investigation report concerning the steam showboat WHIPPOORWILL which last June 17 overturned while in transit on Pomona Lake, Kans. A waterspout passed near the vessel at the time of the accident. Of the 60 persons on board the vessel, 15 were killed and 6 were injured. The vessel sustained minor damage and returned to passenger service shortly after the accident.

The Safety Board determined that the probable cause of this accident was the WHIPPOORWILL's reduced stability as a result of an accumulation of water within the vessel's integral hull tanks, the vessel's inadequate design stability, its operation during adverse weather conditions, and the failure of the operator to obtain the current weather forecasts.

Last August 30 while investigating this accident, the Safety Board recommended that the State of Kansas, the Kansas Steamboat Company which built the WHIPPOORWILL, and its operator inspect the vessel internally to insure that its hull does not leak, and assure that its hull tanks are kept empty while it is underway (recommendation M-78-62). A resulting State inspection showed a 2-inch list to port and up to 3½ inches of water in all four hull tanks. (See 43 FR 39871, September 7, 1978.)

As a result of the complete investigation of this accident, the Safety Board on February 12 issued eight additional safety recommendations, Nos. M-79-9 through M-79-16. Among them is a recommendation that the National Association of State Boating Law Administrators amend its model State boating act to require that small commercial passenger vessels operating only on State waters nevertheless meet the Coast Guard's stability criteria for small passenger vessels. (For the complete text of these recommendations see 44 FR 10647, February 2, 1979.)

Marine Safety Recommendations Nos. M-79-17 through 30.—At 2107 e.d.t. last October 20, the Argentine freighter M/V SANTA CRUZ II and the U.S. Coast Guard Cutter CUYAHOGA collided in the Chesapeake Bay at the mouth of the Potomac River, Md. As a result of the collision, the CUYAHOGA sank. Eleven Coast Guardsmen were killed; 18 Coast

Guardsmen were rescued by the SANTA CRUZ II which experienced minor damage.

Investigation of this collision showed that although the Commanding Officer (CO) of the CUYAHOGA knew that the two vessels would pass close to each other for at least 20 minutes prior to the collision, the CO did not call the SANTA CRUZ II on the bridge-to-bridge radiotelephone to relate the navigational intentions of his vessel or to determine the intentions of the SANTA CRUZ II. A call on the bridge-to-bridge radiotelephone would have alerted the CO to the course of the SANTA CRUZ II and may have averted the collision.

Additional findings during the investigation prompted the Safety Board on March 2 to issue the following "Class II, Priority Action" recommendations to the U.S. Coast Guard:

Install VHF radiotelephones on Coast Guard cutters which will constantly monitor channel 13. (M-79-17)

Determine in quantitative terms at what minimum distance navigational information should be transmitted by bridge-to-bridge radiotelephone in passing, crossing, or meeting situations, and promulgate regulations accordingly. (M-79-18)

Review the personnel assignment policy of the Coast Guard to insure that the experience and training level of critical personnel is high, and that their time on board is adequate for familiarization with the vessel. (M-79-19)

Review the manning level of Coast Guard vessels, particularly training vessels, to insure that an adequate number of experienced persons are assigned to stand watches, and that trainees are not required to stand critical watches. (M-79-20)

Establish requirements to insure that all training vessels have enough instructors aboard so that the safe navigation of the vessel is not adversely affected by the training program. (M-79-21)

Establish a servicewide policy to provide guidance to Commanding Officers of vessels concerning the necessary qualifications for personnel who are assigned the duties of OOD, lookout, helmsman, quartermaster, and other important positions. (M-79-22)

Evaluate the installation of radar equipment on Coast Guard vessels and insure that indicators are so located that the equipment can be easily and properly used by personnel on watch in the wheelhouse. (M-79-23)

Establish a policy concerning the use of radar equipment and the plotting of radar data. (M-79-24)

Establish standards for the taking of medication by watch-standers on Coast Guard vessels to insure that the medication does not impede the individual's ability to perform his duties. (M-79-25)

Require that watchstanders who have visual impairment wear their corrective lenses while on duty aboard Coast Guard vessels. (M-79-26)

Take the action necessary to amend the Inland Rules and the Pilot Rules for Inland Waters to provide mariners the flexibility to initiate early action in crossing situations to prevent dangerously close situations as has been done in the International Rules for Preventing Collisions at Sea, 1972. (M-79-27)

Locate lifejackets on Coast Guard cutters so that they are readily accessible to all crewman. (M-79-28)

Provide automatic emergency lighting for egress from all manned spaces on all Coast Guard cutters. (M-79-29)

Examine all Coast Guard cutters and remove drawers from any inclined ladders. (M-79-30)

Also as a result of its investigation of this accident, the Safety Board on March 2 issued the following Class II recommendation to the Association of Maryland Pilots:

Insure that members of your association comply with Section 33 CFR 30.3(a) of the Pilot Rules for Inland Waters which states: "The signals for passing, by the blowing of the whistle, shall be given and answered by pilots, in compliance with the rules in this part, not only when meeting head and head, or nearly so, but at all times when the steam vessels are in sight of each other, when passing or meeting at a distance within half a mile of each other, and whether passing to the starboard or port. (M-79-31)

Railroad

Railroad Accident Report No. NTSB-RAR-79-1.—The Safety Board on March 7 made public its investigation report covering the derailment of 23 cars of a Louisville & Nashville Railroad Company train at a facing point switch in Waverly, Tenn., on February 22, 1978. Subsequently, a derailed tank car containing liquefied petroleum gas ruptured, releasing the product which ignited with an explosive force. Sixteen persons died and 43 were injured; property damage was estimated at $1,800,000.

The Safety Board has determined that the probable cause of the loss of life and substantial property damage was the release and ignition of liquefied petroleum gas from a tank car rupture. The rupture resulted from stress propagation of a crack which may have developed during movement of the car for transfer of product or from increased pressure within the tank. The original crack was caused by mechanical damage during a derailment, which resulted from a broken high-carbon wheel on the 17th car which had overheated.

Because the high-carbon steel wheels were more susceptible than others to cracking when overheated, the Safety Board on March 9, 1978, recommended emergency action by the Federal Railroad Administration. The Board urged FRA to speed the replacement of high-carbon steel wheels, and to prohibit cars equipped with them from carrying hazardous materials or moving in the same trains with other hazardous materials cars. (Recommendations R-78-11 through 13; see 43 FR 10990, March 16, 1978.) FRA has issued an emergency order fulfilling the Safety Board's recommendations.

In addition to the above recommendations, the Safety Board has recently called on the Louisville & Nashville Railroad Company to bring its air-brake special instructions in compliance with 49 CFR Part 232 and to determine that all freight cars are provided with proper brakeshoes before being dispatched in trains. Further, the Safety Board has asked the Association of American Railroads to provide guidelines to railroad employees to aid in assessing tank car damage and procedures for proper handling of tank cars. (Recommendations R-79-3 and 4 and R-79-5; see 44 FR 12784, March 8, 1979.)

Railroad Accident Report No. NTSB-RAR-79-2.—Another accident involving Louisville & Nashville Railroad Company trains occurred at Florence, Ala., last September 18. The Safety Board has concluded its investigation of this accident, and its report was released March 9.

The report shows that L&N local freight train Extra 542 South collided head-on with L&N yard train 101 on the single main track within yard limits at Florence. Both locomotive units and one car of each train were derailed. Three train crewmembers were killed. Since a placarded liquefied petroleum gas tank car was derailed and oil was spilled from ruptured locomotive fuel tanks, local officials evacuated about 1,000 persons from nearby residences. Total damage was estimated to be $462,500.

The Safety Board has determined that the probable cause of the accident was the failure of the engineer of Extra 542 South to operate his train at a speed that would have permitted stopping the train within one-half the available sight distance as required by L&N operating rules. Contributing to the severity of the accident was the failure of the engineer of Extra 542 South to apply his train's brakes after he was in a position to see the opposing train. Contributing to the collision was the failure of the L&N management to insure that all operating rules were being complied with, particularly those involving the operation of two trains in opposite directions on the same track.

As a result of the investigation of the accident at Florence, the Safety Board on March 6 recommended that the Louisville & Nashville Railroad Company:

Take immediate steps to insure that its train operations are conducted in accordance with its operating rules. (R-79-6)

Provide supervisors and employees periodic, supervised training that is based on a uniform understanding of rules and regulations. (R-79-7)

Correct its timetable instructions on handling and placement of hazardous materials cars so that they comply with current Federal regulations. (R-79-8)

Include in the required supervisory efficiency and safety checks the monitoring of compliance with hazardous materials regulations. (R-79-9)

In addition to the above railroad safety recommendations Nos. R-79-6 through 9, the Safety Board also on March 6 forwarded two other "Class II, Priority Action" recommendations, Nos. R-79-10 and 11, to the Federal Railroad Administration in connection with the L&N accident at Florence. These recommendations asked FRA to:

Insure that the Louisville & Nashville Railroad Company complies with the requirements of 49 CFR Part 174, Transportation of Hazardous Materials; 49 CFR Part 232, Railroad Power Brakes; and 49 CFR Part 217, Railroad Operating Rules, particularly in connection with the application and enforcement of L&N Rules 93 and 99. (R-79-10)

Expedite action on recommendation R-78-27 of June 28, 1978, relating to its study of locomotive operator compartment design to minimize crash damage, and promulgation of appropriate regulations. (R-79-11)

Recommendation R-78-27, referred to in the above recommendation R-79-11, was issued following investigation of the December 28, 1977, collision of an L&N freight train with a log-laden tractor-semitrailer at the Vine Street crossing in Goldonna, La. Since 1970, the Safety Board has repeatedly pointed out the poor crashworthiness of locomotive cabs and has recommended that FRA develop improvements in cab design and promulgate appropriate regulations.

Railroad Safety Recommendation Nos. R-79-12 and 13.—The Safety Board is now investigating the fire on train 117 in the Transbay Tube on January 17 in conjunction with an investigative team appointed by the Bay Area Rapid Transit District (BART) of California. The fire resulted in the death of an Oakland Fire Department officer and extensive property damage to BART.

In a safety recommendation letter to BART forwarded March 8, the Safety Board expressed concern over the lack of securement of undercar equipment covers. Two of these equipment covers were found in the vicinity of the train which caught fire. At least one of these covers was lost from a train which had previously transited the area. Investigation shows that the damage inflicted to train 117 as it struck this cover was an instigating factor in the accident. Therefore, the Safety Board recommends that BART:

Include in the predispatching procedure an inspection of all undercar equipment covers to assure that such equipment covers are in place and properly secured. (Class I, Urgent Action) (R-79-12)

Provide a suitable securement mechanism for all undercar equipment covers on BART rolling stock. (Class II, Priority Action) (R-79-13)

Responses to Safety Recommendations

Highway: H-78-55.—On February 7 the Federal Highway Administration responded to a Safety Board recommendation issued following investigation of the July 21, 1977, collision involving a dump truck and an automobile at the signalized intersection of U.S. 50 and Virginia 28 near Chantilly, Va. The recommendation asked FHWA to sponsor regional seminars to inform and train personnel responsible for traffic signal design and operation regarding the research results promulgated in reports FHWA RD-77-31 and DOT-FH-11-8783. (See 43 FR 35564, August 10, 1978.)

FHWA agrees that information and training be provided in traffic signal design and operation and has taken such action. FHWA-RD-77-31 report was distributed on October 18, 1977, to all FHWA field offices, each State highway agency and 278 municipal and county agencies. Volume II of the report "Manual of Theory and Practice" is presented in a self-teaching tutorial framework. In 1980 an updated FHWA "Traffic Control Device Handbook" will be published; it includes information on vehicle detector placement for isolated, high-speed intersections. The Institute of Transportation Engineers (ITE) will publish a "Manual of Signal Design" in the near future. FHWA will work with ITE to include concepts of detector placement.

Also, FHWA reports that there are many FHWA and university sponsored courses in signal design which are eligible for funding under 23 U.S.C. 402. FHWA sees a low benefit/cost for additional seminars but will give further emphasis to its report RD-77-31 through a bulletin requesting field staffs to insure that State agencies are aware of the signal techniques included and the availability of instructional materials.

Highway; H-78-61.—FHWA's letter of February 5 is in response to one of several recommendations stemming from the investigation of a tractor-semitrailer/multiple-vehicle collision and override which occurred on I-285, Atlanta, Ga., June 20, 1977. (See 43 FR 51150, November 2, 1978.)

The recommendation called on FHWA to increase its oversight function of the Georgia Department of Transportation and assist in plans for maintenance and construction projects to assure compliance with FHWA's standards and practices. FHWA's response expresses concern with traffic safety in work zones, but FHWA sees no reason to single out Georgia for special attention and will continue to direct concern nationally. FHWA has designated "Maintenance of Traffic in Construction Zones" as a program emphasis area for FY 1979. This is the 4th consecutive year for such a designation. Last October 13, FHPM 6-4-2-12 and FHWA notice N5000.7 were

issued to provide guidance and establish procedures for traffic through construction zones. The FHWA training course on construction zone traffic has been presented twice in Georgia. FHWA states, "While it is undesirable to cause any backup and attendant delay, neither the MUCTD [Manual on Uniform Traffic Control Devices] nor any other standard sets forth any requirement to prohibit this from occurring."

Highway: H-78-62.—In response to a second recommendation resulting from the Atlanta accident, FHWA on February 7 reports an extensive research and development effort aimed at traffic safety and control through construction, maintenance, and work zones. All types of street and highway facilities are being considered. Traffic management for all types of construction, maintenance, and utility work is being examined. FHWA says it has always implemented, as soon as possible, all validated research results, especially in respect to traffic safety in work zones. A number of examples are listed showing implemented construction zone R&D efforts. Research results are routinely furnished to course coordinators of the training programs for traffic safety in highway and street work zones.

Railroad: R-78-54 through 56.—Letter of February 16 from the Federal Railroad Administration is in response to recommendations resulting from investigation of the February 24, 1978, Auto-Train derailment on the Seaboard Coast Line Railroad track at Florence, S.C. The recommendations called for revision of 49 CFR 230.213, Axles, to establish specifications for manufacturing and testing locomotive axles to insure discovery of internal defects before they are placed in service (R-78-54) and to establish procedures and methods to test in-service locomotive axles to insure detection of internal defects for removal from service (R—78—55). Recommendation R-78-56 asked FRA to develop a method for automatically detecting failures of a locomotive unit truck or its components, independent of crew observation. (See 43 FR 48742, October 19, 1978.)

FRA reports that it has been examining and evaluating procedures and methods used by the railroads to test locomotive axles for internal defects. The technique most commonly used by the railroad industry, the magnaglow ultrasonic method, has proven most reliable and cost effective in determining defective locomotive axles. FRA believes that the in-service testing technique will not substantially increase the rate of detection nor reduce the rate of accidents attributed to axle failures, and the technique is too prohibitive in terms of cost for daily railroad use. Also, FRA said, the technical level of sophistication necessary to effectively operate in-service testing equipment does not lend itself to large-scale application. Therefore, FRA does not consider the revision of regulations concerning defective locomotive axles necessary.

NOTE: Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of the Board's recommendation letters and response letters are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

MARCH 12, 1979.

[FR Doc. 79-7821 Filed 3-14-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OME approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503.

Department of Agriculture

(AGENCY CLEARANCE OFFICER—DONALD W. BARROWMAN—447-6202)

NEW FORMS

Food and Nutrition Service
Public opinion survey of competitive foods
Single time
Parents of school children
500 responses; 25 hours
Ellett, C. A., 395-5080

EXTENSIONS

Food and Nutrition Service
Regulations—cash in lieu of commodities
On occasion
State agencies
112,329 responses; 112,329 hours
Ellett, C. A., 395-5080

Soil conservation services
Crop production response to conservation treatment
SCS-CONS-1
On occasion
Commercial farmer
3,000 responses; 6,000 hours
Ellett, C. A., 395-5080

Department of Energy

(AGENCY CLEARANCE OFFICER—ALBERT H. LINDEN—566-9021)

REVISIONS

Solar collector manufacturing survey
EIA-63
Single time
Manufacturers/importers of solar collectors
100 responses; 333 hours
Hill, Jefferson B., 395-5867

Department of Health, Education, and Welfare

(AGENCY CLEARANCE OFFICER—PETER GNESS—245-7488)

NEW FORMS

Health Care Financing Administration (medicare)
Evaluation of presurgical screening program
HCFA-3181
Single time
Participants in pre-surgical screening programs
3,500 responses; 875 hours
Richard Eisinger, 395-3214

Public Health Service
Conference evaluation and opinion survey
Single time
Conference participants
2,500 responses; 625 hours
Richard Eisinger, 395-3214

Social Security Administration
Quality review questionnaire—annual earnings
Test, 1977
SSA-4659
Single time
Methods to be used for ongoing reviews
800 responses; 400 hours
Reese, B. F., 395-6132

REVISIONS

National Institutes of Health
Grant application
PHS 398
Annually
Program directors or principal investigators
15,000 reponses; 300,000 hours
Richard Eisinger, 395-3214

EXTENSIONS

Social Security Administration
AFDC report on monthly standards for basic needs and limitations on payments
SSA-4108
Annually
State welfare agencies
54 responses; 108 hours
Reese, B. F., 395-6132

Department of Housing and Urban Development

(AGENCY CLEARANCE OFFICER—JOHN KALAGHER—755-5184)

NEW FORMS

Federal Disaster Assistance Administration
Disaster temporary housing survey
Single time
Disaster victims who received temporary housing
880 responses; 440 hours
Strasser, A., 395-5080

Federal Insurance Administration
Preconstruction certification form, postconstruction certification form
On occasion
Communities participating in the NFIP
2,500 responses; 1,666 hours
Strasser, A., 395-5080

Government National Mortgage Association
*Graduated payment mortgage pool composition
HUD-1748-A
Monthly
Mortgage bankers
9,600 responses; 2,400 hours
Strasser, A., 395-5080

Government National Mortgage Association
*Schedule of pooled mortgages—single family loans
HUD-1706
On occasion
Mortgage bankers
9,600 responses; 4,800 hours
Strasser, A., 395-5080

Government National Mortgage Association
*Addendum to monthly accounting report—graduated payment mortgage pool
HUD-1748-B
Monthly
Mortgage bankers
9,600 responses; 2,400 hours
Strasser, A., 395-5080

Department of the Interior

(AGENCY CLEARANCE OFFICER—WILLIAM L. CARPENTER—343-6716)

EXTENSIONS

U.S. Fish and Wildlife Service
*Cooperative waterfowl parts collection survey envelope
3-165
Annually
Waterfow hunters
71,458 responses; 5,955 hours
Ellett, C. A., 395-5080

Department of Labor

(AGENCY CLEARANCE OFFICER—PHILIP M. OLIVER—523-6341)

REVISIONS

Employment and Training Administration
CETA youth plan and reporting requirements
ETA-9
Other (See SF-83)
State and local agencies
1,083,802 responses; 608,589 hours
Strasser, A., 395-5080

Environmental Protection Agency

(AGENCY CLEARANCE OFFICER—JOHN J. STANTON—245-3064)

NEW FORMS

Application for modification of the requirements of secondary treatment under section 301(H) CWA

Single time
Publicly owned municipal wastewater treatment auth's
110 responses; 8,800 hours
Clarke, Edward H., 395-5867

United States International Trade Commission

(AGENCY CLEARANCE OFFICER—ROBERT CORNELL—523-0301)

NEW FORMS

Integrated circuits and their use in computers
Questionnaire for producers
Single time
U.S. and foreign producers of integrated circuits
50 responses; 4,000 hours
Geiger, Susan B., 395-5867

Carbon steel plate producers' and importers' questionnaires for investigation No. AA1921-197
Single time
Producers and importers of carbon steel plate
35 responses; 280 hours
Geiger, Susan B., 395-5867

Steel producers', importers', and marketing questionnaires
Single time
Steel producers, importers, distributors, & trading Co.
228 responses; 8,504 hours
Geiger, Susan B., 395-5867

STANLEY E. MORRIS,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-7855 Filed 3-14-79; 8:45 am]

[7630-01-M]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PROPOSED NATIONAL ARCHIVES AND RECORD SERVICE ANNEX

Availability of a supplement to the final Environmental Impact Statement on the Pennsylvania Avenue Plan—1974, Volume 2, Comments and Responses

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 the Pennsylvania Avenue Development Corporation, with the General Services Administration and the National Capital Planning Commission as cooperating agencies, has prepared Volume 2, Comments and Responses to the Supplement to the final Environmental Impact Statement on the Pennsylvania Avenue Plan—1974. Issuance of Volume 1 of this Supplement was noted in the 43 FR 55293, dated November 27, 1978. Written comments to Volume 1 were solicited and analyzed by the Corporation. The comments received and the responses of the Corporation appear in Volume 2, which is now available for distribution.

For further information or additional inquiries, please contact: Mr. F. David Harris, Assistant Director for Finance, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004; phone (202) 566-0602.

Copies of Volume 2 of the Supplement to the Final Environmental Impact Statement are available during the hours of operation for inspection at the following locations, from Monday, March 5, 1979 through April 4, 1979.

Pennsylvania Avenue Development Corporation
425 13th Street, N.W., Suite 1148
Washington, D.C. 20004

Central Reference Room, National Archives
8th Street and Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Office of Environmental Affairs
National Capital Planning Commission
1325 G Street, N.W. 10th Floor
Washington, D.C. 20576

Martin Luther King Library
901 G Street, NW.
Washington, D.C.

Copies of Volume 2 of the Supplement to the Final Environmental Impact Statement to the Pennsylvania Avenue Plan—1974 have been sent to various Federal and District of Columbia agencies as authorized in the EPA guidelines, as well as to concerned private individuals and organizations.

Dated: February 27, 1979.

W. ANDERSON BARNES,
Executive Director.

[FR Doc. 79-7848 Filed 3-14-79; 8:45 am]

[4710-07-M]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/167]

STUDY GROUP 1 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 5, 1979 at 10:00 a.m. in Room 511 of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, data transmission and leased channel services in order to develop U.S. positions to be taken at international CCITT meetings to be held in May 1979 in Geneva, Switzerland.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Richard H. Howarth, State Department, Washington, D.C. 20520, telephone (202) 632-1007.

Dated: March 15, 1979.

RICHARD H. HOWARTH,
Chairman, U.S. CCITT National Committee.

[FR Doc. 79-7850 Filed 3-14-79; 8:45 am]

[4710-07-M]

[Public Notice CM-8/166]

STUDY GROUP 4 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 4 of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 6, 1979, at 10:00 a.m. in Room 6320 of the Department of State, 2201 C Street, N.W., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of international digital data transmission services.

The agenda for the April 6 meeting will include consideration of the following:

1. Consideration of submissions for the April/May 1979 Meeting of the Working Parties of Study Group VII;

2. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to April 6, members of the general public who plan to attend the meeting so advise Mr. T. de Haas, Chairman of U.S. Study Group 4. Mr. de Haas can be contacted at the Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Boulder, Colorado 80303, telephone number (303) 499-1000, ext. 3728, persons in Washington, D.C. metropolitan area may contact Mr. Richard H. Howarth, Department of State, by telephoning 632-1007. All non-Government attendees must use the C Street entrance to the building.

Dated: March 6, 1979.

RICHARD H. HOWARTH,
Chairman, U.S. CCITT National Committee.

[FR Doc. 79-7849 Filed 3-14-79; 8:45 am]

[4710-07-M]

[Public Notice CM-8/168]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on bulk chemicals of the Subcommittee on Safety of Life at Sea (SOLAS), a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on April 5, 1979 in Room 8236 of the Department of Transportation, 400 Seventh Street, Washington, D.C. 20590.

The purpose of this meeting will be to discuss the outcome of the fifth session of the IMCO Subcommittee on Bulk Chemicals. Major items on the agenda are:

Procedures and arrangements for the discharge of noxious liquid substances;

Extension of the Bulk Chemical Code to cover pollution aspects;

Ships carrying MARPOL '73 Annex I and Annex II substances;

Evaluation of the hazards of mixed or diluted substances in relation to the 1973 MARPOL Convention;

Carriage of bulk chemicals in deep tanks of dry cargo ships;

Review and updating of the Gas Carrier Code; and

Handling in ports of liquid chemicals and liquefied gases.

Requests for further information should be directed to Mr. Frits Wybenga, United States Coast Guard, telephone (202) 426-1217.

The Chairman will entertain comments from the public as time permits.

Dated: March 9, 1979.

JOHN LLOYD, III,
Deputy Director, Office of Maritime Affairs.

[FR Doc. 79-7851 Filed 3-14-79; 8:45 am]

[4710-07-M]

[Public Notice CM-8/170]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on safety of fishing vessels of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 10:00 a.m. on Wednesday, April 4, 1979 in Room 8238 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of the meeting will be to discuss the U.S. position paper on guidelines for small fishing vessels and to prepare for the 22nd Session of the IMCO Subcommittee on Safety of Fishing Vessels.

Requests for further informations should be directed to Mr. William A. Cleary, Jr., United States Coast Guard (G-MMT-5/82), 400 Seventh Street, S.W., Washington, D.C. 20590, telephone number (202) 426-2188.

The Chairman will entertain comments from the public as time permits.

Dated: March 7, 1979.

JOHN LLOYD, III,
Deputy Director, Office of Maritime Affairs.

[FR Doc. 79-7853 Filed 3-14-79; 8:45 am]

[4710-07-M]

[Public Notice CM-8/169]

SHIPPING COORDINATING COMMITTEE

Meeting

The Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Wednesday, May 2, 1979 in Room 8236 of the Department of Transportation Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of this meeting is to finalize preparations for the 40th Session of the Maritime Safety Committee (MSC) of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for May 7-11, 1979 in London. In particular, the Shipping Coordinating Committee will discuss development of U.S. positions dealing with, inter alia, the following topics:

Status of the Conventions and Acts of which IMCO is a depository;

Outcome of the International Conference on Maritime Search and Rescue, 1979;

Seminars on Tanker Safety and Pollution Prevention and On Standards of Training and Watchkeeping;

Marine Safety Corps;

Surveys and Inspections (ad hoc group);

Reports of various subcommittees.

Requests for further information should be directed to Captain R. A. Biller, United States Coast Guard (G-AIA/83), 400 Seventh Street, S.W., Washington, D.C. 20590, telephone number (202) 426-2280.

The Chairman will entertain comments from the public as time permits.

Dated: March 7, 1979.

JOHN LLOYD, III,
Deputy Director, Office of Maritime Affairs.

[FR Doc. 79-7852 Filed 3-14-79; 8:45 am]

[4710-07-M]

SHIPPING COORDINATING COMMITTEE

Meeting

The Shipping Coordinating Committee will conduct an open meeting at

9:30 a.m. on Tuesday, April 3, 1979 in Room 8236 of the Department of Transportation Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of this meeting is to finalize preparations for the International Conference on Maritime Search and Rescue (SAR) of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for April 9-27, 1979 in Hamburg, Federal Republic of Germany. In particular, the Shipping Coordinating Committee will discuss development of U.S. positions dealing with the draft International Convention on Maritime Search and Rescue and related resolutions and recommendations.

Requests for further information should be directed to Captain R. A. Biller, United States Coast Guard (G-AIA/83), 400 Seventh Street, S.W., Washington, D.C. 20590, telephone number (202) 426-2280.

The Chairman will entertain comments from the public as time permits.

Dated: March 7, 1979.

JOHN LLOYD, III,
Deputy Director,
Office of Maritime Affairs.

[FR Doc. 79-7854 Filed 3-14-79; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

HIGH ALTITUDE POLLUTION PROGRAM SCIENTIFIC ADVISORY COMMITTEE

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Federal Aviation Administration High Altitude Pollution Program Scientific Advisory Committee to be held March 28-30, 1979, in conference rooms 8A, B, and C at the FAA Headquarters, 800 Independence Avenue. S.W., Washington, D.C., 20591, at the following times:

March 28, 1979: 10 a.m. to 5 p.m.
March 29, 1979: 9 a.m. to 5:30 p.m.
March 30, 1979: 9 a.m. to 12:00 noon.

The agenda for the meeting includes technical progress reports from contractors working on experimental development of field measurement techniques for the High Altitude Pollution Program, followed by a discussion of measurement strategy, data utilization, and applicability of these programs with recommendations by the Committee.

Attendance is open to the interested public but limited to the space available. Any member of the public wishing to attend, make a presentation, or obtain additional information should contract Dr. N. Sundararaman, AEE-300, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C., 20591, 202-755-8933 or 202-755-1851 by close of business March 23, 1979.

Any member of the public may present a written statement for the consideration of the Committee at any time.

Issued in Washington, D.C. on March 5, 1979.

N. SUNDARARAMAN,
Program Manager,
High Altitude Pollution Program.

[FR Doc. 79-7459 Filed 3-14-79; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

Calendar Meetings Open to the Public

Below is a list of NHTSA-sponsored meetings which are planned for the next 2 years and in which public interest or participation is expected. The list, which will be revised and republished periodically, is for planning information. Meeting dates and places, particularly those scheduled for the second year, are subject to change.

MARCH 21, 1979; 10 A.M.

Public Proceeding on Initial Safety Defect Determination Relative to Fiat Models 850 and 124 for Model years 1970-'74; Room 6332, DOT Headquarters Building, Washington, D.C.

Fiat Motors of North America will be given an opportunity to present data, views and arguments to establish that an alleged defect does not exist or does not affect motor vehicle safety. It has been found that the frame and underbody of these vehicles are susceptible to weakening and failure due to excessive rust or corrosion which can result in accidents, injuries, and property damage.

Coordinator: Mary Klink, Office of Enforcement (NEF-10) 202-426-2837

MARCH-JUNE 1979

Regional Child Restraint Workshops (City locations below)

Purpose: To assist interested organizations to inform parents of the importance of using restraint systems when their children are riding in automobiles. Ten meetings are scheduled as follows: March 21-22 Atlanta; April 23-24 Philadelphia; April 26-27 Newark, NJ; May 3-4 Boston; May 14-15 San Antonio; May 17-18 Kansas City, MO; June 4-5 Denver; June 7-8 Chicago; June 21-22 Seattle; June 25-26 Berkeley, CA.

Coordinator: W. Burleigh Seaver, Office of Traffic Safety Programs (NTS-14) 202-426-2180

APRIL 9-11, 1979

Symposium on Commercial Truck Exposure Estimates; Room 2230, DOT Headquarters Building, Washington, D.C.

Purpose: New and old techniques and methodologies used in estimating the type and quantity of travel of commercial trucks will be discussed by persons directly involved. Through the exchange of ideas and review of the state-of-the-art, a basis for a national cooperative program to yield improved estimates is expected to emerge.

Coordinator: Ezio Cerrelli, Office of Research and Development (NRD-31), 202-426-1503

APRIL 22-26, 1979

Conference to Review NHTSA's 5-Year Traffic Safety Research, Development and Demonstration Plan

Dulles-Marriott Hotel (near the Dulles Airport) The Transportation Research Board (TRB) of the National Academy of Sciences will sponsor a conference to formulate an organized response from the traffic safety community on NHTSA's proposed Research, Development and Demonstration Traffic Safety Plan for 1980-1984. This plan is concerned with the research authorized by Section 403, U.S. Code, Title 23: Highways. TRB will invite approximately 150 representatives of the U.S. traffic safety community to the conference which will also be open to the public for observation. Although direct public participation in the conference may not be possible because of time limitations, public comment on the plan is desired by NHTSA. The proposed plan and information on where and when comments can be submitted directly to NHTSA will be published in the FEDERAL REGISTER at a later date.

Coordinators: Questions concerning the conference: James K. Williams, Transportation Safety Coordinator, TRB, 202-389-6466;

Questions concerning the Plan and submission of public comments: Joseph Delahanty, Office of Plans and Programs (NPP-30), 202-426-1570

APRIL-SEPTEMBER 1979

Regional Safety Belt Usage Workshops (City locations below)

The NHTSA manual on safety belt usage prepared to assist States to develop comprehensive Safety Belt Usage programs will be introduced to appropriate State officials. Schedule: April 4-6 Chicago; May 23-25 San Francisco; May 30-June 1 Atlanta; June 6-8 Boston; June 13-15 Dallas-Fort Worth; June 20-22 New York; June 26-27 Baltimore; September 12-14 Denver; September 19-21 Kansas City, MO; September 26-28 Seattle.

Coordinator: James L. Nichols, Office of Traffic Safety Programs (NTS-14), 202-426-2180

APRIL-DECEMBER 1979

NHTSA-Public-Industry Technical Meetings; EPA Environmental Laboratory Facility, Ann Arbor, Michigan

Purpose: Technical, interpretative or procedural questions from the public and industry regarding NHTSA's bumper, vehicle safety and consumer information program will be answered. Questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. Schedule: April 18; June 20; August 15; October 10; December 12.

Coordinator: Wm. H. Marsh, Executive Secretariat (NOA-10), 202-426-2872

MAY AND OCTOBER 1979

Biomechanics Advisory Committee Meeting; DOT Headquarters Building, Washington, D.C.

Purpose: This Committee reviews NHTSA's procedures, programs and projects requiring the use of live and deceased humans for research in order to validate the need for such use, to minimize the risk of injury to volunteers, and to assure the rights and dignity of the subjects. Schedule: May 15-16 and October 16-17.

Coordinator: Kathy Hasse, Executive Secretariat (NOA-10), 202-426-2872

JUNE 5-8, 1979

Seventh International Technical Conference on Experimental Safety Vehicles; Paris, France

Purpose: Technical information on the development of experimental safety vehicles will be exchanged. This meeting will be hosted by the French Government and French Automotive Industry. The United States is the lead country for the International Program. By agreement with the U.S., the governments of France, Great Britain, West Germany, Italy, Sweden, and Japan develop experimental safety vehicles and related equipment and exchange the resulting technical information.

Coordinator: James C. Shively, Office of Research and Development (NRD-10), 202-426-1551

JUNE 19-21, 1979

National Highway Safety Advisory Committee Meeting; Washington, D.C.

Purpose: Progress reports of the Committee's task forces will be heard. Reports and recommendations for the Secretary, Department of Transportation, may be prepared.

Coordinator: Robert Doherty, Executive Secretariat (NOA-10), 202-426-2872

JULY 1979

Results of Computer Analysis of Vehicle Side Structure; Washington, D.C.

Purpose: Research results from validation and application of the WRECKER program used in analyzing vehicle side structures will be presented. WRECKER is a computer program to do finite element analysis of automobile structures under crash loadings. The word is a nickname, not an acronym.

Coordinator: William T. Hollowell, Office of Research and Development (NRD-12), 202-426-4862.

SUMMER 1979

Evaluation of Feasibility of a Single Beam, Headlight System, Final Contractor Briefing; Trans Point Building, Washington, D.C.

Purpose: To report results of a research study designed to determine the parameters of beam patterns for improved low beam headlamps.

Coordinator: Michael Perel, Office of Research and Development (NRD-41), 202-755-8753.

SUMMER 1979

Public Hearing on the Proposed Light Truck Average Fuel Economy Standard for Model Years 1982-1984; Washington, D.C.

Purpose: Public comments on the proposed fuel economy standard for light trucks and vans for model years 1982-1984 will be received.

Coordinator: Frank Turpin, Office of Rulemaking (NRM-211), 202-472-6902.

AUGUST-SEPTEMBER 1979

National Conference on Child Passenger Protection; Washington, D.C.

Purpose: Specialists in the field of highway safety and child development will meet to exchange information on ways to increase the use of child restraints designed for motor vehicles.

Coordinator: Elaine Weinstein, Office of Traffic Safety Programs (NTS-14), 202-426-2180.

OCTOBER 31-NOVEMBER 2, 1979

Internationl Conference on Automotive Fuel Economy Research; Washington, D.C. (Sheraton-National Hotel, Arlington, Va.)

Purpose: Automotive fuel economy research and technology will be exchanged.

Coordinator: James C. Shively, Office of Research and Development (NRD-10), 202-426-1551.

JANUARY 1980

Motorcycle Accident Factors Research; DOT Headquarters Building, Washington, D.C.

Purpose: Results of a research study to determine the causes of motorcycle accidents, the causes of injuries, the severity of the injuries and effective methods of reducing accidents, deaths, and injuries will be reported.

Coordinator: Nicholas G. Tsongos, Office of Research and Development (NRD-32), 202-426-4820).

APRIL 1980

Symposium on Vehicle Aggressivity and Compatibility; Washington, D.C.

Purpose: Research on vehicle aggressivity and improved compatibility will be presented. Techniques for testing compliance with vehicle compability requirements will be discussed.

Coordinator: James R. Hackney, Office of Research and Development (NRD-12), 202-426-4862.

NOVEMBER 1980

Symposium on Motor Vehicle Fuel Economy Research: Contrators' Coordination Meeting; Washington, D.C.

Purpose: Progress reports on the contracts which have been funded through the Automotive Fuel Economy Research Program will be given. How individual tasks fit into the research and rulemaking program and the thrust of the Automotive Fuel Economy Research Program will be explained.

Coorinator: Charles Gauthier, Office of Research and Development (NRD-13), 202-426-2957.

Persons desiring additional information on a particular meeting may write or phone the coordinator indicated above.

Address for Meeting Coordinators: Office of Plans and Programs; Office of Rulemaking; the Executive Secretariat; the Office of Traffic Safety Programs; the Office of Enforcement are located at: National Highway Traffic Safety Administration, DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Office of Research and Development is located at: National Highway Traffic Safety Administration, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20590, The Transportation Board, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

Issued in Washington, D.C. on March 7, 1979.

WM H. MARSH,
Executive Secretary.

[FR Doc. 79-7439 Filed 3-14-79; 8:45 am]

[4810-33-M]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

PRIVACY ACT OF 1974

Proposed Revision to System of Records

AGENCY: Comptroller of the Currency, Department of the Treasury.

ACTION: Proposed Revised System of Records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the Comptroller of the Currency hereby gives notice of his intent to revise the system entitled "Information File on Individuals and Commercial entities known or suspected of being involved in fraudulent activities," (Treasury/Comptroller 00.013). This revision will include changing the system name to read "Enforcement and Compliance Information System (ECIS):" Treasury/Comptroller 00.013 and the inclusion of a new routine use. The system notice is being published in its entirety since these provisions extensively change the language presently used.

The Comptroller filed a revised system report with the Office of Management and Budget, the Speaker of the House and the President of the Senate. Information will be available for release under the new routine use on the effective date stated below.

DATES: Comments must be received on or before April 16, 1979. Unless further notice is given prior to May 14, 1979, by this Department, the proposed system of records will be effective on May 14, 1979.

ADDRESS: Director, Enforcement and Copliance Division, Comptroller of the Currency, Administrator of National Banks, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT:

Peter E. Rosden, Attorney, Enforcement and Compliance Division, Comptroller of the Currency, Administrator of National Banks, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219, Telephone: (202) 447-1983.

Dated: March 8, 1979.

W. J. McDONALD,
Acting Assistant Secretary (Administration).

Treasury/Comptroller 00.013

System name:

Enforcement and Compliance Information System.

System location:

Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

Categories of individuals covered by this system:

Individuals and entities involved in actual or suspected fraudulent activities.

Categories of records in the system:

These records contain information identifying the individual, describing the (alleged) crime, giving the bank name and location, identifying the National Bank Examiner (if any), reporting the known or suspected crime(s) and giving the dollar amoung involved in the known or suspected crime(s). The name of the individual is the only identifier used.

Authority for maintenance of the system.

12 U.S.C. 481, 1818, 1820.

Routine uses of records maintained in the system, including categories of users and the purposed of such uses.

Information in these records may be used:

a. To provide the Department of Justice with periodic reports which inidcate the number, place and individual identity of outstanding potential criminal violations of the law which have been referred to that Department.

b. To provide the Enforcement and Compliance Division of the Law Department of the Comptroller of the Currency and its Regional Offices with periodic reports indicating the current status of potential criminal violations of the law which have been referred to the Department of Justice, other law enforcement agencies and state authorities for possible prosecution.

c. To provide the Comptroller of the Currency's Office with statistical information and thereby enable it to respond to general information requests from the Congress.

d. To enable the Comptroller of the Currency to determine whether proposed shareholders, bank directors, officers or other employees of existing banks, new banks and banks, the controlling ownership of which is changing, have been convicted of a criminal offense involving dishonesty or breach of trust which might endanger the bank whose stock they wish to purchase or for which they wish to work.

e. Other routine uses are set forth in Department of the Treasury Appendix: Additional Routine Uses, 43 FR 42724.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage.

Records will be maintained in general correspondence files, in card files and on computer discs.

Retrievability.

All records will be indexed by bank location and bank name. In addition, records on computer discs will be indexed by name of individual, known or suspected criminal code provision violated and amount of money involved.

Safeguards.

Correspondence files are stored in the Comptroller's Central File room and may only be retrieved by authorized personnel. Card files will be stored in lockable file cabinets. Computer discs will be accessible only to authorized personnel.

Retention and disposal.

Records will be retained no longer than fifty years.

System manager and address.

Director, Enforcement and Compliance Division, Law Department, Comptroller of the Currency, Administrator of National Banks, 490 L'Enfant Plaza, S.W., Washington, D.C. 202019.

Notification procedure.

This system is exempt from notification requirements under 5 U.S.C. 552a(k)(2) of the Act as a criminal enforcement system.

Record address procedures.

Same as *Notification* above.

Contesting records procedures.

Same as *Notification* above.

Record source categories.

Examinations of national banks by national bank examiners; investigations performed by attorneys in the Enforcement and Compliance Division, and notifications from the Department of Justice, other Federal law enforcement agencies, and State law enforcement authorities.

System exempted from certain provisions of the Act.

This system has been designated as exempt from certain provisions of the Privacy Act.

[FR Doc. 79-7755 Filed 3-14-79; 8:45 am]

[4810-22-M]

Customs Service

TOMATO PRODUCTS FROM THE EUROPEAN COMMUNITY

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Commission of the European Community has granted benefits which are considered to be bounties or grants within the meaning of the countervailing duty law on the manufacture, production, or exportation of tomato products. A final determination will be made no later than August 22, 1979. Interested persons are invited to comment on this action.

EFFECTIVE DATE: March 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Edward Haley, Duty Assessment Division, U.S. Customs Service, Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On January 30, 1979, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (44 FR 5972). The notice stated that a petition had been received alleging that payments made by the Commission of the European Community (EC) to manufacturers or producers of tomato products constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to as the "Act").

For purposes of this notice, "tomato products" are canned tomatoes and tomato concentrates (paste and sauce, including pulp), classified under item numbers 141.6520, 141.6540 and 141.6600 of the Tariff Schedules of the United States Annotated (TSUSA).

On the basis of an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has been preliminarily determined that the program of production aid under which the Commission of the EC supports the price level of tomato products constitutes a bounty or grant within the meaning of section 303 of the Act.

Under the program, a minimum price has been established which processors who sign contracts with producers are obliged to pay. This price, for the current marketing year, is based on the average price paid by processors for the merchandise during the 1977-78 marketing year and on the trend of production costs in the fruit and vegetable sector. In the future, the minimum price will be determined taking into account both the latter factor as well as the minimum price enforced during the previous year.

The production aid itself is paid to the processors. This aid is calculated so as to make prices of EC tomato products equal to what appears to be an average of imported tomato products and world market prices for that item. The price of EC products is established taking into account the minimum price paid to the farmers and the processing costs faced by the processors. Production aid will be paid only to those processors who have established contracts in accordance with the minimum price and whose purchases comply with the quality standards of the EC.

When calculated in terms of U.S. import value on a Customs valuation basis, the payments made to processors of tomato products represent approximately 62.3% ad valorem in the case of item number 141.6520 TSUSA, 98.1% ad valorem in the case of item number 141.6540 TSUSA, and 31.9% ad valorem in the case of item 141.6600 TSUSA. These amounts will vary somewhat depending on country of exportation. In view of the significant size of this subsidy, its effect is to potentially distort trade in export markets to the extent that sales occur.

Accordingly, it is preliminarily determined that bounties or grants, within the meaning of section 303 of the Act, are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of tomato products from the EC. A final determination in this case must be made no later than August 22, 1979.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office no later than April 16, 1979. Any request for an opportunity to present views orally should accompany such submission, and a copy of all submissions should be delivered to any counsel who has heretofore represented any party to these proceedings.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1978, the provisions of Treasury Department Order 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MARCH 9, 1979.

[FR Doc. 79-7802 Filed 3-14-79; 8:45 am]

[4810-22-M]

Customs Service

PRIVACY ACT OF 1974

Automated Index to Central Enforcement Files

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Proposed new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, this notice is an advice to the public that the United States Customs Service is initiating a new system of records—the Automated Index to Central Enforcement Files—Treasury/Customs 00.285. The proposed new system will be an index of reports (both regulatory and criminal) and correspondence relating to an individual in the Treasury Enforcement Communications System.

In March 1975, the Central Files Section of the Information Management Division began microfiching all incoming enforcement documents and materials which support a TECS record. All documents which are microfiched are assigned a central files index number which point to the location of the document. The numbers are sequentially assigned and indicate the particular frame on a fiche where the document can be found.

The majority of the documents microfiched are Memoranda of Information Received (MOIR) or Reports of Investigation (ROI). Information on the subject from other applications is only available through a direct query of that application. If a user, primarily the Office of Investigations, is looking for all information on a given subject, multiple queries must be made.

The proposed Automated Index to Central Enforcement Files is designed to provide users with an all inclusive index to all inforcement information related to a given subject. The subject may be a person, vehicle, vessel, aircraft, business, or topic. The index will be available through one query for a multi-level response. In some instances it may be sufficient for the user just to know that information exists on a given subject and the applications which contain that information. In other instances it may be necessary to provide additional data to the user including the central files index number so that the actual document or documents can be retrieved. The Automated Index to Central Enforcement Files will function like the card catalog in a library.

The proposed application will provide users with an immediate indication that information is available and point the user to the location of the document.

The Automated Index to Central Enforcement Files is being designed and implemented to satisfy user requirements for an index to all enforcement documents related to a specific subject through a single query.

The objective of the Automated Index to Central Enforcement Files is to provide users with a single index to all enforcement related information, regardless of source, associated with an identified subject.

A new system report was filed with the Office of Management and Budget, the Speaker of the House, and President of the Senate. The Office of Management and Budget has been asked to waive the advance notice requirement.

EFFECTIVE DATE: The Automated Index to Central Enforcement Files is effective after the 30 day comment period (April 14, 1979) required for the new system. The proposed date is April 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Linda Hartford, Entry Procedures and Penalties Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229. (202-556-8681).

DRAFTING INFORMATION: The principal author of this document was Linda Hartford, Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matters of substance and of style.

Dated: March 9, 1979.

W. J. McDONALD,
Acting Assistant Secretary (Administration).

Treasury/Customs 00.285

System name:

Automated Index to Central Enforcement Files.

System location:

Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229

Categories of individuals covered by the system:

(1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries. (3) Suspected violators of U.S. Customs or other related laws. (4) Private yacht masters and pilots arriving in the U.S. (5) Individuals filing official U.S. Government forms 4790 (Currency and Monetary Instrument Reporting), 4789 (Currency Transaction Report), 90.22-1 (Foreign Banking Act Report).

Categories of records in system:

A listing of Memoranda of Information Received, Reports of Investigations; Search/Arrest/Seizure Reports, Currency and Monetary Instrument Reports, Currency Transaction Reports, reports on Foreign Banking transactions, reports on Fines, Penalties, and Forfeitures, reports required by Private Aircraft Reporting System, reports required by the Private Yacht Reporting System, reports on vessel violations, Investigative Program Analysis (IPA) reports relating to an individual, various other correspondence (letter, memoranda, etc.), which relate to an individual in the Treasury Enforcement Communications System.

Authority for maintenance of the system:

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administation of the Freedom of Information Act (5 U.S.C. 552); (c) To provide management information such as the number and types of seizures, arrests, and searches associated with arrests or seizures; (d) Used by Customs to identify high theft areas, types of cargo most likely to be pilfered or stolen, to connect seemingly unrelated Customs thefts cases and to provide management information such as the value and volume of theft from international shipping; (e) Determination of search operations by consideration of past violations and selective intelligence in-

formation. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage:

Magnetic disc and tape, microfiche

Retrievability:

Name, personal identification numbers, Customs case number, document's central file number.

Safeguards:

(1) All Central Files users must have a full field background investigation, (2) The "need to know" principle applies, (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling restricted areas, alarm protection systems, special communications security, (4) Access is limited to all Office of Investigations terminals and all Office of Enforcement Support Headquarter and San Diego terminals.

Retention and disposal:

Records will be maintained in the Automated Index to Central Enforcement Files for as long as the associated document or microfiche is retained. Records will be destroyed by erasure of the magnetic disk and by burning or shredding the microfiche.

System manager(s) and address:

Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Systems exempted:

The Commissioner of Customs pursuant to 5 U.S.C. 552a (j) and/or (k) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a.

[FR Doc. 79-8091 Filed 3-14-79; 9:04 am]

[8320-01-M]

VETERANS ADMINISTRATION

ANNUAL REVIEW OF ADVISORY COMMITTEES

Request for Public Comment

The Veterans Administration is conducting a Comprehensive Review of all of its chartered Federal Advisory Committees in accordance with the Federal Advisory Committee Act. As part of the review process, public comment is invited, and will be considered in the formulation of VA's recommendations for continuation or termination of the following committees:

Actuarial Advisory Committee
Administrator's Education and Rehabilitation Advisory Committee
Central Office Education and Training Review Panel
VA Special Medical Advisory Group
Veterans Administration Wage Committee
Veterans Administration Voluntary Service National Advisory Committee
Cooperative Studies Evaluation Committee
Health Manpower Grants Review Committee
Merit Review Board for Basic Science Programs
Merit Review Board for Behavioral Science Programs
Merit Review Board for Cardiovascular Programs
Merit Review Board for Clinical Pharmacology, Alcoholism and Drug Dependence Programs
Merit Review Board for Endocrinology Programs
Merit Review Board for Gastroenterology Programs
Merit Review Board for Hematology Programs
Merit Review Board for Immunology Programs
Merit Review Board for Infectious Disease Programs
Merit Review Board for Nephrology Programs
Merit Review Board for Neurobiology Programs
Merit Review Board for Oncology Programs
Merit Review Board for Surgery Programs
Merit Review Board for Health Services Research & Development
Merit Review Board for Rehabilitative Engineering Research and Development
Career Development Committee
Advisory Committee on Structural Safety of Veterans Administration Facilities

The above committees furnish advice and consultation to the Administrator of Veterans Affairs in the areas of medicine, health care, education and rehabilitation, government-administred life insurance programs, and wage schedules. The Merit Review Boards evaluate the scientific merit of research conducted by Veterans Administration investigators working in Veterans Administration hospitals and clinics. Each covers a different professional specialty or program area. Their assessment provide impartial expert advice that guides program improvement and funding at both the national and local levels.

Recommendations for committee continuation will include the following factors:

(1) The number of times the committee has met in the past year and the relevance of that number to its continuation.

(2) The number of reports submitted by the committee in the past year.

(3) A description of how the committee's reports, recommendations, or advice have been used in agency policy formulation, program planning, decision-making, achieving economies, etc.

(4) An explanation of why the recommendations or information cannot be obtained from other sources, elsewhere within the agency, from other agencies, or existing committees, public hearings, consultants, etc.

(5) An explanation of any degree of duplication of functions, purpose, etc., with other committees, or within the agency, or with other agencies.

(6) The relationship of the cost of the committee to the reports, recommedations, or information provided.

(7) In consideration of (a) the functions to be performed and (b) the points of view to be represented, specifically how the membership is balanced—the views, areas of expertise, etc., included.

For additional information on any of the committees listed, contact Mr. Raymond S. Blunt, Special Assistant to the Associate Deputy Administrator, 202-389-5051. Written public comments should be submitted by March 30, 1979, to Mr. John J. Leffler, Associate Deputy Administrator, Veterans Administration Central Office (002), 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: March 9, 1979.

MAX CLELAND,
Administrator.

[FR Doc. 79-7774 Filed 3-14-79; 8:45 am]

[8320-01-M]

CAREER DEVELOPMENT COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Career Develop-

ment Committee, authorized by 38 USC 4101, will be held in Room A-53 of the Veterans Administration, 810 Vermont Avenue, NW, Washington, DC, 20420, April 4-6, 1979 at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mr. David D. Thomas, Executive Secretary of the Committee, Veterans Administration Central Office, Washington, DC (202-389-2317) prior to March 30, 1979.

The meeting will be closed from 9 a.m. to 5 p.m. on April 4-6 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of the Federal Advisory Committee Act, Public Law 92-463 as amended, in accordance with section (c)(6) of the Government in the Sunshine Act, USC 552b.

Minutes of the meeting and rosters of the committee members may be obtained from Mr. David D. Thomas, Chief, Career Development Program, Medical Research Service Veterans Administration, Washington, DC (Phone 202-389-2317).

Dated: March 8, 1979.

MAX CLELAND,
Administrator.

[FR Doc. 79-7773 Filed 3-14-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

Station Committee on Educational Allowances

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on April 10, 1979, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building—U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all elgible persons enrolled in Morristown Flying Service, Inc., P.O. Box 1013, Morristown, Tennessee, should be discontinued, as provided in 38 CFR 21, 4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: March 9, 1979.

R. S. BIELAK,
Director,
VA Regional Office.

[FR Doc. 79-7789 Filed 3-14-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Volume No. 18]

PERMANENT AUTHORITY DECISIONS

Decision Notice

Decided: February 28, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or othe means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be

consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressely reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protest, on or before April 16, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 3, Members, Parker, Fortier, and Hill.

H. G. Homme, Jr.,
Secretary.

MC 200 (Sub-326F), filed December 13, 1978. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *glass containers*, serving Lapel, IN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO.)

MC 2202 (Sub-578F), filed January 24, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Stockbridge, MI, as an off-route point in connection with carrier's otherwise-authorized regular-route operations. (Hearing site: Lansing, MI, or Washington, DC.)

MC 2202 (Sub-579F), filed January 25, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Hesston, KS, as an off-route point in connection with carrier's otherwise-authorized regular-route operations. (Hearing site: Wichita, KS, or Washington, DC.)

MC 3252 (Sub-108F), filed January 11, 1979. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery*, the transportation of which requires specialized equipment or handling, between Nashua, NH, and points in the United States (except AK and HI). (Hearing site: Portland, ME, or Boston, MA.)

MC 5740 (Sub-167F), filed December 6, 1978. Applicant: TAJON, INC., a Delaware corporation, R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St., NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alloys*, in dump vehicles, from Philo and Powhatan Point, OH, to points in IL, IN, MD, MI, PA, and WV. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 5470 (Sub-168F), filed December 8, 1978. Applicant: TAJON, INC., a Delaware corporation, R.D. No. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing granules*, in dump vehicles, from (1) Bound Brook, NJ, and Blue Ridge Summit, PA, to points in CT, GA, MD, MA, NC, OH, PA, and WV, and (2) Blue Ridge Summit, PA, to points in NJ. (Hearing site: Washington, DC, or New York, NY.)

MC 6031 (Sub-46F), filed December 26, 1978. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, WI 53204. Representative: William C. Dineen, Suite 412 Empire Bldg., 710 North Plankinton Ave., Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal products* (1) from Milwaukee, WI, to those points in IL on, north and east of a line beginning at the IL-WI State line and extending along IL Hwy 17 to junction IL Hwy 78, and then along IL Hwy 78 to the IL-OH State line, and (2) from Chicago, IL, to points in WI, under contract in (1) and (2) above, with Chase Metals Service, Inc., of Milwaukee, WI. (Hearing site: Milwaukee, WI.)

Note.—Dual operations are involved.

MC 14252 (Sub-41F), filed January 2, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT,

INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bicycles, tricycles, and parts and accessories* for bicycles and tricycles (except commodities in bulk), from Celina, OH, to points in VA, WV, PA, KY, OH, IN, IL, MO, and IA. (Hearing site: Columbus, OH, or Washington, DC.)

MC 20824 (Sub-40F), filed December 6, 1978. Applicant: COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, 2141 S. High School Rd., Indianapolis, IN 46204. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cincinnati, OH, and Lexington, KY, over Interstate Hwy 75, serving no intermediate points, and (2) between Louisville and Lexington, KY, over Interstate Hwy 64, serving no intermediate points. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 22179 (Sub-22F), filed January 8, 1979. Applicant: FREEMAN TRUCK LINE, INC., P.O. Drawer 925, Oxford, MS 38655. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum products, vehicle body sealer, and sound deadener compounds* (except commodities in bulk, in tank vehicles), *and filters*, from the facilities of Quaker State Oil Refining Corp., in Warren County, MS, to points in AL, AR, GA, KY, LA, and TN, and (2) *petroleum products, vehicle body sealer, and sound deadener compounds, filters, and materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), from points in AL, GA, and KY, to the facilities of Quaker State Oil Refining Corp., in Warren County, MS, restricted in (1) and (2) above, to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Vicksburg or Jackson, MS.)

MC 22182 (Sub-34F), filed January 24, 1979. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, Bryn Mawr, PA 19010. Representtive: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicles*, in secondary movements, in truckaway and driveaway service, between points in IL, IN, IA, KY, MI, MN, MO, NE, OH, TN, and WI. (Hearing Site: Washington, DC.)

MC 25562 (Sub-32F), filed January 29, 1979. Applicant: A. R. GUNDRY, INC., 85 Stanton Street, Rochester, NY 14611. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in bulk, in tank vehicles, from points in Albany and Rensselaer Counties, NY, to points in CT, MA, and VT. (Hearing Site: Washington, DC.)

NOTE.—Dual operations may be involved.

MC 26396 (Sub-220F), filed December 26, 1978. Applicant: POPELKA TRUCKING CO., a corporation, doing business as THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing materials*, from the facilities of CertainTeed Corporation, at Shakopee, MN, to points in WY. (Hearing site: Billings, MT.)

MC 29886 (Sub-360F), filed December 12, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., an Indiana corporation, 4314 39th Ave., Kenosha, WI 53142. Representative: Albert P. Barber (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes, and highway freight trailers*, and (2) *parts, attachments, and accessories* for the commodities named in (1) above, (except commodities in bulk), between the facilities of Hyster Company, at or near (a) Danville and Kewanee, IL, (b) Crawfordsville, IN, and (c) Berea, KY, on the one hand, and, on the other, points in CT, DE, IN, MA, MD, ME, MI, NH, NJ, NY, OH, RI, VA, VT, WV, and DC, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 29886 (Sub-362F), filed December 13, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., an Indiana corporation, 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *road construction and earth moving machines and equipment*, and (2) *parts, accessories, and attachments* for the commodities named in (1) above, between Columbia, SC, on the one hand, and, on the other, points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Champion Road Machinery International, at or near Columbia, SC. (Hearing site: Columbia, SC, or Washington, DC.)

MC 31389 (Sub-269F), filed January 26, 1979. Applicant: MCLEAN TRUCKING COMPANY, a corporation, 1920 W. First St., Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Pensacola, FL and Nashville, TN, from Pensacola over U.S. Hwy 29 to junction FL Hwy 97, then over FL Hwy 97 to junction AL Hwy 21, then over AL Hwy 21 to junction Interstate Hwy 65, then over Interstate Hwy 65

to Nashville, and return over the same route, (2) between Dothan and Montgomery, AL, over U.S. Hwy 231, (3) between Atmore and Andalusia, AL, from Atmore over U.S. Hwy 31 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Andalusia, and return over the same route, (4) between Montgomer, AL and Columbus, GA, from Montgomery over Interstate Hwy 85 to junction U.S. Hwy 280/431, at or near Opelika, AL, then over U.S. Hwy 280/431 to Phenix City, AL, then over U.S. Hwy 280 to Columbus, and return over the same route, (5) between Columbus and Atlanta, GA, from Columbus over U.S. Hwy Alt. 27 to junction GA Hwy 85E, then over GA Hwy 85E to junction GA Hwy 85, then over GA Hwy 85 to Atlanta, and return over the same route, (6) between Birmingham, AL and Atlanta, GA, over Interstate Hwy 20, (7) between junction Interstate Hwy 85 and U.S. Hwy 280 and Atlanta, GA, over Interstate Hwy 85, (8) between Dothan, and Phenix City, AL, over U.S. Hwy 431, (9) between Eufaula, AL and junction U.S. Hwys 82 and 231, over U.S. Hwy 82, (10) between Memphis, TN and Atlanta, GA, from Memphis over U.S. Hwy 72 to junction U.S. Alt. Hwy 72, near Tuscumbia, AL, then over U.S. Alt Hwy 72 to junction AL Hwy 67, at or near Decatur, AL, then over AL Hwy 67 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 278, then over U.S. Hwy 278 to Atlanta, and return over the same route, (11) between Nashville, TN and Montgomery, AL, from Nashville over Interstate Hwy 24 to junction U.S. Hwy 231,then over U.S. Hwy 231 to Montgomery, and return over the same route, (12) between junction U.S. Hwy 231 and AL Hwy 79 and Birmingham, AL, over AL Hwy 79, (13) between junction U.S. Hwy 231 and AL Hwy 75 and junction AL Hwys 75 and 79, over AL Hwy 75, (14) between Memphis, TN and Birmingham, AL, over U.S. Hwy 78, (15) between Corinth, MS and Mobile, AL, over U.S. Hwy 45, (16) between junction U.S. Hwy 45 and U.S. Alt Hwy 45 near Shannon, MS and junction U.S. Hwy 45 and U.S. Alt Hwy 45 near Brooksville, MS, over U.S. Hwy Alt 45, (17) between Mobile, AL and junction Interstate Hwy 65 and AL Hwy 21, over Interstate Hwy 65, (18) between New Orleans, LA and Memphis, TN, from New Orleans over Interstate Hwy 10 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Memphis, and return over the same route, (19) between Greenwood, MS and Montgomery, AL, over U.S. Hwy 82, (20) between Jackson, MS and Birmingham, AL, over Interstate Hwy 20, (21) between Baton Rouge, LA and Greeville, MS, over U.S. Hwy 61, (22) between Vicksburg and Jackson, MS, over Interstate Hwy 20, (23) between New Orleans, LA and junction U.S. Hwy 59 and Interstate Hwy 20, from New Orleans over Interstate Hwy 10 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 20, and return over the same route, (24) between New Orleans, LA and Mobile, AL, over U.S. Hwy 90, (25) between Natchez, MS and Mobile, AL, over U.S. Hwy 98, (26) between Gulfport and Jackson, MS, over U.S. Hwy 49, (27) between Laurel and Walnut, MS, over MS Hwy 15, (28) between Mobile and Florence, AL, over U.S. Hwy 43, (29) between junction Interstate Hwy 20 and U.S. Hwy 80, west of York, AL, and Montgomery, AL, over U.S. Hwy 80, (30) between Jackson and Clarksdate, MS, from Jackson over U.S. Hwy 49 to junction U.S. Hwy 49E, at Yazoo City, MS, then over U.S. Hwy 49E to junction U.S. Hwy 49, at or near Tutwiler, MS, then over U.S. Hwy 49 to Clarksdale and return over the same route, (31) between Clarksdale and Tupelo, MS, over MS Hwy 6, (32) between Valdosta, GA and Bude, MS, over U.S. Hwy 84, (33) between Natchez, MS and Alexandria, LA, from Natchez over U.S. Hwy 84 to junction LA Hwy 28, then over LA Hwy 28 to Alexandria, and return over the same route, serving Alexandria, LA for purposes of joinder only, (34) between Vicksburg, MS and Shreveport, LA, over Interstate Hwy 20, serving Shreveport, LA for purposes of joinder only, (35) between Vicksburg, MS, and Little Rock, AR, from Vicksburg over U.S. Hwy 80 to junction U.S. Hwy. 65, then over U.S. Hwy 65 to Little Rock, and return over the same route, and (36) between junction Interstate Hwy 20 and U.S. Hwy 65, and junction U.S. Hwys 65 and 80, over U.S. Hwy 65, serving all points in AL and MS as intermediate and off-route points in connection with routes (1) through (36) above. (Hearing site: Atlanta, GA.)

MC 33641 (Sub-139F), filed December 27, 1978. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84125. Representative: Thomas A. Scott (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk and frozen), from the facilities of Pillsbury Corp., at Terre Haute, IN, to the facilities of Pillsbury Corp., at Clearfield, UT, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destination. (Hearing site: Indianapolis, IN, or Salt Lake City, UT.)

MC 35320 (Sub-166F), filed December 6, 1978. Applicant: T.I.M.E.-DC, INC., a Delaware corporation, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Hydraulics Unlimited, at or near Eaton, CO, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Denver, CO, or Washington, DC.)

MC 35320 (Sub-167F), filed December 11, 1978. Applicant: T.I.M.E.-DC, INC., a Delaware corporation, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of General Foods Corporation, at or near Dover, DE, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: New York, NY, or Washington, DC.)

MC 35890 (Sub-53F), filed December 18, 1978. Applicant: BLODGETT FURNITURE SERVICE, INC., 5650 Foremost Dr., S.E., Grand Rapids, MI 49508. Representative: Ronald C. Nes-

mith, P.O. Box 4403, Chicago, IL 60680. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture,* in cartons, from the facilities of Fancher Furniture, at Salamanca, NY, to the facilities of Temple Stuart Company, at Baldwinville, MA. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Common control may be involved.

MC 45194 (Sub-22F), filed December 5, 1978. Applicant: LATTAVO BROTHERS, INC., P.O. Box 6270, Canton, OH 44706. Representative: James W. Muldoon, 50 West Broad Steet, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roller bearings, removable rock bits, and steel articles, and* (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of The Timken Company and Latrobe Steel Company, at (a) Bucyrus, Canton, Columbus, Ashland, New Philadelphia, and Wooster, OH, (b) Gaffney, SC, (c) Lincolnton, NC, (d) Colorado Springs, CO, and (e) Latrobe, PA, on the one hand, and, on the other, points in MI. (Hearing site: Columbus, OH, or Washington, DC.)

MC 51146 (Sub-661F), filed November 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furniture and furniture parts,* from Bassett, VA, to points in WI and the Upper Peninsula of MI, and (2) *polyethylene articles,* from Jackson, TN, to points in AL, CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, MO, NC, NH, NJ, NY, OH, PA, RI, VA, VT, WI, WV, and DC. (Hearing site: Chicago, IL.)

MC 52704 (Sub-200F), filed December 4, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 E Century Parkway, Atlanta, GA 30345. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, equipment, and supplies* used in the manufacture and distribution of beverages (except commodities in bulk), from points in AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, and WV, to the facilities of Montgomery Coca-Cola Bottling Company, at or near Alexander City, Dothan, Montgomery, Troy, Andalusia, and Tuscaloosa, AL. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-201F), filed December 6, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H" LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 E Century Parkway, Atlanta, GA 30345. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic containers,* from the facilities of Sewell Plastics, Inc., at or near (a) Greenville, SC, and (b) Pittsburgh, PA, to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK SC, TN, TX, VA, WV, MD, and DC; (2) *plastic preforms and plastic base cups for plastic containers,* from the facilities of Sewell Plastics, Inc., at or near Atlanta, GA, and the facilities of Coats and Clark, Inc., at or near Seneca, SC, to the facilities of Sewell Plastics, Inc., at or near (a) Greenville, SC, and (b) Pittsburgh, PA; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of plastic containers and plastic container parts, (except commodities in bulk), from points in the States and to the facilities named in (1) above. (Hearing site: Atlanta, GA.)

MC 56244 (Sub-70F), filed December 5, 1978. Applicant: KUHN TRANSPORTATION CO., INC. P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs,* (except frozen foods and commodities in bulk), from the facilities of (a) National Fruit Product Company, Inc., and (b) Shenandoah Apple Co-Operative, Inc., at Winchester, VA, to points in KY and OH, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 56244 (Sub-71F), filed December 5, 1978. Applicant: KUHN TRANSPORTATION CO., INC. P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal feed and feed ingredients,* (except commodities in bulk), from the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, to points in NY, NJ, PA, MD, DE, VA, WV, IN, and DC, restricted to the transportation of traffic originating at the named origin. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 59680 (Sub-220F), filed November 7, 1978. Applicant: STRICKLAND TRANSPORTATION CO., INC., a Texas corporation, 11353 Reed Hartman Hwy, Cinicinnati, OH 45241. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between San Antonio and Laredo, TX, over US Hwy 81, (2) between San Antonio, TX, and junction US Hwys 281 and 59, over US Hwy 281, (3) between junction US Hwys 281 and 59 and Harlingen, TX, from junction US Hwys 281 and 59 over US Hwy 59 to junction Interstate Hwy 37, then over Insterstate Hwy 37 to junction US Hwy 77, then over US Hwy 77 to Harlingen, and return over the same route, (4) between junction US Hwys 281 and 59 and Brownsville, TX, over US Hwy 281, (5) Between Harlingen and Brownsville, TX, over US Hwy 77, (6) between McAllen and Harlingen, TX, over US Hwy BR83 (also over US Hwy 83), serving, in (1) through (6), inclusive, all intermediate points, and in (4) the off-route points of McAllen and Hidalgo, TX, (7) between San Antonio, TX and Little Rock, AR, from San Antonio over US Hwy 81 to junction US Hwy 79, then over US Hwy 79 to junction TX Hwy 43, then over TX Hwy 43 to junction

US Hwy 59, then over US Hwy 59 to junction Interstate Hwy 30, then over Interstate Hwy 30 to Little Rock, and return over the same route, (8) between Little Rock, AR, and Memphis, TN, over Interstate Hwy 40, and (9) between Memphis, TN, and St. Louis, MO, from Memphis over Hwy 51 to junction Interstate Hwy 155, then over Interstate Hwy 155 to junction Interstate Hwy 55, then over Interstate Hwy 55 to St. Louis, and return over the same route, serving, in (7) through (9), inclusive, no intermediate points, as alternate routes for operating convenience only, in connection with carrier's authorized regular-route operations. Condition: The certificate issued in this proceeding, in so far as it authorizes the transportation of explosives, will be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Dallas, TX, or Cincinnati, OH.)

MC 61231 (Sub-134F), filed January 4, 1979. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction materials* (except commodities in bulk), from the facilities of The Celotex Corporation, at Camden, AR, Lockland, OH, Elizabethtown, KY, and Marrero, LA, to points, in AZ, CO, ID, IL, AR, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TX, WA, WI, and WY; and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Tampa, FL, or Chicago, IL.)

MC 61592 (Sub-431F), filed January 19, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737, Moline, IL 61265. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuff*, (except commodities in bulk), from the facilities of The Larson Company, at points in WI, to points in the United States (except AK, HI, and WI). (Hearing site: Green Bay, WI.)

MC 69834 (Sub-18F), filed December 4, 1978. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *educational materials, art materials, school materials, and hobby materials, and* (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Winfield, KS, and Easton, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Wichita, KS.)

NOTE.—Common control may be involved.

MC 71652 (Sub-25F), filed January 18, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, as described in Appendix 5, to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 201, between the facilities of Cascade Steel Rolling Mills, at or near McMinnville, OR, on the one hand, and, on the other, points in CA. (Hearing site: San Francisco, CA, or Portland, OR.)

MC 71902 (Sub-98F), filed January 18, 1979. Applicant: UNITED TRANSPORTS, INC., P.O. Box 18547, Oklahoma City, OK 73154. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St., N.W., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *new motor vehicles* (except motor homes, trailers, agricultural and industrial tractors, and attachments for trailers, agricultural and industrial tractors), in secondary movements, in truckaway and driveaway service, from New Orleans, LA, to points in MS, restricted to the transportation of traffic having an immediately prior movement by rail or motor carrier. (Hearing site: Detroit, MI, or Washington, DC.)

MC 78687 (Sub-54F), filed December 12, 1978. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry commodities*, in bulk, between the facilities of Allied Chemical Corporation, at Solvay and Syracuse, NY, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and TX. Note: Dual operations are involved in this proceeding. (Hearing site: New York, NY.)

MC 82492 (Sub-219F), filed January 8, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs, grill brick, and filter screens*, (1) from the facilities of Miami Margarine Company, at or near Albert Lea, MN, to those points in NY in and west of Allegany, Livingston, and Monroe Counties, those points in PA on and west of U.S. Hwy 219, and points in IA, IL, IN, KS, MI, MO, NE, and OH, and (2) from the facilities of Miami Margarine Company, at or near Cincinnati, OH, to those points in NY in and west of Allegany, Livingston, and Monroe Counties, those points in PA on and west of U.S. Hwy 219, and points in IA, IL, IN, KS, MI, MN, MO, NE, and WI. (Hearing site: Columbus, OH, or Washington, DC.)

MC 94350 (Sub-420F), filed December 6, 1978. Applicant: TRANSIT HOMES, INC., a Michigan corporation, P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Oxford County, ME, to points in CT, MA, NH, NY, RI, and VT. CONDITION: in view of the findings in MC 94350 Sub 361, the certificate issued here will be limited in point of time to a period expir-

ing 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for permanent extension of the certificate showing it has been in full compliance with applicable rules and regulations. (Hearing site: Portland, ME.)

MC 95540 (Sub-1054F), filed October 31, 1978, previously noticed as Sub-1053F in the FEDERAL REGISTER issue of December 19, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Standard Brands, Inc., at or near Birmingham, AL, to points in AR, FL, GA, KY, LA, MS, NC, SC, TN, and VA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: New York, NY, or Washington, D.C.)

NOTE.—A proceeding, No. MC-95540 Sub 1053F, appearing in the FEDERAL REGISTER issue of December 19, 1978, page 59203, before the instant proceeding, remains as noticed.

MC 95540 (Sub-1065F), filed December 4, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic film and plastic sheeting* (except cellulose), in vehicles equipped with mechanical refrigeration, (1) between Griffin, GA, and Andover, MA, on the one hand, and, on the other, points in FL, and (2) between Griffin, GA, and Andover, MA. (Hearing site: Boston, MA, or Washington, D.C.)

MC 95540 (Sub-1067F), filed December 11, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles), from Bedford Heights and Columbus, OH, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Columbus, OH, or Washington, D.C.)

MC 95540 (Sub-1068F), filed December 7, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by grocery houses*, from the facilities of Southern Distribution, Inc., at or near Memphis, TN, to points in AL, AR, MS, LA, FL, TN, those in KY on and west of U.S. Hwy 31E, and those in MO on and south of U.S. Hwy 66. (Hearing site: Memphis, TN, or Washington, D.C.)

MC 95540 (Sub-1069F), filed December 12, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bananas*, from Long Beach, CA, to points IN IL, IA, KS, MN, MO, ND, SD, NE, and WI. (Hearing site: Miami, FL, or Washington, DC.)

MC 95540 (Sub-1070F), filed December 12, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, between Cincinnati, OH, and points in the United States (except AK and HI). (Hearing site: Cincinnati, OH, or Washington, D.C.)

MC 95540 (Sub-1071F), filed December 10, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (1) from Ponchoutla, LA, to points in FL, and (2) from Evansville, IN, to points in TX, FL, LA, CA, OK, and OR. (Hearing site: New York, NY, or Washington, DC.)

MC 103051 (Sub-470F), filed January 4, 1979. Applicant: FLEET TRANSPORT CO., INC., a Georgia corporation, 934 44th Ave., N, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *vegetable oils*, in bulk, in tank vehicles, from Maxton, NC, Darlington, SC, Dawson, Gainesville, and Augusta, GA, Birmingham, Dothan, and Enterprise, AL, and Graceville, FL, to St. Rose, LA. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 105940 (Sub-11F), filed December 7, 1978. Applicant: SAFEWAY TRUCKING CORP., Bldg. 221, Elizabeth Port Authority Marine Terminal, McLester St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), between the facilities of East Coast Warehouse and Distribution Corp., at Elizabeth, NJ, on the one hand, and, on the other, points in CT, MA, RI, NY, PA, MD, DE, VA, and DC. (Hearing site: New York, NY, or Washington, DC.)

MC 107487 (Sub-8F), filed December 8, 1978. Applicant: COLUMBIA CITY FREIGHT LINES, INC., P.O. Box 328, Columbia City, IN 46725. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between South Bend and Middlebury, IN: from South Bend over U.S. Hwy 20 to junction IN Hwy 13, then over IN Hwy 13 to Middlebury, and return over the same route, and (2) between Elkhart, IN and junction U.S. Hwy 6 and IN Hwy 13: from Elkhart over IN Hwy 19 to junction

U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 6 and IN Hwy 13, and return over the same route, in (1) and (2) above, serving all intermediate points, and restricted in (1) above to the transportation of traffic interlined at South Bend, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 107496 (Sub-1177F), filed December 26, 1978. Applicant: RUAN TRANSPORT, CORP., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *flour*, in bulk, from Kansas City, KS, to points in AR, CO, MO, and SD; and (2) *fats and oils*, in bulk, (a) from Huron, SD, to points in MN and WI, and (b) from points in IA, KS, and MO, to Fayetteville, AR. (Hearing site: Kansas City, MO, and Chicago, IL.)

MC 108119 (Sub-120F), filed February 5, 1979. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *weldments, process dryers, printing press dryers, tanks, and pressure vessels*, and (2) *attachments and accessories* for the commodities in (1) above, between Neenah, WI, on the one hand, and, on the other, points in the United States (except AK and HI). Common control may be involved. (Hearing site: Chicago, IL, or Washington, DC.)

MC 108341 (Sub-131F), filed December 27, 1978. Applicant: MOSS TRUCKING CO., INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *machinery* and *drying equipment*, and (2) *parts* for the commodities named in (1) above, from the facilities of Proctor & Schwartz, Inc., at or near Lexington, NC, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 110420 (Sub-794F), filed December 6, 1978 Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI, 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals and malt syrup*, in bulk, in tank vehicles, from Peoria, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 112766 (Sub-5F), filed December 7, 1978. Applicant: JOHN F. COYNE, d.b.a. COYNE TRUCKING CO., Scotland Lane, P.O. Box 549, New Castle, PA 16103. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plumbing supplies*, (2) *bathroom vanities and accessories* for bathroom vanities, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above, between the facilities of Universal Rundle Corp., at New Castle, PA, Salem, OH, and Crawfordsville and Rensselaer, IN, on the one hand, and, on the other, points in DE, IN, KY, MD, MI, NJ, NY, OH, PA, VA, WV, and DC. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 113434 (Sub-119F), filed December 4, 1978. Applicant: GRA-BELL TRUCK LINE, INC., A-5267 144th Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal feed, feed ingredients, additives, and materials and supplies* used in the manufacture of animal feeds (except commodities in bulk), from the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, to points in IA, IL, IN, KY, MD, MN, MO, NJ, NY, PA, TN, WI, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL, or Detroit, MI.)

MC 113651 (Sub-298F), filed December 29, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Rd., Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prepared foodstuffs*, from Denison, TX, to points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulk, Franklin, Liberty, Gadsden, Leon, Wakulla, and Jefferson Counties, FL, and those in LA, MS, and AL. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 114334 (Sub-41F) filed December 6, 1978. Applicant: BUILDERS TRANSPORTATION CO., A CORPORATION, 3710 Tulane Road, Memphis, TN 38116. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (*1*) *iron and steel articles, pipe, fittings, valves, hydrants, castings, and* (*2*) *accessories* for the commodities in (1) above, from Birmingham and Bessemer, AL, and Chattanooga, TN, to points in AR, MS, OK, TN, and TX. (Hearing site: Birmingham, AL.)

MC 114457 (Sub-462F), filed December 13, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Ave., ST. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum products*, (except commodities in bulk), from St. Paul, MN, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of petroleum products (except commodites in bulk), in the reverse direction. (Hearing site: St. Paul, MN, or Milwaukee, WI.)

MC 114604 (Sub-63F), filed December 6, 1978. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. To operate as a *common carri-*

er, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods* and *materials and supplies* used in the manufacture and distribution of frozen foods (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in AL, GA, FL, NC, SC, MS, LA, and VA, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Atlanta, GA.)

MC 115092 (Sub-77F), filed January 15, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *unfrozen canned foodstuffs,* from the facilities of Kuner-Empson Company, at Brighton, CO, to points in AZ; and (2) *meats, meat products and meat byproducts, and articles* distributed by meat-packing houses, 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 Litvak Meat Packing Co., and Flavorland Industries, Inc., at Denver, CO, to points in AZ and CA, restricted in (1) and (2) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Denver, CO.)

MC 115200 (Sub-2F), filed December 5, 1978. Applicant: WILLIAM S. SCULLION, d.b.a. SCULLION TRUCKING CO., Shenango Rd., Route 16, Beaver Falls, PA 15010. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), from those points in PA on and west of U.S. Hwy 219, those in WV on and north of U.S. Hwy 50, and those in OH on and east of Interstate Hwy 77, to those points in PA on and west of U.S. Hwy 15, those in WV on and north of U.S. Hwy 33, those in NY on and west of NY Hwy 16, and those in OH on and east of a line described as beginning at junction U.S. Hwy 33 and the OH-WV State line, then north along U.S. Hwy 33 to junction U.S. Hwy 23, then north along U.S. Hwy 23 to junction OH Hwy 4, and then north along OH Hwy 4 to Lake Erie, under contracts with (a) E.S.C.O. Sand Co., of Wampum, PA, (b) Mayfield Foundry, Inc., of Beaver Falls, PA, (c) Ellwood Steel Casting Corporation, of Ellwood City, PA, (d) St. Joe Zinc Co., of Monaca, PA, (e) Washington Mould, Machine, and Foundry Co., of Washington, PA, and (f) General Alloy Casting Co., of Rochester, PA; and (2) *sand,* in bulk, from Pittsburgh, PA, to points in OH and PA, restricted to the transportation of traffic having a prior movement by rail, under contract with Manley Bros., of Chesterton, IN. (Hearing site: Pittsburgh, PA.)

MC 115322 (Sub-160F), filed January 19, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods,* from Allentown and Chambersburg, PA, to points in AL, FL, GA, MS, NC, SC, TN, VA, WV, DE, MD, and DC. (Hearing site: Washington, DC.)

MC 115654 (Sub-122F), filed December 6, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Building, 13th & Pennsylvania Ave. NW., Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods,* from the facilities of The Pillsbury Company and Fox Deluxe Pizza Company, at or near Joplin and Carthage, MO, to points in AL, AR, GA, IL, IN, KY, LA, MS, MO, OH, and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. CONDITION: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration, (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Minneapolis, MN, or Nashville, TN.)

MC 116004 (Sub-52F), filed November 20, 1978. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Ft. Worth and Dallas, TX, (a) over Interstate Hwy 30, (b) over U.S. Hwy 80, and (c) over TX Hwy 183, (2) between Dallas and Houston, TX, over Interstate Hwy 45, and (3) between junction Interstate Hwy 45 and U.S. Hwy 75, near Streetman, TX, and junction Interstate 45 and U.S. Hwy 75, near Conroe, TX, over U.S. Hwy 75, serving no intermediate points in (1), (2), and (3), above. (Hearing site: Dallas or Houston, TX.)

MC 116254 (Sub-221F), filed December 4, 1978. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum angles, aluminum bars, aluminum beams, aluminum blanks, aluminum stampings, unfinished aluminum shapes, aluminum channels, aluminum extrusions, aluminum plate, aluminum sheet, aluminum rods, aluminum wire, and aluminum can stock,* between Listerhill and Sheffield, AL, on the one hand, and, on the other, points in AR, CT, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Richmond, VA, or Washington, DC.)

MC 116254 (Sub-222F), filed December 5, 1978. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular

routes, transporting *glassware and cullet*, between the facilities of Anchor Hocking Corporation, at (a) Lancaster, OH, (b) Winchester, IN, (c) Connellsville, PA and (d) Jacksonville, FL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH, or Washington, DC.)

MC 116254 (Sub-223F), filed December 6, 1978. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Hamilton and Middletown, OH, to points in AL, FL, AR, GA, KY, IN, TN, NC, SC, LA, MO, IL, MI, IA, MS, MN, and KS. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 116371 (Sub-13F), filed January 2, 1979. Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 269, Clarkson, Ontario, Canada L5J 2Y4. Representative: John W. Ester, 100 West Long Lake Rd., Suite 102, Bloomfield, MI 48013. To operate as a *common carrier*, by motor vehicle, in foreign commerce, over irregular routes, transporting *liquid commodities* (except petroleum products), in bulk, in tank vehicles, from the facilities of Kraft, Inc., at Memphis, TN, to ports of entry on the international boundary line between the United States and Canada on the Detroit and Niagara Rivers, restricted to the transportation of traffic in foreign commerce only. (Hearing site: Memphis, TN, or Washington, DC.)

MC 116446 (Sub-8F), filed December 20, 1978. Applicant: J & R SCHUGEL TRUCKING, INC., 301 N. Water St., New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour and flour products* (except commodities in bulk), from New Ulm, New Praque, and Wabasha, MN, to points in IA, under continuing contract with International Multifoods Corporation, of Minneapolis, MN. (Hearing site: St. Paul, MN.)

NOTE.—Dual operations are involved in this proceeding.

MC 116519 (Sub-59F), filed January 24, 1979. Applicant: FREDERICK TRANSPORT LIMITED, R. R. 6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *sodium carbonate* (except soda ash), and *sodium bicarbonate*, in bags, from the facilities of Church & Dwight Co., at or near Syracuse, NY and Old Fort, OH, to ports of entry on the international boundary line between the United States and Canada in MI and NY, restricted to the transportation of traffic moving in foreign commerce. (Hearing site: Washington, DC.)

MC 117370 (Sub-35F), filed December 13, 1978. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53707. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand*, in bulk, from points in LaSalle County, IL, and Berrien County, MI, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX (except DC). (Hearing site: Chicago, IL.)

MC 117820 (Sub-25F), filed December 11, 1978. Applicant: AURELIA TRUCKING CO., a corporation, 2121 Petit St., Port Huron , MI 48060. Representative: Robert D. Schuler, 100 W. Ling Lake Rd., Suit 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except in bulk), from the facilities of P.V. Foods, Inc., at or near Poplar, WI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, ME, MD, MI, MO, MN, MS, NC, NE, NJ, NY, OH, OK, PA, RI, SC, TN, VA, VT, WV, and DC; and (2) *materials and supplies used in the manufacture or distribution of foodstuffs*, (except commodities in bulk), in the reverse direction, restricted in (1) and (2) to the transportation of traffic originating at the indicated origins and destined to the indicated destinations. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 117940 (Sub-306F), filed December 6, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and foodstuffs), from the facilities of Texas Shippers Association, Inc., at points in IL, MA, NJ, and NY, to points in TX, restricted to the transportation of traffic (1) moving on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8) [formerly § 402(a)(5)] of the Interstate Commerce Act, and (2) originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 118779 (Sub-12F), filed January 11, 1979. Applicant: PENNSYLVANIA TRUCK LINES, INC., P.O. Box 8116, Philadelphia, PA 19101. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *diesel locomotive engines, generators and motors*, and (2) *parts* of the commodities in (1) above, between Cleveland, OH, and Jacksonville, FL, under continuing contract with Consolidated Rail Corporation, of Philadelphia, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 119700 (Sub-51F), filed December 7, 1978. Applicant: STEEL HAULERS, INC., a Kansas corporation, 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, gaskets, and such commodities as are used in the installation of plastic pipe and plastic conduit*, from the

facilities of Clow Corporation, at or near Columbia, MO, to points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, NE, NM, ND, OH, OK, SD, TN, TX, and WI. (Hearing site: Kansas City or St. Louis, MO.)

MC 119741 (Sub-133F), filed January 4, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., an Illinois corporation, 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* 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, in tank vehicles), from the facilities of Farmland Foods, Inc., at or near Crete, Lincoln, and Omaha, NE, and Carroll, Denison, Des Moines, Fort Dodge, Iowa Falls, and Sioux City, IA, to points in CO, IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, restricted to the transportation of traffic originating at the above-named origins and destined to the above-named destinations. (Hearing site: Omaha, NE.)

MC 119741 (Sub-135F), filed December 27, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Indiana Summer, Inc., at Evansville, IN, to points in AR, IL, IA, KS, MO, NE, ND, OK, and SD, restricted to the transportation of traffic originating at the above-named origin, and destined to the above-named destinations. (Hearing site: Louisville, KY.)

MC 119777 (Sub-353F), filed December 12, 1978. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L" Madisonville, KY 42431. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes, and highway freight trailers,* and (2) *parts, attachments, and accessories,* for the commodities in (1) above, (except commodities in bulk), between the facilities of Hyster Company, at or near (a) Danville and Kewanee, IL, (b) Crawfordsville, IN, and (c) Berea, KY, on the one hand, and, on the other, points in IL, IN, KY, NY, OH, PA, TN, and WV. (Hearing site: Washington, DC, or Atlanta, GA.)

NOTE.—Dual operations are involved in this proceeding.

MC 119789 (Sub-541F), filed January 29, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., a Louisiana corporation, P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *drugs and drug displays,* from New Brunswick and S. Plainfield, NJ, to LaMirada, CA. (Hearing site: Newark, NJ.)

MC 120910 (Sub-15F), filed November 8, 1978, and previously noticed in the FEDERAL REGISTER issue of February 15, 1979. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401, Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles* (except commodities in bulk), from the facilities of Union Camp Corporation, at or near Prattville, AL, to points in GA, FL, MS, TN, AL, SC, NC, VA, and KY. (Hearing site: Birmingham, AL.)

NOTE.—This republication adds AL, SC, NC, VA, and KY as destination States.

MC 121470 (Sub-20F), filed December 6, 1978. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan St., Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel sheets and steel coils,* from the facilities of Feralloy Corp., Southern Div., at Birmingham, AL, to those points in the United States in and east of TX, OK, MO, IA, and MN (except AL). (Hearing site: Birmingham, AL, or Nashville, TN.)

MC 121654 (Sub-17F), filed December 6, 1978. Applicant: COASTAL TRANSPORT & TRANDING CO., a corporation, P.O. Box 7438 Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Road, 5th floor, Lenox Towers South, Atlanta, GA 30326. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, and materials* used in the installation of building materials (except commodities in bulk), from the facilities of Bird & Son, Inc., at Charleston, SC, to points in AL, FL, GA, KY, TN, and VA. (Hearing site: Boston, MA.)

NOTE.—Dual operations may be involved through common control.

MC 123329 (Sub-44F), filed January 2, 1979. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. To operate as a *common carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting *petroleum additives,* in bulk, in tank vehicles, from Bayway, NJ, to ports of entry on the international boundary line between the United States and Canada at or near Portal, ND, restricted to the transportation of traffic in foreign commerce. Dual operations may be involved through common control. (Hearing site: Great Falls, MT.)

NOTE.—Dual operations may be involved in this proceeding.

MC 123872 (Sub-94F), filed January 15, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of The Larsen Company, at points in WI, to points in GA, NC, SC, TN, and VA, restricted to the transportation of traf-

fic originating at the named facilities. Dual operations may be involved. (Hearing site: Green Bay, WI.)

NOTE.—Dual operations are at issue in this proceeding.

MC 124306 (Sub-53F), filed December 13, 1978. Applicant: KENAN TRANSPORT COMPANY, INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., N.W., Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dimethyl terephthalate,* in tank vehicles, from the facilities of E. I. du Pont de Nemours & Co., at Old Hickory, TN, to points in NC and SC. (Hearing site: Wilmington, DE, or Washington, DC.)

MC 124554 (Sub-29F), filed December 6, 1978. Applicant: LANG CARTAGE CORP., 1308 South West Avenue, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of household products, from La Crosse, WI, to points in Blue Earth, Brown, Carver, Cottonwood, Fairbault, Jackson, Kandiyohi, Le Sueur, McLeod, Martin, Meeker, Nicollet, Pope, Redwood, Renville, Rice, Scott, Sibley, Stearns, Watonwan, and Wright Counties, MN, under contract(s) with Fuller Brush Company, of Great Bend, KS. (Hearing site: Chicago, IL.)

NOTE.—Dual operations may be involved.

MC 124554 (Sub-31F), filed December 6, 1978. Applicant: LANG CARTAGE CORP., 1308 South West Avenue, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting such merchandise as is dealt in by retail mail order houses, from the facilities of Stanley Home Products, Inc., at Dubuque, IA, to points in Anoka, Benton, Blue Earth, Brown, Carlton, Carver, Chicago, Cottonwood, Fairbault, Hennepin, Isanti, Jackson, Kanabec, Kandiyohi, Le Suer, Martin, McLeod, Meeker, Mille Lacs, Morrison, Nicollet, Pine, Pope, Ramsey, Redwood, Renville, Rice, St. Louis, Scott, Sherburne, Sibley, Streams, Todd, Washington, Watonwan, and Wright Counties, MN, and Ashland, Bayfield, Douglas, Iron, and Vilas Counties, WI, under contract(s) with Stranley Home Products, Inc., of Dubuque, IA. (Hearing site: Chicago, IL.)

MC 124692 (Sub-263F), filed January 17, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from Poenix, AZ, to points in CO, ID, UT, and WY. (Hearing site: Phoenix, AZ.)

MC 124711 (Sub-73F), filed December 27, 1978. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Norman A. Cooper (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *anhydrous ammonia,* in bulk from the facilities of Mid America Pipeline Company, at or near Mocane, OK, to points in KS. (Hearing site: Little Rock, AR.)

MC 124774 (Sub-110F), filed December 5, 1978. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., an Iowa corporation, 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *drugs, feed, and feed supplements,* from Pearl River, NY, to Chicago, IL. (Hearing site: Omaha, NE.)

MC 125470 (Sub-39F), filed December 6, 1978. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, NE 68701. Representative: Gailyn L. Larsen, 521 S. 14th St., P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *limestone and gypsum,* from points in Marion County, IA, to those points in the United States in and west of WI, IL, MO, AR, and LA (except AK and HI). (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 125777 (Sub-301F), filed December 12, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *spent catalysts,* in dump vehicles, between points in CO, OK, and TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125777 (Sub-302F), Filed December 13, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coke,* in bulk, in dump vehicles, from Ashland, KY, to points in IL, IN, MI, NY, NC, OH, PA, TN, VA, and WV. (Hearing site: Chicago, IL.)

MC 125916 (Sub-8F), filed December 18, 1978. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, Suite 800, Beneficial Life Tower, Salt Lake City, UT 84044. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pumice,* in bulk, from points in ID, to points in UT and WY. (Hearing site: Salt Lake City, UT, or Boise, ID.)

MC 126542 (Sub-10F), filed January 2, 1979. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, 200 Woodward Building, 1927 1st Avenue, North, Birmingham, AL 35203. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bearings, bearing assemblies,* and *housings,* from the facilities of Federal Mogul, Inc., at Hamilton, AL, to points in the United States (except AK and HI); and (2) *material, equipment, and supplies,* in the reverse direction, contract with Federal Mogul, Inc., of Jackson-

ville, AL. (Hearing site: Birmingham, AL.)

MC 127042 (Sub-239F), filed January 19, 1979. Applicant: HAGEN, INC., P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning compounds, polishing compounds, waxing compounds, buffing compounds, toilet preparations, and shampoos* (except commodities in bulk), from Ft. Madison, IA, to points in MN and MO.) (Hearing site: Chicago, IL.)

MC 129424 (Sub-2F), filed December 5, 1978. Applicant: FILEX TRUCKING CORP., North Water Street, Ossining, NY 10562. Representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *filing cabinets, storage cabinets, and desks, and* (2) *parts* for the commodities in (1) above between the Ossining, NY, on the one hand, and, on the other, those points in the United States west of MI, IN, KY, TN, and AL (except AK and HI), under contract(s) with Filex Steel Products Co., Inc., of Ossining, NY. (Hearing site: New York, NY.)

MC 129631 (Sub-66F), filed December 15, 1978. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, UT 84107. Representative: G. D. Davidson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* between the facilities of Marmon/Keystone Corporation, at or near Salt Lake City, UT, on the one hand, and, on the other, points in ID, MT, OR, and WA. (Hearing site: Salt Lake City, UT.)

MC 133330 (Sub-17F), filed December 11, 1978. Applicant: HALVOR LINES, INC., P.O. Box 6227, Duluth, MN 55806. Representative: Andrew R. Clark, 1000 First National Bank, Minneapolis, MN 55402. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* from Duluth, MN, to points in AZ and CA, under contract with Jeno's Inc., of Duluth, MN. (Hearing site: Duluth or Minneapolis, MN.)

MC 133590 (Sub-19F), filed December 4, 1978. Applicant: WESTERN CARRIERS, INC., a Delaware corporation, P.O. Box 925, Worcester, MA 016132. Representative: David M. Marshall, 101 State St.—Suite 304, Springfield, MA 01103. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *sporting goods, and leisure and recreational goods,* and (2) *materials and supplies used in the manufacture or distribution of the commodities named in (1),* (except commodities in bulk, in tank vehicles), between Woburn, Boston, and Worcester, MA, New York, NY, Houston, TX, Boulder, CO, San Francisco, CA, and ports of entry on the international boundary line between the United States and Canada in VT, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Fischer of America, Inc., of Woburn, MA. (Hearing site: Boston, MA, or Washington, DC.)

MC 133932 (Sub-2F), filed January 23, 1979. Applicant: CATAWBA VALLEY MOTOR LINE, INC., Hwy 64-70 West, Claremont, NC 28610. Representative: Coyte Setzer (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *uncrated upholstered furniture,* from points in Catawba, Alexander, Burke, Caldwell, and Iredell Counties, NC, to points in SC, GA, FL, MS, and AL. (Hearing site: Hickory or Charlotte, NC.)

MC 134082 (Sub-16F), filed January 5, 1979. Applicant: K. H. TRANSPORT, INC., 4796 Linthicum Road, Dayton, MD 21036. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods,* from the facilities of Kitchens of Sara Lee, at or near Deerfield, IL, to points in MO south of Interstate Hwy 70 (except St. Louis, MO and points in its commercial zone), points in TN, MS, AR, TX, and OK. (Hearing site: Washington, DC, or Chicago, IL.)

NOTE.—Dual operations are at issue in this proceeding.

MC 134124 (Sub-4F), filed December 4, 1978. Applicant: PACER TRANSIT CORP., 2031 East Sherman Boulevard, Muskegon, MI 49444. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas,* in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada on the Detroit and St. Clair Rivers in MI, to points in MI, under contract(s) with Petrolane Sales & Transport, Inc., of St. Charles, IL. CONDITION: The certificate issued in this proceeding will be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Chicago, IL.)

MC 134387 (Sub-61F), filed December 11, 1978. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 1800 United California Bank Bldg., 707 Wilshire Bldg., Los Angeles, CA 90017. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *containers and container ends,* from Phoenix, AZ, to Salt Lake City, UT. (Hearing site: Los Angeles, CA.)

MC 134820 (Sub-8F), filed December 5, 1978. Applicant: R.S. ALBRIGHT, INC., 5 Spokane St., Seattle, WA 98134. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To operate as a *contract carrier,* by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting *foundry supplies and foundry equipment,* (1) from Milwaukee, WI, to Salt Lake City, UT, Denver, CO, Phoenix, AZ, and Los Angeles, Fontana, Lynnwood, Oakland, and Oxnard, CA, and (2) from Los Angeles and San Francisco, CA, to Portland, OR, Seattle, WA, and ports of entry on the International Boundary line between the United States and Canada at or near Blaims, WA, under contract with United Western Supplies, Inc., of Seattle, WA. (Hearing site: Seattle or Olympia, WA.)

MC 134872 (Sub-13F), filed January 15, 1979. Applicant: GOSSELIN EXPRESS, LTD., 141 Smith Boulevard, Thetford Mines, Quebec, Canada. Representative: Neil D. Breslin, 600 Broadway, Albany, NY 12207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lawn mowers, garden tractors, lawn tractors, attachments* for lawn mowers, garden tractors, and lawn tractors, *snow blowers, hand-operated rotary tillers, and self-propelled machinery parts*, from Minneapolis and Burnsville, MN, to ports of entry on the International Boundary line between the United States and Canada at Sault Ste Marie, Port Huron, and Detroit, MI. (Hearing site: Albany, NY.)

MC 135070 (Sub-22F), filed November 28, 1978. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *citrus fruits, citrus products, citrus byproducts, juices, beverages, and beverage preparations*, from the facilities of Tropicana Products, Inc., in Manatee and St. Lucie Counties, FL, to points in TX, OK, LA, AR, CO, NE, IA, MO, and KS. (Hearing site: Bradenton, FL, or Amarillo, TX.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 135082 (Sub-83F), filed January 2, 1979. Applicant: ROADRUNNER TRUCKING, INC., Post Office Box 26748, 415 Rankin Road, NE., Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *refractories, brick, tile, and commodities* used in the installation of refractories, brick, and tile (except commodities in bulk), (a) between points in AZ, CO, and NM, (b) from points in AZ, CO, and NM to points in AR, CA, KS, LA, NV, MT, OK, OR, TX, UT, WA, WY, MO, and ID, (c) from Memphis, TN, and points in AR, LA, MO, OK, and TX to points in AZ, CO, and NM, and (d) from points in CA, ID, MT, NV, OR, UT, WA, and WY to points in AZ, CO, and NM; and (2) *brick, tile, and commodities* used in the installation of brick and tile (except commodities in bulk), from points in Los Angeles and Orange Counties, CA, to those points in the United States in and east of ND, SD, NE, IA, IL, KY, TN, and MS. (Hearing site: Albuquerque, NM, or Houston, TX.)

MC 135410 (Sub-34F), filed December 11, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foundry shot* (except in bulk), from Wadsworth, OH, to points in IA and IL, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 135410 (Sub-35F), filed December 12, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed and feed ingredients* (except commodities in bulk), from the facilities of Wells at or near Monmouth, IL, to points in NY, PA, and Cuyahoga County, OH, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 136342 (Sub-15F), filed January 15, 1979. Applicant: JACKSON AND JOHNSON, INC., Box 327, Savannah, NY 13146. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cranberries, cranberry products, grapefruit, grapefruit juice, prunes, and prune products*, in containers, from Middleboro, MA, and the facilities of Ocean Spray Cranberries, Inc., at Bordentown, NJ, and points in MA, to points in PA on and west of U.S. Hwy 15 and points in OH, under contract with Ocean Spray Cranberries, Inc., of Middleboro, MA. (Hearing site: Boston, MA, or New York, NY.)

NOTE.—Dual operations are at issue in this proceeding.

MC 136546 (Sub-6F), filed December 6, 1978. Applicant: PELTON BROS. TRANSPORT LIMITED, R.R. No. 3, Paris, ON, Canada N3L 3E3. Representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *reinforcing steel wire and wire mesh*, and (b) *hot rolled wire rods*, from ports of entry on the International Boundary line between the United States and Canada in MI and NY to points in IL, IN, KY, MI, NY, OH, PA, and WI, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1)(a) and (b) above, in the reverse direction. (Hearing site: Buffalo, NY.)

MC 136989 (Sub-20F), filed February 5, 1979. Applicant: R. F. BOX, INC., 500 Kinley, NE, Albuquerque, NM 87104. Representative: Edwin E. Piper, Jr., 1115 Sandia Savings Bldg., Albuquerque, NM 87102. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paints, wood stains, wood filler, wood preservatives, and caulking compounds*, from the facilities of Darworth Co., at or near Avon, CT, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, and WA, under contract with Darworth Co., of Avon, CT. (Hearing site: Albuquerque, NM, or Washington, DC.)

MC 138144 (Sub-41F), filed November 24, 1978. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South La Salle Street, Suite 1600, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are manufactured or distributed by manufacturers of (a) buildings, complete, knocked down, or in sections, (b) building sections and panels, (c) materials, and supplies for the commodities in (a) and (b) above, and (d) parts, accessories, and equipment used in the installation of the commodities in (a),

(b), and (c) above, from the facilities of Sonoco Buildings, a Division of Sonoco Products Co., at or near Chetopa, KS, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, from points in the United States (except AK and HI), to the facilities of Sonoco Buildings, a Division of Sonoco Products Co., at or near Chetopa, KS, restricted to the transportation of traffic originating at or destined to the facilities of Sonoco Buildings, a Division of Sonoco Products Co. (Hearing site: Chicago, IL.)

MC 138279 (Sub-9F), filed January 29, 1979. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tile, clay, earthenware, and china fixtures*, and (2) *commodities* used in the manufacture and installation of the commodities in (1) above, (except commodities in bulk), between Fayette, AL, on the one hand, and, on the other, points in the United States (except AK, CT, HI, MA, ME, NH, RI, and VT), under contract with American Olean Tile Company, of Lansdale, PA. (Hearing site: Washington, DC.)

MC 138741 (Sub-65F), filed December 28, 1978. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, and *building supplies*, (except commodities in bulk), from the facilities of The Masonite Corporation, at Little Rock, AR, to Houston, TX, and points in AL, GA, LA, MS, NE, OH, and those points in TX on, north, and east of a line beginning at the OK-TX State line and extending along U.S. Hwy 281 to junction U.S. Hwy 80, and then along U.S. Hwy 80 to the TX-LA State line; and (2) *roofing granules*, from Annapolis, MO, to Little Rock, AR. (Hearing site: Little Rock, AR.)

MC 138741 (Sub-66F), filed December 28, 1978. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials* and *building supplies* (except commodities in bulk), from the facilities of The Masonite Corporation, at Meridian, MS, to Houston, TX, and points in AL, AR, GA, IL, IN, KS, KY, LA, MO, OH, OK, TN, and those points in TX on, north, and east of a line beginning at the OK-TX State line and extending along U.S. Hwy 281 to junction U.S. Hwy 80, and then along U.S. Hwy 80 to the TX-LA State line. (Hearing site: Little Rock, AR.)

MC 138882 (Sub-193F), filed January 12, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roof insulation, foam products, asbestos siding, and materials, equipment, and supplies* used in the installation, manufacture, and sale of roof insulation, foam products, and asbestos siding, (except commodities in bulk), between the facilities of the GAF Corporation, at or near St. Louis, MO, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: New York, NY, or Washington, DC.)

MC 138882 (Sub-195F), filed January 12, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *photographic equipment, reproductive equipment, and parts and accessories* for photographic equipment and reproductive equipment, *cleaning, washing, scouring, weed killing, and softening compounds, chemicals, paper, paper products, plastic articles, resins, dyes, paints, and oxides* (except commodities in bulk); and (2) *equipment, materials, and supplies* used in the manufacture and sale of commodities named in (1) above, (except commodities in bulk), between the facilities of the GAF Corporation, at or near Linden, NJ, and Shelby and Elyria, OH, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: New York, NY, or Washington, DC.)

MC 138882 (Sub-197F), filed January 12, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *photographic equipment, reproductive equipment, and parts and accessories* for photographic equipment and reproductive equipment, *cleaning, washing, scouring, weed killing, and softening compounds, chemicals, paper, paper products, plastic articles, resins, dyes, paints, and oxides* (except commodities in bulk); and (2) *equipment, materials, and supplies* used in the manufacture and sale of the commodities named in (1) above, (except commodities in bulk), between the facilities of the GAF Corporation, at or near Portland, OR and Calvert City, KY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing Site: New York, NY, or Washington, DC.)

MC 138882 (Sub-199F), filed January 15, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bleach assistance compound*, in aluminum tote bins, from South Charleston, WV, and Luling, LA, to Garland, TX. (Hearing Site: St. Paul, MN, or Washington, DC.)

MC 139112 (Sub-17F), filed January

10, 1979. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, PA 18708. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery and cough drops*, from the facilities of Luden's Inc., at or near Reading, PA, to points in WA, OR, CA, TX, OK, NM, UT, CO, and AZ, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing Site: Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 140389 (Sub-46F), filed January 29, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and good business houses, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between the facilities of Kraft, Inc., in Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties, GA, on the one hand, and, on the other, points in AL, FL, KY, LA, MS, NC, SC, and TN, restricted to the transportation of traffic originating at and destined to the indicated points. (Hearing site: Atlanta, GA.)

MC 140829 (Sub-182F), filed January 30, 1979. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in IL, IN, MI, MN, MO, OH, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Ford Motor Company. (Hearing site: Washington, D.C.)

NOTE.—Dual operations are involved in this proceeding.

MC 141426 (Sub-14F), filed December 13, 1978. Applicant: WHEATON CARTAGE CO., a corporation, Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of plastic articles, between Pitman, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Andbro, Inc., of Pitman, NJ. (Hearing site: Philadelphia, PA, or Washington, D.C.)

NOTE.—Dual operations are involved in this proceeding.

MC 141804 (Sub-155F), filed December 6, 1978. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicle parts and motor vehicle accessories*, from points in CA to points in NJ, FL, VA, and LA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142930 (Sub-1F), filed December 6, 1978. Applicant: MARLEN SYSTEMS, INC., 88 Twin Oaks Oval, Springfield, NJ 07081. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wearing apparel, and materials, equipment, and supplies used in the manufacture or distribution of wearing apparel*, (except commodities in bulk), between Enfield, CT, and New York, NY, on the one hand, and, on the other, points in AZ, CA, CO, CT, FL, GA, IL, IN, KS, MD, MI, MN, MO, NJ, NM, NY, NC, OH, OK, OR, SC, TX, VA, WA, WI, and DC, under contract with Casual Corner, Inc., of Enfield, CT. (Hearing site: New York, N.Y.)

MC 143002 (Sub-6F), filed January 22, 1979. Applicant: C.D.B., INC., 5170 36th Street, S.E., Grand Rapids, MI 49508. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household and personal care products, and materials and supplies* used in the manufacture and distribution of household and personal care products, between Ada, MI, on the one hand, and, on the other, Seattle, WA, under contract with Amway Corporation, of Ada, MI. (Hearing site: Grand Rapids or Lansing, Mi.)

NOTE.—Dual operations are at issue in this proceeding.

MC 143059 (Sub-54F), filed January 29, 1979. Applicant: MERCER TRANSPORTATION CO., a Texas corporation, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate for foreign commerce, over irregular routes, transporting *aluminum and aluninum alloy ingots, and zinc alloy ingots*, from the facilities of Aluminum Smelting & Refining Co, at or near Maple Heights, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at the named origin. (Hearing site: Louisville, KY, or Washington, DC.)

MC 143267 (Sub-43F), filed December 12, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refractory products*, from the facilities of Kaiser Aluminum and Chemical Corporation, Refractories, Division, at or near Mexico, MO, to points in CT, DE, IN, KY, MD, MI, MN, NJ, NY, OH, PA, TN, VA, WV, and WI. (Hearing site: Washington, DC, or Cleveland, OH.)

MC 143590 (Sub-6F), filed December 4, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, NH 03108. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate

or foreign commerce, over irregular routes, transporting *used X-ray films, and such commodities as are used in the processing of used X-ray films,* from points in the United States (except AK and HI), to the facilities of Keltek Processing, Inc., at or near Warwick, RI. (Hearing site: Manchester, NH.)

MC 143691 (Sub-17F), filed December 28, 1978. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commercial papers, documents, film and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (1) between Denver, CO, on the one hand, and, on the other, points in Denver, Jefferson, Adams, Arapahoe, Boulder, and Douglas Counties, CO, and (2) between Santa Fe and Albuquerque, NM, on the one hand, and, on the other, points in Bernalillo, Torrance, Mora, San Miguel, Santa Fe, Los Alamos, Rio Arriba, Sandoval, Taos, Valencia, and Guadelupe Counties, NM, in (1) and (2) above, restricted to the transportation of traffic having a prior or subsequent movement by air, under contract with banks, banking institutions, and bank-owned computer centers. (Hearing site: Denver, CO, or Albuquerque, NM.)

MC 143966 (Sub-3F), filed December 18, 1978. Applicant: GERALD STAGER and DENNIS DRDA, a partnership, d.b.a. STAGER-DRDA TRANSPORTATION, 5942 Hillsbrough Road, Rockford, IL 61109. Representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, IL 60641. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages and advertising materials,* from St. Paul, MN, to the facilities of D and D Distributing Co., Inc., at or near Rockford, IL, under contract with D and D Distributing Co., Inc., of Rockford, IL. (Hearing site: Chicago, IL.)

MC 144386 (Sub-3F), filed December 19, 1978. Applicant: WILLIAM B. BLANEY, JOHN D. BLANEY, JR., and JAMES M. BLANEY, a partnership, d.b.a. BLANEY FARMS, R.D. No. 1, Box 218B, Perryopolis, PA 15473. Representative: Robert D. Kalinoski, 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *beer,* in containers, (a) from the facilities of Stroh Brewing Company, Inc., at Detroit, MI, (b) from the facilities of C. Schmidt and Sons, Inc., at Cleveland, OH, and (c) from the facilities of Frankenmuth Bavarian Beer Company, at Frankenmuth, MI, to the facilities of R. A. Mateucci Beer Distributors, Inc., at Rice's Landing, PA, under contract with R. A. Mateucci Beer Distributors, Inc., of Rice's Landing, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 144630 (Sub-5F), filed December 12, 1978. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Ct., Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers of glass and glass products* (except commodities in bulk), between the facilities of Anchor Hocking Corporation, at points in IN, OH, PA, and WV, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, TN, GA, NC, SC, FL, and WY. (Hearing site: Washington, DC.)

MC 144709 (Sub-4F), filed December 18, 1978. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NY 08805. Representative: Paul J. Keeler, P.O. Box 253, S. Plainfield, NJ 07080. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ground coffee,* in dump trailers, from Freehold, NJ, to Gonvick, MN, under continuing contract with The Nestle Company, Inc., to White Plains, NY. (Hearing site: Newark, NJ, or New York, NY.)

NOTE.—Dual operations may be involved in this proceeding.

MC 144927 (Sub-6F), filed November 27, 1978. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Robert B. Hebert, 320 North Meridian St., 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except commodities in bulk), from the facilities of Griffith Laboratories, U.S.A., Inc., at (a) Union City and Los Angeles, CA, (b) Alsip and Chicago, IL, (c) Lithonia, GA, (d) Union, NJ, and (e) Maryland, TN, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of foodstuffs (except commodities in bulk), in the reverse direction. (Hearing site: Indianapolis, IN, or Washington, DC.)

NOTE.—Dual operations are involved.

MC 145072 (Sub-5F), filed December 11, 1978. Applicant: M. S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *heating and refrigeration equipment, parts, materials, and supplies* used in the distribution of heating and refrigeration equipment, from Grenada, MS, to points in NY, NJ, PA, MD, CT, VA, WV, GA, IL, TN, TX, OH, MI, IA, WI, and DC; and (b) *steel and aluminum, and parts, materials, and supplies* used in the manufacture of heating and refrigeration equipment, in the reverse direction; and (2) *heating and refrigeration equipment, parts, materials, and supplies* used in the manufacture of heating and refrigeration equipment, between Spirit Lake, IA, Louisville, KY, and Grenada, MS. (Hearing site: Memphis, TN.)

NOTE.—Dual operations are at issue in this proceeding.

MC 145220 (Sub-3F), filed November 6, 1978. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *citrus juice and citrus juice concentrate,* in bulk, in tank vehicles, from points in FL, to points in NC.

Condition: Prior or coincidental cancellation, as requested in application, of permits in Nos. MC 141534 and MC 141534 (Sub-3). (Hearing site: Winston-Salem, NC.)

MC 145399 (Sub-3F), filed December 6, 1978. Applicant: SHAY DISTRIBUTING CO., INC., P.O. Box 3557, Orange, CA 92665. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commercial laundry tumblers and drying equipment*, from Louisville, KY, to points in AZ, CA, FL, GA, NV, NM, OR, TX, UT, and WA, and (2) *washing and cleaning compounds*, (except commodities in bulk), from Cincinnati, OH, to points in AZ, CA, FL, GA, NV, NM, OR, TX, UT, and WA. (Hearing site: Louisville, KY.)

NOTE.—Dual operations may be involved in this proceeding.

MC 145402 (Sub-2F), filed December 6, 1978. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 566, Wausau, WI 54401. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Milwaukee, WI, and Kalamazoo, MI: over Interstate Hwy 94, serving all intermediate points in MI only, (2) Between Michiana, MI, and Grand Rapids, MI: From Michiana, MI over U.S. U.S. Hwy 12 to junction U.S. Hwy 131, then over U.S. Hwy 131 to Grand Rapids, MI, and return over the same route, serving all intermediate points, (3) Between Niles, MI, and Three Rivers, MI: over MI Hwy 60, serving all intermediate points, (4) Between Niles, MI, and junction MI Hwy 51 and Interstate Hwy 94: over MI Hwy 51, serving all intermediate points, (5) Between Niles, MI, and junction U.S. Hwy 33 and Interstate Hwy 196: over U.S. Hwy 33 serving all intermediate points, (6) Between Allegan, MI, and Plainwell, MI: over MI Hwy 89 serving all intermediate points, (7) Between Grand Rapids, MI, and junction Interstate Hwy 94 and Interstate Hwy 196: over Interstate Hwy 196, serving all intermediate points, and serving in connection with routes (1) through (7) above all off-route points in Berrien and Cass Counties, MI, and all off-route points in St. Joseph County, MI west of U.S. Hwy 131, (8) Between Rhinelander, WI, and Miwaukee, WI: From Rhinelander, WI over U.S. Hwy 8 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction WI Hwy 78, then over WI Hwy 78 to Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, WI, and return over the same route, serving the intermediate points of Tomahawk, Merrill, Wausau, and Stevens Point, WI, (9) Between Green Bay, WI, and Milwaukee, WI: (a) over U.S. Hwy 41, and (b) From Green Bay, WI over U.S. Hwy 141 to junction Interstate Hwy 43, then over Interstate Hwy 43 to Milwaukee, WI, and return over the same route, serving the intermediate points of Appleton, Oshkosh, Fond du Lac, Manitowoc, and Sheboygan, WI, (10) Between Rhinelander, WI, and Appleton, WI: From Rhinelander, WI over U.S. Hwy 8 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction WI Hwy 76, then over WI Hwy 76 to Appleton, WI, and return over the same route, serving the intermediate points of Antigo, Clintonville, and New London, WI, (11) Between Wausau, WI, and Green Bay, WI: over WI Hwy 29, serving the intermediate point of Schawano, WI, (12) Between Manitowoc, WI, and Stevens Point, WI: over U.S. Hwy 10, serving the intermediate points of Appleton and Brillion, WI, (13) Between Manitowoc, WI, and Fond du Lac, WI: over U.S. Hwy 151, serving the intermediate point of Chilton, WI, restricted in routes (8) through (13) above against traffic moving between points in WI in interstate commerce, (14) Between north junction Interstate Hwy 94, and Interstate Hwy 294, and south junction Interstate Hwy 94 and Interstate Hwy 294: over Interstate Hwy 294 as an alternate route for operating convenience only, serving no intermediate points, and (15) Between west junction Interstate Hwy 90 and Interstate Hwy 94 and east junction Interstate Hwy 90 and Interstate Hwy 94: over Interstate Hwy 90, as an alternate route for operating convenience only, serving no intermediate points. (Hearing site: Appleton or Milwaukee, WI.)

MC 145406 (Sub-4F), filed November 27, 1978. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth St., Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen donuts*, from the facilities of Prestige Donuts, Inc., at or near Cincinnati, OH, to points along the international boundary line between the United States and Canada in MI and NY, (2) *frozen foodstuffs*, from the facilities of Blue Star Foods, at or near Omaha, NE, to points along the international boundary line between the United States and Canada in MI and NY, and (3) *bacon*, from the facilities of Sugar Creek Packing Co., at or near Bloomington, IL, Dayton and Washington Court House, OH, (a) to points along the international boundary line between the United States and Canada in MI, NY, and WA, and (b) to points in AL, IA, IL, IN, MN, MS, ND, PA, and WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 145516 (Sub-2F), filed December 20, 1978. Applicant: T. G. STEGALL TRUCKING CO., INC., 6333 Idlewild Rd., Charlotte, NC 28212. Representative: Triston G. Stegall, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bananas*, in vehicles equipped with mechanical refrigeration, from Charleston, SC, to Charlotte and Raleigh, NC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 145526 (Sub-1F), filed December 15, 1978. Applicant: CTC TRANSPORTATION, INC., 431 Gravier St., New Orleans, LA 70130 Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles), in containers or trailers, having an immediately prior or subsequent movement by water, and

(2) *empty containers, trailers and trailer chassis,* between Charleston, SC, Jacksonville, FL, New Orleans, LA, and Savannah, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New Orleans, LA, or Savannah, GA.)

MC 145736 (Sub-1F), filed December 8, 1978. Applicant: EDMOND JOSEPH RAINVILLE, 135 Homeside Ave., Stoney Creek, ON, Canada L8G 3G9. Representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, NY 14202. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *crane boom sections,* between points in the United States (except AK and HI). (Hearing site: Buffalo, NY.)

MC 145797 (Sub-2F), filed December 12, 1978. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Drive, Chesterfield, MO 63017. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *drugs and chemicals,* (except commodities in bulk, in tank vehicles), (I) from Elkhart, IN, to St. Louis, MO and points in TX, and (II) from (1) the facilities of Mallinckrodt, Inc., at St. Louis, MO, and (2) the facilities of Monsanto, at (a) St. Louis, MO and (b) Sauget, IL, to Elkhart and South Bend, IN. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 145844F, filed December 4, 1978. Applicant: J. H. RUSSELL d.b.a. J. H. RUSSELL TRUCKING, R.D. 1, Warriors Mark, PA 16877. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer, lime,* and *agricultural chemicals,* between points in MD, NJ, OH, and PA, under contract(s) with Helena Chemical Company, of Memphis, TN. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 145850F, filed December 6, 1978. Applicant: MALCOLM HUMPHREYS, d.b.a. HUMPHREYS TRUCKING, Route 5, Box 685, Prattville, AL 36067. Representative: William P. Jackson, Jr., 3426 N. Washington, Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper articles,* (except commodities in bulk), from the facilities of Union Camp Corporation, at or near Prattville, AL, to points in AL, MS, GA, TN, SC, NC, VA, FL, and KY; and (2) *materials, equipment, and supplies used in the manufacture or distribution of paper and paper articles,* except commodities in bulk), in the reverse direction, under contract with Union Camp Corporation, Wayne, NJ. (Hearing site: Montgomery, AL, or Washington, DC.)

MC 145939 (Sub-1F), filed January 19, 1979. Applicant: ATLANTIC CARRIERS, INC., Box 284, Atlantic, IA 50022. Representative: James F. Crosby, P.O. Box 37205. Omaha, NE 68137. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed and feed ingredients,* between points in IL, IN, IA, MI, MN, NE, SD, and WI. (Hearing site: Omaha, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 145940F, filed December 22, 1978. Applicant: DIXIE REFRIGERATED, INC., Battleship Parkway, P.O. Box 2163, Mobile, AL 36601. Representative: James David Mills, P.O. Box 2664, Mobile, AL 36601. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper articles, chemicals* in bags and in drums, *textiles, textile products, and fertilizer* in bags, and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, paper and paper articles, chemicals in bags and in drums, textiles, textile products and fertilizers in bags), in containers, from Atmore and McIntosh, AL, Pensacola, FL, Pascagoula, MS, and points in Baldwin and Mobile Counties, AL, to points in CA, OR, WA, AZ, NV, UT, NM, WY, CO, and ID, restricted in (2) to the transportation of traffic having an immediately prior movement by water. (Hearing site: Mobile, AL, or New Orleans, LA.)

MC 145941 (Sub-2F), filed January 4, 1979. Applicant: FREDRICKS & REESE, INC., 71-36 Myrtle Ave., Glendale, NY 11227. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *stock market printed materials,* from New York, NY, to Hartford, CT, Philadelphia, PA, Chicago, IL, Baltimore, MD, Boston, MA, and Washington, DC. (Hearing site: New York, NY.)

MC 145986F, filed December 18, 1978. Applicant: EVERETT P. GLAZE, 38 West Hinman Ave., Columbus, OH 43207. Representative: Richard H. Brandon, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Pickaway County, OH, on the one hand, and, on the other, points in OH, restricted to the transportation of traffic having prior or subsequent movement by rail. (Hearing site: Columbus, OH.)

MC 146101F, filed January 2, 1979. Applicant: MIDSTATES REFRIGERATED EXPRESS, INC., P.O. Box 420, East Chicago, IN 46312. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs,* between the facilities of Continental Freezers of Illinois, at Chicago, IL, on the one hand, and, on the other, points in IN, IL, MI, OH, KY, MO, KS, WI, IA, NE, and those in PA on and west of Interstate Hwy 79, under contract with Continental Freezers of Illinois, of Chicago, IL. Common control is involved. (Hearing site: Chicago, IL.)

MC 145982F, filed December 11, 1978. Applicant: MOTOR TRANSPORTATION COMPANY, INC., 141 North Laurel Street, Hazleton, PA. Representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over

irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in round trip special and charter operations, beginning and ending in that part of PA bounded by junction of the PA Northeast Turnpike with Interstate Hwy 80, then along the Turnpike to its junction with U.S. Hwy 209, then along U.S. Hwy 209 to its junction with PA Hwy 54, then along PA Hwy 54 to its junction with PA Hwy 339, then along PA Hwy 339 to its junction with Interstate Hwy 80, and then along Interstate Hwy 80 to its junction with Northeast PA Turnpike, including points on the named highways, and Lansford, Summit Hill, Normal Square, and New Mahoning, PA, and extending to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. RESTRICTION: No transportation shall be performed from or to Hauto, Hometown, Lakewood, or Mahanoy City, PA. (Hearing site: Hazleton or Wilkes Barre, PA.)

MC 146172F, filed January 16, 1979. Applicant: UNIVERSAL COACHES, INC., 388 Frenchmen Street, New Orleans, LA 70122. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in round trip special and charter operations, beginning or ending at points in LA and MS, and extending to points in the United States (including AK, excluding HI). (Hearing site: New Orleans, LA, or Washington, DC.)

[FR Doc. 79-7712 Filed 3-14-79; 8:45 am]

[7035-01-M]

[Volume No. 10]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

MARCH 7, 1979.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operation rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 7698 (M1F) (Notice of Filing Petition to Modify Certificate), filed November 20, 1978. Petitioner: FOWLER & WILLIAMS, INC., 1301 Meylert Avenue, Scranton, PA 18501. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Petitioner holds a motor *common carrier* certificate in MC-7698, issued March 28, 1956 authorizing in part, transportation over irregular routes of: *General Commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), Between points in Bergen, Essex, Hudson, Morris, Passaic, Union, Middlesex, Monmouth, Hunterdon, and Somerset Counties, NJ, on the one hand, and, on the other, points in Pennsylvania in Lackawanna, Luzerne, Monroe, Pike, Susquehanna, Wayne, Wyoming, Bradford, Carbon, Lycoming, and Sullivan Counties, and those portions of Columbia, Montour, and Northumberland Counties lying on the north bank and north of the Susquehanna River, all within 130 miles of Belleville, NJ. By the instant petition, petitioner seeks to modify the above authority by substituting "New Jersey" in lieu of that part of the present authority which reads "Bergen, Essex, Hudson, Morris, Passaic, Union, Middlesex, Monmouth, Hunterdon and Somerset Counties, N.J."

MC 12901 (M1F) (notice of filing of petition to modify certificate), filed November 17, 1978. Petitioner: MICHAEL B. CHAIKLIN, d.b.a. CREATIVE TOURS, 233 Main Street, New Britain, CT 06051. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. Petitioner holds a License No. MC 12901 issued May 27, 1965 authorizing transportation of: passengers and their baggage, in special and charter operations, between points in the United States, including AK and HI. Restriction: The operations authorized above are restricted to the transportation of passengers arranged for by Petitioner and who have prior, subsequent, or intervening movement by some mode of transportation other than motor common carrier. Beginning and ending at points in CT and extending to points in the United States, including AK and HI. Petitioner is authorized to engage in the above-specified operations as a broker at New Britain, CT. By the instant petition, Petitioner seeks to change its brokerage operations from New Britain, CT to Bloomfield, CT.

MC 35153 (Sub-1) (M1F) (notice of filing petition to modify certificate) filed November 29, 1978. Petitioner: RUPP-SOUTHERN TIER FREIGHT LINES, INC., P.O. Box 489, Route 211, Middletown, New York 10940. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, New Jersey 07006. Petitioner holds a motor *common carrier* certificate in MC 35153 (Sub-1), June 16, 1959 authorizing in part, transportation over irregular routes, of *General Commodities*, with exceptions, between New York, NY, and points in Nassau, Suffolk (as far as Riverhead), Westchester, Rockland, Putnam, Orange, Dutchess, and Ulster Counties, NY on the one hand, and, on the other, points in that part of New Jersey on, east, and north of a line begining at the New York-New Jersey State line and extending in a southerly direction along the western boundary line of Bergen County, then through Morristown, NJ, to New

Brunswick, NJ, and then in an easterly direction to Asbury Park, NJ. By the instant petition, petitioner seeks to modify the above authority by changing the radial portion of territorial description to read as all points in "NJ" in lieu of a specified portion of NJ as authorized above.

MC 43587 and Sub 3 and 6G (M1F) (notice of filing of petition to modify certificates) filed November 14, 1978. Petitioner: UNITED HAULAGE CO., INC., 11-22 Welling Court, Long Island City, NY 11102 Representative: Edward L. Nehez, P.O. Box 1409, Fairfield, NJ 07006. Petitioner holds a motor *common carrier* certificates in MC 43587 and Subs 3 and 6G issued January 20, 1956, June 14, 1965, and June 23, 1977, respectively. MC 43587 authorizes transportation over irregular routes, of *General commodities*, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Hudson, Union, and Essex Counties, NJ, on the one hand, and, on the other, New York, NY, and points in Westhcester and Nassau Counties, NY. MC 43587 Sub 3 authorizes transportation, over irregular routes, as pertinent, of *General commodities* (except loose bulk commodities, livestock, household goods as defined by the Commission, explosives (except small arms ammunition), currency, bullion, articles of virtu, and those exceeding ordinary equipment and loading facilities, between North Bergen, NJ, on the one hand, and, on the other, points in the New York, NY, Commercial Zone as defined by the Commission, and those in that part of NJ north and east of a line beginning at Sewaren, NJ, and extending in a westerly direction through Woodbridge, NJ, to Bound Brook, NJ, then in a northerly direction to junction US Hwy 22, then in a northeasterly direction along US Hwy 22 to junction US Hwy 1, then in a northerly direction along US Hwy 1 to North Bergen, including points on the above-specified boundary. MC 43587 Sub 6G authorizes transportation, over irregular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquor, silk, commodities in bulk, and those requiring special equipment, between points in Middlesex, Monmouth, Somerset, and Union Counties, NJ, and Lakewood and Point Pleasant, NJ, on the one hand, and, on the other, points in New York, NY, and points in Westchester, Nassau, and Suffolk Counties, NY. By the instant petition, petitioner seeks to modify the territorial descriptions in the above authorities to read as follows: MC 43587—Between points in Hudson, Union, Essex, Sussex, Warren, Passaic, Bergen, Morris, Hunterdon, Mercer, Burlington, and Ocean Counties, NJ, on the one hand, and, on the other, New York, NY, and points in Westchester, Nassau, and Rockland Counties, NY. MC 43587 Sub 3—Between North Bergen, NJ, on the one hand, and, on the other, points in New York, NY, Commercial Zone and Hudson, Union, Essex, Sussex, Warren, Passaic, Bergen, Morris, Hunterdon, Mercer, Burlington, and Ocean Counties, NJ and points in Westchester, Nassau, and Rockland Counties, NY. MC-43587 Sub 6G to authorize—Between points in Hudson, Union, Essex, Middlesex, Monmouth, Somerset, Sussex, Warren, Passaic, Bergen, Morris, Hunterdon, Mercer, Burlington, Ocean, and Union Counties, NJ, and Lakewood and Point Pleasant, NJ, on the one hand, and, on the other, points in New York, NY, and points in Westchester, Nassau, and Suffolk Counties, NY.

MC 58946 (M1F) (notice of filing petition to modify certificate) filed November 29, 1978. Petitioner: P. WAJER & SONS EXPRESS CO., INC., P.O. Box 460, Webster, Massachusetts 01570. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, New Jersey 07006. Petitioner holds Certificate MC 58946, issued July 20, 1959 authorizing in part, transportation, over irregular routes, of *General Commodities*, with exceptions, between Webster and Southbridge, MA on the one hand, and, on the other, Providence, RI and points in RI and MA within five miles of Providence. By the instant petition, petitioner seeks to modify the above authority by substituting "points in RI, and points in" lieu of that part of the present territorial description which reads "Providence, RI and points in RI".

MC 58946 (Sub-3) (M1F) (notice of filing petition to modify certificate) filed November 29, 1978. Petitioner: P. WAJER & SONS EXPRESS CO., INC., P.O. Box 460, Webster, Massachusetts 01570. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, New Jersey 07006. Petitioner holds Certificate MC 58946 (Sub-3) December 28, 1965 authorizing in part, transportation, over irregular routes, of *General Commodities*, with exceptions, between Williamantic, CT on the one hand, and on the other, points in CT on and east of CT Hwy. 10. By the instant petition, petitioner seeks to modify the above authority by broadening the radial portion of authority from points in CT on and east of CT Hwy 10 to read "points in CT".

MC 59241 (Sub-5) (M1F) (notice of filing petition to modify certificate), filed November 16, 1978. Petitioner: JOHN GIBBONS, INC., 650 Eddystone Avenue, Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Petitioner holds Motor *common carrier* Certificate in No. MC 59241 (Sub-5) issued September 14, 1978 authorizing transportation over irregular routes of:" (1) *Cleaning products*, (2) *nutritional foods*, and (3) *materials, supplies*, and *equipment* used in the manufacture, distribution, or sale of the commodities in (1) and (2) above (except in bulk), between the facilities of Drackett Products Company at or near East Stroudsburg, PA, on the one hand, and, on the other, points in CT, MA, and RI. This certificate may not be joined or tacked with the carrier's other irregular route authority. By the instant petition, petitioner seeks the removal of the plant site restriction by deleting the phrase "the facilities of Drackett Products Company at or near" and the removal of the restriction against tacking the Sub-No.5 certificate to petitioner's existing grants of authority. By deleting the tacking restriction, the following tacking possibility exists: MC 59241 Sub-5 and Sub 1 may be tacked at the facilities of Drackett Products Company at or near East Stroudsburg, PA, provide a thru service between CT, MA, and RI, on the one hand, and, on the other, points in DE, MD, NJ, and DC.

MC 102616 (Subs-834, 909, and E-1, E-33, E-64, E-95, E-106, E-107, E-112,

E-162, E-167, E-179, E-184, E-208, E-243, E-256, E-258, E-265, E-272, E-290, E-292, E-308, E-384, E-387, E-388, E-389, E-390, E-394, E-407, E-409, E-415, and E-442) (M1F) (Notice of filing of petition to modify certificates), filed November 17, 1978. Petitioner: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, OH 44319. Representative: Fred H. Daly, 1725 K Street, NW, Washington, DC 20006. Petitioner holds motor *common carrier* certificates, and certificates, and E-letter notices either issued or published and authorizing as follows: MC 102616 (Sub-834) issued January 5, 1970, authorizes transportation, over irregular routes, as pertinent, of *Liquid petroleum products and liquid chemicals,* in bulk, in tank vehicles, from Marshall, IL, and points within 5 miles thereof, to points in that part of the United States on and east of US Hwy 85 (except points in Harris County, TX). RESTRICTION: The authority granted next above is restricted against the transportation of resins, paint, and paint materials, from Marshall, IL, to points in the Dallas, TX, Commercial Zone, as defined by the Commission. MC 102616 (Sub-909) issued March 19, 1976, authorizes transportation, over irregular routes, as pertinent, of *Liquid chemicals and petroleum products,* in bulk, in tank vechicles, from points in CT, ME, MA, NH, RI, VT, and NY to points in the United States (except AK and HI and points in Harris County, TX).

MC 102616 (Sub-E-1) published in the FEDERAL REGISTER issue of July 3, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals,* in bulk, in tank vehicles, from points in DE, to AR, IA, LA, MO, NE, OK, points in CO on and east of US Hwy 85, points in NM on and east of US Hwy 85, points in ND on and east of US Hwy 85, points in SD on and east of US Hwy 85, points in WY on and east of US Hwy 85 and points in TX (except Harris County).

MC 102616 (Sub-E-33) published in the FEDERAL REGISTER issue of July 3, 1975, authorizes transportation, over irregular routes, of *Liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Wilmington, DE, to points in AR, IA, KS, LA, MN, MS, MO, NE, OK, TX (except points in Harris County), WI, and points in CO, ND, SD, and WY which are on and east of US Hwy 85.

MC 102616 (Sub-E-64) published in the FEDERAL REGISTER issued of July 29, 1975, authorizes transportation, over irregular routes, of *Liquid petroleum products,* in bulk, in tank vehicles, from points in IL on and bounded by a line beginning at junction US Hwy 41 and 30 and extending along US Hwy 30 to junction IL Hwy 31 to junction US Hwy 41 to point of beginning, to points in FL, points in LA on and south of US Hwy 190, points in NM on and east of US Hwy 85, and points in TX on and south of US Hwy 290 (except Harris County).

MC 102616 (Sub-E-95) published in the FEDERAL REGISTER issue of October 20, 1976, authorizes transportation, over irregular routes, of *Liquid chemicals,* in bulk, in tank vecicles, from Huntington, IN, to points in AL, AR, FL, KS, LA, MS, NE, OK, TX (except Harris County), points, in CO, NM, and WY which are on and east of US Hwy 85, points in GA on and south of US Hwy 80, and points in TN on and west of US Hwy 231, restricted against resins, paint, and paint materials to points in the Dallas, TX Commerical Zone.

MC 102616 (Sub-E-106 published in the FEDERAL REGISTER issue of September 23, 1975, authorizes transportation, over irregular routes of *Liquid petroleum products* in bulk, in tank vehicles, from Princeton, IN, to points in FL on and east of US Hwy 319, points in LA on, south, and west of a line beginning at the LA-AR State line and extending along US Hwy 71 to juction US Hwy 190, to junction US Hwy 90, to the LA-MS State line, points in MS on and south of US Hwy 90, points in MO on, north, and west of a line beginning at the MO-AR State line and extending along MO Hwy 5 to junction US Hwy 60, to junction US Hwy 63, to junction MO Hwy 17, to junction US Hwy 54 to the MO-IL State line, points in NC on and east of US Hwy 220, points in SC on and east of US Hwy 301, points in TX on, west, and south of a line beginning at the TX-OK State line and extending along US Hwy 259 to junction US Hwy 80, to the TX-LA State line (except points in Harris County), points in VA on and east of US Hwy 220, points in WV on and north of US Hwy 50, CT, DC, DE, IA, KS, ME, MD, MA, MI, MN, NE, NJ, NH, NY, OK, PA, RI, VT, WI, and those points in CO, NM, ND, SD, and WY which are on and east of US Hwy 85.

MC 102616 (Sub-E-107) published in the FEDERAL REGISTER issue of October 20, 1976, authorizes transportation, over irregular routes, of *Liquid petroleum products,* in bulk, in tank vehicles, from the terminal of LaGloria Oil & Gas Co. near Seymour, IN, to points in AR, IA, KS, LA, MN, MS, MO, NE, NH, OK, VT, WI, points in AL on and south of US Hwy 80, points in FL, on and south of FL Hwy 80, points in CO, NM, WY, ND, and SD on and east of US Hwy 85 and points in TX (except Harris County).

MC 102616 (Sub-E-112) published in the FEDERAL REGISTER issue of October 20, 1976, authorizes transportation, over irregular routes, of *Liquid petroleum products,* as defined by the Commission, in bulk, in tank vehicles, from Madison, IN, to points in AR, IA, KS, LA, ME, MN, MS, MO, NE, OK, WI, TX (except Harris County), points in CO, SD, ND, and WY which are on and east of US Hwy 85, and points in FL on and south of FL Hwy 80.

MC 102616 (Sub-E-162) published in the FEDERAL REGISTER issue of July 9, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals* (excpet sulphuric acid), in bulk, in tank vehicles, from Kalamazoo, Grand Rapids, and Montague, MI, to points in AL, AR, FL, GA, KS, KY, LA, MS, MO, NE, OK, SC, TN, TX (except Harris County), and points in CO, NM, ND, SD, and WY, which are on and east of US Hwy 85, restricted against the transportation of resins, paint and paint materials to points in the Commercial Zone of Dallas, TX.

MC 102616 (Sub-E-167), published in the FEDERAL REGISTER issue of July 9, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals,* in bulk, in tank vehicles, from Midland, MI, and points within 10 miles thereof, to points in AR, MS, NE, OK, TX (except Harris County), and points in NM, ND, SD, and WY, which are on and east of US Hwy 85, restricted against the transportation of resins, paint, and paint materials to points in the Dallas, TX Commercial Zone.

MC 102616 (Sub-E-179) published in

the FEDERAL REGISTER issue of July 14, 1975, authorizes transportation, over irregular routes, of *Liquid petroleum products*, in bulk, in tank vehicles, from Bay City and Midland, MI, to points in AL, AR, FL, GA, KS, KY, LA, MS, MO, NE, OK, SC, TN, TX (except Harris County), and points in CO, NM, SD, ND, and WY which are on and east of US Hwy 85, restricted against the transportation of resins, paint, and paint materials to points in the Dallas, TX Commercial Zone.

MC 102616 (Sub-E-184) published in the FEDERAL REGISTER issue of July 14, 1975, authorizes transportation over irregular routes, of *Liquid petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Alma, MI, to points in AL, AR, FL, GA, KS, KY, LA, MS, MO, NE, OK, SC, TN, TX (excpet Harris County), and points in CO, NM, ND, SD, and WY which are on and east of US Hwy 85.

MC 102616 (Sub-E-208) published in the FEDERAL REGISTER issue of July 15, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals*, in bulk, in tank vehicles, from points in NJ, to points in AR, LA, MS, MO, NE, OK, TX (except Harris County), and points in CO, NM, ND, SD, and WY on and east of US Hwy 85, restricted against transportation of resins, paint and paint materials to points in the Dallas, TX commercial zone.

MC 102616 (Sub-E-243) published in the FEDERAL REGISTER issue of October 28, 1976, authorizes transportation, over irregular routes, of *Liquid petroleum products* except petrochemicals), in bulk, in tank vehicles, from Bayonne, NJ, and points within 15 miles thereof, to points in AR, IA, KS, LA, NE, OK, TX (except Harris County), and points in CO and NM which are on and east of US Hwy 85.

MC 102616 (Sub-E-256) published in the FEDERAL REGISTER issue of July 30, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals*, in bulk, in tank vehicles, from Akron, Cleveland, Columbus, Mansfield, Springfield, and Toledo, OH, to points in NE, OK, TX (except Harris County), and points in CO, NM, ND, SD, and WY which are on and east of US Hwy 85, restricted against the transportation of resins, paint and paint materials to points in the Dallas, TX. commericial zone.

MC 102616 (Sub-E-258) published in the FEDERAL REGISTER issue of July 17, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals*, in bulk, in tank vehicles, from points in Cuyahoga, Mahoning, Stark, Summit, and Trumbull Counties, OH, to points in LA and TX (except Harris County), restricted against the transportation of resins, paint, and paint material to points in the Dallas, TX commerical zone.

MC 102616 (Sub-E-265) published in the FEDERAL REGISTER issue of July 17, 1975, authorizes transportation over irregular routes, of *Liquid chemicals*, in bulk, in tank vehicles, from points in OH on and east of US Hwy 23 to points in OK and TX (except Harris County), restricted against the transportation of resins, paint, and paint materials to points in the Dallas, TX commercial zone.

MC 102616 (Sub-E-272), published in the FEDERAL REGISTER issue of April 21, 1976, authorizes transportation, over irregular routes, of *Liquid chemicals*, in bulk, in tank vehicles, (A) from points in Mahoning, Summit, Stark, and Trumbull Counties, OH, to points in NE, OK, TX (except Harris County), points in CO, WY, NE, and NM which are on and east of US Hwy 85, and points in SD on and east of a line beginning at the SD-NE State line and extending along SD Hwy 71 to junction US Hwy 385, to junction US Hwy 16, to junction Interstate Hwy 90, to junction SD Hwy 34, to junction US Hwy 85 to the SD-WY State line. (B) From points in Cuyahoga County, OH, to points in OK, TX (except Harris County), points in CO and NM on and east of US Hwy 85, points in WY on and east of US Hwy 85, and on and south of US Hwy 26, and points in NE on and west of NE Hwy 71 and US Hwy 26.

MC 102616 (Sub-E-290) published in the FEDERAL REGISTER issue of July 17, 1975, authorizes transportation, over irregular routes, of *Liquid petroleum products*, in bulk, in tank vehicles, from Toledo, OH, to points in AL, AR, KS, LA, NE, MS, OK, TX (except Harris County), and points in CO, NM, and WY on and east of US Hwy 85.

MC 102616 (Sub-E-292) published in the FEDERAL REGISTER issue of July 21, 1975, authorizes transportation, over irregular routes, of *Lubricating oil*, restricted to liquid petroleum products, in bulk, in tank vehicles, from Cleveland and Lima, OH, to points, in AL, AR, KS, LA, MS, NE, OK, TX, (except Harris County), and points in CO, NM, and WY on and east of US Hwy 85.

MC 102616 (Sub-E-308) published in the FEDERAL REGISTER issue of July 17, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals*, in bulk, in tank vehicles, from points in PA to points in AR, KS, LA, MS, MO, NE, OK, TX (except Harris County), and points in CO, NM, ND, SD, and WY which are on and east of US Hwy 85, restricted against the transportation of resins, paint, and paint materials to points in the Dallas, TX commercial zone.

MC 102616 (Sub-E384) published in the FEDERAL REGISTER issue of July 17, 1975, authorizes transportation, over irregular routes, of *Liquid petroleum products* (except petrochemicals) in bulk, in tank vehicles, from Philadelphia, PA, to points in AR, IA, KS, LA, MS, MO, NE, OK, TX (except Harris County), and points in CO, NM, ND, SD, and WY which are on and east of US Hwy 85.

MC 102616 (Sub-E-387) published in the FEDERAL REGISTER issue of July 17, 1975, authorizes transportation, over irregular routes, of *Liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Greensburg and Nanty Glo, PA, and points within 10 miles of each, to points in AR, IA, KS, LA, MS, MO, NE, OK, TX (except Harris County), and points in CO, NM, ND, SD, and WY which are on and east of US Hwy 85. MC 102616 (Sub-E-388), published in the FEDERAL REGISTER issue of July 17, 1975, authorizes transportation, over irregular routes, of *Liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Freedon, Hays, Neville Island, and Delmont, PA, to points in AR, IA, KS, LA, MS, MO, NE, OK, TX (except Harris County), and points in CO, NM, ND, SD, and WY which are on east of US Hwy 85.

MC 102616 (Sub-E-389), published in the FEDERAL REGISTER issue of July 17, 1975, authorizes transportation, over irregular routes, of *Liquid petroleum products* (except petrochemicals), in

bulk, in tank vehicles, from points in Allegheny and Beaver Counties, PA, to points in AR, IA, KS, MS, MO, NE, OK, TX (except Harris County), and points in CO, NM, ND, SD, and WY which are on and east of US Hwy 85.

MC 102616 (Sub-E-390) published in the FEDERAL REGISTER issue of July 17, 1975, authorizes transportation, over irregular routes, of *Liquid petroleum products* (except petrochemicals) in bulk, in tank vehicles, from Duncansville, MT. Union, Mechanicsburg, York, and Lancaster, PA, and points within 10 miles of each, to points in KS, MS, NE, OK, TX (except Harris County), and points, in CO, ND, SD, and WY which are on and east of US Hwy 85.

MC 102616 (Sub-E-394), published in the FEDERAL REGISTER issue of September 19, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals,* in bulk, in tank vehicles, (A) from points in VA to points in NE, and points in CO, NM, ND, SD, and WY on and east of US Hwy 85. (B) From points in VA on and east of a line beginning at the VA-WV State line and extending along US Hwy 11 to junction US Hwy 250, to junction US Hwy 15, to the VA-NC State line, to points in AR. (C) From points in VA on and east of a line beginning at the VA-WV State line and extending along US Hwy 11 to junction US Hwy 17 to junction US Hwy 360, to the Chesapeake Bay, to points in LA on and west of a line beginning at the Gulf of Mexico and extending along LA Hwy 27 to junction US Hwy 165, to the LA-AR State line. (D) From points in VA on and east of US Hwy 21, to points in OK. (E) From points in VA on and east of a line beginning at the VA-WV State line and extending along VA Hwy 311 to junction U.S. Hwy 220, to the VA-NC State line, to points in TX (except Harris County).

MC 102616 (Sub-E-407), published in the FEDERAL REGISTER issue of July 29, 1975, authorizes transportation, over irregular routes, of *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in VA on and south of US Hwy 50 which are within 20 miles of Alexandria, to points in IA, KS, MN, MO, NE, OK, TX (except Harris County), and points, in CO, NM, ND, SD, and WY which are on and east of US Hwy 85.

MC 102616 (Sub-E-409), published in the FEDERAL REGISTER issue of July 29, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals,* in bulk, in tank vehicles, from points in Brooke, Hampshire, Hancock, Kanawha, Marion, Marshall, Monongalia, Pleasants, and Wetzel Counties, WV, to points in AR, KS, LA, MS, NE, OK, TX (except Harris County), points, in AL on and south of US Hwy 78, and points in CO, NM, ND, SD, and WY which are on and east of US Hwy 85, restricted against the transportation of resins, paint, and paint materials to points in the Dallas, TX commercial zone.

MC 102616 (Sub-E-415) published in the FEDERAL REGISTER issue of July 29, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals,* in bulk, in tank vehicles, from Institute and South Charleston, WV, to points in AR, LA, MS, NE, OK, TX (except Harris County), points in AL on and south of US Hwy 65, and points in CO, NM, ND, SD, and WY which are on and east of US Hwy 85, restricted against the transportation of resins, paint, and paint materials to points in Dallas, TX commercial zone.

MC 102616 (Sub-E-442) published in the FEDERAL REGISTER issue of August 6, 1975, authorizes transportation, over irregular routes, of *Liquid chemicals,* in bulk, in tank vehicles, from points in IL on and bounded by a line beginning at junction US Hwys 41 and 30 and extending along US Hwy 30 to junction IL Hwy 31 then along IL Hwy 31 to junction US Hwy 41, then along US Hwy 41 to point of beginning, to points in GA, LA, TX (except Harris County), and points in CO on and east of US Hwy 85, restricted against the transportation of resins, paint and paint materials to points in the Dallas, TX Commercial Zone.

By the instant petition, petitioner seeks to modify the above certificates by deleting the exception "(except Harris County)".

MC 103926 (Sub-34) (M1F) (Notice of filing of petition to modify certificate), filed November 1, 1978. Petitioner: W. T. MAYFIELD SONS TRUCKING CO., INC., Post Office Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street NE., Atlanta, GA 30303. Petitioner holds a motor *common carrier* certificate in No. MC 103926 (Sub-34), issued August 21, 1978, authorizing transportation over irregular routes of: (1) Self-propelled articles weighing 15,000 pounds or more and (2) attachments, parts and accessories for the commodities in (1), from the facilities of American Poclain Corporation, in Spotsylvania County, VA, to points in AL, AR, FL, GA, LA, MS, NC, SC, and TN. By the instant Petition, Petitioner seeks to delete the existing origin facility and origin location and substitute in lieu thereof J. I. Case Co., Drott Division, at or near Wausau, Wisconsin.

MC 110525 and (Sub-608) (M1F) (Notice of filing of petition to modify certificates), filed October 27, 1978. Petitioner: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, PA 19335. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036. Petitioner holds motor *common carrier* certificates in MC 110525 and (Sub-608) issued August 30, 1962 and November 14, 1963, respectively. MC 110525 authorizes transportation, over irregular routes, as pertinent of, Part (A) (31) *Coal tar products,* in bulk, in tank vehicles, from points in the Philadelphia, PA, commercial zone, as defined in *Philadelphia, PA Commercial Zone,* 17 M.C.C. 533, to points in NJ and CT, and points in the New York, NY commercial zone, as defined in *New York, NY, Commercial Zone,* 1 M.C.C. 665. Part (A) (124) *Hydrogen peroxide,* in bulk, in tank vehicles, from Syracuse, NY, to points in CT, DE, IL, IN, KY, ME, MD, MA, NH, NJ, NC, OH (except Akron), PA (except Johnstown, Josephtown, and Kobuta, and points in Allegheny County), RI, TN, VT, VA, WV (except Morgantown, Fairmont, and Follansbee), points on Long Island, NY, and points in the New York, NY, Commercial Zone, as defined in 1 M.C.C. 655 and 2 M.C.C. 191. Part (B)(215) *Petroleum products,* in bulk, in tank trucks, from points in the Philadelphia, PA, commercial zone as defined in *Philadelphia, PA, Commercial Zone,* 17 M.C.C. 533, and points in NJ within 5 miles of Paulsboro, NJ, including Paulsboro, to points in NY. RESTRICTION: The operations authorized in Item 215 are restricted against the transportation of lubricating oil from Marcus Hook, PA, to Buffalo, Rochester, and Syra-

cuse, NY, and from Philadelphia to Schenectady, NY. Part (B) (224) *Petroleum products,* in bulk, in tank vehicles, (except liquid wax, and except those requiring attached heater equipment), from points in the Philadelphia, PA, commerical zone as defined in Philadelphia, PA, Commercial Zone, 17 M.C.C. 533, to Staten Island, NY, and to points in DE and MD. MC 110525 (Sub-608) authorizes transportation over irregular and regular routes, of OVER REGULAR ROUTES: (1) *Commodities in bulk* between New York, NY, and Philadelphia, PA, serving all intermediate points, and off-route points in New York, NY, Commercial Zone as defined by the Commission in 1 M.C.C. 665: (a) From New York, over US Hwy 1 to Philadelphia, and return over the same route; (b) From New York over US Hwy 1 to junction US Hwy 130, then over US Hwy 130 to Camden, NJ, then across the Delaware River to Philadelphia, and return over the same route. (2) OVER IRREGULAR ROUTES, *Commodities in bulk,* between points in the New York, NY, Commercial Zone as defined by the Commission in 1 M.C.C. 664, those in Bergen and Passaic Counties, NJ, east of the Ramapo River, those in Essex and Union Counties, NJ, and those in Middlesex County, NJ, north of the Raritan River, on the one hand, and, on the other, points in MA, RI, and CT.

By the instant petition, petitioner seeks to delete the following language from the above certificates: Item (31) of MC 110525 and Paragraphs (1) and (2) of MC 110525 (Sub-608) should delete "as defined by the Commission in 1 M.C.C. 665"; MC 110525 Part (A) Item (124) requests to eliminate "as defined by the Commission in M.C.C. 655 and 2 M.C.C. 19". MC 110525 Part (B) Items (215 and 224) request to eliminate "as defined in Philadelphia, PA Commercial Zone, 17 M.C.C. 533".

NOTE.—MC 110525 lead was revised several times. As pertinent, to this petition, the authority seeking to be modified was issued as follows: Item (31) August 30, 1962; Item (124) Novemer 14, 1974; and Items (215 and 224) September 27, 1972.

MC 113678 (Sub-528) (M1F) (notice of filing of petition to modify certificate) filed November 20, 1978. Petitioner: CURTIS, INC., P.O. Box 16004 Stockyards Station, Denver, CO 80216. Representative: Roger M. Shaner (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 113678 Sub 528, issued July 30, 1975, authorizing transportation, over irregular routes, of *Artificial trees, shrubs, wreaths, and plants,* from the facilities of American Technical Industries, Inc., at Lexington, KY, and Elk Grove Village, IL, to points in IL, WI, MN, IA, MO, NE, KS, OK, and CO. By the instant petition, petitioner seeks to modify the above certificate by substituting Aurora, IL for Elk Grove Village, IL as an origin point.

MC 118130 (Sub-82) (M1F) (notice of filing of petition to modify certificate) filed November 27, 1978. Petitioner: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Ft. Worth, TX 76115. Representative: Billy R. Reid, P.O. Box 8335, Ft. Worth, TX 76112. Petitioner holds a motor *common carrier* certificate in MC 118130 Sub 82 issued June 8, 1978 authorizing transportation, over irregular routes, of *Malt beverages,* from the facilities of Falstaff Brewing Corp., at Galveston, TX, to Albuquerque, Los Cruces, Roswell, and Santa Fe, NM. By the instant petition, petitioner seeks to modify the above authority by deleting the language "the facilities of Falstaff Brewing Corp., at".

MC 119626 (Sub-9) (M2F) (notice of filing of petition to modify certificate) filed November 1, 1978. Petitioner: ILL.-PAC. COAST TRANSPORTATION CO., a Corporation, 1601 Market St., Madison, IL 62060. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Petitioner holds motor *common carrier* certificate in Docket No. MC-119626 Sub-9, issued April 24, 1975, authorizing transportation, over irregular routes of: *Meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Krey Packing Company, B. Constantino and Sons Co., Inc., and Continental Meat Distributors, Inc., at St. Louis, MO, Springfield, IL, and Chicago, IL, to points in AZ, NV and NM. Restricted to the transportation of shipments originating at and destined to the above named origins and destined to the named destinations. By the instant petition, petitioner seeks to modify the above authority by deleting the origin plantsite restrictions.

MC 124004 (Subs 10, 17, and 18) (M1F) (notice of filing of petition to modify certificates) filed October 11, 1978. Petitioner: RICHARD DAHN, INC., 620 W. Mountain Rd., Sparta, NJ 07871. Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07308. Petitioner holds motor *common carrier* certificates MC 124004 Subs 10, 17, and 18 issued December 23, 1968, March 4, 1975, and December 21, 1973, respectively. MC 124004 Sub 10 authorizes transportation, over irregular routes, of (1) *Quarry products,* from points in Lewis County, NY, to points in MD, VA, OH, NY, PA, ME, VT, DE, NH, and DC (b) from Bridgeport, CT, to points in DE, MD, PA, VA, and DC, (c) from Phillipsburg, NJ, to points in DE, MD, PA (except points in Philadelphia, Delaware, Chester, Montgomery, and Bucks Counties), VA and DC, (d) from South Lyndeboro, NH, to points in DE, CT, MA, MD, NJ, NY, PA, RI, VA, and DC. (2) *Slate* from Bangor and Pen Argyl, PA, to points in CT, DE, MA, MD, NJ, NY, RI, VA, and DC, (3) *Stone,* from Portageville, NY, to points in DE, MD, PA, VA, and DC, (4) *Precast concrete products,* from Montague, NJ, to points in NY, CT, MA, and PA, (5) *Materials, equipment,* and *supplies* used or useful in the manufacture of precast concrete products (except cement, and except commodities in bulk, in tank vehicles), from points in NY, CT, MA, and PA (except Plymouth Meeting, PA), to Montague, NJ. (6) *Marble, granite, quartz, topaz, and products,* thereof, from Phillipsburg, NJ, to points in Philadelphia, Delaware, Chester, Montgomery, and Bucks Counties, PA, (7) *Building stone* (except crushed stone, common gravel, and construction aggregates), from Media, PA, to points in CT, DE, MA, MD, NJ, NY, RI, VA, and DC, (8) *Building stone* (except crushed stone, common gravel, and construction aggregates), from points in Chester County, PA, (except from the plant sites of Warner Co., at Devault and Cedar Hollow, PA), to points in DE, CT, MD, MA, NJ, NY, RI, VA, and DC, (9) *Commodities,* the transportation of which is partially exempt under the

provisions of Section 203(b)(6) of the Interstate Commerce Act, as amended, when transported at the same time and in the same vehicle with quarry products, from points in Lewis County, NY, to points in MD, VA, OH, NY, PA, ME, VT, DE, NH, and DC. MC 124004 Sub 17 authorizes transportation, over irregular routes, of (1) *Building stone,* from Lumberville, PA, to points in NY, CT, MA, DE, MD, VA, WV, OH, NJ, and DC, and (2) *Building Stone,* in dump vehicles, from Lumberville, PA, to points in IN and MI. MC 124004 Sub 18 authorizes transportation, over irregular routes, of *Building and decorative stone,* from points in Wyoming, Lackawanna, Bucks, Luzerne, Monroe, Carbon, and Berks Counties, PA, and Orange County, NY, to points in MA, CT, RI, NY, PA, OH, MD, DE, NJ, and DC. By the instant petition, petitioner seeks to modify the commodity in Sub 10, parts (7) and (8); Sub 17, parts (1) and (2), and Sub 18 to read as, *Stone,* without any commodity exceptions.

MC 133095 (Sub-178) (M1F) (correction) (notice of filing of petition to modify certificate), filed September 22, 1978, previously noticed in the FEDERAL REGISTER issue of November 2, 1978. Petitioner: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street NE., Atlanta, GA 30303. Petitioner holds a motor *common carrier* certificate in MC 133095 Sub 178 issued April 18, 1978, authorizing transportation over irregular routes, of (a) *Hair and skin care products* and *toilet preparations,* and (b) *equipment, materials,* and *supplies* used in the manufacture and distribution of the commodities described in (a) above (except chemicals and commodities in bulk), between the facilities of Redken Laboratories, Inc., at Los Angeles, Downey, Riverside, San Bernardino, and Irvine, CA, on the one hand, and, on the other, those points in the United States on and east of U.S. Hwy. 85, restricted to the transportation of traffic originating at or destined to the facilities of Redken Laboratories, Inc. By the instant petition, petitioner seeks to modify the above authority by deleting the restriction, and also deleting the language "the facilities of Redken Laboratories, Inc. at" from the territorial description.

NOTE.—The purpose of this correction is to indicate the entire purpose of this petition.

MC 134011 (M1F) (notice of filing of petition to modify certificate), filed November 17, 1978. Petitioner: LEON H. PENN, d.b.a. PENN TRUCKING CO., Route 3, Box 113, Cordele, GA 31015. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. Petitioner holds a motor *common carrier* certificate in MC 134011 issued November 4, 1971, authorizing transportation, over irregular routes, as pertinent, of *Dry fertilizer and dry fertilizer materials,* in bulk, from points in Crisp County, GA, to points in FL, and (2) from points in Hamilton County, TN, to points in FL and GA. By the instant petition, petitioner seeks to modify the above authority to transport the above named commodities in bags, as well as in bulk.

MC 134280 (Sub-1) (M1F) (notice of filing of petition to modify permit), filed December 11, 1978. Petitioner: YOUNG'S EXPRESS, INC., 1501 N. Warwick Ave., Baltimore, MD 21216. Representative: Brian S. Stern, 2425 Wilson Boulevard, Suite No. 327, Arlington, VA 22201. Petitioner holds a motor *contract carrier* Permit in MC 134280 Sub 1 issued July 7, 1971, authorizing transportation, over irregular routes, of *Meats, packinghouse products,* and *commodities* used by packinghouses (except commodities in bulk in tank vehicles), as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates* 67 M.C.C. 209 and 766, *seasoning* or *spices, advertising matter, forms, racks, signs and store displays,* and *commodities* used in the manufacture, sale, or distribution of meats and packinghouse products as described above, in shipper-owned vehicles, between Baltimore, MD, on the one hand, and, on the other, New Haven, CT, Boston, MA, New York, NY, Philadelphia, PA., and Providence, RI, and points in NJ, under a continuing contract(s) with H. G. Parks, Inc. By the instant petition, petitioner seeks to modify the above authority by deleting the language "in shipper-owned vehicles".

MC 134783 (Sub-16) (M1F) (notice of filing of petition to modify certificate), filed November 21, 1978. Petitioner: DIRECT SERVICE, INC., 940 East 66th Street, P.O. Box 2491, Lubbock, Texas 79408. Representative: Charles M. Williams, 3500 Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203. Petitioner holds a motor *common carrier* certificate in MC 134783 (Sub-16) issued November 18, 1975, authorizing transportation, over irregular routes, of: Canned and preserved apple products, and canned and preserved apple byproducts, from Winchester, VA; Martinsburg, WV; and Kent City, MI, to points in TX, TN, OK, AR, LA, MS, AL, GA, SC, and FL. By the instant petition, Petitioner seeks to modify the above authority by adding Lincolnton, NC as an origin point.

MC 135197 (Sub-7) (M1F) (notice of filing of petition to modify certificate), filed November 14, 1978. Petitioner: LEESER TRANSPORTATION, INCORPORATED, Route 3, Palmyra, MO 63461. Representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, DC 20036. Petitioner holds a motor *common carrier* certificate in MC 135197 Sub-7 issued August 15, 1977, authorizing transportation, over irregular routes, of (1) *Pesticides, plant growth regulants,* and *materials and equipment* used in the distribution and application thereof, from the plant site and storage facilities of American Cyanamid Company, located in Marion County, MO, to points in the United States (except AK and HI); and (2) *Pesticides, plant growth regulants, and materials and equipment* used in the production and distribution thereof, from points in the United States (Except AK and HI), to the plant site and storage facilities of American Cyanamid Company located in Marion County, MO. By the instant petition, petitioner seeks to modify the commodity description in (1) above to read: "Pesticides, plant growth regulants, and materials and equipment used in the distribution, application, and production thereof".

MC 136342 (Sub-10) (M1F)) (Notice of filing of petition to modify permit), filed November 13, 1978. Petitioner: JACKSON & JOHNSON, INC., P.O. Box 327—Route #31, Savannah, New York 13146. Representative: Philip C. Pinsky, 345 South Warren Street, Syracuse, New York, 13202. Petitioner holds a motor *contract carrier* Permit No. MC 136342 (Sub-10), issued May

22, 1978 authorizing transportation over irregular routes, of *Foodstuffs* (except frozen foods and commodities in bulk), from Hamlin, Holley and Williamson, NY, and Aspers, PA, to points in DE, MD, NJ, NY, and PA. The authority granted herein is restricted to a transportation service to be performed under a continuing contract, or contracts, with Duffy-Mott Company, Inc. By the instant Petitioner, Petitioner seeks to amend the authority above by including therein: (1) Authority to serve the warehouse facility of Duffy-Mott Company, Inc. at Hanover, Pennsylvania where Duffy-Mott Company, Inc. has recently opened a warehouse facility; and (2) Authority to transport *materials, supplies and equipment used in the manufacturing, processing and distribution of foodstuffs* between the facilities of Duffy-Mott Company, Inc., located at Hamlin, Holley and Williamson, NY and Aspers and Hanover, PA, under a continuing contract, or contracts, with Duffy-Mott Company, Inc.

MC 139112 (Subs-3 and 4) (M1F) (Notice of filing of petition to modify certificates), filed October 6, 1978. Petitioner: CALEX EXPRESS, INC., 149 Warden Rd., Trucksville, PA 18708. Representative: Joseph F. Hoary, 121 S. Main Street, Taylor, PA 18517. Petitioner holds motor *common carrier* certificates in MC 139112 Subs-3 and 4 issued December 9, 1974 and December 3, 1974, respectively. MC 139112 Sub 3 authorizes transportation, over irregular routes, of (1) *Notions and novelties, bottles, and polystrine forms*, from the facilities of Wheaton Industries, at Millville and Tuckahoe, NJ, to points in OR, WA, and CA; (2) *Plastic bottles and caps for plastic bottles*, from the plant site of Wheaton Plastic Co., at Mays Landing, NJ, and Des Plaines and Centralia, IL, to Tracy, CA. MC 139112 Sub 4 authorizes transportation, over irregular routes, of (1) *Plastic bottles* and *equipment, parts and supplies* used in the manufacture of plastic bottles, between the facilities of Wheaton Plastics Company at Mays Landing, NJ, Des Plaines and Centralia, IL, and Ventura, CA. RESTRICTION: The operations authorized above are restricted against the transportation of commodities which because of size or weight require the use of special equipment; (2) *Plastic bottles*, from the facilities of Wheaton Plastics Company at Mays Landing, NJ and Des Plaines and Centralia, IL, to Irving, Los Angeles, and San Francisco, CA.

By the instant petition, petitioner requests that the above authority be modified by deleting the facility references of Wheaton Industries and Wheaton Plastic Company in Sub 3 and delete the facility reference of Wheaton Plastic Company in Sub-4.

MC 142416 (Sub-1) (M1F) (Notice of filing of petition to modify certificate), filed November 1, 1978. Petitioner: HAMILTON TRANSFER STORAGE & FEEDS, INC., Box H, Highway 26 West, Torrington, WY 82240. Representative: John H. Lewis, The 1650 Grant St. Bldg., Denver, CO 80203. Petitioner holds a motor *common carrier* certificate in MC 142416 Sub 1, issued April 21, 1978, authorizing transportation, over regular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Torrington, WY, and Casper, WY, serving Lusk and Douglas, WY, and all points on U.S. Hwy 26 between Torrington and Junction U.S. Hwy 26 and Interstate Hwy 25 as intermediate points, and serving Hartville and Sunrise, WY, and all points in Goshen County, WY, as off-route points: (1) From Torrington over U.S. Hwy 26 to junction Interstate Hwy 25 west of Dwyer, WY, then north over Interstate Hwy 25 (or U.S. Hwy 87) to Casper, and return over the same route. (2) From Torrington over U.S. Hwy 26 to Lingle, WY, then over U.S. Hwy 85 to Lusk, WY, then west over U.S. Hwy 20 to Orin Junction, and then over Interstate Hwy 25 to Casper and return over the same route. RESTRICTION: The above-authority is restricted against a transportation of shipments moving to, from, or through Denver, CO.

By the instant petition, petitioner seeks to modify the above authority by deleting the restriction.

MC 140030 (Sub-4) (M1F.) (notice of filing of petition to modify permit), filed November 8, 1978. Petitioner: RAY KURTZ and LINDA FARLEY, d.b.a. PLASTIC EXPRESS, P.O. Box 5593, Orange, CA 92667. Representative: Richard Celio, 1415 West Garvey Avenue, West Covina, CA 91790. Petitioner holds a motor *contract carrier* permit in MC 140030 Sub 4 issued June 13, 1978, authorizing transportation, over irregular routes, of (1) *Lubricating oil, oil products,* and *lubrication filter,* (a) from Vernon, CA, to points in AZ and NV, (b) from Alameda, CA to points in NV and OR. (2) *Pallets, vats, and containers* of over 35 gallon capacity, from points in AZ, NV, and OR, to Vernon and Alameda, CA. RESTRICTIONS: The authority granted herein is subject to the following conditions: The traffic generating at Vernon and Alameda, CA above is restricted against the transportation thereof in bulk, in tank vehicles, and the authority granted herein is limited to a transportation service to be performed under a continuing contract(s) with the Pennzoil Company. By the instant petition, petitioner seeks to modify the above authority by adding Los Angeles, CA as an origin point in parts (1)(a) and (2) and to add Quaker State Oil Refining Corporation as an additional contracting shipper in the permit.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before April 16, 1979. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 143505 (Sub-2) (republication), filed December 13, 1977, published in

the FEDERAL REGISTER issue of March 2, 1978, and republished this issue. Applicant: KOMMER BULK FEED SERVICES, INC., 171 Stafford Road, Palmyra, NY 14522. Representative: Charles A. Schiano, 500 Wilder Building, One East Main Street, Rochester, NY 14614. A Decision of the Commission, Division 2, decided January 22, 1979, and served February 9, 1979, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *Dried brewers' grain and dried brewers' grain products*, in bulk and in bags, from points in Monroe County, NY, to points in PA; and (2) *feed and feed ingredients*, from Marion, Bellevue, Fostoria, and Delphos, OH, to points in NY and PA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the applicant's actual grant of authority.

MC 144604 (Sub-53F) (republication), filed April 11, 1978, published in the FEDERAL REGISTER issues of July 13, 1978, and August 2, 1978, and republished this issue. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. A Decision of the Commission, Review Board Number 2, decided December 13, 1978, and served January 29, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Such commodities as are dealt in by grocery and food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraft, Inc., at Decatur, GA, to point in MS, TN, and LA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the addition of TN as a destination State.

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected.

The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such request shall meet the requirements of Section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. *Broadening amendments will not be accepted after March 15, 1979, except for good cause shown, and restrictive amendments will not be entertained following publication in the "FEDERAL REGISTER" of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 95540 (Sub-1072F), filed January 12, 1979. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Containers, container ends and closures;* (2) *commodities* manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers; and (3) *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: Washington, DC.)

NOTE.—Common control may be involved. Applicant requests consolidated hearing with other applications requesting similar authority.

MC 95540 (Sub-1074F), filed April 3, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving Lowland, TN as an off-route point in connection with carrier's authorized regular route operations from and to Asheville, NC. (Hearing site: Nashville, TN.)

NOTE.—Common control may be involved.

MC 115311 (Sub-327F), filed January

10, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Containers*, container ends and closures; (2) *commodities* manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers; and (3) *materials*, equipment and supplies used in the manufacture and distribution of containers, container ends and closures (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: Washington, DC.)

NOTE.—Applicant requests consolidated hearing with other applications requesting similar authority.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before April 16, 1979. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conversation Act of 1975.

MC-F-13894F. Authority sought for control by TRANSPORT ASSOCIATES, INC., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, TX 75234, of DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Applicants' representative: Scott E. Daniell, P.O. Box 82028, Lincoln, NE 68501. Operating rights sought to be controlled are those sought by Delta Motor Freight, Inc. in Docket MC 144827, which when issued, will authorize the transportation of freight and passenger elevators, and parts and attachments for freight and passenger elevators, from the facilities of Dover Elevator Co., at or near Middleton, TN, and Horn Lake, MS to points in the U.S. (except AK, HI, IN and MN), and materials, equipment and supplies used in the manufacture and distribution of freight and passenger elevators in the reverse direction. This authority, when issued, will authorize common carrier operation over irregular routes. Transport Associates, Inc., is a no record carrier, however, it owns the issued and outstanding capital stock of DALLAS CARRIERS CORP., which operates as a contract carrier in interstate commerce, subject to the Interstate Commerce Act and presently holds authority pursuant to Permits in Docket MC 135691 and subs thereto, in all the States in the United States, except AL and AK. Approval of the transaction will result in the applicant being in control of both common and contract motor carrier operations in interstate commerce. Neither of these carriers will serve common shippers and identical commodities are not involved. Application has not been filed for temporary authority under section 210a(b).

MC-F-13929F. Authority sought for control by EAGLE EXPRESS COMPANY, P.O. Box 680, Somerset, Kentucky 42501, of SCHIPPER'S EXPRESS, INC., 11425 Williamson Road, Cincinnati, Ohio 45241. Applicant's attorney: Andrew Jay Burkholder, Beery & Spurlock Co., LPA, 275 East State Street, Columbus, Ohio 43215. Operating rights sought to be controlled: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment) over regular routes, between numerous OH points including Cincinnati, Cleveland, Toledo, Circleville, Ravenna, Dayton, Xenia, Springfield, Lebanon, Lima, Sidney, Piqua, Fremont, Bellefontaine, Wapakoneta, and Columbus. *General commodities* (except those of unusual value, classes A and B explosives, houshold goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), over irregular routes, between Cincinnati, OH, on the one hand, and, on the other, points in OH. *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, and commodities requiring special equipment), over regular routes between Huntington, WV, and Portsmouth, OH, serving all intermediate points. Vendee is authorized to operate as a common carrier in KY, TN, and OH. An application has been filed for temporary control under 210a(b).

MC-F-13930F. Authority is sought for the purchase by ERB TRANSPORTATION CO., INC., P.O. Box 65, Crozet, VA 22932 of the operating authorities of Eastern Refrigerated Transport, Inc., P.O. Box 113, Crozet, VA 22932. Applicants' attorneys: Harry C. Ames, Jr., Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20001, and Harry J. Jordan, 1000—16th Street, N.W., Washington, D.C. 20036. Operating rights to be purchased: Irregular routes: Docket No. MC-138835 and subs. *Frozen foods* (except commodities in bulk, in tank vehicles), from points in Maine, New Hampshire, Vermont, Kentucky, Indiana, Michigan, Ohio (except frozen bakery goods from Toledo and Cleveland), Tennessee, West Virginia, Illinois, Virginia, Minnesota, Wisconsin, Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia to the facilities of Morton Frozen Foods, Division of Continental Baking Company, at Crozet, Va. with no transportation for compensation on return except as otherwise authorized. *Frozen foods*, between points in Atlantic and Cumberland Counties, N.J., on the one hand, and, on the other, points in West Virginia and points in that part of Virginia west of U.S. Highway 1. From Crozet, Va., to points in Kentucky, Indiana, Michigan, Ohio, Tennessee, and West Virginia, with no transportation for compensation on return except as otherwise authorized. From Cleveland, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, with no transportation for

compensation on return except as otherwise authorized. Restriction: The service authorized in the route description next above is restricted to the transportation of shipments originating at the plant sites and storage facilities used by Stouffer Foods Corporation in the Cleveland, Ohio, Commercial Zone, as defined by the Commission, and destined to points in the specified states. From Crozet, Va., to points in Illinois, Virginia, Minnesota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. *The commodities,* classified as (a) meats, meat products, and meat by-products, (b) dairy products, and (c) articles distributed by meat-packinghouses, in the Appendix to the report in *Modification of Permits-Packing House Products,* 46 M.C.C. 23, from Madison, Wis., to points in North Carolina, Virginia, and the District of Columbia, and to Baltimore, Md., and points within 5 miles thereof except (b) dairy products from Madison, Wis., with no transportation for compensation on return except as otherwise authorized. *Frozen foods,* from the plant site and storage facilities of Morton Frozen Foods Division of Continental Baking Company at Crozet, Va., to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. From Crozet, Va., to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, with no transportation for compensation on return except as otherwise authorized. *Meats, meat products and 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. From Madison, Wis., to Charleston, W. Va., with no transportation for compensation on return except as otherwise authorized.

Prepared foodstuffs, from the plant sites and warehouses of the Pillsbury Corporation in New Albany, Ind., and the commercial zone thereof, as defined by the Commission to points in Missouri, Illinois, Indiana, Ohio, West Virginia, Kentucky, and Tennessee, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted in the route description next above shall not be tacked or joined, directly or indirectly with any of carrier's existing authority for the purpose of performing a through service between Memphis, Tenn., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission. From the plant sites and storage facilities of the Pillsbury Corporation at points in the Commercial Zone of New Albany, Ind., as defined by the Commission, to points in Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia, with no transportation for compensation on return except as otherwise authorized. *Meats, meat products, and 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 Madison, Wis., to points in Maryland (except Baltimore), West Virginia (except Charleston) and Delaware, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted in the route description next above is restricted to traffic originating at Madison, Wis., and destined to points in the destination States named, with the exceptions noted. *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 commodities in bulk, in tank vehicles), from the plant site of Oscar Mayer & Co., near Goodlettsville, Tenn., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations granted in the route description next above are restricted to the transportation of traffic originating at the above-described plant site and destined to points in the above-named destination States. *Frozen bakery goods,* from Toledo and Cleveland, Ohio, to Crozet, Va., with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted in the route descritpion next above to operate from Cleveland, Ohio, shall be restricted against tacking and/or interlining at Crozet, Va., or points within the commercial zone thereof as defined by the Commission. Between Pottstown, Pa., and Portsmouth, Va. *Frozen bakery products,* from the facilities of Mrs. Smith's Pie Company at Pottstown, Pa., to points in Connecticut, Kentucky, Massachusetts, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized. *Frozen foods,* between Crozet, Va., and Russellville, Ark. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at and destined to the facilities of Morton Frozen Foods—Division of ITT Continental Baking Company, Inc., at the above-named points. *Frozen foodstuffs,* from the plant site and warehouse facilities of Ore-Ida Foods, Inc., at Greenville, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. *Food products, foodstuffs, packaging materials, and supplies* used in the manufacture and production of frozen foods, (except commodities in bulk), over irregular routes, from points in New York, New Jersey, Pennsylvania, Illinois, Michigan, Massachusetts, Maryland, Ohio, Indiana, and the District of Columbia to Crozet, Va., limited to shipments destined to the plant-site and storage facilities of Morton Foods Division, ITT Continental Baking Company. To transport foodstuffs, packaging materials, and supplies used in the manufacture of frozen foods (except in bulk) from points in New York, New Jersey, Pennsylvania, Illinois, Michigan, Massachusetts, Maryland, Ohio, Indiana, and the District of Columbia to Crozet, VA, restricted to the transportation of traffic destined to the facilities of Morton Frozen Food Division, ITT Continental Baking Co., Inc., at Crozet, VA.

Frozen foods, over irregular routes, from the facilities of Seabrook Foods, Inc., at Seabrook, NJ to points in

Pennsylvania, Ohio, Indiana, Illinois, Kentucky, and Michigan, and Kansas City, MO and Kansas City, KS. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods* from Seabrook, NJ, to Kansas City, KS-MO, and points in Pennsylvania, Ohio, Indiana, Illinois, Kentucky, and Michigan, restricted to the transportation of shipments originating at the facilities of Seabrook Foods, Inc., at Seabrook, NJ. *Frozen foods and commodities*, otherwise exempt under section 203 (b)(6) of the Interstate Commerce Act. When moving in mixed loads with frozen foods, over irregular routes, from the facilities of Empire Freezers of Syracuse, Inc., at Syracuse, NY to points in New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Vermont, and the District of Columbia Decided August 11, 1978. *Frozen foods*, over irregular routes, from Lake Odessa and Grand Rapids, MI to points in Cumberland, Gloucester, and Salem Counties, NJ restricted to the transportation of shipments destined to the facilities of Seabrook Foods, Inc. Transferee is authorized to operate as a common carrier in the States of ME, NH, VT, MA, CT, RI, NY, NJ, DE, PA, MD, DC, VA, NC, SC, GA, FL, AL, TN, WV, KY, OH, MI, and AR. Requested place of hearing: Washington, DC.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 16, 1979. Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 108937 (Deviation No. 16), MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., P.O. Box 43640, St. Paul, MN 55164, filed February 14, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Rhinelander, WI over WI Hwy 17 to junction US Hwy 51 near Merrill, WI, then over US Hwy 51 to junction WI Hwy 78 near Portage, WI, then over WI Hwy 78 to junction Interstate Hwy 90 then over Interstate Hwy 90 to Chicago, IL, and (2) From Rhinelander, WI over the route described in (1) above to Interstate Hwy 90, then over Interstate Hwy 90 to junction IL Hwy 75 near South Beloit, IL, then over IL Hwy 75 to junction US Hwy 51, then over US Hwy 51 to junction US Hwy 20, then over US Hwy 20 to Chicago, IL and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rhinelander, WI, over US Hwy 8 to junction US Hwy 45, then over US Hwy 45 to Oshkosh, WI, then over US Hwy 41 to junction WI Hwy 175, then over WI Hwy 175 to Fond du lac, WI, then over US Hwy 45 to junction WI Hwy 145, then over WI Hwy 145 to Milwaukee, WI, then over US Hwy 41 to Chicago, IL and return over the same route.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent charges therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A-56483 (petition to modify the commodity description of D-86377 and certificate of registration), filed January 16, 1979. Applicant: WARREN TRUCKING CO., INC., 1550 W. 8th St., Long Beach, CA 90813. Representative: Fred H. Mackensen 9454 Wilshire Blvd, Suite 400, Beverly Hills, CA 90212. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Paper and paper products*, used in the publication of newspapers and other printed matter, in flat stock and in rolls as follows: From Los Angeles, Long Beach and San Diego and points and places within five (5) statute miles thereof, to points in Santa Barbara, Ventura, Los Angeles, Orange, San Bernandino, Riverside, Imperial, San Diego, Tulare, Kern, Kings, and San Luis Obispo Counties, CA. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, California State Bldg, 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission. NOTE: Carrier is hereby cautioned that the order, of which this Appendix is a part, authorizes issuance of a Certificate of Registration as evidence of a right to engage in operations, in interstate or foreign commerce, as described in the Appendix above, only insofar as such operations do not duplicate those authorized in carrier's existing authority issued by the Interstate Commerce Commission.

New York Docket No. T-2153 (2nd amendment), filed September 15, 1979. Applicant: TACY'S EXPRESS, INC., P.O. Drawer 191, Rensselaer, NY 12144. Representative: Martin Werner, 888 Seventh Avenue, New York, NY 10019. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, (1) Between all points in Albany, Montgomery, Columbia, Rensselaer, Dutchess, Saratoga, Fulton, Schenectady, Greene and Schoharie Counties, NY; and (2) between all points in Albany, Montgomery, Columbia, Rensselaer,

Dutchess, Saratoga, Fulton, Schenectady, Greene, and Schoharie Counties, NY, on the one hand, and, on the other, the City of New York. Intrastate, interstate and foreign commerce authority sought. HEARING: Date; time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, State Campus, Building #4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-7711 Filed 3-14-79; 8:45 am]

[7035-01-M]

[Notice No. 44]

ASSIGNMENT OF HEARINGS

MARCH 12, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 69281 (Sub-45F), the Davidson Transfer & Storage Co., now assigned for hearing on April 23, 1979, (1 week), at Chicago, IL., in a hearing room to be later designated.

MC 116915 (Sub-62F), Eck Miller Transportation Corp., now assigned for hearing on May 14, 1979, (2 days), at Chicago, IL in a hearing room to be later designated.

MC 123872 (Sub-90F), W & L Motor Lines, Inc., now assigned for hearing on May 16, 1979, (3 days), at Chicago, IL in a hearing room to be later designated.

MC 5227 (Sub-40F), Eckley Trucking, Inc., now assigned for hearing on March 16, 1979, at Portland, OR is advanced to March 15, 1979 (2 days), at Portland, OR, Room No. 103, Pioneer Court House, 555 S. W. Yamhill Street.

MC 114457 (Sub-424F), Dart Transit Company, now assigned for hearing on May 9, 1979 (1 day), at Denver, CO in a hearing room to be later designated.

MC-F-13050 and MC 95336 (Sub-8 and 9), J. B. Williams Express Inc.—Purchase (Portion)—National Transportation Company d.b.a. National Transport, now assigned March 14, 1979, at New York, NY, is postponed indefinitely.

MC 61231 (Sub-127F), Easter Enterprise, Inc., d.b.a. Ace Lines Inc., now assigned April 17, 1979, at Billings, MT, is postponed to April 23, 1979 (5 days), at Billings, MT, in a hearing room to be later designated.

MC 15859 (Sub-10F), the Hine Line, MC 119991 (Sub-22F), Young Transport Inc., MC 119991 (Sub-18), Young Transport, Inc., and MC 126822 (Sub-48F), Westport Trucking Co., now assigned May 1, 1979, at Chicago, IL is postponed to May 8, 1979, (4 days), at Chicago, IL, in a hearing room to be later designated.

MC 113678 (Sub-748F), Curtis, Inc., and MC 113678 (Sub-761), Curtis, Inc, a corporation, now assigned March 20, 1979, at Orlando, FL, is postponed to May 8, 1979 (4 days), at Orlando, FL, in a hearing room to be later designated.

MC-F-13463, The Lake Motor Freight Company-Purchase Olson Express, Inc. and MC 135696 (Sub-34 and 35), the Lake Shore Motor Freight Co., now being assigned for continued hearing on March 20, 1979 (3 days), at Cincinnati, OH, in Room 9017, Federal Office Building, 550 Main Street.

MC 124920 (Sub-14), La Bar's, Inc. and MC 124821 (Sub-26), William Gilchrist, now assigned for hearing on March 15, 1979, at Philadelphia, PA, is postponed to April 16, 1979 (2 days), at Philadephia, PA, in a hearing room to be later designated.

MC 140024 (Sub-112F), J. B. Montgomery, Inc., now being assigned for hearing on April 18, 1979 (3 days), at Philadelphia, PA, in a hearing room to be later designated.

MC 95540 (Sub-1033F), Watkins Motor Lines, Inc., now being assigned for hearing on May 14, 1979 (2 days), at Philadelphia, PA, in a hearing room to be later designated.

MC 10305, Pennsylvania Truck Lines, Inc. and James H. Russell, Inc.—Investigation of Certificates, now being assigned for hearing on May 16, 1979 (2 days), at Philadelphia, PA, in a hearing room to be later designated.

MC 142672 (Sub-30F), David Beneux Produce and Trucking, Inc., now being assigned for hearing on May 18, 1979 (1 day), at Philadelphia, PA, in a hearing room to be later designated.

MC 145067 (Sub-2F), Lawrence E. Spaide, Inc., now being assigned for hearing on May 18, 1979 (1 day), at Philadelphia, PA, in a hearing room to be later designated.

MC 114632 (Sub-161F), Apple Lines, Inc., now assigned April 23, 1979, at St. Paul, MN, is postponed to May 14, 1979 (5 days) at St. Paul, MN, in a hearing room to be later designated. FD 28692, Petition of the Pittsburgh and Lake Erie Railroad Company to Discontinue Trains Nos. 260 and 261 between Pittsburgh, PA and College, PA, now assigned April 2 thru 3, 1979, at Pittsburgh, PA, and April 4, 1979, at Beaver, PA, is postponed to June 11, 1979, (1 day) at 9:30 a.m. local at Pittsburgh, PA, and June 12, 1979 (1 day) at 9:30 a.m. and 7 p.m., local time, at Pittsburgh, PA, and continued to June 13, 1979 (1 day), at 7 p.m. local time, at Beaver, PA, in a hearing room to be later designated.

AB 7 (Sub-60), Stanley E.G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, Abandonment near Iron Ridge and Fond Du Lac In Dodge & Fond Du Lac Counties, WI, now assigned for hearing May 7, 1979 (1 week), at Fond Du Lac, WI, in a hearing room to be later designated.

AB 7 (Sub-65), Stanley E.G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor Abandonment near Walworth Counties, WI, now assigned for hearing April 18, 1979 at Janesville, WI, (3 days) in a hearing room to be later designated.

MC 123872 (Sub-81F), W & L Motor Lines, Inc., now assigned May 8, 1979, at Denver, CO, is cancelled and application dismissed.

MC-F-13500, Burlington Northern, Inc-Control-Frisco Transportation Company, FD 28583 (Sub 1 and 2), Burlington Northern, Inc., Control-and Merger—St. Louis San Francisco Railway Company and FD 28583 (Sub-18F), Southern Pacific Transportation Company—Trackage Rights—Over Burlington Northern Inc., and the Union Pacific Railroad Company and (1) Trackage serving North Rivergate and (2) the Barnes Yard of Union Pacific Railroad Company, a distance of 16.3 miles, now being assigned continued hearing on April 17, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119493 (Sub-222F), Monkem Company, Inc., now being assigned May 30, 1979 (1 day), at Kansas City, MO, in a hearing room to be later designated.

MC 10343 (M1F), Churchill Truck Lines, Inc., now being assigned May 30, 1979 (2 days), at Kansas City, MO, in a hearing room to be later designated.

MC 110098 (Sub-171F), Zero Refrigerated Lines, a Corporation, now being assigned June 4, 1979 (2 days), at Kansas City, MO, in a hearing room to be later designated.

MC-F-13642, American Freight System, Inc.—Purchase (Portion)—Riss International Corp., now being assigned June 6, 1979 (3 days) at Kansas City, MO, in a hearing room to be later designated.

MC-C-8879, Bowman Transportation, Inc., et al. V. Central Motor Express, Inc., now

being assigned for hearing on May 14, 1979 (1 week), at Louisville, KY, in a hearing room to be later designated.

MC 116014 (Sub-85F), Oliver Trucking Company, Inc., now being assigned for hearing on May 10, 1979 (2 days), at Louisville, KY, in a hearing room to be later designated.

MC 124839 (Sub-37F), Builders Transport, Inc., now being assigned for hearing on May 16, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 135633 (Sub-14F), Nationwide Transporters, Inc., now being assigned for hearing on April 25, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 2368 (Sub-84F), Bralley-Willet Tank Lines, Inc., now being assigned for hearing on April 25, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC-C-10304, Roy Stone Transfer Corporation, versus Red Line, Inc. and Warren Trucking Co., Inc., now being assigned for hearing on May 9, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 115331 (Sub-471F), Truck Transport, Inc., now being assigned for hearing on May 16, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 112989 (Sub-78F), West Coast Truck Lines, Inc., now being assigned May 15, 1979 (9 days), at Portland, OR, and continued to June 4, 1979 (5 days), at San Francisco, CA, and continued to June 25, 1979 (5 days), at Chicago, IL, in a hearing room to be later designated.

MC 118831 (Sub-170F), Central Transport, Inc. and NC 124306 (Sub-36F), Kenan Transport Company, Inc., now being assigned for hearing on May 14, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 2253 (Sub-88F), Carolina Freight Carriers Corporation, now being assigned for hearing on June 4, 1979 (2 weeks), at Allentown, PA, in a hearing room to be later designated.

MC 107064 (Sub-129F), Steere Tank Lines, Inc., and MC 111401 (Sub-528F), Groendyke Transport, Inc., now being assigned continued hearing April 24, 1979 (2 days), at Phoenix, AZ, in a hearing room to be later designated.

MC 136602 (Sub-7F), Arizona Western Transport, Inc., now being assigned continued hearing on April 26, 1979 (2 days), at Phoenix, AZ, in a hearing room to be later designated.

MC 126118 (Sub-91F), Crete Carrier Corporation, now being assigned June 4, 1979 (5 days), at Omaha, NE, in a hearing room to be later designated.

MC 119765 (sub-64F), Eight Way Xpress, Inc., now being assigned May 30, 1979 (1 day), at Omaha, NE, in a hearing room to be later designated.

MC-C 10143, O.N.C. Freight Systems, Inc. versus Herbert D. Needel, d.b.a. Tucson Package Delivery is now assigned for hearing to be continued on April 3, 1979 (1 day) at Tucson, AZ in a hearing room to be later designated.

AB 43 (Sub-55F), Illinois Central Gulf Railroad Co., Abandonment In Tallahatchie, Wuitman, Sunflower, Coahoma & Humphrey Counties, MS is now assigned for hearing May 7, 1979 (5 days) at Indianaola, MS in a hearing room to be later designated.

MC 128527 (Sub-120), May Trucking Company, & MC 138635 (Sub-56F), Carolina Western Express, Inc., & MC 139495 (Sub-371F), National Carriers, Inc., are now assigned for hearing June 11, 1979 (5 days) at Portland, OR in a hearing room to be later designated.

MC 115162 (Sub-424F), Poole Truck Line, Inc., & MC 115311 (Sub-293F) J & M Transportation Co., Inc., are now assigned for hearing May 21, 1979 (1 week) at New Orleans, LA, in a hearing room to be later designated.

MC 59531 (Sub-No. 107F), Auto Convoy Co., now assigned for hearing May 15, 1979 (1 day), at New Orleans, LA in a hearing room to be later designated.

MC 133095 (Sub-208F), Texas Continental Express, Inc., now assigned for hearing May 16, 1979 (3 days) at New Orleans, LA in a hearing room to be later designated.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-7907 Filed 3-14-79; 8:45 am]

[7035-01-M]

[Finance Docket Nos. 26482 and 26483 (Sub-No. 1)]

AUTO-TRAIN CORP.

Petition for Modification

(AUTO-TRAIN CORPORATION, operation rail passenger and automobile transport service between Alexandria, VA, and Sanford, FL). Petitioner Auto-Train Corporation, 1801 K Street, NW., Washington, DC 2006, represented by Robert G. Seaks, 1729 H Street, NW., Washington, DC 2006, holds authority as a railroad (1) for combined rail passenger-automobile transport service between Alexandria, VA, and Sanford, FL, and (2) for the transportation between the same points of automobiles only, unaccompanied by their owner or driver, when the transportation is performed under a joint booking whereby Auto-Train transports an automobile and an airline transports its owner or driver between substantially the same points at substantially the same time.

Petitioner seeks modification of its authority under (2) above to permit it to transport unaccompanied automobiles under joint bookings with the National Railroad Passenger Corporation (Amtrak) under the same restrictions and in the same fashion as with an airline.

Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before April 16, 1979.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-7909 Filed 3-14-79; 8:45 am]

[7035-01-M]

[Notice No. 165]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before April 16, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer

which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-77899, filed October 18, 1978. Transferee: CLYDE'S CHARTER BUS SERVICE, INC., 301 Furnace Branch Road, Glen Burnie, MD 21061. Transferors: Clyde B. Didlake, DBA Clyde's Charter Bus Service, 301 Furnace Branch Road, Glen Burnie, MD 21061 and Araminta Belle Caldwell DBA Caldwell Bus Service, 301 Furnace Branch Road, Glen Burnie, MD 21061. Applicants' Attorney: S. Harrison Kahn, Kahn and Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate No. MC 109199, issued to Clyde B. Didlake on September 8, 1950 and certificate No. MC 133345, issued to Araminta Belle Caldwell on May 29, 1969, as follows: Passengers and their baggage, in round trip charter operations, beginning and ending at Glen Burnie, MD and points within ten miles, except Baltimore, MD and extending to points in Virginia, Delaware, Pennsylvania, New Jersey, New York, West Virginia, and the District of Columbia, and from Baltimore, MD to points in Maryland, Virginia, Pennsylvania, Delaware and the District of Columbia.

MC-FC-77953, filed December 11, 1978. Transferee: LEPRECHAUN LINES, INC., doing business as LEPRECHAUN LINES, Route 32, PO Box 2628, Newburgh, NY 12550. Transferor: WEST POINT TOURS, INC., Terminal Bldg., Highland Falls, NY 10928. Applicant's representative: J. G. Dail, Jr., Attorney for transferee, PO Box LL, McLean, VA 21101 and Arthur J. Piken, Attorney for transferor, Suite 1515, One Lefrak City Plaza, Flushing, NY 11368. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC-95375, issued June 12, 1978, as follows: Passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, from points in Orange County, NY to points in PA, NY, NJ, CT, VT, NH, and DC. Transferee presently holds authority in No. MC-112108 Subs 1, and 3, issued June 6, 1975, as corrected, and November 1, 1977, respectively. Application for temporary authority under Section 210a(b) has not been filed.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-7908 Filed 3-14-79; 8:45 am]

[7035-01-M]

[Docket No. AB-161 (Sub-No. 1F)]

PITTSBURGH, CHARTIERS & YOUGHIOGHENY RAILWAY CO.

Abandonment in Allegheny County, Pa.; Notice of Findings

Notice is hereby given pursuant to Section 10903 of the Interstate Commerce Act (49 U.S.C. 10903) that by a Certificate and Decision decided January 24, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 I.C.C. 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Pittsburgh, Chartiers & Youghiogheny Railway Company of a portion of a line of railroad known as the Neville Island Branch, extending from railroad milepost 5.66 to the end of the line at railroad milepost 6.44, a distance of .8 mile, on Neville Island, Allegheny County, PA. A certificate of public convenience and necessity permitting abandonment was issued to the Pittsburgh, Chartiers & Youghiogheny Railway Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than March 30, 1979. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective on April 30, 1979.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-7910 Filed 3-14-79; 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).

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[3410-05-M]

1

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 2 p.m., March 20, 1979.

PLACE: Room 218-A, administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on January 12, 1979.
2. Consideration of proposals for pilot industrial hydrocarbon and alcohol projects.
3. Docket TCP 98a, Amendment 1 re: Milk price support program, 1978-79.
4. Docket UCP 110a re: 1979-crop flaxseed purchase program.
5. Docket UCP 33a re: 1979-crop rice loan, purhcase and payment program.
6. Docket UCP 31a re: 1979-crop peanut loan and purchase program.
7. Docket OC2 299, Revision 1, Amendment 1 re: Disaster reserve.
8. Resolution re: Amendment of bylaws of Commodity Credit Corporation.
9. Resolution 16, Amendment 1, C2 266 re: Public Law 480 availability determination for dehydrated potatoes.
10. Docket CX 315 re: Financial arrangements of CCC under it's proposed CCC intermediate export credit sales program for breeding animals.

CLOSED PORTION OF MEETING:

11. Resolution UCX 310a, Amendment 1 re: Commodities available for sale to foreign governments or their agents and international programs.
12. Discussion of CCC commodity sales policy.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, Telephone (202) 447-7583.

[S-510-79 Filed 3-13-79; 11:28 am]

[6351-01-M]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:30 a.m., March 16, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: State enforcement action under Section 6d.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-504-79 Filed 3-13-79; 10:22 am]

[6355-01-M]

3

CONSUMER PRODUCT SAFETY COMMISSION.

REVISED AGENDA*

Time and Date: Commission Meeting, Thursday, March 15, 1979, 9:30 a.m.

Location: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE DISCUSSED:

1. *Exemption of Betamethasone (Celestone) from Child-Resistant Packaging*

In May, 1976, the Commission proposed to exempt this drug from child-resistant packaging requirements of the Poison Prevention Packaging Act. At this meeting the Commission will consider a draft Federal Register document granting final exemption.

2. *Tetrachloroethylene (Perchloroethylene)*

The Commission will consider options for action on hazards associated with this chemical. The staff briefed the Commission on tetrachloroethylene at the March 8 Meeting/Briefing.

3. *EDF Petition on Carcinogens, AP 78-4*

The Commission will consider a petition in which the Environmental Defense Fund (EDF) has asked the Commission to take several actions concerning identification and testing of certain chemical ingredients which may present a carcinogenic risk to consumers. The staff briefed the Commission on the petition at the February 28 Briefing.

4. *Tap Water Scalds Petition, CP 78-15*

The Commission will continue the consideration of a petition on tap water scalds from Your Seattle City Light. The Commission previously considered and deferred action on this petition in November, 1978, was briefed by the staff on February 28, 1979, and discussed the matter at the March 8, 1979 Commission Meeting.

Agenda was originally approved on March 2, 1979 and was revised on March 9, 1979 with the addition of Item 4 concerning petition CP 78-15.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Suite 300, 1111 18th St., NW.,

Washington, DC 20207, telephone 202-634-7700.

[S-507-79 Filed 3-13-79; 11:04 am]

[6355-01-M]

4

CONSUMER PRODUCT SAFETY COMMISSION.

Time and Date: Commission Briefing, Wednesday, March 21, 1979, 10 a.m.

Location: Room 456, Westwood Towers Building, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *Briefing on Swimming Pool Slides*

The staff will brief the Commission on options related to possible revocation of the Safety Standard for Swimming Pool Slides (16 CFR 1207). A U.S. Court of Appeals in March, 1978, set aside portions of the standard relating to installation instructions and warning signs.

2. *Briefing on Bicycles: Reflectivity Amendment*

The staff and Commission will discuss resource implications of a Commission decision to grant a petition from the 3M Co. regarding reflectivity bicycle tires. This is a continuation of a discussion held during the Mid-Year Report.

3. *Briefing on Evaluation Program*

Staff from the Office of Strategic Planning will present a report on the general evaluation program studying the impact, effectiveness and costs of various CPSC programs. This is a continuation of a discussion held during the Mid-Year Report.

Agenda approved March 9, 1979.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Suite 300, 1111-18th St., NW., Washington, DC 20207, Telephone (202) 634-7700.

[S-508-79 Filed 3-13-79; 11:04 am]

[6355-01-M]

5

CONSUMER PRODUCT SAFETY COMMISSION.

Time and Date: Commission Meeting, Thursday, March 22, 1979, 9:30 a.m.

Location: Third Floor Hearing Room, 1111-18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *Possible Substantial Product Hazard: ITT General Controls, et al., gas regulator valves, ID 78-13, -14, -15 (OS #642)*

The staff has recommended that the Commission accept the corrective action plans and close the files involving hazards associated with gas regulator valves which ITT General Controls manufactured, and which several manufacturers used in heating and air conditioning units. The firms have inspected and replaced suspect valves.

2. *Possible Substantial Product Hazard: Vernco Division, Emerson Electric Co.; and Sears, Roebuck & Co., portable electric fans, ID 78-108, -109*

The staff has recommended that the Commission accept and monitor the corrective action plans which Vernco and Sears have implemented to deal with a possible fire hazard associated with certain portable electric fans manufactured by Vernco and sold by Vernco and Sears. Both firms have recalled the suspect fans, and Vernco has made design changes.

3. *Possible Substantial Product Hazard: American Electric Corp. fluorescent light fixtures, ID 78-96*

The staff has recommended that the Commission accept and monitor the corrective action plan which American Electric has implemented to deal with possible shock and fire hazards associated with a certain model of its Brite Bar fluorescent light fixture. American has recalled the suspect model and redesigned the fixture.

4. *Possible Substantial Product Hazard: Minnesota Mining and Manufacturing Co. (3M), infrared transparency-makers, ID 79-8 (OS #641)*

The staff has recommended that the Commission accept and monitor the corrective action which 3M has implemented to deal with a possible fire hazard associated with certain of its infrared transparency-makers. The firm is recalling and repairing the suspect units.

5. *Petition on Coal- and Wood-Burning Stoves, AP 77-2*

The Commission will consider a petition in which Adam Paul Banner, of Midland, Michigan, asks the Commission to issue a labeling rule for coal- and wood-burning appliances, stoves and free-standing fireplaces. The staff briefed the Commission on this matter on March 14.

6. *Space Heaters: Withdrawal of Ban*

The Commission will consider possible withdrawal of its proposal to ban unvented gas-fired space heaters. The Commission proposed to ban the heaters in February, 1978, and published a proposed withdrawal of the ban in November, 1978.

Agenda approved March 8, 1979.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Suite 300, 1111-18th St., NW., Washington, DC 20207, Telephone (202)634-7700.

[S-509-79 Filed 3-13-79; 11:04 am]

[6735-01-M]

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

MARCH 13, 1979.

TIME AND DATE: 10 a.m., March 20, 1979.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

Adkins and Hunt v. *Deskins Branch Coal Co.*, Pike 76-66, IBMA 77-13.

Secretary of Labor v. *Pontiki Coal Co.*, Pike 78-420-P. (Petitions for Discretionary Review)

CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelley, 202-653-5632.

[S-514-79 Filed 3-13-79; 3:32 pm]

[6750-01-M]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 9 a.m., Friday, March 23, 1979.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of proposed Trade Regulation Rule on Funeral Industry Practices.

CONTACT PERSON FOR MORE INFORMATION:

Ira J. Furman, Office of Public Information, 202-523-3830; Recorded Message, 202-523-3806.

[S-511-79 Filed 3-13-79; 2:17 pm]

[4110-39-M]

8

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

TIME AND DATE: 9 a.m. to 1 p.m., March 23, 1979.

PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Approval of the Minutes of the February 2-3, 1979 meeting.
2. Review Discussion on Desegregation Studies Program.
3. Consideration of Review Reports Committee Proposal About Schedule and Procedure for Future Review Discussions.
4. Director's General Report.
5. Discussion of Director's Decisions About Agreements with Educational Laboratories and Centers.
6. Application of Ethics in Government Act to NCER and NIE Staff.

PERSON TO CONTACT FOR INFORMATION:

Ella L. Jones, Administrative Coordinator, Telephone, 202-254-7900.

PETER H. GERBER,
Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-505-79 Filed 3-13-79; 10:22 am]

[4910-58-M]

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, March 22, 1979. [NM-79-11]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report*—Gateway Transportation Co., Inc., tractor semitrailer penetration of median barrier and collision with automobile, I-70, St. Louis, Mo., September 25, 1977.
2. *Marine Accident Report*—Luling-Destrehan ferry M/V GEORGE PRINCE collision with the tanker SS FROSTA on the Mississippi River, October 20, 1976.
3. *Special Study*—Safety of Multipurpose Vans.
4. *Briefing* by staff on the status of Federal Aviation Administration human factors programs and proposed new Safety Board human factors investigative initiatives.
5. *Recommendation* to Federal Aviation Administration re medical examinations of pilots as a condition of pilot certification.
6. *Discussion* of blood alcohol concentration as a causal factor in accidents.
7. *Railroad Recommendation Closeout of R-74-9.*
8. *Aviation Recommendation Closeout of A-78-41.*

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-513-79 Filed 3-13-79; 3:28 pm]

[4410-01-M]

10

PAROLE COMMISSION, National Commissioners (The Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Tuesday, March 20, 1979, at 9 a.m.

PLACE: Room 828, 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 15 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-512-79 Filed 3-13-79; 2:45 pm]

[8010-01-M]

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: [To be published].

STATUS: Closed meeting; open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: March 5, 1979.

CHANGES IN THE MEETING: Rescheduling; deletion; additional items.

The closed meeting to be held on Tuesday, March 13, 1979 at 10 a.m. has been rescheduled for 9 a.m. that date.

The following item will not be considered at an open meeting scheduled for Wednesday, March 14, 1979, at 10 a.m.:

Consideration of rule proposals submitted by the Institute for Public Representation, a public interest group affiliated with Georgetown University to: (1) amend the Commission's Rules of Practice to set forth the responsibilities of lawyers to report fraud or other violations of the law by corporate clients or others to the Commission, to management and to the board of directors; and (2) amend the Commission's disclosure forms to require disclosure of information concerning (a) the obligations of corporate attorneys to report violations of the law to the board of directors, (b) agreements between corporations and outside counsel and (c) resignations or dismissals of corporate counsel. For further information, please contact Frederic Townsend at (202) 376-3561.

The following additional item will be considered at an open meeting scheduled for Wednesday, March 14, 1979:

Consideration of a request by Proskauer, Rose, Goetz and Mendelsohn for relief from disqualification arising as a result of Richard H. Rowe's joining that firm after leaving the Commission. For further information, please contact Myrna Siegel at 202-755-4868.

The following additional items will be considered at a closed meeting scheduled for Wednesday, March 14, following the 10 a.m. open meeting:

Formal orders of investigation.
Regulatory matter bearing enforcement implications and Institution of injunctive actions.

Chairman Williams and Commissioners Loomis, Evans, and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

MARCH 9, 1979.

[S-506-79 Filed 3-13-79; 10:22 am]

federal register

THURSDAY, MARCH 15, 1979

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

■

SCIENTIFIC REVIEW GROUPS

Request for Nominations for Members

[4110-08-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NIH SCIENTIFIC REVIEW GROUPS

Request for Nominations for Members

INTRODUCTION

The National Institutes of Health (NIH) invites nominations for membership on its scientific review groups which provide technical and scientific merit review of grant applications and contract proposals. Because of the magnitude, diversity, and complexity of its programs and the desire to obtain the best possible advice, the NIH draws for review assistance on the national pool of scientists actively engaged in research. These scientists assist the NIH in an advisory capacity in the selection of the most meritorious projects to implement biomedical research programs of the highest quality.

Information about the functions of each committee, the expertise required, and the number of anticipated vacancies for terms beginning July 1, 1980, will be found in the listing which follows. Nominations must be submitted by May 1, 1979, and will be solicited annually thereafter.

Any person may nominate one or more highly qualified candidates for consideration on one or more specific committees. Self nominations are accepted. The NIH has a special interest in assuring that women and ethnic minority scientists are adequately represented on advisory committees and therefore particularly encourages their nominations.

Although the NIH will carefully consider all nominations, it reserves the right to make final selections.

DESCRIPTION OF THE PEER REVIEW SYSTEM

The NIH peer review system is based upon two sequential levels of review, referred to as the "dual review system." Both levels have statutory bases. The first level of review is performed by scientific review groups which are established, in general, along lines of scientific disciplines and consist of experts in relevant research fields. The scientific review groups managed by the Division of Research Grants are referred to as Study Sections. The Study Sections consist of 12 to 20 members each and have as their primary function the review and evaluation for scientific merit of research grant applications. Other scientific review groups are managed by the Bureaus, Institutes, and Divisions (BIDs) and have diverse review responsibilities, such as multidisciplinary research requests and a variety of other specialized proposals, including research contract proposals.

The second level of review for research grant applications is performed by a national advisory council or board for each BID which supports extramural research. These groups are comprised of both scientists and non-scientists and have broader responsibilities. The mix of members brings to bear on the grant review and award process knowledge in each of the relevant programmatic areas, familiarity with NIH procedures as well as awareness of the roles of the diverse institutions in biomedical research and of the health needs of the American people. The councils and boards also offer advice and make recommendations on policy and matters of significance to the mission and goals of the BIDs they serve. The second level of review for contract proposals is conducted by an executive staff committee of each of the BIDs.

RESPONSIBILITIES OF SCIENTIFIC REVIEW GROUPS AND THEIR MEMBERS

Each scientific review group is composed primarily of non-Federal scientists selected by the NIH for their competence in the particular scientific areas for which that group has review responsibilities. Review groups usually meet three times yearly. Each meeting generally requires two or three days of intensive review of research proposals. Six to eight weeks before the meeting date, the Executive Secretary, who is an NIH health scientist administrator, assigns specific applications to each member who prepares written detailed critiques prior to the meeting and leads the discussion on these applications at the meeting. In addition, every member is expected to read and be prepared to contribute to the discussion of all other applications to be reviewed at the meeting. Members also participate in project site visits when these are deemed necessary for an adequate review of a specific application and to survey, as scientific leaders, the status of research in their field. Members generally serve terms not to exceed four years.

CRITERIA FOR SCIENTIFIC REVIEW GROUP MEMBERSHIP

The primary requirement for serving on a scientific review group is competence as an independent investigator in a basic scientific or clinical discipline or research specialty. Assessment of such competence is based on the quality of research accomplished, publications in refereed scientific journals, and other significant scientific activities, achievements, and honors. Usually a doctoral degree or its equivalent is required. Service also requires mature judgment, balanced perspective, objectivity, ability to work effectively in a group context, commitment to complete work assignments, and assurance that the confidentiality of applications will be protected.

OTHER CONSIDERATIONS FOR MEMBERSHIP

In addition to the individual characteristics outlined above, such factors as geographic distribution and adequate representation of younger, ethnic minority, and female scientists must be considered. Further, no two members from the same institution may be appointed to the same advisory group, an interval of one year must occur before reappointment to an NIH committee, and no member may be appointed to serve simultaneously on two chartered committees of the Department of Health, Education and Welfare. Exceptions to these restrictions are rare and must be approved by the Department Committee Management Officer.

NOMINATION PROCEDURES

Recommendations for membership originate with NIH Executive Secretaries, who draw on personal knowledge of the disciplines and of the scientists who are making significant research contributions, academic credentials of investigators, lists of female and ethnic minority scientists, scientific publications, and recommendations from NIH staff and current and former members. Responses to this announcement will constitute an important new source of potential members.

Approximately 25% of the positions become vacant each year. One candidate is nominated for each vacancy. Once that candidate has been identified, the steps in the nomination procedure are as follows: (1) recommendation by the Executive Secretary; (2) review and concurrence by the BID Director; (3) determination by central NIH staff that all administrative criteria are met; (4) issuance of a letter that advise the potential member of the conditional status of the appointment until completion of the Confidential Statement of Employment and Financial Interests; (5) receipt and review of that statement and other appointment documents; and (6) notification of appointment. Final appointment is made by the Director, NIH.

HOW TO RESPOND TO ANNOUNCEMENT

This announcement invites nominations for membership of NIH scientific review groups. The areas of review responsibilities listed below apply to the entire committee and are not limited to the current vacancies.

Nominations must be received by May 1, 1979. Please submit a mailing address with the name of each nominee so that the nominee may be contacted to provide more detailed information. Specify the committee(s) on which you feel the nominee is qualified to serve. An individual may be nominated for more than one committee. To be considered, nominations shall include a statement that the nominee is aware of the nomination and is willing to serve.

In addition to the committee(s) for which the nominee is proposed, he/she may be considered by the NIH for other peer review activities. Potential candidates will be asked by the NIH to provide detailed information concerning financial holdings and consultancies to identify any possible conflicts of interest.

Address nominations to: Ms. Joan Bailey, Div. of Resources Analysis, Office of the Director, National Institutes of Health, Room 1B58, Building 31, Bethesda, Maryland 20014.

NIH INTIAL REVIEW GROUPS

DIVISION OF RESEARCH GRANTS

All study Sections review applicantions/proposals for the following award instruments: Research Grants, Research Career Development Awards, Individual National Research Service Awards.

Allergy and Immunology Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Chemical rather than biological methods of study diseases of immunologic origin and underlying molecular mechanisms; specifically, purification and characterization of antigens, antibodies, and complement; structure of immunoglobulins and cell respector sites; biochemical aspects of immunogenetics and immune responsiveness.

Applied Physiology and Orthopedics study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Application of physiological and bioengineering principles to the whole body and/or its systems in normal and disease states and to research in orthopedic surgery and chiropractic and osteopathic medicine, as these relate to biomechanics, biomaterials, gait, kinesiology, and transplantation.

Bacteriology and Mycology Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Microbial diseases or infectious conditions, including etiology, pathogenesis, host-parasite relationships, epidemiology, ecology, antigen-antibody relations, host responses, general immune phenomena, infection-immune relationships, endotoxins, mycotoxins, virulence, diagnostic procedures, and antibiotics.

Bioanalytical and Metallobiochemistry Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Structure and function of metals in biology and bioanalytical and clinical chemistry.

Biochemistry Study Section

Number of anticipated vacancies: 2

Areas of review responsibility: Biochemistry with an orientation toward physical biochemistry and biological chemistry, including *in vivo* as well as *in vitro* aspects of enzymology, the biochemistry of nucleic acids and cyclic nucleotides, metabolic pathways and their regulation, and bioenergetics.

Biophysics and Biophsical Chemistry A Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Physical chemistry of biological macromolecules, including their chemical, biological, and physical properties and the development of new biophysical instrumentation.

Biophysics and Biophysical Chemistry B Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Physical chemistry of biological macromolecules, including their chemical, biological, and physical properties and the development of new biophysical instrumentation.

Biopsychology Study Section

Number of anticipated vacancies: 2

Areas of review responsibility: Brain function, physiological psychology, and developmental neurobiology; investigations that undertake to relate anatomical neurophsiological and/or electrophysiological data to the the behavior of organisims.

Cardiovascular and Pulmonary Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Basic and clinical aspects of function in normal and disease states of the cardiovascular system and most aspects of the respiratory system.

Cardiovascular and Renal Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Basic and clinical aspects of function in normal and disease states of the cardiovascular system and most aspects of the renal system.

Cell Biology Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Cellular dynamics, including programmed and accidental change in cell structure and function as related to development, interactions among cells, information transfer among cells, and cellular ultrastructure as underlying tissue and organ function.

Communicative Sciences Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Hearing, speech, language development, linguistics, tactile perception, gustation, olfaction, vestibular functions, and all modes of sensory communication and perception, other than visual.

Endocrinology Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: General physiology of the endocrine glands, endocrine abnormalities, hormone biochemistry, reproduction, and neuroendocrinology.

Epidemiology and Disease Control Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Interaction of man and his social, physical, and biological environment; description, detection, treatment, prevention, and control of chronic and communicable diseases in the population at risk.

Experimental Therapeutics Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Experimental therapy of neoplastic diseases and some associated disorders, biochemical mechanisms of action of chemotherapeutic agents at the preclinical level and in experimental therapy, biochemical pharmacology and as-

sessment of efficacy at the clincial level, and immunotherapy at the clinical level.

Experimental Virology Study Section

Number of anticipated vacancies: 2

Areas of review responsibility: Virology, rickettsiology, and cell culture studies as related to pathogen-host cell interaction, genetics, morphology, diagnosis, therapeutic agents, immunology, mechanisms of replication, and pathogenesis.

General Medicine A Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Normal function and diseases of the gastroenteric tract and associated glandular structures, arthritis, autoimmune disorders, connective tissue disorders, metabolic diseases, and dermatology.

General Medicine B Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Water and electrolyte balance, mineral metabolism, kidney function, and pathology and physiology of bone.

Genetics Study Section

Number of anticipated vacancies: 6

Areas of review responsibility: All aspects of heredity and variation involving man, higher and lower animals, and plants, including population genetics, somatic cell genetics, cytogenetics, immunogenetics, biochemical, developmental, and behavioral genetics, mutagenesis, recombinant DNA, and mathematical modeling.

Hematology Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Blood in physiological or pathologic conditions; basic mechanisms of blood formation and destruction of the formed elements of the blood; blood coagulation and fibrinolysis; pathologic alterations observed in various hematologic disorders.

Human Development Study Section

Number of anticipated vacancies: 7

Areas of review responsibility: Child development, adolescence, maturity, aging, socialization and adjustment, education, social anthropology, moral development, psychophysiology, mental retardation, and human brain behavior.

Human Embriology and Development Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Physiology of reproduction, the fetus and embryo, parturition, the neonatal period, teratology, and experimental embryology.

Immunobilogy Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Multidisciplinary problems of tissue and organ transplantation involving tissue-specific antagonism, tolerance, and immunosuppression; tumor immunity; cell-mediated immunity; immunogenetics; lymphocyte differentiation.

Immunological Sciences Study Section

Number of anticipated vacancies: 2

Areas of review responsibility: Autoimmune disorders, immunodeficiency, immune complex diseases, allergy and delayed type hypersensitivity, immunotherapy, cell-mediated and humoral immunity, and developmental aspects of the immune response, including the effect of aging and the development of immunocompetent cells.

Medicinal Chemistry A Study Section

Number of anticipated vacancies: 6

Areas of review responsibility: Synthesis and biochemical, biological, pharmacological or chemotherapeutic activity of low molecular weight compounds of natural or synthetic origin, including drugs, hormones, vitamins, model enzymes, enzyme substrates and inhibitors, polypeptides, polynucleotides, carbohydrates, fats, steroids, alkaloids, antibiotics, terpenes, etc.; *in vitro* transformation studies; reaction mechanisms; kinetics and photochemistry of a nontheoretical and noninstrumental nature.

Metabolism Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Chemical and transport processes by which chemical compounds are involved in the synthesis of protoplasm and other body constituents, in the conversion of body fuels to energy, in the catabolism of tissues, and in the formation of waste products.

Microbial Chemistry Study Section

Number of anticipated vacancies: 6

Areas of review responsibility: Microbial chemistry, metabolism, physiology, and biochemical genetics of microorganisms; molecular basis of microbial growth, functions, and development.

Molecular Biology Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Molecular interactions and functions and corresponding cellular structural components; molecular basis of normal cells and cell processes; cell and cell-organelle associated abnormalities, disorders, malfunctions, deficiencies, and diseases.

Molecular Cytology Study Section

Number of anticipated vacancies: 1

Areas of review responsibility: Molecular basis of disease; cell structure and function (nucleus, cytoplasm, membranes and organelles); molecular synthesis, transport, and degradation; differentiation, control, transcription, translation, transformation and cellular senescence.

Neurological Sciences Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Research on the nervous system and neurological diseases where the major emphasis is on the chemical aspects of neurological functions.

Neurology A Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Clinical neurology, neuroanatomy, neurochemistry, neuroendocrinology, neuropathology, neurophysiology, and neurosurgery.

Neurology B Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Neuroanatomy, neuropathology, neurophysiology, neurochemistry, neuropsychology, clinical neurology, neurosurgery, neurocommunication, neuropharmacology, biophysics in the nervous system, and epidemiology of nervous system diseases.

Nutrition Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Applied and experimental nutrition of humans and animals; related problems involving microorganisms and plants.

Oral Biology and Medicine Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Any aspect of physical or biological science as related to the health or function of the orofacial area: anthropology, biochemistry, dental materials, epidemiology, microbiology.

Pathobiological Chemistry Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Chemical structure of cells and tissues; chemical reactions which take place in biological systems and which deal with biochemical mechanisms of function, assimilation, transport, metabolism, and excretion of exogenous and endogenous substances in normal and disease states.

Pathology A Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Pathology, pathobiology, biochemistry of disease, and immunopathology, particularly where morphologic changes are correlated with biochemical or physiologic findings in idiopathic, experimental, metabolic, or cellular disease.

Pathology B Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Spontaneous and experimental lesions associated with metabolic and cellular disease; oncologic pathology including virology, pathobiology, biochemistry, and various aspects of immunopathology.

Pharmacology Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Drugs, their preparation, use, mode of action, metabolism, storage, and excretion.

Physiological Chemistry Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Chemical reactions which take place in biological systems and deal with function, assimilation, transport, metabolism, and excretion.

Physiology Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Functioning of organs and organ systems, comparative physiology, and basic physiologic principles.

Radiation Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Diagnostic and therapeutic aspects of ionizing radiation; nuclear medicine; ultrasound and microwaves as applied clinically or to basic research problems.

Reproductive Biology Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Morphological, biochemical, endocrinological, and physiological aspects of reproduction up to and including implantation.

Social Sciencies and Population Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Social science aspects of population, aging, and health problems; sociological, demographic, anthropological, economic, and other social science methodology; assessment of attitudes, values, beliefs, behaviors, and interventions.

Surgery and Bioengineering Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Basic and clinical investigations of surgical problems of the cardiovascular system, the pulmonary system, and the gastrointestinal system, including the application of bioengineering principles in normal and disease states.

Surgery, Anesthesiology, and Trauma Study Section

Number of anticipated vacancies: 3

Areas of review responsibility: Physiological, biochemical, pathological, anatomical, immunological, bacteriological, pharmacological, and medical bases of problems in surgery, anesthesiology, and trauma.

Toxicology Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Toxicological effects and epidemiology of chemical substances alone or in food, water, or air; toxicological problems of a forensic nature.

Tropical Medicine and Parasitology Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Knowledge and safe control of parasites, pests, vectors, and poisonous animals; diseases caused by them in man and animals; diagnosis and treatment of parasitic infection; biological agents effective for control of vectors and reservoirs of infection.

Virology Study Section

Number of anticipated vacancies: 5

Areas of review responsibility: Basic and applied virology, including viral diseases of man and lower animals, viral oncology, viral replication, biochemistry of viral infections, and biochemical/biophysical properties of viruses.

Visual Sciences A Study Section

Number of anticipated vacancies: 6

Areas of review responsibility: Clinical ophthalmology; fundamental research (e.g., biochemistry, pharmacology, embryology, development, vegetative physiology, and biomedical engineering) that provides the necessary baseline values for the investigation of ocular disorders.

Visual Sciences B Study Section

Number of anticipated vacancies: 4

Areas of review responsibility: Visual physiology, including psychophysics; retina, optic nerve, optic tract, and structures in the central nervous system that are involved in vision.

NATIONAL INSTITUTE ON AGING

Aging Review Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Program Projects, Institutional National Research Service Awards.

Areas of review responsibilty: Biological, biomedical, behavioral, and social sciences as they relate to the understanding of the processes of aging or the problems of the elderly.

Areas of scientific expertise of members: Cellular, molecular, developmental and other basic biology, genetics, biochemistry, physiology, metabolism, laboratory animal science, nutrition, endocrinology, pharmacology, pathology, immunology, neurology, dermatology, toxicology, geriatric medicine, epidemiology, biostatistics, computer sciences, demography, sociology, anthropology, biopsychology, neurosciences, and psychology.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Allergy and Clinical Immunology Research Committee

Number of anticipated vacancies: 3

Reviews applications/proposals for: Program Projects, Centers, Institutional National Research Service Awards, Academic Career Awards, Research Contracts.

Areas of review responsibility: Allergy and clinical immunology; specifically, cellular immunology, immediate and delayed hypersensitivity, allergy, immune-mediated disorders, complement, autoantibodies, and immune mechanisms in infectious diseases.

Areas of scientific expertise of members: Basic and clinical immunology, immunopathology, immunochemistry, allergic diseases, pediatrics, and microbiology.

Microbiology and Infectious Diseases Advisory Committee

Number of anticipated vacancies: 3

Reviews applications/proposals for: Exploratory/Developmental Grants, Program Projects, Institutional National Research Service Awards, Special Developmental Award Programs, Research Contracts.

Areas of review responsibility: Microbiology and infectious diseases, including mycology, virology, rickettsiology, parasitology, microbial physiology, and genetics.

Areas of scientific expertise of members: Basic and clinical microbiology, virology, epidemiology, parasitology, mycology, immunology, and genetics.

Transplantation Biology and Immunology Committee

Number of anticipated vacancies: 3

Reviews applications/proposals for: Program Projects, Institutional National Research Service Awards, Research Contracts.

Areas of review responsibility: Transplantation biology and immunology: specifically, histocompatibility testing, immunosuppression, transplantation immunology, immunochemistry, immunogenetics, cellular immunology, tissue typing, and blood banking.

Areas of scientific expertise of members: Immunology, immunopathology, immunogenetics, immunochemistry, transplantation and tumor immunology, pediatric immunology, and immunology of infectious diseases.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Artificial Kidney-Chronic Uremia Advisory Committee

Number of anticipated vacancies: 5

Reviews applications/proposals for: Research Contracts.

Areas of review responsibility: Development of improved kidney apparatus and methodology, fundamental and clinical research related to uremia, kidney failure, and long-term dialysis.

Areas of scientific expertise of members: Nephrology, dialysis, vascular surgery, medical instrumentation, biochemistry, plastic and polymer chemistry, and engineering.

NATIONAL CANCER INSTITUTE

Biometry and Epidemiology Contract Review Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Research Contracts.

Areas of review responsibility: Biometry and epidemiology of cancer.

Areas of scientific expertise of members: Biostatistics, epidemiology, surgery, immunology, clinical oncology, genetics, hematology, cellular biology, sociology, demography, pathology, community health, and computer science.

Bladder and Prostatic Cancer Review Committee

Number of anticipated vacancies: 8

Reviews applications/proposals for: Research Grants.

Areas of review responsibility: Multidisciplinary research programs in bladder and prostatic cancer.

Areas of scientific expertise of members: Urology, surgery, oncology, pharmacology, pathology, diagnostic radiology, immunology, physiology, viral oncology, endocrinology, cell biology, biochemistry, environmental carcinogenesis, epidemiology, and biometry.

Cancer Clinical Investigation Review Committee

Number of anticipated vacancies: 5

Reviews applications/proposals for: Cooperative Clinical Research Grants.

Areas of review responsibility: Clinical protocol studies of institutions and coopertive groups involved in cancer cooperative clinical trials.

Areas of scientific expertise of members: Medical oncology, surgery, chemotherapy, radiation therapy, pediatrics, and biostatistics.

Cancer Control Grant Review Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Cancer Control Grants.

Areas of review responsibility: Application of cancer research findings to the prevention, detection, diagnosis, and treatment of cancer and the rehabilitation and continuing care of cancer patients.

Areas of scientific expertise of members: Public health and hospital administration; medical, surgical, radiation, gynecologic, pediatric, and oral oncology; preventive and community medicine; physical medicine/rehabilitation; health education; cancer patient-oriented psychiatry, psychology, and sociology; epidemiology and biostatistics.

Cancer Control Intervention Programs Review Committee

Number of anticipated vacancies: 5

Reviews applications/proposals for: Research Contracts.

Areas of review responsibility: Application of cancer research findings to the prevention, detection, diagnosis, and treatment of cancer and the rehabilitation and continuing care of cancer patients.

Areas of scientific expertise of members: Public health and hospital administration; medical, surgical, radiation, gynecologic, pediatric, and oral oncology; preventive and community medicine; physical medicine/rehabilitation; health education; cancer patient-oriented psychiatry, psychology and sociology; epidemiology and biostatistics.

Cancer Research Manpower Review Committee

Number of anticipated vacancies: 9

Reviews applications/proposals for: Institutional National Research Service Awards.

Areas of review responsibility: Cancer treatment and restorative care, detection, diagnosis, etiology, and prevention.

Areas of scientific expertise of members: Chemical and physical carcinogenesis, epidemiology, immunology, tumor biology, viral oncology, experimental pathology, biochemistry, clinical oncology, hematology, chemotherapy, pharmacology, radiation biology, and health physics.

Cancer Special Program Advisory Committee

Number of anticipated vacancies: 3

Reviews applications/proposals for: Program Projects, Cancer Research Facilities.

Areas of review responsibility: Basic sciences as they relate to cancer and construction of facilities in which to conduct cancer research.

Areas of scientific expertise of members: Carcinogenesis, pharmacology, immunology, radiobiology, tumor biology, and viral oncology.

Cause and Prevention Scientific Review Committee

Number of anticipated vacancies: 13

Reviews applications/proposals for: Research Contracts.

Areas of review responsibility: Biological, chemical, and physical carcinogenesis.

Areas of scientific expertise of members: Cell biology, endocrinology, pathology, biochemistry, microbiology, immunology, physiology, gastroenterology, toxicology, chemical carcinogenesis, enzymology, virology, and analytic, organic, and physical chemistry.

Clinical Cancer Education Committee

Number of anticipated vacancies: 3

Reviews applications/proposals for: Education Projects.

Areas of review responsibility: Undergraduate, graduate and continuing education of physicians and dentists regarding cancer, including instruction in the basic and clinical sciences, development and use of educational materials and methodology, planning, administration, and evaluation of cancer education programs, and maintenance of clinical competence in dealing with cancer patients.

Areas of scientific expertise of members: Basic and clinical sciences as they relate to medicine and dentistry, including microbiology, biochemistry, pharmacology, epidemiology, pathology, hematology, medical oncology, radiation therapy, surgery, gastroenterology, oral diagnosis/oral medicine, maxillofacial prosthodontics, medical education, nursing education, and administration of education programs.

Clinical Cancer Program Project and Cancer Center Support Review Committee

Number of anticipated vacancies: 6

Reviews applications/proposals for: Cancer Centers.

Areas of review responsibility: Core activities in cancer centers, including support for professional staff, shared resources and facilities, alterations and renovations, and funds for developing pilot studies.

Areas of scientific expertise of members: Medical, surgical, and pediatric oncology, radiotherapy, epidemiology, biostatistics, chemotherapeutic agents, cell regulation and metabolism, laboratory animal medicine, immunology, virology, biochemistry, and research administration.

Clinical Trials Committee

Number of anticipated vacancies: 20

Reviews applications/proposals for: Research Contracts.

Areas of review responsibility: Clinical trials of experimental cancer treatment including those using combined modalities.

Areas of scientific expertise of members: Clinical oncology, clinical pharmacology, clinical radiotherapy, immunology, and surgery.

Large Bowel and Pancreatic Cancer Review Committee

Number of anticipated vacancies: 8

Reviews applications/proposals for: Research Grants.

Areas of review responsibility: Multidisciplinary programs in large bowel cancer and pancreatic cancer.

Areas of scientific expertise of members: Gastroenterology, medical and surgical oncology, pharmacology, toxicology, radiology, pathology, cell biology, genetics, carcinogenesis, microbiology, immunology, and epidemiology.

Tumor Immunology Committee

Number of anticipated vacancies: 7

Reviews applications/proposals for: Research Contracts.

Areas of review responsibility: Cancer immunobiology, immunodiagnosis, immunotherapy, cause and prevention, immunogenetics, and immunoprophylaxis.

Areas of scientific expertise of members: Immunology, oncology, microbiology, medicine, pathology, biology, cancer surgery, chemistry, and virology.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Maternal and Child Health Research Committee

Number of anticipated vacancies: 5

Reviews applications/proposals for: Program Projects, Major Research Programs, Exploratory Grants, Institutional National Research Service Awards.

Areas of review responsibility: Behavioral and biomedical problems affecting pregnant women, fetuses, infants, and children through adolescence.

Areas of scientific expertise of members: Pediatrics, obstetrics, developmental biology, psychology, nutrition, pathology, endocrinology, biostatistics, epidemiology, immunology, biochemistry, metabolism, speech perception, cognitive development, physiology, and genetics.

Mental Retardation Research Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Program Projects, Center Grants, Institutional National Research Service Awards.

Areas of review responsibility: Mental retardation.

Areas of scientific expertise of members: Biochemistry, genetics, neurology, pediatrics, psychology, sociology, speech pathology, audiology, obstetrics, and gynecology as they apply to mental retardation.

Population Research Committee

Number of anticipated vacancies: 3

Reviews applications/proposals for: Program Projects, Center Grants, Institutional National Research Service Awards.

Areas of review responsibility: Reproductive and behavioral multidisciplinary research in the population sciences.

Areas of scientific expertise of members: Obstetrics, gynecology, neuroendocrinology, reproductive biology, reproductive endocrinology, reproductive biochemistry, anatomy, human genetics, psychology, sociology, demography, and economics.

NATIONAL INSTITUTE OF DENTAL RESEARCH

NIDR Special Grants Review Committee

Number of anticipated vacancies: 3

Reviews applications/proposals for: Centers, Institutional National Research Service Awards.

Areas of review responsibility: Support of dental research institutes, peridontal disease research centers, and training of investigators in areas of oral health research.

Areas of scientific expertise of members: Dental, medical, and basic sciences, academic and public administration.

NATIONAL EYE INSTITUTE

Vision Research Program Committee

Number of anticipated vacancies: 2

Reviews applications/proposals for: Cooperative Clinical Research, Centers, Academic Investigator Awards, Institutional National Research Service Awards.

Areas of review responsibility: Causes, natural history, prevention, diagnosis, and treatment of blinding eye diseases and visual disorders.

Areas of scientific expertise of members: Neuroanatomy, anatomy, electron microscopy, biochemistry, axonal transport, retinal diseases, retinal electrophysiology, psychophysics, and visual physiology.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Cellular and Molecular Basis of Disease Review Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Program Projects, Centers, Institutional National Research Service Awards.

Areas of review responsibility: Cellular and molecular basis of disease, molecular pathology.

Areas of scientific expertise of members: Cellular, molecular, and developmental biology, biochemistry, biophysics, microbiology, pathology, physiology, genetics, and relevant clinical and physical sciences.

Genetic Basis of Disease Review Committee

Number of anticipated vacancies: 3

Reviews applications/proposals for: Centers, Institutional National Research Service Awards.

Areas of review responsibility: Interdisciplinary programs in genetics.

Areas of scientific expertise of members: Genetics, molecular biology, cellular biology, population biology, virology, immunology, and developmental biology.

Minority Access to Research Careers (MARC) Review Committee

Number of anticipated vacancies: 3

Reviews applications/proposals for: MARC Visiting Scientist and Faculty Fellowships, Institutional National Research Service Awards (Undergraduate).

Areas of review responsibility: Programs for biomedical science education for minority group students and development of minority institutions.

Areas of scientific expertise of members: Any of the biological, chemical, physical or behavioral sciences, and an active interest in and knowledge of minority institutions.

Pharmacology-Toxicology Review Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Centers, Program Projects, Institutional National Research Service Awards.

Areas of review responsibility: Multidisciplinary research pertinent to pharmacology and anesthesiology.

Areas of scientific expertise of members: Molecular and genetic pharmacology; medical, synthetic and analytical chemistry; pharmacodynamics, toxicology, clinical pharmacology, and anesthesiology.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Clinical Trials Review Committee

Number of anticipated vacancies: 1

Reviews applications/proposals for: Research Contracts, Cooperative Clinical Research Grants.

Areas of review responsibility: Cooperative efforts and controlled clinical trials related to cardiovascular, lung, and blood diseases.

Areas of scientific expertise of members: Heart, blood, and lung diseases, blood resources, epidemiology, biostatistics, preventive medicine, and cardiology.

Heart, Lung, and Blood Research Review Committee A

Number of anticipated vacancies: 5

Reviews applications/proposals for: Program Projects, Center Supplements.

Areas of review responsibility: Basic and clinical research in the fundamental processes and diseases of the cardiovascular system and lungs.

Areas of scientific expertise of members: Cardiovascular and pulmonary physiology and pathology, cardiology, nuclear medicine, bioengineering, thoracic and vascular surgery, biostatistics, pharmacology, and molecular and cellular biology.

Heart, Lung, and Blood Research Review Committee B

Number of anticipated vacancies: 4

Reviews applications/proposals for: Program Projects, Center Supplements.

Areas of review responsibility: Fundamental processes and diseases of blood vessels and blood, blood banking, blood resources, hypertension, and arteriosclerosis.

Areas of scientific expertise of members: Lipid metabolism, hematology, blood banking and resources, cardiovascular epidemiology, experimental and clinical hypertension, renal physiology, cardiovascular physiology, and pathology.

Research Manpower Review Committee

Number of anticipated vacancies: 2

Reviews applications/proposals for: Pulmonary Academic Awards, National Pulmonary Faculty Training Awards, Special Emphasis Research Career Awards, Preventive Cardiology Academic Awards, Minority Hypertension Research Development Summer Awards, Institutional National Research Service Awards.

Areas of review responsibility: Clinical and basic biomedical and behavioral sciences related to blood, heart, and lung diseases.

Areas of scientific expertise of members: Behavioral sciences, biochemistry, blood banking, cardiology, epidemiology, hematology, nuclear medicine, pathology, physiology, pulmonary medicine, and radiology.

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

Communicative Disorders Review Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Program Projects, Centers, Institutional National Research Service Awards, Teacher-Investigator Awards.

Areas of review responsibility: Etiology and treatment of communicative disorders, including disorders of hearing and equilibrium, disorders of the special senses of taste, smell, touch, and pain, and disorders of speech, language, and communication.

Areas of scientific expertise of members: Anatomical, physiological, behavioral, pathological, neurophysiological, biochemical, embryological, diagnostic, and intervention aspects of the speech, language, and hearing mechanism.

Neurological Disorders Program Project Review A Committee

Number of vacancies anticipated: 4

Reviews applications/proposals for: Program Projects, Centers, Institutional National Reserach Service Awards, Teacher-Investigator Awards.

Areas of review responsibility: Etiology and treatment of neurological disorders and diseases, including CNS trauma, cerebrovascular disease, and demyelinating, neuromuscular, and infectious disorders.

Areas of scientific expertise of members: Neurology, neuroanatomy, physiology, pathology, pharmacology, biology, chemistry, surgery, radiology, virology, epidemiology, immunology, endocrinology, and morphology.

Neurological Disorders Program Project Review B Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Program Projects, Centers, Institutional National Research Service Awards, Teacher-Investigator Awards.

Areas of review responsbility: Pathogenesis, diagnosis, epidemiology, prevention, and rehabilitation of neurological diseases and disorders, including genetic and developmental abnormalities, cerebral palsy, epilepsy, demyelination, muscular and neuromuscular dysfunctions, Parkinsonism and other involuntary movement disorders, metabolic and deficiency disorders, degenerative disorders, neural control of metabolic functions, aging, behavioral disorders, infectious and allergic diseases, and neoplasias.

Areas of scientific expertise of members: Neurology, neuroanatomy, neurosurgery, chemistry, physiology, pharmacology, biology, pathology, cellular metabolism, microbiology, immunology, endocrinology, genetics, embryology, epidemiology, biostatistics, bioengineering, instrumentation, and computer technology.

DIVISION OF RESEARCH RESOURCES

Animal Resources Review Committee

There are two subcommittees: (a) Subcommittee on Animal Resources, and (b) Subcommittee on Primate Research Centers

Number of anticipated vacancies: 6

Reviews applications/proposals for: Research Grants, Centers, Animal Resources, Research Career Development Awards, Institutional National Research Service Awards, Individual National Research Service Awards, Research Contracts.

Areas of review responsibility: Breeding, care, and maintenance of colonies of special research animals, development and definition of animal models, development and improvement of animal resources, animal resource diagnostic laboratories, and regional primate research centers.

Areas of scientific expertise of members: Laboratory animal medicine, comparative medicine, pathology, microbiology, genetics, nutrition, zoology, neurosciences, reproductive physiology, animal behavior, biostatistics, and research administration.

Biotechnology Resources Review Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Research Contracts.

Areas of review responsibility: Access and use of the PROPHET System, a national computer network system for research in chemical and biological information handling.

Areas of scientific expertise of members: Computers, information science, biochemistry, pharmacology, cell biology, instrumentation related to biomedical research needs, and biomedical engineering.

General Clinical Research Centers Committee

Number of anticipated vacancies: 5

Reviews applications/proposals for: General Clinical Research Centers.

Areas of scientific expertise of members: Pharmacology, internal medicine, endocrinology, metabolism, nutrition, pediatrics, immunology, biochemistry, microbiology, hematology, diabetes, hospital administration, and other medical sciences.

General Research Support Review Committee

There are 2 subcommittees: (a) Biomedical Research (BRS) Subcommittee, and (b) Minority Biomedical Support (MBS) Subcommittee

Number of anticipated vacancies: 6

Reviews applications/proposals for: Minority Biomedical Support, Biomedical Research Support Grants, and Biomedical Research Development Grants.

Areas of review responsibility: BRS Subcommittee: programs to develop a research environment conducive to improvement in the training of manpower in biomedical, behavioral or clinical research, and in the health professions. MBS Subcommittee: programs to increase opportunities for minorities to engage in biomedical research.

Areas of scientific expertise of members: BRS Subcommittee: research and administrative experience in medicine, dentistry, nursing, pharmacy, veterinary medicine, psychology, public health, osteopathy, and allied health sciences. MBS Subcommittee: administrative and/or research experience in the biological, physical, and behavioral sciences, such as microbiology, physiology, neurophysiology, anatomy, biochemistry, psychology, physical, and organic and bioinorganic chemistry.

NATIONAL LIBRARY OF MEDICINE

Biomedical Library Review Committee

Number of anticipated vacancies: 4

Reviews applications/proposals for: Research Grants, Resource Grants, Biomedical Scientific Publication Grants, Special Scientific Projects, Medical Library Resource Improvement Grants, Training Grants, Research Career Development Awards.

Areas of review responsibility: Development of better information services, particularly those that relate to the development of a biomedical information network.

Areas of scientific expertise of members: Health sciences, librarianship, education, information and computer technology, and learning resources.

The above announcement was published as an issue of the *NIH Guide for Grants and Contracts, Volume 8, No. 2*, January 31, 1979. Those who do not routinely receive the *Guide* may obtain a copy of this issue by writing to Ms. Joan Bailey, Division of Resources Analysis, Office of the Director, National Institutes of Health, Building 31, Room 1B58, Bethesda, Maryland 20205. The availability of this issue of the *Guide* also was noticed in *Science*, Vol. 203, February 23, 1979, and in the *Federation Proceedings*, Vol. 38, No. 2, February 1979.

Dated: March 2, 1979.

DONALD S. FREDRICKSON, M.D.,
Director, National Institutes of Health.

[FR Doc. 79-7429 Filed 3-14-79; 8:45 am]

federal register

THURSDAY, MARCH 15, 1979

PART III



ENVIRONMENTAL PROTECTION AGENCY

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2,4,5-TRICHLOROPHENOXYACETIC ACID (2, 4, 5-T) (including all acid, ester, and salt formulations)
Decision and Emergency Order Suspending Registrations for Certain Uses
Suspension Order
Notice of Intent To Cancel Suspended Uses (30 Days To Request Hearing)

2-(2, 4, 5-TRICHLOROPHENOXY) PROPIONIC ACID (SILVEX) (including all acid, ester, and salt formulations)
Decision and Emergency Order Suspending Registrations for Certain Uses
Suspension Order
Notice of Intent To Cancel Suspended Uses (30 Days To Request Hearing)

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1074-7; OPP-60007]

2,4,5-T AND SILVEX

Introduction to Suspensions and Notices of Intent To Cancel

On February 28, 1979, the Administrator of the Environmental Protection Agency ordered emergency suspensions of the forestry, rights-of-way, and pasture uses of 2,4,5-T. The Administrator also ordered emergency suspensions of the forestry, rights-of-way, pasture, home and garden, commercial/ornamental turf, and aquatic weed control/ditch bank uses of silvex. The emergency suspension orders became effective at the time of their issuance.

In addition, the Administrator issued notices of intent to cancel the registrations of the suspended uses of these pesticides. Registrants affected by the cancellation actions begun by these notices may request a hearing within 30 days of receipt of these notices or within 30 days of publication of these notices in the FEDERAL REGISTER, whichever occurs later. Any person adversely affected by these cancellation notices may request a hearing within 30 days of the date of their publication in the FEDERAL REGISTER, or no later than April 16, 1979.

This part of the FEDERAL REGISTER contains the decision and emergency orders suspending these uses of 2,4,5-T and silvex, and the notices of intent to cancel the suspended uses of these pesticides.

Dated: March 8, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-7555 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1074-4; OPP-68006]

DECISION AND EMERGENCY ORDER SUSPENDING REGISTRATIONS FOR THE FOREST, RIGHTS-OF-WAY, AND PASTURE USES OF 2,4,5-T

INTRODUCTION

During the past ten months, the Agency has been gathering information about 2,4,5-T (2,4,5-Trichlorophenoxyacetic Acid) through its Rebuttable Presumption Against Registration (RPAR) process in order to decide whether registration of this pesticide should be continued (43 FR 17116, April 21, 1978). This review was prompted by studies showing that 2,4,5-T and/or its dioxin contaminant, 2,3,7,8 - tetrachlorodibenzo - p-dioxin (TCDD) [1], caused reproductive and oncogenic effects in test animals. During the public debate initiated by the 2,4,5-T RPAR, the Agency received reports that women living in the vicinity of Alsea, Oregon, had miscarriages shortly after 2,4,5-T was sprayed in the forest areas where they reside. The Agency investigated the circumstances surrounding these reported miscarriages and compared the frequency of miscarriage in the Alsea area with comparable data from a control area. The Agency has concluded that the use of 2,4,5-T over a six-year period in the Alsea area was related to a statistically significant increase in the frequency of miscarriages by women residents of the area, and that these miscarriages occurred shortly after the use of 2,4,5-T in the area where these women lived.

Based on this and other information detailed below, I am ordering several emergency suspensions under FIFRA Section 6(c). These emergency suspensions immediately halt the distribution, sale, and use of 2,4,5-T for forestry, rights-of-way, and pastures until the completion of further administrative proceedings.[2] I am ordering emergency suspension of these uses because I find that they pose an "imminent hazard" to humans and because I also find that an "emergency" exists because there is not enough time to complete a suspension hearing before the next spraying season.

II. LEGAL AUTHORITY

A. STANDARDS FOR MAINTAINING A REGISTRATION

In order to obtain a registration for a pesticide under the Federal insecticide, Fungicide, and Rodenticide Act (FIFRA) (7. U.S.C. 136 et seq.), a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without "unreasonable adverse effects" on the environment (FIFRA Section 3(c)(5)). "Unreasonable adverse effect on the environment" means "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide" (FIFRA Section 2(bb)). In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of the use. The burden of proving that a pesticide satisfies the registration standard rests with the registration and continues for as long as the registration remains in effect (*Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F.2d 1292, 1297 (CADC, 1975); *Environmental Defense Fund* v. *Environmental Protection Agency* 465 F.2d 528, 532 (CADC, 1972)). Under Section 6 of FIFRA, the Administrator is required to cancel the registration, or change the classification, of a pesticide whenever he determines that the pesticide no longer satisfies the statutory standard for registration.

B. PURPOSE AND STANDARD FOR SUSPENDING A PESTICIDE

The suspension provisions in Section 6(c) of the statute give the Administrator authority to take interim action until completion of the time-consuming procedures required to reach final cancellation decisions. Under this Section, the Administrator may suspend the registrations of a product and prohibit its distribution, sale, or use during cancellation proceedings upon a finding that the pesticide poses an "imminent hazard" to humans or the environment. "Imminent hazard" is defined by the statute to mean that:

> The continued use of a pesticide during the time required for cancellation proceedings would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior under Pub. L. 94-135.

As discussed above, "unreasonable adverse effects on the environment" means that the risks from use of a pesticide outweigh the benefits of its use. Thus, in order to find an imminent hazard, it is necessary to find that the risks of use during the period likely to

[1] Current methods for manufacturing 2,4,5-T produce TCDD as a by-product of the manufacturing process. Although 2,4,5-T manufacturers attempt to remove this contaminant, TCDD cannot be completely removed. An EPA contract laboratory has measured the TCDD content in 16 recently produced commercial samples of technical grade 2,4,5-T from five different manufacturers. The contractor reported that the TCDD content in these samples ranged from not detectable to 0.025 ppm (limit of detection: 0.01 ppm) [excluding higher values that the contractor reported as doubtful]. Therefore, because TCDD is present as a low-level contaminant in commercial samples of 2,4,5-T, references in this document to "2,4,5-T" or the "pesticide product" means 2,4,5-T that is contaminated with TCDD.

[2] Pasture is defined as land producing forage for animal comsumption, harvested by grazing, which has annual or more frequent cultivation, seeding, fertilization, irrigation, pesticide application and other similar practices applied to it. Fencerows enclosing pastures are included as part of the pasture.

be required for cancellation proceedings appear to outweigh the benefits. The Administrator may not suspend a pesticide without having issued a notice of his intention to cancel the registration, or to change the classification, of the pesticide.

Suspension is the Administrator's tool for quickly correcting a situation which endangers public health. The courts have repeatedly held that "the function of a suspension decision is to make a preliminary assessment of evidence, and probabilities, not an ultimate resolution of difficult issues" (*Environmental Defense Fund* v. *Environmental Protection Agency*, supra, 510 F2d at 1298). "It is enough if there is a *substantial likelihood* (emphasis in original) that serious harm will be experienced during the year or two required in any realistic projection of the administrative (cancellation) process" (*Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 510 F2d 1292, 1297, (D.C. Cir. 1975) quoting from *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, supra, 465 F2d 540 (D.C. Cir. 1972)). Moreover, the registrant bears the burden of proof during a suspension proceeding because, as indicated above, the burden of proof under FIFRA always resides with the proponent of registration throughout the life of a registration. (See, e.g., *Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F2d at 1297; *Environmental Defense Fund* v. *Environmental Protection Agency*, supra, 465 F2d at 532.)

C. TYPES OF SUSPENSION PROCEEDINGS

In this order, I have begun emergency suspension proceedings. This is not the only type of suspension provided in FIFRA. Section 6(c) provides for two kinds of suspension proceedings: ordinary suspensions (FIFRA Section 6(c)(2)) and emergency suspension (FIFRA Section 6(c)(3)). I have chosen to discuss both kinds of suspension because the procedures applicable to each action are intertwined and because of the complexity of the suspension provision as a whole.

(1) *Ordinary Suspensions.* The Adminstrator may begin an ordinary suspension when he finds that action is required to prevent an "imminent hazard." An ordinary suspension is not effective immediately; instead, the Administrator is required to give registrants notice of his intent to suspend and to allow five days for them to request a hearing. Only a registrant may request a hearing. If a hearing is not requested within five days, the suspension order becomes final and is not reviewable by a court. If a hearing is requested, the Administrator is requird to convene an expedited proceeding at which other interested persons can intervene. The sole issue at a hearing is whether an imminent hazard in fact exists. The procedures for conducting the hearing, with limited exceptions discussed below, parallel the hearing procedures for an emergency suspension. The Administrator decides whether to affirm his imminent hazard determination at the conclusion of the hearing; if he does, he issues a suspension order. This order is accompanied by a notice of intent to cancel the registration, or to change the classification, of a pesticide (if one has not previously been issued). A final order on suspension following a hearing is reviewable in the Court of Appeals.

(2) *Emergency Suspensions.* Before issuing an emergency suspension order, the Administrator is required to make two findings: (1) That the pesticide poses an "imminent hazard" and (2) that an "emergency" exists. An "emergency" exists when the situation "does not permit (the Administrator) to hold a hearing before suspending" (FIFRA Section 6(c)(3), 7 U.S.C. 136d(c)(3)). The Agency interprets this statutory provision to mean that, if the threat of harm to humans and to the environment is so immediate that the continuation of a pesticide use is likely to result in unreasonable adverse effects—i.e., the risks outweigh the benefits—during a suspension hearing, the registration of any product for that use may be suspended immediately.[3]

An emergency suspension order is issued without prior notice to registrants and takes effect immediately; it remains in effect until the cancellation decision if no expedited hearing is requested. If an expedited hearing is requested on the issue of imminent hazard, the emergency order continues in effect until the issuance of a final suspension order. Registrants are given five days to request an expedited hearing. The hearing stage is to begin within five days of the Agency's receipt of the hearing request. Unlike the ordinary suspension situation, no party other than the registrant and the Agency may participate in the expedited hearing on the emergency order, except to file briefs. The procedures for conducting the hearing are otherwise the same as in an ordinary suspension. For both types of suspension, the hearing is to be conducted in accordance with 5 U.S.C. Sections 554.556, and 557 except that the presiding officer need not be a certified hearing examiner. For both types of suspension, the presiding officer shall have ten days from the conclusion of the presentation of evidence to submit recommended findings and conclusions to the Administrator. The Administrator shall then have seven days to issue a final order on the issue of suspension.

FIFRA provides for a special appeal of an emergency suspension order to the District Court. If an administrative hearing is requested, an emergency suspension order is subject to immediate review in District Court by the registrant or by other interested persons with the registrant's consent. On the other hand, if no request for a hearing before the Agency is made, the emergency order becomes final and is not reviewable by any court (FIFRA Section 6(c)(2), 6(c)(3)). The District Court action may occur simultaneously with the suspension proceeding before the Administrator.

The District Court reviews only whether the emergency finding is supported. The standard for review by the District Court is very narrow—whether the order of suspension is "arbitrary, capricious, or an abuse of discretion, or whether the order was issued in accordance with the procedures established by law" (FIFRA Section 6(c)(4)). If the District Court finds against the Agency, it may stay the suspension order until completion of the expedited suspension hearing.

The District Court order may be appealed to the Appellate Court by either the Agency or the registrant, depending on the outcome. A final order on suspension, after a hearing before the Agency, may be reviewed in the Court of Appeals on an expedited basis even though related cancellation proceedings may not have been completed.

[3] The term "emergency" is not defined by FIFRA, and the statute in the emergency suspension section does not specifically require the Agency to balance benefits against health and environmental risk of pesticide use. An alternative reading would be that an emergency exists whenever a serious risk could result from pesticide use during the time for conducting a suspension hearing. However, for the purpose of this proceeding I have decided to consider the risks and benefits in ordering an emergency suspension, just as I balance risks and benefits in deciding whether to register a pesticide or to take the pesticide off the market through a cancellation or ordinary suspension order. FIFRA is a risk/benefit statute, and I see no reason to depart from this balancing test in issuing emergency suspension orders.

III. Summary of Findings

A. Summary of findings on risks

Numerous studies have clearly demonstrated that TCDD and/or 2,4,5-T contaminated with TCDD can produce fetotoxic, teratogenic, and carcinogenic effects in experimental animals which have been exposed to these chemicals. I find that the occurrence of these effects in test animals indicates that humans who are exposed to TCDD and/or 2,4,5-T may experience comparable effects.

A recent epidemiological study reported that women living in the vicinity of Alsea, Oregon (an area where 2,4,5-T is used for forest management) have a statistically significant higher incidence of spontaneous abortions (miscarriages) than women living in a control area. Specifically, the study shows that:

(1) The spontaneous abortion index for the Alsea study area where 2,4,5-T is used is significantly higher than the index for urban or rural control areas where there is no known use of 2,4,5-T.

(2) There is a significant increase in the spontaneous abortion index in the study area relative to the control area in the months of June and July: this increase follows by approximately two months a period in March and April when 2,4,5-T was used to control vegetation in the forested areas in which these women live.

(3) Statistical analyses of these data indicate that there is a significant correlation between the amounts of 2,4,5-T used in the study area during the spraying season and the subsequent increase in the spontaneous abortion index in the study area.

This relationship between exposure to 2,4,5-T spraying and an increased incidence of miscarriages in humans is not surprising. This is the same relationship that has been demonstrated to exist in test animals through numerous animal studies. While there are uncertainties concerning the amount of 2,4,5-T and/or TCDD to which the study area women may have been exposed and concerning the precise route (or routes) of human exposure, the statistically significant incidence of miscarriages described above makes it reasonable for the Agency to conclude that these women in the Alsea Study area were exposed to 2,4,5-T.

The Agency concludes that it is also reasonable to assume that individuals may be exposed to 2,4,5-T and/or TCDD who frequent or live in areas where 2,4,5-T is used in ways and under conditions which may cause them to experience exposure opportunities qualitatively similar to that experienced by the Study area women. The Agency has concluded that 2,4,5-T use patterns involving exposure opportunities qualitatively similar to those experienced by the Study area women are the forestry, rights-of-way, and pasture uses of 2,4,5-T. The Agency has identified pesticide applicators and persons involved in pesticide application support activities, and persons living in or frequenting areas of 2,4,5-T use as the principal groups of individuals who may be exposed as a result of the forestry, rights-of-way, and pasture uses of 2,4,5-T. Based upon the animal test data and other information, including the Alsea study, the Agency has concluded that individuals exposed to 2,4,5-T and/or TCDD may experience adverse reproductive effects and cancer. Accordingly, the Agency concludes that it is prudent to regard individuals who may experience exposures qualitatively similar to those experienced by the Study area women as a result of the forestry, rights-of-way, and pasture uses, as individuals who may suffer adverse reproductive effects or cancer as a result of these uses of 2,4,5-T.

B. Benefits of 2,4,5-T use during the cancellation proceedings

The suspended uses (forestry, rights-of-way, and pastures) comprise about 74% of the estimated 9.3 million pounds of 2,4,5-T used annually in the United States. 2,4,5-T controls a wide variety of weeds at relatively low cost.

I estimate that the economic impact of this suspension action will be small. This finding is based on several considerations. The inherent flexibility in the treatment schedules permits delays in treatment during an estimated two-year suspension period. Alternative chemical, mechanical, and manual control treatments are available and are being used. The availability of these alternatives will minimize the impacts of suspension on those acres which require treatment during the suspension period.

(1) *The Forestry Use.* The forestry use comprises 28% of 2,4,5-T use. 2,4,5-T's advantage is its ability to control a wide spectrum of weeds without damaging the treated trees.

Forest managers take measures to control weeds on softwood forests on two major occasions during the approximately 50-year life of a commercial forest: (1) The preparation stage designed to clear a site of potentially damaging vegetation prior to planting, and (2) the release stage designed to free young trees (3 to 10 years old) from weed and hardwood competition in order to promote extensive growth.

I have found that the use of 2,4,5-T is not necessary for site preparation. 2,4,5-T is used only 20% of the time. Other chemicals, mechanical or manual clearing methods, or burning can be equally effective in giving newly-planted trees the opportunity to grow. The alternatives are more expensive. A two-year suspension of 2,4,5-T use for release treatments would have no serious effect because the treatments could be delayed for two years without impairing tree growth. Alternatives are generally available where weed growth makes treatment necessary. Finally, the impact on consumers of wood products is likely to be small.

(2) *The Rights-of-Way Use.* 2,4,5-T is used to control woody and herbaceous plants on railroads, highways, electric transmission lines, and pipelines. The rights-of-way use covers 41% of total 2,4,5-T usage.

Chemical, mechanical, and manual methods of control are also used on rights-of-way acreage. Use of more than one method is common practice. The cost of 2,4,5-T is less than chemical alternatives for some methods of application, more expensive for others.

Many rights-of-way managers who have scheduled 2,4,5-T use during the suspension period are likely to postpone treatment entirely. Managers will likely use alternatives when plant growth is rapid. Even if all acres were treated with alternatives, I estimate that the additional cost of treatment of rights-of-way during suspension would not have a significant impact on users' revenues or operating costs.

(3) *The Pasture Use.* Weed control in pastures is now practiced on only about 1.0 million out of about 101 million acres of pastureland. There are effective chemical and/or mechanical

control alternatives for all weed species in all regions. The major result of suspension on pastureland would be a delay in treatment on much of the acreage scheduled for treatment due to the inherent flexibility of decisions whether to treat. The economic impacts of a two-year suspension would be of little or no consequence.

C. SUMMARY OF FINDINGS ON IMMINENT HAZARD

(1) *The Forestry Use.* In order to find an imminent hazard, I must find that the risks of use during the period likely to be required for cancellation proceedings appear to outweigh the benefits. The Alsea study, establishing a correlation between use of 2,4,5-T in forest management and miscarriages in humans, coupled with animal studies showing similar effects, indicates that there is a substantial likelihood that serious harm could result to persons with qualitatively similar exposures from the forestry use of 2,4,5-T. Aerial application, a major forest treatment method, may result in drift and increased exposure potential. This hazard to human health clearly outweighs the benefits of 2,4,5-T use during the cancellation period. The economic impacts of suspension are small because of the flexibility of treatment schedules and the availability of alternatives. Hence, I find that an imminent hazard exists for the forestry use of 2,4,5-T.

(2) *The Rights-of-Way Use.* For the reasons discussed below, the use patterns of the rights-of-way use create the same, or greater, potential for human exposure as the forestry use. In broad terms, considerable exposure potential exists due to the large numbers of persons living near rights-of-way and the likelihood of drift from the widespread use of aerial application. Hence, the rights-of-way use results in a hazard to human health which in my judgment outweighs the corresponding benefits. Although rights-of-way is the biggest 2,4,5-T use, a use moratorium during the cancellation proceedings would not have a significant economic impact because many rights-of-way managers are likely to postpone treatment entirely during the suspension proceedings; if they do treat, alternatives are available. Therefore, I find that an imminent hazard exists for the rights-of-way use during the cancellation proceedings.

(3) *The Pasture Use.* For the reasons discussed below, the application of 2,4,5-T on pastures presents exposures qualitatively similar to the forestry use, and hence the risk posed by 2,4,5-T use to human health is of concern. The exposure risk may be lower than for forests and rights-of-way. The principal application technique is spot spraying with knapsack equipment, which has less drift potential than aerial application. The benefits, however, are marginal at most. Weed control is practiced on less than 2% of pasture acreage, showing the relative unimportance of chemical or other treatments. Treatment can ordinarily be delayed or dispensed with entirely. In any case, there are effective chemical and/or mechanical control alternatives for all species in all regions of the United States. Thus, while the risks to human health from the pasture use appear to be lower than from the rights-of-way and forest uses, the economic impact of two-year suspension of the pasture use is of little or no consequence. I find that an imminent hazard exists for 2,4,5-T usage on pastures because the risks outweigh the benefits of use during the cancellation proceedings.

D. SUMMARY OF FINDINGS ON EMERGENCY

As previously discussed, I have interpreted the statutory provision on emergency suspensions (FIFRA Section 6(c)(3) to require a preliminary balancing of risks against benefits of use during the time for holding a suspension hearing. Hence, an emergency finding involves two issues: (1) Immediate intervention is required because there is no time to hold a suspension hearing before the next period of pesticide use; and (2) the risks outweigh the benefits during the time for holding the suspension hearing. At the end of the suspension proceeding, I have discretion to affirm, modify, or reverse my suspension order.

(1) *The Forestry Use.* There is not enough time to hold a hearing before the next forest spraying season. Much of the year's treatment generally occurs between March and May. I am advised that in some parts of the Pacific Northwest, spraying is about the begin or has already begun. Hence, assuming 2,4,5-T use on forests poses unreasonable adverse effects, immediate action is required to stop 2,4,5-T use.

The risks posed by 2,4,5-T forestry use clearly outweigh the benefits of use during the suspension proceeding. The Alsea epidemiological study suggests that persons in the vicinty of forest spray are being exposed to the potential dangers of 2,4,5-T use. These people are about to be exposed to almost one year's dose of 2,4,5-T applications in the next two months. The emergency suspension proceeding is anticipated to run from March through June (see discussion in Section V). Hence, by the time the suspension hearing is over, it will be too late to halt much of this year's spraying.

Considering benefits, the economic consequences from a three-month delay for the completion of suspension proceedings are very small. Much of the scheduled treatment can readily be deferred for this short a period of time. In any case, alternatives are generally available to prevent reductions in tree growth where treatment is considered essential.

Accordingly, I find that an emergency exists for the forestry uses of 2,4,5-T. Therefore, I am ordering immediate suspension of all 2,4,5-T registration for these uses of 2,4,5-T.

(2) *Rights-of-Way Use.* 2,4,5-T is applied on rights-of-way: railways, highways, electric transmission lines, and pipelines during the spring growing season, which starts in March in some parts of the country. Additionally, some methods of application on rights-of-way may be year-round. Hence, there is not enough time to hold a hearing before humans are exposed to the risks to their health presented by this chemical.

The risks of 2,4,5-T use far outweigh the benefits during the time for holding a suspension hearing. The potential for human exposure from the rights-of-way use during this period is not inconsiderable even though the use season is not limited to the March-June suspension proceeding period. Large numbers of people live near rights-of-way areas, and aerial application is an important application method. On the other hand, little economic harm will result from a three-month use moratorium. Use on rights-of-way can generally be deferred for this short period of time. At any rate,

alternatives are available. Chemical alternatives are cheaper than 2,4,5-T for some application methods, including aerial application.

Accordingly, I find that an emergency exists for the rights-of-way use of 2,4,5-T. Therefore, I am ordering an immediate suspension of all 2,4,5-T registrations for the use of 2,4,5-T on rights-of-way.

(3) *Pasture Use.* The application of 2,4,5-T to restrict weed growth on pastures is expected to occur in March in some parts of the country and in even more areas before the anticipated completion of the suspension proceeding in June. Hence, emergency mesures are required since I believe that the pasture use poses the risk of unreasonable adverse effects to human health during the suspension hearing.

The pasture use presents the risk of exposing innocent bystanders because residences are scattered throughout pastureland areas. The risk to humans from 2,4,5-T use on pastures may be lower than from use on forests and rights-of-way, because aerial application is used on forests and rights-of-way and not on pastureland. On the other hand, the benefits of use during the 3 to 4 month suspension period are minimal. Treatment can most certainly be postponed during this short period. In any case, there are effective chemical and/or mechanical control alternatives for all weed species in all regions of the country.

Accordingly, I find that an emergency exists for the pasture use of 2,4,5-T. I am therefore ordering an immediate suspension of all 2,4,5,-T registrations for the use of 2,4,5-T on pastures.

IV. Basis for Findings Concerning Imminent Hazard and Emergency

In Section III of this notice, I have presented a summary of my findings that an imminent hazard and emergency exist for the forestry, pasture, and rights-of-way uses of 2,4,5-T. The data, information, and analyses upon which these findings are based are detailed below.

A. Findings Relating to Adverse Effects in Test Animals

(1) *Adverse Reproducetive Effects in Test Animals.* This section presents the test animal data upon which I relied in finding that exposure to TCDD and/or 2,4,5-T is likely to result in adverse reproductive effects in humans. Except as specified below, these data were derived from studies in which pregnant rodents were orally exposed to TCDD and 2,4,5-T during the second trimester of gestation by daily gavage or in which primates were chronically exposed before mating. The pregnant rodents were sacrificed shortly before the scheduled birth of the offspring, and the fetuses were examined for abnormalities. The Agency has extracted key data for presentation in this report of findings. Experimental details and descriptions of the underlying data are presented in the 2,4,5-T RPAR notice and in the published literature.

(a) *Exposure of Test Animals to TCDD.* TCDD produces fetotoxic effects such as death and reduced fetal size; skeletal deformities such as cleft palate and clubfoot; injury to internal organs such as intestinal bleeding, intestinal lesions, and abnormal kidneys; and post-partum effects such as reduced survival. These effects appear in several different rodent strains and species, occur in all of the litters in some dose groups, and occur at doses at least as low as 0.01 ug TCCD/kg. The repeated and regular appearance of several different forms of damage to test animals of several different strains and species indicates that TCDD is a teratogenic and fetotoxic agent is mammals.

(i) *Fetotoxic and Embryolethal Effects.* Fetotoxic and embryolethal effects have been reported for at least three different mouse strains, two different rat strains, and one strain of subhuman primates exposed to TCDD during gestation. For example, in studies using generally low-dose regimens of TCDD, Neubert and Dillmann reported that resorption sites (resorbed or dead embryos) occurred in 54% (7/13) of the litters at 0.3 ug/kg and in 100% (3/3) of the litters at 9.0 ug/kg for NMRI mice, compared to 24–32% (23/95 and 24/65) of litters exhibiting resorptions in control animals which had not been exposed to TCDD. Sparschu et al. reported resorption of 100% (110/110) of the fetuses in Sprague-Dawley rats exposed to 8 ug TCDD/kg, compared to 20% resorption (63/309) of the fetuses from the control animals. Khera and Ruddick reported 100% (77/77) resorption of fetuses at 4 ug/kg and 36% (56/153) at exposures of 1 ug/kg in Wistar rats, compared to 7% (3/152 and 10/127) in the control animals. Smith et al. reported resorptions in 95% (18/19) of the litters of CF–1 mice exposed to 1.0 ug/kg, compared to 74% (25/34) in the control animals; despite the high control incidence of resorptions in this study, the increased incidence in the experimental animals was statistically significant.

In an abstract of a current study, Schantz et al. (1979) reported 57% (4/7) of pregnant monkeys aborted and one delivered a stillbirth. Two others on the 50-ppt diet failed to conceive, and two delivered normally. The eight control animals all delivered normal infants. Maternal toxicity was observed in some dose groups in some of these studies.

Similar effects have been reported at higher dose levels of TCDD. Neubert and Dillmann reported that a single dose of 45 ug/kg to NMRI mice on day 6 produced resorptions in 100% (3/3) of the viable litters, compared to resorptions in 24% (23/95) of the control litters. Courtney reported an average of 87% mortality in 6 litters of CD–1 mice orally exposed to 200 ug/kg, compared to an average mortality of 6% in 15 vehicle control litters. This investigator also reported an average of 76% mortality in 6 litters of CD–1 mice exposed subcutaneously to 200 ug TCDD, compared to 14% in the six litters of control animals. Some of these studies also describe statistically significant weight depression in the surviving embryos (e.g., Sparschu et al.).

These and other studies also report that TCDD had no measurable adverse effects at some dose levels in some strains. For example, Khera and Ruddick report no fetotoxic effects at 0.125 ug/kg in Wistar rats, and Neubert and Dillmann report no teratogencic effects at 0.3 ug/kg in NMRI mice. Courtney and Moore reported that TCDD had no effect on fetal weight or embryonic mortality at 0.5 ug/kg in CD rats, and Sparschu et al. reported no effect at 0.03 ug/kg in Sprague-Dawley rats.

Dow Chemical Company, a 2,4,5-T registrant, has recently completed a study of the effects of TCDD on reproduction in Sprague-Dawley rats exposed to low dose-levels of this chemical for three generations. The registrant concluded that "impairment of

reproduction was clearly evident among rats ingesting 0.01 or 0.1 ug TCDD/kg per day. Significant decreases were observed in fertility, litter size, gestation survival, postnatal survival, and postnatal body weight." In addition, exposure to 0.001 ug TCDD/kg per day, the lowest level tested in this study, resulted in statistically significant increases in the percentage of pups dead at birth and/or dying before the end of three weeks of life in some generations.[4]

Although the experimental protocols and strains differ for the several studies cited, in each case TCDD significantly increased the incidence of resorbed embryos or stillborn animals relative to the rate observed in control animals not exposed to TCDD. The regular occurrence of embryonic death in studies by different investigators in primates and in different rodent strains indicates that exposure to TCDD during mammalian gestation may result in the death of the embryos and related maternal reproductive failure.

(ii) *Skeletal Anomalies.* Skeletal defects appear in six studies involving four different mouse strains. Courtney and Moore report the following incidences of cleft palate in the indicated strains exposed to 3 ug/kg TCDD: 71% (5/7) in litters of C57BL/6 mice, compared to none (0/23) in the controls; 22% (2/9) in litters of DBA/2 mice compared to none (0/23) in the controls; and 30% (3/10) for CD-1 mice, compared to none (0/9) in the controls. Neubert and Dillmann, also using 3 ug TCDD/kg, reported 29% (7/24) of the viable litters had fetuses with cleft palate for NMRI mice compared to 6% (10/160) of the control litters. Smith et al. reported cleft palate in 71% (10/14) of CF-1 mouse litters at 3 ug/kg, compared to none (0/34) in the controls.

In exposures of shorter duration, Moore et al. reported cleft palate in 86% (12/14) of C57BL/6 mouse litters exposed on days 10-13 to 3 ug/kg, compared to none (0/27) in the control litters. Neubert and Dillmann reported cleft palate in 71% (10/14) of litters of NMRI mice exposed to a single 45 ug/kg dose on day 11, compared to 6% (6/95) of litters in the controls.

Courtney and Moore reported no cleft plate in any of the litters in CD rats exposed to 0.5 ug/kg. Similarly, Khera and Ruddick, using Wistar rats, reported that the occurrence of the skeletal anomalies in the fetuses exposed to 2.0 ug/kg was comparable to the rate for the untreated animals.

(iii) *Injury to Internal Organs.* Exposure to TCDD produced injury to the kidneys and intestinal tracts of at least five different mouse and rat strains. Smith et al. reported 28% (4/14) of litters with kidney anomalies at 3 ug/kg in CF-1 mice, compared to none (0/34) in the controls. Moore et al. reported 100% (14/14) of litters with kidney anomalies in C57BL/6 mice exposed to 3 ug/kg on days 10-13, compared to none (0/27) in the control litters. Courtney and Moore reported kidney anomalies in 100% (10/10) of the litters of CD-1 mice at 3 ug/kg, compared to 33% (3/9) in the controls, and 67% (4/6) litters with abnormal kidneys in the CD rat at 0.5 ug/kg as compared to none (0/9) in the control litters. Sparschu et al. reported hemorrhages or lesions of the intestine of 36% (36/99) of the fetuses of Sprague-Dawley rats exposed to 0.5 ug/kg, compared to none (0/246) in the control fetuses.

(b) *Exposure of Test Animals to 2,4,5-T.* Cleft palate, high incidences of fetal mortality, reduced fetal weight, and other indicators of injury to the developing fetus have been reported in several studies in which test animals were exposed to 2,4,5-T contaminated with varying levels of dioxin. Some of these effects have been reported in test rodents at maternal doses as low as 10 mg/kg 2,4,5-T containing no detectable TCDD (limit of detection: 0.5 ppb).

For example, Neubert and Dillman (1972) studied the effects of 2,4,5-T contaminated with dioxin in NMRI mice. Using 2,4,5-T with 0.05 ppm TCDD, these investigators reported resorptions in 57% of the litters and cleft palate in 71% of the litters at 60 mg 2,4,5--T/kg, compared to 24-32% resorptions and 6% cleft palate in the controls.

Similarly, Courtney and Moore (1971) reported that oral exposure of CD rats to 80 mg/kg 2,4,5-T containing 0.5 ppm TCDD led to 52% fetal mortality per litter, compared to 3.4% in the controls. At this dose, kidney anomalies were observed in 50% of the litters, compared to none in the controls, but none of the fetuses had cleft palate at any dose. However, subcutaneous injection of 100 mg/kg 2,4,5-T containing 0.05 ppm TCDD led to cleft palate in 40% of the litters of CD-1 mice, compared to none in the controls.1The Dow Chemical Company, a 2,4,5-T registrant, has recently completed a study (Smith et al. 1978) of the effects of 2,4,5-T (containing less than 0.5 ppb TCDD) on reproduction in Sprague-Dawley rats exposed to 2,4,5-T for three generations. The registrant reports that exposure of these animals to 10 and/or 30 mg 2,4,5-T/kg per day resulted in statistically significant increases in the fequency of stillborn rat pups, and/or decreased survival of the pups that were born alive.[5]

(c) *Other Effects in Test Animals.* Recently, Highman et al. showed that impaired fetal kidney development followed maternal treatment with 120 mg/kg of 2,4,5-T on days 6-14 of gestation. The impaired development was associated with a significant reduction in cellular alkaline phosphatase. TCDD has been found to induce delta aminolevulenic acid synthetase (ALA) in chick embryos with as little as 1.5 ng/egg, and Goldstein et al. found a two-fold induction of ALA in C57BL/6 mice as a significant 2,000-fold accumulation of porphyrins in the liver occurred when compared to controls after treatment with 25 ug/kg of TCDD. Abnormal porphyrin synthesis occurred in female rats when treated in a chronic study at 0.01 ug TCDD/kg per day (Kociba et al. 1977). Alkaline phosphatase and gamma glutamyl transferase levels in female rats on 0.1 ug/kg significantly increased when compared to controls.

(2) *Oncogenic Effects in Test Animals*—(a) *Exposure of Test Animals to TCDD.* The Carcinogen Asessment Group (CAG) has concluded the TCDD induces carcinogenic responses in mice and rats at exceedingly low dose levels and that these effects, together with data showing that TCDD is mutagenic, constitute substantial evidence that TCDD is likely to be a human carcinogen.

Dow Chemical Company, a 2,4,5-T registrant, studied the effects of TCDD on male and female Sprague-Dawley rats exposed to 0.022, 0.220, or 2.2 ppb TCDD. CAG agrees with the registrant's conclusion that there is a statistically significant increase in the

[4] Dow Chemical Company has claimed that the results of this study are "trade secret" or "confidential." An injunction issued in April 4, 1978, in the case of *Dow Chemical Co. v. Costle*, Civil Action No. 76-10087, U.S. District Court for the Eastern District of Michigan (Northern Division), arguably precludes EPA from disclosing the data from this study at the present time. Although the relevant provisions of FIFRA have since been amended to allow disclosure of data such as this (see, e.g., FIFRA Sections 10(d) and 10(g), the injunction has not yet been modified. EPA intends to promptly request the Court to modify the injunction, but until this has been done the Agency will not publicly disclose the data from the study. The summary presented in the text of this Order doe snot, in EPA's opinion, constitute disclosure of the allegedly "trade secret" data submitted by Dow and would not cause any harm to Dow's legitimate competitive interests. The data from the study may be made available to any party in a suspension or cancellation proceeding under an appropriate protective arrangement.

[5] Dow Chemical Co. has also requested confidentiality for the results of this study. The discussion in the footnote in Section IV.A.(1)(a)(i) also applies to these data.

incidence of hepatocellular carcinoma in female rats exposed to 2.2 ppb TCDD. In another study using Sprague-Dawley rats, Van Miller reported that 1 ppb and 5 ppb TCDD produced a carcinogenic response in the livers of male Sprague-Dawley rats. These observations tend to confirm the registrant's observations that TCDD produces an oncogenic response in the livers of male Sprague-Dawley rats.[6] Further, a preliminary report of a not-yet-completed National Cancer Institute study tends to confirm these observations of a carcinogenic response in rats. A contractor for the National Cancer Institute has reported that TCDD is carcinogenic in the rats and mice used in that study.

CAG also emphasized that, at low levels, TCDD is a potent inducer of arylhydrocarbon hydroxylase, an enzyme system that contains an enzyme that is known to mediate the formation of epoxides, compounds which are potentially active carcinogenic metabolites.

CAG also reported that TCDD is mutagenic in the Ames test without the metabolic activation system. Its mutagenic activity is exhibited by frameshift mutations caused by intercalation between base-pairs of DNA.

(b) *exposure of Test Animals to 2,4,5-T.* On the basis of its review of 10 chronic toxicity studies, eight using mice and two using rats, CAG has concluded that there is no significant evidence in the completed studies that 2,4,5-T is carcinogenic in these species. Specifically, CAG reported that exposure to 3, 10, or 30 mg 2,4,5-T/kg (TCDD not detectable at detection limits ranging from 0.12 to .033 ppb) does not have carcinogenic effects in Sprague-Dawley rats. Preliminary data from a rat study in progress are also negative. Nonetheless, these findings do not negate the cancer-causing potential of 2,4,5-T as commercially produced since it contains the TCDD contaminant.

CAG's review of the design and conduct of other studies disclosed that testing in mice is inadequate because the maximum tolerated dose may not have been used in some of the studies in which mice showed no carcinogenic response, and because there were significant defects in the design and execution of a study for which the authors initially reported a statistically significant increase in tumors in female mice.

[6]The CAG and an EPA audit found that this study had major shortcomings in design and conduct that limited the reliability of the data developed at dose levels lower than 1 ppb.

B. FINDINGS RELATING TO RISK TO HUMANS

(1) *Study of Miscarriages in Alsea, Oregon*—(a) *General Discussion.* In response to the 2,4,5-T RPAR notice, a group of eight women informed the Agency that they lived within 12 miles of Alsea, Oregon, where 2,4,5-T is used in forest management and that they had experienced a total of 13 miscarriages between 1972 to 1977. In their letter, the women presented information showing that most of their miscarriages occurred eight to ten weeks after conception and followed by four or six weeks the date of the spring application of 2,4,5-T in the forest areas in which these women reside. The women indicated their belief that this informaton suggested that the unusually high number of miscarriages in their group was related to the use of 2,4,5-T.

The effects which these women reported were comparable to the embryolethal and fetotoxic effects observed in test animals that have been exposed to 2,4,5-T and/or TCDD. Moreover, because embryos are particularly susceptible to the harmful or lethal effects of fetotoxic or teratogenic agents during the early stages of pregnancy, the occurrence of these miscarriages within approximately two months of the use of 2,4,5-T in the Alsea area suggested a possible relationship between the use of the pesticide and the miscarriages reported for this group of women. For these reasons, the Agency began an epidemiological study to determine if the occurrence of the spontaneous abortions in the entire Alsea area (parts of three counties comprising about 1,600 square miles) bore any relation to the use of 2,4,5-T in the area. To answer this question, the Agency gathered informaiton and data from hospitals on the occurrence of spontaneous abortions in the Alsea Study area and compared these data to comparable data from a rural area where there was little or no known use of 2,4,5-T or other dioxin-contaminated phenoxy herbicides (Control area). Data on spontaneous abortions from an Urban area near Alsea were also reviewed for the study.

The Agency's preliminary analysis of the data generated through this study indicates that:

(1) The spontaneous abortion index [7] (hospitalized miscarriages per 1,000 births) for the Alsea Study area where 2,4,5-T was used was significantly greater than the index for the Urban and Control areas where there was little or no known use of 2,4,5-T;

(2) There was a dramatic increase in the spontaneous abortion index for the Study area relative to the Urban and Control areas in the months of June and July; this increase followed, by approximately two months, a period in March and April when 2,4,5-T was used to control vegetation in the forested Study area; and

(3) Statistical analyses of these data indicate that there was a signficant correlation between the amounts of 2,4,5-T used in the Study area during the spraying season and the subsequent increase in the spontaneous abortion index in the Study area.

In conclusion, the Agency's systematic survey of the occurrence of spontaneous abortions in an area of 2,4,5-T use indicates that there was an unusually high number of spontaneous abortions in the area, and that the incidence of spontaneous abortions may reasonably be related to the use of 2,4,5-T in the area. The data further indicate that the miscarriage experiences which the eight Alsea women reported to the Agency were representative of the experiences of the larger population of women living in the Study area. The data and information which provide the basis for these conclusions are summarized below.

(b) *Results and Analysis.* Comparison of the spontaneous abortion indices for the Study, Urban, and Control areas for the period from 1972 through 1977 shows that women living in the Study area where 2,4,5-T is used were more likely to experience spontaneous abortions than women living in either the Urban or Control areas (Table 1). The six-year spontaneous abortion index averaged 80.8 for the Study area, compared to averages of 43.8 and 65.4 for the Urban and Control areas, respectively.

[7]The investigators determined the spontaneous abortion index by relating the number of hospitalized spontaneous abortions to the number of live births, corresponding to month of conception. The ratio derived in this way is expressed as abortions/1,000 births, related to month of conception, and permits comparison between areas of different total population size. The index is based on a five-month moving average for births to correspond with monthly miscarriages for terms up to 20 weeks (about five months).

TABLE 1.—*Monthly Spontaneous Abortion Index for the Study, Urban, and Control Areas (Oregon, 1972–77)*

Month	Study area	Urban area	Control area	Average
January	48.1	73.9	82.0	68.0
February	82.2	49.3	28.1	53.2
March	93.8	43.9	48.1	61.9
April	61.9	47.0	97.5	68.8
May	89.9	50.8	63.2	68.0
June	130.4	44.9	46.0	73.8
July	105.4	14.6	55.3	58.4
August	88.1	31.8	79.8	66.6
September	46.0	49.6	85.3	60.3
October	76.2	54.8	50.5	60.5
November	76.7	19.6	54.3	50.2
December	70.3	45.6	94.5	70.1
Average	80.8	43.8	65.4	63.3

In addition to this general elevation in the Study area spontaneous abortion index, there was a striking increase in the Study area index for the months of June and July. During June, the index in the Study area was 130.4, compared to 44.9 and 46.0 in the Urban and Control areas, respectively. For July, the indices were 105.4 for the Study area, compared to 14.6 and 55.3 for the Urban and Control areas, respectively. These data are presented graphically in Figure A.

The increased spontaneous abortion indices in the Study area during June and July are particularly significant when viewed in terms of data on the use of 2,4,5-T in the Study area.[8] Spraying records for the Alsea area for the study period indicate that 2,4,5-T use occurs primarily between March 1 and April 30; substantially lower amounts of the pesticide are used during May and still lower amounts are used during July and August (Figure B). Examination of this information on the use of 2,4,5-T in light of data on the increased incidence of spontaneous abortions reveals that this increase occurs approximately two months after the period of annual aplication of 2,4,5-T in the Alsea area.

[8]The preliminary report inadvertently included 3,530 pounds of silvex as 2,4,5-T in the estimates of usage in the Study area. Conceptually, this flaw is not significant: (1) Since its effect would merely modify slightly the very significant correlation coefficient between herbicide use and miscarriages; (2) the nature of the relationship between time of application and the miscarriages is expected to remain unchanged; and silvex contains TCDD and could be expected to result in the same effect

Nonetheless, the Agency immediately had the analysis rerun to determine whether specific change in numerical estimates result.

Corrected 2,4,5-T use remained significantly correlated with miscarriages occurring 2–3 months later ($r=.72$; $p<.01$). Combined silvex and 2,4,5-T spray data were also correlated with miscarriages since both compounds could be hypothesized to cause the observed effect due to a common TCDD contaminant. This analysis also showed strong correlation between use of herbicides containing TCDD and miscarriages as would be expected on the basis of animal studies ($r=.69$; $p<.02$).

The relative insensitivity of the correlation to changes in quantity further demonstrates the inherent strength of the relationship between the basic use pattern and miscarriages occurring approximately 2 months later.

[6560-01-C]

Figure A. Plot of Monthly Spontaneous Abortion Index for the Study, Urban, and Control Areas

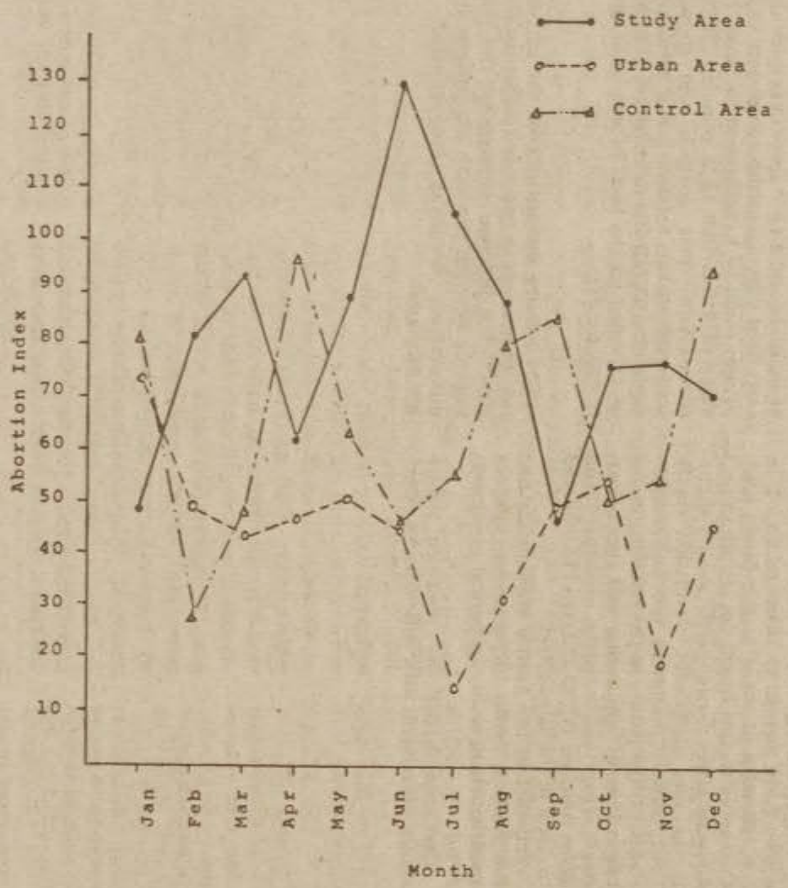
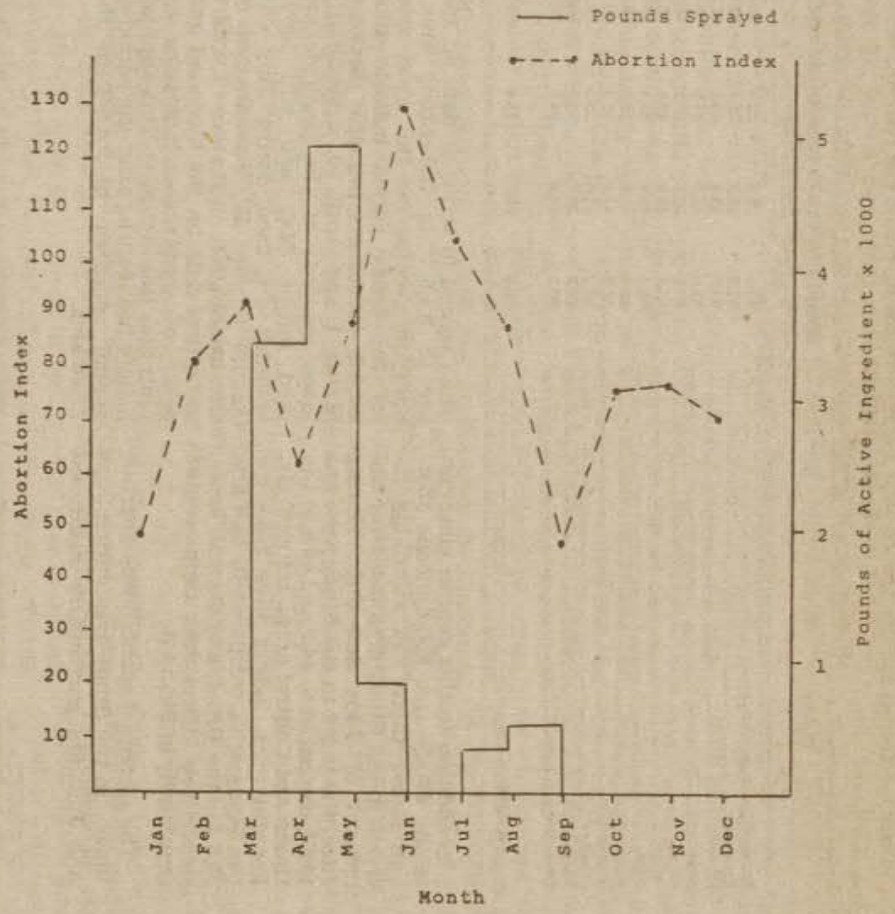


Figure B. Pounds of 2,4,5-T Sprayed in Alsea Basin Accumulated by Respective Month, 1972 through 1977, Compared with Abortion Index for the Same Period



[6560-01-M]

More refined analysis of these data on total abortions and total 2,4,5-T use by month during the period from 1972 to 1977 indicates that there was a statistically significant correlation between the abortion index in the Study area and the amount of 2,4,5-T used there. That is, when the increased spontaneous abortion index was compared to the amount of 2,4,5-T used each month in the areas where the women resided, the peak in the abortion index followed the peak in the spray pattern by approximately two months. This two-month lag time corresponds to the time predicted on the basis of the initial reports from the eight Alsea women. Because this correlation is statistically significant ($p<0.01$), there is strong reason to suspect that the spontaneous abortion increase was related to the use of 2,4,5-T.

In view of the laboratory data estalishing that 2,4,5-T and its contaminant TCDD have embryolethal effects in test animals and the susceptibility of the young embryo to fetotoxic and teratogenic agents, the increased spontaneous abortion index in an area of 2,4,5-T use may reasonably be interpreted to be a consequence of the exposure of women residents of the area to the 2,4,5-T used for forest management.[9]

(2) *Seveso (Italy) and Vietnam*—(a) *Seveso, Italy.* On July 10, 1976, an accident at the ICMESA chemical plant in the Seveso region of Italy released 2 to 10 pounds of TCDD over a wide area. Hundreds of animals died, many area residents reported skin disorders, and an area of 110 hectares was evacuated. The most pertinent reports on this incident are provided by Reggiani (1977), Tuchman-Duplessis (1977), and Whiteside (1977; 1978).

There is an apparent consensus that the reproductive epidemiology of Seveso, as presented, does not provide firm evidence of increased risk of spontaneous abortions or congenital malformations following the explosion. The Agency does not believe, however, that those investigations provide sufficient evidence of the *absence* of increased teratogenic risk in humans, either for dioxin in general or among the women of Seveso in particular. There are three reasons for this conclusion: (1) Deficiencies in the available data; (2) methodologic deficiencies in the treatment and interpretation of the data which are available; and (3) suggestive indications in the available data that there may actually have been an increase in teratogenic risk in the area after the incident.

Major points which illustrate deficiencies in the available data include: Reproductive data in the area "either do not exist or are deliberately underreported" (Reggiani 1977); baseline rates for spontaneous abortions and congenital malformations in the area prior to the incident are not available; less than complete cooperation was obtained from local physicians and less than complete registration of pregnant women was attained (623 pregnant women were registered, but 2,513 deliveries were recorded in the area for July 1976 to May 1977; registration was thus about 25%); while 34 women obtained therapeutic abortions in the area, it is estimated that more than 2 times that number obtained them legally or illegally elsewhere (Whiteside estimates the number to be 4 times as many); and the conventional pitfalls of reproductive epidemiology could not be avoided: e.g., dependence on *hospitalized* spontaneous abortions for numerators and *hospitalized* births for denominators and different gestational cohorts for spontaneous abortions and births occurring in the same calendar period).

Major points which illustrate methodologic deficiencies in the treatment and interpretation of the avilable data include: Estimates of the total amount of dioxin released ranged from 650 g (Reggiani 1977) to 11 kg (Whiteside), to 130 kg. *Nature* 11/28/76); estimates of exposure per person varied from 29 $\mu g/m^2$ (Tuchman-Duplessis) to 5,620 $\mu g/m^2$ (Reggiani 1977); exposure was characterized by geographic *zones*, but reproductive data were gathered by geographic *districts* raising questions whether the zones were contiguous with the districts; spontaneous abortion rates were grouped in 6-month intervals, but congenital malformation rates for 1976 were grouped in 12-month intervals which could have masked an effect expected to be relatively acute or with a 2-3 month lag period; and the rates listed as "totals" for the two groups of districts in Table 13 (*in* Reggiani 1977) appear to be *averages* of the district rates and as such are invalid and cannot be interpreted; the lack of chromosomal abnormalities in the products of therapeutic abortions is overemphasized since dioxin could conceivably produce a teratogenic effect without producing a concomitant mutagenic effect; and the wide interspecies variation seen in *lethality* studies should not automatically be applied to *teratogenic* effects because it is known that very low doses are teratogenic in the rat (e.g., 0.01 $\mu g/kg$) and dioxin doses which caused teratogenic effects in rhesus monkeys were apparently as low as 2.5, 50, and 500 *nano*grams/kg.

Suggestive indications of a possible teratogenic effect in humans, from the available data, include the congenital malformation rate increased by 570% (about 7-fold) between 1976 and the first five months of 1977 (Table 14, 0.13 to 0.87 per 100 live births) (*in* Reggiani 1977). The birth rate dropped "sharply" following the explosion and cows aborted and produced malformed offspring following the explosion (Whiteside). A local doctor noted a "marked increase" in convulsions among infants. (convulsions could be delayed effects of neuro toxicity *in utero* [Whiteside]).

(b) *Vietnam.* A large amount of TCDD-contaminated herbicides were used in Vietnam during 1962-1971. Possible health effects have been reported upon retrospectively by groups entering Vietnam. Tung et al. charged that 2,4,5-T was responsible for much of the Down's Syndrome seen in (South) Vietnam. Grummer was quoted by Honoroff as having observed high incidences of children with Down's Syndrome. Tung et al. also noted a very significant increase in the Hanoi hospitals in hepatic carcinomas in the period 1962-1968 (1790/7911 cancer cases (10%), compared to 159/5492 (2.9%) for the period 1955-1961).

It should be remembered that most of the accidents reported here were retrospective accounts. In the cases of Seveso and Vietnam, reporting was (and still is) at best piecemeal. The exposed populations contained numbers of highly mobile persons who could not be accounted for adequately.

(3) *Exposure Analysis*—(a) *General Considerations.* There are two compo-

[9] The Alsea experience may not be an isolated incident. Reports of people adversely affected by exposure to phenoxy herbicides and/or TCDD have frequently appeared in medical and scientific journals. Recent summaries appear in IARC, NRCC, and U.S. Air Force documents on phenoxy herbicides and dioxins. Further, as a result of the 2,4,5-T RPAR, the Agency recently received numerous accounts of human health effects attributed to phenoxy herbicides and/or TCDD. These have been summarized in a document included in the record. The cumulative effect of these reported incidents suggests that people who live and/or work in areas of 2,4,5-T use may experience adverse health effects.

nents to any pesticide-related risk: (1) the toxicological properties of a chemical, and (2) exposure to the chemical. The risk assessment is a summation of the conclusions in each of these areas. A highly toxic chemical may pose high risk even if exposure is low; conversely, a compound of low to moderate toxicity may pose high risks if exposure is high.

Estimating probable exposure is difficult for a number of reasons. While it would inappropriate to attempt a definitive discussion of these problems here, it is useful to note a few examples. First, empirical data on exposure is less available than is toxicology data. Second, there are a number of exposure pathways which require consideration (e.g., inhalation, dermal absorption, ingestion of food residues, and ingestion of water residues). Third, the inherent complexities of the dynamics of a chemical's movement through the environment create formidable obstacles to describing any given exposure pathway. For example, the chemical may behave differently in various media depending upon a number of environmental factors which can vary at any one application site. Thus, even when some empirical data on a given route of exposure is available, there are often uncertainties concerning the applicability of the data to situations involving conditions which vary from those which were obtained at the study site.

The inherent difficulties of exposure assessment always create a troublesome problem for decision makers. These problems are of great concern in situations involving chemicals which appear to pose risks even at very low levels of exposure. As discussed above, the TCDD contaminant in 2,4,5-T is clearly such a chemical. For example, TCDD is carcinogenic in rats at doses as low as 1 ppb and fetotoxic in mice at doses as low as 0.01 μg/kg/day.

Moreover, the complexities of exposure assessment are also amplified in situations involving persistent chemicals. This is because the length of time a chemical persists in the environment can increase the opportunities for movement of the chemical and confound attempts to eliminate pathways as pathways of concern. Time increases the possibilities of variation in environmental factors affecting chemical mobility.

The environmental persistence of 2,4,5-T is relatively short due to physical, chemical, and biological degradation processes. On the other hand, the contaminant TCDD has a much longer persistence in soil and is known to bioaccumulate in fish (Matsumura and Benezet, 1973; Kearney et al., 1973).

Generally, exposure assessments involve attempts at modeling the likely exposure potential through several pathways which are identified as pathways of principal concern. The exposure assessment typically will involve attempts to describe the movement of the chemical from the site of application to persons potentially at risk, using such empirical data as are available on the presence of the chemical at various intermediate points in the critical path. Conservative assumptions based upon such things as knowledge about the behavior of similar chemicals, typical environmental conditions affecting the use site, and the like, are used to bridge inevitable gaps in the empirical data. The objective, however, is a simple one: to obtain a qualitative and (if possible) quantitative description of the likelihood that a given chemical will move from where it is applied to a given group of *potentially* exposed individuals.

Since 2,4,5-T first surfaced as a subject of regulatory concern, determining potential exposure has been the critical issue on the risk side of the regulatory equation. Uncertainties about exposure resulted in suspension of regulatory action in 1974, and the launching of an ambitious project to generate exposure data (the "Dioxin Implementation Plan" or "DIP"). Primarily because of great difficulties encountered in developing analytical methodologiers with sufficient sensitivity to measure the extremely low levels of TCDD which are of biological concern, the progress of the DIP has been disappointing. To date, it has yielded only fragmentary information.

In my judgment, the information which has recently come to my attention as a result of the Alsea study constitutes a dramatic and troubling new point of departure for analysis of TCDD exposure concerns. As indicated above, these data show a striking relationship between 2,4,5-T use and increased incidences of spontaneous abortions among women residing in the use area. As further developed above, this effect is an effect which one would have predicted as a likely outcome of human exposure, based upon a body of animal data of almost unprecedented conclusiveness. the Alsea study, to be sure, contained no data showing actual exposure. However, concern for the health of humans who may be exposed to 2,4,5-T and its contaminant, TCDD, is heightened because scientists have not demonstrated that there is a level of exposure that has no adverse effects in humans.[10] Thus, in the face of the highly significant relationship which the study showed, and the animal data, I conclude it is reasonable and in the public interest to assume that the women in the Alsea study were exposed to TCDD.[11]

Moreover, I also conclude that it is prudent to assume that individuals who frequent or live in areas where 2,4,5-T is used may be exposed to TCDD in ways and under conditions which may cause these individuals to be exposed in ways qualitatively similar to those experienced by the Study area women.

As developed below, I find that 2,4,5-T use patterns likely to cause exposure opportunities similar to the exposure experienced by the Study area women are the forestry, rights-of-way, and pasture uses of 2,4,5-T. The Agency has identified pesticide applicators and persons involved in pesticide application support activities, and persons living in or frequenting areas of 2,4,5-T use as the principal groups of individuals who may be exposed as a result of the forestry, rights-of-way, and pasture uses of 2,4,5-T.

(b) *The Alsea Study Area*—(i) *Description of Area.* The Alsea Study Area comprises approximately 1,600 square miles of Oregon's forested Coastal Range centered around the "Alsea basin," an area of approximately 400 square miles. It is bounded on the west by approximately 70 miles of the Pacific Coast and extends inland for distances ranging from 10 to 35 miles. The Study area includes all but the northern and southern reaches of the Suislaw National Forest. Numerous commercially owned and Bureau of Land Management forested acreages are interspersed throughout this region. Mountain elevations of approximately 1,000 feet are not uncom-

[10] A committee of the National Research Council of Canada recently agreed with the authors of the World Health Organization's monograph on TCDD that "for TCDD a no-effect level for man could not be established" (NRCC 1978).

[11] I have found it prudent to suspend because data from ther Alsea Epidemiological Study indicates that women experiencing adverse reproductive effects may have been exposed to 2,4,5-T. Information of this kind concerning a chemical's effects on human populations is rarely available. Before the Alsea Study was completed, Agency scientists developed preliminary exposure analyses for 2,4,5-T based on use information, assumptions, and modeling. Since I have information of adverse human effects correlating with the use of 2,4,5-T, I have chosen to rely on this correlation as a basis for regulatory action, rather than on exposure analyses based exclusively on use information and modeling.

mon; peak elevation is slightly more than 4,000 feet. The principal rivers are the Siletz, Alsea, Yaguina and the Suislaw. Eastern fringes of the area drain eastward into the Willamette Valley. Maximum runoff is reached generally during the winter months as the result of storms off the Pacific occurring usually as rain.

The Study area is predominantly rural. The four largest towns have a total population of 14,450. All other towns/villages have populations of less than 1,700. Alsea has a population of 400 (1970 census). In addition, many residences are scattered throughout the forest areas. All of the nine women who were identified in the first phase of the investigation resided, at the time of pregnancy, in rural residences located within 12 miles of Alsea.

(ii) *Use Pattern.* 2,4,5-T is applied to the forests in the Alsea area almost exclusively by helicopter for control of undesirable vegetation such as red alder, vine maple, salmonberry, and thimbleberry. In general, the compound is used in the spring (March, April, or May) with a second application made, if needed, in middle to late summer (July or August). Over the six-year study period, 10,000 pounds of 2,4,5-T was distributed over a total area of approximately 7,000 acres. The usual practice was to treat any particular site approximately once every five years. However, contiguous stands could be treated in succeeding years. The spray program spans only a few days' time, with the duration depending on the number of acres to be treated and the weather conditions.

To avoid contamination of water sources prior to 1978, the general application policy was to avoid spraying near homes and to provide for a single swath of 30 to 60 feet on each side of any major stream. In September 1978, the Oregon Forest Practices Act created guidelines which prohibited spraying within 500 feet of an inhabited residence or within 200 feet on either side of streams with fish and/or ones that are used for domestic water supplies. However, drift and runoff could contaminate surface waters.

(iii) *Population Exposed to the Herbicide.* Population of the Alsea Region is clustered in several small towns; there are also isolated homes and farmsteads in the forest area. Groups which may be traversing the forests of the Alsea Region include residents, workers engaged in forest management, incidental travelers, hikers, students, surveyors, and delivery persons.

(iv) *Modes of Exposure.* The major method of dispensing 2,4,5-T in the Alsea Forest Region is by helicopters. Although the Oregon Forest Practices Act prohibits spraying near homes or streams, there appears a likelihood that residents and travelers of the Alsea Region might be directly exposed to 2,4,5-T during periods of application as a result of drift. Drift from a helicopter flying over a forest canopy can produce drift of the herbicide spray at significant distances from the path of the aircraft. Residents or travelers in the path of the spray might be doused with the pesticide spray.

Exposure to the population from drift and direct contact is by the dermal (exposed skin) and inhalation routes. Resident populations may also incur exposure to 2,4,5-T and TCDD subsequent to application. Waterborne residues are a possible route of exposure; other possible exposure routes include fish, wildlife, and other foods produced or found in the area. The fact that TCDD is somewhat persistent and bioaccumulative may enhance exposure possibilities. Furthermore, pesticide mixers, loaders, applicators, and other workers may be exposed to the pesticide.

(c) *Comparison Between Presumed Exposure in The Alsea Study Area and Possible Exposure in Other Use Situations.* The Alsea Study shows a significant correlation between the use of 2,4,5-T in the Alsea area and increased incidence of spontaneous abortions within approximately two months after application. The Agency believes that it is prudent to assume that the women studied were exposed to 2,4,5-T. While the Agency cannot determine the actual routes of exposure, information about how 2,4,5-T is applied, population densities, and proximity of Study area residents to spray areas provides a basis for making assumptions about possible chances for exposure.

That 2,4,5-T was applied by helicopter rather than by ground application methods in Alsea, enhanced the potential for exposure to 2,4,5-T from drift. Aerial application is a principal method for applying 2,4,5-T. A substantial amount of the 2,4,5-T applied in forests and on rights-of-way is applied aerially. In contrast, in pastures, application of 2,4,5-T usually is by spot treatment with knapsack spraying equipment. This method, causing less spray distribution than aerial application, lessens potential exposure from drift.

Alsea inhabitants live in towns and residences scattered throughout forests in which 2,4,5-T was applied. Effects occurred even though application near residences and streams was prohibited. The Study area women who experienced spontaneous abortions were residents of the area. Their exposure to 2,4,5-T may have occurred either while they were at home or while they were in nearby forest areas. Bystanders, workers engaged in forest management, people visiting the forests for recreational purposes, and others would have exposure potential similar to the exposure potential of the Study area women away from their homes. Because TCDD persists in the environment, such non-residents may have been exposed to 2,4,5-T and TCDD during or for some unknown length of time after application had occurred.

The Study area women may have been exposed to 2,4,5-T or TCDD through ingestion of drinking water, fish, and wildlife. Residents are more likely to be exposed through this route than infrequent visitors to the spray area. Frequent visitors or workers in the area would have exposure potential similar to that of residents. All other forest areas in which 2,4,5-T is used are most obviously similar to the Study area.[12]

The use of 2,4,5-T to maintain rights-of-way involves exposure potential similar to the exposure potential of the Study area women: residents of the application area and workers and visitors who frequent the area may be exposed.

The Agency estimates that a considerable number of people may be exposed to 2,4,5-T and TCDD as a result of the use of 2,4,5-T in non-urban areas to maintain rights-of-way. Rights-of-way uses include highways, railway lines, electric power lines, and pipelines. A principal method of applying 2,4,5-T is by aircraft, which was the method of application in the

[12]Commercial forests are defined as those lands not withdrawn for non-timber purposes which are capable of growing 20 cubic feet of wood per year of desirable species.

Alsea, Oregon area.

The population that is most likely to be exposed are people who live in the path of the spray or in the area of drift.[13] A large potential exposure group would be comprised of people living along railroad tracks and along highways. Other groups that may be exposed are those that live in forests or plains along power lines and pipelines. The residents may be exposed to TCDD through the diet for longer periods of time due to low levels of TCDD contamination in water and food. An additional potentially exposed group are people working in, or traveling through, the treated area.

Exposure from the use of 2,4,5-T in pastures is likely to be lower than the Study area.[14] Pastures are likely to be near farmhouses and small towns. The populations which may be exposed to 2,4,5-T include farm families, other rual residents, and workers in rural occupations. The predominant method of application for controlling brush in pastures is spot treatment with knapsack spraying equipment. The distribution of 2,4,5-T from this technique is lower than that from forestry and rights-of-way use, because this technique produces only short-range drift. Indirect exposure due to residues in food is possible.

Generally, persons involved in applying pesticides have greater exposure to the chemicals than do residents of the area in which the pesticides are used. There is no reason to believe that this would not be true of 2,4,5-T. Therefore, the Agency is concerned about potential exposure to pilots, ground spray crews, mixers and loaders, and flaggers, all of whom are exposed to 2,4,5-T in the application process.[15]

For aerial application, the ground crew, including mixers and loaders of the aircraft, is the group with the highest potential for exposure by both dermal and inhalation routes, because they handle the concentrated formulations (up to 41% of 2,4,5-T acid by weight). The flaggers on the ground are exposed mainly by drift of the diluted spray deposited on their exposed skin, and to a lesser degree by inhalation. The pilots are expected to be exposed to smaller amounts of 2,4,5-T by dermal and inhalation routes because they sit in the enclosed cabin of the helicopter while applying the diluted herbicide spray. For the ground application techniques, the applicators and mixers are the workers running exposure risk. Inhalation and exposure may be more significant when fine mist sprayers (for example, foliar treatment) are used in contrast to stump treatment spraying with a coarse spray. The reason for this is that smaller spray droplets are more readily absorbed through the lungs.

C. DETERMINATION OF BENEFITS

The Agency has evaluated the potential economic impacts of suspending the forestry, pasture, and rights-of-way uses of 2,4,5-T during 1979 and 1980.[16] The consideration of economic impacts stemming from a suspension is limited to a two-year period because the maximum projected length of a cancellation proceeding would be two years. A suspension order remains in effect only during a cancellation proceeding. Thus, only the impacts which

[13] Factors which affect include wind direction and velocity, turbulence, relative humidity and air temperature, atmospheric stability, pesticide formulation, application equipment, and spray volume. For purposes of this analysis, the Agency conservatively estimated possible pesticide drift at ½ mile. The Agency notes, however, that pesticides could drift farther depending on the variables listed above. Some pesticide drift has been reported as far as 22 miles from target (EPA DRAFT: "Report to Congress/ Study—ULV," p. 95). In addition, this same draft report estimates that percent of pesticide drift over 1,000 feet from the target variously ranges from a low of 10% to a high of 90%.

[14] Pasture is defined as land producing forage for animal consumption, harvested by grazing, which has annual or more frequent cultivation, seeding, fertilization, irrigation, pesticide application, and other similar practices applied to it. Fencerows enclosing pastures are included as part of the pasture.

[15] In response to the 2,4,5-T RPAR, the American Paper Institute and the National Forest Products Association recently submitted a detailed study of applicator exposure to 2,4,5-T during both aerial and ground applications (2,4,5-T RPAR submission No. 1023H-3000/26). The results of this study indicate that workers who handled the pesticide sprayer applicators, mist blower drivers, helicopter pilots, supervisors, and flagmen.

[16] The emergency suspension order will take effect immediately upon issuance of this Notice and remain in effect during any subsequent emergency suspension hearings. At the conclusion of the hearings, a decision will be made whether to continue or remove the suspension order during the ensuing cancellation proceedings. Economic impacts are therefore separately evaluated for the 3½ month period allocated for an emergency suspension proceeding as well as for the two years which may be required for a cancellation proceeding.

would arise during this period would be at issue in a suspension. Any impacts which would be caused by a suspension, but which would be felt after this period, are also considered.[17]

2,4,5-T is registered for control of woody and herbaceous plants on rights-of-way, forestry, range, pasture, and rice. The suspended uses (rights-of-way, forestry, and pasture) comprise about 74% of the estimated 9.3 million pounds of 2,4,5-T active ingredient used annually in the U.S. Rights-of-way usage (3.8 million pounds) is the single largest use, comprising an estimated 41% of total annual usage; forestry (2.6 million pounds) and pasture usage (500,000 pounds) account for about 28 and 5%, respectively, of annual 2,4,5-T usage.

Economic impacts of suspending forestry, pasture, and rights-of-way usage of 2,4,5-T during 1979 and 1980 were evaluated assuming all registered alternatives are available, except silvex which is also subject to suspension. The analysis often provides qualitative estimates of impacts due to a lack of data to support precise quantitative estimates.

Economic impacts during 1979 and 1980 would depend upon the treatment options actually selected by users. For many, use of alternatives to 2,4,5-T during 1979 and 1980 would be optional (i.e., could be delayed to a later year). Other users might choose to use alternatives immediately. It is not possible to predict with precision which option may be selected by the many potential users of 2,4,5-T during the suspension period.

The Agency's analysis indicates that the suspension of 2,4,5-T (and silvex) for forestry, rights-of-way, and pasture uses during 1979/80 would not significantly affect U.S. production or prices of major commodities and services from these sectors. Impacts on productivity and costs during the two years would generally be regional in nature but insignificant on the national level. Industry impacts would be nominal within the context of year-to-year variations in economic activity due to interaction of normal supply and demand forces, as affected by weather, general monetary and fiscal policies, international economic developments, etc.

Economic impacts during the 3½ month emergency suspension proceeding would be negligible. The only noteworthy impact would involve the forestry use in which spring applications predominate in the Northwest. Even then, the impacts are nominal during the 3½ month suspension proceeding.

The minimal nature of the overall economic impacts follows from: (a) The inherent flexibility of treatment schedules, permitting delays in treatment to ameliorate negative economic impacts of suspension; (b) the existence of chemical, mechanical, or manual alternatives (or combinations) which are currently being used on these sites, even though they are not generally as cost-effective as 2,4,5-T; and (c) the 2,4,5-T usage which normally would have occurred on the suspended sites represents a small fraction of the overall industry acreage (e.g., 0.2 percent of forestry acreage in the U.S.); concentrated acreages needing treatment with alternatives during the suspension period would occur only at the regional and local level.

Each of the suspended uses is examined in detail in the following discussion.

(1) *Forestry Use.* There are about 500,000,000 acres of commercial forests[18] in the U.S. of which 1.16 million acres (0.23%) are treated annually with 2,4,5-T. This herbicide can be used at either or both of two stages in the production[19] of conifers (softwoods): (1) Preparing sites for re-

[17] The Agency's analysis is based on information from a number of sources including RPAR rebuttal comments received by the Agency from registrants, users and other parties during the RPAR process; and the USDA-States.EPA 2,4,5-T RPAR Assessment Report (February 15, 1979) as well as other relevant data. Although the 2,4,5-T Report attributes a role to EPA, the final report has neither been completely reviewed nor approved by EPA. Therefore, although the Agency has relied on some portions of the report, it cannot and does not wish to adopt all portions of the report as reflecting the Agency position on matters discussed therein.

[18] Commercial forests are defined as those lands not withdrawn for non-timber purposes which are capable of growing 20 cubic feet of wood per year of desirable species.

[19] 2,4,5-T is sometimes used for other forestry herbicide operations, including rehabilitation or species conversion, fuel break maintenance, and timber stand improvement. The major forestry uses of 2,4,5-T are site preparation and release, which are the focus of this analysis.

forestation and (2) releasing young trees from hardwood competition. Each operation is undertaken once in the 50 year cycle of a softwood stand. 2,4,5-T as well as other chemical and non-chemical control methods may be used individually or in combination for site preparation and release.

Use of 2.4.5-T for site preparation is not critical although it is cost effective. Several other chemical as well as non-chemical methods are also effective for site preparation. Picloram and 2,4-D, sometimes combined, are the most effective substitute chemicals. 2,4-D costs less than 2,4,5-T but controls a more limited spectrum of weeds.

Because the release (weeding) operation is conducted after the seedling trees are in place, a selective herbicide which will not harm the seedlings is preferred. This is particularly true for pine; only 2,4,5-T provides control of the wide variety of competing hardwoods without damaging the sensitive seedling pine. This often critical operation is most effective when performed two to ten years after establishment of the stand. If competing hardwoods are not suppressed, the seedlings may be overtopped, and stand growth and density may be decreased. The benefits of weed control for release and site preparation of conifer crops are increased yields at harvest time. For stands receiving no weed control for site preparation or release, annual growth can be substantially reduced on the most productive sites.

Approximately 2 million acres of forests currently receive site preparation while approximately 1.5 million acres receive release treatments. 2,4,5-T is used for about 20% of the site preparation (1.16 million pounds on 414,370 acres) and about 51% of release treatments (1.48 million pounds on 749,320 acres). Other chemicals are often used for both practices, as well as hand, mechanical, and prescribed burning treatment.

Herbicides are applied by broadcast foliage spray (aerial and ground) and by individual stem applications. Because it is selective and does not injure conifers, 2,4,5-T is the only herbicide widely applied by broadcast methods. Broadcast foliar applications account for 89% and the remaining 11% are individual stem treatments. Other registered chemicals are applied almost entirely by stem treatments since they are damaging to conifers.

Site preparation with other chemicals generally costs $20-50/acre, which is somewhat more than with 2,4,5-T treatment. Mechanical methods may range from $45-$200/acre. Prescribed burning is effective at $3-$14/acre in the East. In the Pacific Northwest, burning costs $85-$225/acre, is very risky and hard to control, and may be restricted because of smoke management regulations. Severe sprouting after fires requires 1-2 release treatments in nearly all cases. Mechanical or combination methods provide the best sites for reforestation. They are limited, however, to gentle terrain and may cause erosion on sloping lands. They can sometimes be incorporated with logging slash cleanup on western forests, reducing the costs of new stand establishment.

Release of young conifer stands from hardwood competition can be accomplished only by chemical or hand methods. Chemicals, principally 2,4,5-T, provide some control of sprouting which manual methods do not. Thus, manual weeding may require two or more treatments in severe cases. Only two other chemicals, fosamine and glyphosate (registered only in Washington and Oregon), provide this selective control. Their costs are $30-$250/acre. Aerial applications of 2,4,5-T cost $10-$20/acre in the South and $10-$75 in the West. Hand methods may be used to a limited extent where labor is available, at costs of $30-$200/acre or more depending on density and size of hardwoods. No chemical other than 2,4,5-T is presently available in the eastern U.S. where 67% of the acreage of the 2,4,5-T for release work is accomplished.

Intensive management of young conifer stands is practiced primarily by public agency managers or timber companies, rarely by small owners. Site preparation is normally tied to harvest cutting which in turn is dependent upon marketing commitments (e.g., U.S. Forest Service) or company raw material needs (industry).

Where current site preparation plans include 2,4,5-T, some alternative method will likely be used. Costs may increase from 20-200% for most alternatives now available. If budgets are inflexible, harvest cutting may be reduced (USFS or state agencies) in order not to accumulate acres needing site preparation.[20] Industry owners are more likely to continue planned harvests and absorb the increased site preparation costs.

Release activities are less dependent on other activities and can ordinarily be postponed for a few years, at the increasing sacrifice of some future production. If budgets are relatively fixed, some of the more productive acres will be treated in 1979-80 where alternatives are not too costly. Because of the lack of a selective herbicide other than 2,4,5-T for use on pine stands (especially in the South and North), it is anticipated that approximately 60-70% of these stands in need of release will go without treatment during 1979-80. In the West, about ¾ of needed release will be scheduled using other herbicides, although full adjustments may be delayed to the second year.

Immediate impacts on users would occur in two forms: increased costs and reduced future productivity. Cost increases for site preparation would range from $20-$200/acre depending on the method chosen. For the first year, release costs would go up in the West by $10-$200/acre on those acres where young stands are threatened with imminent loss to weeds, possibly 20% of the 246,000 acres currently released with 2,4,5-T. The second year could see the use of substitutes on the entire ¼ million acres, as budgets are adjusted to new costs. Current total release costs in the South would drop as many acres (65%) are left without treatment. However, there would be increased release costs as release is attempted at a later time, as well as productivity losses in the future.

Reduced future productivity may be reflected in harvest cut adjustments where budgets cannot accommodate the increased costs of alternate methods. The U.S. Forest Service is presently considering proposals for about 34,000 acres of 2,4,5-T applications on National Forests for 1979 (USFS 1979a). Because of recent policies on the use of 2,4,5-T, these proposals are to cover situations where no alternative weed control appears feasible. The loss of 2,4,5-T for these situations could conceivably cause a reduction of FY 79/80 timber sale offerings to avoid accumulations of future problem

[20] The U.S Forest Service is required to reforest harvested acres within three years under the National Forest Management Act of 1976.

areas. However, it is not likely to do so, as discussed below.

Since weed control occurs early in the life of forest stands, the economic consequences of reduced control are delayed until harvest time 30–125 years in the future. However, sustained yield management (as required on National Forests by the Multiple Use-Sustained Yield Act of 1960) requires a matching of harvest to anticipated growth of the *entire forest.* Any loss in productivity due to decreased weed control would, on National Forests, be reflected in reduced harvests. Obviously this effect would accumulate for each succeeding year of reduced weed control. These adjustments are normally made at 10-year intervals for most National Forests, and may not be reflected in immediate harvest reductions during a one or two year suspension.

Private industry would likely accept the losses in ultimate harvest as they occur in the future, with no immediate reduction in harvest schedules (API/NFPA rebuttal to the RPAR on 2,4,5-T, 1978).

Suspension would increase annual control costs by $13.5 million if all 1.16 million acres now treated with 2,4,5-T were treated wth alternatives (USDA/States/EPA, Feb. 15, 1979). This is an increase of $11.64 per treatment acre. For site preparation, the increase in cost would average less than this, e.g., $5–$10 per acre; for release, it would be generally much higher due to increased use of the more costly manual methods, e.g., $30–$200 per acre in many cases. No overall average cost impact can be computed on a percentage basis with current information. It is unlikely that alternative control plans would be in full effect until the second year of suspension. The first year effects would likely be 50 to 70% of these costs ($7–$10 million), with added spending in later years to make up for operations postponed the first year.

These added control costs due to suspension would be in addition to the value of any actual growth losses associated with delayed or less effective site preparation and/or release treatments. A minor yield loss is projected for loss the first year of suspension (less than 0.2 percent of U.S. softwood production). This would increase in the second year to about 0.5 percent. These losses in yield, if realized would have an estimated reduction on forestry income of $9.6 million the first year of suspension and about three times this amount the second year ($29 million) under the assumptions of the USDA/State/EPA 2,4,5-T Assessment Team Report [USDA/States/EPA, Feb. 15, 1979].

The total impact, including both increased control cost ($7 to $10 million) and yield losses, if realized (up to $9.6 million) would be in the range of $10 to $17 million. (If all 2,4,5-T acres were treated with alternatives, which is unlikely, the total impact would be about $21.3 million the first year.) For the second year, the combined impact would be more, totalling $36 to $39 million ($7–$10 million plus $29 million in eventual yield losses). While significant, these impacts are rather nominal within the context of overall forestry industry of the U.S.

Effects on wood product prices would only occur if a decision were made by the U.S. Forest Service to curtail timber sales in the near future. The limited impacts of suspension on production would not necessitate a significant increase in wood product prices.

The economic impacts of suspension of the forestry use for 3½ months during emergency proceedings would be nominal even though conifer release treatments in the Pacific Northwest are generally applied in the spring, before bud break which occurs by March. Some such treatments may have already been made and delay of others for two to four months during a suspension proceeding is of little significance.

(2) *Rights-of-Way.* 2,4,5-T is used to control woody and herbaceous plants on rights-of-way (railroad, highway, electric transmission, and pipeline) which could interfere with the functioning of the system (e.g., weed encroachment on highways), threaten the system's equipment, and/or interfere with inspection and maintenance of the system. 2,4,5-T is considered to provide longer control of pest plants than other control methods without harming grass and other vegetation desirable for erosion control, wildlife shelter, and aesthetics.

Chemical, manual, and mechanical methods of control are used in various combinations on rights-of-way acres, depending on the terrain, availability of labor, type of equipment and species type and density. Combining control methods is a common practice on rights-of-way acreage.

A relatively large number of acres apparently receive no vegetation management. Only about one-fourth of electric utilities, railroads, pipelines, and highway departments have all acres in management programs.

For highways and pipelines, mechanical methods are used on more acres than any other method. Manual is used on most acres of electric acreage and is frequently employed as follow-up treatment to supplement chemical control. Somewhat less than ⅓ of all rights-of-way acreage are estimated to be treated by manual methods. Chemicals other than 2,4,5-T are more common on railroad acreage. Acres treated with chemicals are most likely to be acres where mechanical control is difficult and where other alternatives are expensive or relatively ineffective.

About 683,000 rights-of-way acres are treated with 2,4,5-T on the average of once every four years, or 2.7 million total. An estimated 3.8 million pounds a.e. are used annually. Only a small percentage of rights-of-way vegetated acres are treated: 6.6% or railroad (127,000 acres), 9.4% of electric (465,000 acres), 4% of pipeline (22,000 acres), and 0.8% of highway (68,000 acres). Usage is believed to be mainly in the eastern and far northwestern parts of the continental U.S.

Other chemicals are also currently used on many rights-of-way acres, including dicamba, 2,4-D, dichlorprop, and picloram. Almost 13% of the highway, 25% of electric utilities, 45% of railroad, and 5% of pipeline acreage are treated annually with other chemicals (which may include some non-herbicides).

2,4,5-T is $1.00 to $3.00 more expensive per application than other chemicals, for aerial, selective basal, and stump spray, which account for about 65% of annual acreage treated. For ground broadcast or selective foliar treatment, 2,4,5-T is cheaper ($2.00 to $19.00 in one case). The major economic advantage of 2,4,5-T is in the longer period of control it is said to provide. Generally, mechanical and manual methods are much more expensive than chemical methods.

With use of 2,4,5-T suspended, rights-of-way managers would be faced with two main choices: (1) Use alternative chemicals on acres scheduled for treatment or (2) postpone any treatment to see if 2,4,5-T would be available the next year. They would most likely use alternatives on at least some acres, in the Southeast and Pacific Northwest, where plant growth is rapid. The percentage of acres treated with alternatives would vary by right-of-way type and would probably be lower for railroads and highways, since they appear to be more flexible in treatment schedules.

If some acres are not treated during the first year following suspension, they would probably be added to scheduled treatments in the second or third year. It can be assumed that many managers would continue treating acres each year as scheduled with alternative herbicides because of increases in size and density of pest plants. If so, annual costs for vegetation management for highways and railroads would increase by about $133,000 and $1,845,000, respectively, if they treat all acres with alternative herbicides.

Costs for electric and pipeline rights-of-way would temporarily decrease by an estimated $680,000 and $28,000, respectively, each year during suspension, mainly because of the high proportion of aerial and selective basal applications. These applications are lower in cost than 2,4,5-T but must be repeated more often. There would be a net cost increase over time due to suspension only if 2,4,5-T is not available after the suspension period, i.e., if it is cancelled.

The overall net cost increase for all rights-of-way types due to suspension only would be about $1.3 million per year during the 1979–1980 period. These changes in vegetation management costs are not expected to impact industry net revenue or operating costs significantly. Increased vegetation management costs due to suspension would be less than 0.1 percent of operating expenditures for highways and railroads.

Impacts at the consumer level due to suspension of highway and railroad uses are estimated at less than $0.03 per household per year. This is based upon the annual cost impacts noted above ($2.0 million) and the number of households in affected regions. No significant macro-economic impacts would be expected from suspension of 2,4,5-T on rights-of-way.

In view of the limited economic impacts from a two-year suspension period, economic impacts during the 3½ months required for a suspension proceeding would be of no economic significance on rights-of-way.

(3) *Pasture.* 2,4,5-T is used to control a wide variety of wood and herbaceous weeds in pastures [21] throughout the U.S. Weed control in pastures is economically sound where the cost of control is exceeded by the value of increased forage yield due to suppression of competitive non-forage vegetation. It is also practiced for reasons of long-term pasture maintenance and cheaper fence maintenance. Weed control by means of 2,4,5-T is now practiced annually on about 1% of U.S. pasture acreage (1.0 million of the estimated 101 million acres of pastureland in the U.S. (48 states)). This use includes approximately 500,000 pounds of active ingredient of 2,4,5-T annually. Generally, 2,4,5-T is applied in pastures as a spot treatment with backpack or hand-held sprayers, although some broadcast treatments are also used. In contrast to range,[22] little 2,4,5-T is aerially applied to pastures because landowners rarely allow weed infestations to become sufficiently dense to justify aerial application.

There appear to be effective chemical, manual, and/or mechanical control alternatives for all species in all regions, although no single set of alternatives can be used on all weed species or in all parts of the country. Thus, alternatives such as picloram, dicamba, undiluted 2,4-D, and hand labor can generally provide the same level of control as 2,4,5-T, although at higher rates of application and/or higher expense. Since equally effective alternatives are available, no yield impacts are expected during the 2-year suspension period. On those acres where the conditions and type of weed permit use of an alternative which is not more expensive than 2,4,5-T, it is likely that these alternatives will be fully employed. Here no negative economic impact would be experienced.

On those acres where the use of alternatives will cost more than scheduled 2,4,5-T treatments, treatment may be delayed, dispensed with entirely, or the more expensive alternative employed. Since treatments with 2,4,5-T are generally effective for 5 to 10 years, the timing of control is largely voluntary. Therefore, delay during the suspension period may be practical on much of the acreage scheduled for treatment. Treatment may be entirely dispensed with on acres scheduled for 2,4,5-T treatment which only marginally require such treatments.

Presently the chemical costs of 2,4,5-T treatments are about $2.00 per acre (or about $2.0 million on 1.0 million acres). The chemical cost of alternatives is estimated at about $6.00 per acre. Thus, for each acre treated with alternatives during suspension, the cost impact would be $4.00. If all 1.0 million acres were treated, the cost impact would be $4.0 million. Since treatment in a given year is quite optional during the 5- to 10-year treatment cycle on pasture, as many as one-half to one-fourth might defer treatment in 1979/1980. This would reduce the impact to $2.0 to $3.0 million per year during suspension.

The economic impacts of a two-year suspension of the pasture use of 2,4,5-T would be of no consequence on a national basis. It would be of significance to the individual owners or operators whose pastures are due for immediate treatment and on which more expensive alternatives must be used. These impacts would be of limited local/regional concern.

In view of the limited economic impacts of a two-year suspension, the economic impacts during the 3½ months required for a suspension proceeding would be of no economic significance.

V. Procedural Matters

This order directs the emergency suspension of the forestry, rights-of-way, and pasture uses of 2,4,5-T. Registrants affected by emergency suspension actions may request an expedited hearing before the Agency. This section explains how to request an expedited hearing, the consequences of requesting or not requesting an expedited hearing, and the procedures which govern an expedited hearing in the event one is requested.

A. Procedures for Requesting a Hearing

(1) *Who May Request a Hearing and*

[21] Pasture is defined as land producing forage for animal consumption, harvested by grazing, which has annual or more frequent cultivation, seeding, fertilization, irrigation, pesticide application and other similar practices applied to it. Fencerows enclosing pastures are included as part of the pasture.

[22] Range is non-pasture grazing land on which forage is produced through native species, or on which introduced species are managed as native species. This precludes land on which regular cultural practices of the nature contained in the pasture definition.

When the Request Should Be Made. Registrants of 2,4,5-T products registered for the forestry, pasture, or rights-of-way uses of 2,4,5-T may request a hearing on these specific registered uses of 2,4,5-T within five days after receipt of this opinion and order.

(2) *How to Request a Hearing.* Registrants who request a hearing must follow the Agency's Rules of Practice Governing Hearings (40 CFR, Part 164). These procedures specify, among other things: (1) That all requests for a hearing must be accompanied by objections that are specific for each use for which a hearing is requested (40 CFR 164.121(a) and 164.123(b)) and (2) that all requests must be filed with the Office of the Hearing Clerk within the applicable five (5) days (40 CFR 164.121(a)). Failure to comply with these requirements will automatically result in denial of the request for a hearing.

Requests for hearings must be submitted to:

Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

B. CONSEQUENCES OF FILING A HEARING REQUEST

Under FIFRA Section 6(c)(3) the emergency suspension order becomes effective immediately and, unless stayed, continues in effect until completion of the expedited hearing and issuance of a final order of suspension. The statute provides that where an administrative hearing is requested, the emergency order is subject to District Court review on the emergency finding. The final suspension order issued by the Administrator after a hearing may keep the suspension in effect, modify it, or terminate it. A final suspension order issued following a hearing is then reviewable in the Court of Appeals.

The statute provides that if a hearing is requested on the Administrator's emergency suspension actions regarding 2,4,5-T before the end of the five-day notice period, the hearing stage is to begin within five days after receipt of the request, unless the registrant and the Agency agree that it shall begin at a later time. No party, other than the registrant and the Agency, is to participate, except that any person adversely affected may file briefs within the time allowed by the Agency's rule. Hearings on emergency suspension, like hearings on ordinary suspension, are subject to the provisions of subchapters II of Title 5 of the United States Code, except that the presiding officer need not be a certified hearing examiner. The presiding officer has ten days from the conclusion of the presentation of evidence to submit recommendations to the Administrator, who in turn has seven days to issue a final order on the issue of suspension.

C. CONSEQUENCES OF NOT FILING A HEARING REQUEST

Under the statutory scheme, if there is no request for a hearing on the Administrator's suspension actions within the five-day notice period, the emergency suspension order becomes a final suspension order, which remains in effect until the conclusion of the cancellation proceedings, unless modified or vacated sooner (40 CFR 164.130). Court review of an emergency suspension order, including the special review before the District Court discussed in Part II is available only if an administrative hearing has been requested within the applicable five-day period (FIFRA Section 6(c)(2), 6(c)(3)).

D. SUPPLEMENTARY PROCEDURES

EPA's rules of procedures for expedited hearings are set forth at 40 CFR Part 164, Subpart C. I do not know if a hearing will be requested on these suspensions. If it is, however, I am establishing the following procedures to supplement the existing regulations in governing its conduct.

1. A deadline is being established for the completion of all hearing procedures and the rendering of a recommended decision under 40 CFR 164.121(j). That deadline is 90 calendar days from the first prehearing conference, which shall be held in accordance with the time requirements described below.

2. I am naming certain EPA employees to serve as a hearing panel in any hearing arising out of this notice (see Appendix A).

I am naming certain additional persons to be available to provide technical advice and staff support to the hearing panel (see also Appendix A). If questions arise at the hearing which persons in this category are uniquely qualified to assess, they may be called on to serve on the panel either in addition to, or in substitution for, the three panel members named above.

The panel will conduct the hearing and submit a recommended decision to me under 40 CFR 164.121(j). None of the persons named above is subject in the normal course of their duties to the supervision or direction of any employee or agent of EPA who is a member of the Agency trial staff named below. See 5 U.S.C. Section 554(d)(2).

Since 5 U.S.C. Section 554(d)(1) provides that those presiding at adjudicatory hearings may not "consult a person or party on a fact in issue (in the course of preparing their decision) unless on notice and opportunity for all parties to participate," neither myself nor my appellate staff will consult with the panel or its supporting staff on any matters involving this case from the date of notice until a recommended decision is issued. Members of my appellate staff are also listed in Appendix A. We will conduct an independent review of the questions presented on appeal of any recommended decision. However, in doing this will feel free to consult with the hearing panel and the support panel, since they will have conducted the initial proceedings and brought expert knowledge to evaluating the record.

The following Agency bureaus or divisions, and their staffs, are designated to perform all investigative and prosecutorial functions in this case: Office of the Deputy Administrator,[23] Office of Toxic Substances, the Office of General Counsel, and the Office of Enforcement.

From the date of this notice until any final decision, no member of the hearing panel, its support staff, my appellate staff, or myself, shall have any *ex parte* contact with any trial staff employees, or any other interested person not employed by EPA, on any of the issues involved in this proceeding. However, persons interested in this case should feel free to contact any other EPA employee, including both trial staff and persons not explicitly named as panel members or assistants, with any questions they may have.

3. I am directing the hearing panel to proceed as follows to streamline proceedings in this case.

a. My findings on imminent hazard and emergency for suspended uses of 2,4,5-T together with supporting information are in my opinion and order, which is available for inspection in the Office of the Hearing Clerk. Additional supporting information, including references cited in the opinion and orders, is also available for inspection in the Office of the Hearing Clerk. Together these documents constitute the Agency record in this matter.[24] EPA has also attempted to put this information in perspective through a narrative summary and analysis.

b. The scheduling of any hearing, particularly in its earlier stages, involves a balancing between the need to conduct an expeditious hearing and a concern that the hearing not proceed too far before the identity of those registrants requesting a hearing is established. In arranging for the first prehearing conference, I have attempted to accommodate both interests. The hearing panel shall convene the first prehearing conference within five days after receipt of the last request for a hearing by a registrant or 15 days after the issuance of my opinion and order, whichever comes earlier. The 15 day maximum should ensure that all registrants wishing to participate in the hearing have been given ample time to file a hearing request after receiving notification of my suspension actions.

c. Within ten days from the first prehearing conference, any person requesting a hearing shall submit focused written comments on this opinion and order consisting of a counterstatement of proposed findings on the issue of imminent hazard presented by 2,4,5-T together with supporting information. A narrative summary explaining its bearing on the case should also be included.

d. The agency trial staff shall have seven days thereafter to file supplemental information and comments.

e. Within five calendar days from the filing of any supplemental information by the Agency staff, the panel shall convene a second prehearing conference. At this conference all parties shall appear prepared to present arguments on the significance and relevance of the material already presented. This prehearing conference shall also hear all requests for oral presentation of direct evidence and cross-examination, and the reasons supporting them. At this time each party shall present the names of witnesses available for cross-examination on the matters the party is putting into issue. The party may list documents (or portions thereof) on which the potential witness is available for cross-examination in lieu of filing a formal witness statement.

f. Within five days after the prehearing conference is over, the panel shall issue a hearing order setting the schedule for oral presentation of witnesses and cross-examination.

(1) Requests for oral presentation of direct testimony shall be granted only if it is demonstrated that the testimony can be presented meaningfully oral in that form; in all other cases, direct testimony shall be in writing.

(2) Requests for cross-examination shall be granted only if all of the following showings are made:

i. The request concerns factual matters. Cross-examination will not be granted on matters of policy or law.

ii. The factual matters are legitimately in dispute in light of the record.

iii. The factual matters are material to the decision to be made.

iv. Cross-examination is the most efficient way of resolving the dispute over these factual matters (as opposed to such alternatives as production of further information, or informal conferences).

v. There is a reasonable expectation that cross-examination will resolve the issue of material fact in a way likely to influence the final decision.

g. The testimonial phase of the hearing shall begin three days after issuance of the order setting the hearing schedule. At the hearing, the panel shall take an active role in the development of the record through questioning of witnesses and by issuing procedural orders where necessary.

h. At the end of the initial testimonial phase, the hearing panel may permit the introduction of additional information designed to rebut the contentions made by opposing parties.

i. The panel may revise any of the procedural provisions of this notice other than the overall 90-day deadline for rendering a recommended decision, the time for which starts running after the first pre-hearing conference.

A discussion of some aspects of these procedures follows:

(1) *Deadlines.* Deadlines for completing proceedings under FIFRA have been twice endorsed by the National Academy of Sciences (National Academy of Sciences, Decision Making in the Environmental Protection Agency, Vol. II, p. 84 (1977); National Academy of Sciences, Decision Making for Regulating Chemicals in the Environment, p. 30 (1975)).

In addition, Congress has demonstrated a concern for speedy action where suspensions based on a potential threat to human health are concerned. It has required a hearing on such a suspension to begin five days after it is requested,[25] and has allowed ten and seven days respectively for preparation of the initial and final decisions once the hearing is over (FIFRA Section 6(c)(2)). FIFRA was amended in 1975 to require consultation by EPA with the Department of Agriculture and a scientific advisory panel before taking action in many cases; suspensions based on human health grounds, however, were exempted from those requirements to allow speedy action where speedy action was desirable (121 Cong. Rec. H 9895-96 (daily ed. Oct. 9, 1975); 121 Cong. Rec. Section 19820-21 (daily ed. Nov. 12, 1975)).

Deadlines for completing the hearing have been imposed in prior suspensions. See, e.g., *In re: Velsicol Chemical Co., et al.*, 41 FR 7552, 7553 (Feb. 19, 1976) [Notice of Intent to Suspend Heptachlor and Chlordane], and *In re: Dibromochloropropane*, 42 FR 48915 (Sept. 26, 1977) (Notice of intent to suspend and conditionally suspend registrations of pesticide products). The requirements set forth in this order simply carry forward that practice.

(2) *Use of a Panel.* Despite the need for speedy action, the issues involved in suspension are complex. Under the statute, a judgement of "imminent hazard" must be based on consideration of costs and risks of all types (FIFRA Sections 2(l), 2(bb)). Given the necessary time constraints and the preliminary nature of suspension as a remedy, factual certainty may be elusive. "[T]he function of the suspension decision is to make a preliminary assessment of evidence, and probabilities, not any utlimate resolution of difficult issues" (*Environmental De-*

[25] I do not regard the procedures set forth below as inconsistent with this directive. What concerned Congress was plainly that the hearing *stage* of Agency decisionmaking begin promptly, not that the oral hearing itself start unconditionally in less than a week. To interpret the law otherwise would forbid the use of such accepted aids to efficient decisions as prehearing conferences in precisely the cases where efficiency is most required.

fense Fund, Inc. v. *EPA*, 510 F.2d. 1292, 1298 (D.C. Cir. 1975), quoting from *Environmental Defense Fund, Inc.* v. *EPA*, 465 F.2d 528, 537 (D.C. Cir. 1972)).

Arriving at even such a preliminary assessment can present formidable difficulties. Considering risks, questions can arise concerning the dispersion and persistence of the pesticide in the environment and certain parts of it, the conduct of animal feeding studies, the meaning of those studies for human health, the validity of relevant epidemiological studies, the reliability of using known human exposure from one use pattern as a predictor of potential human exposure in other use patterns, and finally on what the upper and lower boundaries of any risks may be and how firmly they are established. Considering benefits, questions can be raised about the extent of use, the availability, practicality, and effectiveness of substitutes both now and in the future, and the range of the probable economic impacts of a temporary ban on the pesticide, or some use of it, in the light of all these factors.

The job will be easier and better performed, if I am allowed to rely directly on the talents of EPA employees with expert knowledge of the technical fields involved and with the professional ability to assess problems arising in them. I believe it is for this reason that Congress has provided that those presiding over suspension hearings need not be hearing examiners.[26]

(3) *Conduct of the Hearing.* Overuse of cross-examination and courtroom formalities, I believe, has made many FIFRA proceedings far longer than was consistent with any rational purpose. The overwhelming bulk of legal analyses by those who have studied the problem, and EPA's own experience demonstrate that scientific and economic issues can be clarified by the exchange of written material far more efficiently than through courtroom hearings. I am directing that written submissions be used here to focus the issues in an attempt to implement those lessons. At the same time, particularly where Congress has explicitly called for formal hearings, the accompanying rights to reasonable cross-examination and oral presentation must be preserved.

All three elements of these supplementary procedures are meant to work together. The use of a panel will ensure that expert knowledge is indeed brought to the task of making a decision. The provision for preliminary written submissions will allow that panel to screen the issues and narrow the formal part of the hearing down to those that are legitimately in dispute and suited to adjudicatory resolution. Finally, setting a schedule for decision will help ensure that the potential gains in efficiency represented by the first two reforms are realized in practice.

Dated: February 28, 1979.

DOUGLAS M. COSTLE,
Administrator.

APPENDIX A

HEARING PANEL

Charles Gregg, Chairperson
William Brungs
Robert Coughlin

TECHNICAL SUPPORT PANEL

Robert Champan, M.D.
Neil Chernoff
Arnold Kuzmack
Dr. James Lichtenberg

ADMINISTRATIVE APPELLATE PANEL

Ronald L. McCallum
Charles R. Ford
Dr. Edwin H. Clark
Ms. Mary Ann Massey
Dr. Richard M. Dowd
Dr. Stephen J. Gage

[FR Doc. 79-7556 Filed 3-14-79; 8:45 am]

[26] The fact that more than one person will preside is of no legal significance. Even when 5 U.S.C. Section 556 requires a hearing to be presided over by an examiner (or a person representing the Agency), it also specifies that "one or more" of those qualified may preside.

[6560-01-M]

[FRL 1074-6; OPP-68007]

2,4,5-T

Suspension Order

Registrations issued under the Federal, Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, 7 U.S.C. Section 136 *et., seq.* of all pesticide products containing 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T) for forestry uses (including site preparation, conifer release, and brush and weed control), rights-of-way uses (including brush and weed control), and pasture uses [1] are hereby suspended and the sale, distribution, or other movement in commerce, and the use of all such pesticide products for the foregoing uses is prohibited.

Dated: February 28, 1979.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 79-7557 Filed 3-14-79; 8:45 am]

[1] Pasture is defined as land producing forage for animal consumption, harvested by grazing, which has annual or more frequent cultivation, seeding, fertilization, irrigation, pesticide application, and other similar practices applied to it. Fencerows enclosing pastures are included as part of the pasture.

[6560-01-M]

[FRL 1074-5; OPP-66051]

2,4,5-T

Notice of Intent To Cancel the Forestry, Rights-of-Way, and Pasture Registrations of Pesticide Products Containing 2,4,5-T

I. INTRODUCTION

I am today issuing an emergency order suspending immediately the forestry, rights-of-way, and pasture uses of pesticide products containing 2,4,5-T (2,4,5-Trichlorophenoxyacetic Acid), and a statement of reasons. Section 6(c)(1) of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. Section 136d(c)(1)) provides that a suspension order cannot be issued unless a notice of intent to cancel the registrations or change the classifications of the pesticide products concerned has already been issued or is issued with the suspension order. For the reasons set forth below, I find that the continued use of pesticide products containing 2,4,5-T on forests, rights-of-way, and pastures, in accordance with current use instructions, appears to pose an unreasonable risk to humans. I am therefore announcing my intention to cancel these three registered uses of 2,4,5-T under Section 6 FIFRA (7 U.S.C. Section 136(d)(b)).

II. Legal Authority

Section 6 (b) of FIFRA (7 U.S.C. Section 136d(b)) authorizes the Administrator to issue a notice of intent to cancel the registration of a pesticide or to change its classification if it appears to him that the pesticide or its labeling "does not comply with the provisions of (FIFRA) or, when used in accordance with widespread and commonly recognized practice, generally causes unreasonable adverse effects on the environment." Thus, the Administrator may cancel the registration of a pesticide whenever he determines that it no longer satisfies the statutory standard for registration which requires (among other things)

that the pesticide "perform its intended function without unreasonable adverse effects on the environment" (FIFRA Section 3(c)(5); 7 U.S.C. Section 136a(c)(5)). He may also change the classification of any use of a pesticide if he determines that such a change "is necessary to prevent unreasonable adverse effects on the environment" (FIFRA Section 3(c)(2); 7 U.S.C. Section 136a(d)(2)). "Unreasonable adverse effects on the environment" means "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide" (FIFRA Section 2(bb); 7 U.S.C. Section 136(bb)).

The burden of proof for establishing the safety of a pesticide product to support a decision concerning registration or continued registration rests at all times on the proponent of registration (*Environmental Defense Fund* v. *Environmental Protection Agency*, 465 F.2d 528, 532 (D.C. Cir. 1972); *EDF* v. *EPA*, 510 F.2d 1293, 1297 (D.C. Cir. 1975); *EDF* v. *EPA*, 548 F.2d 998, 1004 (D.C. Cir 1976)).

In effect, FIFRA requires the Administrator to weigh the risks and benefits associated with each use of a pesticide. If he determines for any particular use that the risks exceed the benefits, he must then determine whether those risks can be sufficiently reduced (so that they are outweighed by the benefits) by the imposition of restrictions upon use through changes in the labeling and/or by the classification of the use for restricted use. If he determines that adequate risk reduction cannot be achieved by such regulatory measures, the registration of the pesticide for that use must be fully cancelled.

III. Reasons for Initiating Proceedings To Cancel

A. Risks

On the basis of data available to the Agency, I conclude that 2,4,5-T and/or its contaminant, 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), create a serious health risk for humans and that human exposure to 2,4,5-T and/or its contaminant, TCDD, is cause of considerable concern.

The Agency has reviewed numerous studies in which industrial, academic, and government scientists have reported that TCDD and/or 2,4,5-T contaminated with TCDD produce fetotoxic, teratogenic, and carcinogenic effects in test animals that have been exposed to these chemicals. The occurrence of these adverse effects in test animals following exposure to 2,4,5-T and/or TCDD indicates that humans who are exposed to 2,4,5-T may experience comparable effects. Concern for the health of humans who may be exposed to 2,4,5-T and its contaminant, TCDD, is heightened because scientists have not demonstrated that there is a level of exposure that has no adverse effects in humans.[1]

A recent EPA-sponsored epidemiological study shows human miscarriages in Alsea, Oregon, to be related to the use of 2,4,5-T, both geographically and temporally. Specifically, the study indicates that women who live in an Oregon area (Study area) where 2,4,5-T is used for forest management experience miscarriages more frequently than do women who live in other Oregon areas where there is little or no known use of 2,4,5-T or other dioxin-containing phenoxy herbicides. Most significantly, the data generated through this study show that an increase in the frequency of miscarriages for women in the Study area is greatest two months after the period when 2,4,5-T is used in this area, and that there is a close correlation between the amount of 2,4,5-T used by month and the size of the increase in the frequency of miscarriages two months later. These data showing that humans who reside in areas where 2,4,5-T is used experience adverse effects comparable to those observed in laboratory animals that have been exposed to 2,4,5-T and/or TCDD have prompted the agency to analyze the risk potential to other populations who live and/or work in areas where 2,4,5-T is used and who therefore may be exposed to this pesticide product.

The Agency concludes that it is prudent to assume that individuals living in or frequenting areas where the forestry use of 2,4,5-T occurs may experience exposure to 2,4,5-T qualitatively similar to that experienced by the Alsea women, and may suffer the adverse effects which 2,4,5-T and/or TCDD produces. The Agency also concludes that individuals, living in or frequenting areas of 2,4,5-T use where the use patterns create similar or greater possibilities for exposure than the forestry use, run a potential risk of adverse effects from 2,4,5-T exposure. Such use patterns include, without necessarily being limited to, the rights-of-way and pasture uses of 2,4,5-T.

The Agency has identified pesticide applicators and persons involved in pesticide application support activities, and persons living in or frequenting areas of 2,4,5-T use as the principal groups of individuals who may be exposed as a result of forestry use, rights-of-way use and pasture use of 2,4,5-T. Based upon animal data and other information (including the recent Oregon study), individuals exposed to 2,4,5-T may suffer adverse reproductive effects or develop cancer.

C. Determination of Benefits

2,4,5-T is registered for control of woody and herbaceous plants on rights-of-way, forestry, range, pasture, and rice. The uses subject to this action (rights-of-way, forestry, and pasture) comprise about 74% of the estimated 9.3 million pounds of 2,4,5-T active ingredient used annually in the U.S. Rights-of-way usage (3.8 million pounds) is the single largest use, comprising an estimated 41% of total annual usage; forestry (2.6 million pounds) and pasture usage (500,000 pounds) account for about 28 and 5%, respectively, of annual 2,4,5-T usage.

The Agency has evaluated the potential economic impacts of cancelling the forestry, rights-of-way, and pasture uses of 2,4,5-T. The Agency's analysis indicates that the cancellation of 2,4,5-T (and silvex) for forestry, rights-of-way, and pasture uses would not, in general, significantly affects U.S. production or prices of commodities and services from these sectors. Impacts on productivity and costs would generally be temporary and regional in nature and of minor significance at the national level. The major exception to this is the forestry uses of 2,4,5-T for enhancing growth of conifers. Long-term yields could be affected significantly if effective alternatives are not available in a few years.

My conclusion that the overall national impact of cancellation would not be substantial stems from three considerations: (1) Chemical, mechanical, or manual alternatives to 2,4,5-T

[1] A Committee of the National Research Council of Canada recently agreed with the authors of the World Health Organization's monograph on TCDD that "for TCDD a no-effect level for man could not be established" (NRCC 1978).

are in use, and in many cases these alternatives would not add significantly to commodity/service production costs; (2) new chemicals (or adaptations of existing ones) may become available as replacements for 2,4,5-T. Some promising replacements are in use under experimental use permits in individual states, and others are already registered in some states; and (3) treatment may be discontinued altogether where it is of marginal utility.

The economic impact of cancellation on each of the three uses is examined in the following discussion.

(1) *Forestry.* There are about 500,000,000 acres of commercial forests [2] in the U.S. of which 1.16 million acres (0.23%) are treated annually with 2,4,5-T. This herbicide can be used at either or both of two stages in the production [3] of conifers (softwoods): (1) Preparing sites for reforestation and (2) releasing young trees from hardwood competition. Each operation is undertaken once in the 50-year cycle of a softwood stand. 2,4,5-T is one of several chemical and non-chemical control methods used, individually or in combination, for site preparation and release.

Cancellation of 2,4,5-T will have little impact on the cost of preparing sites for reforestation following harvests. Non-chemical methods are effective in many areas. Where chemical control is most appropriate, 2,4,5-T is only one of several alternative chemicals used (picloram, 2,4-D, dicamba, Atrazine, and Banvel), although it is one of the least costly.

The long-term unavailability of 2,4,5-T for release of hardwood competition for conifer cultivation could have a significant long-term impact on tree growth if comparably effective alternatives (chemical or otherwise) are not available. 2,4,5-T has a wide spectrum of weed-control efficacy but does not damage young conifers, when properly applied. Moreover, 2,4,5-T's cost is low. Only 2,4,5-T and, in some instances, 2,4-D and two state-registered chemicals are effective on the weed species requiring control by broadcast foliar sprays. In the short run, the economic impact of loss of 2,4,5-T would be limited primarily to the increased cost of alternatives applicable to those acres on which alternatives (rather then no treatment) would be applied.

(2) *Rights-of-way.* 2,4,5-T is used to control woody and herbaceous plants on vegetated rights-of-way (railroad, highway, electric transmission, and pipelines). 2,4,5-T provides longer control of pest plants than other control methods without harming grass and other vegetation desirable for erosion control, wildlife shelter, and aesthetics. The rights-of-way use (3.8 million pounds annually) comprises 41% of the total use of 2,4,5-T.

Most rights-of-way acres are not treated by any control method. Mechanical and manual methods are more commonly used than chemical treatments. Chemicals are used to supplement mechanical methods or where control by mechanical methods is difficult or ineffective. Without 2,4,5-T, right-of-way managers are expected to turn to other herbicides for control on a per treatment basis. Alternative chemicals are less expensive than 2,4,5-T for the aerial; selective basal, and stump spray methods of application. 2,4,5-T, however, provides longer control than do other chemicals.

Because 2,4,5-T is believed to provide control for a longer period, the major economic impact of cancellation of its use on rights-of-way is expected to be the cost of more frequent treatment. Overall changes in chemical costs are estimated at $1.27 million annually (an average of less than $2.00 per acre). It may be necessary to change from a four-year treatment cycle to a three-year cycle; this would add another $32.6 million annually (about $48.00 per acre) to increased costs. Annual cost increases of $33.9 million (about $50.00 per acre) might, therefore, result from cancellation of this use.

Compared to total annual operating expenses for right-of-way, these increases are insignificant. For highways and railroads, for example, these estimated increases in vegetation management costs would be less than 0.1% of total operating expenditures.

(3) *Pasture.* 2,4,5-T is used to control a wide variety of woody and herbaceous weeds in pastures [4] throughout the U.S. Weed Control is economically sound in pastures where the cost of control is exceeded by the value of increased forage yield due to suppression of competitive non-forage vegetation. Typically, use of 2,4,5-T for weed control is practiced only on spots or limited portions of the farmer's pasture, rather than on the entire acreage. Weed control in pastures is also practiced for reasons fo long-term pasture maintenance and cheaper fence maintenance. Weed control by means of 2,4,5-T is now practiced annually on about 1.0 million of the estimated 101 million acres of pastureland in the U.S.

Chemical, mechanical, and manual alternatives can generally provide the same level of control as 2,4,5-T for this use, but the cost of alternatives is higher than the cost of using 2,4,5-T. Since effective alternatives are generally available, no significant yield or animal production impacts would result from cancellation.

On those acres where the use of alternatives will cost more than 2,4,5-T treatments, users will incur increased costs. The increased annual costs generally will be about $4.00 per acre on those acres where alternatives are used ($6.00 compared with $2.00 for 2,4,5-T). Total cost impacts would be $4.0 million dollars if the entire 1.0 million acres treated with 2,4,5-T were treated with alternatives. The economic impacts of cancellation of the pasture use of 2,4,5-T would be insignificant to the agricultural community at the national level. No impact on consumer prices would be likely to occur.

C. CONCLUSION

On the basis of information currently available, I conclude that the risks posed by the continued use of 2,4,5-T on forests, rights-of-way, and pastures in accordance with current terms and conditions of registrations and commonly recognized practice appear to outweigh the benefits of these uses. For these reasons, I conclude that these uses of 2,4,5-T appear to generally cause unreasonable adverse effects on the environment [see FIFRA Section 2(bb)] when used in accordance with widespread and commonly recognized practice. Accordingly, I am hereby initiating proceedings to cancel the registrations of all pesticide products containing 2,4,5-T registered for forestry, rights-of-way, and pasture uses.

IV. PROCEDURAL MATTERS

This Notice initiates an action to cancel the registrations of the forest-

[2] Commercial forests are defined as those lands capable of growing 20 cubic feet of wood per year of desirable species which are not withdrawn for non-timber purposes.

[3] 2,4,5-T is sometimes used for other forestry herbicide operations, including rehabilitation or species conversion, fuel break maintenance, and timber stand improvement. The major forestry uses of 2,4,5-T are site preparation and release, which are the focus of this analysis.

[4] Pasture is defined as land producing forage for animal consumption, harvested by grazing, which has annual or more frequent cultivation, seeding, fertilization, irrigation, pesticide application, and other similar practices applied to it. Fencerows enclosing pastures are included as part of the pasture.

ry, rights-of-way, and pasture uses of 2,4,5-T.[5] Under Section 6(b) of FIFRA (7 U.S.C. Section 136d(b) registrants and other interested persons may request a hearing on the cancellation actions that this Notice initiates. This section explains the prohibition against *ex parte* communications, when and how affected persons may request a hearing, and the consequences of filing or of failing to file a request for a hearing in accordance with the procedures specified in this Notice.[6]

A. EX PARTE COMMUNICATIONS

The Agency's Rules of Practice for hearings conducted pursuant to Section 6 of FIFRA forbid the Administrator, the Judicial Officer, and the Administrative Law Judge, at all stages of the proceeding, from discussing the merits of the proceeding ex parte with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in an investigative or expert capacity, or with any of their representatives (40 CFR 164.7).

Accordingly, the following Agency officers, and the staffs thereof, are designated to perform all investigative and prosecutorial functions in this case: the Office of Toxic Substances, the Office of Pesticide Programs, the Office of General Counsel, and the Office of Enforcement.

From the date of this notice until any decision, neither the Administrative Law Judge, the Judicial Officer nor myself shall have any ex parte contact or communication with any investigative or trial staff employee, or any other interested persons not employed by EPA, on any of the issues involved in this proceeding. However, persons interested in this case should feel free to contact any other EPA employee, including both investigative and trial staff, with any questions they may have.

B. PROCEDURES FOR REQUESTING A HEARING

(1) *When a Hearing Must be Requested for Cancellation Actions.* Registrants affected by the cancellation actions initiated by this Notice may request a hearing within 30 days of receipt of this notice, or on or before April 16, 1979, whichever occurs later. Any person adversely affected by the cancellation actions initiated by this Notice may request a hearing on or before April 16, 1979.

(2) *How to Request a Hearing.* All registrants and other interested persons who request a hearing must follow the Agency's Rules of Practice Governing Hearings (40 CFR, Part 164). These procedures specify, among other things, that: (1) All requests for a hearing must be accompanied by objections that are specific for each use for which a hearing is requested (40 CFR 164.20(b)), and (2) that all requests must be received by the Hearing Clerk within the applicable thirty (30) day period (40 CFR 164.5(a)). Failure to comply with these requirements will automatically result in denial of the request for a hearing.

Requests for hearings must be submitted to: Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

C. CONSEQUENCES OF FILING OR FAILING TO FILE A HEARING REQUEST

If a hearing is requested on any cancellation action on a 2,4,5-T use initiated by this Notice before the end of the 30-day notice period, the hearing will be governed by the Agency's rules of practice for hearings under FIFRA Section 6 (40 CFR, Part 164). In the

[5] Other procedural matters relating to the emergency actions are presented in the accompanying order suspending the uses in question.

[6] Although Section 6(b) of FIFRA generally requires prior review of and comment upon proposed notices of intent to cancel or change classification by the Secretary of Agriculture and a Scientific Advisory Panel, I am specifically authorized to waive such requirements and proceed in accordance with Section 6(c) of FIFRA whenever I find that suspension of a pesticide registration is necessary to prevent an imminent hazard to human health. I have found that immediate suspension of the registrations of pesticide products containing 2,4,5-T is necessary to prevent an imminent hazard to human health (see Emergency Suspension Order and Notice of Intent to Suspend Uses of 2,4,5-T, issued this day). I hereby invoke my authority to waive the external review requirements.

event of a hearing, the cancellation action(s) subject to the hearing will not become effective except pursuant to orders of the Administrator at the conclusion of the hearings.

If a hearing on any cancellation action on a 2,4,5-T use initiated by this Notice is not requested within the applicable 30-day period and in accordance with the procedures specified above, the cancellation action will become final by operation of law.

Dated: February 28, 1979.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 79-7558 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1074-2; OPP—68008]

DECISION AND EMERGENCY ORDER SUSPENDING REGISTRATIONS FOR CERTAIN USES OF SILVEX

I. INTRODUCTION

During the past two years, the Agency has been gathering information about the closely related phenoxy herbicides, 2-(2,4,5-trichlorophenoxy) propionic acid (silvex) and 2,4,5-trichlorophenoxy acetic acid (2,4,5-T), as part of its Rebuttable Presumption Against Registration (RPAR) process in order to decide whether the registration of this pesticide should be continued. This review was prompted by studies showing that silvex, 2,4,5-T, and/or their dioxin contaminant, 2,3,7,8-tetrachlordibenzo-p-dioxin (TCDD)[1], caused reproductive and oncogenic effects in test animals. During the public debate initiated by the 2,4,5-T RPAR (43 FR 17116, April 21, 1978), the Agency received reports that women in the vicinity of Alsea, Oregon, had miscarriages shortly after 2,4,5-T was sprayed in the forest areas where they reside. The Agency investigated the circumstances surrounding these reported miscarriages and compared the frequency of miscarriage in the Alsea area with comparable data from a control area. The Agency has concluded that the use of 2,4,5-T over a six-year period in the Alsea area was related to a statistically significant increase in the frequency of miscarriages by women residents of the area, and that these miscarriages occurred shortly after the use of 2,4,5-T in the area where these women resided.

Based on this and other information, I am ordering several emergency suspensions under FIFRA Section 6(c), which halt the distribution, sale, and use of 2,4,5-T for forestry, rights-of-way, and pastures[2] until the completion of further administrative proceedings.[3] Because both silvex and 2,4,5-T are contaminated with TCDD, and because of similarities in chemical structure, manufacturing processes, use patterns, and effects in experimental systems, I consider it prudent to take similar regulatory action against silvex. I am therefore ordering emergency suspension of the forestry, rights-of-way, and pasture uses of silvex because I find that they pose an "imminent hazard" to humans and to the environment; I also find that an "emergency" exists because there is not enough time to hold a suspension hearing before the next spraying season.

In addition, I am ordering the emergency suspension of the home and

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[1] Current methods for manufacturing silvex produce TCDD as a by-product of the manufacturing process. Although silvex manufacturers attempt to remove this contaminant, TCDD cannot be completely removed. An EPA contract laboratory has measured the TCDD content in 8 recently produced commercial samples of technical grade silvex from two different manufacturers. The contractor reported that the TCDD content in these samples ranged from 0.012 to 0.024 ppm TCDD (limit of detection: 0.01 ppm). Therefore, because TCDD is present as a low-level contaminant in commercial samples of silvex, references in this document to "silvex" or the "pesticide product" mean silvex that is contaminated with TCDD.

[2] Pasture is defined as land producing forage for animal consumption, harvested by grazing, which has annual or more frequent cultivation, seeding, fertilization, irrigation, pesticide application, and other similar practices applied to it. Fencerows enclosing pastures are included as part of the pasture.

[3] For details, see the risk discussion in Section IV of this document and the 2,4,5-T suspension document, published simultaneously with this document.

garden, aquatic weed control/ditch bank, and commercial/ornamental turf uses of silvex. These additional uses of silvex are comparable to uses of 2,4,5-T cancelled or suspended in 1970 because of concern that exposure to 2,4,5-T and/or TCDD posed an imminent hazard to humans and to the environment. I now make similar findings of imminent hazard for these uses of silvex. I also find that an emergency exists relative to these uses because there is not enough time to hold a suspension hearing before the spring and early summer period of major silvex application for home and garden, aquatic week control/ditch bank, and commercial/ornamental turf uses. In addition, I find that the year-round application of silvex in certain areas of the country adds to the urgency of the situation for the home and garden and commercial/ornamental turf uses.

II. Legal Authority

A. Standards for Maintaining a Registration

In order to obtain a registration for a pesticide under FIFRA, a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without "unreasonable adverse effects" on the environment (FIFRA Section 3(c)(5)). "Unreasonable adverse effect on the environment" means "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide" (FIFRA Section 2(bb)). In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of the use. The burden of proving that a pesticide satisfies the registration standard rests with the registrant and continues for as long as the registration remains in effect (*Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F.2d 1292, 1297 (D.C. Cir., 1975); *Environmental Defense Fund* v. *Environmental Protection Agency*, 465 F.2d 528, 532 (D.C. Cir., 1972)). Under Section 6 of FIFRA, the Administrator is required to cancel the registration, or change the classification, of a pesticide whenever he determines that the pesticide no longer satisfies the statutory standard for registration.

B. Purpose and Standard for Suspending a Pesticide

The suspension provisions in Section 6(c) of the statute give the Administrator authority to take interim action until completion of the time-consuming procedures required to reach final cancellation decisions. Under this Section, the Administrator may suspend the registrations of a product and prohibit its distribution, sale, or use during cancellation proceedings upon a finding that the pesticide poses an "imminent hazard" to humans or the environment. "Imminent hazard" is defined by the statute to mean that:

> The continued use of a pesticide during the time required for cancellation proceedings would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior under Pub. L. 94-135.

As discussed above, "unreasonable adverse effects on the environment" means that the risks from use of a pesticide outweigh the benefits of its use. Thus, in order to find an imminent hazard, it is necessary to find that the risks of use during the period likely to be required for cancellation proceedings appear to outweigh the benefits. The Administrator may not suspend a pesticide without having issued a notice of his intention to cancel the registration, or to change the classification, of the pesticide.

Suspension is the Administrator's tool for quickly correcting a situation which endangers public health. The courts have repeatedly held that "the function of a suspension decision is to make a preliminary assessment of evidence, and probabilities, not an ultimate resolution of difficult issues" (*Environmental Defense Fund* v. *Environmental Protection Agency*, supra, 510 F.2d at 1298). "It is enough if there is a *substantial likelihood* (emphasis in original) that serious harm will be experienced during the year or two required in any realistic projection of the administrative (cancellation) process" (*Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 510 F.2d 1292, 1297, (D.C. Cir. 1975) quoting from *Environmental Defense Fund, Inc.*, v. *Environmental Protection Agency*, supra, 465 F.2d 540 (D.C. Cir. 1972)). Moreover, the registrant bears the burden of proof during a suspension proceeding because, as indicated above, the burden of proof under FIFRA always resides with the proponent of registration throughout the life of a registraton. (See, e.g., *Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F.2d at 1297; *Environmental Defense Fund* v. *Environmental Protection Agency*, supra, 465 F.2d at 532.)

C. Types of Suspension Proceedings

In this order, I have begun emergency suspension proceedings. This is not the only type of suspension provided in FIFRA. Section 6(c) provides for two kinds of suspension proceedings: ordinary suspensions (FIFRA Section 6(c)(2)) and emergency suspensions (FIFRA Section 6(c)(3)). I have chosen to discuss both kinds of suspension because the procedures applicable to each action are intertwined and because of the complexity of the suspension provision as a whole.

(1) *Ordinary Suspensions.* The Administrator may begin an ordinary suspension when he finds that action is required to prevent an "imminent hazard." An ordinary suspension is not effecitve immediately; instead, the Administrator is required to give registrants notice of his intent to suspend and to allow five days for them to request a hearing. Only a registrant may request a hearing. If a hearing is not requested within five days, the suspension order becomes final and is not reviewable by a court. If a hearing is requested, the Administrator is required to convene an expedited proceeding at which other interested persons can intervene. The sole issue at a hearing is whether an imminent hazard in fact exists. The procedures for conducting the hearing, with limited exceptions discussed below, parallel the hearing procedures for an emergency suspension. The Administrator decides whether to affirm his imminent hazard determination at the conclusion of the hearing; if he does, he issues a suspension order. This order is accompanied by a notice of intent to cancel the registration, or to change the classification, of a pesticide (if one has not previously been issued). A final order on suspension following a hearing is reviewable in the Court of Appeals.

(2) *Emergency Suspensions.* Before issuing an emergency suspension order, the Administrator is required to make two findings: (1) That the pesticide poses an "imminent hazard" and (2) that an "emergency" exists. An "emergency" exists when the situation "does not permit (the Administrator) to hold a hearing before suspending" (FIFRA Section 6(c)(3), 7 U.S.C. 136d(c)(3)). The agency interprets this statutory provision to mean that, if the threat of harm to humans and to the environment is so immediate that the continuation of a pesticide use is likely to result in unreasonable adverse effects—i.e., the risks outwiegh the benefits—during a suspension hearing, the registration of any product for that use may be suspended immediately.[4]

An emergency suspension order is issued without prior notice to registrants and takes effect immediately; it remains in effect until the cancellation decision if no expedited hearing is requested. If an expedited hearing is requested on the issue of imminent hazard, the emergency order continues in effect until the issuance of a final suspension order. Registrants are given five days to request an expedited hearing. The hearing stage is to begin within five days of the agency's receipt of the hearing request. Unlike the ordinary suspension situation, no party other than the registrant and the Agency may participate in the expedited hearing on the emergency order, except to file briefs. The procedures for conducting the hearing are otherwise the same as in an ordinary suspension. For both types of suspension, the hearing is to be conducted in accordance with 5 U.S.C. Section 554.556 and 557 except that the presiding officer need not be a certified hearing examiner. For both types of suspension, the presiding officer shall have ten days from the conclusion of the presentation of evidence to submit recommended findings and conclusions to the Administrator. The Administrator shall then have seven days to issue a final order on the issue of suspension.

FIFRA provides for a special appeal of an emergency suspension order to the District Court. If an administrative hearing is requested, an emergency suspension order is subject to immediate review in District Court by the registrant or by other interested persons with the registrant's consent. On the other hand, if no request for a hearing before the Agency is made, the emergency order becomes final and is not reviewable by any court (FIFRA Section 6(c)(2), 6(c)(3)). The District Court action may occur; simultaneously with the suspension proceeding before the Administrator.

The District Court reviews only whether the emergency finding is supported. The standard for review by the District Court is very narrow—whether the order of suspension is "arbitrary, capricious, or an abuse of discretion, or whether the order was isssued in accordance with the procedures established by law" (FIFRA Section 6(c)(4)). If the District Court finds against the Agency, it may stay the suspension order until completion of the expedited suspension hearing.

The District Court order may be appealed to the Appellate Court by either the Agency or the registrant, depending on the outcome. A final order on suspension, after a hearing before the Agency, may be reveiwed in the Court of Appeals on an expedited basis even though related cancellation proceedings may not have been completed.

III. Summary of Findings

A. Summary of findings on risk

Numerous studies have clearly demonstrated that TCDD and/or silvex contaiminated with TCDD can produce fetotoxic, teratogenic, and carcinogenic effects in experimental animals which have been exposed to these chemicals. I find that the occurrence of these effects in test animals indicates that humans who are exposed to TCDD and/or silvex may experience comparable effects.

A recent epidemiological study reported that women living in the vicinity of Alsea, Oregon (an area where 2,4,5-T and silvex were extensively used)* have a statistically significant higher incidence of spontaneous abortions (miscarriages) than women living in a control area. Specifically, the study shows that:

(1) The spontaneous abortion index for the Alsea Study area where 2,4,5-T is used is significantly higher than the index for urban or rural control areas where there is little or no known use of 2,4,5-T.

(2) There is a significant increase in the abortion index in the study area relative to the control area in the months of June and July. This increase follows by approximately two months a period in March and April when 2,4,5-T is used to control vegetation in the forested areas in which these women live.

(3) Statistical analyses of these data indicate that there is a significant correlation between 2,4,5-T used in the study area during the spraying season and the subsequent increase in the spontaneous abortion index in the study.

This relationship between exposure to 2,4,5-T spraying and an increased incidence of miscarriages in humans is not surprising. This is the same relationship that has been demonstrated to exist in test animals through numerous animal studies. While there are uncertainties concerning the amount of 2,4,5-T and/or TCDD to which the Study area women may have been exposed and concerning the precise route (or routes) of human exposure, the statistically significant incidence of miscarriages described above makes it reasonable for the Agency to conclude that these women in the Alsea study area were exposed to 2,4,5-T. In addition, because of the relative toxicities of 2,4,5-T and TCDD, the Agency concludes that it is reasonable to assume that any adverse reproductive effects attributable to low-level exposure to 2,4,5-T are primarily due to its contaminant, TCDD. Since silvex contains TCDD, the Agency may reasonable assume that exposure to silvex may also cause adverse reproductive effects.

Therefore, the Agency concludes that it is also reasonable to assume that individuals may be exposed to silvex and/or TCDD who frequent or live in areas where silvex is used in ways and under conditions which may cause them to experience exposure opportunities qualitatively similar to those experienced by the Study area women. The Agency has concluded that silvex use patterns involving exposure opportunities qualitatively similar to those experienced by the Study area women are the forestry, rights-of-way, pasture, home and garden, commercial/ornamental turf and aquatic weed control/ditch bank uses of silvex.

[4] The term "emergency" is not defined by FIFRA, and the statute in the emergency suspension section does not specifically require the Agency to balance benefits against health and environmental risk of pesticide use. An alternative reading would be that an emergency exists whenever a serious risk could result from pesticide use during the time for conducting a suspension hearing. However, for the purpose of this proceeding I have decided to consider the risks and benefits in ordering an emergency suspension, just as I balance risks and benefits in deciding whether to register a pesticide or to take the pesticide off the market through a cancellation or ordinary suspension order. FIFRA is a risk/benefit statute, and I see no reason to depart from this balancing test in issuing emergency suspension orders.

The Agency has identified pesticide applicators and persons involved in pesticide application support activities, and persons living in or frequenting, areas of silvex use as the principal groups of individuals who may be exposed as a result of the forestry, rights-of-way, and pasture uses of silvex. Based upon the animal test data and other information, including the Alsea study, the Agency has concluded that individuals exposed to silvex and/or TCDD may experience adverse reproductive effects and cancer. Accordingly, the Agency concludes that it is prudent to regard individuals who may experience exposures qualitatively similar to those experienced by the Study area women as a result of the forestry, rights-of-way, pastures, home and garden, commercial/ornamental turf and aquatic weed control/ditch bank uses, as individuals who may suffer reproductive effects or cancer as a result of these uses of silvex.

B. SUMMARY OF FINDINGS ON BENEFITS DURING THE CANCELLATION PROCEEDINGS

The suspended uses (forestry, rights-of-way, pastures, home, aquatic weed control/ditch bank, and commercial/ornamental turf) comprise about 67% of the estimated 2.8 to 3.3 million pounds of silvex used in the United States.

I find that the economic impact of either an initial 3½ month emergency suspension or a 2-year suspension will be significant, based on several considerations. The inherent flexibility in the treatment schedules permits delays in treatment during the suspension period. Alternative chemicals, mechanical, and manual control treatments are available and are currently being used. Even though these alternatives may not generally be as cost-effective as silvex, their availability will minimize the impacts of the suspension period. The major significance of a silvex suspension is that silvex would not be available for more extensive use on forest and pasture sites as an alternative for 2,4,5-T.

(1) *Forestry.* Use of silvex in forestry is primarily for release of young conifers and site preparation activities. However, silvex is not widely used because of its relatively limited control spectrum and toxicity to pines. The only extensive forestry use of silvex in recent years has been by the Bureau of Land Management in Western Oregon. (Use of 2,4,5-T and picloram was prohibited or restricted by the Interior Department in 1970).

Several chemical, mechanical (including controlled burning) and combination methods are available as alternatives for site preparation. Only silvex, 2,4,5-T and 2,4-D are preferred for the release of conifers; however, for this purpose 2,4-D has the most limited control spectrum. Manual methods are also available for release activities.

I find that the suspension of the forestry uses of silvex for a 3½ month or 2-year period would not have any significant economic impact, because the principal past users, the United States Department of the Interior and Forest Service, have recently almost completely discontinued use of the herbicide. Both agencies have already absorbed the additional costs of using alternatives.

(2) *Rights-of-way.* Silvex is used to control woody and herbaceous plants on railroads, highways, electric transmission lines and pipelines. Chemical, mechanical and manual methods of control are often combined for use on rights-of-way acreage, with manual and mechanical methods the most commonly used.

If silvex were not available, users would use alternative herbicides, since combinations of these provide equivalent control, and are cheaper than silvex. Therefore, I find that suspension of silvex use for 3½ months or two years on rights-of-way would have no economic impact.

(3) *Pasture.* Silvex weed control in pastures is now practiced on only a very small proportion of the nation's pasturelands. Generally, users prefer other chemical herbicides to silvex for use in pastures. There are effective chemicals and/or mechanical control alternatives, although these alternatives may be more expensive than silvex.

If silvex were not available, current users would probably adopt one of the alternative herbicides. In so doing, their incomes may be reduced by the small additional cost of using the alternative. I find that this impact of a ½ month or 2-year suspension would be nominal.

(4) *Commercial/Ornamental Turf.* Silvex use on ornamental turf (golf courses, parks, athletic fields, etc.) may be as high as two million pounds. Use on golf courses is extensive. Silvex is generally applied in combination with other herbicides. Use of combinations of the same herbicides, without silvex, is estimated to be as effective and comparably priced.

Without silvex, users would shift to the readily available alternatives. I find that the economic impacts on this group of users would be minimal if silvex were suspended for 3½ months or two years.

(5) *Home and Garden.* Most homeowner use of herbicides in the United States is for control of weeds in lawns. Less than 25% of the U.S. homeowners use herbicides. As with use on commercial/ornamental turf, silvex is usually used on lawns in combinations with other herbicides. These combinations are considered equally as effective without silvex, and comparatively priced.

If silvex were no longer available, homeowners would switch to the alternative combinations. I find that the impact of suspension for 3½ months or two years would be negligible.

(6) *Aquatic Weed Control/Ditch Bank.* Silvex is used to control aquatic weeds in static water areas used for recreation and in farm ponds used for watering livestock. It controls submerged, emerged and floating weeds. Essentially all weeds controlled by this use of silvex are sensitive to other aquatic herbicides or biological agents.

Silvex is also applied to drainage ditch banks and canal levees. Although there are no known chemical alternatives for control of a few of the weed pests found in these areas, there are registered chemicals which are effective against many of them. Manual and mechanical methods are also available.

I find that the suspension of silvex for 3½ months or two years would not be a significant economic burden on users for control of weeds in static bodies of water, because of the availability of effective, economical alternatives. The effect of a suspension on ditch/canal users would be somewhat greater because of the resistant weeds. Nonetheless, I find that the impact of the suspension of silvex would be nominal.

C. SUMMARY OF FINDINGS ON IMMINENT HAZARD

(1) *Forestry Use.* In order to find an imminent hazard, I must find that the risks of use during the period likely to be required for cancellation proceedings appear to outweigh the benefits. The Alsea study, establishing correlation between use of 2,4,5-T in forest management and miscarriages in humans, coupled with animal studies showing similar effects, indicates that there is a substantial likelihood that serious harm could result to persons with qualitatively similar exposure from the forestry use of 2,4,5-T. Because of the high probability that the adverse effects attributable to low levels of 2,4,5-T are primarily due to its TCDD contaminant, comparable exposure to the TCDD contaminant in silvex would result in similar risk potentials.

At this point, because of the voluntary discontinuation of the forestry uses of silvex by the major users, there appear to be no risks or benefits of its use during a cancellation proceeding. However, since forestry use of 2,4,5-T is being suspended, the real possibility of the reinstatement of silvex must be considered. In that event, I conclude that the risks of the forestry uses of silvex outweigh the benefits. The economic impacts of suspension would be small because of the flexibility of treatment schedules and the availability of alternatives. Hence, I find that an imminent hazard exists for the forestry use of silvex.

(2) *The Rights-of-Way Use.* The use patterns of silvex for rights-of-way use create the same, or greater, potential for human exposure as the forestry use. Hence, the rights-of-way use results in a hazard to human health which in my judgment outweighs the corresponding benefits. A use moratorium during the cancellation proceedings would not have a significant economic impact because many rights-of-way managers are likely to use alternate chemicals which are available and, taken as a whole, are relatively similar in cost and effectiveness. Therefore, I find that an imminent hazard exists for the rights-of-way use of silvex during the cancellation proceedings.

(3) *Pasture Use.* The use of silvex on pastures results in a lower potential for exposure than the use of silvex in forestry because silvex is applied in pastures for spot treatment by knapsack spraying equipment. The forestry use involves substantial application by aerial methods, which have a greater potential for creating drift than does ground equipment.

The benefits of posture use of silvex are marginal. Silvex weed control is practiced on a very small portion of pasture acreage, showing the relative unimportance of the chemical for this purpose. Moreover, there are effective chemical and/or mechanical control alternatives. Hence, it is readily aparent that the risks to human health outweigh the benefits of use during the cancellation proceeding. Accordingly, I find that the use of silvex on pastures results in an imminent hazard.

(4) *Commercial/Ornamental Turf.* The use of silvex on commercial and ornamental turf creates the potential for the same, or greater, exposure to humans as the forestry use, and therefore presents a comparable hazard to human health. Although use on commercial and ornamental turf represents the largest single use of silvex, a suspension of this use would not have a significant economic impact. Users would switch to readily available, effective, economical alternatives. Therefore, I find that an imminent hazard exists for commercial/ornamental turf uses of silvex during the cancellation proceedings.

(5) *Home and Garden Use.* If the forestry use of silvex creates a potential health hazard for humans, the home and garden use has an even greater hazard potential. In home application, there are the additional problems of hand application by a nonprofessional, unlimited application frequency and rates, and high probability of bystanders. The available alternatives to silvex for home and garden use are effective and economical. Because the potential risks from home and garden use of silvex during the course of a cancellation proceeding far outweigh any of the benefits of its use, I find that an imminent hazard exists relative to this use.

(6) *Aquatic Weed Control/Ditch Bank.* Silvex use for the control of aquatic weeds has the potential for human exposure equal to or greater than that likely from forestry use. In addition to the exposure possibly resulting from the actual application of the herbicide, there is the possibility of exposure from contact with the treated water. The suspension of the aquatic uses of silvex for static bodies of water would have no significant economic impact, because of the availability of alternatives; the suspension of uses for drainage ditch banks and canal levees would result in a nominal economic impact. Nevertheless, when viewed as a whole, I find that the potential risks of these uses outweight the benefits. Therefore, I find that an imminent hazard exists for the period of the cancellation proceeding relative to these uses.

D. SUMMARY OF FINDINGS ON EMERGENCY

As previouswly discussed, I have interpreted the statutory provision on emergency suspensions (FIFRA Section 6(c)(3)) to require a preliminary balancing of risks against benefits of use during the time for holding a suspension hearing. Hence, an emergency finding involves two issues: (1) Immediate intervention is required because there is not time to hold a suspension hearing before the next period of pesticide use; and (2) the risks outweigh the benefits during the time for holding the suspension hearing. At the end of the suspension proceeding, I have discretion to affirm, modify, or reverse my suspension order.

(1) *Forestry Use.* There is not enough time to hold a hearing before the next forest spraying season. The next spray season begins in March. I am advised that in some parts of the Pacific Northwest, spraying is about to begin or has already begun. Hence, assuming silvex use on forests poses unreasonable adverse effects, immediate action is required to stop silvex use.

The risks posed by silvex forestry use clearly outweigh the benefits of use during the suspension proceeding which is anticipated to run from March through June (see discussion in Section V below). The Alsea study suggests that persons in the vicinity of forest spray are being exposed to TCDD-containing herbicides, and consequently suffer a potential risk from their use. Many scheduled silvex treatments can be deferred for the duration of cancellation proceedings. Therefore, those treatments can be deferred during the suspension proceedings. In any case, alternatives are often availa-

ble for use in areas where treatment is deemed essential.

Accordingly, I find that an emergency exists for the forestry use of silvex. Therefore, I am ordering immediate suspension of all silvex registrations for these uses of silvex.

(2) *Rights-of-way Use.* Silvex is applied on rights-of-way (railways, highways, electric transmission lines, and pipelines) during the spring growth season, which is due to start in March in some parts of the country. Additionally, some methods of application may be year-round. Hence, there is not enough time to hold a suspension hearing before the period of maximum use of silvex on rights-of-way.

The risk of silvex use outweighs the benefits during the time for holding the suspension proceedings. As indicated earlier, silvex poses a severe health risk to people living, working, or passing through affected rights-of-way areas; on the other hand, the benefits of use during the suspension proceedings are very small. On areas scheduled for treatment, treatment can generally be postponed for the anticipated 3½ month duration of a suspension proceeding. Incremental growth during the time required to hold a suspension hearing is unlikely to be so great that treatment could not be deferred. Furthermore, there are effective and economical alternatives for the small number of instances where weed growth would interfere with equipment or endanger the safety of a system's users.

Accordingly, I find that an emergency exists for the rights-of-way use of silvex. Therefore, I am ordering an immediate suspension of all silvex registrations for the use of silvex on rights-of-way.

(3) *Pasture Use.* The application of silvex to restrict weed growth on pastures is expected to occur in March in some parts of the country and in even more areas before the anticipated completion of the suspension proceeding in June. Hence, emergency measures are required to prevent human exposure to silvex from pasture use during the suspension hearing.

As previously noted, the risk to humans from silvex use on pastures is roughly comparable to the risk to people in treated forest areas. On the other hand, the benefits of use during the 3- to 4-month suspension period are virtually nil. Treatment can most certainly be postponed during this short period. In any case, there are effective chemical and/or mechancial control alternatives which can be used in areas where treatment cannot be postponed.

Accordingly, I find that an emergency exists for the pasture use of silvex. Therefore, I am ordering immediate suspension of all silvex registrations for the use of silvex on pastures.

(4) *Commercial/Ornametal Turf.* Silvex is usually applied to commercial and ornamental turf during the spring and fall seasons. Therefore, a period of heavy usage is now pending. Moreover, in some areas of the country, use can be expected to be year-round. There is not enough time to hold a suspension hearing before the period of maximum use of silvex on commercial and ornamental turf.

The potential risks to human health from the use of silvex on commercial/ornamental turf outweigh the benefits of use during the time necessary to hold a suspension proceeding. As indicated above, the use of silvex on ornamental turf during this period would pose at least the same hazard as forestry use for a similar period. The benefits of use during the time required for a suspension proceeding would be minimal. In most cases where treatment was necessary during this period, users would switch to alternatives which are effective and comparably priced.

Accordingly, I find that an emergency exists for the use of silvex on commercial/ornamental turf. Therefore, I am ordering an immediate suspension of all silvex registrations for the use of silvex on commercial/ornamental turf.

(5) *Home and Garden.* Home and garden use of silvex normally occurs in the spring and fall. However, as in commercial/ornamental turf use, application could be year-round in some areas of the country. Therefore, because of the nearness of a major usage period, and the probability of continuous use in certain sections of the country, emergency measures are necessary to prevent possible substantial human health hazards during the course of the suspension hearing.

As previously indicated, the potential threat to humans is probably greater from the home and garden use of silvex than from its forestry use. The fact that use of silvex by homeowners is almost entirely aesthetic, rather than for other purposes, indicates that the economic benefits of their use are marginal at any time. For the few areas where some control method may be necessary during the period of the suspension proceeding, effective and economical alternatives are available.

Accordingly, I find that an emergency exists for the home and garden uses of silvex. Therefore, I am ordering an immediate suspension of all silvex registrations for this purpose.

(6) *Aquatic Weed Control/Ditch Bank.* The application of silvex to restrict aquatic weed growth is generally begun in the spring and continued through early summer. Hence, there is insufficient time to hold a suspension hearing before humans are exposed to the potential risks to their health due to this use of silvex.

The potential human risks from the aquatic use of silvex during the suspension hearing clearly outweigh the benefits of use during that limited period. The human health hazard is at least as great as that from forestry use. The benefits to be derived from the aquatic use of silvex during a suspension hearing are very small. In most instances, the use of any herbicide could be deferred for this short period of time. However, for static water areas where some herbicidal use would be necessary, there are available chemical alternatives; for the few drainage ditch and canal levee areas which contain pests resistant to chemical alternatives, manual methods could be used.

Accordingly, I find that an emergency exists for the aquatic weed control/ditchbank use of silvex. Therefore, I am ordering an immediate suspension of all silvex registrations for these purposes.

IV. Detailed Findings Concerning Imminent Hazard and Emergency

In Section III of this notice, I have presented a summary of my findings that an imminent hazard and emergency exist for the forestry, rights-of-way, pasture, home and garden, aquatic weed control/ditch bank, and commercial/ornamental turf uses of silvex. The data, information, and analyses upon which these findings are based are detailed below.

A. FINDINGS RELATING TO ADVERSE EFFECTS IN TEST ANIMALS

(1) *Adverse Reproductive Effects in Test Animals.* This section presents the test animal data upon which I relied in finding that exposure to TCDD and/or silvex is likely to result in adverse reproductive effects in humans. Except as specified below, these data were derived from studies in which pregnant rodents or primates were orally exposed to the test substance during the second trimester of the gestational period. The pregnant rodents were sacrificed shortly before parturition, and live fetuses were examined for abnormalities. The Agency has extracted key data for presentation in this report of findings. Experimental details and descriptions of the underlying data are available in the 2,4,5-T RPAR notice and in the published literature.

(a) *Exposure of Test Animals to TCDD.* TCDD produces fetotoxic effects such as death and reduced fetal size; skeletal deformities such as cleft palate and clubfoot; injury to internal organs such as intestinal bleeding, intestinal lesions, and abnormal kidneys; and post-partum effects such as reduced survival. These effects appear in several different rodent strains and species, occur in all of the litters in some dose groups, and occur at doses at least as low as 0.01 ug TCDD/kg. The repeated and regular appearance of several different forms of damage to test animals of several different strains and species indicates that TCDD is a teratogenic and fetotoxic agent in mammals.

(i) *Fetotoxic and Embryolethal Effects.* Fetotoxic and embryolethal effects have been reported for at least three different mouse strains, two different rat strains, and one strain of subhuman primates exposed to TCDD during gestation. For example, in studies using generally low-dose regimens of TCDD, Neubert and Dillmann reported that resorption sites (resorbed or dead embryos) occurred in 54% (7/13) of the litters at 0.3 ug/kg and in 100% (3/3) of the litters at 9.0 ug/kg for NMRI mice, compared to 24-32% (23/85 and 24/85) of litters exhibiting resorptions in control animals which had not been exposed to TCDD. Sparschu et al. reported resorption of 100% (110/110) of the fetuses in Sprague-Dawley rats exposed to 8 ug TCDD/kg, compared to 20% resorption (63/309) of the fetuses from the control animals. Khera and Ruddick reported 100% (77/77) resorption of fetuses at 4 ug/kg and 36% (56/153) at exposures of 1 ug/kg in Wistar rats, compared to 7% (3/152 and 1/127) in the control animals. Smith et al. reported resorptions in 95% (18/19) of the litters of CF-1 mice exposed to 1.0 ug/kg, compared to 74% (23/34) in the control animals; despite the high control incidence of resorptions in this study, the increased incidence in the experimental animals was statistically significant. In an abstract of a current study, Schantz et al. (1979) reported 57% (4/7) of pregnant monkeys aborted and one delivered a stillbirth. Two others on the 50-ppt diet failed to conceive, and two delivered normally. The eight control animals all delivered normal infants. Maternal toxicity was observed in some dose groups in some of these studies.

Similar effects have been reported at higher dose levels of TCDD. Neubert and Dillmann reported that a single dose of 45 ug/kg to NMRI mice on day 6 produced resorptions in 100% (3/3) of the viable litters, compared to resorptions in 24% (23/85) of the control litters. Courtney reported an average of 87% mortality in 6 litters of CD-1 mice orally exposed to 200 ug/kg, compared to an average mortality of 6% in 15 vehicle control litters. This investigator also reported an average of 76% mortality in 6 litters of CD-1 mice exposed subcutaneously to 200 ug TCDD, compared to 14% in the six litters of control animals. Some of these studies also describe statistically significant weight depression in the surviving embryos (e.g., Sparschu et al.).

These and other studies also report that TCDD had no measurable adverse effects at some dose levels in some strains. For example, Khera and Ruddick report no fetotoxic effects at 0.125 ug/kg in Wistar rats, and Neubert and Dillmann report no teratogenic effects at 0.3 ug/kg in NMRI mice. Courtney and Moore reported that TCDD had no effect on fetal weight or embryonic mortality at 0.5 ug/kg in CD rats, and Sparschu et al. reported no effect at 0.03 ug/kg in Sprague-Dawley rats.

Dow Chemical Company, a silvex registrant, has recently completed a study of the effects of TCDD on reproduction in Sprague-Dawley rats exposed to low dose levels of this chemical for three generations. The registrant concluded that "impairment of reproduction was clearly evident among rats ingesting 0.01 or 0.1 ug TCDD/kg/day. Significant decreases were observed in fertility, litter size, gestation survival, post-natal survival and postnatal body weight." In addition, exposure to 0.001 ug TCDD/kg per day resulted in statistically significant increases in the percentage of pups dead at birth and/or dying before the end of three weeks of life in some generations.[5]

Although the experimental protocols and strains differ for the several studies cited, in each case TCDD significantly increased the incidence of resorbed embryos or stillborn animals relative to the rate observed in control animals not exposed to TCDD. The regular occurrence of embryonic death in studies by different investigators in primates and in different rodent strains indicates that exposure to TCDD during mammalian gestation may result in the death of the embryos and related maternal reproductive failure.

(ii) *Skeletal Anomalies.* Skeletal defects appear in six studies involving four different mouse strains. Courtney and Moore report the following incidences of cleft palate in the indicated strains exposed to 3 ug/kg TCDD: 71% (5/7) of litters of C57BL/6 mice, compared to none (0/23) in the controls; 22% (2/9) in litters of DBA/2 mice compared to none (0/33) in the controls; and 30% (3/10) for CD-1 mice, compared to none (0/) in the controls. Neubert and Dillman, also using 3 ug TCDD/kg, reported 29% (7/24) of the viable litters had fetuses with cleft palate for NMRI mice compared to 6% (10/160) of the control litters. Smith et al. reported cleft palate in 71% (10/14) of CF-1 mouse litters at 3 ug/kg, compared to none (0/34) in the controls.

In exposures of shorter duration, Moore et al. reported cleft palate in 86% (12/14) of C57BL/6 mouse litters exposed on days 10-13 to 3 ug/kg, compared to none (0/27) in the control litters. Neubert and Dillmann reported cleft palate in 71% (10/14) of litters of NMRI mice exposed to a single 45 ug/kg dose on day 11, compared to 6% (6/85) of litters in the controls.

Courtney and Moore reported no cleft palate in any of the litters in CD rats exposed to 0.5 ug/kg. Similarly,

[5] Dow Chemical Company has claimed that the results of this study are "trade secret" or "confidential." An injunction issued on April 4, 1978, in the case of *Dow Chemical Co. v. Costle*, Civil Action No. 76-10087, U.S. District Court for the Eastern District of Michigan (Northern Division), arguably precludes EPA from disclosing the data from this study at the present time. Although the relevant provisions of FIFRA have since been amended to allow disclosure of data such as this (see e.g., FIFRA Section 10(d) and 10(g)), the injunction has not yet been modified. EPA intends to promptly request the Court to modify the injunction, but until this has been done the Agency will not publicly disclose the data from the study. The summary presented in the text of this Order does not, in EPA's opinion, constitute disclosure of the allegedly "trade secret" data submitted by Dow and would not cause any harm to Dow's legitimate competitive interests. The data from the study may be made available to any party in a suspension or cancellaton proceeding under an appropriate protective arrangement.

Khera and Ruddick, using Wistar rats, reported that the occurrence of the skeletal anomalies in the fetuses exposed to 2.0 ug/kg was comparable to the rate for the untreated animals.

(iii) *Injury to Internal Organs.* Exposure to TCDD produced injury to the kidneys and intestinal tracts of at least five different mouse and rat strains. Smith et al. reported 28% (4/14) of litters with kidney anomalies at 3 ug/kg in CF-1 mice, compared to none (0/34) in the controls. Moore et al. reported 100% (14/14) of litters with kidney anomalies in C57BL/6 mice exposed to 3 ug/kg on days 10-13, compared to none (0/27) in the control litters. Courtney and Moore reported kidney anomalies in 100% (19/19) of the litters of CD-1 mice at 3 ug/kg, compared to 33% (3/9) in the controls, and 67% (6/9) litters with abnormal kidneys in the CD rat at 0.5 ug/kg as compared to none (0/9) in the control litters. Sparschu et al. reported hemorrhages or lesions in the intestine of 36% (36/99) of the fetuses of Sprague-Dawley rats exposed to 0.5 ug/kg, compared to none (0/246) in the control fetuses.

(b) *Exposure of Test Animals to Silvex.* Silvex has been shown to produce fetotoxic effects such as fetal mortality, reduced body weight, skeletal anomalies, and injury to internal organs. The effects have been observed in test rodent species at maternal doses as low as 50 mg/kg (TCDD < 0.05 ppm). These results clearly indicate that silvex is fetotoxic and teratogenic in mammals.

Courtney[6] reported significant incidences of increased fetal mortality and reduced fetal weight in CD-1 mice which had received prenatal exposure to silvex. Maternal subcutaneous exposure to 405 mg/kg silvex (TCDD < 0.1 ppm) resulted in 25% (33/132) fetal mortality and an average fetal weight of 0.87 g, compared with control values of 12% (19/171) and 1.03 g, respectively. Oral exposure to the same dose resulted in an average fetal weight of 0.83 g, compared with 1.01 in the controls. An increased incidence of cleft palate was also observed among the treated fetuses. Oral exposure resulted in an incidence of 7% (7/95); subcutaneous exposure resulted in 3% (3/99). No cleft palates (0/260) were observed among the control animals.

Dow Chemical Company[7] studied the reproductive effects of silvex and the propylene glycol butyl ether ester of silvex (silvex-PGBE), each containing less than 0.05 ppm TCDD. Sprague-Dawley rats were exposed to 25 to 100 mg/kg on days 6 through 15 of gestation. Significant effects on fetal mortality and birth weight were observed in the litters of treated dams. Skeletal anomalies, such as cleft palate, retarded ossification, and extra cervical ribs were observed among the exposed fetuses. Micropthalmia (abnormal smallness of the eyeball) and circulatory system abnormalities were also seen. Similar effects were observed when animals were dosed with silvex-PGBE, or when dosed for three-day intervals during the period of early organogenesis.

In each of the studies cited above, some maternal toxic effects were observed. Courtney found some increased maternal weight gains and increases in liver to body weight ratios among the treated groups; Dow noted baldness (alopecia), lack of appetite and vaginal bleeding. However, the existence of maternal toxic effects does not negate the impact of the observed injury to and death of the fetus.

(2) *Oncogenic Effects in Test Animals: Exposure of Test Animals to TCDD.* The Carcinogen Assessment Group (CAG) has concluded that TCDD induces carcinogenic responses in mice and rats at exceedingly low dose levels and that these effects, together with data showing that TCDD is mutagenic, constitute substantial evidence that TCDD is likely to be a human carcinogen.

Dow Chemical Company, a silvex registrant, studied the effects of TCDD on male and female Sprague-Dawley rats exposed to 0.022, 0.220, or 2.2 ppb TCDD. CAG agrees with the registrant's conclusion that there is a statistically significant increase in the incidence of hepatocellular carcinoma in female rats exposed to 2.2 ppb TCDD. In another study using Sprague-Dawley rats, Van Miller et al. reported that 1 ppb and 5 ppb TCDD produced a carcinogenic response in male Sprague-Dawley rats. These observations tend to confirm the registrant's observations that TCDD produces an oncogenic response in the livers of male Sprague-Dawley rats.[8] Further, a preliminary report of a not-yet-completed National Cancer Institute study tends to confirm these observations of a carcinogenic response in rats. A contractor for the National Cancer Institute has reported that TCDD is carcinogenic in the rats and mice used in that study.

CAG also emphasized that, at low levels, TCDD is a potent inducer of arylhydrocarbon hydroxylase, an enzyme system that contains an enzyme that is known to mediate the formation of epoxides, compounds which are potentially active carcinogenic metalbolites.

CAG also reported that TCDD is mutagenic in the Ames test without the metabolic activation system. Its mutagenic activity is exhibited by frameshift mutations caused by intercalation between base-pairs of DNA.

B. FINDINGS RELATING TO RISK TO HUMANS

(1) *Study of Miscarriages in Alsea, Oregon.* The Alsea study detailed below was performed taking into consideration only 2,4,5-T applications during the reference period. Information has recently become available to the Agency which documents the use of silvex in the Alsea area during the period of time studied.[9] However, even without this information, I would have found that the serious implications of this study are as applicable to silvex as to 2,4,5-T. TCDD, the contaminant contained in both herbicides, is a potent mammalian fetotoxin and teratogen at very low doses. Conversely, silvex and 2,4,5-T are fetotoxic and teratogencic at comparatively high doses. It is reasonable to assume that the adverse human reproductive effects observed in Alsea which have been attributed to low-level exposure to 2,4,5-T are due primarily to the TCDD in the 2,4,5-T. Therefore, since silvex also contains TCDD, I conclude that the Alsea data are applicable to areas where silvex is used when evaluating potential reproductive risk to humans.

(a) *General Discussion.* In response to the 2,4,5-T RPAR notice, a group of eight women informed the Agency that they lived within 12 miles of Alsea, Oregon, where 2,4,5-T and silvex are used in forest management and that they had experienced a total of 13 miscarriages between 1972 and 1977. In their letter, the women presented information showing that most

[6] Courtney, K. D. 1977. Prenatal effects of herbicides: Evaluation by the prenatal development index. Arch. Environ. Contam. Toxicol. 6(1):33-46.

[7] Dow Chemical Co. has also requested confidentiality for the results of this study. The discussion in the footnote in Section IV.A. (1)(a)(i) of this document applies to these data.

[8] The CAG and an EPA audit found that this study had major shortcomings in design and conduct that limited the reliability of the data developed at dose levels lower than 1 ppb.

[9] Herbicide spray records for Alsea basin, 1972-1978 (EPA 1979). Use of silvex was also claimed by the women in the 2,4,5-T RPAR response which prompted the Alsea study (2,4,5-T RPAR rebuttal comment, 30000/26:#363).

of their miscarriages occurred eight to ten weeks after conception and followed by four or six weeks the date of the spring application of 2,4,5-T in the forest areas in which these women reside. The women indicated their belief that this information suggested that the unusually high number of miscarriages in their group was related to the use of 2,4,5-T and/or silvex.

The effects which these women reported were comparable to the embryolethal and fetotoxic effects observed in test animals that have been exposed to 2,4,5-T and/or TCDD. Moreover, because embryos are particularly susceptible to the harmful or lethal effects of fetotoxic or teratogenic agents during the early stages of pregnancy, the occurrences of these miscarriages within approximately two months of the use of 2,4,5-T in the Alsea area suggested a possible relationship between the use of the pesticide and the miscarriages reported for this group of women. For these reasons, the Agency began an epidemiological study to determine if the occurrence of the spontaneous abortions in the entire Alsea area (parts of three counties comprising 1,600 square miles) bore any relation to the use of 2,4,5-T in the area. To answer this question, the Agency gathered information and data from hospitals on the occurrence of spontaneous abortions in the Alsea Study area and compared these data to comparable data from a rural area where there was little or no known use of 2,4,5-T or other dioxin-contaminated phenoxy herbicides (Control area). Data on spontaneous abortions from an Urban area near Alsea where also reviewed for the study.

The Agency's preliminary analysis of the data generated through this study indicates that:

(1) The spontaneous abortion index [10] (hospitalized miscarriages per 1,000 births) for the Alsea Study area where 2,4,5-T was used was significantly greater than the index for the Urban and Control areas where there was little or now know use of 2,4,5-T;

(2) There was a dramatic increase in the spontaneous abortion index for the Study area relative to the Urban and Control areas in the months of June and July; this increase followed, by approximately two months, a period in March and April when 2,4,5-T was used to control vegatation in the forested Study area; and

(3) Statistical analyses of these data indicated that there was a significant correlation between the amounts of 2,4,5-T used in the Study area during the spraying season and the subsequent increase in the spontaneous abortion index in the Study area.

In conclusion, the Agency's systematic survey of the occurrence of spontaneous abortions in an area of 2,4,5-T use indicates that there was an unusually high number of spontaneous abortions in the area, and that the incidence of spontaneous abortions may reasonably be related to the use of 2,4,5-T in the area. The data further indicate that the miscarriage experiences which the eight Alsea women reported to the Agency were representative of the experiences of the larger population of women living in the Study area. The data and information which provide the basis for these conclusions are summarized below.

(b) *Results and Analysis.* Comparison of the spontaneous abortion indices for the Study, Urban, and Control areas for the period from 1972 through 1977 shows that women living in the Study area where 2,4,5-T is used were more likely to experience spontaneous abortions than women living in either the Urban or Control areas (Table 1). The six-year spontaneous abortion index averaged 80.8 for the Study area, compared to averages of 43.8 and 65.4 for the Urban and Control areas, respectively.

[10] The investigators determined the spontaneous abortion index by relating the number of hospitalized spontaneous abortions to the number of live births, corresponding to the month of conception. The ration derived in this way is express as abortions/1,000 births, related to month of conception, and permits comparision between areas of different total population size. The index is based on a five-month moving average for births to correspond with monthly miscarriages for terms up to 20 weeks (about five months).

TABLE 1.—*Monthly Spontaneous Abortion Index for the Study, Urban, and Control Areas (Oregon, 1972-77)*

Month	Study area	Urban area	Control area	Average
January	48.1	73.9	82.0	68.0
February	82.2	49.3	28.1	53.2
March	93.8	43.9	48.1	61.9
April	61.9	47.0	97.5	68.8
May	89.9	50.8	63.2	68.0
June	130.4	44.9	46.0	73.8
July	105.4	14.6	55.3	58.4
August	88.1	31.8	79.8	66.6
September	46.0	49.6	85.3	60.3
October	76.2	54.8	50.5	60.5
November	76.7	19.6	54.3	50.2
December	70.3	45.6	94.5	70.1
Average	80.8	43.8	65.4	63.3

In addition to this general elevation in the Study area spontaneous abortion index, there was a striking increase in the Study area index for the months of June and July. During June, the index in the Study area was 130.4 compared to 44.9 and 46.0 in the Urban and Control areas, respectively. For July, the indices were 105.4 for the Study area, compared to 14.6 and 55.3 for the urban and Control areas, respectively. These data are presented graphically in Figure A.

The increased spontaneous abortion indices in the Study area during June and July are particularly significant when viewed in terms of data on the use of 2,4,5-T in the Study area.[11] Spraying records for the Alsea area for the study period indicate that 2,4,5-T use occurs primarily between March 1 and April 30; substantially lower amounts of the pesticide are used during May and still lower amounts are used during July and August (Figure B). Examination of this information on the use of 2,4,5-T in light of data on the increased incidence of spontaneous abortions reveals that this increase occurs approximately two months after the period of annual application of 2,4,5-T in the Alsea area.

[11] The preliminary report inadvertently included 3,530 pounds of silvex as 2,4,5-T in the estimates of usage in the Study area. Conceptually, this flaw is not significant: 1) since its effect would merely modify slightly the very significant correlation coefficient between herbicide use and miscarriages; 2) the nature of the relationship between time of application and the miscarriages is expected to remain unchanged; and silvex contains TCDD and could be expected to result in the same effect.

Nonetheless, the Agency immediately had the analysis rerun to determine whether specific change in numerical estimates result.

Corrected 2,4,5-T use remained significantly correlated with miscarriages occurring 2-3 months later ($r=72$; $p<.01$). Combined silvex and 2,4,5-T spray data were also correlated with miscarriages since both compounds could be hypothesized to cause the observed effect due to a common TCDD contaminant. This analysis also showed strong correlation between use of herbicides containing TCDD and miscarriages as would be expected on the basis of animal studies ($r=.69$; $p<.02$).

The relative insensitivity of the correlation to changes in quantity further demonstrates the inherent strength of the relationship between the basic use pattern and miscarriages occurring 2 to 3 months later.

[6560-01-C]

Figure A. Plot of Monthly Spontaneous Abortion Index for the Study, Urban, and Control Areas

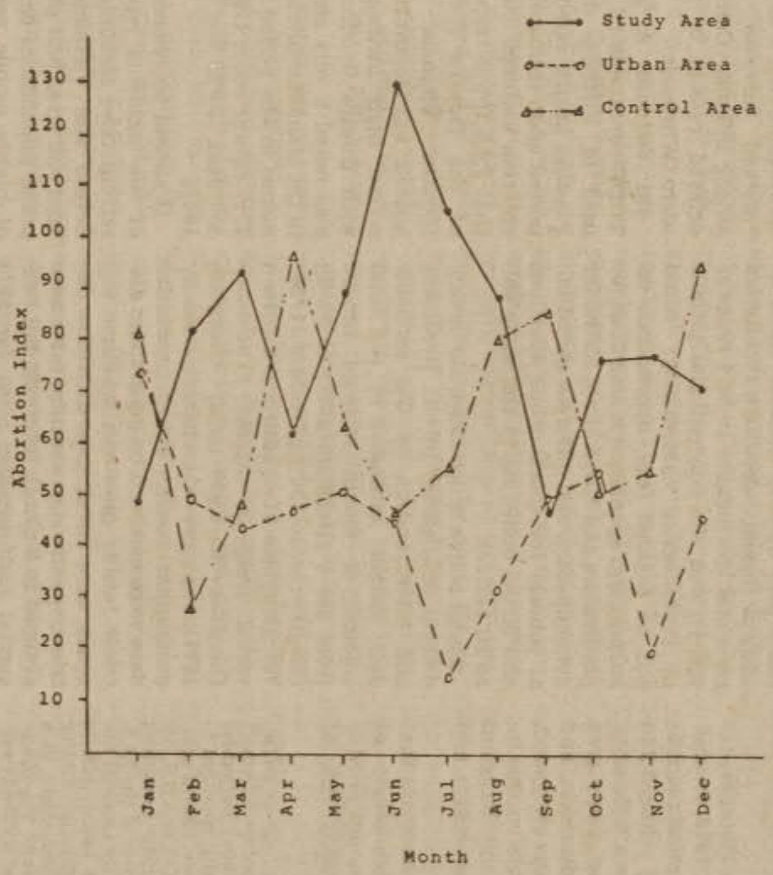
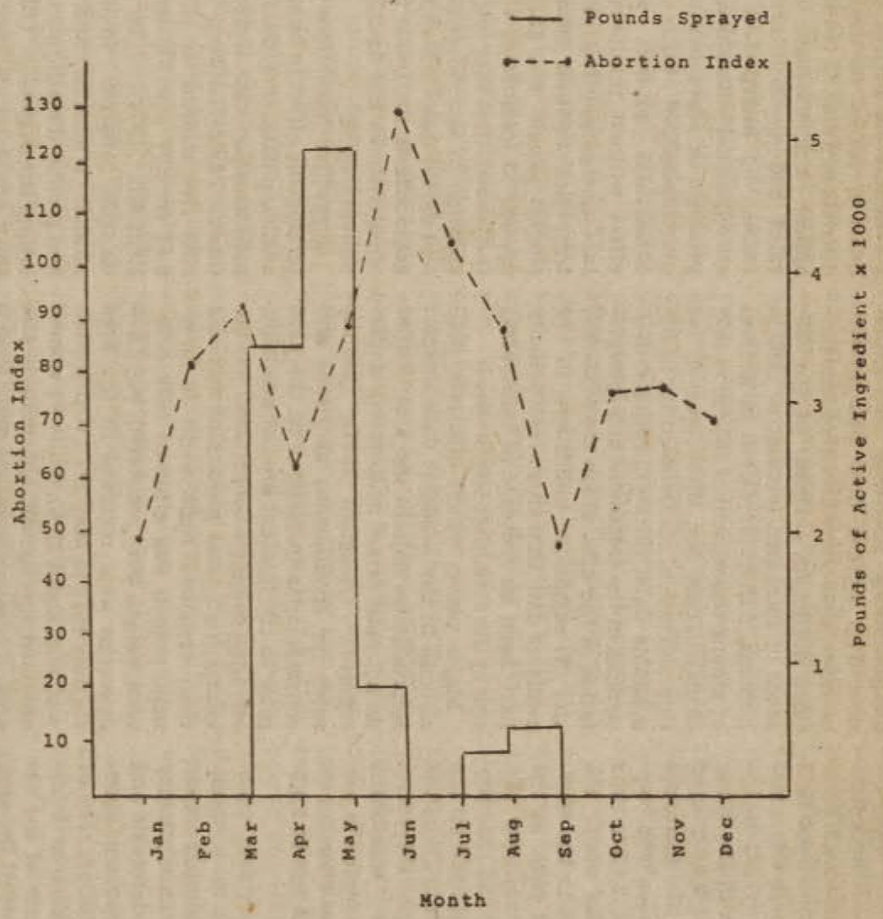


Figure B. Pounds of 2 4,5-T Sprayed in Alsea Basin Accumulated by Respective Month, 1972 through 1977, Compared with Abortion Index for the Same Period



[6560-01-M]

More refined analysis of these data on total abortions and total 2,4,5-T use by month during the period from 1972 to 1977 indicates that there was a statistically significant correlation between the abortion index in the Study area and the amount of 2,4,5-T used there. That is, when the increased spontaneous abortion index was compared to the amount of 2,4,5-T used each month in the areas where the women resided, the peak in the abortion index followed the peak in the spray pattern by approximately two months. This two-month lag time corresponds to the time predicted on the basis of the initial reports from the eight Alsea women. Because this correlation is statistically significant ($p<0.01$), there is strong reason to suspect that the spontaneous abortion increase was related to the use of 2,4,5-T.

In view of the laboratory data establishing that 2,4,5-T and its contaminant TCDD have embryolethal effects in test animals and the susceptibility of the young embryo to fetotoxic and teratogenic agents, the increased spontaneous abortion index in an area of 2,4,5-T use may reasonably be interpreted to be a consequence of the exposure of women residents of the area to the 2,4,5-T used for forest management.[12]

(2) *Seveso, (Italy) and Vietnam*—(a) *Seveso, Italy.* On July 10, 1976, an accident at the ICMESA chemical plant in the Seveso region of Italy released 2 to 10 pounds of TCDD over a wide area. Hundreds of animals died, many area residents reported skin disorders, and an area of 110 hectares was evacuated. The most pertinent reports on this incident are provided by Reggiani (1977), Tuchman-Duplessis (1977), and Whiteside (1977; 1978).

There is an apparent consensus that the reproductive epidemiology of Seveso, as presented, does not provide firm evidence of increased risk of spontaneous abortions or congenital malformations following the explosion. The Agency does not believe, however, that those investigations provided sufficient evidence of the *absence* of increased teratogenic risk in humans, either for dioxin in general or among the women of Seveso in particular. There are three reasons for this conclusion: (1) Deficiencies in the available data; (2) methodologic deficiencies in the treatment and interpretation of the data which are available; and (3) suggestive indications in the available data that there may actually have been an increase in teratogenic risk in the area after the incident.

Major points which illustrate deficiencies in the available data include: Reproductive data in the area "either do not exist or are deliberately underreported" (Reggiani 1977); baseline rates for spontaneous abortions and congenital malformations in the area prior to the incident are not available; less than complete cooperation was obtained from local physicians and less than complete registration of pregnant women was attained (623 pregnant women were registered, but 2,513 deliveries were recorded in the area for July 1976 to May 1977; registration was thus about 25%); while 34 women obtained therapeutic abortions in the area, it is estimateed that more than 2 times that number obtained them legally or illegally elsewhere (Whiteside estimates the number to be 4 times as many); and the conventional pitfalls of reproductive epidemiology could not be avoided (e.g., dependence on *hospitalized* spontaneo us abortions for numerators and *hospitalized* births for denominators, and different gestational cohorts for spontaneous abortions and births occurring in the same calendar period).

Major points which illustrate methodologic deficiencies in the treatment and interpretation of the available data include: estimates of the total amount of dioxin released ranged from 650 g (Reggiani 1977) to 11 kg (Whiteside), to 130 kg (*Nature* 11/28/76); estimates of exposure per person varied from 29 ug/m^2 (Tuchman-Duplessis) to 5,620 ug/m^2 (Reggiani 1977); exposure was characterized by geographic *zones*, but reproductive data were gathered by geographic *districts* raising questions whether the zones were contiguous with the districts; spontaneous abortion rates were grouped in 6-month intervals, but congenital malformation rates for 1976 were grouped in 12-month intervals which could have masked an effect expected to be relatively acute or with a 2-3 month lag period; and the rates listed as "totals" for the two groups of districts in Table 13 (*in* Reggiani 1977) appear to be *averages* of the district rates and as such are invalid and cannot be interpreted; the lack of chromosomal abnormalities in the products of thereapeutic abortions is overemphasized since dioxin could conceivably product a teratogenic effect without producing a concomitant mutagenic effect; and the wide interspecies varition seen in *lethality* studies should not automatically be applied to *teratogenic* effects because it is known that very low doses are teratogenic in the rat (e.g., 0.01 ug/kg) and dioxin doses which caused teratogenic effects in rhesus monkeys were apparently as low as 2.5, 50, and 500 *nano*grams/kg.

Suggestive indications of a possible teratogenic effect in humans, from the available data, include: the congenital malformation rate increased by 570% (about 7-fold) between 1976 and the first five months of 1977 (Table 14, 0.13 to 0.87 per 100 live births) (*in* Reggiani 1977). The birth rate dropped "sharply" following the explosion (Whiteside) and cows aborted and produced malformed offspring following the explosion. This lowered fertility could be evidence of increased teratogenic risk; a local doctor noted a "marked increase" in convulsions among infants. (Convulsions could be delayed effects of neruotoxicity *in utero* (Whiteside).

(b) *Vietnam.* A large amount of TCDD-contaminated herbicides were used in Vietnam during 1962-1971. Possible health effects have been reported upon retrospectively by groups entering Vietnam. Tung et al. charged that 2,4,5-T was responsible for much of the Down's Syndrome seen in [South] Vietnam. Grummer was quoted by Honoroff as having observed high incidences of children with Down's Syndrome. Tung et al. also noted a very significant increase in the Hanoi hospitals in hepatic carcinomas in the period 1962-1968 (1790/7911 cancer cases (10%), compared to 159/5492 (2.9%) for the period 1955-1961).

It should be remembered that most of the accidents reported here were retrospective accounts. In the cases of Seveso and Vietnam, reporting was (and still is) at best piecemeal. The exposed populations contained numbers of highly mobile persons who could not be accounted for adequately.

(3) *Exposure Analysis*—(a) *General*

[12] The Alsea experience may not be an isolated incident. Reports of people adversely affected by exposure to phenoxy herbicides and/or TCDD have frequently appeared in medical and scientific journals. Recent summaries appear in IARC, NRCC, and U.S. Air Force documents on phenoxy herbicides and dioxins. Further, as a result of the 2,4,5-T RPAR, the Agency recently received numerous accounts of human health effects attributed to phenoxy herbicides and/or TCDD. These have been summarized in a document included in the record. The cumulative effect of these reported incidents suggests that people who live and/or work in areas of 2,4,5-T use may experience adverse health effects.

Considerations. There are two components to any pesticide-related risk: (1) The toxicological properties of a chemical, and (2) exposure to the chemical. The risk assessment is a summation of the conclusions in each of these areas. A highly toxic chemical may pose high risk even if exposure is low; conversely, a compound of low to moderate toxicity may pose high risks if exposure is high.

Estimating probable exposure is difficult for a number of reasons. While it would be inappropriate to attempt a definitive discussion of these problems here, it is useful to note a few examples. First, empirical data on exposure is less available than is toxicology data. Second, there are a number of exposure pathways which require consideration (e.g., inhalation, dermal absorption, ingestion of food residues, and ingestion of water residues). Third, the inherent complexities of the dynamics of a chemical's movement through the environment create formidable obstacles to describing any given exposure pathway. For example, the chemical may behave differently in various media depending upon a number of environmental factors which can vary at any one application site. Thus, even when some empirical data on a given route of exposure is available, there are often uncertainties concerning the applicability of the data to situations involving conditions which vary from those which were obtained at the study site.

The inherent difficulties of exposure assessment always create a troublesome problem for decision makers. The problems are of great concern in situations involving chemicals which appear to pose risks even at very low levels of exposure. As discussed above, the TCDD contaminant in 2,4,5-T and silvex is clearly such a chemical. For example, TCDD is carinogenic in rats at doses as low as 1 ppb and fetotoxic in mice at doses as low as 0.01 mg/kg/day.

Moreover, the complexities of exposure assessment are also amplified in situations involving persistent chemicals. This is because the length of time a chemical persists in the environment can increase the opportunities for movement of the chemical and confound attempts to eliminate pathways as pathways of concern. Time increases the possibilities of variation in environmental factors affecting chemical mobility.

The environmental persistence of 2,4,5-T and silvex is relatively short due to physical, chemical, and biological degradation processs. On the other hand, the contaminant TCDD has a much longer persistence in soil and is known to bioaccumulate in fish (Matsumara and Benezet, 1973; Kearrey et al., 1973).

Generally, exposure assessments involve attempts at modeling the likely exposure potential through several pathways which are identified as pathways of principal concern. The exposure assessment typically will involve attempts to describe the movement of the chemical from the site of application to persons potentially at risk, using such empirical data as are available on the presence of the chemical at various intermediate points in the critical path. Consevative assumptions based upon such things as knowledge about the behavior of similar chemicals, typical environmental conditions affecting the use site, and the like, are used to bridge inevitable gaps in the emipirical data. The objective, however, is a simple one: to obtain a qualitative and (if possible) quantitative description of the likelihood that a given chemical will move from where it is applied to a given group of *potentially exposed individuals.*

Since 2,4,5-T first surfaced as a subject of regulatory concern, determining potential exposure has been the critical issue on the risk side of the regulatory equation. Uncertainties about exposure resulted in suspension of regulatory action in 1974, and the launching of an ambitious project to generate exposure data (the "Dioxin Implementation Plan" or "DIP"). Primarily because of great difficulties encountered in developing analytical methodologies with sufficient sensitivity to measure the extremely low levels of TCDD which are of biological concern, the progress of the DIP has been disappointing. To date, it has yielded only fragmentary information.

In my judgment, the information which has recently come to my attention as a result of the Alsea study constitutes a dramatic and troubling new point of departure for analysis of TCDD exposure concerns. As indicated above, these data show a striking relationship between 2,4,5-T use and increased incidences of spontaneous abortions among women residing in the use area. As further developed above, this effect is an effect which one would have predicted as a likely outcome of human exposure, based upon a body of animal data of almost unprecedented conclusiveness. The Alsea study, to be sure, contained no data showing actual exposure. However, concern for the health of humans who may be exposed to TCDD, and therefore 2,4,5-T or silvex contaminated with TCDD, is heightened because scientists have not demonstrated that there is a level of exposure that has no adverse effects in humans.[13] Thus, in the face of the highly significant relationship which the study showed, and the animal data, I conclude it is reasonable and in the public interest to assume that the women in Alsea study were exposed to TCDD.[14]

Moreover, I also conclude that it is prudent to assume that individuals who frequent or live in areas where 2,4,5-T or silvex are used may be exposed to TCDD in ways and under conditions which may cause these individuals to be exposed in ways qualitatively similar to those experienced by the Study area women.

As developed below, I find that silvex use patterns likely to cause exposure opportunities similar to the exposure experienced by the Study area women are the forestry, rights-of-way, pasture, home and garden, commercial/ornamental turf, and aquatic weed control/ditch bank uses of silvex. The Agency has identified pesticide applicators and persons involved in pesticide application support activities, and persons living in or frequenting areas of silvex use as the principal groups of individuals who may be exposed as a result of these uses of silvex.

(b) *The Alsea Study Area*—(i) *Description of Area.* The Alsea Study Area comprises approximately 1,600 square miles of Oregon's forested Coastal Range centered around the "Alsea basin," an area of approximately 400 square miles. It is bounded on the west by approximately 70 miles of the Pacific Coast and extends inland for distances ranging from 10 to 35 miles. The Study area includes all but the northern and southern reaches of the Suislaw National Forest. Numerous commercially owned and Bureau

[13] A committee of the National Research Council of Canada recently agreed with the authors of the World Health Organization's monograph on TCDD that "for TCDD a no-effect level for man could not be established" (NRCC 1978).

[14] I have found it prudent to suspend because data from the Alsea Epidemiological Study indicates that women experiencing adverse reproductive effects may have been exposed to 2,4,5-T. Information of this kind concerning a chemical's effects on human populations is rarely available. Before the Alsea Study was completed, Agency scientists developed preliminary exposure analyses for 2,4,5-T based on use information, assumptions, and modeling. Since I have information of adverse human effects correlating with the use of 2,4,5-T, I have chosen to rely on this correlation as a basis for regulatory action, rather than on exposure analyses based exclusively on use information and modeling.

of Land Management forested acreages are interspersed throughout this region. Mountain elevations of approximately 1,000 feet are not uncommon; peak elevation is slightly more than 4,000 feet. The principal rivers are the Siletz, Alsea, Yaquina and the Suislaw. Eastern fringes of the area drain eastward into the Willamette Valley. Maximum runoff is reached generally during the winter months as the result of storms off the Pacific occurring usually as rain.

The Study area is predominantly rural. The four largest towns have a total population of 14,450. All other towns/villages have populations of less than 1,700. Alsea has a population of 400 (1970 census). In addition, many residences are scattered throughout the forest areas. All of the nine women who were identified in the first phase of the investigation resided, at the time of pregnancy, in rural residences located within 12 miles of Alsea.

(ii) *Use Pattern.* 2,4,5-T is applied to the forests in the Alsea area almost exclusively by helicopter for control of undesirable vegetation such as red alder, vine maple, salmonberry, and thimbleberry. In general, the compound is used in the spring (March, April, or May) with a second application made, if needed, in middle to late summer (July and/or August). Over the six-year study period, 10,000 pounds of 2,4,5-T was distributed over a total area of approximately 7,000 acres. The usual practice was to treat any particular site approximately once every five years. However, contiguous stands could be treated in succeeding years. The spray program spans only a few days' time, with the duration depending on the number of acres to be treated and the weather conditions.

To avoid contamination of water sources prior to 1978, the general application policy was to avoid spraying near homes and to provide for a single swath of 30 to 60 feet on each side of any major stream. In September 1978, the Oregon Forest Practices Act created guidelines which prohibited spraying within 500 feet of an inhabited residence or within 200 feet on either side of streams with fish and/or ones that are used for domestic water supplies. However, drift and runoff could contaminate surface waters.

(iii) *Population Exposed to the Herbicide.* Population of the Alsea Region is clustered in several small towns; there are also isolated homes and farmsteads in the forest area. Other groups which may be traversing the forests of the Alsea Region include workers engaged in forest management, incidental travelers, hikers, students, surveyors, and delivery persons.

(iv) *Modes of Exposure.* The major method of dispensing 2,4,5-T in the Alsea Forest Region is by helicopters. Although the Oregon Forest Practices Act prohibits spraying near homes or streams, there appears a likelihood that residents and travelers of the Alsea Region might be directly exposed to 2,4,5-T during periods of application as a result of drift. Drift from a helicopter flying over a forest canopy can produce drifts of the herbicidal spray at significant distances from the path of the aircraft. Residents or travelers in the path of the spray might be doused with the pesticide spray.

Exposure to the population from drift and direct contact is by the dermal (exposed skin) and inhalation routes. Resident populations may also incur exposure to 2,4,5-T and TCDD subsequent to application. Waterborne residues are a possible route of exposure; other possibile exposure routes include fish, wildlife, and other foods produced or found in the area. The fact that TCDD is somewhat persistent and bioaccumulative may enhance exposure possibilities. Furthermore, pesticide mixers, loaders, applicators, and other workers may be exposed to the pesticide.

(c) *Comparison Between Presumed Exposure in The Alsea Study Area and Possible Exposure in Other Use Situations.* The Alsea Study shows a significant correlation between the use of 2,4,5-T in the Alsea area and increased incidence of spontaneous abortions within approximately two months after application. The Agency believes that it is prudent to assume that the women studied were exposed to 2,4,5-T. While the Agency cannot determine the actual routes of exposure, information about how 2,4,5-T is applied, population densities, and proximity of Study area residents to spray areas provides a basis for making assumptions about possible chances for exposure.

That 2,4,5-T was applied by helicopter rather than by ground application methods in Alsea, enhanced the potential for exposure to 2,4,5-T from drift. Aerial application is a principal method for applying 2,4,5-T and silvex. Most of the phenoxy herbicides applied in forests and on rights-of-way are applied aerially. In contrast, in pastures, application of 2,4,5-T and silvex usually is by spot treatment with knapsack spraying equipment. This method, causing less spray distribution than aerial application, lessens potential exposure from drift.

Alsea inhabitants live in towns and residences scattered throughout forests in which 2,4,5-T was applied. Effects occurred even though application near residences and streams was prohibited. The Study area women who experienced spontaneous abortions were residents of the area. Their exposure to 2,4,5-T or TCDD may have occurred either while they were at home or while they were in nearby forest areas. Bystanders, workers engaged in forest management, people visiting the forests for recreational purposes, and others would have exposure potential similar to the exposure potential of the Study area women away from their homes. Because TCDD persists in the environment, such non-residents may have been exposed to 2,4,5-T and TCDD during or for some unknown length of time after application had occurred.

The Study area women may have been exposed to 2,4,5-T or TCDD through ingestion of drinking water, fish, and wildlife. Residents are more likely to be exposed through this route than infrequent visitors to the spray area. Frequent visitors or workers in the area would have exposure potential similar to that of residents. All other forest areas in which 2,4,5-T or silvex is used are most obviously similar to the Study area.[15]

The use of silvex to maintain rights-of-way involves exposure potential similar to the exposure potential of the Study area women: Residents of the application area and workers and visitors who frequent the area may be exposed.

The Agency estimates that a considerable number of people may be exposed to silvex and TCDD as a result of the use of silvex in non-urban areas to maintain rights-of-way. Rights-of-way uses include highways, railway lines, electric power lines, and pipelines. A principal method of applying silvex is by aircraft, which was the method of application in the Alsea, Oregon area.

The population that is most likely to be exposed are people who lived in the path of the spray or in the area of drift.[16] A large potential exposure

[15] Commercial forests are defined as those lands not withdrawn for non-timber purposes which are capable of growing 20 cubic feet of wood per year of desirable species.

[16] Factors which affect drift include wind direction and velocity, turbulence, relative humidity and air temperature, atmospheric stability, pesticide formulation, application equipment, and spray volume. For purposes of this analysis, the Agency conservatively estimated possible pesticide drift at ½ mile. The Agency notes, however, that pesticides could drift farther depending on the variables listed above. Some pesticide drift has been reported as far as 22 miles from target (EPA DRAFT: "Report to Congress/Study—ULV," p. 95). In addition, this same draft report estimates that percent of pesticide drift over 1,000 feet from the target variously ranges from a low of 10% to a high of 90%.

group would be comprised of people living along railroad tracks and along highways. Other groups that may be exposed are those that live in forests or plains along power lines and pipelines. The residents may be exposed to TCDD through the diet for longer periods of time due to low levels of TCDD contamination in water and food. An additional potentially exposed group are people working in, or traveling through, the treated area.

Exposure from the use of silvex in pastures is likely to be lower than the Study area.[17] Pastures are likely to be near farm housed and small towns. The populations which may be exposed to silvex include farm families, other rural residents, and workers in rural occupations. The predominant method of application for controlling brush in pastures is spot treatment with knapsack spraying equipment. The distribution of silvex from this technique is lower than that from forestry and right-of-way use, because this technique produces only short-range drift. Indirect exposure due to residues in food is possible.

Generally, persons involved in applying pesticides have greater exposure to the chemicals than do residents of the area in which the pesticides are used. There is no reason to believe that this would not be true of silvex. Therefore, the Agency is concerned about potential exposure to pilots, ground spray crews, mixers and loaders, and flaggers, all of whom are exposed to silvex in the application process.[18]

For aerial application, the ground crew, including mixers and loaders of the aircraft, is the group with the highest potential for exposure by both dermal and inhalation routes, because they handle the concentrated formulations. The flaggers on the ground are exposed mainly by drift of the diluted spray deposited on their exposed skin, and to a lesser degree by inhalation. The pilots are expected to be exposed to smaller amounts of silvex by dermal and inhalation routes because they sit in the enclosed cabin of the helicopter while applying the diluted herbicide spray. For the ground application techniques, the applicators and mixers are the workers running exposure risk. Inhalation exposure may be more significant when fine mist sprayers (for example, foliar treatment are used) in contrast to stump treatment spraying with a coarse spray. The reason for this is that smaller spray droplets are more readily absorbed through the lungs.

The exposure to silvex of persons using the pesticide for home and garden use may be higher than the exposure of most other groups potentially exposed. The exposure from home and garden use would appear to be greater than the exposure from forestry use in areas such as Alsea. Furthermore, home and garden exposure to owners/applicators may be greater than the exposure of persons involved in commercial application of silvex or 2,4,5-T since home users are not likely to wear appropriate protective clothing or to take adequate precautionary measures.

Several home and garden application techniques have inherent exposure potential. Hose-end diluters probably have a high potential for dermal exposure to both applicators and bystanders because of the long range of the spray arising from these devices. The coarseness of the spray, however, probably precludes any significant inhalation exposure or drift away from the site of treatment.

Another possibility for exposure from home and garden use occurs during the dilution of liquid concentrates of silvex. The concentrate may spill or splash onto the exposed skin of the user. Additional exposure to householders may occur during spraying, mixing, and cleanup of equipment. It is unfortunately true that householders may not exercise appropriate caution, and may, for example, spray upwind, thus receiving an unduly high amount of drift on face, hands, and other unprotected parts of the body. Other sources of potential applicator exposure include splashing and low-distance drift droplets from tank sprayers, aerosol containers, and dust particle drift from granular application.

Persons who are bystanders could also receive exposure to silvex by accidental splashing or drift, or low-level drift droplets and/or dust particles from granular formulations.

Some home and garden applications of silvex are made by lawn care professionals, who work much more extensively with this herbicide than would a single homeowner. These professionals, however, are likely to exercise more care during the use of pesticide chemicals, and thus avoid spills or substantial dermal exposure.

Silvex is also used for weed control in sites such as public parks, golf courses, athletic fields, institutional lawns, and sod farms. These uses are similar to the home and garden uses described above. The most exposed group is likely to be the applicators. Another group of persons who may be exposed are bystanders, sports enthusiasts, residents of the institutions, etc. The routes of exposure for all these groups are likely to be chiefly dermal. The applicators are exposed not only by applying the herbicide, but also by mixing and diluting the concentrate. Bystanders and people who enter treated areas will incur less exposure than applicators, unless they get accidentally splashed or sprayed.

Silvex is used to control plants in waters used for recreation and in farm ponds. Thus, the general population may be exposed from this use of silvex by swimming, engaging in water skiing, drinking treated waters, or eating fish caught in waters where silvex has been applied.

The applicators involved in this use of silvex are professional or staff persons engaged by authorities responsible for maintaining clean waterways. Applicators apply the material from boats. Applicator exposure is likely to be greater if the applicator uses a mechanical sprayer than if the applicator pours the formulation directly onto the water, unless spillage results accidentally from pouring. The fine mist dispensed by the mechanical sprayer could be deposited on unprotected skin or could be inhaled.

C. DETERMINATION OF BENEFITS

The Agency has evaluated the economic effects of suspension of non-crop uses of silvex for a period of two years until completion of the decision whether these uses should be cancelled.[19]. The consideration of economic impacts stemming from a suspen-

[17] Pasture is defined as land producing forage for animal consumption, harvested by grazing, which has annual or more frequent cultivation, seeding, fertilization, irrigation, pesticide application, and other similar practices applied to it. Fencerows enclosing pastures are included as part of the pasture.

[18] In response to the 2,4,5-T RPAR, the American Paper Institute and the National Forest Products Association recently submitted a detailed study of applicator exposure to 2,4,5-T during both aerial and ground applications (2,4,5-T RPAR submission #1023H—30000/26). The results of this study indicate that workers who handled the pesticide concentrate had the highest exposure, followed by knapsack sprayer applicators, mist blower drivers, helicopter pilots, supervisors, and flagmen.

[19] The emergency suspension order will take effect immediately upon issuance of this Notice and remain in effect during any subsequent emergency suspension hearings. At the conclusion of the hearings, a decision will be made whether to continue or remove the suspension order during the ensuing cancellation proceedings. Economic impacts are therefore separately evaluated for the 3½ month period allocated for an emergency suspension proceeding as well as for the two years which may be required for a cancellation proceeding.

sion is limited to a two-year period because the maximum projected length of a cancellation proceeding would be two years. A suspension order remains in effect only during a cancellation proceeding. Thus, only the impacts which would arise during this period would be at issue in a suspension. Any impacts which would be caused by a suspension, but which would be felt after this period, are also considered.[20].

The non-crop uses of silvex include those it has in common with major uses of 2,4,5-T (forestry, pasture, and rights-of-way), as well as home and garden, and commercial/ornamental turf and aquatic weed control/ditch bank. (Rangeland is not included). In addition, the Agency has evaluated the economic effects of emergency suspension of these uses—i.e., the consequences of silvex not being available for these uses for the duration of an emergency suspension (3½ months).

Domestic usage of silvex is estimated to be about 2.8 to 3.3 million pounds. Commercial/ornamental turf and home and garden uses of silvex are the largest volume uses, comprising more than 50% of domestic usage. Aquatic weed control/ditch bank usage accounts for about 8% of annual usage. Other uses, primarily pasture, account for about 10% of use. The proposed suspended uses of silvex account for about two-thirds of its annual usage. The major remaining uses are rangeland, rice, and sugarcane.

Economic impacts of suspending forestry, pasture, rights-of-way, and non-crop usage of silvex during a two-year period, generally were estimated by assuming all registered alternatives are available, except 2,4,5-T which is also subject to suspension. The analysis generally provides qualitative estimates of impacts since data are not available to support precise quantitative estimates.

Economic impacts during a suspension would depend upon the treatment options actually selected by users. For many, use of silvex during 1979 and 1980 would be optional (i.e., could be delayed to a later year). Other users might choose to use alternatives immediately.

The Agency's analysis indicates that a two-year suspension of silvex non-crop uses would not significantly affect U.S. production or prices of any commodities or services in affected sectors. Economic impacts of the suspension would be minor in most cases, even at the local/regional level.

The major economic significance of suspending silvex is that it would not be available for more extensive use on forest and pasture sites as a 2,4,5-T substitute. Silvex usage on those sites could increase significantly in the event of suspension of 2,4,5-T on those sites because silvex is an economic alternative for 2,4,5-T in many instances.

Economic impacts during the 3½ month emergency suspension proceeding would be negligible. Any silvex treatments scheduled for this period could be delayed without affecting the efficacy of the treatments or cost to users.

The economic impacts of suspending each individual non-crop use of silvex, including those it has in common with 2,4,5-T are discussed below.

(1) *Forestry.* Silvex now appears to be used on a rather limited scale in forestry. Bureaus of the U.S. Department of Interior (USDI) and the U.S. Forest Service (USFS) have used silvex in the past year. A USDI policy memorandum (June 12, 1970) prohibited use of 2,4,5-T and restricted the use of picloram, but did not include silvex on either prohibited or restricted lists. Nonetheless, USDI use of silvex appears to have been discontinued during 1977. However, as much as 30,000 acres (up to 50,000 pounds a.e.) were treated annually by BLM during the early to mid-1970's. Forest Service use has declined and currently involves very small quantities (less than 500 pounds a/e/) Some silvex could be used by non-governmental users, but no documentation of such usage is available.

Silvex can be used at either or both of two stages in the production [21] of conifers: (1) Preparing sites for reforestation and (2) releasing young trees from hardwood competition. Each operation is undertaken once in the 50 year cycle of a softwood stand. Silvex, as well as other chemical and non-chemical control methods, may be used individually or in combination for site preparation and release.

Use of silvex for site preparation is not critical although it is cost effective. Several other chemicals, as well as non-chemical methods, are also effective for site preparation. Picloram and 2,4-D, sometimes combined, are the most effective substitute chemicals. 2,4-D costs less than silvex but controls a more limited spectrum of weeds and often has to be used more frequently, thus resulting in higher costs than a single silvex treatment. In the past, 2,4,5-T has been preferred to silvex for site preparation because it controls a wider variety of hardwoods.

Because the release (weeding) operation is conducted after the seedling trees are in place, a selective herbicide which will not harm the seedlings is preferred. This is particularly true for pine; silvex provides control of many hardwood competitors; however it also can damage pine seedlings. As a consequence of its lack of selectivity silvex has not been extensively used for release treatments. Its use has been limited to non-pine conifer stands in the west and fir-spruce stands in the Northeast.

In both agencies, costs have already been increased by $20–$200/acre due to the use of release methods other than silvex and 2,4,5-T. Site preparation continues at cost increases of $10–$40/acre using picloram/2,4-D and other chemicals on those areas which require herbicide controls. Release costs in Washington and Oregon are $20–$50/acre for substitute chemical control. Manual control, when used, increases costs about $60–$100/acre more than silvex.

USDI is presently reviewing the department policy regarding pesticide use and is considering adding silvex to the list of prohibited chemicals. USDI decisions regarding 1979 plans for use of silvex are pending EPA decisions, and alternative plans have been developed for vegetation management without silvex.

The suspension of forestry uses of silvex for either 3½ months or two years would not have any significant current economic impact because the chemical is not now in use. The principal potential users, USDI and USFS, have already discontinued use. The only significance of the silvex suspension for forestry use is that it would not be available as a substitute for 2,4,5-T.

(3) *Rights-of-Way.* Silvex is used to control woody and herbaceous plants on vegetated rights-of-way (railroad, highway, electric transmission, and pipeline) which could hamper the use

[20] The Agency's analysis is based on information from a number of sources including RPAR rebuttal comments received by the Agency from registrants, users and other parties during the RPAR process; and the USDA-States-EPA 2,4,5-T RPAR Assessment Report (February 15, 1979) as well as other relevant data. Although the 2,4,5-T Reporty attributes a role to EPA, the final report has neither been completely reviewed nor approved by EPA. Therefore, although the Agency has relied on some portions of the report, it cannot and does not wish to adopt all portions of the report as reflecting the Agency position on matters discussed herein.

[21] Silvex is sometimes used for other forestry herbicide operations, including rehabilitation or species conversion, fuel break maintenance, and timber stand improvement. The major forestry uses of silvex are site preparation and release, which are the focus of this analysis.

of the system (weeds encroaching on highways) threaten the system's equipment, and/or interfere with inspection and maintenance of the system.

Manual and mechanical methods are the most common control practices on rights-of-way acreage. Combining chemical and non-chemical control methods is common as is use of herbicide combinations to enhance their effectiveness and expand the spectrum of plants to be controlled in a single application.

Chemical treatment uses a variety of chemicals, including phenoxy herbicides. Usage of silvex for rights-of-way vegetation control is minimal, e.g., less than 2% of rights-of-way firms use it.

If silvex is not available, users can be expected to treat with other herbicides. Dichlorprop, 2,4-D, and picloram mixed with 2,4-D are all cheaper than silvex. Several alternatives control more species than silvex, and equivalent control may be achievable at less cost. No significant negative economic impacts could be expected from a two-year suspension of this use. Economic impact during a 3½ month emergency suspension would also be insignificant.

(3) *Pasture.* The phenoxy herbicides (2,4-D, 2,4,5-T and silvex) are registered for the control of many woody and herbaceous weeds on pasture. Silvex is generally more effective for woody plant control than 2,4-D but controls a narrower spectrum of weeds than 2,4,5-T.

Current silvex usage on range and pasture is apparently small enough that no reliable estimates of use have become available. No more than 500,000 pounds active ingredient are used annually. Most of this amount is probably used on range, although states such as Minnesota, Virginia, and New England states recommend silvex for control of some weeds in pasture. In Massachusetts, about 9,000 pasture acres are treated with silvex annually, but pasture usage in other states has not been reported. Silvex was not considered by the 2,4,5-T Assessment Team to be an alternative to 2,4,5-T for pasture or fencerow applications because of its relatively narrow spectrum of control.

Brush control with herbicides on pasture and along pasture fencerows is usually accomplished by spot treatment. Presumably, silvex is also applied in this manner when it is used.

Since other chemicals, e.g., picloram, dicamba, 2,4-D, are generally preferred to silvex for pasture use, farmers who currently use silvex would presumably adopt these alternative herbicides.

No yield or production effects would occur during a two year suspension. For individual farmers using silvex, alternative controls might be more expensive. If so, these farmers' income will be reduced by the amount of the cost-of-control increase. Such effects will be nominal in most cases. There would be no impacts on consumer prices or the general economy. Agricultural income may be reduced by an immeasurably small amount. In view of the limited economic impacts from a two year suspension period, economic impacts during the 3½ months required for an emergency suspension proceeding would be of no significance.

(4) *Commercial/Ornamental Turf.* Ornamental turf includes golf courses, athletic fields, parks, playgrounds, highway turf, and turf farms for purposes of this analysis. Of these, golf courses are the major consumer of herbicides used to control broadleaf turf weeds.

Precise current estimates of silvex use on turf are not available but annual usage could be as high as 2 million pounds active ingredient. Combinations of 2,4-D, MCPP, and dicamba are readily available and effective treatments for clover and chickweed which are major broadleaf weed pests. In golf courses, these chemicals are common control treatments for these pests. Data on other turf uses are not available.

Without silvex, users will shift to combinations of 2,4-D, MCPP, and dicamba to control broadleaf weed pests. Treatment costs with silvex, silvex combinations, alternatives, and combinations of alternatives vary depending on region, target weed species, application rates, formulations, and package size. Material costs for silvex and dicamba are comparable at $7.50 per acre. Silvex combined with 2,4-D is about $1 per acre more expensive than MCPP, MCPP + 2,4-D, and 2,4-D + dicamba. Combinations of MCPP/2,4-D/dicamba are about $4.50 to $14.50 per acre more expensive than silvex/2,4-D mixtures. On the average, alternatives are about $3.50 per acre more expensive than silvex and silvex mixtures.

For individual turf managers, these control cost increases will be nominal. Golf courses, for example, spend $80-$90 per acre for turf maintenance which includes chemical fertilizers, fungicides, herbicides, and insecticides, but excludes irrigation, mowing, and other direct costs. Thus, increased broad leaf weed control costs of $3.50 per acre could increase maintenance costs by about 4 percent. Economic impacts during a two year suspension would not be adverse to the overall commercial/ornamental turf sector. No economic impacts are anticipated during the 3½ month emergency suspension proceeding. Most treatments scheduled during this period could be delayed without causing significant control problems or increasing user costs.

(5) *Home and Garden.* Most of the herbicides used by the homeowner in the U.S. are for control of broadleaf weeds and grass pests in lawns. At least three-fourths of U.S. homeowners do not use any herbicides. Liquids are more popular than granular forms in terms of quantities used and dollar sales. Several hundred thousand pounds of silvex are used annually on home lawns.

Silvex is most commonly used with 2,4-D, MCPP, and dicamba to control species resistant to 2,4-D (i.e., chickweed, clover, spurge and henbit). Based on label claims and state recommendations, combinations of 2,4-D, MCPP, and dicamba would be equally effective.

Homeowners would shift to products containing 2,4-D, MCPP, and dicamba in the event of a silvex suspension. These alternatives are effective, readily available, and comparably priced. Thus, homeowner adjustments for either 3½ months and/or 2 years suspension would be nominal.

(6) *Aquatic Weed Control/Ditch Bank.* Aquatic weeds are a nuisance in water bodies used for recreation and in farm ponds used for watering livestock. Major users of herbicides for aquatic weed control are government and private recreational organizations and farmers. Government purchases of aquatic herbicides account for nearly half of annual sales. Private recreation organizations account for more than a third and farmers the remainder.

Silvex and a mixture of silvex and endothall are registered for use in aquatic weed control in ponds, lakes, marshes, and shorelines. Silvex controls submerged, emerged, and floating types of flowering plants. Essentially all weeds controlled by silvex are sensitive to various other major aquatic herbicides, including 2,4-D, diquat, endothall, and dichlobenil. Silvex, 2,4-D, and diquat exhibit similar herbicidal activities in aquatic sites.

Silvex is also applied to drainage ditch banks and canal levees. Particular target weeds include the phreatophytes, various exotics, and other woody plants such as rubber and willow trees (Loeser, 1975; Baker, 1975). There appear to be no viable alternative chemical controls for some plant pests such as the phreatophytes and some exotics (Loeser, 1975). However, there are many other chemicals registered that are effective on many species found along ditch banks and canal levees.

For most uses of silvex, 4 pound a.i./acre per foot are applied in late spring to early summer. Approximately 240,000 pounds of silvex were used in 1972 for water management purposes (von Rumker et al. 1974). This estimate includes silvex used in static water areas such as recreational sites, reservoirs, settling ponds, and ditch banks. At an assumed application rate of 4 pounds of silvex per acre, approximately 60 thousand acres of static water and ditch banks were treated in 1972.

Consumption of silvex for weed control in stationary water areas is not critical due to the availability of effective chemical alternatives including 2,4-D, diquat and dichlobenil. Also, the Argentine flea beetle is an effective biological control of alligator weed when used in an IPM program with silvex or 2,4-D.

Economic effects of suspending aquatic/ditch bank users of silvex for 3½ months or 2 years would be nominal because effective, economical alternatives are available. There would not be a significant economic burden on users.

V. Procedural Matters

This order directs the emergency suspension of the forestry, rights-of-way, pasture, home and garden, aquatic weed control/ditch bank, and commercial/ornamental turf uses of silvex. Registrants affected by emergency suspension actions may request an expedited hearing before the Agency. This section explains how to request an expedited hearing, the consequences of requesting or not requesting an expedited hearing, and the procedures which govern an expedited hearing in the event one is requested.

A. Procedures for Requesting a Hearing

(1) *Who May Request a Hearing and When the Request Should Be Made.* Registrants of silvex products registered for the forestry, pasture, rights-of-way, home and garden, aquatic weed control/ditch bank, or commercial/ornamental turf uses of silvex may request a hearing on these specific registered uses of silvex within five days after receipt of this opinion and order.

(2) *How To Request a Hearing.* Registrants who request a hearing must follow the Agency's Rules of Practice Governing Hearings (40 CFR, Part 164). These procedures specify, among other things: (1) That all requests for a hearing must be accompanied by objections that are specific for each use for which a hearing is requested (40 CFR 164.121(a) and 164.123(b)) and (2) that all requests must be filed with the Office of the Hearing Clerk within the applicable five (5) days (40 CFR 164.121(a)). Failure to comply with these requirements will automatically result in denial of the request for a hearing.

Requests for hearings must be submitted to: Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

B. Consequences of Filing a Hearing Request

Under FIFRA Section 6(c)(3) the emergency suspension order becomes effective immediately and, unless stayed, continues in effect until completion of the expedited hearing and issuance of a final order of suspension. The statute provides that where an administrative hearing is requested, the emergency order is subject to District Court review on the emergency finding. The final suspension order issued by the Administrator after a hearing may keep the suspension in effect, modify it, or terminate it. A final suspension order issued following a hearing is then reviewable in the Court of Appeals.

The statute provides that if a hearing is requested on the Administrator's emergency suspension actions regarding silvex before the end of the five-day notice period, the hearing stage is to begin within five days after receipt of the request, unless the registrant and the Agency agree that it shall begin at a later time. No party, other than the registrant and the Agency, is to participate, except that any person adversely affected may file briefs within the time allowed by the Agency's rule. Hearings on emergency suspension, like hearings on ordinary suspension, are subject to the provisions of subchapters II of Title 5 of the United States Code, except that the presiding officer need not be a certified hearing examiner. The presiding officer has ten days from the conclusion of the presentation of evidence to submit recommendations to the Administrator, who in turn has seven days to issue a final order on the issue of suspension.

C. Consequences of Not Filing a Hearing Request

Under the statutory scheme, if there is no request for a hearing on the Administrator's suspension actions within the five-day notice period, the emergency suspension order becomes a final suspension order, which remains in effect until the conclusion of the cancellation proceedings, unless modified or vacated sooner (40 CFR 164.130). Court review of an emergency suspension order, including the special review before the District Court discussed in Part II, is available only if an administrative hearing has been requested within the applicable five-day period [FIFRA Section 6(c)(2), 6(c)(3)].

D. Supplementary Procedures

EPA's Rules of Practice for expedited hearings are set forth at 40 CFR Part 164, Subpart C. I do not know if a hearing will be requested on these suspensions. If it is, however, I am establishing the following procedures to supplement the existing regulations in governing its conduct.

1. A deadline is being established for

the completion of all hearing procedures and the rendering of a recommended decision under 40 CFR 164.121(j). That deadline is 90 calendar days from the first prehearing conference, which shall be held in accordance with the time requirements described below.

2. I am naming certain EPA employees to serve as a hearing panel in any hearing arising out of this notice (see Appendix A).

I am naming certain additional persons to be available to provide technical advice and staff support to the hearing panel (see also Appendix A). If questions arise at the hearing which persons in this category are uniquely qualified to assess, they may be called on to serve on the panel either in addition to, or in substitution for, the three panel members named above.

The panel will conduct the hearing and submit a recommended decision to me under 40 CFR 164.121(j). None of the persons named above is subject in the normal course of their duties to the supervision or direction of any employee or agent of EPA who is a member of the Agency trial staff named below. See 5 U.S.C. Section 554(d)(2).

Since 5 U.S.C. Section 554(d)(1) provides that those presiding at adjudicatory hearings may not "consult a person or party on a fact in issue (in the course of preparing their decision) unless on notice and opportunity for all parties to participate," neither myself nor my appellate staff will consult with the panel or its supporting staff on any matters involving thise case from the date of notice until a recommended decision is issued. Members of my appellate staff are listed in Appendix A. We will conduct an independent review of the questions presented on appeal of any recommended decision. However, in doing this we will feel free to consult with the hearing panel and the support panel, since they will have conducted the initial proceedings and brought expert knowledge to evaluating the record.

The following Agency bureaus or divisions, and their staffs, are designated to perform all investigative and prosecutorial functions in this case: Office of the Deputy Administrator [22], Office of Toxic Substances, the Office of General Counsel, and the Office of Enforcement.

From the date of this notice until any final decision, no member of the hearing panel, its support staff, my appellate staff, or myself, shall have any *ex parte* contact with any trial staff employees, or any other interested person not employed by EPA, on any of the issues involved in this proceeding. However, persons interested in this case should feel free to contact any other EPA employee, including both trial staff and persons not explicitly named as panel members or assistants, with any questions they may have.

3. I am directing the hearing panel to proceed as follows to streamline proceedings in this case:

a. My findings on imminent hazard and emergency for suspended uses of silvex together with supporting information are in my opinion and order, which is available for inspection in the Office of the Hearing Clerk. Additional supporting information, including references cited in the opinion and orders, is also available for inspection in the Office of the Hearing Clerk. Together these documents constitute the Agency record in this matter.[23] EPA has also attempted to put this information in perspective through a narrative summary and analysis.

b. The scheduling of any hearing, particularly in its earlier stages, involves a balancing between the need to conduct an expeditious hearing and a concern that the hearing not proceed too far before the identity of those registrants requesting a hearing is established. In arranging for the first prehearing conference, I have attempted to accommodate both interests. The hearing panel shall convene the first prehearing conference within five days after receipt of the last request for a hearing by a registrant or 15 days after the issuance of my opinion and order, whichever comes earlier. The 15-day maximum should ensure that all registrants wishing to participate in the hearing have been given ample time to file a hearing request after receiving notification of my suspension actions.

c. Within ten days from the first prehearing conference, any person requesting a hearing shall submit focused written comments on this opinion and order consisting of a counterstatement of proposed findings on the issue of imminent hazard presented by silvex together with supporting information. A narrative summary explaining its bearing on the case should also be included.

d. The Agency trial staff shall have seven days thereafter to file supplemental information and comments.

e. Within five calendar days from the filing of any supplemental information by the Agency staff, the panel shall convene a second prehearing conference. At this conference all parties shall appear prepared to present arguments on the significiance and relevance of the material already presented. This prehearing conference shall also hear all requests for oral presentation of direct evidence and cross-examination, and the reasons supporting them. At this time each party shall present the names of witnesses available for cross-examination on the matters the party is putting into issue. The party may list documents (or portions thereof) on which the potential witness is available for cross-examination in lieu of filing a formal witness statement.

f. Within five days after the prehearing conference is over, the panel shall issue a hearing order setting the schedule for oral presentation of witnesses and cross-examination.

(1) Request for oral presentation of direct testimony shall be granted only if it is demonstrated that the testimony can be presented meaningfully only in that form; in all other cases, direct testimony shall be in writing.

(2) Requests for cross-examination shall be granted only if all of the following showings are made:

i. The request concerns factual matters. Cross-examination will not be granted on matters of policy or law.

ii. The factual matters are ligitimately in dispute in light of the record.

iii. The factual matters are material to the decision to be made.

iv. Cross-examination is the most efficient way of resolving the dispute over these factual matters (as opposed to such alternative as production of further information, or informal conferences).

v. There is a reasonable expectation that cross-examination will resolve the issue of material fact in a way likely to influence the final decision.

g. The testimonial phase of the hearing shall begin three days after issuance of the order setting the hearing

[22] The Deputy Administrator may properly be included in the trial staff since the prohibitions of 5 U.S.C. Section 554(d) do not apply to "the agency". Her inclusion is necessary if guidance on general policy matters is to be available to the trial staff and, to free a high agency official to talk to outside interested persons about the questions involved without the constrains otherwise imposed by the *ex parte* provisions of the APA and the Government in the Sunshine Act. The Deputy Administrator will take no part in the detailed work of preparing and presenting the Agency's case.

[23] Some of the documents in the record may be entitled to confidential treatment under FIFRA Section 10, as amended. Parties to the hearing may have access to such documents, if appropriate protective arrangements are made. See also the footnote to this order concerning confidentiality of data in Section IV.A.(1)(a)(i).

schedule. At the hearing, the panel shall take an active role in the development of the record through questioning of witnesses and by issuing procedural orders where necessary.

h. At the end of the initial testimonial phase, the hearing panel may permit the introduction of additional information designed to rebut the contentions made by opposing parties.

i. The panel may revise any of the procedural provisions of this notice other than the overall 90-day deadline for rendering a recommended decision, the time for which starts running after the first prehearing conference.

A discussion of some aspects of these procedures follows:

(1) *Deadlines.* Deadlines for completing proceedings under FIFRA have been twice endorsed by the National Academy of Sciences (National Academy of Sciences, Decision Making in the Environmental Protection Agency, Vol. II, p. 84 (1977); National Academy of Sciences, Decision Making for Regulating Chemicals in the Environment, p. 30 (1975)).

In addition, Congress has demonstrated a concern for speedy action where suspensions based on a potential threat to human health are concerned. It has required a hearing on such a suspension to begin five days after it is requested,[24] and has allowed ten and seven days respectively for preparation of the initial and final decisions once the hearing is over (FIFRA Section 6(c)(2)). FIFRA was amended in 1975 to require consultation by EPA with the Department of Agriculture and a scientific advisory panel before taking action in many cases; suspensions based on human health grounds, however, were exempted from those requirements to allow speedy action where speedy action was desirable [121 Cong. Rec. H 9895-96 (daily ed. Oct. 9, 1975); 121 Cong. Rec. Section 19820-21 (daily ed. Nov. 12, 1975)].

Deadlines for completing the hearing have been inmposed in prior suspensions. See, e.g., *In re: Vesicol Chemical Co., et al.*, 41 FR 7552, 7553 (Feb. 19, 1976) (Notice of Intent to Suspend Heptachlor and Chlordane), and *In re: Dibromochloropropane*, 42 FR 48915 (Sept. 26, 1977). (Notice of intent to suspend and conditionally suspend registrations of pesticide products). The requirements set forth in this order simply carry forward that practice.

(2) *Use of a Panel.* Despite the need for speedy action, the issues involved in suspension ar complex. Under the statute, a judgement of "imminent hazard" must be based on consideration of costs and risks of all types [FIFRA Sections 2(l), 2(bb)]. Given the necessary time constraints and the preliminary nature of suspension as a remedy, factual certainty may be elusive. "[T]he function of the suspension decision is to make a preliminary assessment of evidence, and probabilities, not any ultimate resolution of difficult issues" (*Environmental Defense Fund, Inc.* v. *EPA*, 510 F.2d. 1292, 1298 (D.C. Cir. 1975), quoting from *Environmental Defense Fund, Inc.* v. *EPA*, 465 F.2d. 528, 537 (D.C. Cir. 1972)).

Arriving at even such a preliminary assessment can present formidable difficulties. Considering risks, questions can arise concerning the dispersion and presistence of the pesticide in the environment and certain parts of it, the conduct of animal feeding studies, the meaning of those studies for human health, the validity of relevant epidemiological studies, the realibility of using known human exposure from one use pattern as a predictor of potential human exposure in other use patterns, and finally on what the upper and lower boundaries of any risks may be and how firmly they are established. Considering benefits, questions can be raised about the extent of use, the availability, practicality, and effectiveness of substitutes both now and in the future, and the range of the probable economic impacts of a temporary ban on the pesticide, or some use of it, in the light of all these factors.

The job will be easier and better performed, if I am allowed to rely directly on the talents of EPA employees with expert knowlege of the technical fields involved and with the professional ability to assess problems arising in them. I believe it is for this reason that Congress has provided that those presiding over suspension hearings need not be hearing examiners[25].

(3) *Conduct of the hearing.* Overuse of cross-examination and courtroom formalities, I believe, has made many FIFRA proceedings far longer than was consistent with any rational purpose. The overwhelming bulk of legal analyses by those who have studied the problem, and EPA's own experience demonstrate that scientific and economic issues can be clarified by the exchange of written material far more efficiently than through courtroom hearings. I am directing that written submissions be used here to focus the issues in an attempt to implement those lessons. at the same time, particularly where Congress has explicitly called for formal hearings, the accompanying rights to reasonable cross-examination and oral presentation must be preserved.

All three elements of these supplementary procedures are meant to work together. The use of a panel will ensure that expert knowledge is indeed brought to the the task of making a decision. The provision for preliminary written submissions will allow that panel to screen the issues and narrow the formal part of the hearing down to those that are legitimately in dispute and suited to adjudicatory resolution. Finally, setting a schedule for decision will help ensure that the potential gains in efficiency represented by the first two reforms are realized in practice.

Dated: February 28, 1979.

DOUGLAS M. COSTLE,
Administrator.

APPENDIX A

HEARING PANEL

Charles Gregg, Chairperson
William Brungs
Robert Coughlin

TECHINICAL SUPPORT PANEL

Robert Chapman, M.D.
Neil Chernoff
Arnold Kuzmack
Dr. James Lichtenberg

ADMINISTRATIVE APPELLATE PANEL

Ronald L. McCallum
Charles R. Ford
Dr. Edwin H. Clark
Ms. Mary Ann Massey
Dr. Richard M. Dowd
Dr. Stephen J. Gage

[FR Doc. 79-7559 Filed 3-14-79; 8:45 am]

[24] I do not regard the procedures set forth below as inconsistent with this directive. What concerned Congress was plainly that the hearing *stage* of Agency decisionmaking begin promptly, not that the oral hearing itself start unconditionally in less than a week. To interpret the law otherwise would forbid the use of such accepted aids to efficient decisions as prehearing conferences in precisely the cases where efficiency is most required.

[25] The fact that more than one person will preside is of no legal significance. Even when 5 U.S.C. Section 556 requires a hearing to be presided over by an examiner (or a person representing the Agency), it also specifies that "one or more" of those qualified may preside.

[6560-01-M]

[FRL 1074-3; OPP—68009]

SILVEX

Suspension Order

Registrations issued under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, 7 U.S.C. Section 136 *et., seq.* of all pesticide products containing 2-(2,4,5-trichlorophenoxy) Propionic Acid (Silvex) for the forestry uses (including site preparation, conifer release, and brush and weed control), rights-of-way uses (including brush and weed control), pasture uses,[1] home and garden uses, commercial/ornamental turf uses (including recreational area uses), and aquatic weed control/ditch bank uses are hereby suspended and the sale, distribution, or other movement in commerce, and the use of all such pesticide products for the foregoing uses is prohibited.

Dated: February 28, 1979.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 79-7560 Filed 3-14-79; 8:45 am]

[6560-01-M]

[FRL 1074-1; OPP-66052]

SILVEX

Notice of Intent To Cancel Certain Registrations of Pesticide Products Containing Silvex

I. INTRODUCTION

I am today issuing an emergency order suspending immediately the forestry, rights-of-way, pasture, commercial/ornamental turf, home and garden, and aquatic weed control/ditch bank uses of pesticide products containing silvex (2-(2,4,5-Trichlorophenoxy) Propionic Acid), and a statement of reasons. Section 6(c)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. Section 136d(c)(1)) provides that a suspension order cannot be issued unless a notice of intent to cancel the registrations or change the classifications of the pesticide products concerned has already been issued or is issued with the suspension order. For the reasons set forth below, I find that forestry, rights-of-way, pasture, commercial/ornamental turf, home and garden, and aquatic weed control/ditch bank uses of pesticide products containing silvex, in accordance with current use instructions, appear to pose an unreasonable risk to humans. I am therefore announcing my intention to cancel all these registered uses of silvex under Section 6(b) of FIFRA (7 U.S.C. Section 136(d)(b)).

II. LEGAL AUTHORITY

Section 6(b) of FIFRA (7 U.S.C. Section 136d(b)) authorizes the Administrator to issue a notice of intent to cancel the registration of a pesticide or to change its classification if it appears to him that the pesticide or its labeling "does not comply with the provisions of (FIFRA) or, when used in accordance with widespread and commonly recognized practice, generally causes unreasonable adverse effects on the environment." Thus, the Administrator may cancel the registration of a pesticide whenever he determines that it no longer satisfies the statutory standard for registration which requires (among other things) that the pesticide "perform its intended function without unreasonable adverse effects on the environment" (FIFRA Section 3(c)(5); 7 U.S.C. Section 136a(c)(5)). He may also change the classification of any use of a pesticide if he determines that such a change "is necessary to prevent unreasonable adverse effects on the environment" (FIFRA Section 3(c)(2); 7 U.S.C. Section 136a(d)(2)). "Unreasonable adverse effects on the environment" means "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide" (FIFRA Section 2(bb); 7 U.S.C. Section 136(bb)).

The burden of proof for establishing the safety of a pesticide product to support a decision concerning registration or continued registration rests at all times on the proponent of registration (*Environmental Defense Fund* v. *Environmental Protection Agency*, 465 F.2d 528, 532 (D.C. Cir. 1972); *EDF* v. *EPA*, 510 F.2d 1293, 1297 (D.C. Cir. 1975); *EDF* v. *EPA*, 548 F.2d 998, 1004 (D.C. Cir. 1976)).

In effect, FIFRA requires the Administrator to weigh the risks and benefits associated with each use of a pesticide. If he determines for any particular use that the risks exceed the benefits, he must then determine whether those risks can be sufficiently reduced (so that they are outweighed by the benefits) by the imposition of restrictions upon use through changes in the labeling and/or by the classification of the use for restricted use. If he determines that adequate risk reduction cannot be achieved by such regulatory measures, the registration of the pesticide for that use must be fully cancelled.

III. REASONS FOR INITIATING PROCEEDINGS TO CANCEL

A. RISKS

On the basis of data available to the Agency, I conclude that silvex and/or its contaminant, 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), create a serious health risk for humans and that human exposure to silvex and/or its contaminant, TCDD, is cause for considerable concern.

The Agency has reviewed numerous studies in which industrial, academic, and government scientists have reported that TCDD and/or silvex contaminated with TCDD produce fetotoxic, teratogenic, and carcinogenic effects in test animals that have been exposed to these chemicals. The occurrence of these adverse effects in test animals following exposure to silvex and/or TCDD indicates that humans who are exposed to silvex may experience comparable effects. Concern for the health of humans who may be exposed to TCDD, and therefore silvex contaminated with TCDD is heightened because scientists have not demonstrated that there is a level of exposure that has no adverse effects in humans.[1]

A recent EPA-sponsored epidemiological study shows human miscarriages to be related both geographically and temporally to the use of 2,4,5-T (a chlorophenoxy herbicide closely related to silvex, and which also contains TCDD). Specifically, the study indicates that women who live in an Oregon area (Study area) where 2,4,5-T is used for forest management experience miscarriages more frequently than do women who live in other Oregon areas where there is little or no known use of 2,4,5-T or other dioxin-containing phenoxy herbicides. Most significantly, the data generated through this study show that the increase in frequency of miscarriages for women in the Study area is greatest two months after the period when 2,4,5-T is used in this area, and that there is a close correlation between

[1] Pasture is defined as land producing forage for animal consumption, harvested by grazing, which has annual or more frequent cultivation, seeding, fertilization, irrigation, pesticide application, and other similar practices applied to it. Fencerows enclosing pastures are included as part of the pasture.

[1] A Committee of the National Research Council of Canada recently agreed with the authors of the World Health Organization's monograph on TCDD that "for TCDD a no-effect level for man could not be established" (NRCC 1978).

the amount of 2,4,5-T used by month and the size of the increase in the frequency of miscarriages two months later. Information has recently become available to the Agency which documents the use of silvex in the Alsea area during the period of time studied. However, even without this information, I would have found that the serious implications of this study are as applicable to silvex as to 2,4,5-T. TCDD, the contaminant contained in both herbicides, is a potent mammalian fetotoxin and teratogen at very low doses. Conversely, silvex and 2,4,5-T are fetotoxic and teratogenic at comparatively high doses. It is reasonable to assume that the adverse human reproductive effects observed in Alsea which have been attributed to low-level exposure to 2,4,5-T are due primarily to the TCDD in 2,4,5-T. Therefore, since silvex also contains TCDD, I conclude that the Alsea data are applicable to areas where silvex is used when evaluating potential reproductive risk to humans.

I also conclude that it is prudent to assume that individuals living in or frequenting areas where the forestry use of silvex occurs may experience exposure to TCDD qualitatively similar to that experienced by the Alsea women and may suffer the adverse effects which silvex, 2,4,5-T, and/or TCDD produce. I further conclude that individuals, living in or frequenting areas where the use patterns of silvex create similar or greater possibilities for exposure than the forestry use, have a potential risk of adverse effects from silvex exposure. A comparable risk potential is applicable to persons who are occupationally exposed to silvex through these uses. Such use patterns include, without necessarily being limited to, the rights-of-way and pasture uses of silvex. Additional uses of silvex (home and garden, aquatic weed control/ditch bank, and commercial/ornamental turf uses) are comparable to uses of 2,4,5-T cancelled or suspended in 1970 because of concern that exposure to 2,4,5-T and/or TCDD posed an imminent hazard to humans and to the environment. Because silvex also contains TCDD, I conclude that it is prudent to take similar action for these silvex uses. The Agency has identified pesticide applicators and persons involved in pesticide application support activities, and persons living in or frequenting areas of silvex use as the principal groups of individuals who may be exposed as a result of the forestry, right-of-way, pasture, home and garden, aquatic weed control/ditch bank, and commercial/ornamental uses of silvex. Based upon animal data and other information (including the recent Oregon study), individuals exposed to silvex may suffer adverse reproductive effects or develop cancer.

B. DETERMINATION OF BENEFITS

The Agency has evaluated the economic effects of cancelling non-crop uses of silvex. The non-crop uses of silvex include those it has in common with major uses of 2,4,5-T (forestry, pasture, and rights-of-way), as well as turf (home and garden and commercial/ornamental turf) and aquatic weed control/ditch bank uses.

Domestic usage of silvex is estimated to be about 2.8 to 3.3 million pounds annually. Commercial/ornamental turf and home and garden uses of silvex are the largest volume uses, comprising more than 50% of domestic usage. Aquatic weed control/ditch bank usage account for about 8% of annual usage. Other uses, primarily pasture, account for about 10% of use. The uses of silvex subject to this cancellation notice account for about two-thirds of its annual usage.

The Agency's analysis indicates that cancellation of silvex non-crop uses would not significantly affect U.S. production or prices of any commodities or services in affected sectors. Economic impacts of the cancellation would be minor in most cases, even at the local/regional level. The major significance of cancelling silvex is that it would not be available to replace 2,4,5-T on forest and pasture sites.

The economic impacts of cancelling each of the non-crop uses of silvex are discussed below.

(1) *Forestry.* The cancellation of forestry uses of silvex would not have any significant economic impact because the chemical is not now in use. The principal potential users, the Department of the Interior (USDI) and the U.S. Forest Service (USFS), have already discontinued use. The significance of the silvex cancellation for forestry use is that it would not be available as a substitute for 2,4,5-T. However, silvex is not an acceptable substitute for 2,4,5-T on many acres because it is toxic to pines. Thus, impacts would be limited to non-pine Western conifer forests and some Northeastern fir spruce stands.

Silvex has been used in forestry mostly by the U.S. Department of the Interior, on parts of approximately 2 million acres of Bureau of Land Management (BLM) lands; lesser amounts have been used by the USFS. Silvex is used prior to planting for site preparation and later to assist growth of young trees by "releasing" them from competing hardwood trees and brush.

There are many alternatives to silvex for site preparation. Several chemicals (2,4-D, picloram, Atrazine, Banvel, and dicamba), as well as mechanical methods, controlled burning, and combination methods, may be effectively used for this purpose.

Release of young conifers requires a selective herbicide or manual methods to reduce hardwood competition. Silvex, 2,4,5-T, and 2,4-D are the only Federally registered chemicals providing this selective control. Silvex and 2,4,5-T are preferred because 2,4-D controls a more limited spectrum of woody species.

Silvex is not widely used in forest site preparation/release activities. So far as is known, the only extensive recent use of silvex has been by BLM in western Oregon. However, BLM has used no herbicides since 1977. The USFS treated approximately 2,700 acres of forest lands with 1,750 lbs of silvex in 1977. USDI is presently considering prohibiting the use of silvex. Plans have been developed for vegetation management without silvex.

(2) *Rights-of-Way.* The economic impact of cancellation of the use of silvex on rights-of-way would be minimal. Chemical, manual, and mechanical methods are used on highway, electric, railroad, and pipeline rights-of-way acres to control woody and herbaceous plants that would otherwise impede the use of equipment, interfere with inspection and maintenance and in extreme situations interfere with the functioning of the right-of-way system.

Manual and mechanical methods are the most common control practices on rights-of-way acreage. Present usage of silvex for rights-of-way vegetation control is minimal, e.g., less than 2% of rights-of-way firms use it. If silvex

were not available, users could treat with other herbicides. Dichloroprop, 2,4-D, and picloram mixed with 2,4-D are all cheaper than silvex, and in some instances are more effective.

(3) *Pasture.* The phenoxy herbicides (2,4-D, 2,4,5-T and silvex) are registered for the control of many woody and herbaceous weeds on pasture.[2] Silvex is generally more effective for woody plant control than 2,4-D but less effective than 2,4,5-T. No more than 250,000 lbs of silvex are used on pasture acreage each year.

Other chemicals, such as pelleted formulations of picloram, dicamba, 2,4-D are generally preferred to silvex for pasture use. Therefore, farmers who currently use silvex would turn to these alternative herbicides. The use of alternatives would prevent reductions in yield or production. Therefore, there would be no impact on consumer prices or the general economy. Agricultural income may be reduced by an immeasurably small amount.

(4) *Commercial/Ornamental Turf.* Silvex is used on various types of commercial and ornamental turf, such as golf courses, athletic fields, parks, playgrounds, highway turf, and turf farms. Golf courses are the principal use. Annual usage could be as much as 2 million pounds of active ingredients.

Effective alternatives are available. Among them are 2,4-D, MCPP, and dicamba. Use of alternatives could increase costs by about $3.50/acre. However, the use of these more expensive alternatives would not add substantially to overall turf maintenance costs in most situations. For example, turf maintenance for golf courses now costs approximately $80-90 per acre. Thus, the economic impact of cancelling silvex use would not be highly significant.

(5) *Home and Garden.* Several hundred thousand pounds of silvex are used per year on home lawns and garden areas. Most of the herbicides used by homeowners in the U.S. are for control of broadleaf weeds and grass pests in lawns. However, most homeowners do not use any herbicides.

Several equally efficacious alternatives to silvex are available and comparable in cost. Homeowners could shift to products containing 2,4-D, MCPP, and dicamba without experiencing inconvenience. Thus, homeowner impacts stemming from cancellation would be negligible.

(6) *Aquatic Weed Control/Ditch Bank.* Aquatic weeds are a nuisance in water bodies used for recreation and in farm ponds used for watering livestock. Major uses of herbicides for aquatic weed control are government and private recreational organizations and farmers. Economic effects of cancelling aquatic/ditch bank uses of silvex would be nominal because effective, economical alternatives (2,4-D, diquat, endothall, dichlobenil, and biological controls) are generally available.

C. CONCLUSION

On the basis of information currently available, I conclude that the risks posed by the continued use of silvex on forests, rights-of-way, pastures, homes and gardens, commercial/ornamental turf and aquatic weed control/ditch bank areas in accordance with current terms and conditions of registrations and commonly recognized practice appear to outweigh the benefits of these uses. For these reasons, I conclude that these uses of silvex appear to generally cause unreasonable adverse effects on the environment (see FIFRA Section 2(bb)) when used in accordance with widespread and commonly recognized practice. Accordingly, I am hereby initiating proceedings to cancel the registrations of all pesticide products containing silvex registered for forestry, rights-of-way, pasture, home and garden, commercial/ornamental turf and aquatic weed control/ditch bank uses.

IV. Procedural Matters

This Notice initiates an action to cancel the registrations of the forestry, rights-of-way, pasture, home and garden, aquatic weed control/ditch bank, and commercial/ornamental turf uses of silvex.[3] Under Section 6(b) of FIFRA [7 U.S.C. 136d(b)] registrants and other interested persons may request a hearing on the cancellation actions that this Notice initiates. This section explains the prohibition against *ex parte* communications, when and how affected pesons may request a hearing, and the consequences of filing or of failing to file a request for a hearing in accordance with the procedures specified in this Notice.[4]

A. EX PARTE COMMUNICATIONS

The Agency's Rules of Practice for hearings conducted pursuant to Section 6 of FIFRA forbid the Administrator, the Judicial Officer, and the Administrative Law Judge, at all stages of the proceeding, from discussin the merits of the proceeding ex parte with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in an investigative or expert capacity, or with any of their representatives (40 CFR 164.7).

Accordingly, the following Agency officers, and the staffs thereof, are designated to perform all investigative and prosecutorial functions in this case: The Office of Toxic Substances, the Office of Pesticide Programs, the Office of General Counsel, and the Office of Enforcement.

From the date of this notice until any decision, neither the Administrative Law Judge, the Judicial Officer nor myself shall have any ex parte contact or communication with any investigative or trial staff employee, or any other interested persons not employed by EPA, on any of the issues involved in this proceeding. However, persons interested in this case should feel free to contact any other EPA employee, including both investigative and trial staff, with any questions they may have.

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[2] Pasture is defined as land producing forage for animal consumption, harvested by grazing, which has annual or more frequent cultivation, seeding, fertilization, irrigation, pesticide application and other similar practices applied to it. Fencerows enclosing pastures are included as part of the pasture.

[3] Other procedural matters relating to the emergency actions are presented in the accompanying order suspending the uses in question.

[4] Although Section 6(b) of FIFRA generally requires prior review of and comment upon proposed notices of intent to cancel or change classification by the Secretary of Agriculture and a Scientific Advisory Panel, I am specifically authorized to waive such requirements and proceed in accordance with Section 6(c) of FIFRA whenever I find that suspension of a pesticide registration is necessary to prevent an imminent hazard to human health. I have found that immediate suspension of the registrations of pesticide products containing silvex is necessary to prevent an imminent hazard to human health (see Emergency Suspension Order and Notice of Intent to Suspend Uses of Silvex, issued this day). I hereby invoke by authority to waive the external review requirements.

B. PROCEDURES FOR REQUESTING A HEARING

(1) *When a Hearing Must be Requested for Cancellation Actions.* Registrants affected by cancellation actions initiated by this Notice may request a hearing within 30 days of receipt of this notice, or within thirty days of the date of publication of this notice in the FEDERAL REGISTER whichever occurs later. Any person adversely affected by the cancellation actions initiated by this Notice may request a hearing on or before April 16, 1979.

(2) *How to Request a Hearing.* All registrants and other interested persons who request a hearing must follow the Agency's rules of practice governing hearings (40 CFR, Part 164). These procedures specify, among other things, that: (1) All requests for a hearing must be accompanied by objections that are specific for each use for which a hearing is requested (40 CFR 164.20(b)), and (2) that all requests must be received by the Hearing Clerk within the applicable thirty (30) day period (40 CFR 164.5(a)). Failure to comply with these requirements will automatically result in denial of the request for a hearing.

Requests for hearings must be submitted to:

Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

C. CONSEQUENCES OF FILING OR FAILING TO FILE A HEARING REQUEST

If a hearing is requested on any cancellation action on a silvex use initiated by this Notice before the end of the 30-day notice period, the hearing will be governed by the Agency's rules of practice for hearings under FIFRA Section 6 (40 CFR, Part 164). In the event of a hearing, the cancellation action(s) subject to the hearing will not become effective except pursuant to orders of the Administrator at the conclusion of the hearings.

Dated: February 28, 1979.

DOUGLAS COSTLE,
Administrator.

[FR Doc. 79-7561 Filed 3-14-79; 8:45 am]

federal register

THURSDAY, MARCH 15, 1979
PART IV



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

LIFESAVING EQUIPMENT

Inflatable Personal Flotation Devices

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 160]

[CGD 78-174]

LIFESAVING EQUIPMENT

Inflatable Personal Flotation Devices

AGENCY: Coast Guard, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard invites public participation at the earliest stages in the development of regulations establishing a Coast Guard Approval Program for inflatable personal flotation devices (PFD's). Under the present Coast Guard PFD regulations, PFD's which depend upon air compartments or inflation for buoyancy may not be Coast Guard approved and do not satisfy vessel carriage requirements. These regulations will establish structural and performance standards for inflatable PFD's and procedures for granting Coast Guard approval to those devices which meet these standards, and will amend the PFD carriage requirements to permit inflatables as well as the presently approved inherently buoyant types.

DATES: Comments must be received on or before June 15, 1979.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 78-174), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

LT David N. Gasch, Office of Merchant Marine Safety (G-M/83), Room 8301, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1444).

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written data, views, or arguments. Written comments should include the docket number (CGD-78-174), the name and address of the person submitting the comments, and the specific question to which each comment is addressed.

Drafting Information

The principal persons involved in drafting this advance notice are: LT David N. Gasch, Project Manager, Office of Merchant Marine Safety, and Ms. Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

Discussion

Inflatable PFD's have been precluded from Coast Guard approval in the past because they are much more susceptible to total loss of buoyancy than their inherently buoyant counterparts. Failure of the wearer to actuate the inflation mechanism, malfunctions of the inflation mechanism, or loss of air from the inflatable compartment due to puncture or structural failure can result in the device having zero buoyancy and being totally ineffective.

Performance characteristics and construction of inflatables have improved significantly over the past several years. When subjected to current performance and design reliability tests, some inflatables have fared as well as or better than the presently approved inherently buoyant types. In addition, recent studies conclude that the average recreational boater would wear certain inflatables more than the inherently buoyant types because the inflatables can be less bulky, more comfortable and attractive. This increase in wearability could potentially decrease the annual number of recreational boating drownings which totalled 1062 in 1977. Additionally, the development of commercial submarines and novel craft (hydrofoil and hovercraft), which have little or no storage space, give rise to a need for compact, lightweight and reliable PFD's. For this reason the Coast Guard is presently evaluating various types of inflatable PFD's for possible future approval.

Factors To Be Considered

This advance notice of proposed rulemaking is being issued to solicit public comment and assistance in answering certain broad initial questions relating to approach and content, including the following:

(1) Should any reliability in PFD's be sacrificed or field enforcement be made more difficult, to accomplish an increase in wearability?

(2) Should only hybrid (combined inherent and inflatable buoyancy) devices be approved in addition to those presently approved?

(3) Should additional PFD's be required for each person on board to increase the reliability factor of inflatables?

(4) What restrictions should be placed on the use of inflatable PFD's by non-swimmers and children? Is it feasible to require an automatic inflation mechanism for non-swimmers and children or to prohibit the use of inflatables altogether for these people?

(5) Could the average boater determine if an inflatable PFD is in a serviceable condition?

(6) Should the Coast Guard require a qualified service facility to periodically restore the device to a serviceable condition or could the average boater perform this function?

(7) Are inflatable PFD's too complicated for some people to operate in an emergency situation?

(8) What characteristics are essential to the proper operation of inflatable PFD's? Should the Coast Guard require these features?

(9) Under what circumstances or on what types of vessels might inflatable PFD's be suitable for commercial use?

Public comments are requested on the above issues as well as on any issue related to the subject matter of this advance notice. Comments are encouraged on the relative strengths and weaknesses of each alternative discussed. Suggestions for other alternatives are also encouraged.

(46 U.S.C. 481, 526e, 1454, 1455; 49 CFR 1.46(b), (n)(1))

Dated: March 7, 1979.

J. B. Hayes,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-7960 Filed 3-14-79; 8:45 am]

federal register

THURSDAY, MARCH 15, 1979

PART V



ENVIRONMENTAL PROTECTION AGENCY

■

WATER QUALITY CRITERIA

Request for Comments

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1062-5]

WATER QUALITY CRITERIA

Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA is announcing the availability for public comment of water quality criteria for 27 of the 65 pollutants listed as toxic under the Clean Water Act (CWA). When published in final form after public comment, these water quality criteria may form the basis for enforceable standards. The criteria were developed pursuant to section 304 of the CWA and in compliance with a court order.

DATES: Written comments should be submitted to the person listed directly below by May 14, 1979.

FOR FURTHER INFORMATION CONTACT

Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone 202/755-0100.

SUPPLEMENTARY INFORMATION:

Background

Section 304(a) of the Clean Water Act (33 U.S.C. 1314(a)), requires EPA to publish and periodically update water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life, and recreation.

Under paragraph 11 of the Consent Decree in *Natural Resources Defense Council, et al.*, v. *Train*, 8 ERC 2120 (D.D.C. 1976), EPA must publish criteria for 65 specified toxic pollutants. The criteria are to state maximum recommended concentrations consistent with the protection of aquatic life and human health.

The criteria issued for public comment today are for 27 of those 65 pollutants. Criteria for the remaining 38 of the pollutants will be issued for public comment in the near future. Final publication is planned for the latter part of this year.

A section 304(a) water quality criterion is a qualitative or quantitative estimate of the concentration of a water constituent or pollutant in ambient waters which, when not exceeded, will ensure a water quality sufficient to protect a specified water use. Under the Act a criterion is a scientific entity, based solely on data and scientific judgment. It does not reflect considerations of economic or technological feasibility. A criterion based on the protection and propagation of fish, shellfish and wildlife, for example, is simply the best estimate informed scientists are able to make of the maximum concentration of a given pollutant that can be tolerated while still maintaining protection of aquatic life. A criterion intended for the protection of human health, by the same reasoning, is the best estimate of the concentration which may exist and still not pose an undue risk to humans who drink water without further treatment or eat fish or shellfish from the water.

The information and scientific judgments contained in a section 304(a) criteria document could be used to develop enforceable standards under several sections of the Act such as section 302 (water quality-based-effluent limitations), section 303 (water quality standards), and section 307(a) (toxic pollutant effluent standards). It is important to observe, however, that before an enforceable standard is set under any of these statutory authorities, administrative rulemaking procedures by either the States or EPA will provide interested parties the opportunity to participate in the setting of standards. Final publication of these criteria under section 304(a) will therefore have no regulatory impact on any party.

Relationship to Water Quality Standards

Because EPA has raised significant issues about the relationship of section 304(a) criteria to section 303 water quality standards in an Advance Notice of Proposed Rulemaking ("ANPRM") (43 FR 29588, July 10, 1978), it is appropriate to highlight certain aspects of this relationship.

A water quality standard is developed through State or Federal rulemaking procedures and may be directly translated into an enforceable discharge or effluent limitation in a point source discharge (NPDES) permit under section 301(b)(1)(C), or form the basis of best management practices for nonpoint sources under section 208 of the Act. A water quality standard for a particular water body consists basically of two parts: (1) A "use" for which the water body is to be protected or "designated" (such as "agriculture", "recreation", or "fish and wildlife") and (2) a numerical or qualitative pollutant concentration limit which will support that use. (See ANPRM, 43 FR at 29589, 29590).

Establishing the use component of a water quality standard for a given water body, in light of the goals of the Act and the value of the water body for various purposes, involves a determination of what use is attainable. In determining whether a use is attainable, consideration is given to environmental, technological, social, economic and institutional factors (40 CFR 130.17(c)(1)).

The second (concentration) component of a standard, in contrast, involves a decision about the water quality or constituent concentration that must be provided if a particular use is to be maintained. Thus this component of a water quality standard, like a section 304(a) criterion, is founded on scientific considerations.

A section 304(a) criterion is not a water quality standard and in itself has no regulatory effect. Only if a section 304(a) criterion is adopted by a State through rulemaking or promulgated by EPA under section 303 (or is incorporated in a standard under another statutory authority) through rulemaking or adjudication, does the section 304(a) criterion acquire regulatory significance. Moreover, that significance is restricted in two important ways. First, if a section 304(a) criterion is translated into the concentration component of a water quality standard, scientific considerations specific to a given water body may be taken into account. A criterion which has been established as generally necessary to support a specified use may not be required to maintain that use in a particular water body. For example, in some cases ecosystem adaptation may enable a viable balanced

aquatic population to exist in waters with high natural background levels of certain pollutants. Similarly, toxicity of certain compounds may be less in some waters because of differences in acidity, temperature, water hardness, and other factors. (Conversely, some natural water characteristics may increase the impact of certain pollutants.)

Second, a section 304(a) criterion adopted by a State or federally promulgated under section 303 acquires regulatory weight only when a particular water body is designated for the use which the criterion is designed to protect. A water body designated for agricultural use, for example, might not have to achieve the same concentration levels as a water body designated for the protection and propagation of fish, shellfish, and wildlife. The criteria issued today which reflect levels for the protection of aquatic life and human health would not necessarily be required to protect other uses such as agriculture.

EPA has established regulations and policies concerning section 304(a) water quality criteria and section 303 concentrations and uses. This program was summarized in the ANPRM, and public comment was invited on a variety of questions about the direction this program should take in the future.

Issues raised in the ANPRM potentially affect the significance of the criteria issued today. For instance, EPA's policy for its current (1976) water quality criteria (the "Red Book" criteria) is that "a State may adopt a numerical concentration for a Red Book pollutant which is less stringent than the Red Book number, but only if a State provides adequate technical justification for the deviation." (43 FR at 29590) Failure to provide adequate technical justification may result in EPA disapproval of that portion of the water quality standard and, subsequently, in EPA proposal and potential promulgation of the more restrictive limit. The Agency is considering extending this policy concerning Red Book criteria to its new toxic pollutant criteria after such criteria are published as final, and solicits comments on this option.

The ANPRM also stated that it is EPA's current policy generally not to promulgate standards for pollutants which States have not addressed in their standards. As stated in that notice, EPA is contemplating altering this policy for some or all of the 65 toxic pollutants. Thus, EPA might "provide a list of pollutants for which water quality standards must be developed" either by the States or by EPA (43 FR at 29591). This policy will be developed in future rulemaking efforts separate from the issuance of water quality criteria for public comment today. Persons wishing to comment on this policy option will therefore be able to make their views known at that time.

Relationship to Drinking Water Standards

It is not expected that health-based water quality criteria will necessarily be the same as standards or guidelines issued by EPA under other Acts since other authorities may mandate different considerations. The mandate for establishing standards for drinking water at the tap under the Safe Drinking Water Act (SDWA), for instance, expressly requires consideration of economic and technical feasibility, whereas feasibility is not a factor in developing section 304 water quality criteria. In addition the extrapolation model used to estimate the risk associated with the Interim Primary Drinking Water Standards was somewhat different from that used in calculating water quality criteria. Thus, the criteria today are not intended to serve as drinking water tap standards. Nor are today's criteria expected to be the same as recommended maximum contaminant levels (RMCL's), non-enforceable health-based goals, which are also mandated under the SDWA. While RMCL's are more like section 304 criteria than tap water standards, specific mandates of the SDWA such as the consideration of multi-media exposure, as well as the different methods for setting contaminant levels under the two Acts may result in differences between RMCL's and the criteria published for comment today. In the future, a State or EPA may through rulemaking proceedings consider using the health-based section 304(a) criteria for a public water supply designated use standard under section 303. In such a case, consideration may be given to whether pollutants are more effectively removed before they reach the ambient water (i.e., at the point of discharge), or at a drinking water treatment works.

Development of the Criteria

The development of water quality criteria reflecting the latest scientific knowledge is necessarily an ongoing process. Section 304 reflects awareness of this fact in its requirement that criteria periodically be revised. As new information becomes available indicating that an existing criterion should be revised, or that criteria should be established for substances which have not yet been addressed, it is expected that new or revised criteria will be developed. The draft criteria issued for comment today are part of this ongoing program. It should be recognized therefore that, when published after public comment, these criteria will not be "cast in concrete" but will be updated in future years when additional information becomes available indicating such a need.

EPA recognizes that the quality and quantity of the data in the criteria documents varies, and has undertaken a program to expand the data base dealing with bioconcentration factors and aquatic toxicity. Further data generation can be expected in the future. Comment is invited on what constitutes a sufficient data base for final criterion formulation and on how the quality of the criteria may best be expressed.

The criteria issued for comment today are of two basic kinds: (1) Concentrations estimated to be protective of aquatic life and wildlife, and (2) concentrations relevant to the protection of human health. Criteria are not now being issued to protect recreation, agricultural or industrial uses, since a general lack of data precludes such an effort at this time. As data become available, however, appropriate criteria will be developed. The pollutants covered by today's documents are listed in Appendix A along with summaries of the criteria formulation for each pollutant.

The criteria for protection of aquatic life and wildlife and criteria for the protection of human health were derived separately from essentially different data bases utilizing methods designed specifically to address the concerns of the two separate areas. The methods for deriving criteria in each

of these areas are presented in appendices B and C, and are discussed briefly below. Comment is invited on all aspects of the methods used and their application in the development of specific criteria.

Criteria for the Protection of Aquatic Life

Most of the aquatic life criteria issued for comment today were derived using guidelines developed from data for a wide range of pollutants and organisms to provide a systematic and consistent approach to the derivation of aquatic life criteria. These guidelines were presented for public comment on May 18, 1978 (43 FR 21506), and over 50 comments were received. As explained in that notice, the guidelines "provide uniform rules for deriving criteria from data bases (for individual pollutants) of varying degrees of adequacy and supply rules for estimating some effects for which data are unavailable." (43 FR at 21506) In a few instances the guidelines were modified on a case-by-case basis where pollutant-specific data indicated both the need and the direction for such modification. Criteria so derived are identified in the text, and the reasons for any modification explained. For some pollutants, data needed to formulate criteria following the guidelines were not available but could be estimated using alternative procedures. In these cases criteria were derived using alternative methods. Finally, where data on a particular pollutant were not sufficient to derive criteria using the guidelines or the alternative procedures, no criterion is presented.

Since a detailed explanation of the basic guidelines is presented in the May 18th notice, interested persons should refer to that notice as modified in appendix B for a basic understanding of the derivation of aquatic life criteria. appendix B contains clarifications which resulted from application of the guidelines as well as a summary of the althernative methods by which criteria are derived.

In the May 18th notice EPA stated its intent to refine the guidelines in response to public comment before issuing these criteria for public comment. Because of the magnitude of the task of preparing these criteria documents within a limited time frame, and because of the highly detailed and technical nature of the guidelines and the numerous comments thereon, however, no major refinements to the guidelines have yet been completed. The criteria issued today, therefore, follow the guidelines published in May, modified as noted in appendix B to reflect knowledge gained in application of the guidelines to the individual data bases. Also, as noted, case-by-case modification and alternative methods have been employed where appropriate.

The complex nature of the guidelines has also compelled EPA to defer response to comments on the May 18th notice at this time. A summary of the comments is presented in Appendix D, however, to assist the reader in understanding the general outlines of the response to the guidelines and the direction which further work on the guidelines is taking.

In order to respond to comments on the May 18th notice EPA has undertaken an assessment of the technical and scientific foundations of the guidelines. This task involves extensive reformatting of the data base and inclusion of new references, as well as investigation of appropriate groupings of data to estimate correction factors used to standardize results and the effects of their variability; enhanced quantification of the variability in the standardized data base; assessment of the validity of averaging across toxicant and species groups; investigation of the sensitivity of criteria to data requirements; and consideration of alternatives for estimating criteria including the use, where appropriate, of regression models, application factors and dose-response bioassay models.

It should be noted that this assessment effort and comments received on the documents issued today may indicate a need for changes in the derivation methods or their application in individual cases. Where modification is so indicated, the derivation methods and criteria values in the final documents may differ from those issued for comment today. The reasons for any modifications will accompany the final documents.

Since the guidelines assessment task will extend into the comment period on today's criteria documents, comments on the guidelines not previously submitted will be accepted during this period. It is not necessary to repeat any comments previously submitted in response to the May 18th notice, as they are already being considered in the reanalysis. A comprehensive response to major substantive comments will accompany the final publication of the documents.

Although response to comments on statistical and toxicological aspects of the guidelines must await completion of the guidelines assessment, two more general aspects of the guidelines which raised some questions are further discussed here. The first aspect which may require some clarification is the twofold nature of the aquatic life criteria. These criteria are comprised of a recommended average concentration not to be exceeded during any 24-hour period and a recommended maximum or ceiling concentration which should not be exceeded at any time during the 24-hour period. The average figure represents a concentration estimated to protect against adverse chronic effects. It is presented as an average because chronic data are usually based on tests lasting from several weeks to more than a year, during which the pollutant concentrations vary. Thus some fluctuation is inherent in a mean exposure concentration, and aquatic organisms can be expected to tolerate some excursions over this mean so long as the excursions are not too high or too frequent.

A time period of 24 hours was chosen in order to ensure that concentrations not reach harmful levels for unacceptably long periods. Averaging for longer periods, such as a week or a month for example, could permit high concentrations to persist long enough to produce significant adverse effects. A 24-hour period was chosen instead of a slightly longer or shorter period in recognition of daily fluctuations in waste discharges and of the influence of daily cycles of sunlight and darkness and temperature on both pollutants and aquatic organisms.

Merely specifying an average is insufficient, however, because data show that very high concentrations of chemicals can kill or cause irreparable damage in very short periods. Furthermore, for some chemicals the effect of intermittent high exposures is cumulative. It is therefore necessary to place an upper limit on concentrations over the average value.

The use of a ceiling value based on

96-hour LC50 data was a practical choice. Much of the available acute toxicity data are for 96 hours and the time-concentration mortality curves are poorly documented for shorter periods. Also the additive effect of intermittent exposures mentioned above suggest that higher concentrations might cause harm. It is believed that the values derived from 96-hour LC50 concentrations will be protective against acute toxicity during short excursions from the 24-hour average chronic criterion.

In sum, the two-number criterion is intended to describe an ambient water concentration which will produce an average water quality generally suited to the maintenance of aquatic life while restricting the excursions over that average to levels which will not cause harm.

A second point of concern to commenters was the possibility of using the guidelines to develop criteria taking into account specific water body characteristics. Several commenters noted that the guidelines were presented as making such water-body-specific criteria possible, but that the manner in which this would be achieved was not elaborated.

The criteria issued today should make this feature clearer. A major advance in specificity, for instance, is that to the extent possible criteria are separately derived for salt and fresh waters. In another effort to take specific characteristics into account, criteria for compounds whose toxicity varies markedly with various degrees of hardness are presented in the form of curves. Although EPA recognizes that other water characteristics such as pH, temperature, or degree of salinity (as in estuaries) may affect the toxicity of some pollutants, the data base at this time is not detailed enough to allow for further specificity. The guidelines constitute a structure by which such information may be used for deriving section 304 criteria as it becomes available. This structure will also allow States or EPA to take these variables into account, where data permit, when setting enforceable standards through rulemaking in the future.

Criteria for the Protection of Human Health

The objective of the health assessment portions of the criteria documents is to estimate ambient water concentrations which, in the case of non-carcinogens, represent "safe" levels for humans, and in the case of suspect or proven carcinogens, represent various levels of incremental cancer risk.

Health assessments follow general guidelines developed to assist the scientist in identifying and interpreting all pertinent data on the subject pollutant without impeding the exercise of scientific judgment and expertise. These guidelines are presented in Appendix C.

Health assessments typically contain four elements: Exposure, pharmacokinetics, toxicity, and criterion formulation. The exposure section summarizes information on possible exposure routes such as ingestion, inhalation, and dermal contact. The pharmacokinetics section reviews data on absorption, distribution, metabolism and excretion to assess the biochemical fate of the compounds in the human and animal system. The effects section reviews acute, subacute, and chronic toxicity, synergistic and antagonistic properties, and specific information on mutagenicity, teratogenicity and carcinogenicity. From this review the toxic effect to be protected against is identified, taking into account the quality, quantity and weight of evidence characteristic of the data. The last section presents the data analysis and rationale for criterion development and the mathematical derivation of the criterion.

Specific criteria are developed only if a weight of evidence supports the occurrence of the toxic effect and if dose/response data exist from which criteria can be estimated. Criteria for suspect or proven carcinogens are presented as concentrations in water associated with a range of incremental cancer risks in man. Criteria for non-carcinogens represent levels at which exposure to a single chemical is not anticipated to produce adverse effects in man. In a few cases organoleptic (taste and odor) data form the basis for the criterion because chronic toxicity data were either lacking, insufficient or resulted in a level higher than that which produced adverse organoliptic effects. Finally, for a few toxicants no criteria are recommended due to a lack of information sufficient for quantitative criterion formulation.

Most criteria are based on exposure directly through consumption of water containing a specified concentration of a toxic pollutant and indirectly through consumption of aquatic organisms which may bioconcentrate pollutants from the waters in which they live. In addition to providing a range of concentrations estimated to pose specified risks of cancer from the consumption of water and edible aquatic organisms, the carcinogen documents present a range of concentrations corresponding to risk incurred from the consumption of edible aquatic organisms alone. In the latter case, it is assumed that water consumed by an individual would not contain the pollutant in question. In criteria reflecting both the water consumption and aquatic organisms routes of exposure, the relative contribution varies with the propensity of a pollutant to bioconcentrate, with the consumption of aquatic organisms becoming more important as the bioconcentration factor (BCF) increases. When the BCF is 100, for example, exposure through the two routes is roughly equal. At higher BCF's such as 1,000 to 100,000, the contribution of the water consumption route becomes relatively minor.

For a few pollutants, information about exposure from other sources such as air or non-aquatic diet has been considered in formulating criteria. These situations are explained in the individual documents.

As information on total exposure is assembled for pollutants for which criteria reflect only the two indicated exposure routes, adjustments in water concentration values may be made. It is anticipated that future revisions of health-based criteria will contain more information on additional exposure routes.

Within the limitations of time and resources, all up-to-date published information of significance is incorporated into the assessments. Review articles and reports are used for data evaluation and synthesis. Scientific judgment is exercised in reviewing and evaluating the data in each document and identifying the adverse effects for which protective criteria are sought.

Guidelines and Assumptions

A uniform approach to criteria for-

mulation has been developed using the following basic assumptions and guidelines. The assessment of health risks associated with human exposure to environmental pollutants requires predicting the effect of low doses for up to a lifetime in duration. Because in most cases adequate data on toxic effects in humans are not available due to ethical and practical considerations, predictions are usually made by extrapolation from animal data. However, valid clinical and epidemiological studies are used for both qualitative and quantitative evaluation wherever available. A combination of epidemiological and animal dose/response data was considered the preferred basis for quantitative criterion development.

No-effect or specified risk concentrations were estimated by extrapolation from animal toxicity or human epidemiology studies using the following basic exposure assumptions: a 70-kilogram male person ("Report of the Task Group on Reference Man", International Commission for Radiation Protection, November 23, 1975) as the exposure individual; the average consumption of specified fish and shellfish products equal to 18.7 grams/day (Health Perspectives 24:157–172); and the average ingestion of two liters/day of water ("Drinking Water and Health", National Academy of Sciences, National Research Council, 1977). Concentrations based on these assumptions are estimated to be protective of an adult male who experiences average exposure conditions.

For carcinogens, the method of extrapolation from high dose to low dose effects produces health risk and associated concentration levels which are least likely to understate the human risk. For noncarcinogens, concern that extrapolated values may be underprotective is minimized by the use of safety factors of 10, 100, and 1,000. Special subpopulation sensitivities and synergistic effects are not typically factored into the criteria, although they are referenced, if known. The use of upper bound and otherwise cautious estimation methods is believed to compensate at least partially for the absence of specific consideration of these factors.

Human intake of pollutants from consumption of aquatic organisms is estimated using bioconcentration factors (BCF's) along with the average weight of fish and shellfish products consumed daily. Since BCF's generally are not available for edible portions of freshwater and marine species normally consumed in the U.S., procedures have been developed to estimate edible portion BCF's from whole fish BCF's and from octanol-water partition coefficients. For organic pollutants, for which the BCF is generally proportional to the percentage of lipids in the organism, whole species BCF's are adjusted to edible portion BCF's using data on the percent of lipids in various species and the amounts of those species consumed by the population. For inorganic contaminants, specifically metals, for which the BCF depends on the physical and biological characteristics of the aquatic species, BCF's are estimated by taking a weighted average of the known BCF data.

Two basic methods were used to formulate health criteria, depending on whether the target effect was cancer or other toxic manifestations. Determinations of carcinogenicity were made following the principle that any substance which is shown to cause tumors in animals should be considered a suspect carcinogen and therefore a potential hazard for man. Exceptions were considered only where the carcinogenic effect is clearly shown to result from physical rather than chemical induction, or where the route of administration is shown to be inappropriate in terms of conceivable human exposure. These determinations were reviewed by EPA's Cancer Assessment Group.

Carcinogens

Because methods do not now exist to establish the presence of a threshold for most, if not all, carcinogenic effects, EPA's policy is that there is no scientific basis for estimating "safe" levels for carcinogens. The draft criteria for carcinogens therefore state that the recommended concentration for maximum protection of human health is zero. In addition, the documents present a range of concentrations estimated to pose various degrees of incremental "cancer risk." For example, a document might indicate that exposure to a carcinogen through the lifetime daily consumption of water and edible aquatic organisms could result in one additional case of cancer in a population of 1,000,000 at a concentration of 0.1μg/l, and of 1 additional cancer in a population of 100,000 at a level of 1.0μg/l. Other risk-concentration pairs may be calculated by simple extrapolation.

This range of risk estimates is presented for information purposes and does not indicate any "acceptable" risk level, since as noted the only known exposure guaranteeing maximum protection of human health is zero. However, because in many situations the achievement of zero levels may be infeasible at this time, it may be necessary to identify a maximum target risk level to be recommended in the interim. The Agency is considering a level in the range of 10^{-7} to 10^{-5} as such a target. Concentrations corresponding to the target risk level would become a part of the criteria used by States and EPA for developing and reviewing water quality standards. It should be recognized that particular circumstances may call for the recommendation of risk levels of greater stringency than the target. Such circumstances might exist, for example, where significant exposure to a particular pollutant occurs through other routes, or where several potential carcinogens are present in the same water. Also, as noted above, feasibility and other considerations taken into acount in applying the criteria in section 303 or other regulatory standards may result in enforceable standards which pose a less stringent level of risk. EPA invites public comment on the desirability of establishing an interim target risk level, and on the level at which such a target should be set.

Risk assessment from animal data is performed using the "one-hit" model recommended in the Agency's Interim Cancer Procedures and Guidelines for Health Risk and Economic Impact Assessments of Suspect Carcinogens (41 FR 21402, May 29, 1976). The model has been modified to acount for spontaneous tumor incidence and to adjust for tumors not observed because of premature, chemical-induced death. EPA is aware that other models for risk extrapolation exist and have been used by EPA under other Acts, as well as by other Federal agencies. The "one-hit" model has recently been endorsed by the four agencies in the Interagency Regulatory Liaison Group. It is one of the most conserva-

tive models available, since it is less likely to underestimate risk at the low doses typical of environmental exposure. Because of the uncertainties associated with dose and animal-to-human extrapolation and other unknown factors, because of the use of average exposure assumptions, and because of the serious public health consequences that could result if risk were underestimated, EPA believes that it is prudent to use conservative methods to estimate risk in the water quality criteria program.

It should be observed that extrapolation models provide only rough estimates of risk since a variety of assumptions are built into any model. Models using widely different assumptions may produce estimates ranging over several orders of magnitude. Since there is at present no way to demonstrate the scientific validity of any model, the use of risk extrapolation models is a subject of debate in the scientific community. However, risk extrapolation is generally recognized as the only tool available at this time for estimating health hazards associated with suspect non-threshold toxicants and has been endorsed by EPA and other agencies as a useful means of assessing the risks associated with various chemicals.

Risk assessment based on extrapolation from epidemiological dose-response data is made by direct proportionality estimates from the levels of exposure to pollutants and the related incidence of cancer in man.

If data permit, assessments are based on data in which the tumor incidence resulted from ingestion of the particular compound. However, data from animals or humans exposed by other routes are used where ingestion data are lacking and there is no indication that the mode of toxicity is route-specific.

Other Adverse Effects—Non-Carcinogenic Effects

Health criteria based on toxic effects of pollutant other than carcinogenicity are estimates of concentrations which are not expected to produce adverse effects in humans. They are termed Acceptable Daily Intake (ADI) levels and are generally derived using no-adverse-effect data from animal studies although human data are used wherever available. The ADI is calculated using factors to account for uncertainties inherent in extrapolation from animal to man. In accordance with the National Research Council recommendations ("Drinking Water and Health", National Academy of Sciences, National Research Council, 1977), uncertainty factors of 10, 100, or 1,000 are used depending on the quality and quantity of data. In some instances extrapolations are made from inhalation studies or limits to approximate a human response from ingestion using the Stokinger-Woodward model (Journal of American Water Works Association, 1958). Calculations of criteria from ADI's are made using the standard exposure assumptions (2 liters of water, 18.7 grams of edible aquatic products and an average body weight of 79 kg).

Specific Issues for Commenters To Address

Written public comment is invited on all issues raised by this notice as well as any other issues concerning the development of water quality criteria under the Act. Comments should be sent to Kenneth M. Mackenthun at the address noted in the introduction to this notice.

EPA is especially interested in comments on the following issues:

1. The advisability of extending the current Red Book policy on the justification of less stringent criteria to some or all of the 65 toxic pollutant criteria.
2. The scientific validity and appropriateness of the aquatic guidelines and the alternative procedures set forth in Appendix B. (NOTE: Comments previously submitted in response to the May 18 notice should *not* be repeated.)
3. The scientific validity and appropriateness of the methods used for deriving health-based criteria presented in Appendix C.
4. The size, nature, and quality of data bases used for deriving criteria.
5. The application of criteria derivation methods to particular pollutants.
6. The use of risk extrapolation for deriving criteria for suspect or proven carcinogens.
7. The establishment and appropriate use of an interim target risk level.
8. The level at which such a target should be set.

Availability of Documents

Summaries of both aquatic-based and health-based criteria and the criteria formulation sections of the documents are published below. Copies of the complete documents have been sent to all persons who have requested copies to date, as well as to those who commented on the May 18th notice. Other persons wishing to review the full documents may obtain copies for individual pollutants from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia (703) 557-4650. The documents are also available for public inspection and copying during normal business hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of these documents will also be available for review in the EPA Regional Office libraries.

Dated: February 28, 1979.

Douglas M. Costle,
Administrator.

Appendix A

Arsenic and Compounds

Criteria Summary:

Freshwater Aquatic Life

For arsenic, the criterion to protect freshwater aquatic life, as derived using the Guidelines, is 57μg/l as a 24 hour average and the concentration should never exceed 130μg/l at any time.

Saltwater Aquatic Life

For arsenic, the criterion to protect saltwater aquatic life, as derived using procedures other than the Guidelines, is 29μg/l as a 24 hour average and the concentration should never exceed 67μg/l at any time.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to arsenic through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of arsenic estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this doucment. The Agency is considering setting criteria at an interim target risk level in the

range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of .02μg/l, .002μg/l, and .0002μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of arsenic is the Final Acute Value of 130μg/l which is based on the more acutely sensitive invertebrate organisms. Since 0.44 times the Final Acute Value is lower than the Final Chronic Value (170μg/l), the former is the 24-hour average concentration.

For arsenic the criterion to protect freshwater aquatic life as derived using the Guidelines is 57μg/l as a 24-hour average and the concentration should not exceed 130μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of arsenic.

Final Fish Acute Value=4,400μg/l
Final Invertebrate Acute Value=130μg/l
Final Acute Value=130μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=170μg/l
Final Plant Value=2,300μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=170μg/l
0.44 x Final Acute Value=57μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for arsenic using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available. Data for arsenic and freshwater organisms can be used to estimate a criterion.

For arsenic and freshwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from results of a life cycle test with *Daphnia magna*. Therefore, a reasonable estimate of a criterion for arsenic and saltwater organisms would be 0.44 times the Final Acute Value.

The maximum concentration for arsenic is the Final Acute Value of 67μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For arsenic the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 29μg/l as a 24-hour average and the concentration should not exceed 67μg/l at any time.

Summary of Availability Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of arsenic.

Final Fish Acute Value=1,400μg/l
Final Invertebrate Acute Value=67μg/l
Final Acute Value=67μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=580μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=580μg/l
0.44 x Final Acute Value=29μg/l

Human Health

A number of studies have shown that arsenic is important in the etiology of human cancers. Clinical, occupational, and population studies have demonstrated that both ingestion and inhalation exposures to arsenic compounds increase the risk of cancer induction in the tissues of the lung and skin and possibly other sites. There appears to be little question that arsenic is a human carcinogen, but there has been general failure to demonstrate this effect in any animal model. Hence, it is necessary to rely totally on human data rather than supplement it with appropriate animal toxicity and carcinogenic data. This limitation causes serious problems since animal studies are the only practical means to effectively evaluate relative toxicities, absorption rates, etc. for different compounds and routes of administration. Instead, these types of questions must be answered based on effects and observations of exposed populations recognizing the numerous unknowns (levels or arsenic and other environmental exposures, dietary patterns, genetic differences, etc.) and different routes of exposure.

A study that relates levels of arsenic ingestion to skin cancer was conducted in southwest Taiwan. A consistent dose response relationship between the exposure variables level of arsenic in drinking water and age and skin cancer prevalence was found. Questions concerning compatibility between the U.S. and Chinese populations must be raised since some areas in the U.S. have similar arsenic levels without the reported dermatological manifestations. It is very possible that major differences in dietary patterns (the Chinese diet is low in protein and fat) other environmental and/or occupational co-exposures, socio-economic status, etc, may account for the differences. However, since similar health responses have been observed in Antofagasta, Chile; Cordoba, Argentina; German vineyard workers, and those who ingest Fowler's Solution, it must be assumed that arsenic is at least one of the environmental exposures responsible for the observed effects.

Secondly, the clear dose response relationships both by length of exposure, as indicated by age, and by level of waterborne arsenic provide additional evidence that arsenic is at least one of the agents responsible for the observed effects; it seems quite unlikely that other environmental, occupational, or socio-economic factors which might be responsible for variations in skin tumor incidence would have a similar gradient to the waterborne arsenic gradient. Hence, it appears reasonable to use the Taiwan data as a basis for estimating a level which will not increase the lifetime risk of cancer by more than 1/100,000; it is recognized the calculated level may be quite conservative since the Taiwan experience may represent a worst case situation due to other co-exposures and dietary deficiencies.

The EPA Cancer Assessment Group has developed a mathematical prediction model for estimating an acceptable level based on the published Taiwan data (Tseng, 1977).[1]

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and

[1] Tseng, W. 1977. Effects and dose-response relationships of skin cancer and blackfoot disease with arsenic. Environmental Health Perspective, 19:109.

recreational activities." Arsenic is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of arsenic in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of arsenic corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6}, or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria[1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]	0	0.0002	0.002	0.02
Consumption of fish and shellfish only	0	0.01	0.10	1.0

[1] Calculated by applying a modified "one-hit" extrapolation model to the human epidemiological data presented in Summary to Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Approximately 2 percent of the arsenic exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 2.3 fold. The remaining 98 percent of arsenic exposure results from drinking water.

Summary of Pertinent Data

Due to the stable population in a rural area along the southwest coast of Taiwan, the data collected by Tseng et al. in 1968 [2] may be viewed as a lifetime feeding study where measured amounts of arsenic in well water are consumed by a study population of 40,421 individuals. Thus, this data may be used to predict the lifetime probability of skin cancer caused by the ingestion of arsenic.

A model estimating the cancer rate as a function of drinking water arsenic concentration was generated using the information in its published form, which is a summary of data collected by the investigators. If the original data had been available, a more exact mathematical analysis would been possible.

It has been suggested that the relationship between the incidence of some site specific cancers, age, and exposure level of a population may be expressed as

$$(1)\ I(x,t)=vBx^{m}t^{v-1}$$

where x is the exposure level of a carcinogen, t is the age of the population, and B, m, v are unknown parameters.

However, the data collected by Tseng et al. in 1968 [2] was obtained at one point in time, and since skin cancer has only a marginal effect on the death rate, the obtained rates may be viewed more accurately as the probability of having contracted skin cancer by time t. The relationship between this probability, often referred to as the cummulative probability density or prevalance, and the incidence or age specific or hazard rate may be expressed as

$$(2)\ F(x,t)=1-\exp[\int I(x,s)\,ds]$$

Utilizing the suggestion of Doll (1971) for the form of the incidence rate, the prevalence may be expressed as

$$(3)\ F(x,t)=1-\exp(-Bx^{m}t^{v})$$

which is a Weibull distribution.

Based on information reported by Tseng et al. in 1968 [2], we have estimates of F (x,t) for different age and exposure groupings for males.

To use this data, specific values for x and t had to be obtained for the intervals. Where the intervals were closed the midpoint was utilized. For the greater than .6 mg/1 group the midpoint between .6 and the greatest recorded value 1.8 was taken resulting in 1.2 μg/l. For age 60 or greater, a value of 70 was utilized somewhat arbitrarily, being the same increase over the lower level as that in the other two age intervals.

From equation (5) it follows that

$$(4)\ \ln(-\ln[1-F(x,t)])-\ln(3)\div m\ln(x)\div v\ln(t)$$

which is multiple linear in form. Estimating the parameters by the usual least square techniques, we obtained the relationship

$$(5)\ \ln(-\ln[1-F(x,t)])=-17.548\div 1.192\ln(x)\div 3.881\ln(t)$$

which is an excellent fit having a multiple correlation coefficient of 0.986.

Equation (5) may be expressed as

$$(6)\ F(x,t)=1-\exp[-10^{-7}\times .2429\,x^{1.192}t^{3.881}]=1-\exp[-E(t)\,x^{1.192}]$$

If the coefficient m = 1.192 was in fact equal to 1, then for a given value of t equation (6) would be "one-hit" in form.

To test this hypothesis, (i.e. Eo: m=1) the student "t" test is used, giving the result

$$t_6=\frac{1.192-1}{1.138}=1.391$$

which is not significant at the .1 level. The value 0.138 is the standard error of m. Thus there is insufficient evidence to reject the hypothesis that the dose response relationship is "one-hit" even at the 0.1 level even though the standard error of the regression coefficient is quite small.

Fixing m=1 we have the relationship

$$(7)\ F(x,t)=1-\exp[g(t)x]$$

Transforming this equation to its linear form and obtaining the least square estimates of B and v, we find that

$$g(t)=\exp(-17.5393)\,t^{3.853},\ \text{where}\ B=2.41423\times 10^{-8},\ v=3.853$$

In this case, the fit is still quite good as represented by a correlation of 0.971.

The function $F(x,t)=1-\exp[-2.41423\ 10^{-8}\times t^{3.853}]$, is the probability of contracting skin cancer by age t given that an individual had a lifetime exposure to x mg/1 in his drinking water (and lived until age t).

In a 1978 U.S. Environmental Protection Agency document the lifetime probability of cancer in the presence of competing mortality was derived from the age-specific incidence rate. For the case where the cancer rate in the absence of exposure is near zero (as in this case where the skin cancer is of a rare form that was virtually unknown in other parts of Taiwan) the lifetime probability may be expressed as

$$Q_x(\ )=Bx/(Bx+p^v)$$

where $p^v=\ln 2\ t_m^v$, (where t_m is the median lifetime of the population). Assuming $t_m=68$ and $v=3.853$, is the same for total mortality as the appearance of skin cancer we have that

$$\frac{Q_x(\ )=2.41423\times}{2.41423\times+6.02793}$$

The level of x that results in a lifetime probability of skin cancer equal to 10^{-5} is found by solving $Q_x(\ )=10^{-5}$ for x giving $x=2.4969\times10^{-5}$ μg/liter or 0.025 μg/liter.

Under the assumption that the average consumption of water is two liters in both the U.S. and Taiwan we estimate a water criteria concentration of:

$$2(.025)=S(2+.0187\times 2.3)\ \text{or}$$

$$S=\frac{.05}{2.0430}=.02447$$

Where .0187 is the average fish consumption in kilograms and 2.3 is the bioaccummulation factor for fish (supplied by Don Mount of U.S. EPA).

A criterion for waterborne arsenic of .02 μg/l would thus insure a lifetime risk of cancer of less than 10^{-5}.

It is recognized that inorganic and organic compounds differ in terms of toxicity and likely in terms of carcinogenic potential. However, since the recommended level is to be based on carcinogenic potential and no information is available concerning the relationship(s) of specific arsenic species and cancer a single all inclusive limit must be set. Even if the data were available to permit separate standards, the level of development of the required analytical methodology is not sufficient to permit reliable and repeatable speciation measurements, a necessity before setting a standard.

For comparative purposes, the Stockinger and Woodward method was applied to the present and proposed airborne arsenic standards to compute comparable waterborne arsenic levels.

American Conference of Governmental Industrial Hygienists:

1. Existing Threshold Limit Value—Time Weighted Average—500μg/m³

$$\frac{500\ \mu g}{m^3}\times 10\ m^3\times\frac{5\ \text{days}}{\text{week}}\times 20\%\ \text{absorption}=5{,}000\ \mu g/\text{liter}$$

$$\frac{5000\ \mu g}{\text{week}}\times\frac{1\ \text{week}}{7\ \text{days}}\times\frac{1}{2\ \text{liters}}\times\frac{\text{Allowed}}{80\%\ \text{absorption}}=446\ \mu g/\text{liter}$$

Applying the recommended safety factor of 1/100 the comparable drinking water limit is 4.46 μg/liter.

Proposed Threshold Limit Value—Time Weighted Average —50μg/m³

$$\frac{50\ \mu g}{m^3}\times 10\ m^3\times\frac{5\ \text{days}}{\text{week}}\times 20\%\ \text{absorption}=500\ \mu g/\text{wk}$$

$$\frac{500\ \mu g}{\text{week}}\times\frac{1\ \text{week}}{7\ \text{days}}\times\frac{1}{2\ \text{liters}}\times\frac{\text{Allowed}}{80\%\ \text{absorption}}=44.6\ \mu g/\text{liter}$$

Applying the recommended safety factor of 1/100 the comparable drinking water limit is 0.45μg/liter.

Occupational Safety and Health Administration

1. Eight-hour average —10μg/m³

$$\frac{10\ \mu g}{m^3}\times 10\ m^3\times\frac{5\ \text{days}}{\text{week}}\times 20\%\ \text{absorption}=100\ \mu g/\text{week}$$

$$\frac{100\ \mu g}{\text{week}}\times\frac{1\ \text{week}}{7\ \text{days}}\times\frac{1}{2\ \text{liters}}\times\frac{\text{Allowed}}{80\%\ \text{absorption}}=8.93\ \mu g/\text{liter}$$

Applying the recommended safety factor of 1/100, the comparable drinking water limit is 0.08μg/liter.

Assuming that the absorption factors (air—20%, water—80%) and methods recommended by Stockinger and Woodward are reasonable and that the safety of 1/100 is appropriate, it is clear that the recommended water standard is even more restrictive than the air standards. The differences are likely due at least partially to variations in extrapolation methods and levels of acceptable risk.

It is of interest to see what cancer risk would be associated with an air exposure equivalent to the recommended criterion of .02μg/l. If we make the following assumptions:

(1) Total daily average absorbed arsenic from water is $.8\times.02(2\div.0267\times15)=.038\Delta\mu g$, where 80% is the absorption rate.

(2) The breathing rate is 1m³/hr and 20% of the arsenic is absorbed.

Concentration levels were derived assuming a lifetime exposure to various amounts of arsenic, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding arsenic concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding arsenic concentrations.

Although total exposure information for arsenic is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into ambient water quality criteria formulation until additional analysis can be made. The criteria presented, therefore, assumed an incremental risk from ambient water exposure only.

Then, the air concentration, X, required to obtain the same absorbed amount of arsenic is

$$.2\times24\times X=.0384\ \text{mg or}\ X=.008\mu g/m^3$$

From the 1978 U.S. Environmental Protection Agency document on the risk associated with airborne arsenic the lifetime cancer risk associated with $X\mu g/M^3$ of arsenic in the air is estimated to be

$$P=3.418\times10^{-3}X$$

If instead of basing our risk on the most sensitive study we use the geo-

metric mean of the three studies the lifetime cancer risk would be

$$P=1.95\times10^{-3}X$$

The risks associated with X=.008 are thus 2.73×10^{-5} and 1.56×10^{-5}. Thus if our water criterion was based on the geometric mean of the human epidemiological air studies it would be .013μg/l instead of .02μg/l, which is remarkably consistent result.

Criteria Summary:

Freshwater Aquatic Life

For benzene the criterion to protect freshwater aquatic life as derived using the Guidelines is 3,100μg/l as a 24-hour average and the concentration should not exceed 7,000μg/l at any time.

Saltwater Aquatic Life

The data base for saltwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for freshwater organisms.

For benzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 920μg/l as a 24-hour average and the concentration should not exceed 2,100μg/l at any time.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to benzene through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of benzene estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the criterion formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 15μg/l, 1.5μg/l, and 0.15μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration is the Final Acute Value of 7,000μg/l and the 24-hour average concentration is 0.44 times the Fial Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For benzene the criterion to protect freshwater aquatic life, as derived using the Guidelines, is 3,100μg/l expressed as a 24-hour average and the concentration should not exceed 7,000μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=7,000μg/l

Final Invertebrate Acute Value=8,200μg/l

Final Acute Value=7,000μg/l

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=greater than 19,000μg/l

Final Plant Value=530,000μg/l

Residue Limited Toxicant Concentration=not available

Final Chronic Value=greater than 19,000μg/l

0.44×Final Acute Value=3,100μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for benzene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, results obtained for benzene with freshwater organisms indicate how a criterion may be derived. For benzene and freshwater organisms the Final Chronic Value based on *Daphnia magna* is greater than 0.44 times the Final Acute Value. Therefore, it seems reasonable to derive a criterion for benzene and saltwater organisms using 0.44 times the Final Acute Value.

The maximum concentration is the Final Acute Value of 2,100μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration other than those noted earlier.

For benzene, the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 920μg/l as a 24-hour average and the concentration should not exceed 2,100μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=2,400μg/l

Final Invertebrate Acute Value=2,100μg/l

Final Acute Value=2,100μg/l

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=not available

Final Plant Value=20,000μg/l

Residue Limited Toxicant Concentration=not available

Final Chronic Value=20,000μg/l

0.44×Final Acute Value=920μg/l

Human Health

The Natl. Acad. Sci./Natl. Res. Coun. in its review of drinking water and health, concluded that existing animal and human data did not allow the establishment of limits for benzene in drinking water. This was because the animal results were not statistically significant and were based on non-oral administration of benzene. In addition, the occupational studies on human exposure did not contain adequate information on degree of exposure or size of the population at risk, and did not rule out exposure to other chemicals besides benzene.

Since the publication of the Natl. Acad. Sci./Natl. Res. Coun. report, epidemiological studies by Aksoy, Infante, et al. and Ott, et al. have appeared. These studies include information on degree of benzene exposure and size of the population at risk, and rule out exposure to solvents other than benzene. The U.S. EPA Carcinogen Assessment Group has made use of these three occupational studies to calculate a leukemia dose-response curve. The slope of this curve is 0.024074, in units of lifetime risk of leukemia per ppm exposure to benzene in air. Since 1 ppm is 3.25 mg/m³, and assuming a respiratory rate of about 24 m³/day, the benzene intake per individual at 1 ppm is:

$$(3.25\ \text{mg/m}^3)(24\text{m}^3/\text{day})=78\ \text{mg/day}$$

To calculate the benzene intake resulting in a lifetime risk of leukemia of 10^{-5}, one solves the following equation for x,

$$\frac{x}{10^{-5}}=\frac{78\ \text{mg/day}}{0.024074}$$

Resulting in 0.032 mg/day.

The U.S. EPA total exposure analysis indicates that the total body exposure may be as high as 1.1 mg/day of benzene. This was derived using estimates which have varying degrees of support in terms of hard data. The specific use of the total exposure estimates for calculation of water criterion does not seem warranted at this particular time because of a general lack of knowledge about the accuracy of the estimates. It can be said, however, that from a general weight of evidence perspective, it appears that air exposure may contribute the majority of total exposure.

The total exposure consideration should be factored into the criterion development at a later date when additional data is available.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Benzene is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of benzene in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of benzene corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6}, 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish.[2]	0	0.15	1.5	15
Consumption of fish and shellfish only.	0	2.5	25	250

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the human epidemiology data presented in the Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentration corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Six percent of the benzene exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 6.9 fold. The remaining 94 percent of benzene exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of benzene, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding benzene concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding benzene concentrations.

Although total exposure information for benzene is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into ambient water quality criteria formulation until additional analysis can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

Three epidomiology studies of workers exposed to benzene vapors on their jobs, performed by Infante, Ott, and Askoy, were reviewed by the CAG for the Office of Air Quality Planning and Standards. (Albert, 1978).[1] Their result was that the potency for humans breathing benzene continuously is B=0.02407. This means that the lifetime risk of getting leukemia, R, equals 0.024074 times the lifetime average continuous exposure, X, measured as ppm of benzene by volume in air, or R=BX. Therefore the air concentration, X, resulting in a risk of 10^{-5} is $X=R/B=10^{-5}/.024074=4.1539\times10^{-4}$ ppm.

Since the air concentration corresponding to 1 ppm of benzene is 3.25×10^{3} μg/m³ and since people breathe an average of 24 m³/day of air, the daily intake that would result in a risk of 10^{-5} is:

$$4.154\times10^{-4}\text{ ppm}\times3.25\times10^{3}\text{ mg/m}^3\text{ per ppm}\times24\text{ m}^3\text{/day}=32.4\mu\text{g/day}$$

If it is assumed that the fraction of benzene intake reaching the target site is the same via inhalation and ingestion of water and fish, a daily benzene intake of 32.4 μg through drinking water and fish alone would also cause a leukemia risk of 10^{-5}. The water concentration giving this intake is:

$$C=(32.4\mu\text{g/day})/(2+6.9)\,(0.0187)$$
$$=15.22\mu\text{g/l}$$
$$=15\mu\text{g/l}$$

BERYLLIUM

Criteria Summary:

Freshwater Aquatic Life

For beryllium the criterion to protect freshwater aquatic life as derived using the Guidelines is "$e^{(1.24\cdot1n\,(hardness)-6.65)}$" as the 24-hour average concentration (see the figure "24-hour average beryllium concentration vs. hardness") and the concentration should not exceed "$e^{(1.24\cdot1n\,(hardness)-1.46)}$" (see the figure "maximum beryllium concentration vs. hardness") at any time.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for beryllium can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to beryllium through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of beryllium estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formula-

[1] Albert, R. 1978. Carcinogen Assessment Group's final report on the population risk to ambient benzene exposures. September 12, 1978.

tion section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 0.087μg/1, 0.0087μg/1, and 0.00087μg/1, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of beryllium is the Final Acute Value of $e^{(1.24 \cdot 1n(hardness) - 1.46)}$ and the 24-hour average concentration is the Final Chronic Value of $e^{(1.24 \cdot 1n(hardness) - 6.65)}$. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For beryllium the criterion to protect freshwater aquatic life as derived using the Guidelines is "$e^{(1.24 \cdot 1n(hardness) - 6.65)}$" as a 24-hour average and the concentration should not exceed "$e^{(1.24 \cdot 1n(hardness) - 1.46)}$ at any time.

Summary of Available Data

All concentrations herein are expressed in terms of beryllium.

Final Fish Acute Value=$e^{(1.24 \cdot 1n(hardness) + 0.55)}$

Final Invertebrate Acute Value=$e^{(1.24 \cdot 1n(hardness) - 1.46)}$

Final Acute Value=$e^{(1.24 \cdot 1n(hardness) - 1.46)}$

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=$e^{(1.24 \cdot 1n(hardness) - 6.65)}$

Final Plant Value=100,000μg/1

Residue Limited Toxicant Concentration=not available

Final Chronic Value=$e^{(1.24 \cdot 1n(hardness) - 6.65)}$

Saltwater Aquatic Life

No saltwater criterion can be derived for beryllium using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

Reduced alkaline phosphatase activity in the mummichog has been reported. Gross embryonic effects were observed in the sea urchin at a concentration of 9,010 μg/l. No other data on the effects of beryllium on saltwater species are available.

Human Health

Experiments have shown cancer by beryllium can be experimentally produced in laboratory animals. As can be seen in Talbes 1 and 2, cancer has been produced by inhalation, intratracheal instillation, and intravenous injection of beryllium. Beryllium chloride has been shown to increase the error frequency of nucleotide base incorporation into DNA in an *in vitro* assay designed to detect potential metal mutagen/carcinogens. Finally, evidence is accumulating that inhalation of beryllium may cause lung cancer in humans.

Epidemiological studies have failed to establish an incontrovertible link between beryllium exposure and human cancer, and cancer was not produced in one experimental that, 2) we are relying on the Schroeder and Mitchener study because it is the only available data for oral ingestion from which a concentration range can be calculated. To extrapolate from the Be studies where the route of administration was by injection would yield a lower, and, we believe, less valid number for oral ingestion.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Beryllium is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of beryllium in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of beryllium corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the Table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria[1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish.[2]	0	0.00087	0.0087	0.087
Consumption of fish and shellfish only.	0	0.0056	0.056	0.56

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Appendix I. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1000, and so forth.

[2] 15 percent of the beryllium exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 19 fold. The remaining 85 percent of beryllium exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of beryllium, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding beryllium concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding beryllium concentrations. Because data indicating other sources of beryllium exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect the incremental risks associated with the indicated routes only.

Summary of Pertinent Data

Although beryllium was shown to produce bone osteosarcomas at an extremely low dose via intravenous injection, the experiments of Schroeder and Mitchener (1975)[1] on rats and mice at 5 ppm in drinking water induced no observed carcinogenic response, except for a small statistically insignificant excess rate of "lymphoma leukemias" in female mice and in grossly observed tumors of all sites in male rats. The small absorption from the gastrointestinal tract is presumably the reason for the lack of significant effect. If beryllium is carcinogenic via ingestion it must be less potent than observed by Schroeder and Mitchener. Therefore, that experiment can be used to estimate the maximum risk that beryllium could pose, or equivalently, the lowest concentration which leads to a 10^{-5} lifetime risk.

In the male rats given 5 ppm in the drinking water, nine out of 33 treated animals had grossly observed tumors of some type, whereas four out of 26 controls had tumors. With a bioaccumulation factor of 1.0, the parameters of the extrapolation model are:

$n_t=9$
$N_t=33$
$n_c=4$
$N_c=26$
Le=1126 days
le=1126 days
d=5 ppm×0.05=0.25 mg/kg/day
L=1126 days
w=0.385 kg
R=19.0

The result is that the water concentration does not need to get any lower than 0.087 micrograms per liter in order to keep the lifetime risk below 10^{-5}.

CADMIUM

Criteria Summary:

Freshwater Aquatic Life

For cadmium the criterion to protect freshwater aquatic life as derived using the Guidelines is $e^{(0.87\ \ln(\text{hardness})-4.38)}$ as a 24-hour average. Cadmium concentration should not exceed $e^{(1.30\ \ln(\text{hardness})-3.92)}$ at any time.

Saltwater Aquatic Life

For cadmium the criterion to protect saltwater aquatic life as derived using the Guidelines is 1.0 μg/l as a 24-hour average and the concentration should not exceed 16 μg/l at any time.

Human Health

For the protection of human health from the toxic properties of cadmium ingested through water and through contaminated aquatic organisms, the ambient water criterion is determined to be 10μg/l.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of cadmium is the Final Acute Value of $e^{(1.30\cdot\ln(\text{hardness})-3.92)}$ and the 24-hour average concentration is the Final Chronic Value of $e^{(0.867\cdot\ln(\text{hardness})-4.38)}$. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For cadmium the criterion to protect freshwater aquatic life as derived using the Guidelines is "$e^{(.867\cdot\ln(\text{hardness})-4.38)}$" as a 24-hour average (see the figure "24-hour average cadmium concentration vs. hardness") and the concentration should not exceed "$e^{(1.30\cdot\ln(\text{hardness})-3.92)}$" (see the figure "maximum cadmium concentration vs. hardness") at any time.

Summary of Available Data

Final Fish Acute Value=$e^{(1.30\cdot\ln(\text{hardness})-3.92)}$
Final Invertebrate Acute Value=$e^{(1.30\cdot\ln(\text{hardness})-1.57}$
Final Acute=$e^{(1.30\cdot(\text{hardness})-3.92}$
Final Fish Chronic Value=$e^{(0.867\cdot\ln(\text{hardness})-3.70)}$
Final Invertebrate Chronic Value=$e^{(0.867\cdot\ln(\text{hardness})-4.38)}$
Final Chronic Value=(0.867·ln (hardness)−4.38)
Final Plant Value=2μg/l
Residue Limited Toxicant Concentration=39μg/l

Saltwater Aquatic Life

The maximum concentration of cadmium is the Final Acute Value of 16μg/l and the 24-hour average concentration is the Final Chronic Value of 1.0μg/l. No important adverse effects on saltwater organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For cadmium the criterion to protect saltwater aquatic life as derived using the Guidelines is 1.0μg/l as a 24-hour average and the concentration should not exceed 16μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of cadmium.

Final Fish Acute Value=3,000μg/l
Final Invertebrate Acute Value=16μg/l
Final Acute Value=16μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=1.0μg/l
Final Plant Value=160μg/l
Residue Limited Toxicant Concentration=140μg/l
Final Chronic Value=I.0μg/l
0.44×Final Acute Value=7.0μg/l

Human Health

There is no doubt that cadmium is a teratogen in several rodent species when given in large parenteral doses. Doses of this magnitude (4–12 mg/Kg) would surely produce severe, if not fatal toxic symptoms in man. In the human only small amounts of cadmium cross the placental barrier.

Only one report, from Russia suggests any effect, i.e. low birth weight and "several children with rickets or dental trouble." Details are lacking in this report and it should not be construed as implicating cadmium without further data.

The studies of whether cadmium is mutagenic are inconsistent. The reports of chromosomal aberrations in both Itai-Itai patients and cadmium workers are conflicting. Dominant lethal studies have been negative as are tests for spermatocytic chromosome aberrations in male mice and their first-generation offspring. Studies of mutagenic activity in non-mammalian life forms have given inconsistent results.

There is no question that the injection of cadmium into rodents results in injection-site sarcomas and interstitial cell tumors of the testis. Sarcoma production in rats is a common sequela to the injection of irritants and could be regarded as a non-specific response to fibroblast injury. Interstitial tumors apear to result from the hy-

[1] Schroeder, H.A., and M. Mitchener. 1975. Life-term studies in rats: Effects of aluminum, barium, beryllium, and tungsten. Jour. Nutr. 105:420.

perplasia and metaplasia of tissue regeneration following vascular mediated testicular damage. There is no evidence that these tumors are malignant neoplasms, however, this does not refute the tumorogenic potential of cadmium.

The human evidence for the carcinogenicity of cadmium is conjectural, based on very small numbers, and confounded by exposures to other elements which are known to be human carcinogens. The reports on British battery workers and the work of Lemen, et al. suggest an increase in prostrate and lung cancer. These men were also exposed to nickel and/or arsenic, but in amounts of 1/100's-2/200's of cadmium exposure level. Kolonel's work confirmed neither of these sites, but suggested an association with renal cancer. This work is inadequate in that it assures an exposure to cadmium based upon an occupational questionnaire. There have been *no* case reports of renal cancer in known cadmium-exposed workers. Cigarette smoking would appear to have a firmer association with renal neoplasia, rather than cadium. The geographic distribution of prostate cancer (Japan, Sweden, USA) suggests that an *inverse* relationship exists to cadmium exposure. From the known mortality study data cited it might be argued that cadmium exposure reduces general mortality or is a potent protective factor against cardiovascular disease. The case for cadmium as a carcinogen is not persuasive when the existing data are critically reviewed, but it has been viewed by some as suggestive from the public health perspective.

It is not recommended that cadmium be considered a suspect human carcinogen for purposes of calculating a water quality criterion. However, the weight of evidence for oncogenic potential of cadmium is sufficient to be "qualitatively suggestive" and is not to be ignored from a public health point of view. The EPA Carcinogen Assessment Group has reviewed cadmium and their summary is included in the Appendices of this document.

The criterion is based on established health effects. The data implicating cadmium as a cause of emphysema and renal tubular proteinuria is firmly established. Emphysema has been reported only after airborne exposures and has been documented for both man and animals. It would seem to result from a direct effect upon lung tissue of which cadmium salts are known irritants.

There is evidence from occupational studies that the kidney is more sensitive to the effects of cadmium than the lung. In exposed workers proteinuria occurs in higher incidence and in a shorter time period than emphysema. It seems entirely justified to conclude that the kidney is the critical target organ.

It is generally accepted that the critical cadmium level at which renal dysfunction occurs is approximately 200 $\mu g/g$ wet weight of renal cortex. Autopsy studies indicate that at present the average kidney concentration in non-smokers is approximately one-twelfth this level. In smokers the concentration is about twice as high, i.e. 30–39$\mu g/g$.

Friberg has estimated that the critical level is reached at daily ingestion levels of 250–350μg per day over 50 years. Since the average, non-occupationally exposed American probably does not have an intake from all sources exceeding 25–50μg there would again seem to be a reasonable "safety-factor" of 5 to 12 in existence. While this is not the comfortable margin or many orders of magnitude usually recommended by toxicologists it should provide a margin of "safety" to the general public for the foreseeable future.

NIOSH recommends that workers should not be exposed to airborne cadmium at a concentration greater than 40$\mu g/m^3$ as a time weighted exposure for up to a 40 hour work week. This standard is designed to protect the health and safety of workers over an entire working life time. Compliance should prevent adverse effects on the health of the worker. Several studies have indicated no adverse effects at levels of 31 and 16–29$\mu g/m^3$.

Effects of renal function (proteinuria) and a reduction in mean pulmonary function have been noted at levels of 66$\mu g/m^3$ although some of these workers probably had experienced exposure, at least intermittently to cadmium fur at higher, but unkown concentrations. The limit of 40$\mu g/m^3$ offers a greater, and "probably sufficient margin of safety, in comparison with the 50$\mu g/m^3$ recommended by ACGIH and Lauwerys, et al.

From the figure 40$\mu g/m^3$ it can be calculated that a worker might absorb about a 1000 μg during a work week, i.e. 40$\mu g/m^3 \times 10 m^3$ inhaled/day 5 days 0.5 (lung absorption rate). This is approximately 286μg/day intake and 143μg/day absorbed. To this the average daily intake from food and general environmental sources can be added, i.e. 10–50μg. This suggests that an exposed worker may have an approximate intake of 300 μg/d and still be safe. However, a healthy worker may not be representative of the American population as a whole.

From Japanese dietary intake data where Itai-Itai disease is prevalent, and studies on the age-specific incidence of proteinuria, it is possible to estimate a no-effect level for ingested cadmium. In areas where Itai-Itai disease is most common, about 85 percent of the daily cadmium intake is derived from rice, the locally grown grain staple.

Nogawa, et al. have shown that the prevalence of tubular proteinuria, as measured by retinol binding protein excretion, in persons under age 70 does not begin to rise above that seen in control populations until the cadmium levels in rice exceed 0.40–0.49μg/gm. The Japanese diet in the area of endemic Itai-Itai disease and even in the homes of patients with the disease are precisely known.

Approximately 2100 calories are consumed daily, with carbohydrate accounting for about 1725 calories daily, which is equivalent to the ingestion of 430 gm/d. The no-effect level for Japanese can be calculated as follows:

$$\frac{430 \text{ gm/d.} \times 0.45 \mu g/\text{gm (rice)}}{0.85} = 228 \mu g/\text{day}$$

This Japanese figure is slightly below the estimate of 250μg/day given by Friberg as an effect level. The no-effect level for a western European or American population with correspondingly larger body size would be expected to be somewhat greater (i.e., 301μg/day).

The Working Group of Experts for the Commission of European Communities has estimated that the threshold effect level of cadmium by ingestion at around 200μg daily corresponding to an actual absorption of 12μg/day. For smokers this estimate is reduced by about 1.0μg to 10.1μg which corresponds to an oral intake of 169μg. Using a second approach based on metabolic modeling of the above type, this same group derived a threshold effect level of 248μg daily when pulmonary absorption is negligible.

Using the data presented in this and preceeding sections of the document, it is possible to construct several exposure scenarios encompassing possible best-to-worse case exposure situations that might be domestically encountered:

WORST CASE—MAXIMALLY EXPOSED PERSONS

Exposure sources	Exposure	Cd intake/d (μg)	Absorption factor*	Cd retention/d (μg)
Air-Occupational	*0.1 mg/m³.	714.0	0.5	357.0
Air-Ambient	400 μg/m³...	8.0	0.5	4.0
Air-Smoking (three packs)	3.0 μg/pack	9.0	0.5	4.5
Foods	.....	**75.0	0.1	7.5
Drinking Water	***10 μg/l...	20.0	0.1	2.0
Total	.....	826.0	.....	375.0

AVERAGE CASE

Air-Ambient	0.03 μg/m³..	0.60	0.25	0.150
Air-Smoking (one pack)	3.0 μg/pack	3.00	0.25	0.750
Food	.....	30.00	0.05	1.500
Drinking Water	1.3 μg/l.....	2.60	0.05	0.130
Total	.....	36.20	.....	2.530

BEST CASE—MINIMALLY EXPOSED PERSONS

Air-Ambient	0.001 μg/m³	0.02	0.25	0.005
Food	.....	12.00	0.05	0.600
Water	*0.5 μg/l	1.00	0.05	0.050
Total	.....	13.02	.....	0.655

* Average for both sexes excluding drinking water.
* These absorption factors are considered to be the most realistic available.

From these scenarios it can be calculated that ingested water contributes relatively little to the daily retained cadmium entering the body i.e., 0.53, 5.1, and 7.6 percent respectively for the worst, average, and best cases. Water could become a significant contributor to all over cadmium intake and retention only if the scenarios are reconstructed by substituting the worst case water data for that in the average and best cases. However, even in the very unlikely event that such situations occur the total cadmium intake and retention remain comparatively modest i.e., 53.6μg/d intake and 4.4μg/d retained in the average case. The totals for the best case substitution are substantially less i.e., 32.02 μg/d intake and 2.605μg/d retention. Therefore, it may be concluded that there are no circumstances in which ambient waters meeting current drinking water standards pose a threat to human health.

Based on the foregoing data and discussion it seems entirely justifiable to conclude that water constitutes only a relatively minor portion of man's daily cadmium intake. From the above analysis it is obvious (average case scenario) that drinking water contributes substantially less to human cadmium intake and/or retention than smoking a package of cigarettes daily. From this analysis it appears that a water criterion needs to be more stringent than the existing Primary Drinking Water Standard (10μg/l) to provide ample protection of human health.

CARBON TETRACHLORIDE

Criteria Summary:

Freshwater Aquatic Life

For carbon tetrachloride, the criterion to protect freshwater aquatic life, as derived using procedures other than the guidelines, is 620μg/l as a 24-hour average and the concentration should never exceed 1,400μg/l at any time.

Saltwater Aquatic Life

For carbon tetrachloride, the criterion to protect saltwater aquatic life, as derived using procedures other than guidelines, is 2,000μg/l as a 24-hour average and the concentration should never exceed 4,600μg/l at any time.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to carbon tetrachloride through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of carbon tetrachloride estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 2.6μg/l, 0.26μg/l, and 0.026μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

No freshwater criterion can be derived for carbon tetrachloride using the Guidelines because no Final Chronic Value for either fish or invertebrates or a good substitute for either value is available.

However, results obtained with structurally similar compounds indicate how a criterion may be estimated.

The Final Chronic Value for chloroform and freshwater organisms, based on an invertebrate species, is about the same as 0.44 times the Final Acute Value. The Final Chronic Value for bromoform and saltwater organisms, based on a fish species, is greater than 0.44 times the Final Acute Value. Therefore, it seems reasonable to estimate a criterion for carbon tetrachloride and freshwater organisms using 0.44 times the Final Acute Value.

To estimate a criterion for carbon tetrachloride, the maximum concentration is the Final Acute Value of 1,400μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For carbon tetrachloride, the criterion to protect freshwater aquatic life, as derived using procedures othe than the Guidelines, is 620μg/l as a 24-hour average and the concentration should never exceed 1,400μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=8,200μg/l

Final Invertebrate Acute Value =1,400μg/l

Final Acute Value=1,400μg/l

Final Fish Chronic Value=greater than 250μg/l

Final Invertebrate Chronic Value =not available

Final Plant Value=not available

Residue Limited Toxicant Concentration=not available

Final Chronic Value=greater than 250μg/l

0.44×Final Value=620μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for carbon tetrachloride using the Guidelines because no Final Chronic Value for either fish or invertebrates or a good substitute for either value is available.

However, results obtained with carbon tetrachloride and structurally similar compounds with freshwater and saltwater organisms indicate how a criterion may be derived.

The Final Invertebrate Acute Value divided by the Final Fish Acute Value for bromoform and methylene chloride with freshwater and saltwater organisms and for chloroform and carbon tetrachloride with freshwater organisms is 0.46, 0.29, 0.16, 0.090, 0.11, and 0.17 respectively, for an average of 0.21. When this is multiplied by the Final Acute Value for carbon tetrachloride and saltwater fish, an estimated Final Invertebrate Acute Value of 0.21×22,000μg/l=4,600μg/l is obtained. Thus the Final Acute Value for carbon tetrachloride is 4,600μg/l.

The Final Chronic Value for chloroform and freshwater organisms is about the same as 0.44 times the Final Acute Value, and the Final Chronic Value for bromoform and saltwater organisms is greater than 0.44 times the Final Acute Value, even though a chronic value is available for fish or invertebrate species in both cases. Therefore, it seems reasonable to estimate a criterion for carbon tetrachloride and saltwater organisms using 0.44 times the Final Acute Value which for carbon tetracholoride is 2,000μg/l.

To estimate a criterion for carbon tetrachloride, the maximum concentration is the Final Actue Value of 4,600μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For carbon tetrachloride, the criterion to protect saltwater aquatic life, as derived using procedures other than the Guildelines, is 2,000μg/l as a 24-hour average and the concentration should never exceed 4,600μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=22,000μg/l

Final Invertebrate Acute Value=not available

Final Acute Value=22,000μg/l

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value =not available

Final Plant Value=not available

Residue Limited Toxicant Concentration=not available

Final Chronic Value=not available

0.44×Final Acute Value=9,700μg/l

Human Health

Studies indicate that CCl_4 has a full spectrum of toxic effects. Historically, industral and accidental exposures to CCl_4 by ingestion, inhalation and dermal routes have produced acute, subacute and chronic poisoning with fatalities. Generally speaking, acute toxicity for both man and animals can be characterized as nodular hyperplasia and cirrhosis of the liver and renal dysfunction. Mutagenic effects have not been observed and teratogenic effects have not been conclusively demonstrated.

The most significant effect to consider in terms of dose/response is the cancer causing potential of the chemical. Current knowledge leads to the conslusion that carcinogenesis is a non-threshold, non-reversible process. The non-threshold concept implies that many tumors will be produced at high doses, but any dose, no matter how small, will have the probability of causing cancer. Even small carcinogenic risks have a serious impact on society when the exposed population is large, because it is likely that some cancers will be caused by exposure to CCl_4. The nonreversible concept implies that once the tumor growth process has started, growth will continue and may metastasize and involve other organs until death ensues.

There is a sufficient weight of evidence to conclude that CCl_4 is a carcinogen in laboratory animals and with appropriate assumptions is interpreted to be a suspect human carcinogen.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Carbon tetrachloride is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the appropriate concentration of carbon tetrachloride in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of carbon tetrachloride corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish.[2]	0	0.026	0.26	2.6
Consumption of fish and shellfish only	0	0.067	0.67	6.7

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Approximately 39 percent of the carbon tetrachloride exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 69 fold. The remaining 61 percent of carbon tetrachloride exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of carbon tetrachloride (1) occurring from consumption of both drinking water and aquatic life grown in waters containing the corresponding carbon tetrachloride concentrations and (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding carbon tetrachloride concentrations. Although total exposure information for carbon tetrachloride is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into ambient water quality criteria formulation until additional analysis can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

CHLORDANE

Criteria Summary:

Freshwater Aquatic Life

For chlordane the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.024μg/l as a 24-hour average and the concentration should not exceed 0.36μg/l at any time.

Saltwater Aquatic Life

For chlordane the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.0091μg/l as a 24-hour average and the concentration should not exceed 0.18μg/l at any time.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to chlordane through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of chlordane estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 1.2 μg/l, 0.12 μg/l, and 0.012 μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of chlordane is the Final Acute Value of 0.36μg/l and the 24-hour average concentration is the Final Chronic Value of 0.024μg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For chlordane the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.024μg/l as a 24-hour average and the concentration should not exceed 0.36μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=16μg/l

Final Invertebrate Acute Value=0.36μg/l

Final Acute Value=0.36μg/l

Final Fish Chronic Value=0.24μg/l

Final Invertebrate Chronic Value=3.2μg/l

Final Plant Value=not available

Residue Limited Toxicant Concentration=0.024μg/l

Final Chronic Value=0.024μg/l

0.44×Final Acute Value=0.16μg/l

Saltwater Aquatic Life

The maxium concentration of chlordane is the Final Acute Value of 0.18μg/l and the 24-hour average concentration is the Final Chronic Value of 0.0091μg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For chlordane the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.0091μg/l as a 24-hour average and the concentration should not exceed 0.18μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=3.2μg/l

Final Invertebrate Acute Value=0.18μg/l

Final Acute Value=0.18μg/l

Final Fish Chronic Value=0.28μg/l

Final Invertebrate Chronic Value=not available

Final Plant Value=1,000μg/l

Residue Limited Toxicant Concentration=0.0091μg/l

Final Chronic Value=0.0091μg/l

0.44 × Final Acute Value=0.79μg/l

Human Health

Several approaches are available to estimate a criterion level for chlordane in ambient water. Using the Food and Agricultural Organization/World Health Organization value of 0.001 mg/kg of body weight as the maxium daily human intake, and assuming an average body weight of 70 kg, the allowable intake would be 70μg/day. Further, subtracting Nisbet's value of 9μg as the daily intake from fish, shellfish, milk, inhalation, etc., and assuming that the contribution from drinking water is a negligible part of this value, the ambient water criterion becomes 61μg/day. At 2 liters per day consumption, the maximum allowable concentration would be 30μg/l.

The proposed U.S. EPA drinking water regulations the Canadian standards, and the National Technical Advi-

sory Committee all suggest a chlordane limit of 3μg/l for drinking water. The latter report specifically indicates that the water treatment process has little effect on chlordane.

Although there are limitations to the procedure, the industrial inhalation exposure limit of the American Conference of Governmental Industrial Hygienists may be converted to a limit for ingestion. Assuming absorption via the GI tract for chlordane is one-fifth the absorption by inhalation:

$$0.5\ \text{mg} \times 10\ \text{m}^3 \times 1\ \text{workday} \times 5\text{d work week} \times 1 = 0.7\ \text{mg/day}$$

Consumption of 2 liters of water daily and the consumption of 18.7 grams of contaminated fish which have a bioconcentration factor of 5,500 result in a maximum permissible concentration of 6.7μg/l for the ingested water.

The use of inhalation data assumes an 8-hour day, time-weighted average occupational exposure in the working place with workers inhaling the toxic substance throughout such a period. Exposures for the general population should be considerably less. Such worker-exposure inhalation standards are inappropriate for the general population since they presume an exposure limited to an 8-hour day, an age bracket of the population that excludes the very young and the very old, and a healthy worker prior to exposure. Ingestion data is superior to inhalation data when the risks associated with the food and water of the water environment are being considered.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities". Chlordane is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of chlordane in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of chlordane corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, $^{-6}$, or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7} (μg/l)	10^{-6} (μg/l)	10^{-5} (μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]	0	0.012	0.12	1.2
Consumption of fish and shellfish only	0	0.013	0.13	1.3

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in the Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] 98 percent of the chlordane exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 5,500-fold. The remaining 2 percent of chlordane exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of chlordane, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding chlordane concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding chlordane concentrations. Because data indicating other sources of chlordane exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect the incremental risks associated with the indicated routes only.

Summary of Pertinent Data

The IRDC lifetime study of chlordane at 25 ppm in the diet of CD-1 mice resulted in liver carcinomas in males in 41 of 52 treated mice and in 3 of 33 controls, according to a re-analysis of slides by Dr. Reuber (CAG report). Using a fish bioconcentration factor of 5,500 the water concentration estimated to result in a lifetime risk of 10^{-5} is calculated from the extrapolation model using the following parameters:

$n_t = 41$
$N_t = 52$
$n_c = 3$
$N_c = 33$
$Le = 78$ weeks
$le = 78$ weeks
$d = 25 \times 10^{-6} \times 0.13 \times 10^{-6}$ mg food per day/kg body weight = 3.25 mg/kg/day
$w = 0.041$ kg
$L = 78$ weeks
$F = 0.0187$ kg
$R = 5{,}500$

The result is that the water concentration corresponding to a lifetime risk of 10^{-5} is 1.2 nanograms/liter.

CHLORINATED NAPHTHALENES

Criteria Summary:

Freshwater Aquatic Life

For 1-chloronaphthalene, the criterion to protect freshwater aquatic life, as derived using procedures other than the Guidelines, is 29μg/l as a 24-hour average and the concentration should never exceed 67μg/l at any time.

Saltwater Aquatic Life

For 1-chloronaphthalene, the criterion to protect saltwater aquatic life, as derived using the Guidelines, is

2.8μg/l as a 24-hour average and the concentration should never exceed 6.4μg/l at any time.

Human Health

For the protection of human health from the toxic properties of chlorinated naphthalenes ingested through water and through contaminated aquatic organisms, the ambient water criteria for the various classes of chlorinated naphthalenes are:

	Criterion level (μg/l)
Trichloronaphthalenes	3.9
Tetrachloronaphthalenes	1.5
Pentachloronaphthalenes	0.39
Hexachloronaphthalenes	0.15
Octachloronaphthalene	0.08

Basis for the Criteria:

Freshwater Aquatic Life

No freshwater criterion can be derived for any chlorinated naphthalene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

Data for 1-chloronaphthalene and saltwater organisms can be used to estimated a criterion.

For 1-chloronaphthalene and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from results of an embryo-larval test with the sheepshead minnow. Therefore, a reasonable estimate of a criterion for 1-chloronaphthalene and freshwater organisms would be 0.44 times the Final Acute Value.

The maximum concentration for 1-chloronaphthalene is the Final Acute Value of 67μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1-chloronaphthalene the criterion to protect freshwater aquatic life as drived using procedures other than the Guidelines is 29μg/l as a 24-hour average and the concentration should not exceed 67μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1-chloronaphthalene

Final Fish Acute Value=320μg/l
Final Invertebrate Acute Value=67μg/l
Final Acute Value=67μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=1,000μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=1,000μg/l
0.44 × Final Acute Value=29μg/l

Saltwater Aquatic Life

The commercial mixtures of chlorinated naphthalenes are not considered in the development of a criterion since the toxicity of each chlorinated naphthalene in the mixtures may be different, and different proportions of these individual chemicals would have different toxicity.

The maximum concentration of 1-chloronaphthalene is the Final Acute Value of 6.4μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1-chloronaphthalene the criterion to protect saltwater aquatic life as derived using the Guidelines is 2.8μg/l as a 24-hour average and the concentration should not exceed 6.4μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1-chloronaphthalene

Final Fish Acute Value=350μg/l
Final Invertebrate Acute Value=6.4μg/l
Final Acute Value=6.4μg/l
Final Fish Chronic Value=49μg/l
Final Invertebrate Chronic Value=not available
Final Plant Value=1,100μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=49μg/l
0.44 × Final Acute Value=2.8μg/l

Human Health

There are insufficient animal toxicity data available on which to base a criterion for polychlorinated naphthalenes. However, industrial exposure to vapors of polychlorinated naphthalenes has resulted in systemic toxicity, and this toxicity is the basis for the present ACGIH [1] threshold limit values (TLV). Such a TLV can be used as a basis for developing water criteria for polychlorinated naphthalenes. It is recognized that the ACGIH TLVs apply primarily to normal adult working males and do not incorporate safety factors for sensitive populations. In order to provide a reasonable margin of safety, calculation of an acceptable concentration of polychlorinated naphthalenes in drinking water as proposed by the Stokinger and Woodward model should include a safety factor of 100 as illustrated below:

$$\frac{\text{TLV (mg/m}^3) \cdot 50\ \text{m}^3\text{/wk}}{7\ \text{days/wk} \cdot 100} = \text{acceptable intake (mg/day)}$$

where

50 m^3/wk=average amount of air inhaled by a normal adult in a 40 hour work week;
7 days/wk=conversion factor for daily intake;
100=safety factor for sensitive populations.

Since no pharmacokinetic data are available to compare absorption efficiency by the inhalation route versus the oral route, it is assumed that absorption efficiency is the same by either route.

Using the ACGIH TLV levels, the acceptable daily intakes for polychlorinated naphthalenes would be as follows:

	Acceptable daily intake (mg)
Trichloronapthalenes	0.36
Tetrachloronaphthalenes	0.14
Pentachloronaphthalenes	0.036
Hexachloronaphthalenes	0.014
Octachloronaphthalene	0.007

Assuming an average intake of 18.7 g of fish per day with a biomagnification factor of 4,800 for edible portions of aquatic species as derived in the Exposure section, and a water intake of 2 1/day, then criteria levels for the above polychlorinated naphthalenes in water would be as follows:

	Criterion level (μg/l)
Trichloronaphthalenes	3.9
Tetrachloronaphthalenes	1.5
Pentachloronaphthalenes	0.39
Hexachloronaphthalenes	0.15
Octachloronaphthalene	0.08

CHLOROFORM

Criteria Summary:

Freshwater Aquatic Life

For chloroform, the criterion to protect freshwater aquatic life, as derived using the Guidelines, is 500μg/l as a 24-hour average and the concentration should never exceed 1,200μg/l at any time.

[1] American Conference of Governmental Industrial Hygienists. 1977. TLVs Threshold Limit Values for chemcial substances and physical agents in the workroom environment with intended changes. Cincinnati, Ohio.

Saltwater Aquatic Life

For chloroform, the criterion to protect saltwater aquatic life, as derived using procedures other than the Guidelines, is 620μg/l as a 24-hour average and the concentration should never exceed 1,400μg/l at any time.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to chloroform through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of chloroform estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 2.1μg/l, 0.21μg/l, and 0.021μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of chloroform is the Final Acute Value of 1,200μg/l and the 24-hour average concentration is the Final Chronic Value of 500μg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For chloroform the criterion to protect freshwater aquatic life as derived using the Guidelines is 500μg/l as a 24-hour average and the concentration should not exceed 1,200μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=11,000μg/l

Fish Invertebrate Acute Value=1,200μg/l

Final Acute Value=1,200μg/l

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=500μg/l

Final Plant Value=not available

Residue Limited Toxicant Concentration=not available

Final Chronic Value=500μg/l

0.44× Final Acute Value=530μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for chloroform using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

Results obtained for chloroform with freshwater organisms and for structurally similar compounds with both freshwater and saltwater organisms provide an alternate method to estimate a criterion.

With freshwater organisms the Final Chronic Value derived from data for *Daphnia magna* for chloroform is about the same as 0.44 times the Final Acute Value; and with saltwater organisms the Final Chronic Value for structurally similar bromoform is greater than 0.44 times the Final Acute Value. Therefore, 0.44 times the Final Acute Value is the best estimate of the 24-hour average concentration.

In regard to acute toxicity, freshwater fish are less sensitive than invertebrates species based upon the Final Fish and Final Invertebrate Acute Values. The same is true for two other halomethanes—bromoform and methylene chloride. For freshwater organisms and carbon tetrachloride, a similar relationship exists. Therefore, the absence of acute data for fish is not constraining and the Final Invertebrate Acute value of 1,400μg/l is used as an estimate for the Final Acute Value. Furthermore, 0.44 times the Final Acute Value is 620μg/l, which becomes an estimate of the criterion for the 24-hour average concentration.

For chloroform the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 620μg/l as a 24-hour average and the concentration should not exceed 1,400μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=not available

Final Invertebrate Acute Value=1,400μg/l

Final Acute Value=1,400μg/l

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=not available

Final Plant Value=not available

Residue Limited Toxicant Concentration=not available

Final Chronic Value=not available

0.44×Final Acute Value=620μg/l

Human Health

Chloroform has several adverse effects on the human body. Safe levels of chloroform in water necessary to avoid some of these effects would be difficult to establish because adequate studies have not been conducted. The most serious effect to consider is the cancer-causing potential of the chemical. Current knowledge leads to the conclusion that carcinogenesis is a non-threshold, nonreversible process. The non-threshold concept implies that many tumors will be produced at high doses, but any dose, no matter how small, will have the probability of causing cancer. Even small carcinogenic risks have a serious impact on society when the exposed population is large, because it is likely that some cancers will be caused by chloroform. The nonreversible concept implies that once the tumor growth process has started, growth will continue and may metastasize and involve other organs until death ensues.

Chloroform has been shown to induce cancer in two species of experimental animals. This conclusion is neither confirmed nor denied by the results of numerous epidemiology studies now available although from a public health point of view, a suspicion of a qualitative weight of evidence for confirmation probably exists.

The available information on total human exposure to chloroform from air, water and food sources suggests that drinking water contributes from 6 percent to 69 percent of the total exposure. Considering that chloroform levels in drinking water are enhanced by water treatment processes on the one hand and that chloroform levels in waste discharges may be similarly enhanced by waste treatment processes, it is difficult to utilize the total exposure information in formulating an ambient water quality criterion, except to say that exposure through water is likely to be more significant than other exposure routes.

It is therefore proposed that the total risk for carcinogenic response be allocated to the ambient water exposure conditions of ingesting 2 liters/day of water and consuming 18.7 grams of potentially contaminated fish products.

Under the Consent Decree in *NRDC vs. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Chloroform is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of chloroform in water for maximum portection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of chloroform corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people ex-

posed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6}, or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria[1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]	0	0.021	0.21	2.1
Consumption of fish and shellfish only	0	0.175	1.75	17.5

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1000, and so forth.

[2] Approximately 12 percent of the chloroform exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration of 14 fold. The remaining 88 percent of chloroform exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of chloroform, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding chloroform concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding chloroform concentrations. Although total exposure information for chloroform is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into ambient water quality criteria formulation until additional analysis can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

The NCI (1976)[1] bioassay with female mice given a time-weighted average dose of 238 mg/kg of chloroform by stomach tube for 5 times per week for 78 weeks is used for the water quality criterion. The treatment induced hepatocellular carcinomas in 36 of 45 animals examined, whereas the pooled control group had one animal with hepatocellular carcinoma out of 80 animals examined. Assuming a fish bioaccumulation factor of 14, the parameters of the extrapolation model are:

$n_t=36$
$NT=45$
$nc=1$
$NC=80$
$Le=92$ weeks
$le=78$ weeks
$d=238\times5/7=170$ mg/kg/day
$w=0.030$ kg
$L=92$ weeks
$R=14$
$F=.0187$ kg

The result is that the water concentration should be less than 2.1μg/l in order to keep the individual lifetime risk below 10^{-5}.

2-CHLOROPHENOL

Criteria Summary:

Freshwater Aquatic Life

For 2-chlorophenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 60μg/l as a 24-hour average and the concentration should not exceed 180μg/l at any time.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for 2-chlorophenol can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the prevention of adverse effects due to the organoleptic properties of 2-Chlorophenol in water, the criteria is 0.3μg/l.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of 2-chlorophenol is the Final Acute Value of 180μg/l and the 24-hour average concentration is the Final Chronic Value of 60μg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 2-chlorophenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 60μg/l as a 24-hour average and the concentration should not exceed 180μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=1,800μg/l
Final Invertebrate Acute Value=180μg/l
Final Acute Value=180μg/l
Final Fish Chronic Value=greater than 290μg/l
Final Invertebrate Chronic Value=not available
Final Plant Value=500,000μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=60μg/l for tainting of fish flesh
0.44×Final Acute Value=79μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for 2-chlorophenol using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

None available.

Human Health

Insufficient data exists to indicate that 2-chlorophenol is a carcinogenic agent. Only one study was designed to detect the promoting activity of 2-chlorophenol with dimethylbenzanthracene initiated tumors. Although carcinogenic promoters may pose a possible carcinogenic risk to man there are no dose/response data on which to base a qualitative risk extrapolation. (Under certain environmental conditions, 2-chlorophenol may produce a small amount of dibenzo-p-dioxin, which is an unsubstituted analog of chlorinated dibenzo-p-dioxins. The recent NCI bioassay report of possible carcinogenicity of dibenzo-p-dioxin has concluded that dibenzo-p-dioxin was not carcinogenic for Osborne-Mendel rats or B6C3F1 mice.) In fact, insufficient health effects data exists on any chronic or acute effect of 2-chlorophenol. In view of this, the recommended criterion is based on organoleptic effects.

The data of investigations evaluating the odor of 2-chlorophenol in drinking water indicate that a low concentration is capable of causing discern-able odor. None of these studies indicate if the threshold odor concen-

[1] National Cancer Institute. 1976. Report on carcinogenesis bioassay of chloroform. Natl. Tech. Inf. Serv. PB-264018. Springfield, Va.

tration made the water unacceptable for consumption. These studies coupled with flavor impairment studies suggest that the selection of 0.3μg/l 2-chlorophenol would be sufficient for the prevention of adverse organoleptic effects in water. It should be emphasized that this is a criterion based on aesthetic rather than health effects. Data on human health effects needs to be developed as a more substantial basis for setting a criterion for the protection of human health.

Thus, based on the prevention of adverse organoleptic effects, the interim criterion recommended for 2-chlorophenol is 0.3μg/l.

DICHLOROBENZENES

Criteria Summary:

Freshwater Aquatic Life

For 1,2-dichlorobenzene the criterion to protect freshwater aquatic life as derived using the Guidelines is 44μg/l as a 24-hour average and the concentration should not exceed 99μg/l at any time.

For 1,3-dichlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 310μg/l as a 24-hour average and the concentration should not exceed 700μg/l at any time.

For 1,4-dichlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 190μg/l as a 24-hour average and the concentration should not exceed 440μg/l at any time.

Saltwater Aquatic Life

For 1,2-dichlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 15μg/l as a 24-hour average and the concentration should not exceed 34μg/l at any time.

For 1,3-dichlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 22μg/l as a 24-hour average and the concentration should not exceed 49μg/l at any time.

For 1,4-dichlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 15μg/l as a 24-hour average and the concentration should not exceed 34μg/l at any time.

Human Health

For the protection of human health from the toxic properties of dichlorobenzene ingested through water and through contaminated aquatic organisms, the ambient water criterion is determined to be 230μg/l total dichlorobenzene (all isomers combined).

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of 1,2-dichlorobenzene is the Final Acute Value of 99μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effect on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2-dichlorobenzene the criterion to protect freshwater aquatic life as derived using the Guidelines is 44μg/l as a 24-hour average and the concentration should never exceed 99μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1,2-dichlorobenzene

Final Fish Acute Value=1,700μg/l
Final Invertebrate Acute Value=99μg/l
Final Acute Value=99μg/l
Final Fish Chronic Value=150μg/l
Final Invertebrate Chronic Value=not available
Final Plant Value=92,000μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=150μg/l
0.44 x Final Acute Value=44

No freshwater criterion can be derived for either 1,3-dichlorobenzene or 1,4-dichlorobenzene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available for either compound.

However, results obtained with 1,2-dichlorobenzene and freshwater organisms indicate how criteria for other dichlorobenzenes may be estimated.

The Final Chronic Value for 1,2-dichlorobenzene and freshwater organisms is greater than 0.44 times the Final Acute Value, even though a chronic value is available for fish. Therefore, it seems reasonable to estimate criteria for other dichlorobenzenes and freshwater organisms using 0.44 times the Final Acute Value.

To estimate a criterion for 1,3-dichlorobenzene, the maximum concentration is the Final Acute Value of 700 μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,3-dichlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 310μg/l as a 24-hour average and the concentration should never exceed 700μg/l at any time.

Summary of Available Data

1,3-dichlorobenzene

Final Fish Acute Value=700μg/l
Final Invertebrate Acute Value=1,100μg/l
Final Acute Value=700μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=150,000 μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=150,000μg/l
0.44 × Final Acute Value=310μg/l

To estimate a criterion for 1,4-dichlorobenzene, the maximum concentration is the Final Acute Value of 440μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,4-dichlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 190μg/l as a 24-hour average and the concentration should never exceed 440μg/l at any time.

Summary of Available Data

1,4-dichlorobenzene

Final Fish Acute Value=600μg/l
Final Invertebrate Acute Value=440μg/l
Final Acute Value=440μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=97,000μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=97,000μg/l
0.44 × Final Acute Value=190μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for any dichlorobenzene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, results obtained with 1,2-dichlorobenzene and freshwater organisms indicate how criteria may be estimated for the dichlorobenzenes.

The Final Chronic Value for 1,2-dichlorobenzene and freshwater organisms is greater than 0.44 times the Final Acute Value, even though a chronic value is available for fish. Therefore, it seems reasonable to estimate criteria for dichlorobenzenes and saltwater organisms using 0.44 times the Final Acute Value.

To estimate a criterion for 1,2-dichlorobenzene, the maximum concentration is the Final Acute Value of 34μg/l

and the 24-hour average concentration is 0.44 times the Final Acute Value. no important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2-dichlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 15μg/1 as a 24-hour average and the concentration should never exceed 34μg/1 at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1,2-dichlorobenzene

Final Fish Acute Value=1,200μg/1
Final Invertebrate Acute Value=34μg/1
Final Acute Value=34μg/1
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=44,000μg/1
Residue Limited Toxicant Concentration=not available
Final Chronic Value=44,000μg/1
0.44 × Final Acute Value=15μg/1

To estimate a criterion for 1,3-dichlorobenzene, the maximum concentration is the Final Acute Value of 49μg/1 and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,3-dichlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 22μg/1 as a 24-hour average and the concentration should never exceed 49μg/1 at any time.

Summary of Available Data

1,3-dichlorobenzene

Final Fish Acute Value=1,100μg/1
Final Invertebrate Acute Value=49μg/1
Final Acute Value=49μg/1
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=50,000μg/1
Residue Limited Toxicant Concentration=not available
Final Chronic Value=50,000μg/1
0.44 × Final Acute Value=22μg/1

To estimate a criterion for 1,4-dichlorobenzene, the maximum concentration is the Final Acute Value of 34μg/1 and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,4-dichlorobenzene the criterion to protect saltwater aqauatic life as derived using procedures other than the Guidelines in 15μg/1 as a 24-hour average and the concentration should never exceed 34μg/1 at any time.

Summary of Available Data

1,4-dichlorobenzene

Final Fish Acute Value=1,100μg/1
Final Invertebrate Acute Value=34μg/1
Final Acute Value=34μg/1
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=55,000μg/1
Residue Limited Toxicant Concentration=not available
Final Chronic Value=55,000μg/1
0.44×Final Acute Value=15μg/1

Human Health

There was not a sufficient weight of evidence from human or animal tests to qualitatively suggest that DCB's are carcinogentic or mutagenic in mammals or to derive a quantitative estimate of acceptable daily intake using cancer risk extrapolation methods. In addition, there were no human data to allow an estimation of the maximum daily oral dose producing no detected adverse effect.

The most usable controlled experimental data on chronic enteric exposure in multiple animal species is that of Hollingsworth, *et al.*

The maximum tested dose level producing no detectable adverse effects in these tests was 18.8 mg/kg/day over a period of six to seven months, for both 1,2-DCB and 1,4-DCB. Assuming the average weight of adult humans to be 70 kg, the average daily intake of water for man to be two liters, the ingestion of 18.7 grams of fish, a fish bioconcentration factor of 200, and applying an uncertainty factor of 1000, the acceptable daily intake (ADI) of 1,2- or 1,4-DCB in man is calculated to be 1.316 mg/day

$$\frac{(ADI=18.8\times 70=1.316).}{1000}$$

The corresponding no adverse effect ambient level in water would be 0.23 mg/l (1.316=x [2+200 (0.0187)]). The similarity of toxicities among he DCB isomers indicates the applicability of this value to 1,3-DCB as well.

This calculation assumes that 100% of man's exposure is assigned to the ambient water pathway. The only environmental monitoring data available on the DCB's inadequate as they are, suggest that man's exposure by inhalation of the material in air may be 3,000 to 15,000 times his exposure from water. Although it is desirable to arrive at a criterion level for water based on total exposure analysis, the data base for exposure pathways other than water is not sufficient to support a factoring of the ADI level calculated from ambient water assumptions.

The calculated level of 0.23 mg/l for any DCB isomer should be considered a total, i.e., total contamination by DCB isomers whether occurring singly or in combination should not exceed the criterion level. Pending the availability of better data on relative exposure by various routes and on carcinogenic risk, this level should be adequate to prevent adverse health effects from long-term ambient water exposures.

In summary, based on the use of chronic toxicologic test data in animals, and an uncertainty factor of 1000, the criterion level of DCB's (total) corresponding to the calculated total acceptable daily intake of 18.8 mg/kg, is 0.23 mg/l. Drinking water contributes 35% of the assumed exposure while eating contaminated fish products accounts for 65%. The criterion level for DCB can alternatively be expressed as 0.35 mg/l if exposure is assumed to be from the consumption of fish and shellfish products alone.

DICHLOROETHYLENES

Criteria Summary:

Freshwater Aquatic Life

For 1,1-dichloroethylene, the criterion to protect freshwater aquatic life, (as derived using procedures other than the Guidelines), is 530μg/1 as a 24-hour average and the concentration should not exceed 1,200μg/1 at any time.

For 1,2-dichloroethylene, the criterion to protect freshwater aquatic life, (as derived using procedures other than the Guidelines), is 620μg/1 as a 24-hour average and the concentration should not exceed 1,400μg/1 at any time.

Saltwater Aquatic Life

For 1,1-dichloroethylene, the criterion to protect saltwater aquatic life, (as derived using procedures other than the Guidelines), is 1,700μg/1 as a 24-hour average and the concentration should not exceed 3,900μg/1 at any time.

For saltwater aquatic life, no criterion for 1,2-dichloroethylene, can be derived using the guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to 1,1-dichloroethylene through ingestion of

water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of 1,1-dichloroethylene estimated to result in additional lifetime cancer risks ranging from no additional risk to 1 in 100,000 are presented in the Criterion Formulation section of this document. The agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or $10-7$ with corresponding criteria of 1.3 μg/l, o.13μg/l, and 0.013μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

No freshwater criterion can be derived for either 1,1-dichloroethylene or 1,2-dichloroethylene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, results obtained for structurally similar compounds provide a way to estimate a criterion. For tetrachloroethylene and saltwater organisms and for trichloroethylene and freshwater organisms the Final Chronic Value is greater than 0.44 times the Final Acute Value, even though chronic values are available for the mysid shrimp and *Daphnia magna*, respectively. Therefore, this relationship is assumed in order to estimate criteria for both dichloroethylenes and freshwater organisms and 0.44 times the Final Acute Value is used.

Both a Final Fish Acute Value and a Final Invertebrate Acute Value are available for 1,1-dichloroethylene, and the Final Acute Value is based on the lower invertebrate value. Although a Final Fish Acute Value is available for 1,2-dichloroethylene, no invertebrate data are available. In all cases for di-, tri- and tetrachloroethylenes in which both Final Fish and Final Invertebrate Acute Values are available, the invertebrate species value is lower. Therefore the missing acute data for invertebrates and 1,2-dichloroethylene is important. In deriving an estimated criterion, the relative sensitivity of fish and invertebrate species for 1,1-dichloroethylene is assumed to hold for 1,2-dichloroethylene as well. For 1,1-dichloroethylene the Final Invertebrate Acute Value divided by the Final Fish Acute Value is 1,200/16,000=0.075. Multiplying this value times the Final Fish Acute Value for 1,2-dichloroethylene results in an estimated Final Invertebrate Acute Value of 0.075×19,000μg/l=1,400μg/l. Thus the Final Acute Value for 1,2-dichloroethylene is 1,400μg/l. Multiplying the Final Acute Value of 1,400μg/l by 0.44 gives 620μg/l.

The maximum concentration of 1,1-dichloroethylene is the Final Acute Value of 1,200μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1-dichloroethylene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 530μg/l as a 24-hour average and the concentration should not exceed 1,200μg/l at any time.

The maximum concentration of 1,2-dichloroethylene is the estimated Final Acute Value of 1,400μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2-dichloroethylene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 620μg/l as a 24-hour average and the concentration should not exceed 1,400μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1,1-dichloroethylene

Final Fish Acute Value=16,000μg/l
Final Invertebrate Acute Value=1,200μg/l
Final Acute Value=1,200μg/l
Final Fish Chronic Value=greater than 210μg/l
Final Invertebrate Chronic Value=not available
Final Plant Value=greater than 800,000μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=greater than 210μg/l
0.44×Final Acute Value=530μg/l

1,2-dichloroethylene

Final Fish Acute Value=19,000μg/l
Final Invertebrate Acute Value=not available
Final Acute Value=19,000μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant Concentration=not available
Final Chronic Value=not available
0.44×Final Acute Value=8,400μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for either 1,1- or 1,2-dichloroethylene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, results obtained for structurally similar compounds indicate how a criterion may be estimated. For tetrachloroethylene and saltwater organisms and for trichloroethylene and freshwater organisms the Final Chronic Value is greater than 0.44 times the Final Acute Value, even though chronic values are available for the mysid shrimp and *Daphnia magna*, respectively. Therefore, this relationship is assumed in order to estimate a criterion for dichloroethylenes and saltwater organisms and 0.44 times the Final Acute Value is used.

Both a Final Fish Acute Value and a Final Invertebrate Acute Value are available for 1,1-dichloroethylene, and the Final Acute Value is equal to the lower invertebrate value. Because neither a Final Fish Acute Value nor a Final Invertebrate Acute Value is available for 1,2-dichloroethylene, no criterion can be derived.

The maximum concentration of 1,1-dichloroethylene is the Final Acute Value of 3,900μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1-dichloroethylene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 1,700μg/l as a 24-hour average and the concentration should not exceed 3,900μg/l at any time.

No saltwater criterion can be derived for 1,2-dichloroethylene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1,1-dichloroethylene

Final Fish Acute Value=37,000μg/l
Final Invertebrate Acute Value=3,900μg/l
Final Acute Value=3,900μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=greater than 710,000μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=greater than 710,000μg/l
0.44×Final Acute Value=1,700μg/l

1,2-dichloroethylene

Final Fish Acute Value=not available

Final Invertebrate Acute Value=not available

Final Acute Value=not available

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=not available

Final Plant Value=not available

Residue Limited Toxicant Concentration=not available

Final Chronic Value=not available

0.44×Final Acute Value=not available

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." 1,1-Dichloroethylene is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of 1,1-dichloroethylene in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of 1,1-dichloroethylene corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria for 1,1-dichloroethylene at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/gl)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]	0	0.013	0.13	1.3
Consumption of fish and shellfish only	0	0.214	2.14	21.4

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1000, and so forth.

[2] Approximately 7 percent of the 1,1-dichloroethylene exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 8-fold. The remaining 93 percent of 1,1-dichloroethylene exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of 1,1-dichloroethylene, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding 1,1-dichloroethylene concentrations and, (2) occurring solely from assumption of aquatic life grown in the waters containing the corresponding 1,1-dichloroethylene concentrations. Because data indicating other sources of 1,1-dichloroethylene exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect the incremental risks associated with the indicated routes only.

Summary of Pertinent Data

Maltoni [1] exposed mice to 25 ppm via inhalation for 4 hrs/day, 4.5 days/week for 1 year. The interim report summarized the results after 82 weeks or 1.64 years. The control males had a kidney adenocarcinoma incidence of 0/126 and the treated males had an incidence of 16/98. The fish bioaccumulation factor is 6.9.

The parameters of the extrapolation model are:

nt=16
NT=98
nc=0
NC=126
Le=82 weeks
le=52 weeks
$d=25\times4/24\times4.5/7\times.04=1.0714$ ppm
w=0.025 kg (not needed)
L=90 weeks
R=6.9
$D=1.0714\times52/82=0.67944$ ppm
$t=82/90=0.91111$
$t^3=0.75633$
$Dt^3=0.51388$ ppm
B=1/.51388 in [(1-0/126)/(1-16/98)]=0.34686 (in terms of risk per ppm)

For air exposures in units of ppm, no species conversion factor is necessary. Therefore for humans the concentration, X, giving a risk, R, of 10^{-5} is $X = R/B = 10^{-5}/.34686 = 2.8830\times10^{-5}$ ppm.

Since the air concentration corresponding to 1 ppm of DCE is $4\times10^3\mu g/m^3$ and since people breathe an average of 24 m^3/day of air, the daily intake of DCE that would result in a lifetime risk of 10^{-5} is:

2.8830×10^{-5} ppm $\times 4\times10^3\mu g/m^3$ per ppm $\times 24 m^3/day = 2.7677\mu g.day$

If it is assumed that the fraction of the DCE intake reaching the target site is the same whether it is administered via limitation or ingestion of water and fish, a daily DCE intake of 2.768μg through water and fish alone would also cause a cancer risk of 10^{-5}. The water concentration giving this intake is:

$$C = \frac{2.7677\ ug/day}{(2 + 6.9 \times .0187)\ liters/day}$$

$$= 1.2999\ \mu g/l$$

$$\simeq 1.3\ \mu g/l$$

2,4-DICHLOROPHENOL

Criteria Summary:

Freshwater Aquatic Life

For 2,4-dichlorophenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.4μg/l as a 24-hour average and the concentration should not exceed 110μg/l at any time.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for 2,4-dichlorophenol can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the prevention of adverse effects due to the organoleptic properties of 2,4-dichlorophenol in water, the criteria is 0.5μg/l.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of 2,4-dichlorophenol is the Final Acute Value of 110μg/l and the 24-hour average concentration is the Final Chronic Value of 0.4μg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 2,4-dichlorophenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.4μg/l as a 24-hour average and the concentration should not exceed 110μg/l at any time.

[1] Maltoni, C. 1977. Recent findings on the carcinogenicity of chlorinated olefins. Environ. Health Perspect 21:1.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=770μg/l

Final Invertebrate Acute Value=110μg/l

Final Acute Value=110μg/l

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=not available

Final Plant Value=50,000μg/l

Residue Limited Toxicant Concentration=not available

Final Chronic Value=0.4μg/l for tainting

0.44×Final Acute Value=48μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for 2,4-dichlorophenol using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

None available.

Human Health

Insufficient data exists to indicate that 2,4-DCP is a carcinogenic agent. One study was designed to detect promoting activity, and the effect of 2,4-DCP as a primary carcinogen could not be evaluated. In fact, only minimal health effects data exist on the acute and chronic effects of 2,4-DCP. Only one chronic study was found in which a chronic (6-month) no-effect level for 2,4-DCP of 1,000μg/l of diet for mice, which is equivalent to 100mg/kg body weight per day was determined. For water, a concentration of approximately one-half the dietary intake will result in equivalent dosage on a body weight basis, assuming a fluid intake two times the dry matter intake.

If food sources are not included, the maximum no-effect level of 2,4-DCP in water for mice would be 500μg/l. Applying an uncertainty factor of $10^{-3}\times$ maximum no-effect level as suggested by the National Academy of Sciences Safe Drinking Water Committee would result in a criterion for human health of 500μg/liter, which is approximately 250 times greater than the threshold odor concentration.

However, in addition to exposure through drinking water, additional exposure to 2,4-DCP through the daily ingestion of 18.7 g of fish and shellfish products exists. Therefore, based on the assumption of an intake of 2 l of drinking water per day at a level of 500μg/l, and a fish bioconcentrating value of 37, the total amount of 2,4-DCP exposure through both routes is 371μg/day:

$$\frac{2 \times 500\ \mu g/day}{2 + (37 \times 0.0187)} = 371\ \mu g/day$$

Human health is a subject measurement in many respects. The organoleptic effect of 2,4-DCP could conceivably alter human health by causing a decrease in water consumption. This might be of particular importance to individuals with certain renal diseases or in instances where dehydration occurs as a result of vigorous exercise, manual labor, or hot weather. Although two investigators reported that low concentrations of 2,4-DCP caused discernible odor, neither indicated if the threshold odor concentration made water unacceptable for consumption. In view of the wide disparity between odor threshold concentrations and available toxicity information, the criterion recommended is based on organoleptic effects. It is suggested that a 2,4-DCP water concentration of 0.5μg/l would be low enough to prevent objectionable organoleptic effects for most people and still be far below minimal no-effect concentrations determined in laboratory animals.

In conclusion, two criteria can be proposed. Based on the prevention of adverse organoleptic effects, the interim criterion recommended for 2,4-dichlorophenol is 0.5μg/l in water. Based on human health effects alone, the interim criterion recommended is 371μg/l.

2,4-DIMETHYLPHENOL

Criteria Summary:

Freshwater Aquatic Life

For 2,4-dimethylphenol, the criterion to protect freshwater aquatic life, as derived using the Guidelines, is 38μg/l as a 24-hour average and the concentration should never exceed 86μg/l at any time.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for 2,4-dimethylphenol can be derived using the Guidelines and there are insufficient data to estimate a criterion using other procedures.

Human Health

Due to a lack of sufficient definitive data on mammalian toxicology and human health effects, a criterion to protect human health from toxic effects due to exposure to 2,4-dimethylphenol ingested through water and through contaminated aquatic organisms cannot be set at this time. In order to protect public health, exposure to this compound should be minimized as soon as possible.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of 2,4-dimethylphenol is the Final Acute Value of 86μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 2,4-dimethylphenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 38μg/l as a 24-hour average and the concentration should not exceed 86μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=2,200μg/l

Final Invertebrate Acute Value=86μg/l

Final Acute Value=86μg/l

Final Fish Chronic Value=160μg/l

Final Invertebrate Chronic Value=not available

Final Plant Value=290,000μg/l

Residue Limited Toxicant Concentration=not available

Final Chronic Value=160μg/l

0.44×Final Acute Value=38μg/l

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for 2,4-dimethylphenol can be derived using the Guidelines and there are insufficient data to estimate a criterion using other procedures.

Human Health

In quantitative assessment of carcinogenicity, there are a number of special conditions which render the extrapolation of animal carcinogenesis data to man inappropriate (see Methodology Document). In the present case, the condition which applies is that the route of administration is inappropriate in terms of conceivable human exposure.

Only one study was found which indicated that 2,4-dimethylphenol could be carcinogenic in mammals; Sutter mice, a strain highly susceptible to skin carcinomas, were used.

In these experiments, 5 mg or 2.5 mg of 2,4-dimethylphenol in benzene, applied twice a week to the backs of shaved mice, produced papillomas and carcinomas of the skin at the site of application. Even though the compound is known to be rapidly absorbed, systemic effects or internal tumors were not reported. Additionally, the possible contribution of other chemicals to the response observed cannot be discounted. A solvent control (benzene) was not run, and the mice were housed in wood cages treat-

ed with creosote, which may have initiated the carcinogenic response.

In addition, the Carcinogen Assessment Group, U.S. EPA, Washington, D.C. concluded that the above data

regarding possible carcinogenic effects (via initiation) of 2,4-dimethylphenol are inconclusive. The report did indicate that 2,4-dimethylphenol was a promoting agent. Although promoters have a potential carcinogenic risk to humans, there is no dose-response data with which to formulate a quantitative risk extrapolation.

Is is inappropriate to extrapolate from results obtained from the use of high concentrations in skin painting studies to an estimate of the possible carcinogenic effects of the ingestion of small amounts of 2,4-dimethylphenol in water. The only data found for the ingestion of 2,4-dimethylphenol were an LD50 for mice of 809 mg per kg, and an LD50 for rats of 3,200 mg per kg.

The National Academy of Sciences concluded the following concerning drinking water and health:

2,4-Dimethylphenol appears to be a topical cocarcinogen, but its role as a primary cancer-producing agent is uncertain. Its potential role in cancer production warrants consideration of further testing. An *in vitro* mutagenicity assay should be carried out to further evaluate its mutagenic potential.

In view of the relative paucity of data on the mutagenicity, carcinogenicity, teratogenicity and long-term oral toxicity of 2,4-dimethylphenol, estimates of the effects of chronic oral exposure at low levels cannot be made with any confidence. It is recommended that studies to produce such information be conducted before limits in drinking water are established.

We recommend that a criterion should not be set for 2,4-dimethylphenol in water until definitive data are obtained. In order to protect public health, exposure of humans to this compound should be minimized.

FLUORANTHENE

Criteria Summary:

Freshwater Aquatic Life

For fluoranthene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 250μg/l as a 24-hour average and the concentration should not exceed 560μg/l at any time.

Saltwater Aquatic Life

For fluoranthene the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.30μg/l as a 24-hour average and the concentration should not exceed 0.69μg/l at any time.

Human Health

For the protection of human health from the toxic properties of fluoran=threne exposure through water, the ambient water quality criterion is determined to be 200μg/l.

Basis for the Criteria:

Freshwater Aquatic Life

No freshwater criterion can be derived for fluoranthene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

Data for fluoranthene and saltwater organisms can be used to estimate a criterion.

For fluoranthene and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from results of a life cycle test with the mysid shrimp. Therefore, a reasonable estimate of a criterion for fluoranthene and freshwater organisms would be 0.44 times the Final Acute Value.

The maximum concentration for fluoranthene is the Final Acute Value of 560μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For fluoranthene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 250μg/l as a 24-hour average and the concentration should not exceed 560μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=560μg/l

Final Invertebrate Acute Value=13,000μg/l

Final Acute Value=560μg/l

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=not available

Final Plant Value=54,000μg/l

Residue Limited Toxicant Con=centration=not available

Final Chronic Value=54,000μg/l

0.44×Final Acute Value=250μg/l

Saltwater Aquatic Life

The maximum concentration of fluoranthene is the Final Acute Value of 0.69μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For fluoranthene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 30μg/l as a 24-hour average and the concentration should not exceed 0.69μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=not available

Final Invertebrate Acute Value=0.69μg/l

Final Acute Value=0.69μg/l

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=3.1μg/l

Final Plant Value=45,000μg/l

Residue Limited Toxicant Concentration=not available

Final Chronic Value=3.1μg/l

0.44 x Final Value=0.30μg/l

Human Health

Calculation of the criterion takes into consideration the contribution of dietary and airborne sources of fluoranthene. Once these factors are accounted for, this procedure leads to the conclusion that 200μg/l of fluoranthene in drinking water would represent an acceptable level of exposure. It must be emphasized, however, that the criterion is based on chronic toxicity data with mortality being the endpoint, and applies only to situations where exposure occurred to fluoranthene alone. In environmental situations, it is well established that fluoranthene is found in the presence of numerous PAH's; a situation having important implications for potential toxic interactions.

Several studies have clearly shown that fluoranthene possesses no carcinogenic activity, and is neither a tumor initiator nor a tumor promoter (see Carcinogenicity section). However, two carefully conducted studies have shown that fluoranthene when applied to mouse skin together with much smaller quantities of benzo(a)pyrene could act as a cocarcinogen to increase tumorgenic response. These data do not permit a quantitative estimation of health risks incurred by this type of biological phenomenon. Nevertheless, because fluoranthene is present in environmental mixtures together with other PAH's (including several carcinogens) it may pose an additional risk to the population exposed. In view of the cocarcinogenic and anticarcinogenic properties of several environmental PAH's, the degree of added risk, if one exists, cannot be easily determined on the basis of our present scientific knowledge.

Inadequacies in the current scientific data base prevent the formulation of a drinking water criterion for fluoranthene based on potential cocarcinogenicity. However, it would seem prudent to temporarily limit the level of fluoranthene in drinking water to no more than the acceptable concentration of the sum of all non-fluoran-

thene PAH's. In addition, since environmental exposures to fluoranthene will almost certainly involve concomitant exposure to carcinogenic PAH's, their potential interaction should be considered in future research and health criteria development.

HEPTACHLOR

Criteria Summary:

Freshwater Aquatic Life

For heptachlor the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.0015μg/l as a 24-hour average and the concentration should not exceed 0.45μg/l at any time.

Saltwater Aquatic Life

For heptachlor the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.0036μg/l as a 24-hour average and the concentration should not exceed 0.05μg/l at any time.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to heptachlor through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of heptachlor estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 0.23 ng/l, 0.023 ng/l, and 0.0023 ng/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of heptachlor is the Final Value of 0.45μg/l, which is based on the more acutely sensitive invertebrate organisms. Since 0.44 times the Final Acute Value (0.44×0.45μg/l=0.20μg/l) is not lower than the Final Chronic Value (0.0015μg/l), the latter is the recommended 24-hour average concentration.

For heptachlor the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.0015μg/l as a 24-hour average and the concentration should not exceed 0.45μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=7.5μg/l
Final Invertebrate Acute Value=0.45μg/l
Final Acute Value=0.45μg/l
Final Fish Chronic Value=0.19μg/l
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant Concentration=0.0015μg/l
Final Chronic Value=0.0015μg/l
0.44×Final Acute Value=0.20μg/l

Saltwater Aquatic Life

To derive the criterion, the maximum concentration is the Final Acute Value of 0.05μg/l and the 24-hour average concentration is the Final Chronic Value of 0.0036μg/l. No important adverse effects on marine aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration. But some data for the pink shrimp indicate concern for this and related species.

For heptachlor the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.0036μg/l as a 24-hour average and the concentration should not exceed 0.05μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=0.85μg/l
Final Invertebrate Value=0.05μg/l
Final Acute Value=0.05μg/l
Final Fish Chronic Value=0.12μg/l
Final Invertebrate Chronic Value=not available
Final Plant Value=1,000μg/l
Residue Limited Toxicant Concentration=0.0036μg/l
Final Chronic Value=0.0036μg/l
0.44×Final Acute Value=0.22μg/l

Human Health

Basis for the Criterion:

The proposed criterion for heptachlor/heptachlor epoxide in drinking water was derived from the extrapolation of the data presented by Davis (1965) [1] using a linear, non-threshold model. The extrapolation methodology can be found in the Methodology Document.

From this extrapolation the calculated dose of heptachlor/heptachlor epoxide in drinking water was found to be 0.23 nanogram per liter.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Heptachlor is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of heptachlor in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of heptachlor corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

[1] Davis, K. J. 1965. Pathology report on mice fed aldrin, dieldrin, heptachlor, or heptachlor epoxide for two years. Internal Memorandum to Dr. A. J. Lehman. U.S. Food Drug Admin.

Exposure assumptions (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]	0	0.0023	0.023	0.23
Consumption of fish and shellfish only	0	0.0023	0.023	0.23

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology document to the animal bioassay data presented in Appendix I. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] 98 percent of the heptachlor exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 5,200-fold. The remaining 2 percent of heptachlor exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of heptachlor, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding heptachlor concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding heptachlor concentrations.

Although total exposure information for heptachlor is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into amibient water quality criteria formulation until additional analysis can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

The FDA lifetime carcinogenicity study (Davis, 1965) of heptachlor epoxide at 10 ppm in the diet of C3Heb/Fe/J strain mice resulted in liver carcinomas in females in 77 of 81 treated animals and 2 of 54 controls. Using a fish bioaccumulation factor of 5,200, the water concentration estimated to result in a lifetime risk of 10^{-5} is calculated from the extrapolation model using the following parameters:

nt=77
NT=81
nc=2
NC=54
Le=104 weeks
le=104 weeks
d=$10\times10^{-6}\times0.13\times10^{+6}$ mg food per day/kg body weight=1.3 mg/kg/day
w=0.030 kg
L=104 weeks
R=5,200

The result is that the water concentration corresponding to a lifetime risk of 10^{-5} is 0.23 (0.233) nanograms/liter.

HEXACHLOROBUTADIENE

Criteria Summary:

Freshwater Aquatic Life

For freshwater aquatic life, no criterion for hexachlorobutadiene can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for hexachlorobutadiene can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to hexachlorobutadiene through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentration of hexachlorobutadiene estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 0.77μg/1, 0.077μg/1, and 0.0077μg/1, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

No freshwater criterion can be derived for hexachlorobutadiene using the Guidelines because no Final Chronic Value for either fish of invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=16μg/l

Final Invertebrate Acute Value=8.7μg/l

Final Acute Value=8.7μg/l

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=not available

Final Plant Value=not available

Residue Limited Toxicant Concentration=not available

Final Chronic Value=not available

0.44 x Final Acute Value=3.8μg/l

No freshwater criterion can be derived for hexachlorobutadiene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life

No saltwater criterion can be derived for hexachlorobutadiene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health

Hexachlorobutadiene (HCBD) exhibits acute, subacute and chronic toxicity in animal test systems.

The kidney appears to be the organ most sensitive to HCBD. Chronic effects are observed at doses as low as 2 to 3 mg/kg/day in rats.

Renal tubular neoplasms were observed during a 2-year study in which 20 mg/kg/day was administered to rats in their diet. Single oral doses as low as 8.4 mg/kg have been observed to have a deleterious effect on the kidney.

The carcinogenic effects of renal tubular adenomas and adenocarcinomas were strongly demonstrated at the 20 mg/kg/day dosage. In addition, a dose-dependent increase in reversion rate was observed upon adding HCBD without activation to cultures of *S. typhimurium*. Although the observed rate was not quite double the background rate a mutagenic potential for HCBD is indicated.

The evidence of carcinogencity is sufficient to conclude that HCBD is a suspect human carcinogen. As carcinogens are generally assumed to have a non-threshold dose/response characteristic, the carcinogenic effect is the most significant exposure effect from which to estimate an ambient water quality criterion value.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Hexachlorobutadiene is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of hexachlorobutadiene in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of hexachlorobutadiene corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table.

Concentration levels were derived assuming a lifetime exposure to various amounts of hexachlorobutadiene, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding hexachlorobutadiene concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding hexachlorobutadiene concentrations. Because data indicating other sources of hexachlorobutadiene exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect the in-

Exposure assumptions (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]	0	0.077	0.077	0.77
Consumption of fish and shellfish only	0	0.0087	0.087	0.87

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to animal bioassay data presented in Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Approximately 89 percent of the hexachlorobutadiene exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 870-fold. The remaining 11 percent of hexachlorobutadiene exposure results from drinking water.

cremental risks associated with the indicated routes only.

Summary of Pertinent Data

In a 2-year feeding study in rats, Kociba (1977)[1] observed renal tubular adenomas and carcinomas in males with significantly higher incidence in animals fed 20 mg/kg/day (7/39) than control animals (1/90). Using a fish bioaccumulation factor of 870, the parameters of the extrapolation model are:

$n_t=7$
$N_t=39$
$n_e=1$
$N_e=9$
Le=730 days
le=669 days
d=20 mg/kg/day
w=0.610 kg
L=730 days
R=870

The result is that the water concentration should be less than 0.77 micrograms per liter in order to keep the individual lifetime risk below 10^{-5}.

HEXACHLOROCYCLOPENTADIENE

Criteria Summary:

Freshwater Aquatic Life

For hexachlorocyclopentadiene, the criterion to protect freshwater aquatic life, as derived using the Guidelines is 0.39μg/l as a 24-hour average and the concentration should not exceed 7.0μg/l at any time.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the prevention of adverse effects due to the organoleptic properties of hexachlorocyclopentadiene in water, the criterion is 1.0μg/l.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of hexachlorocyclopentadiene is the Final Acute Value of 7.0μg/l and the 24-hour average concentration is the Final Chronic Value of 0.39μg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For hexachlorocyclopentadiene the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.39μg/l as a 24-hour average and the concentration should not exceed 7.0μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=7.0μg/l
Final Invertebrate Acute Value=not available
Final Acute Value=7.0μg/l
Final Fish Chronic Value=0.39μg/l
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant Concentration=not available
Final Chronic Value=0.39μg/l
0.44×Final Acute Value=3.1μg/l

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for hexachlorocyclopentadiene can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

No data on the effects of hexachlorocyclopentadiene on saltwater organisms are available.

Human Health

As indicated earlier, there are no epidemiologic studies nor suitable chronic toxicity studies in mammals from which threshold levels for chronic effects could be derived. Very little is known regarding potential hex exposures through ingestion of contaminated food or water. In the envrionment hex has been detected only in specific bodies of water near points of industrial discharges. There is no data on hex levels in drinking or untreated water.

Based on the available and cited literature, there is insufficient evidence to categorize this compound as a carcinogen or non-carcinogen. There has not been a satisfactory study of the effects of chronic oral exposure to hex.

One test consisted of only one species (rats) with a duration of exposure of only six months. No neoplasms were reported, however the duration of the study would not have been sufficient for a proper evaluation of carcinogenicity.

Hex has been tested for mutagenicity and reported non-mutagenic in both short-term *in vitro* mutagenic assays and in a mouse dominant lethal study. No epidemiologic studies or case reports examining the relationship between exposure to hex and cancer incidences could be found in the literature. Therefore, there is virtually no information regarding the carcinogenic potential of chronic exposure to hex. In selecting hex for future chronic toxicity testing, National Cancer Institute recognized these data voids.

Although one study reported the effects of chronic low-dose inhalation of hex, its applicability in deriving water quality guidelines is unclear. Furthermore, with the exception of very limited data on hex in water near points of discharge, there appears to be no information on hex levels in water bodies. What is needed is a method for converting the results of respiratory exposure experiments into equivalent dosages from water.

There is a model by which the threshold limit values (TLV' s) for industrial substances in air may be used in establishing drinking water standards. The model assumes that, for any given inhaled dose, an equivalent ingested dose from ingested water can be derived using reasonable estimates of daily air and water intakes and corresponding respiratory and gastrointestinal absorption rates. In the absence of suitable chronic ingestion studies of hex, this model will be used to estimate suitable limits for hex in water based on the established threshold

[1] Kociba, R. J., 1977. Results of a two-year chronic toxicity study with hexachlorobutadiene in rats. Am. Ind. Hyg. Assoc. *38*:589.

limit value expressed as milligrams per cubic meter of air.

The threshold limit of 0.11 mg/m³ (0.01 ppm) hex represents what is believed to be a maximal concentration to which a worker may be exposed for 8 hours per day, 5 days per week over his working lifetime without hazard to health or well-being. To the TLV, are applied terms expressing respiratory volume during an 8-hour period (assumed to be 10 m³) and a respiratory absorption coefficient appropriate to the substance under consideration. As in the case of hex where absorption rates are unknown, 100 percent absorption is assumed. In addition, the 5 day per week occupational exposure is often converted to a 7 day per week equivalent in keeping with the more continous pattern of exposure to drinking water.

According to the model, the amount of hex that may be taken into the bloodstream and presumed to be noninjurious and which, hence, may be taken in water each day is:

$0.11\ mg/m^3$	$\times\ 10\ m^3$	$\times\ 1.0$	$\times\ 5/7$ week	$= 0.7857\ mg/d$
(TLV)	Respiratory Intake Term	Respiratory Absorption Coefficient	Proportion of week Exposed	Maximum Noninjurious Intake

To calculate the quivalent amount of hex in ambient water, the model assumes a maximal daily intake of 2 liters of water per day, the consumption of 18.7 grams of fish/shellfish per day, a bioconcentration factor of 3.2 for fish and 100 percent absorption.

(X)	$\times\ (2 + 3.2(0.0187)) \times$	1.0	$=$	0.7857
Upper Intake Limit --	Oral Intake Term	Gastrointestinal Absorption Coefficient		Maximum Noninjurious Intake

Solving for X, the value derived is 0.38 mg/l or 380μg/l. According to Stokinger and Woodward, who developed the model, "This derived value represents an approximate limiting concentration for a healthy adult population; it is only a first approximation in the development of a tentative drinking water criterion * * * several adjustments in this value may be necessary * * * Other factors, such as taste, odor and color may outweigh health considerations because acceptable limits for these may be below the estimated health limit."

It should also be noted that the basis for the above recommended limit, the TLV for hex, is set on the basis of avoidance of irritation, rather than chronic effects. Should chronic effects data become available, both TLV's and recommendations based on them will warrant reconsideration.

A single study of chronic oral toxicity in white rats reported no adverse effects (specifically changes in peripheral blood cells, ascorbic acid content of the adrenals, conditioned reflexes of the animals, or histological structure of the organs) following daily oral administration of doses up to 4μg/l of hex in aqueous solution. Animals receiving the highest dosage, 40μg/l, showed neutropenia and lympho-cytosis which the investigators thought possibly attributable to mobilization of the protective forces of the organism in response to this dose. Such findings imply adverse effects at levels as low as 10 percent of the tentative drinking water standard based on the Stokinger and Woodward model. Hex in concentrations of 1.4 to 1.6μg/l is capable of altering the smell and taste of water. Based on these organoleptic effects, these investigators proposed a maximum permissible concentration of 1μg/l. Stokinger and Woodward themselves noted that oftentimes "other factors, including taste, odor and color may outweigh health considerations because acceptable limits for these may be well below the estimated health limit".

Because chronic effects in a mammalian species (rats) have been documented at water concentrations of hex as low as 40μg/l, it is obvious that an acceptable water quality criterion should be well below this level. Thus, a reasonable safety factor of 10 to 100 applied to 40μg/l would place an appropriate criterion recommendation in the range of 4.0-0.4μg/l in water.

No adverse effects on humans or mammals have been reported to be caused by hex concentrations lower than approximately 1.0μg/l. Therefore, based on avoidance of alteration in smell and aftertaste in water, a criterion of 1.0μg/l of hex in water is tentatively suggested. This level should be adequate for protection of public health. It is to be stressed that this criterion is based on inadequate chronic effects data and should be re-evaluated upon completion of chronic oral toxicity studies.

LEAD

Criteria Summary:

Freshwater Aquatic Life

For lead, the criterion to protect freshwater aquatic life as derived using the Guidelines is "$_e$(1.51 · ln(hardness)−3.37)" as a 24-hour average (see the figure "24-hour average lead concentration vs. hardness") and the concentration should not exceed "$_e$(1.51 · ln(hardness)−1.39)" (See the figure "maximum lead concentration vs. hardness") at any time.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for lead can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

for the protection of human health from the toxic properties of lead ingested through water and through contaminated aquatic organisms, the ambient water criterion for lead is 50 μg/l.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of lead is the Final Acute Value of $_e$(1.51 · ln(hardness)−1.39) and the 24-hour average concentration is the Final Chronic Value of $_e$(1.51 · ln(hardness)−1.37). No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data

Final Fish Acute Value=$_e$(1.51 · ln(hardness)+2.50)

Final Invertebrate Acute Value=$_e$(1.51 · ln(hardness)−1.39)

Final Acute Value=$_e$(1.51 · ln(hardness)−1.39)

Final Fish Chronic Value=$_e$(1.51 · ln(hardness)−3.37)

Final Invertebrate Chronic Value=$_e$(1.51 · ln(hardness)−1.75)

Final Chronic Value=$_e$(1.51 · ln(hardness)−1.37)

Final Plant Value= 500μg/l

Residue Limited Toxicant Concentration=not available

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for lead can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of lead.

Final Fish Acute Value=not available

Final Invertebrate Acute Value=50μg/l

Final Acute Value=50μg/l

Human Health

The approach that will be taken here in assessing the impact of lead in water on human health is basically the same as has been taken by the U.S. EPA for lead in air. The critical target organ or system must first be identified. Then, the highest internal dose of lead that can be tolerated without injury to the target organ must be specified. Finally, the impact of lead in water on the maximum tolerated internal dose must be estimated, as well as the likely consequences of specific reductions in the maximum allowable concentration of lead in water.

In identifying the critical organ or system, great reliance is placed on the concentration of lead in the blood (PbB) as an index of internal dose. Such an indirect measurement is necessary because of the multi-media character of lead intake. It is virtually impossible to measure total lead input in people in any meaningful way. To do so would require long-term balance studies because past experience has shown that intake and output fluctuate greatly from day to day. Furthermore, it would be necessary to conduct such studies on large numbers of free-living subjects, given the influences of chemical and physical variables in the numerous environmental forms of lead. Variables have a substantial influence on the rate and degree of lead uptake from the external environment. Some groups have proposed alternatives to PbB as a measure of internal dose, e.g., FEP and tooth lead. FEP is not suitable because it is a biological response to lead. As such, it is subject to influences other than lead, notably iron deficiency. Tooth lead is a potentially useful index of lead exposure, but with the present state of art being what it is, tooth lead is difficult to interpret. It only provides an integrated profile of past lead exposure. One is not able to say when the exposure occurred. It has the additional limitation of not being available on demand. Teeth are shed spontaneously only in childhood. Beyond all that is the fact that we have only a very small data base for dose-effect and dose-response using any measure of dose other than PbB. The use of PbB as a measure of internal dose is widely accepted, simply because nothing better is available.

Having specified that PbB is the best measure of internal dose currently available, the next question concerns the least PbB at which adverse health effects occur. Two recent documents have been published in which judgments were rendered in this regard (Table 12). It will be noted that the estimates are strikingly similar. The estimated no-effects levels are based on limited populations and probably are lower to some indefinable degree in the total population at risk. The expert panels that made these estimates were largely composed of different individuals, although there was some overlap. Slightly more information was available to the U.S. EPA panel than to the World Health Organ. panel since it reviewed literature only through mid-1977 whereas the World Health Organ. expert groups reviewed literature through much of 1976. In addition, the U.S. EPA performed statistical calculations based on the known distribution of blood lead levels in the United States.

Both sets of data in Table 12 are in error in one regard. They use the term "anemia" inappropriately under the "Effect" column. What they really mean is "decrement in hemoglobin." Anemia is a clinical term used to denote a degree of hemoglobin decrement which is below the normal range for that class of individuals, e.g., men or children.

The question that arises in considering Table 12 is which is the critical effect? Precisely the same issue confronted the U.S. EPA in its deliberations concerning establishment of a national ambient air quality standard for lead. It focused on the lead effects in children since they are more sensitive than adults.

TABLE 12.—*Summary of Lowest PbB's Associated With Observed Biological Effects in Various Population Groups*

Lowest observed effect level (μg Pb/100 ml blood)	Effect	Population group
10	ALAD inhibition	Children and adults.
15–20	Erythrocyte protoporphyrin elevation	Women and children.
25–30	Erythrocyte protoporphyrin elevation	Adult males.
40	Increased urinary ALA excretion	Children and adults.
40	Anemia	Children.
40	Coproporphyrin elevation	Adults and children.
50	Anemia	Adults.
50–60	Cognitive (CNS) deficits	Children.
50–60	Peripheral neuropathies	Adults and children.
80–100	Encephalopathic symptoms	Children.
100–120	Encephalopathic symptoms	Adults.

No-Detected Effect Levels in Terms of PbB

No detected effect level (μg Pb/100 ml blood)	Effect	Population group
10	Erythrocyte ALAD inhibition	Adults, children.
20–25	FEP	Children.
20–30	FEP	Adult, female.
25–35	FEP	Adult, male.
30–40	Erythrocyte ATPase inhibition	General.
40	ALA excretion in urine	Adults, children.
40	CP excretion in urine	Adults.
40	Anaemia	Children.
40–50	Peripheral neuropathy	Adults.
50	Anaemia	Adults.
50–60	Minimal brain dysfunction	Children.
60–70	Minimal brain dysfunction	Adults.
60–70	Encephalopathy	Children.
80	Encephalopathy	Adults.

Quite properly, it ruled that the maximum safe blood lead level for any given child should be somewhat lower than the threshold for a decline in hemoglobin level (40μg Pb/dl). In considering how much lower this limit should be, the U.S. EPA cited the opinion of the Center for Disease Control, as endorsed by the American Academy of Pediatrics, that the maximum safe blood lead level for any given child should be 30μg/dl. Based upon epidemiological and statistical considerations, the U.S. EPA estimated that if the geometric mean PbB were kept at 15μg/dl, 99.5 percent of children would have PbB's≤30μg/dl. This position seems prudent and reasonable. It provides a substantial margin of safety which accommodates minor excursions in lead exposure due to adventitious sources. Controls on lead in obligatory media (e.g., air and water) do not of course protect children from the hazards of pica for lead-base paint chips or soil and dust contaminated with lead from such sources as fallout from the smoke zone of lead smelters. These, however, are separate problems which must be dealt with appropriately by responsible agencies.

In its deliberations concerning an ambient air lead standard, the U.S. EPA estimated that the contribution of sources other than air to PbB is 10 to 12μg/dl. This is presumably composed overwhelmingly of dietary sources which, in turn, is composed of both food and water.

The next question concerns the contribution of water to lead exposure. It is unfortunate that only three useful studies of the interrelationship between PbB and lead in drinking water are available. There is an obvious need for more such work. Overall, the Moore, et al. study, the one by Hubermont, et al., and the calculations made from U.S. EPA data collected in the Boston area are credible because they are consistent with other information concerning the curvilinear relationship between PbB and air Pb. The implication of the equation describing the relationship between PbB and water lead is that with increasing lead in water the incremental rise in PbB becomes progressively smaller as with air lead vs. PbB and dietary lead vs. PbB to Lead from Diet Versus Air to PbB. The water lead vs. PbB relationship differs in one significant respect, however, from the air lead vs. PbB relationship in that the baseline PbB (0 water PbB) is independent of the contribution of water lead to PbB. Thus, regardless of whether one starts with a baseline PbB of 11μg/dl, as was indicated in the Moore, et al. study or whether one starts at some other PbB level, e.g., 20μg/dl, the add-on PbB from any given level in water will be the same. Such is not the case in the Azar analysis of air Pb vs. PbB (see Section on "Contributions of Lead from Diet vs. Air to PbB"). Here, the higher the baseline, the less the contribution of any specific air Pb. This is because log PbB (not PbB) is proportional to baseline PbB + log air concentration. Future research may provide better insight into whether this discrepancy is real and, if so, why. The question is of some practical importance. For instance, if you have a baseline PbB (no lead in water) of 30μg/dl such as in a child acquiring lead from paint, it would be of some importance to know whether an additional increment of lead in water would have the same impact on PbB as it would in a child having a baseline PbB of 10μg/dl. An Azar-type model would suggest a lesser impact starting from the higher baseline PbB.

So far as a specific recommendation regarding a revised water standard for lead is concerned, one is tempted to duck the whole issue by simply recommending more research. However, that might defer the recommendation indefinitely. A position must be taken using available data. Beginning with the assumption that a PbB of 12μg/dl is essentially attributable to food and water and that the average lead content of water consumed is 10μg/l, approximately 5μg Pb/dl blood is attributable to the water that is used in food and beverage preparation and in direct consumption. If the water Pb were consistently consumed at the present Pb standard of 50μg/l instead of at 10μg/l, an additional contribution of approximately 3.4μg/dl to PbB would result. This would yield a total PbB of 12+3.5 or 15.4μg/dl, the approximate maximum geometric mean PbB compatible with keeping 99.5 percent of the population of the population under PbB=30μg/dl. Thus, based on most recent data, the present water standard of 50μg Pb/l may be viewed as representing the upper limit of acceptability.

All the assumptions that have been made in arriving at an estimate of the impact of lead in water on PbB have been on the conservative side. For instance, unpublished data from the Commission of the European Communities suggest that the impact of lead in water on PbB is appreciably less than has been estimated from published data used in this document.

Furthermore, data from a study of the effect of lead in water on the PbB of a population of children in a relatively small town are reassuring. They indicate that among children whose water supply contained 50 to 180μg Pb/l, PbB's averaged 17.2μg/dl.

TABLE 13.—*Relation of PbB to Lead in Water Among Children in Bennington, Vt.*

Concentration of lead in water (μg/l)	No. of children	Mean blood lead level (μg/dl)
50–59	14	18.9
60–69	8	16.9
70–79	10	15.0
80–89	4	18.5
100–109	3	16.0
110–119	2	21.5
130–139	2	16.0
170–179	3	15.0
Total	46	17.2

Finally, there remains the issue of the carcinogenic effects of lead. Using data from one species of laboratory animal (the rat) it was possible to construct a seemingly valid dose-response curve and to calculate a level of lead intake which would predict an incidence of cancer in 1:100,000 people. This calculated level of lead intake, 29μg/kg of diet, poses some problems which must be confronted by the EPA Carcinogen Assessment Group. Since this estimate includes lead from all sources, its implications are beyond the scope of this document. It should be noted, however, that the International Agency for Research on Cancer, (IARC), Lyon, France considers the experimental animal evidence to be of dubious significance with regard to man.

The IARC summary statement, quoted in part earlier in this document, is as follows:

> There is no evidence to suggest that exposure to lead salts causes cancer of any site in man. However, only one epidemiological study of the relationships between exposure to lead and the occurrence of cancer has been reported. It must be noted that the level of human exposure equivalent to the levels of lead acetate producing renal tumors in rats is 810 mg per day (550 mg Pb). This level appears to exceed by far the maximum tolerated dose for man.

Criteria Summary:

Freshwater Aquatic Life

For freshwater aquatic life, no criterion for N-nitrosodiphenylamine can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for N-nitrosodiphenylamine can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to N-nitrosodimethylamine through ingestion of water and contaminated aquat-

ic organisms, the ambient water concentration is zero. Concentrations of N-nitrosodimethylamine estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 0.026μg/l, 0.0026μg/l, and 0.00026μg/l, respectively.

For the maximum protection of human health from the potential carcinogenic effects of exposure to N-nitrosodiethylamine through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of N-nitrosodiethylamine estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6} or 10^{-7} with corresponding criteria of 0.0092μg/l, 0.00092μg/l, and 0.000092μg/l, respectively.

For the maximum protection of human health from the potential carcinogenic effects of exposure to N-nitrosodi-n-butylamine through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of N-nitrosodi-n-butylamine estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6} or 10^{-7} with corresponding criteria of 0.013μg/l, 0.0013μg/l, and 0.00013μg/l, respectively.

For the maximum protection of human health from the potential carcinogenic effects of exposure to N-nitrosopyrrolidine through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of N-nitrosopyrrolidine estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6} or 10^{-7} with corresponding criteria of 0.11μg/l, 0.011μg/l, and 0.0011μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

No freshwater criterion can be derived for N-nitrosodiphenylamine using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion. However, the results of the incomplete chronic test with *Daphnia magna* indicate that the Final Chronic Value would be lower than 9.4μg/l.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

N-nitrosodiphenylamine

Final Fish Acute Value=820μg/l
Final Invertebrate Acute Value=310μg/l
Final Acute Value=310μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=less than 9.4μg/l
Final Plant Value=not available
Residue Limited Toxicant Concentration=not available
Final Chronic Value=less than 9.4μg/l
0.44 × Final Acute Value=140μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for N-nitrosodiphenylamine using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

N-nitrosodiphenylamine

Final Fish Acute Value=490,000μg/l
Final Invertebrate Acute Value=not available
Final Acute Value=490,000μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant Concentration=not available
Final Chronic Value=not available
0.44 × Final Acute Value=220,000μg/l

Human Health

Both N-nitrosamines and N-nitrosamides exhibit acute toxicity, teratogenicity, mutagenicity and/or carcinogenicity. For most, it is the latter capability which demands consideration in the context of human exposure since the toxicological evidence is such that they must be treated as potential human carcinogens. Thus, nitrosamines are included in the American Conference of Governmental Industrial Hygienists' List of "Industrial Substances Suspect of Carcinogenic Potential for Man." No Threshold Limit Value is given. The guidelines which follow are based upon the assumption that N-nitrosamines are human carcinogens.

Adequate dose-response data to permit an assessment of the carcinogenic risk to man are available from studies involving lifetime exposure of rats or mice to four nitrosamines (N-nitrosodimethylamine, N-nitrosodiethylamine, N-nitrosodi-n-butylamine, and N-nitrosopyrrolidine) in their drinking water or food. These data have been used to derive estimates of the concentrations in water which, if used as the source for man of drinking water and edible fish and shellfish, would increase the risk of a tumor by not more than one in 100,000 individuals exposed for the duration of their lifespan. The method of extrapolation was based on a linear, non-threshold mathematical model. The water criteria numbers given in Table 5 are based upon the tumor incidence, at the organ which is the chemical's principal site of action, in the most sensitive sex, at the lowest dose level which yield a response significantly greater than in the control animals. The actual parameters used are given in Summary of Pertinent Data.

The only nitrosamine for which any data on bioaccumulation in fish or shellfish are available is N-nitrosodiphenylamine. One test in bluegill yielded a maximum bioconcentration factor (BCF) of 217 for the whole fish. Using this, a weighted BCF for all species was calculated to be 500. These values are believed not to be representative for the nitrosamines for which carcinogenicity data are available and another approach has therefore been attempted. A relationship has been described between the BCF and the n-octanol/water partition coefficient, Log BCF=0.76 Log P-0.23. The equation can be used to estimate the BCF for aquatic organisms that contain about 8 percent lipids from the partition coefficient P. The partition coefficients for N-nitrosodimethylamine, N-nitrosodiethylamine, N-nitrosodi-n-butylamine and N-nitrosopyrrolidine are 0.27, 3, 83, and 0.65 respectively.

Values of BCF calculated using this equation are 0.2, 1.4, 17, and 0.42 respectively, for N-nitrosodimethylamine, N-nitrosodiethylamine, N-nitrosodi-n-butylamine, and N-nitrosopyrrolidine, respectively. An adjustment factor of 2.3/8.0=0.2875 can be used to adjust the estimated BCF from the 8.0 percent lipids on which

the equation is based to the 2.3 percent lipids that is the weighted average for consumed fish and shellfish.

The adjusted BCF values are 0.06, 0.39, 4.9, and 0.12 respectively.

Other empirical procedures can be used to estimate BCF's from partition coefficients. The values obtained are of the same order of magnitude.

For purposes of calculating criteria, the estimated BCF's for the methyl, ethyl, butyl, and pyrrolidine compounds are judged to be rough estimates of the bioconcentration potential. As the influence of these values ranges from 5/100 percent to 4 percent of the exposure uptake from fish consumption, for simplicity the assumed BCF for criteria level purposes is zero.

TABLE 5.—*Concentrations in Water Estimated To Induce no More Than One Excess Cancer Per 100,000 Individuals Exposed Over a Lifetime*

Compound	Estimated concentration (μg/l)	Data base
N-Nitrosodimethylamine	0.026	Rats (female) (Druckery, et al. 1967).
N-Nitrosodimethylamine	0.0092	Rats (male?) (Druckery, et al. 1963).
N-Nitrosodi-n-butylamine	0.013	Mice (male) (Bertram and Craig, 1970).
N-Nitrosopyrrolidine	0.11	Rats (mixed sexes) (Preussman, et al. 1977).

The relative carcinogenic potential of N-nitrosodiethylamine (3.20) is exceeded by only that for N-nitrosomethyl-2-chloroethylamine (3.21) and approached by only the values for N-nitroso-methylbenzylamine (3.10) and N-nitrosomethyl-(2,phenylethyl)amine (3.01). Hence, N-nitrosodiethylamine can reasonably be considered to be one of the most carcinogenic nitrosamines. It is therefore appropriate to base the water criterion number for any individual nitrosamine on the number obtained for N-nitrosodiethylamine, *viz*, 9.2 ng/l.

This criterion number has been derived by considering only the excess cancer risk imposed by exposure to contaminated drinking water, fish, and shellfish. However, the average daily intake of preformed nitrosamines from other sources (air, diet, and smoking) is estimated to be in the order of a few micrograms per day. There is an additional and, at the present time, ill-defined contribution to the body burden from the *in vivo* nitrosation of precursors. This contribution has been variously estimated to range from a few micrograms to several hundred micrograms daily. Thus, present evidence suggests that control of exposure to N-nitrosamines should take into account both preformed nitrosamines and their precursors in the environment.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Nitrosamines are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of nitrosamines in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of nitrosamines corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria[1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2]:				
N-nitrosodimethylamine	0	.00026	.0026	.026
N-nitrosodiethylamine	0	.000092	.00092	.0092
N-nitrosodi-n-butylamine	0	.00013	.0013	.013
N-nitrosopyrrolidine	0	.0011	.011	.11
Consumption of fish and shellfish only:				
N-nitrosodimethylamine	0			
N-nitrosodiethylamine	0			
N-nitrosodi-n-butylamine	0			
N-nitrosopyrrolidine	0			

[1] Calculations by applying a modified "one-hit" extrapolation model described in the methology document to the animal bioassay data presented in summary of pertinent data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Approximately zero percent of Nitrosamine exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of zero. The remaining 100 percent of Nitrosamine exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of nitrosamines, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding nitrosamines concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding nitrosamines concentrations. Because data indicating other sources of nitrosamines exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect in incremental risks associated with the indicated routes only.

Summary of Pertinent Data

Druckery (1967)[1] summarized a series of experiments in which a large series of nitrosamine compounds were given to B–D rats for a lifetime. He found that the incidence of liver tumors increased with daily dose, d, and that the median time when tumors were obsered, t_{so}, was less at higher doses and the relationship between d and t_{so} was $d(t_{so})2.3=k$, where k is a constant equal to 0.81×10^{4}mM/kg/day when t_{so} is expressed in units of days. The extrapolation model used the dose units of mg/kg/day and the time units of fractions of a lifetime. Converting k to these units by using 728 days as the lifetime and a molecular weight of 74 mg/mM gives the following:

$$k=0.81\times10^{4}\text{mM/kg/day}\times\frac{74\text{ mg/mM}}{(728)\,2.2}=0.30271$$

Therefore the parameters of the dose-response model are:

$n_t/N_t=0.05$
$n_c/N_c=0$
w=0.35 kg
L=728 days
$_{dt}n=0.30271$
R=0

The result is that the water concentration should be less than 0.026 micrograms per liter in order to keep the individual lifetime risk below 10^{-5}.

Druckery, et al. (1963)[2] administered diethylnitrosamine to B–D rats via drinking water in nine dose groups ranging from .075 to 14.2 mg/kg/day.

They found that the incidence of liver tumors increased with daily dose, d, and that the median time when tumors were observed, t_{so}, was less at higher doses and the relationship between d and t_{so} was $d(t_{so})^{2.3}=k$, where k is a constant. At a dose of 0.6 mg/kg/day the incidence of tumors reached 50 percent (30 animals with liver tumors out of 60 animals initially) at 355 days. Using a bioaccumulation factor of zero the parameters of the extrapolation model are:

$n_t=30$
$N_t=60$
$nc/N_c=0$
Le=355 days
le=355 days
d=0.6 mg/kg/day
w=0.28 kg
L=730 days
m=2.3 instead of 3 in the standard model
$dt^{m}=0.6\ (3dd/730^{2.3}=0.114$
R=0

The result is that the water concentration should be less than 0.0092 micrograms per liter in order to keep the individual lifetime risk below 10^{-5}.

Bertram and Crain (1970)[3] administered dibutylnitrosamine via drinking water to C57BL/6 mice at dose levels of about 8 and 30 mg/kg/day until the animals became moribund or died. They found that all of the 179 animals reaching autopsy had tumors of the bladder of esophagus except three, which had tumor induction at either site was the males given 7.6 mg/kg/day, where the mean tumor induction time was 261 days. Assuming a bioaccumulation factor of zero, the parameters of the extrapolation model are:

$n_t/N_t=0.5$
$N_c/n_c=0$
Le=261 days
le=261 days
d=7.6 mg/kg/day
L=728 days
w=.028 kg
R=)

The result is that the water concentration should be less than 0.013 micrograms per liter in order to keep the individual lifetime risk below 10^{-5}.

Preussman, et al. (1977)[4] found a dose-related incidence of hepatocellular carcinomas in Sprague-Dawley rats in a lifetime feeding study at levels of 0.3, 1.0, 3.0, and 10 mg/kg/day. The total tumor incidence was equal to controls at the 0.3 mg/kg/day level, but was 46, 84 and 32 percent at the successively higher doses. Animals at the highest dose had a smaller tumor incidence because of early deaths from pneumonia. At 3 mg/kg/day the incidence of liver tumors was 31/38 whereas the 61 controls had no tumors. With a negligible fish accumulation, the parameters of the dose-response model are:

nt=31
N_t=38
n_c=0
N_c=61
Le=104 weeks
le=104 weeks
d=3 mg/kg/day
w=0.35 kg
L=104 weeks
R=0

The result is that the water concentration should be less than 0.11 micrograms per liter in order to keep the individual lifetime risk below 10^{-5}.

PENTACHLOROPHENOL

Criteria Summary:

Freshwater Aquatic Life

For pentachlorophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 6.2μg/l as a 24-hour average and the concentration should not exceed 14μg/l at any time.

Saltwater Aquatic Life

For pentachlorophenol the criterion to protect saltwater aquatic life as derived using the Guidelines is 3.7μg/l as a 24-hour average and the concentration should not exceed 8.5μg/l at any time.

Human Health

For the protection of human health from the toxic properties of pentachlorophenol ingested through water and through contaminated aquatic organisms, the ambient water quality criterion is determined to be 140μg/l.

Basis for Criteria:

Freshwater Aquatic Life

The absence of chronic toxicity data and the incomplete picture of the effects of pH on the toxicity of PCP render the establishment of a water quality criterion for PCP rather uncertain. A concentration of 1.5μg/l may inhibit fish growth slightly. In addition, complete chlorosis of algae was reported at 7.5μg/l.

No freshwater criterion can be derived for pentachlorophenol using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

Data for pentachlorophenol and saltwater organisms can be used to estimate a criterion.

For pentachlorophenol and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from results of a life cycle test with the sheepshead minnow. Therefore, a reasonable estimate of a criterion for pentachlorophenol and freshwater organisms would be 0.44 times the Final Acute Value.

The maximum concentration for pentachlorophenol is the Final Acute Value of 14μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. A 10 percent reduction in growth of sockeye salmon was observed at a concentration of 3.5μg/l, a concentration slightly lower than the 24-hour average concentration. It is felt that additional data on adverse effects at these concentrations are needed before lowering the criterion.

For pentachlorophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 6.2μg/l as a 24-hour average and the concentration should not exceed 14μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures:

Final Fish Acute Value=25μg/l

Final Invertebrate Acute Value=14μg/l

[1] Druckrey, H., et al. 1967. Organotropic carcinogenic action of 65 different N-nitroso compounds in BD rats. Z. Krebsforsch. 69:103.

[2] Druckrey, H. et al. 1963. Quantitative analysis of the carcinogenic action of diethylnitrosamine. Arzneimittel-Forsch, 13:841.

[3] Bertam, J. S., and A. W. Craig, 1970. Induction of bladder tumours in mice with dibutylnitrosamine. Br. Jour. Cancer, 24:352.

[4] Preussmann, R., et al. 1977. Carcinogenicity of N-nitrosopyrrolidine: dose-response study in rats. Z. Krebsforsch. 90:161.

Final Acute Value=14μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=7.5μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=7.5μg/l
0.44 x Final Acute Value=6.2μg/l

Saltwater Aquatic Life

The maximum concentration of pentachlorophenol is the Final Acute Value of 8.5μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For pentachlorophenol the criterion to protect saltwater aquatic life as derived using the Guidelines is 3.7μg/l as a 24-hour average and the concentration should not exceed 8.5μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.
Final Fish Acute Value=25μg/l
Final Invertebrate Acute Value=8.5μg/l
Final Acute Value=8.5μg/l
Final Fish Chronic Value=9.6μg/l
Final Invertebrate Chronic Value=not available
Final Plant Value=290μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=9.6μg/l
0.44×Final Acute Value=3.7μg/l

Human Health

Based on available and cited literature, PCP is not considered to be carcinogenic.

A criterion can be calculated using the data from the chronic toxicity studies. Using a NOEL of 3 mg/kg for low non-phenolic PCP and applying a 0.01 amimal to human uncertainty factor the upper limit for non-occupational daily exposure is 0.03 mg/kg or 2.10 mg/70 kg person.

For the purposes of establishing a water quality criterion, human exposure to PCP is considered to be based on ingestion of 2 liters of water and 18.7 g of fish. The amount of water ingested is approximately 100 times greater than the amount of fish consumed. However, fish bioaccumulate PCP from water by a factor of 58 and thus contain about half as much PCP per gram as water.

With these considerations in mind, the following equation has been established:

$$2L\times+(0.0187\times58)\cdot\times=2.10\text{ mg}$$

Where:

2.10 mg=limit on daily exposure for a 70 mg person (ADI)
2 L=amount of drinking water consumed
0.0187 mg=amount of fish consumed
58=bioaccumulation factor

Solving for X:

$$X=0.68\text{ mg/l}$$

Thus, 1.4 mg of the ADI can be obtained from 2L of drinking water and 0.7 mg from ingested fish.

Present food residues of PCP are reported to be 0 to 10μg/kg and one report of 0.06μg/kg in water. These levels are well below the criterion and total daily general population exposures are less than 1 percent of the calculated maximum value based on toxicologic considerations.

It should be noted that the criterion recommended in this document is based on a NOEL of low non-phenolic PCP, a compound found to be non-carcinogenic at the dosages tested. However, NCI is presently conducting studies on the carcinogenicity of PCP contaminants, hexachloro-p-dioxin, and octachloro-p-dioxin, the results of which are not yet available. The results of these studies should be evaluated before any EPA regulatory standards are established.

SELENIUM

Criteria Summary:

Freshwater Aquatic Life

For selenium the criterion to protect freshwater aquatic life, as derived using procedures other than the guidelines, is 9.7μg/l as a 24-hour average and the concentration should never exceed 22μg/l at any time.

Saltwater Aquatic Life

For selenium the criterion to protect saltwater aquatic life as derived using the Guidelines is 4.4μg/l as a 24-hour average and the concentration should not exceed 10μg/l at any time.

Human Health

For the protection of human health from the toxic properties of selenium ingested through water and through contaminated aquatic organisms, the ambient water criterion is determined to be 10μg/l.

Basis for the Criteria:

Freshwater Aquatic Life

To derive the criterion for selenium, the maximum concentration is the Final Acute Value of 22μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data

Final Fish Acute Value=940μg/l
Final Invertebrate Acute Value=22μg/l
Final Acute Value=22μg/l
Final Fish Chronic Value=16μg/l
Final Invertebrate Chronic Value=47μg/l
Final Plant Value=50μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=16μg/l
0.44 × Final Acute Value=9.7μg/l

To derive the criterion for selenium, the maximum concentration is the Final Acute Value of 22μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value.

Saltwater Aquatic Life

To derive the criterion for selenium, the maximum concentration is the Final Acute Value of 10μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations are expressed in terms of selenium.
Final Fish Acute Value=990μg/l
Final Invertebrate Acute Value=10μg/l
Final Acute Value=10μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=26μg/l
Final Plant Value=7,900μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=26μg/l
0.44 × Final Acute Value=4.4μg/l

Human Health

The question of the carcinogenic potential for ingested selenium has been reviewed in recent years by the National Academy of Sciences while studies by the National Cancer Institute have added new but inconclusive evidence to the issue. The Academy states that although the 1962 drinking water standard was recommended at 10μg/l because of evidence that selenium was carcinogenic in animal studies, "a current literature review of animal studies does not support this contention".

An NCI bioassay of selenium disulfide at 100 mg per kilogram (equivalent to 400 ppm of selenium alone) has reported the induction of hepatocellular carcinomas in female mice. This is consistent with an earlier report by Nelson, et al., that seleniferous grains

and ammonium potassium selenide at 10 ppm induced liver tumors in rats. However several inconclusive and negative carcinogenesis studies of selenite and selenate compounds ranging from 2-15 ppm have been reported since Nelson's work.

The carcinogenicity of selenium compounds is a complex issue because: (1) There is evidence that selenates, selenites, and selenides at non-toxic levels inhibit the development of spontaneous tumors, protect against the induction of tumors by known carcinogens, counteract the promotion of tumors in mouse skin initiator-promotor experiments, and inhibit the mutagenic action of chemicals in bacteria; (2) human cancer mortality at several organ sites appears to be negatively correlated with estimated selenium dietary intake and blood selenium levels, according to a tabulation of data from several countries; (3) even at moderate concentrations (5-10 ppm) of selenates and selenites the chronic toxicity is high, and this toxicity interferes with the development of tumors because of early deaths; (4) the aqueous solubility and therefore the availability of different selenium compounds for absorption from the GI tract is markedly variable; (5) low concentrations of selenium (0.01 to 0.1 ppm in the diet) appear to be nutritionally essential; and (6) the reports of the chronic toxicity studies are difficult to compare because of the large number of different selenium compounds studies, the dependence of tumor induction on changes in protein and selenium levels in the diet and the incomplete histopathological examination performed in many of the available studies.

For these reasons it does not seem reasonable to use carcinogenic toxicity and risk as a basis for health criteria without additional research.

Obviously, one of the major factors involved in estimation of the minimum dose of selenium required to produce chronic toxicity in man or animals is the criteria, or definition, of chronic toxicity. The National Research Council has reviewed the literature in an attempt to establish a "no-effect" dose level for selenium and thus arrive at some conclusion concerning the level in water that can be expected to injure man. From this review, they found that the growth rate for rats fed a normal diet was inhibited if exposed to 4 to 5μg/g of selenium in the diet. Only 1μg/g of selenium in the diet was required to reduce growth in rats fed a diet severely deficient in vitamin E. Hadjimarkos has demonstrated in rats that selenium added to drinking water at a level as low as 2.3 mg/l during tooth development increases the incidence of caries. The National Research Council suggests that if histopathologic observations are used as the criteria for chronic toxicity that 1μg/g of selenium in the diet or 1 mg/l if selenium in drinking water may be shown to be sufficient to produce toxicity. However, it is recognized that the physiologic significance of the findings may not be clear, and the same may be said for biochemical parameters indicating the even lower levels can be toxic.

The amount of selenium needed to prevent deficiency diseases in animals is very small; 0.1μg/g in the diet is a nutritional adequate level for most species. Such a level translates into a human requirement of about 60 to 120 micrograms per day depending on the biologic availability in the diet, a person's physiologic status with regard to other nutrients, and other factors.

It is estimated that on the average, adults intake roughly 130 to 150μg of selenium per day from food. Levander has estimated that an average six month old infant consumes 28μg of selenium per day from food.

The uneven distribution of selenium in the soils of the United States could conceivably cause persons living in low-selenium areas and consuming only locally produced foods to develop a low-selenium state, just as some who live in high-selenium areas may ingest excess selenium. However most nutritional authorities agree that there is currently no evidence of selenium deficiency in human populations in the United States, probably because of interregional food shipment that characterizes our present-day food supply.

Hence, there is no need to use water as a vehicle for supplementing the diets of the general population.

In consideration of the probable importance selenium plays in the human diet, and the varied but definite exposure potential from food intake, drinking water and other sources, the strategy for identifying a criterion level for ambient waters must be based on minimizing the likelihood of contributing a sufficient amount of selenium that would increase an average total exposure above a selected toxic level.

The growth inhibition with vitamin E deficiency would be the candidate of first choice for toxicity effect and extrapolation into human effects. However, the vitamin E circumstance would be a special situation for the average population and therefore the increased incidence of dental caries at 2.3 mg/l becomes the targeted effect for extrapolation to humans.

If it is assumed that rats consume 10 percent of their body weight per day during their growth period, the toxic effect (incidence of dental caries) is demonstrated at levels of selenium as low as 16 mg selenium intake per day.

$$2.3 \frac{\text{mg selenium}}{1} = 2.3 \frac{\text{mg feed}}{\text{kg}}$$

Assuming 300gr rat;

$$\text{feed intake} = 2.3 \frac{\text{mg}}{\text{kg}} \times 10\% \ (300\text{gr}) = \frac{69 \times 10^{-3} \text{mg Se}}{\text{day}}$$

$$\text{animal dose} = \frac{69 \times 10^{-3} \text{ mg}}{\frac{\text{day}}{300\text{gr}}} = \frac{0.23 \text{ mg Se}}{\text{kg body wt}}$$

$$\text{equivalent human dose} = \frac{0.23 \text{ mg Se}}{\text{kg body wt}} \times 70 \text{ kg man} = 16.1 \text{ mg Se}$$

Thus, the equivalent human dose for incidence of dental caries is 16.1

$$\frac{\text{mg Se}}{\text{day}}$$

For comparison purposes a similar calculation for the growth inhibition under vitamin E deficiency is

$$\frac{7 \text{ mg Se}}{\text{day}}$$

Summary of Pertinent Data

In summary, the minimum toxic daily dose is 16,100 micrograms and the average daily dietary intake is 130 to 150 micrograms leaving a difference of 15,950 micrograms. Populations living in seleniferous areas may be exposed to much higher levels of selenium both in the food and water. Since little is known concerning the minimum toxic dose in humans and there is uncertainty about the carcinogenic potential of Se, it does not seem reasonable to permit the level in water to be more than ten to twenty percent of the dietary level. If the maximum water contribution is set at 13 to 30.0 micrograms per day, the total level (dietary and water) will be well below the estimated minimum toxic dose. Assuming that the average individual con-

sumes 2 liters of drinking water per day, 18.7 grams of fish, and that the bioaccumulation factor for fish is 18, the estimated level for water is calculated as follows:

$$\text{Criterion Level} = \frac{13}{2 + (0.0187)\ 18} = 5.56\ \mu g/\text{liter}$$

$$\text{or} = \frac{30.0}{2 + (0.0187)\ 18} = 12.84\ \mu g/\text{liter}$$

Based on these calculations it appears that the U.S. Environmental Protection Agency Drinking Water Standard of 10μg/liter is probably an appropriate ambient criterion level to protect the health of the U.S. population.

SILVER

Criteria Summary:

Freshwater Aquatic Life

For silver, the criterion to protect freshwater aquatic life derived using the Guidelines, is 0.0090μg/1 as a 24-hour average and the concentration should not exceed 1.9μg/1 at any time.

Saltwater Aquatic Life

For silver, the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.26μg/1 as a 24-hour average and the concentration should not exceed 0.58μg/1 at any time.

Human Health

For silver, the criterion to protect human health from the toxic properties of silver ingested through water and through contaminated aquatic organisms is 10μg/1.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of silver is the Final Acute Value of 1.9μg/1 and the 24-hour average concentration is the Final Chronic Value of 0.0090μg/1. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For silver the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.0090μg/1 as a 24-hour average and the concentration should not exceed 1.9μg/1 at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of silver.

Final Fish Acute Value=5.6μg/l

Final Invertebrate Acute Value=1.9μg/l

Final Acute Value= 1.9μg/1

Final Fish Chronic Value=0.0090μg/1

Final Invertebrate Chronic Value=not available

Final Plant Value=10μg/1

Residue Limited Toxicant Concentration=not available

Final Chronic Value=0.0090μg/l

0.44×Final Acute Value=0.84μg/l

Saltwater Aquatic Life

The maximum concentration of silver is the Final Acute Value of 0.58μg/1 and the 24-hour average concentration is 0.44 times the Final Acute Value of 0.26μg/1. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For silver, the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.26μg/1 as a 24-hour average and the concentration should not exceed 0.58μg/1 at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of silver.

Final Fish Acute Value=not available

Final Invertebrate Acute Value=0.58μg/1

Final Acute Value= 0.58μg/1

Final Fish Chronic Value= not available

Final Invertebrate Chronic Value= 3.6μg/1

Final Plant Value=130μg/1

Residue Limited Toxicant Concen>tration=not available

Final Chronic Value=3.6μg/1

0.44×Final Acute Value=0.26μg/1

Human Health

None of the carcinogenicity studies mentioned in the criteria document are acceptable for extrapolation to drinking water by use of the linear, non-threshold model (see Methodology Document). No study demonstrating carcinogenicity of silver has met all of the criteria described in 40 CFR 162.11 (a) ii, A or 43 FR 163.83-2bc regarding appropriate route, chemical form, number of animals, histologic examination of organs and all obvious lesions, concurrently run control group, etc.

Data on Human Effects: Although numerous references to the health effects of silver on humans are available, relatively little toxicological or epidemiological data have been reported in the past 30 years. The primary health effect reported is argyria, the unsightly blue-gray discoloration of the skin (and other organs) that develops after repeated exposures to silver compounds. (It is rarely seen today). The current drinking water standard of 50 μg/l was designed to protect against argyria.

Extrapolations from Animal Data: In ten experiments on chronic ingestion by a limited number of rats (rabbits included in one study) of drinking water containing 50 to 20,000 μg/l silver ions, effects were not observed in rats ingesting silver at less than 400 μg/l. However, in four studies, some physiological effect was noted at 400 or 500 μg/l of silver. Thus, for the purpose of developing a criterion for silver based on animal studies of reasonable quality, the following calculation may be made:

$$\frac{(0.2\ \text{mg/1})\ (0.035\ \text{1/day}\ ^{*})}{0.3\ \text{kg}^{**}} = 0.023\ \text{mg/kg/day}$$

0.023 mg/kg/day×70 kg/adult human male=1.6 mg/day

* Estimated volume of water consumed by rats.

** Estimated weight of one rat.

A safety factor of 10 to 100 is indicated here, based on several factors:

The National Academy of Sciencies guidelines:

Some valid experimental results are available for prolonged human ingestion with no indication of carcinogenicity, but data are less than complete.

The water consumption rate for rats is considerably higher than that for humans on equivalent body weight basis.

The retention rate of silver in humans versus that in rats is uncertain.

While silver had not been found to be carcinogenic by normal intake routes some evidence exists that it may have carcinogenic activity when implanted as a solid or have activity as a promoter for other carcinogens.

Application of a safety factor of 100 yields a concentration of 8 μg/l, i.e.

$$\frac{1.6\ \text{mg/day}}{(100)\ 2\ \text{L}} = \frac{0.016\ \text{mg/day}}{2\text{L}} = 0.008\ \text{mg/l} = 8\ \mu g/\text{l}$$

Because of the inherent uncertainties in such a calculation, a value of 10 μg/l silver in water is chosen as the criterion level for protection of human health.

2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN

Criteria Summary:

Freshwater Aquatic Life

For freshwater aquatic life, no criterion for 2,3,7,8-tetrachlorodibenzo-p-dioxin can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for 2,3,7,8-tetrachlorodibenzo-p-dioxin can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to TCDD through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of TCDD estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 4.55×10^{-7} μg/l, 4.55×10^{-8} μg/l, and 4.55×10^{-9} μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

Although few data are available for this compound, sufficient information exists to indicate a potential high environmental hazard. A variety of aquatic organisms bioconcentrated 2,3,7,8-tetrachlorodibenzo-p-dioxin to 20,000 times or more. When coho salmon were exposed for 96 hours and placed in uncontaminated water for observation over a 60-day period, there was 12 percent mortality of those fish exposed to 0.000056 μg/l.

No freshwater criterion can be derived for 2,3,7,8-tetrachlorodibenzo-p-dioxin using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

Final Fish Acute Value=not available

Final Inverterbrate Acute Value=not available

Final Acute Value=not available

Final Chronic Value=not available

Final Invertebrate Chronic Value=not available

Fianl Plant Value=not available

Residue Limited Toxicant Concentration =not available

Final Chronic Value=not available

0.44×Final Acute Value=not available

Saltwater Aquatic Life

No saltwater criterion can be derived for 2,3,7,8-tetrachlorodibenzo-p-dioxin using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

None available.

Human Health

Basis and Derivation of Criteria. TCDD is an extremely toxic compound exhibiting acute, subchronic and chronic effects in animals and humans. The liver appears to be the target organ of acute exposure. Retention of TCDD by the liver indicates that it apparently undergoes little or no metabolism.

Acute effects of exposure include chloracne, prophyria cutanea tarda, hepatotoxicity, psychological alterations, wieght loss, thymic atrophy, thromboctopenia, suppression of cellular immunity and death. TCDD is teratogenic and fetotoxic. Oral exposure of pregnant rats to 0.125 to 2.0μg TCDD/kg/day produced fetal mortality, fetal intestinal hemorrhage and both early and late resorptions. There was found an increased incidence of cleft palate when pregnant mice were given TCDD doses of 1.0μg/kg/day for 10 days during gestation. TCDD has been shown to be mutagenic in three bacterial systems and a potent inducer of hepatic and renal micosomal drug metabolizing enzmes.

The carcinogenic potential of tetrachlorodibenzo-p-dioxin has been established by the findings of two feeding studies. One study found that Spargue-Dawley rats fed dose levels of 5 ppt to ppb TCDD had a significant excess of tumors in TCDD treated rats as compared to the controls. Another feeding study, conducted by Kociba, et al., (In Press) [1] using the same strain of rats given 0.1, 0.01, 0.001 μg TCDD/kg/day, induced a statistically significant excess of hepatocellular carcinoma in treated rats. Based on these two studies, tetrachlorodibenzo-p-dioxin is likely to be a human caroinogen.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." TCDD is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of TCDD in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of TCDD corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5} 10^{-6} or 10^{-7} as shown in the following table.

[1] Kociba, et al. In Press. Toxic and App. Phar.

Exposure assumptions (per day)	Risk levels and corresponding criteria[1]			
	0	10^{-7}	10^{-8}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liter of drinking water and consumption of 18.7 grams fish and shellfish[2]	0	4.55×10^{-8}	4.55×10^{-8}	4.55×10^{-7}
Consumption of fish and shellfish only	0	4.63×10^{-8}	$4.6310\times^{-8}$	
		$44.6310\times^{7}$		

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Appendix I of the document. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Approximately 98 percent of the TCDD exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 5,800-fold. The remaining 2 percent of TCDD exposure results from drinking water.

Concentration levels were derived assiming a lifetime exposure to various amounts of TCDD, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding TCDD concentrations and, (2) occurring solely from comsumption of aquatic life grown in the waters containing the corresponding TCDD concentrations. Because data indicating other sources of TCDD exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect the incremental risks associated with the indicated routes only.

Summary of Pertinent Data

The Kociba, et al. study of Sprague-Dawley rats in which dioxin was added to the diet at a concentration of 0.1μg/kg/day for 2 years resulted in hepatocellular carcinoma in 11 of 49 treated females whereas only 1 of 86 controls had hepatocellular carcioma. Using a bioaccumulation factor 5,800 the parameters of the extrapolation model are:

$n_t = 11$
$N_t = 49$
$n_c = 1$
$N_c = 86$
Le = 24 months
le = 24 months
$d = 10^{-4}$ mg/kg/day
w = 0.37 kg
L = 24 months
R = 5,800

The result is that the water concentration should be less than 4.55×10^{-7} micrograms per liter in order to keep the individual lifetime risk below 10^{-5}.

TETRACHLOROETHYLENE

Criteria Summary:

Freshwater Aquatic Life

For tetrachloroethylene, the criterion to protect freshwater aquatic life, as derived using procedures other than the Guidelines, is 310μg/l as a 24-hour average and the concentration should not exceed 700μg/l at any time.

Saltwater Aquatic Life

For tetrachloroethylene the criterion to protect saltwater aquatic life as derived using the Guidelines is 79μg/l as a 24-hour average and the concentration should not exceed 180μg/l at any time.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to tetrachloroethylene through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of tetrachloroethylene estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 2.0μg/l, 0.20μg/l, and 0.020μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

No freshwater criterion can be derived for tetrachloroethylene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, results obtained with tetrachloroethylene and trichloroethylene and saltwater and freshwater organisms respectively indicate how a criterion may be estimated.

For tetrachloroethylene and saltwater organisms and for trichloroethylene and freshwater organisms the Final Chronic Value based on data for invertebrate species is greater than 0.44 times the Final Acute Value. Therefore, it seems reasonable to estimate a criterion for tetrachloroethylene and freshwater organisms using 0.44 times the final Acute Value.

To estimate a criterion for tetrachloroethylene, the maximum concentration is the Final Acute Value of 700μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For tetrachloroethylene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 310μg/l as a 24-hour average and the concentration should never exceed 700μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=2,600μg/l
Final Invertebrate Acute Value=700μg/l
Final Acute Value=700μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=greater than 820,000μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=greater than 820,000μg/l
0.44×Final Acute Value=310μg/l

Saltwater Aquatic Life

The maximum concentration is the Final acute Value of 180μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For tetrachloroethylene the criterion to protect saltwater aquatic life as derived using the Guidelines is 79μg/l as a 24-hour average and the concentration should never exceed 180μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=not available
Final Invertebrate Acute Value=180μg/l
Final Acute Value=180μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=88μg/l
Final Plant Value=11,000μg/l
Residue Limited Toxicant Concentration=not available
Final Chronic Value=88μg/l
0.44×Final Acute Value=79μg/l

Human Health

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Tetrachloroethylene is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of tetrachloroethylene in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of tetrachloroethylene corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]	0	0.020	0.20	2.0
Consumption of fish and shellfish only	0	0.040	0.40	4.0

[1] Calculations by applying a modified "one-hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Summary of Pertinent Data.

Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Approximately 51 percent of the tetrachloroethylene exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 110-fold. The remaining 49 percent of tetrachloroethylene exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of tetrachloroethylene, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding tetrachloroethylene concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding tetrachloroethylene concentrations. Because data indicating other sources of tetrachloroethylene exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect the incremental risks associated with the indicated routes only.

Summary of Pertinent Data

Tetrachloroethylene administered by gavage to mice caused hepatocellular carcinomas in both males and females in the NCI [1] bioassay at both the high and low dose levels. The females were treated at 772 and 386 mg/kg five times per week for 78 weeks and held until 90 weeks for observation. In females of the high dose group the lifetime probability of dying of hepatocellular carcinoma was 0.938, whereas the matched vehicle and matched untreated controls had an incidence of hepatocellular carcinoma indistinguishable from that of pooled controls, which was 6/196. The lifetime probability given in the NCI report is used for the water criteria documents rather than the actual incidence because a correction is needed for the excess early deaths in the treated groups due to kidney toxicity.

[1] National Cancer Institute. 1976. Carcinogenesis bioassay of trichloroethylene. CAS No. 79-01-6, NCI C6-TR-2 DHEW Publication No. (NIH) 76-802.

With a fish bioaccumulation factor of 110, the parameters of the extrapolation model are:

$n_i/N_i = 0.938$
$n_c = 6$
$N_c = 196$
Le = 90 weeks
le = 78 weeks
d = 772 x 5/7 = 551 mg/kg/day
w = .026 kg
L = 90 weeks
R = 110

The result is that the water concentration should be less than 2.0 micrograms per liter (2.04 μg/l) in order to keep the individual lifetime risk below 10^{-5}.

THALLIUM

Criteria Summary:

Freshwater Aquatic Life

For freshwater aquatic life, no criterion for thallium can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for thallium can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the protection of human health from the toxic properties of thallium ingested through water and contaminated aquatic organisms, the ambient water criterion is 4 μg/l.

Basis for the Criteria:

Freshwater Aquatic Life

No freshwater criterion can be derived for thallium using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of thallium.

Final Fish Acute Value = 860 μg/l
Final Invertebrate Acute Value = 88 μg/l
Final Acute Value = 88 μg/l
Final Fish Chronic Value = less than 6.0 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 100 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = less than 6.0 μg/l
0.44 × Final Acute Value = 39 μg/l

Saltwater Aquatic Life

No saltwater criterion can be derived for thallium using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of thallium.

Final Fish Acute Value = 3,300 μg/l
Final Invertebrate Acute Value = 37 μg/l
Final Acute Value = 37 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 4,100 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 4,100 μg/l
0.44 × Final Acute Value = 16 μg/l

Human Health

The proposed criterion for thallium in water is derived from (1) estimated least toxic level on chronic intake in man (2) introduction of a margin of safety and (3) relative contribution of water and other media to total daily intake in the general population.

In estimating the least toxic level of intake, the effect to which man is most sensitive probably is alcopecia. Loss of scalp hair in man and of body fur in animals seems to occur at somewhat lower levels of intake than any other known effects. This is not so clearly the case in adults as in chil-

dren and animals. There is, however, no great difference between the acute or chronic dose causing alopecia and the dose causing neurologic effects. The least daily amount of thallium which, when taken for a lifetime, will cause alopecia can only be estimated on the basis of sub-chronic animal exposure data combined with some kinetic considerations. It is estimated that the least toxic sub-chronic level of intake in rats was 1.6 mg Tl/kg/d. Alopecia occurred in 2 weeks as a result of the administration of thallium at 12 ppm in the diet. In the following the average weight of rats is derived from inspection of the authors' report; the average food was assumed to be 10 g at that weight:

(1) least toxic dietary level=15 ppm thallous acetate=12 ppm thallium (12 μg/g)
(2) average weight of rats=.075 kg
(3) average diet consumption=10 g/d (12 μg/g) (10g)=240μg Tl/d/.075 kg=1.6 mg/kg/d

In spite of continuous intake for 105 days, animals receiving a modestly lower level (one-third) showed no alopecia or other effects. At the least toxic dose level effects occurred within two weeks or they did not occur with continued intake. This is consistent with the rapid turnover of thallium in rats and the consequently rapid attainment of a steady state level of thallium in the body. Within two weeks, a steady state is virtually achieved since 14 days represents more than three half-lives for thallium clearance from the body. Thus, steady state for input vs output:

$$A = \frac{1.6 \text{ mg/kg/d}}{.18 \text{ day}^{-1}};$$

$$A = 8.9 \text{ mg/kg}$$

where:

A=amount in 1 kg body weight
k=constant for rate of excretion

At 14 days

$$A = \frac{1.6 \text{ mg/kg/d}}{0.18 \text{ d}^{-1}} \cdot (1-e^{-0.17 \cdot 14})$$

$$A = \frac{1.6}{.18} \cdot (1-.09)$$

A=8.1 mg/kg (compared to 8.9 above)

Extrapolation of this minimal toxic level of 1.6 mg/kg/d to man requires one assumption, that man and rat are about equally sensitive to the toxic effects of thallium. This seems reasonable. A comparison of minimal acute lethal doses is possible; 13–20 mg/kg in rats and 8–10 mg/kg in man. However, in order for man to attain the same toxic level in the body as the rat, the required intake is much smaller because the turnover of thallium in the body is much slower (k=0.18 in the rat vs k=0.023 in man). Thus, in man, the dose required to attain a minimally toxic steady state whole body concentration of thallium would be only 0.20 mg/kg/d from:

$$\frac{k \text{ (man)}}{k \text{ (rat)}} = \frac{AD \text{ (man)}}{A_D \text{ (rat)}}$$

where: A_D = mg Tl/kg/d

= 1.6 mg/kg (rat)

Because of the tenuous nature of the data on which these calculations are based, it must be accepted that the minimal toxic level of chronic exposure may be lower than estimated here. Even assuming that the minimal toxic dose is actually lower than estimated, the spread between toxic intake and man's current level of intake is considerable. It is estimated that the usual input from drinking water, food and air is no more than 6μg/d for an adult weighing 70 kg. This is in contrast to a minimal toxic level of 15.4 mg/day for a person weighing 70 kg. The safety factor is thus approximately 2500

$$\left(\frac{15{,}400 \text{ μg/d}}{6.0 \text{ μg/d}}\right)$$

So far as a safe level of thallium in drinking water is concerned, there does not seem to be any reasonable possibility that even the most thallium-polluted waters would have a toxic effect. In the worst case identified by Zitko et al. the concentration of thallium was 88μg/1. Assuming that this were a human water supply, the daily input at 2 l. per day would be only 176μg Tl, 0.011 times the minimally toxic input calculated in this document.

The great difference between estimated minimally toxic exposures and current total exposure in the general population is reassuring. One cannot be totally sanguine, however, since there is a paucity of chronic data, including mutagenicity, teratogenicity and carcinogenicity. For that reason it seems prudent to keep levels of exposure at or below their present levels. From the data available, it would seem that few if any public water supplies would ever contain more than 4μg/1. This seems like a reasonable standard which would protect against gross excursions beyond the usual range of thallium in water, which appears to be of the order 0.1-1μg/1. This also provides a safety factor of three orders of magnitude–10^3. This is in agreement with well—accepted guidelines of the NAS for calculating a safety factor which is used in the case of compounds where there are: "No long-term or acute human data. Scanty results on experimental animals. No indication of carcinogenicity."

Consumption of 2 liters of water per day and 18.7 grams of fish and shellfish products/day with an average bioconcentration factor of 61 from ambient waters containing 4 μg/1 of thallium results in an intake of 12.56μg Tl/day, compared to the estimated minimal toxic dose of 15,400μg/d.

In summary form, the dose-response scale for man is estimated to be as follows:

Dose	
8–10 mg/kg	minimally lethal single dose
220 μg/kg/d	minimally toxic dose over a lifetime
1000μg/kg/d	category 3 safety factor recommended by NAS according to available data
4μg/1. H_2O	recommended standard
20μg/70kg/d	thallium consumption @ 10μg/1
1μg/1	probable limit for >99 percent of U.S. tap waters
≤ 1μg/d	probable current level of daily adult thallium comsumption from drinking water
15.4 mg/d	acceptable total daily intake of thallium from air, water, and food

TRICHLOROETHYLENE

Criteria Summary:

Freshwater Aquatic Life

For trichloroethylene the criterion to protect freshwater aquatic life (as derived using the Guidelines), is 1,500 μg/1 as a 24-hour average and the concentration should not exceed 3,400 μg/1 at any time.

Saltwater Aquatic Life

For saltwater aquatic life, no criterion for trichloroethylene can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to trichloroethylene through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of trichloroethylene estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding crite-

ria of 21μg/1, 2.1μg/1, and 0.21μg/1, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

The maximum concentration of trichloroethylene is the Final Acute Value of 3,400μg/1 and the 24-hour average concentration is the Final Chronic Value of 1,500μg/1. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Criterion: For trichloroethylene the criterion to protect freshwater aquatic life as derived using the Guidelines is 1,500 μg/1 as 24-hour average and the concentration should not exceed 3,400 μg/1 at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=7,900μg/1

Final Inverterbrate Acute Value=3,400μg/1

Final Acute Value=3,400μg/1

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=greater than 2,000μg/1

Final Plant Value=not available

Residue Limited Toxicant Concentration=not available

Final Chronic Value=greater than 2,000μg/1

0.44×Final Acute Value=1,500 μg/1

Saltwater Aquatic Life

No saltwater criterion can be derived for trichloroethylene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=not available

Final Invertebrate Acute Value=not available

Final Acute Value=not available

Final Fish Chronic Value=not available

Final Invertebrate Chronic Value=not available

Final Plant Value=not available

Residue Limited Toxicant Concentration=not available

Final Chronic Value=not available

0.44×Final Acute Value=not available

Human Health

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Trichloroethylene is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of trichloroethylene in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of trichloroethylene corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6}, or 10^{-7} as shown in the table below.

Exposure assumption (per day)	Risk levels and corresponding criteria[1]			
	0	10^{-7}	10^{-6}	10^{-5}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2]	0	0.21	2.1	21
Consumption of fish and shellfish only	0	0.78	7.8	78

[1] Calculations by applying a modified "one-hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Approximately 27 percent of the trichloroethylene exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 39-fold. The remaining 73 percent of trichloroethylene exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of trichloroethylene, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding trichloroethylene concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding trichloroethylene concentrations. Because data indicating other sources of trichloroethylene exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect the incremental risks associated with the indicated routes only.

Summary of Pertinent Data

The NCI[1] bioassay with male mice at an average dose, administered by stomach tube of 1,169 mg/kg administered five times per week for 78 weeks is used. The experiment was terminated after 90 weeks. In matched control animals the incidence of hepatocellular carcinoma was 1/20 and in treated animals it was 26/50. The fish bioaccumulation factor is 39. The parameters of the extrapolation model are:

nt=26
NT=50
nc=1
NC=20
Le=90 weeks
le=78 weeks
d=1169×5/7=835 mg/kg/day
w=0.034 kg
L=90 weeks
R=39

The result is that the water concentration should be less than 21μg/1 (21.47μg/l) in order to keep the individual lifetime risk below 10^{-5}.

[1] National Cancer Institute, 1976. Carcinogenesis bioassay of trichloroethylene CAS No. 79-01-6, NCI-01-IB-2.

VINYL CHLORIDE

Criteria Summary:

Freshwater Aquatic Life

No freshwater criterion can be derived for vinyl chloride using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life

No saltwater criterion can be derived for vinyl chloride using the Guidelines

because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health

For the maximum protection of human health from the potential carcinogenic effects of exposure to vinyl chlorides through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of vinyl chloride estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 517 μg/l, 51.7 μg/l, and 5.17 μg/l, respectively.

Basis for the Criteria:

Freshwater Aquatic Life

No criteria have been developed.

Summary of Available Data

No data available.

Saltwater Aquatic Life

No criteria have been developed.

Summary of Available Data

No data available.

Human Health

Vinyl chloride is a well-known human and animal carcinogen. Several occupational epidemiology studies in highly exposed workers have reported excess rates of liver angiosarcoma and tumors at other organ sites. Animal experiments using both inhalation and oral routes of exposure have also induced liver angiosarcoma.

The recommended water quality criterion is calculated using the tumor incidence data from chronic rat inhalation studies. The validity of these incidence rates for humans was established by evaluating the cancer incidence in workers after accounting for their exposure.

Under the Consent Decree in *NRDC v. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Vinyl Chloride is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of vinyl chloride in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of vinyl chloride corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the FEDERAL REGISTER notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria[1]			
	0	10^{-5}	10^{-6}	10^{-7}
		(μg/l)	(μg/l)	(μg/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]	0	5.17	51.7	517
Consumption of fish and shellfish only	0	260	2600	26,000

[1] Calculated by applying a modified "one-hit" extrapolation model to the animal bioassay and human epidemiological data presented in Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Two percent of the vinyl chloride exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 1.9 fold. The remaining 98 percent of vinyl chloride exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of vinyl chloride, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding vinyl chloride concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding vinyl chloride concentrations.

Although total exposure information for vinyl chloride is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into ambient water quality criteria formulation until additional analysis can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

In a previous report on risks to vinyl chloride in the ambient air (Kuzmack and McGaughy, 1975) [1] the rat inhalation experiments of Maltoni and Lefemine (1975) [2] were combined with occupational epidemiology studies to estimate risks to inhaled vinyl chloride. The result was that a continuous exposure of 17 ppb of vinyl chloride results in a lifetime risk of 10^{-5}. On the assumptions that the same daily intake of vinyl chloride via 2 liters of drinking water produces the same risk, and that fish bioaccumulative vinyl chloride to a small degree (BCF=1.9), the following calculation is used to find the water concentration giving a lifetime risk to 10^{-5}.

Intake of vinyl chloride via air is:

$$24\ m^3/day \times 17ppb \times (1\mu g/m^3/0.387ppb) = 1.054 \times 10^3 \mu g/day.$$

If this intake comes from 2 liters of water and ingesting 18.7 grams per day of fish and shellfish products, the ambient water concentration would have to be

$$1.054\ mg/kg/day\ 2 + 1.9(0.0187) = 0.517\ mg/l.$$

[1] Kuzmack, A. M., and R. E. McGaughy. 1975. Quantitative risk assessment for community exposure to vinyl chloride. Environ. Prot. Agency Rep. Dec. 5.

[2] Maltoni, C., and G. Lefemine. 1975. Carcinogenicity assays of vinyl chloride: current results. Ann. N.Y. Acad. Sci. 246:195.

APPENDIX B—GUIDELINES FOR DERIVING WATER QUALITY CRITERIA FOR THE PROTECTION OF AQUATIC LIFE AND ITS USES

FEBRUARY 15, 1979.

INTRODUCTION

This version of the Guidelines provides clarifications, additional details, and technical and editorial changes in the version published in the FEDERAL REGISTER (43 FR 21506 (May 18, 1978) and 43 FR 29028 (July 5, 1978)). The purpose of publising this version is to make available the one that was used in the preparation of the water quality

criteria for aquatic life to help people understand the derivation of the criteria. (For some substances, however, available data from chronic animal studies (see Section XIII B) were not obtained in time for use in the criteria issued today.) The Glossary and the Tables that were published along with the Guidelines in the FEDERAL REGISTER are not reproduced here since they have not been changed. The content of this version does not reflect in any way what will be the Agency response to the comments received on the previously published version.

The Guidelines assume that water quality criteria for aquatic life should protect both the presence and uses of aquatic organisms. Since some substances may be more toxic in fresh water than in salt water, or vice versa, separate water quality criteria are derived for freshwater and saltwater organisms for each substance. However, for some chemicals sufficient data were not available to derive one or both of the criteria using the Guidelines. The Guidelines are intended to describe an objective, consistent, and apropriate way of using the available pertinent information to derive such criteria. The Guideline should not be interpreted as implying that the various ways of obtaining test results, such as static vs. flow-through or measured vs. estimated bioconcentration factors, are equally good.

Section I. Identify needed criteria

A. Usually the substance of concern can be easily classified as either ionizable or non-ionizable.

1. Separate criteria should usually be derived for each individual non-ionizable chemical, except possibly for (a) a compound and one or more of its metabolites and degradation products, or (b) structurally similar compounds that only differ in the number and location of atoms of a specific halogen, only exist as commercial mixtures of the various compounds, are difficult to measure individually, and apparently have similar chemical, biological, and toxicological properties.

For an ionizable chemical, one criterion should usually be derived for all forms that are in chemical equilibrium. Separate criteria should usually be derived for each different form, e.g., valence state or bonding structure, that is not in chemical equilibrium with another chemical for which a criterion has been or is being derived.

B. Based on information on chemical, biological and toxicological properties, determine for which substances criteria are needed.

C. For each substance, determine if criteria are needed for both fresh and salt water. If both criteria are needed, all of the following must be completed once for fresh water and once for salt water.

Section II. Data base

A. Collect all available data on the toxicity of the substance to fish, aquatic invertebrates, and aquatic plants and on the bioconcentration of the substance by aquatic organisms.

B. Discard all data that are not either (1) published or (2) available in manuscript form and obtained using standard test procedures.

C. Discard all data obtained using brine shrimp.

D. Discard data that were not obtained using species resident in North America, Hawaii, or Puerto Rico. Resident North American species of fish are defined as those listed in "A List of Common and Scientific Names of Fishes from the United States and Canada", 3rd ed., Special Publication No. 6, American Fisheries Society, Washington, D.C., 1970.

E. Discard questionable data. For example, discard data obtained using organisms that were previously exposed to significant concentrations of the test material. Discard data from tests for which there was no control treatment, in which control mortality was unacceptably high, or in which distilled or deionized water was used as the dilution water.

Section III. Fish acute values

A. Use the following kinds of data on toxicity to fish (times are ±3 hours):

1. 24-, 48-, 72-, and 96-hr LC50 values.

2. 24-, 48-, 72-, and 96-hr EC50 values based on immobilization.

B. If values are available from one test for more than one of the specified time periods, use only the one for the longest duration. For use of comparable values for times other than those listed above, see Section XIV.

C. Multiply all values based on unmeasured concentrations by an adjustment factor of 0.77 to simulate results based on measured concentrations (a).[1]

D. Multiply all 24-, 48-, and 72-hr values by adjustment factors of 0.66, 0.81, and 0.92, respectively, to simulate 96-hr values (b).

E. Multiply all values from static and renewal tests by an adjustment factor of 0.71 to simulate values from flow-through tests (c).

Section IV. Invertebrate acute values

A. Use the following kinds of data on toxicity to invertebrates (times are ±3 hours):

1. 48-hr LC50 values for daphnids and other cladocerans, midge larvae, and embryos and larvae of barnacles and bivalve molluscs.

2. 48-hr EC50 values based on abnormal development of embryos and larvae of barnacles and bivalve molluscs.

3. 48-hr EC50 values based on immobilization of daphnids and midge larvae.

4. 96-hr EC50 values based on decreased shell deposition for oysters.

5. 24-, 48-, 72-, and 96-hr EC50 values based on loss of equilibrium for shrimp and crabs.

6. 24-, 48-, 72-, and 96-hr EC50 values based on immobilization for invertebrate species not named above.

B. If values are available from one test for more than one of the specified time periods, use only the one for the longest duration. For use of comparable values for times other than those listed above, see Section XIV.

C. Multiply all values based on unmeasured concentrations by an adjustment factor of 0.77 to simulate results based on measured concentrations (a).

D. Multiply all 24-, 48-, and 72-hr values from steps A5 and A6 by adjustment factors of 0.26, 0.43, and 0.61, respectively, to simulate 96-hr values (h). Do not adjust the 48-hr values from steps A1, A2, and A3.

E. Multiply all values from static and renewal tests by an adjustment factor of 1.1 to simulate values from flow-through tests (i).

Section V. Fish chronic values

A. Chronic values are calculated as the geometric mean of the limits on the Maximum Acceptable Toxicant Concentration (MATC) obtained from a life-cycle test or a partial life-cycle test, or one-half the geometric mean of the limits obtained from an embryo-larval test (e).

NOTE.—Some authors report "MATC limits" that are not MATC limits as defined in the Glossary.

Section VI. Invertebrate chronic values

A. Chronic values are calculated as the geometric mean of the MATC limits obtained from a life-cycle test or a partial life-cycle test.

NOTE.—Some authors report "MATC limits" that are not MATC limits as defined in the Glossary.

Section VII. Final values related to water quality

A. If the toxicity of the substance is affected by a water quality characteristic such as hardness for freshwater organisms or salinity for saltwater organisms, the criterion for that substance in that water should be related to that water quality characteristic. Since data of the right kind may not be available to determine whether such a statistically significant relationship exists for both acute and chronic toxicity to both fish and invertebrates, extrapolations from one species to another, assumptions, and judgments

[1] Small letters in parentheses refer to the footnotes appended to the Guidelines.

may have to be used instead of statistical tests.

B. Deriving a relationship (do separately for fish acute values, invertebrate acute values, fish chronic values, and invertebrate chronic values).

1. For each species for which comparable toxicity values are available at two or more different values of the water quality characteristic, perform a least squares regression of the natural logarithms of the toxicity values (adjusted when necessary) on the natural logarithms of the water quality characteristic values. If there are three or more values of the water quality characteristic, test the significance of the relationship using a regression F-test.

2. Determine whether or not each slope is meaningful, taking into account not only the results of the regression F-test, but also the range and number of values of the water quality characteristic tested. For example, a slope from a statistically significant regression may be of limited value if it is based only on data for a narrow range of the water quality characteristic. On the other hand, even though a regression based on only two data points can not be tested for statistical significance, a slope based on a line drawn between only two data points may be meaningful if it is consistent with other information and if the two points cover a broad enough range of the water quality characteristic. If a meaningful slope is not obtained for any species, go to step B13.

3. Calculate the mean slope (S) as the geometric mean of all of the meaningful slopes for individual species.

4. For each species calculate the geometric mean (T) of the toxicity values (adjusted when necessary) and the geometric mean (C) of the related water quality characteristic values.

5. For each species calculate a value for L, the logarithmic intercept, using the equation: $L=\ln T-S(\ln C)$.

6. Calculate the average logarithmic intercept (I) as the arithmetic average of all of the logarithmic intercepts (L) for individual species.

7. Select the appropriate value for the species sensitivity factor (F):

	Fish		Invertebrates	
	Acute	Chronic	Acute	Chronic
Fresh water...	3.9	6.7	21	5.1
Salt water...	3.7	6.7	49	5.1

8. Calculate $J=I/F$.

9. For each species calculate the geometric mean (W) of the toxicity values (adjusted when necessary) that were based on measured concentrations and obtained using flow-through procedures and the geometric mean (X) of the related water quality characteristic values.

10. For each species, calculate a value for Y using the equation: $Y=\ln W-S(\ln X)$.

11. Obtain R by selecting the lower of J from step B8 and all the values of Y from step B10.

12. Write the final value as: "[R+S (ln Water Quality Characteristic)] where the value of R is that obtained in step B11, and the vaule of S is that obtained in step B3.

13. If steps B1–B12 have been completed for fish acute values, invertebrate acute values, fish chronic values, and invertebrate chronic values, go to step C. If not, go to step B1.

C. If, after reviewing all the data, an overall relationship cannot be established between toxicity and any water quality characteristic, go to Section VIII.

D. If a relationship was derived for at least one, but not all, of the four kinds of toxicity data (fish acute, invertebrate acute, fish chronic, and invertebrate chronic), the other relationships should be derived as per steps B4–B12 except that the slope should be obtained by extrapolation from the slopes for the available relationships, rather than as per B3.

E. Go to Section XII.

Section VIII. Final fish acute value

A. For each fish species for which acute values are available calculate the geometric mean of all the acute values (adjusted when necessary).

B. Calculate the geometric mean of all of the geometric means for individual species.

C. Obtain the Final Fish Acute Value by selecting the lower value obtained from 1 and 2:

1. Divide the overall geometric mean by the species sensitivity factor of 3.9 for freshwater fish or 3.7 for saltwater fish (d).

2. For each species calculate the geometric mean of all of the acute values (adjusted when necessary) based on measured concentrations and obtained using flow-through procedures comparable to those in Methods for Acute Toxicity Tests with Fish, Macroinvertebrates and Amphibians (1975, EPA-660/3-75-009). More than one geometric mean should be calculated for a species if the available information indicates that substantially different acute values are obtained under different test conditions or with different life stages. Select the lowest of all of the means for individual species.

Section IX. Final invertebrate acute value

A. For each invertebrate species for which acute values are available calculate the geometric mean of all the acute values (adjusted when necessary).

B. Calculate the geometric mean of all of the geometric means for individual species.

C. Obtain the Final Invertebrate Acute Value by selecting the lower value obtained from 1 and 2:

1. Divide the overall geometric mean by the species sensitivity factor of 21 for freshwater invertebrates or 49 for saltwater invertebrates (j).

2. For each species calculate the geometric mean of all of the acute values (adjusted when necessary) based on measured concentrations and obtained using flow-through procedures comparable to those in Methods for Acute Toxicity Tests with Fish, Macroinvertebrates and Amphibians (1975, EPA-660/3-75-009). More than one geometric mean should be calculated for a species if the available information indicates that substantially different acute values are obtained under different test conditions or with different life stages. Select the lowest of all of the means for individual species.

Section X. Final fish chronic value

A. For each fish species for which chronic values are available calculate the geometric mean of all the chronic values.

B. Calculate the geometric mean of all of the geometric means for individual species.

C. Obtain the Final Fish Chronic Value by selecting the lower value obtained from 1, 2 and 3:

1. Divide the overall geometric mean by the species sensitivity factor of 6.7(f).

2. For each species calculate the geometric mean of all of the chronic values. Select the lowest of all of the means for individual species.

3. a. For each matched pair of MATC limits and 96-hr LC50 values from flow-through tests and obtained using measured concentrations, calculate an application factor by dividing the geometric mean of the MATC limits by the 96-hr LC50.

b. Calculate the geometric mean of all of the AF values.

c. Obtain a calculated chronic value from $X\sqrt{YZ}$, where (g)

X=geometric mean AF
Y=geometric mean of the LC50 values used in calculation of X
Z=Final Fish Acute Value from Section VIII.C.

Section XI. Final invertebrate chronic value

A. For each invertebrate species for which chronic values are available calculate the geometric mean of all the chronic values.

B. Calculate the geometric mean of all of the geometric means for individual species.

C. Obtain the Final Invertebrate Chronic Value by selecting the lower value obtained from 1 and 2:

1. Divide the overall geometric mean by the species sensitivity factor of 5.1(k).

2. For each species calculate the geometric mean of all of the chronic values. Select the lowest of all of the means for individual species.

Section XII. Final plant value

A. A plant value can be obtained from a toxicity test on algae, duckweed or other aquatic plant.

B. If no values are available for plants, no Final Plant Value can be derived.

C. Select the lowest plant value as the Final Plant Value.

Section XIII. Residue limited toxicant concentration (RLTC)

A. The RLTC is derived in order to protect (1) wildlife, including fish and birds, that eat aquatic organisms, and (2) the marketability of fish and shellfish. The diets of a variety of wildlife species consist almost entirely of aquatic life and wildlife usually eat the whole body. The marketability of fish and shellfish is determined by FDA action levels.

B. Use (1) an FDA action level or (2) a maximum dietary intake derived from a chronic animal study as a maximum permissible tissue concentration. To obtain a maximum dietary intake, use chronic studies on wildlife if available. Otherwise, use chronic studies on laboratory or domestic animals, such as mice, rabbits, and chickens, when available.

C. If no maximum permissible tissue concentration is available, no RLTC can be derived.

D. Discard each biconcentration factor (BCF) that is not either (1) a steady-state value or (2) based on an exposure that lasted for 28 days or more. Use a BCF from field exposure only when enough measurements were made of the exposure concentrations. Discard bioconcentration factors obtained from exposures that caused an observable adverse effect on the test organisms. Bioconcentration factors should be corrected for the concentration in the control organisms and should be calculated using wet tissue weights. To convert values expressed on a dry weight basis to wet weight, multiply the dry weight value by 0.1 for plankton and by 0.2 for fish and other invertebrates (1).

E. For use with the result of a chronic animal study, use only BCF values based on whole body measurements on aquatic plants and animals. Calculate the geometric mean for each species, and then the geometric mean of all of the geometric means for individual species.

F. For use with an FDA action level for fish and shellfish, use only BCF values based on muscle (with or without skin) for fish and decapods, adductor muscle for scallops, and total living tissue for other bivalve molluscs. Calculate the geometric mean for each species, and select the highest mean.

G. For use with an FDA action level for animal feed, use only BCF values based on whole body measurements on fish. Calculate the geometric mean for each species, and select the highest mean.

H. For organic chemicals, if no BCF is available for aquatic organisms, a BCF can be obtained (m) from $\text{Log(BCF)} = 0.76 \text{ Log P} - 0.23$, where P is the octanol-water partition coefficient and can be either measured directly or obtained from the retention time on a calibrated reverse phase liquid chromatography system (n). As a last resort, an empirically derived partition coefficient can be used (o). A BCF obtained in this manner applies to aquatic organisms that contain about 8 percent lipids. If it is known that the diet of the wildlife of concern or that the organisms subject to an FDA action level contain a significantly different lipid content, an appropriate adjustment in the estimated BCF should be made.

I. Obtain the RLTC by selecting the lowest value obtained from 1, 2, and 3:

1. Divide the lowest maximum permissible tissue concentration based on a chronic animal study by the BCF obtained in step E or in step H if necessary.

2. Divide the FDA action level for fish and shellfish by the BCF obtained in step F or in step H if necessary.

3. Divide the FDA action level for animal feed by the BCF obtained in step G or in step H if necessary.

Section XIV. Other data

A. For some substances acceptable pertinent information that cannot be used in other sections will be available concerning adverse effects on aquatic organisms and their uses.

B. For some substances data on other obviously important adverse effects, such as flavor impairment or avoidance, may be available.

C. Sometimes LC50 or EC50 values for durations longer than those specified in Sections III and IV for a sensitive species may be lower than the Final Chronic Value, if chronic values are only available for insensitive species.

D. Data from behavioral, microcosm, field, and physiological studies may be available.

Section XV. Final values

A. The Final Acute Value is obtained from the Final Fish Acute Value and the Final Invertebrate Acute Value by selecting the lower available value, or, if toxicity is related to a water quality characteristic, by selecting the value that results in the lower concentrations in the normal range of the water quality characteristic.

B. The Final Chronic Value is obtained from the Final Fish Chronic Value, the Final Invertebrate Chronic Value, the Final Plant Value, and the RLTC by selecting the lowest available value, unless other data (see Section XIV) exist to show that a lower value should be used, or, if toxicity is related to a water quality characteristic, by selecting the value that results in the lowest concentrations in the normal range of the water quality characteristic.

Section XVI. Criterion

A. No criterion can be derived using the Guidelines unless either a Final Fish Chronic Value is available from Section VII or Section X, or a Final Invertebrate Chronic Value is available from Section VII or Section XI, or a good substitute is available from Section XIV for either the final fish or final invertebrate chronic value.

B. The criterion consists of two concentrations, one that should not be exceeded on the average in a 24-hour period and one that should not be exceeded at any time during the 24-hour period. This twofold criterion describes ambient water quality conditions necessary to protect aquatic life and its uses from acute and chronic adverse effects of both cumulative and non-cumulative substances without being as restrictive as a single-number criterion would have to be to provide the same degree of protection.

C. Obtain the 24-hour average concentration by selecting the lower value obtained from 1 and 2:

1. The Final Chronic Value from Section XV.B.

2. 0.44 times the Final Acute Value (q) from Section XV.A.

D. The criterion is the 24-hour average and the concentration should not exceed the Final Acute Value at any time.

Section XVII. Review

A. On the basis of the data collected in Section II and other pertinent information, determine if the criterion is consistent with sound scientific evidence. If it is not, another criterion should be derived using appropriate modifications in the Guidelines. The Guidelines should be modified on a case-by-case basis only if sound scientific evidence indicates the need to do so.

FOOTNOTES

a. The value of 0.77 is the geometric mean of values from 89 tests on 39 toxicants (see Table 1).

b. The value of 0.66, 0.81, and 0.92 are geometric means of 307, 196, and 103 comparions of 24-, 48-, and 72-hr LC50 values, respectively, with 96-hr LC50 values for fish (see Table 2).

c. The value of 0.71 is the geometric mean of values for 24 pairs of tests on 12 toxicants (see Table 3).

d. The value of 3.9 is the antilog of the product of 1.645 times the square root of the average of the logarithmic variances calculated from 62 sets of fish LC50 values (see Table 4). The value of 1.645 is the t-value for P=0.05 for a one-tailed test so that 95% of the distribution will be above the lower limit. The value of 3.7 is derived similarly for saltwater fish.

e. The value of one-half is used since in only 5 of 75 comparisons were the results of a life cycle test more than a factor of two lower than the results of a comparable embryo-larval test. See: Macek, K. J. and B. H. Sleight, III, 1977. In *Aquatic Toxicology and Hazard Evaluation*, ASTM STP 634, F. L. Mayer and J. L. Hamelink, eds. American Society for Testing and Materials, Philadelphia, PA. pp. 137-146. McKim, J. M., 1977. Jour. Fish Res. Bd. Canada, 34:1148-1154. Hansen, D., Personal Communication, Environmental Research Laboratory, Sabine Island, Gulf Breeze, Florida.

f. The value of 6.7 is the antilog of the product of 1.645 times the square root of the average of the logarithmic variances calculated from 14 sets of freshwater fish chronic values (see Table 5). No comparable data are available for saltwater fish, but 6.7 is probably reasonable since the available chronic values for saltwater fish are, in the same range as those for freshwater fish.

g. See: Andrew, R. W., et al., Evaluation of an Application Factor Hypothesis, Manuscript.

h. The values of 0.26, 0.43, and 0.61 are geometric means of 400, 238, and 29 comparisons of 24-, 48-, and 72-hr LC50 values, respectively, with 96-hr LC50 values for invertebrates (see Table 6).

i. The value of 1.1 is the geometric mean of values for 12 pairs of tests on 8 toxicants (see Table 7).

j. The value of 21 is the antilog of the product of 1.645 times the square root of the average of the logarithmic variances calculated from 25 sets of acute values for freshwater invertebrates (see Table 8). The value of 49 is derived similarly for saltwater invertebrates.

k. The value of 5.1 is the antilog of the product of 1.645 times the square root of the average of the logarithmic variances calculated from 9 sets freshwater invertebrate chronic values (see Table 9). No comparable data are available for saltwater invertebrates, but 5.1 is probably reasonable since the available chronic values for saltwater invertebrates are in the same range as those for freshwater invertebrates.

l. The values of 0.2 and 0.1 were derived from data published in: McDiffett, W. F., 1970. Ecology 51:975-988. Brocksen, R. W., *et al.*, 1968. J. Wildlife Management 32:51-75. Cummins, K. W., *et al.*, 1973. Ecology 54:336-345. Pesticide Analytical Manual, Volume I, Food and Drug Administration, 1969. Love, R. M., 1957. In the Physiology of Fishes, Vol. I, M. E. Brown, ed. Academic Press, New York. p. 411. Ruttner, F., 1963. Fundamentals of Limnology. 3rd ed. Trans. by D. G. Frey and F. E. J. Fry. Univ. of Toronto Press, Toronto. Some additional values can be found in: Sculthorpe, C. D., 1967. The Biology of Aquatic Vascular Plants. Arnold Publishing Ltd., London.

m. Veith, G. D., *et al.* An Evaluation of Using Partition Coefficients and Water Solubility to Estimate Bioconcentration Factors for Organic Chemicals in Fish. (Manuscript.)

n. Veith, G. D., and T. T. Morris, 1978. A Rapid Method for Estimating Log P for Organic Chemicals. Ecological Research Report. EPA-600/3-78-049. U.S. Environmental Protection Agency. Duluth, MN. 15 pp.

o. Leo, A. J., 1975. In *Symposium on Structure-Activity Correlations in Studies of Toxicity and Bioconcentration with Aquatic Organisms.* G. D. Veith and D. E. Konasewich, eds. International Joint Commission, Windsor, Ontario, pp. 151-176.

p. Tests with copper, zinc, diazinon, simzaine, TFM and 2,4-D have shown that exposures to some concentrations above the MATC for short periods of time do not adversely affect survival, growth or reproduction.

q. The value of 0.44 is the geometric mean of the quotients of the highest concentration that killed 0-10% of the organisms divided by the LC50 in 219 acute toxicity tests (see Table 10).

Appendix B-1—Procedures for Obtaining a Criterion When the Guidelines Do Not Produce a Criterion

February 15, 1979.

Alternative procedures were used to derive aquatic life criteria for many of the pollutants for which certain values required by the Guidelines for criterion formulation were not available. The alternative procedures do not replace the Guidelines but supplement them by providing data, estimated values, or assumpations about the subject pollutants so that the Guidelines can be used.

The four alternative procedures developed for this purpose are described briefly below. The procedures are listed in order of preference, that is, the second alternative procedure was considered only if a criterion could not be derived using the first procedure, and so on.

It should be noted that these procedures will not produce a criterion for all chemicals for which the Guidelines will not produce a criterion.

1. Use unpublished data not yet in manuscript form and use the Guidelines to obtain a criterion.

2. A. Assume that, if the 24-hour average concentration is based on 0.44 times the Final Acute Value for a chemical, the same procedure can be used for that chemical for both freshwater and saltwater organisms and for structurally similar organic compounds. (Note: Structurally similar organic compounds are organic chemicals that have the same carbon-oxygen-nitrogen structure and the same arrangement of single, double, and triple bonds, and differ only in the substitution of hydrogen, chlorine, and bromine for each other.)

B. Estimate missing Final Fish Acute Values and Final Invertebrate Acute Values, by assuming that the ratio of the Final Fish Acute Value to the Final Invertebrate Acute Value is the same for a chemical for both freshwater and saltwater organisms and for structurally similar organic compounds.

C. Use the Guidelines to obtain a criterion.

3. A. Assume that, if the 24-hour average concentration is based on the Final Fish Chronic Value for a chemical, the same procedure can be used for that chemical for both freshwater and saltwater organisms and for structurally similar organic compounds.

B. If an actual, not an estimated, Final Fish Acute Value is available, estimate a Final Fish Chronic Value by assuming that either (1) the application factor or (2) the ratio of the Final Fish Chronic Value to the Final Fish Acute Value is the same for a chemical for both freshwater and saltwater organisms and for structurally similar organic compounds.

C. Use the Guidelines to obtain a criterion.

4. If, using the Guidelines, a criterion can be derived for a chemical in one water but not the other, set a criterion for the second water to be equal to that for the first water if (a) data exist to indicate that the toxicity of the chemical to comparable organisms is about the same in both waters, and (b) none of the values necessary to derive the criterion in the first water have to be estimated by procedures other than those described in the Guidelines.

Appendix C—Guidelines and Methodology Used in the Preparation of Health Effect Assessment Chapters of the Consent Decree Water Criteria Documents

I. OBJECTIVE

The objective of the health effect assessment chapters of the water criteria documents is to estimate ambient water concentrations which protect public health. The assessments review all relevant information on individual chemicals or chemical classes in order to derive criteria which represent, in the case of suspect or proven carcinogens, various levels of incremental cancer risk, and; in the case of other pollutants, "no observable effect levels."

Ideally, water quality criteria should represent levels for compounds in ambient water which would not pose a hazard to the human population. However, in any realistic assessment of human health hazard, a fundamental distinction must be made between absolute safety and recognition of some risk. Criteria for absolute safety would have to be based on detail knowledge of dose/response relationships in humans including all sources of chemi-

cal exposure, the types of toxic effects elicited, the existence of thresholds for the toxic effects, the significance of toxicant interactions, and the variances of sensitivities and exposure levels within the human population. In practice, such absolute criteria cannot be established because of deficiencies in both the available information and the means of interpreting this information. Consequently, the water quality human health effects documents propose criteria which minimize or specify the potential risk of adverse human effects due to substances in ambient water. Potential social or economic costs and benefits are not considered in the formulation of the criteria.

II. TYPES OF CRITERIA

Two types of biological endpoints have been used in developing water quality criteria, stochastic (non-threshold) effects and non-stochastic (threshold) effects.

As defined by the International Commission on Radiological Protection (1977), *"stochastic effects* are those for which the probability of an effect occurring, rather than its severity, is regarded as a function of the dose without threshold." For such effects, which may be regarded as "all or none" phenomena, thresholds or "no effect" levels cannot be established because even extremely small doses must be assumed to elicit a finite increase in the incidence of the response. Carcinogens, mutagens, and, in some cases, teratogens elicit stochastic effects. Consequently, "safe" levels—i.e., levels which will produce no adverse effects—cannot be established for carcinogens and mutagens. Instead, water quality criteria for such compounds are presented as a range of water concentrations associated with a corresponding change in incremental risk.

In contrast, *"non-stochastic effects* are those for which the severity of the effect varies with the dose, and for which thresholds may, therefore, occur." The threshold assumption is based on the premise that in such systems a reserve capacity exists which is thought to be depleted before clinical disease ensues. Since this reserve capacity varies between individuals, it is necessary to incorporate "safety factors" to compensate for possible errors in the derivation of the criterion. Alternatively, it may be assumed that the rate of damage will not be significant over the life span of the organism. Thus, for chemicals which induce only non-stochastic effects, water quality criteria can be derived which will presumably correspond to a "no observable effects level."

In some instances, criteria are based on organoleptic characteristics, i.e., thresholds for taste or odor. Such criteria are established when insufficient information is available on toxicologic effects or when the criterion based on organoleptic effects is below that of the criterion based on toxicologic data. It is recognized that criteria based on organoleptic effects do not necessarily represent satisfactory approximations of low risk levels.

The list of Consent Decree pollutants contains both individual chemical species and classes of compounds. The health assessment chapters, likewise, review information either on broad chemical classes or on individual species as appropriate.

In some cases separate criteria for each chemical in a class are derived because at times even relatively small structural changes can significantly affect chronic toxicity. However, for some chemical classes insufficient data are available on all of the individual compounds of the class. In such instances, a criterion is derived for the entire class or criteria are derived only for certain individual chemicals in the class. The specific reasons for accepting either alternative are detailed in the appropriate health effects chapters.

Lastly, for some chemicals and chemical classes, the data are insufficient for the derivation of any criteria. In these cases, no criteria are given and deficiencies in the available information are detailed.

III. APPROACH

The human health effects chapters attempt to assess all information on the individual chemicals or classes of chemicals which might be useful in developing water quality criteria. Although primary emphasis is placed on identifying epidemiologic and toxicologic data, the assessments typically contain discussions on four topics: Existing levels of human exposure, pharmacokinetics, toxicity, and criterion formulations.

For all documents, an attempt is made to include the known relevant information. Due to severe time constraints, however, an exhaustive literature review was not conducted for 15 documents (Chlordane, Chloroform, Heptachlor, Tetrachloroethylene, Arsenic, Carbon Tetrachloride, Dichlorethylenes, Hexachlorobutadiene, Selenium, Dioxin, Trichloroethylene, Benzene, Beryllium, Dichlorobenzene, Nitrosamines) and these documents were not subjected to formal peer review. For the remaining 50 documents, more detailed literature searches and reviews were performed. Since each of the latter 50 documents was prepared by a scientist who had either conducted original research on the compound or who had previously reviewed the toxicity of the compound, the probability of overlooking significant data is reduced. Review articles and reports were used for data evaluation and synthesis. Scientific judgment was exercised in reviewing and evaluating the data in each document and identifying the adverse effects for which protective criteria are sought. In addition, each of these documents was reviewed by a peer committee of scientists familiar with the compound(s) under consideration. Each committee evaluated the quality of the available data, the completeness of the data summary, and the validity of the derived criterion.

In the analysis and organization of the data, an attempt is made to be consistent in both format and the application of accepted—or at least acceptable—scientific principles. The evaluation procedures used in the hazard assessment process follow the principles detailed by the National Academy of Sciences (1977) in *Drinking Water and Health* and guidelines of the EPA's Carcinogenicity Assessment Group.

Exposure

The exposure section of the health effects chapters reviews known information on the current levels of human exposure to the individual pollutant from all sources. Much of the data were obtained from monitoring studies of air, water, food, soil, and human or animal tissue residues. The major purpose of this section is to provide background information on the contribution of exposure from water relative to all other sources. Consequently, this section is subdivided into exposure from ingestion in water, ingestion in food, inhalation, and dermal contact.

Information with regard to exposure is often valuable in developing a water quality criterion. Typically, a uniform exposure assumption is used in formulating the criteria which includes the consumption of contaminated drinking water and contaminated fish products. Exposure data, however, are useful for comparing the assumed intake to the expected contribution based upon available information. In addition knowledge of exposure from all sources, not limited to drinking water and ingesting fish, can be used to justify the formulation of criteria based upon exposure to ambient water but recognizing contributions to total body intake from additional exposure routes.

The use of fish consumption as a typical exposure factor requires the quantification of pollutant residues in the edible portion of the ingested species. Bioconcentration factors are used to relate the expected pollutant residue in aquatic organisms to the pollutant concentration in the ambient waters in which they live.

In order to estimate the average per capita intake of a pollutant due to consumption of contaminated fish and shellfish, a BCF appropriate for the average U.S. diet was developed. The consumable fish and shellfish were divided into four categories: freshwater fishes, saltwater fishes, molluscs, and decaods (Cordle, et al. 1978). Three different procedures were used for estimating the BCF depending upon the availability of edible portion bioconcentration data and the lipid solubility properties of the chemical. Generally speaking available BCF data are data for the whole fish rather than the edible portions and the data, at best, cover several species.

For lipid-soluble chemicals the average edible portion % lipids is derived for each of the four categories of consumable fish and shellfish products (Sidwell, et al. 1974). Based on consumption factors (Cordle, et al. 1978), the average % lipids are weighted to give the % lipids for the average diet.

Since data indicate that the BCF for lipid-soluble compounds are proportional to the % lipids, factors for whole fish can be adjusted to edible portion BCF's. This is a necessary adjustment since most experimental BCF data are for whole body and not edible portion. Given a specific lipid-soluble pollutant there are, in many cases, at least one BCF and corresponding % lipid value.

With values for the % lipids in the average diet, and the whole fish BCF with corresponding lipid value, a single BCF can be calculated that estimates the weighted average bioconcentration factor.

Example:
Weighted average % lipids for average diet=2.3%
Measured BCF of 17 for trichloroethylene with bluegills at 1% lipids
Weighted average BCF for average diet equals

$$\frac{17\times 2.3\%}{1\%}=39.1$$

As an estimator, 39 is used for the BCF.

In those cases where a measured steady-state bioconcentration factor is not available, the equation "Log BCF=0.76 Log P−0.23" can be used (Veith, et al. 1978) to estimate the BCF for aquatic organisms that contain about 8% lipids from the octanol-water partition coefficient P. An adjustment for % lipids in the average diet versus 8% is made in order to derive the weighted average bioconcentration factor.

For non-lipid-soluble compounds, measured BCF's are needed in order to calculate representative BCF's for each of the four categories of consumed fish and shellfish. Usually, however, BCF information does not exist for all four categories and relative approximations are made based upon known species data. The known and estimated BCF's for each category of fish/shellfish are weighted according to fish consumption factors, and a weighted BCF representative of the average diet is derived.

Example—Given a BCF of 15 for arsenic in bay scallops and other information as shown:

	Average diet consumption (pct)	BCF (estimate)
Freshwater fishes	12	1
Saltwater fishes	61	1
Saltwater molluscs	9	15
Saltwater decapods	18	1

The weighted BCF for arsenic is 2.26 for the average diet. As an estimator, 2.3 is used.

In addition to estimating current levels of human exposure, the exposure section provides, when available, information on special groups at risk based on unusual susceptibility or unusual levels of exposure.

Pharmacokinetics

This section is intended to briefly summarize the available information on the absorption, distribution, metabolism, and elimination of the compound(s) in humans and experimental mammals. Such information can be extremely useful in species to species extrapolation, in assessing the body burdens from long-term low-level exposures, and in characterizing the mode of toxic action. Differences or similarities in pharmacokinetic data on chemicals within a class were sometimes used in evaluating the appropriateness of developing a single water quality criterion for a class of chemicals.

Effects

This section summarizes the following types of information on both humans and experimental mammals:

Acute, subacute, and chronic toxicity
Synergistic or antagonistic (action)
Teratogenicity
Mutagenicity
Carcinogenicity

The major goals of this section are to assess the suitability of the data for use in establishing water quality criteria and to determine which biological endpoint, i.e., stochastic, non-stochastic, or organoleptic, should be selected for use in criterion formulation.

Because this section attempts to assess potential human health effects, data on documented human effects were actively sought. However, several problems with human epidemiological studies usually preclude the use of such data in generating water quality criteria. These problems, as summarized by the National Academy of Science (1977) are presented below:

1. Epidemiology cannot tell what effects a material will have until after humans have been exposed. One must not conduct what might be hazardous experiments on man.
2. If exposure has been ubiquitous, it may be impossible to assess the effects of a material, because there is no unexposed control group. Statistics of morbidity obtained before use of a new material can sometimes be useful, but when latent periods are variable and times of introduction and removal of materials overlap, historical data on chronic effects are usually unsatisfactory.
3. It is usually difficult to determine doses in human exposures.
4. Usually, it is hard to identify small changes in common effects, which may nonetheless be important if the population is large.
5. Interactions in a "nature-designed" experiment usually cannot be controlled.

Although these problems often prevent the use of epidemiological data in quantitative risk estimates, qualitative similarities or differences between documented effects in humans and observed effects in experimental mammals are extremely useful in assessing the validity of animal-to-man extrapolations. Therefore, in each case an attempt is made to identify and utilize both epidemiologic and animal dose reponse data. Criteria derived from such a confirmed data base are considered to be most reliable.

The decision to establish a criterion based on stochastic effects is made by evaluating information on carcinogenicity and mutagenicity. The first steps in the process of estimating risk are to determine whether the compound is likely to cause cancer in humans and to determine whether the data are adequate for the derivation of a water quality criterion. The criteria for the qualitative decision of carcinogenicity are outlined briefly in the EPA Interim Cancer Guidelines (May, 1976), in an article by Albert, et al. (1977), and in the IRLG guidelines on carcinogenic risks (IRLG, 1979). The assumption is made that a substance which induces a statistically significant response in animals by any route of exposure has the capability of causing cancer in humans from ingestion of this substance in water and edible aquatic organisms taken from that water. A chemical which has not induced a significant cancer response in humans or experimental animals is not identified as a possible carcinogen, even though its metabolites or close structural analogues might induce a carcinogenic response or even though they are mutagenic in *in vitro* systems.

It is recognized that some potential human carcinogens would not be identified by the rules above. However the derivation of a criterion concentration cannot be justified for them. There are other compounds for which there

is plausible, but weak, qualitative evidence of carcinogenicity in experimental animal systems but which cannot be given a valid criterion concentration. This occurs in cases where the only evidence of animal or human carcinogenicity is obtained in a special carcinogen bioassay system such as mouse skin painting or strain A mouse pulmonary adenoma. The derivation of a criterion concentration for human consumption from these studies is considered invalid regardless of the qualitative outcome. In addition there are some compounds (e.g., nickel and beryllium) which are carcinogenic in humans via inhalation in one chemical form but have induced no response in animals or humans via ingestion of their soluble salts. For beryllium a criterion concentration is developed because of a finding of tumors in animals at a site removed from the injection site, but for nickel no criterion is recommended because no evidence of tumors exists from administration of nickel solutions by either ingestion or injection.

For those compounds which were not reported to induce carcinogenic effects or for those compounds on which carcinogenic effects data were lacking or insufficient, an attempt is made to define a "No Observable Effect Level (NOEL)". In many respects, the evaluation of these studies is similar to that of carcinogenicity bioassays. In order to more closely approximate conditions of human exposure, preference is given to chronic studies involving oral exposures (dietary or in water) over a significant proportion of the organisms life span. Greatest confidence is placed in those studies which demonstrated dose related adverse effects as well as no effect levels. Considerable variability was encountered in the biological endpoints used to define NOELs which ranged from gross effects such as mortality to more subtle changes in biochemical, physiological, or pathological parameters. Given the variety of effects which some chemicals cause and the problems encountered in animal-to-man extrapolations, the derivation of a NOEL was obtained using chronic data if available. Teratogenicity, reproductive impairment, and behavioral effects may be significant consequences of environmental contamination. However, when such effects were seen, carcinogenic or other chronic toxic effects were usually also observed and subsequently used in deriving the criterion. Teratogenicity studies, for the most part, involve doses near the maximum tolerated levels and administration schedules which do not reasonably approximate environmental exposures. Studies designed to determine reproductive impairment are often conducted over long periods at low doses. However, the threshold doses for reproductive effects often exceed the threshold for other biological endpoints (e.g., changes in organ weights). Information on behavioral effects, which is of considerable potential significance, is not available on most of the compounds under study. Consequently, most NOEL's derived from chronic studies are based either on gross toxic effects or on effects which can be directly related to functional impairment or defined pathological lesions.

For compounds on which adequate chronic toxicity studies are not available, studies on acute and subacute toxicity assume greater significance. Acute toxicity studies usually involve single exposures at lethal or near lethal doses. Subacute studies usually involve exposures over about 10% of the life span of the test organisms, e.g., 90 days for the rat with an average life span of 30 months. Such studies are useful in establishing the nature of the toxic effects, including the target organs, metabolic behavior, physiological/biochemical effects, and patterns of retention and tissue distribution. The utility of acute and subacute studies in deriving environmentally meaningful NOEL's is uncertain although McNamara (1976) has developed application factors for such derivations.

In some cases where adequate data are not available from studies using oral routes of administration, NOEL's for oral exposures are estimated from dermal or inhalation studies. Such estimates involved approximations of the total dose based on assumptions about breathing rates and/or magnitude of absorption.

Criterion rationale

This section reviews existing standards for the chemical(s), summarizes data on current levels of human exposure, attempts to identify special groups at risk, and defines the basis for the recommended criterion.

Information on existing standards is included primarily for comparison with the proposed water quality criteria. Some of these standards, such as those recommended by Occupational Safety and Health Administration (OSHA) or American Conference of Governmental Industrial Hygienists (ACGIH), are based on toxicological data but are intended as acceptable levels of occupational rather than environmental exposure. Other levels, such as those recommended by the National Academy of Sciences (1977) in *Drinking Water and Health* or in the EPA *Interim Primary Drinking Water Standards* are more comparable to the proposed water quality criteria. Emphasis is placed on detailing the bases for the existing standards, wherever possible.

Summaries of current levels of human exposure presented in this section specifically address the applicability of the data to generating water quality criteria. The identification of special groups at risk—either because of geographical or occupational differences in exposure or biological differences in susceptibility to the compound(s) focused on the impact that these groups should have on the development of water quality criteria.

In the section on the basis for the recommended criteria all of the data used in developing the criteria were summarized and, if necessary, qualified.

IV. GUIDELINES FOR CRITERIA DERIVATION

The derivation of water quality criteria from data on laboratory animal toxicity tests is essentially a two step procedure. First, a total daily intake for humans must be estimated which establishes either a defined level of risk for stochastic effects or NOEL for non-stochastic effects. Secondly, some assumptions must be made about the contribution of contaminated water and fish/shellfish consumption to the total daily intake of the chemical. These assumptions may then be used to calculate the water quality criterion as it relates to the tolerable daily intake.

A. Stochastic Effects

After the decision has been made that the compound has the potential of causing cancer in humans and that data exist which permit the development of a criterion, the water concentration which is estimated to cause a lifetime carcinogenic risk of 10^{-5} is determined. This concentration is calculated by fitting the available data to a dose-response model. A risk level of 10^{-5} was selected for the purpose of comparing the carcinogenic effects among the various compounds. The model chosen for this purpose incorporates several concepts assembled from different sources. The basic dose response model is the "one-hit" model.

$$(1)\ P=1-\exp[-BD]$$

where P is the probability of getting an observable case of cancer in a lifetime because of exposure to a daily dose D of the compound, and B is a constant determined by the data. The quantity B is the only parameter in the model and it is interpreted as a quantitative indicator of the carcinogenic effectiveness of the compound. At low doses (low enough so that $P<0.1$), P is directly proportional to the dose D and B is the slope of the dose-response line obtained when P is plotted against D. Because the model approximates a straight line through the origin at low doses, it is sometimes called a linear, no-threshold dose-re-

sponse model. It states that any exposure to a carcinogen, however small, results in some chance of cancer occurrence, and the probability (or the risk) of getting cancer from low exposure increases linearly with the dose.

This model is used for risk estimations because it is consistent with three basic concepts in chemical carcinogenesis: (a) The dose-response curve for mutagenesis in bacterial systems is linear with no threshold for both radiation- and chemical-induced damage; (b) there are both theoretical reasons, based on valid concepts of the mechanisms of chemical carcinogenesis, as well as a wealth of data, which indicate that chemicals which cause mutations are likely to induce cancer in animals and therefore presumably in people; and (c) epidemiology studies in human populations exposed to animal carcinogens (radiation, aflatoxin, cigarette smoke) show an incidence-exposure relationship that is linear down to very small doses with no evidence of a threshold.

Evidence for some chemicals suggests that extremely small doses are "detoxified" safely and therefore do not contribute to the induction of cancer. If this were true the risk at such low exposures would be either zero or much smaller than the one-hit model would predict. The possibility of threshold mechanisms has given support to other dose-response models (Guess, et al. 1977) for extrapolation of cancer risk such as the log-probit, logit and multi-stage models. These models are non-linear and result in lower risks than the one-hit model for a given low exposure.

Since the experimental tumor incidence data generally provide no clue as to which model is correct, the choice must be made on the basis of policy. The agency has chosen the one-hit model because it is consistent with the three basic facts previously mentioned and because it gives greater risk estimates than other plausible models. The entire procedure, both in the choice of the model and in the selection of which of several sets of carcinogenic data to use in the model, is designed to determine roughly how severe the carcinogenic hazard could be if the chemical does have the potential of causing cancer in humans. The hazard is not likely to be higher but could be lower if some threshold or non-linear response exists. Therefore the water quality criterion concentrations derived from the procedure are intended to be estimates of the smallest concentrations that are likely to give rise to a 10^{-5} risk.

In analyzing animal data where the control (untreated) group has a spontaneous incidence of tumors equal to P_c and the treated group has an incidence of the same tumor type of P_t, the incidence that can be attributed to the treatment alone, P, can be found by the following argument. If the process initiating a spontaneous tumor is independent of the chemical process which initiates an induced tumor, then in the treated group where both processes are occurring simultaneously, the animals have tumors either because they are spontaneous (with probability P_c) or because they are not spontaneous (which has probability $1-P_c$) and they are induced by the chemical (with a probability P). Therefore

$$(2)\quad P_t=P_c+(1-P_c)P \quad \text{and} \quad P=(P_t-P_c)/(1-P_c)$$

The quantity P, due to chemically-induced tumors, is the quantity appearing in the one-hit model, equation (1). The correction for spontaneous tumors given in equation (2) is called the Abbott's correction. Using it, the one-hit model takes the form:

$$(3)\ P=(P_t-P_c)/(1-P_c)=1-\exp[-BD]$$

Another modification of the one-hit model is needed to deal with experiments that are terminated earlier than the natural lifetime of the animals because of early tumor occurrence and for cases where the data are given in terms of the time when a certain fraction (usually 50%) of the animals have tumors. It is known, from an extensive series of rat experiments by Druckrey (1967) with different nitrosamine compounds, that for a certain daily dosage, d, the time when 50% of the animals get tumors, t_{50} is shorter with higher doses and the relationship between t_{50} and d is $d(t_{50})^m=K$, where K and m are constants characteristic of the compound. He found that for the compounds tested m ranged from 2.0 to 4.0 with most of them close to 3.0. This observation is consistent with the findings of Doll (1971) that the age progression of human chemically-induced cancers also increases as t^3. This time dependence of the progression of tumors during a lifetime can be incorporated into the one-hit model for lifetime incidence (equation 3) by expressing time as fraction of a lifetime and writing

$$(4)\ P=(P_t-P_c)/(1-P_c)=1-\exp[-BDt^3]$$

This formulation of the dose-response model is equivalent to equation (3) for lifetime exposures. If the chemical is so potent and the doses are so large that treated animals die prematurely at times significantly less than 1.0, then the premature termination of the experiment will have the effect of increasing the value of B, the potency of the compound.

The dose-response model (4) has features of the Weibull time-to-tumor model (Peto, 1973), which is $P=k(t-w)^m$, where w, k and m are constants. This can be shown by noticing that, for small doses D, equation (4) is approximately $P=Bdt^3$ which is the Weibull model with m=3, w=0 and k=Bd.

Selection of data and use of the extrapolation model

After determining that a substance is carcinogenic and that the existing information is adequate for developing a water criterion, a choice must be made of which of the data sets from several studies to use in the model. For some chemicals, several studies in different animals species and strains, each run at several doses and possible different routes of exposure, are available. It is also necessary to correct for metabolism differences between species and absorption factors via different routes. The procedures used in evaluating these data are consistent with the approach of making a maximum-likely risk estimate.

They are listed below:

(1) The tumor incidence data are separated according to the organ site or tumor type. For each dose group the tumor incidence in treated versus controls is tested for significance using the Fisher exact test at the $p<0.05$ level of significance.

(2) The set of data (i.e., the dose and incidence data) used in the model is the set where the incidence is statistically significantly higher than controls at the lowest dose group. If the lowest dose group has more than one tumor site that is statistically significant, then the set used is the one which given the highest value of the potency factor B. In case both matched and pooled controls are reported (as in the NCI bioassay program), the pooled controls are not used if their tumor incidence is significantly different from matched controls. When the two control groups are not significantly different, the one giving the highest value of B is actually used, although in this case the choice of controls usually has only a trivial effect on the value of B.

(3) Each of the available carcinogenicity reports is analyzed in a similar way. The dose units in each report are converted to mg/kg/day averaged over the time span of the study (the time until terminal sacrifice).

In calculating the mg/kg/day equivalent of a dietary dose of a certain ppm, a standard conversion factor (F), assumed to be characteristic of the species, is used as follows: mg/kg/day=ppm×F. The factor F is the percent of the adult animal weight that is consumed as food each day. For rats, F=0.05; for mice, F=0.13. For comparison of inhalation and ingestion experiments, the assumption is made that 100% is absorbed via each route

unless experimental measurements are available.

(4) The value of B used for the criterion is the highest value obtained from any of the studies.

(5) Dose conversions between species are done on a body surface area basis. It is known that the effective dose, d, in mg per day of direct-acting drugs is proportional to the body surface area. This relationship holds for humans of various sizes from infants to adults and for extrapolations between laboratory animals and humans. It is known to be approximately true also for oxygen and calorie consumption rates. Since a crude approximation to body surface area is the body weight, w, to the (⅔)rds power, one can write $d=k/(w)^{⅓}$, so that the ratio between the animal specific dose, $(d/w)_A$, and the equivalent human specific dose, $(d/w)_H$ is:

$$\frac{(d/w)_H}{(d/w)_A} = \left(\frac{w_A}{w_H}\right)^{1/3}$$

Therefore the specific dose (mg/kg/day) to humans required to produce an effect is smaller than the specific dose that would produce that effect in animals. It follows that, when the doses are expressed as mg/kg body weight/day, the potency in humans is higher than that in animals by the ratio $(W_H/W_A)^{⅓}$.

(6) If human epidemiology studies and associated exposure information are available for the compound they are always used in some way. If they show a carcinogenic effect, even when the route is inhalation, the data are analyzed to give an estimate of the linear dependence of cancer rates on lifetime average dose, which is equivalent to the factor B. If they show no carcinogenic effect then it is assumed that the real value of B is less than can be observed in the experiment, and an upper limit value of B is calculated assuming hypothetically that the true incidence is just below the level of detection in the cohort studied, which is determined largely by the sample sizes. Whenever possible human data are used in preference to animal bioassay data.

Calculation of the water quality criterion concentration

After the value of B has been determined the lifetime risk, P, from an average daily exposure of ×mg/kg/day is found from the equation P=B ×. Therefore if the lifetime risk is set at $P=10^{-5}$ for calculation purposes, the intake, I, in mg/day for a 70-kg person can be found by the equation:

(5) $I=70\times10^{-5}/B$.

The exposure to ambient water is assumed to come from two sources: (a) drinking an average of 2 litters of water per day, and (b) ingesting an average of 18.7 grams of fish per day (Cordle, 1978). Because of accumulation of residues in fish, the amount of the pollutant in fish (mg/kg of edible fish) is equal to a factor R times the water concentation (mg/kg of water). Therefore the total intake I can be written as the sum of two terms:

I(mg/day)=C(mg/l)×R(l/kg fish)×0.0187 kg fish/day
+ C(mg/l)×2 l/day
=C(0.0187 × R×2),

Where C is the water concentration in mg/l. Therefore the water concentration can be found from equation (5) as follows:

(6) $C=70\times10^{-5}/B(2+R\times0.0187)$

This is the equation for calculating the water quality criterion for a pollutant. Under certain circumstances, criteria for exposure conditions other than 2 liters of water/day and 18.7 gms fish/day may be desired. Lifetime risk levels other than 10^{-5} may also be of interest. In such circumstances equation (7) is used and the desired levels substituted as follows:

$$(7)\qquad C = \frac{70 \times (\text{lifetime risk level})}{B[(\text{Water intake}) + R \times (\text{Fish intake})]}$$

For example a criterion level for a lifetime risk of 10^{-6} at an exposure of 50 grams of fish/day and 1 l/day of water is

$$C = \frac{70 \times 10^{-6}}{B\ \ (1 + R \times 0.050)}$$

The interpretation of these equations is that if the lifetime average water concentration is kept lower than the calculated value, the lifetime risk is estimated to be lower than 10^{-5}. If a low dose threshold could be reliably established for the compound the risk would be lower than 10^{-5}.

The following is a summary of slope factors which can be used for calculating criteria for exposure risk levels other than those presented in the assessment documents. Note that in cases where human data are available a model different from the one-hit model is used for dose-response calculation. For these cases an equivalent slope factor is derived. Also included is a summary for a criterion based on a 10^{-5} lifetime risk assuming lifetime daily consumption of 2 liters of water and 0.0187 kg fish.

Chemical	Slope factor, B (mg/l/day)$^{-1}$	Example of toxicant concentration corresponding to a risk level of 10^{-5} (μg/l)
Arsenic	14.00 *	0.029
Benzene	0.02160 *	0.15
Cadmium	1.09658 *	0.28
Chloroform	0.14695	2.1
Beryllium	3.4308	0.087
Carbon Tetrachloride	0.090996	2.6
Chlordane	5.36196	1.2×10^{-3}
1,1-Dichloroethylene	0.25292*	1.3
Heptachlor	30.3063	0.23×10^{-3}
Hexachlorobutadiene	0.04949	0.77
Dimethylnitrosamine	13.4	0.026
Diethylnitrosamine	38.2	0.0092
Dibutylnitrosamine	26.86	0.013
N-Nitroso-pyrrolidine	3.297	0.11
Tetrachlorodioxin	13.923	4.6×10^{-7}
Tetrachloroethylene	0.08440	2.0
Trichloroethylene	0.01200	21
Vinyl Chloride	0.00066*	520

Mathematical description of extrapolation method

1. *Information from Chronic Study*

nt=Number of animals exposed to the selected dose that developed tumors at some time in the study. See text for explanation of selection criteria for choosing the data set.
NT=Total number of animals exposed to selected dose level.
nc=Number of control animals with tumors.
NC=Total number of control animals.
Le=Actual maximum lifespan for test animals.
le=Length of exposure.
d=Average dose per unit of time (mg/kg/day) during administration of the agent.
w=Average weight of test animals (kg).

2. *Information from general literature*

70 kg=Average weight of people.
L=Theoretical average length of life for test species, unless specified in article. It is 90 weeks for mice and 104 weeks for rats.
F=Average weight of fish consumed per day, assumed 0.0187 kilograms.

3. *Other information*

R=Bioconcentration factor for edible portions of fish (Supplied by Environmental Research Laboratory, Duluth).

4. *Mathematical Model*

$Pt=Pc+(1-Pc)\times[1-e^{-(\text{slope})d}]$

where

Pt=nt−NT=Proportion of test animals with tumors.

Pc=nc−NC=Proportion of control animals with tumors.

$$D = \frac{d \times le}{Le} = \text{Lifespan weighted average dose level mg/kg/(unit of time).}$$

$$B_A = -\ln\left[\frac{1 - Pt}{1 - Pc}\right] \div [D \times t^3]$$

$$\text{where } t = \frac{\text{lifespan for test animals}}{\text{length of life for species}} = \frac{Le}{L}$$

$$B_H = B^3\sqrt{\frac{70}{w}}$$

$$C = \frac{70 \times 10^{-5}}{B_H(2+RxF)} = \text{criterion level (mg/l) for man.}$$

B. Non-Stochastic Effects

A somewhat less formalized approach is used in the derivation of water quality criteria based on non-stochastic effects. As previously described, an attempt is made to identify studies defining NOEL's in mammals. For many compounds, several effect and no effect levels are reported in the literature. The NOEL's selected for deriving the criteria is the highest NOEL that did not exceed a level reported to cause adverse effect.

The NOEL is transformed into an Acceptable Daily Intake for man (ADI) by dividing by an uncertainty factor of 10, 100, or 1,000. The guidelines for using the uncertainty factors, as given by the National Academy of Sciences (1977), are outlined below:

1. Valid experimental results from studies on prolonged ingestion by man, with no indication of carcinogenicity.

Uncertainty Factor=10

2. Experimental results of studies of human ingestion not available or scanty (e.g., acute exposure only). Valid results of long-term feeding studies on experimental animals or in the absence of human studies, valid animal studies on one or more species. No indication of carcinogenicity.

Uncertainty Factor=100

3. No long-term or acute human data. Scanty results on experimental animals. No indication of carcinogenicity.

Uncertainty Factor=1,000

For a few of the chemicals or chemical classes, ADIs are estimated from threshold limit values (TLVs) or subacute/acute mammalian data. TLV's are established by the ACGIH and represent estimated levels of the compounds in the work environment which are not anticipated to result in significant adverse health effects in workers exposed 8 Hours/day, 5 days/week. The method used to derive ADIs from TLVs is essentially that recommended by Stokinger and Woodward (1958) and is based on assumptions of the breathing rate and completeness of absorption.

Once an ADI is established, assumptions are made concerning the relative contribution of water to total human exposure. In some cases, criteria are developed in a manner analogous to that used in carcinogenicity studies:

$$C=ADI/2+0.0187\times R$$

In other cases, the bioconcentration term is omitted and an approximation is made of the proportion of the exposure attributed to water and non-water sources. For all compounds, criteria is based on an assumed daily water consumption of 2 liters.

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APPENDIX D—SUMMARY OF COMMENTS CONCERNING GUIDELINES FOR DERIVING WATER QUALITY CRITERIA FOR THE PROTECTION OF AQUATIC LIFE

On May 18, 1978, the Agency published for comment a methodology for developing water quality criteria (43 FR 21506) for the protection of aquatic life and its uses, and invited public comment on all aspects of the methodology.

Following is a brief review of the comments the Agency has received regarding the methodology. Fifty-eight comments were received from interested parties including private industry, consultants, environmental groups, State governments, and other Federal agencies.

I. ISSUES CONCERNING THE PURPOSE, INTENT, AND APPLICATION OF THE METHODOLOGY

Many commenters thought that the criteria should account for differing water characteristics. Others stated that there is a need to develop a systematic means for interpreting data and for estimation of effects where data are unavailable. Additional comments were received regarding the similarity of guideline results with "Red Book" results, the use of existing data versus development of new data, concern that the criteria may be lower than ambient levels, and that the scientific community should be involved in the development of the guidelines.

II. ISSUES REGARDING STANDARDIZATION OF ACUTE TOXICITY DATA

Many respondents commented on the procedure for standardizing the acute toxicity data. Principal issues that were raised were the effect of multiple correction factors on predic-

tion error, data variability, the use of mean values as correction factors, the scientific justification for standardizing acute toxicity data, the rationale used for rejections of data, the assumptions used regarding log-normal data distributions, the sufficiency of the data base for the correction factors, and the need for subgroupings for correction factors.

III. ISSUES CONCERNING STANDARDIZATION OF CHRONIC DATA VALUES

The principal comments the Agency received regarding the standardization of chronic data were the use of geometric mean for data correction factor, the adequacy of existing MATC data, and the range of variation of data used for standardization.

IV. ISSUES CONCERNING THE DERIVATION OF FINAL LC50 AND MATC VALUES

The Agency received many comments concerning the derivation of final LC50 and MATC values. The most frequent comments regarded the variation of species response to individual toxicants, the effect of the variation of toxicant physical and chemical property variation, the variability of individual toxicants within a given species, the selection of the lowest LC50 value as a final acute value, and the adequacy of the chronic test data base for marine species. Additional comments were received on the differing methods used for determining LC50's, the limited data base for determining MATC confidence intervals, the variation of application factors, and the justification for calculated chronic values (X YZ).

V. ISSUES CONCERNING THE PLANT EFFECTS PROCEDURES AND VALUES

The comments the Agency received regarding plant effects, procedures and values concerned the adequacy of the existing data base, the selection of the lowest plant value, and the interpretation of plant value guidelines.

VI. ISSUES CONCERNING BIOCONCENTRATION EFFECTS PROCEDURES AND VALUES

The principal issues raised by commenters concerning bioconcentration effects concerned the use of the Octanol/H O partition coefficient, the appropriateness of using FDA action levels, the validity of oral dose data, the basis for determination of bioconcentration factors, and the justification of metabolic and biomagnification factors.

VII. ISSUES CONCERNING DERIVATION OF TWO-FOLD CRITERION

The issues raise by commenters concerning the derivation of two-fold criterion pertained to the acceptability of 96-hour final acute time period, the adequacy of safety margins, the soundness of rationale for two-fold criterion, the degree of protection provided by procedures for developing criteria, application factor variation, the economic feasibility of monitoring standards, and the chronic data base.

VIII. OTHER ASPECTS OF THE GUIDELINES DATA BASE

Other aspects of the guidelines data base which were commented on concerned the use of field data on actual water body conditions where possible, the screening of data for reliability, and the completeness of data usage.

IX. ISSUES CONCERNING THE PRESENTATION AND DOCUMENTATION OF THE GUIDELINES

Many respondents commented on the presentation and documentation of the guidelines. The principal comments concerned clarification of the guidelines instructions and procedures, the need for definition of terms used in the guidelines, the use of nonpublished data, and the adequacy of tables used in the guidelines.

X. OTHER ISSUES NOT INCLUDED UNDER ANY OF THE ABOVE

Miscellaneous issues raised by respondents and not mentioned above are that the Agency failed to consider certain classes of organisms, the guidelines methodology should be field-tested, there should be a continual updating of "correction" and "sensitivity" factors, more attention should be given to the influence of water quality on toxicity, the recognition of differences between field and laboratory bioassay conditions, the differences between the dissolved fraction and total concentration of toxicant, and the toxicant mode of action.

[FR Doc. 79-7647 Filed 3-14-79; 8:45 am]

federal register

THURSDAY, MARCH 15, 1979

PART VI



DEPARTMENT OF TRANSPORTATION

Coast Guard

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GREAT LAKES PILOTAGE RATES

Proposed Rule

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 401]

[CGD 79-030]

GREAT LAKES PILOTAGE RATES

Proposed Rule

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: The Coast Guard is proposing to increase the basic rates for U.S. Great Lakes Pilotage by ten percent in all three Pilotage Districts. This action is incident to a review of pilot compensation. This change in pilotage rates is proposed in order to increase U.S. pilot compensation, to cover increased operating costs, and to provide the three U.S. Pilot Associations with funds for pilot training.

DATES: Comments must be received on or before April 16, 1979.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 79-030), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke (G-MVP-4/82), Room 8214, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-755-8683).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the commenter's name and address, identify this notice (CGD 79-030) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: John J. Hartke, Project Manager, Office of Merchant Marine Safety, and LT. G. S. Karavitis, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The revenues and expenses of the pilot associations for 1978 have been reviewed. Revenue requirements for 1979 have been developed and the number of vessels, their size, and route patterns have been projected for 1979.

The guideline followed in the development of a pilot compensation figure is that the target compensation for U.S. pilots is to be comparable to the earnings of their licensed counterparts on U.S. Great Lakes vessels. This guideline is contained in the Statement of Policy for Pilotage in the Great Lakes System, United States Department of Transportation, June 16, 1973. This means that a registered pilot should earn compensation comparable to a Master on Great Lakes vessels when providing pilotage services in designated waters (Rivers), and that a registered pilot should earn compensation comparable to a Chief Mate on Great Lakes vessels when providing pilotage services in undesignated waters (Lakes).

The pilots' counterparts on Great Lakes vessels have received compensation increases for this year. Increasing pilotage rates by seven percent would increase pilot compensation enough to maintain a reasonably close relationship in compensation between the Great Lakes pilots and their licensed counterparts on U.S. Great Lakes vessels. This seven percent rate increase would also cover the projected increase in pilot association operating costs for 1979, specifically, the increase in pilot boat costs, pilot travel, and dispatching costs.

The remaining three percent of this ten percent rate increase will provide the three U.S. Pilot Associations with additional funds for pilot training.

Funds for pilot training were initially included in pilotage rate determinations in 1978 when it was recognized (for rate making purposes) that new pilots undertake training prior to being registered as U.S. registered pilots. The Great Lakes Pilotage Act was amended on October 13, 1978. This amendment permits individuals with mate's and pilot's licenses, as well as master's licenses, to qualify as applicants for registration as U.S. registered pilots. While this amendment will assist in alleviating the present shortage of pilots, additional training funds are needed so that the three U.S. pilot associations may provide an adequate training program for new pilots. The funds for pilot training provided by this rate increase are to be set apart from other pilotage revenues and are to be used for pilot training purposes only.

It is also proposed to delete § 401.405(b)(1) from the regulations. This item deals solely with the Welland Canal which is entirely within Canada and U.S. pilots do not provide services there.

This rule has been evaluated under the Department of Transportation Policies for Improving Government Regulations published on February 26, 1979 (44 FR 11034). The estimated cost of this regulatory proposal is $721,080. This figure is the amount of additional revenue the U.S. pilots should receive under this proposal based on the projected 1979 traffic. This is also the amount that shippers would have to pay to transport goods into and out of the Great Lakes. The benefit of this rule is the value of avoiding or minimizing costly delays and disruptions in shipping attributable to the failure to be able to retain qualified pilots and to attract new qualified pilots. The overall efficiency of the pilotage system is enhanced by having an appropriate number of pilots available to provide the required services.

In consideration of the foregoing, it is proposed to amend Part 401 of Title 46 of the Code of Federal Regulations as follows:

1. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300:

(a) District 1:

(1) For passage through the District or any part thereof, $6.27 for each statute mile, plus $83 for each lock transited, but with a minimum basic rate of $183 and a maximum basic rate for a through trip of $803

(2) For a moveage in any harbor.....$275

(b) District 2:

(1) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal.....$406

(2) Between points on Lake Erie west of Southeast Shoal.....$240

(3) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat.....$706

(4) Southeast Shoal to Detroit/Windsor or any point on the Detroit River.....$406

(5) Southeast Shoal to Detroit Pilot Boat.....$294

(6) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat.....$818

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River.....$527

(8) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat.....$406

(9) Detroit/Windsor or any point on the Detroit River and between

points on the Detroit River.....$240
(10) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River.....$532
(11) Detroit Pilot Boat to any point on the St. Clair River.....$532
(12) Detroit Pilot Boat to Port Huron Change Point.....$413
(13) Between points on the St. Clair River.....$240
(14) Port Huron Change Point to any point on the St. Clair River.....$294

(c) District 3:

(1) Between the southernly limit of the District and the northernly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario.....$730
(2) Between the southernly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf.....$613
(3) Between the northernly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan.....$275
(4) For a movage in any harbor.....$275

2. By revising § 401.410(a) to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates for each 6 hour period or part thereof that the U.S. pilot is on board in the undesignated waters shall be:

(1) In Lake Ontario.....$146
(2) In Lake Erie.....$191
(3) In Lakes Huron, Michigan and Superior.....$146

plus $140 for each time the U.S. pilot performs the docking or undocking of the ship.

* * * * *

3. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $23 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of $354 for each 24 hour period during which the interruption continues. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. Additionally, no charge shall be made for any interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $23 for each hour or part of an hour after the first hour of the delay, with a maximum basic rate of $354 for each 24 hour period of the delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $138.

(2) If the cancellation is more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of $23 for each hour or part of an hour after the first hour, with a maximum basic rate of $354 for each 24 hour period.

4. By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place, the U.S. pilot shall be paid at the rate of $140 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 5, 74 Stat. 260 (46 U.S.C. 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(a).)

Dated: March 12, 1979.

R. H. SCARBOROUGH,
Vice Admiral, United States Coast Guard, Acting Commandant.

[FR Doc. 79-7959 Filed 3-14-79; 8:45 am]

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