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federal register

Wednesday
July 25, 1979

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Presidential Documents

Title 3—

The President

Proclamation 4670 of July 23, 1979

Citizenship Day and Constitution Week, 1979

By the President of the United States of America

A Proclamation

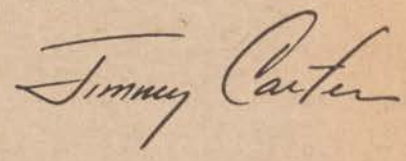
On September 17, 1787, in Independence Hall, Philadelphia, our Founding Fathers adopted the Constitution of the United States. With this great document as its cornerstone, our country has become the finest example in all history of the principle of government by law, in which every individual is guaranteed certain inalienable rights. The strong beliefs of its authors in the worth of the individual and the rights to be enjoyed by all citizens have made the Constitution not only an enduring document but one which finds new life with the passing of years and continues to inspire freedom-seeking people all over the world.

On February 29, 1952, by joint resolution (36 U.S.C. 153), the Congress designated September 17 as Citizenship Day, in commemoration of the formation and signing of the Constitution as a reminder of the privileges and responsibilities of citizenship. By a joint resolution of August 2, 1956 (36 U.S.C. 159), Congress authorized the President to designate the period beginning September 17 and ending September 23 of each year as Constitution Week and to issue a proclamation calling for the observance of that week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1979. I urge Federal, State and local officials, as well as leaders of civic, educational and religious organizations to conduct meaningful ceremonies and programs on that day.

I also designate as Constitution Week the period beginning September 17 and ending September 23, 1979, and urge all Americans to observe that week with appropriate ceremonies and activities in their schools, churches and in other suitable places in order to foster a better understanding of the Constitution, and of the rights and duties of United States citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of July, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.



[FR Doc. 79-23137
Filed 7-24-79; 10:18 am]
Billing code 3195-01-M

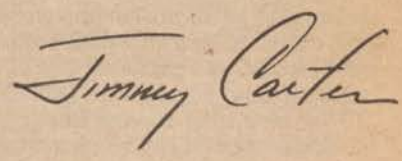
Presidential Documents

Executive Order 12150 of July 23, 1979

United States Sinai Support Mission

By the authority vested in me as President of the United States of America, including Chapter 6 of Part II of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2348, 2348a.–2348c.), Section 1(b) of Executive Order No. 11896 of January 13, 1976, is hereby amended to read:

"(b) The Mission shall, in accordance with the Foreign Assistance Act of 1961, as amended, including Part II, Chapter 6 thereof, the Joint Resolution of October 13, 1975 (Public Law 94–110, 89 Stat. 572, 22 U.S.C. 2441 note), and the provisions of this Order, carry out the duties and responsibilities of the United States Government to implement the "United States Proposal for the Early Warning System in Sinai" in connection with the Basic Agreement between Egypt and Israel, signed on September 4, 1975, and the Annex to the Basic Agreement, as superseded by the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, signed on March 26, 1979, and Article VII of the Appendix to Annex I of the Treaty of Peace, subject to broad policy guidance received through the Assistant to the President for National Security Affairs, and the continuous supervision and general direction of the Secretary of State pursuant to Section 622(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2382(c)).".



THE WHITE HOUSE,
July 23, 1979.

[FR Doc. 79–23138
Filed 7–24–79; 10:19 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
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Wednesday, July 25, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

Grains and Similarly Handled Commodities; 1979 Crop Farm Stored Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth for 1979 crop farm stored peanuts (1) the loan and purchase availability dates for quota peanuts, (2) loan availability dates for additional peanuts, (3) the maturity dates, (4) loan and purchase rates on peanuts, (5) location adjustments, and (6) support levels. This rule is needed in order to provide price support on 1979 crop farm stored peanuts.

EFFECTIVE DATE: July 25, 1979.

FOR FURTHER INFORMATION CONTACT: Harold Jamison, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20013, (202) 447–7973.

SUPPLEMENTARY INFORMATION: A 1979 Crop Peanut Loan and Purchase Program was published in the **Federal Register** on February 27, 1979, (44 FR 11056) establishing the national average support level for the 1979 crop of quota peanuts at $420 per ton. Section 403 of the Agricultural Act of 1949, as amended, provides that appropriate adjustments may be made in the level at which peanuts will be supported based on type and other factors.

On April 13, 1979, a notice of proposed rulemaking was published in the **Federal Register** (44 FR 22081). This notice announced that the Commodity Credit Corporation ("CCC") was preparing to make determinations and issue regulations for 1979 crop peanuts and to adjust loan and purchase rates for differences in types and other factors, and invited the public to submit written comments.

Six responses were received in relation to the notice. Three sheller associations recommended that the Department use the method proposed in the notice to calculate differentials. One State farm bureau and one county farm bureau recommended that the same sound mature kernel price be established for all types. Two comments were received regarding the support level for loose shelled kernels, one recommended 7 cents per pound, the same as for 1978 and one recommended that such support level be set at 10 cents per pound. One comment received recommended that the value for other kernels be at $2 per percent. One comment recommended that the discount applicable to Segregation 3 peanuts be at $25 per ton and one recommended that the discount for Segregation 3 peanuts and freeze damage peanuts be set at $25 per ton.

After considering the comments received, it was determined that the method of calculating rates proposed in the **Federal Register** as to warehouse storage loans on April 13, 1979, should be adopted for farm stored peanuts so that all producers will be treated fairly.

The basic rates applicable to warehouse storage loans shall also be applicable for farm stored loans.

Final Rule

The regulations in 7 CFR 1421.291 through 1421.295 and the title of the subpart are revised to read as follows, effective for the 1979 crop of farm stored peanuts. The material previously appearing in this subpart remains in full force and effect as to prior crop years.

Subpart—1979 Crop Farm Stored Peanut Loan and Purchase Program

Sec.
1421.291 Purpose.
1421.292 Availability.
1421.293 Maturity of loans.
1421.294 Loan and purchase rates.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 108, 401, 403, and 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421).

§ 1421.291 Purpose.

The provisions of this Subpart, together with the applicable provisions of the General Regulations Governing Price Support for the 1978 and Subsequent Crops of Grains and Similarly Handled Commodities, (44 FR 2353, and 3451) and the provisions of the 1978 and Subsequent Crops Peanut Farm Stored Loan and Purchase Supplement, as amended (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with respect to loan and purchase operations, apply to loans and purchases for the 1979 crop of farm stored peanuts.

§ 1421.292 Availability.

(a) *Loans.* Requests for loans must be submitted by producers to the appropriate county ASCS office on 1979 crop farm stored eligible additional peanuts on or before January 31, 1980, and for 1979 crop farm stored eligible quota peanuts on or before March 31, 1980.

(b) *Purchases.* Producers desiring to offer for purchase 1979 crop eligibile quota peanuts not under loan must execute and deliver to the appropriate county ASCS office, on or before April 30, 1980, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of peanuts to be sold to CCC. Additional peanuts are not eligible for purchases.

§ 1421.293 Maturity of Loans.

Unless demand is made earlier, loans on additional and quota peanuts will mature on April 30, 1980.

§ 1421.294 Loan and Purchase Rates.

(a) *Loan and purchase rate.* Subject to the discounts specified in paragraph (b) of this section, the loan and purchase rates for quota peanuts placed under farm stored loan or purchase shall be the following rates by types per ton:

Type	Dollars per ton
Virginia	420
Runner	423
Spanish	404
Valencia	420

Loans on additional peanuts shall be made at 71.43 percent of the quota support rate.

(b) *Location adjustment to support prices.* The loan and purchase rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts

placed under a farm stored loan in the States specified where peanuts are not customarily shelled or crushed:

State	Dollars per ton
Arizona	25
Arkansas	10
California	33
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

(c) *Settlement values.* The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.289(b)(2) of the continuing supplement, of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.12 of the 1978 crop peanut warehouse storage loan supplement, including the location adjustments specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Kay Wygal, ASCS, (202) 447–6695.

Signed at Washington, D.C. on July 12, 1979.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79–22979 Filed 7–24–79; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA–R–79–23–B]

Mandatory Petroleum Allocation Regulations; Motor Gasoline Allocation Base Period and Adjustments; Correction

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule and Request for Comments; Correction.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing a corrective amendment to the final rule that it issued on July 15, 1979.

1. The amendment includes wholesale purchaser-consumers and bulk purchasers as categories of customers for which wholesale purchaser-resellers of motor gasoline will be required to make downward adjustments when such resellers' supply obligations decrease.

2. The amendment also clarifies that the downward adjustment provision applies for marketer decreases in supply obligations that have occurred since the corresponding base period month and not just to prospective decreases.

DATES: Effective date: September 1, 1979. Further written comments by September 20, 1979.

ADDRESSES: Written comments to: Office of Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA–R–79–23–B, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert G. Gillette (Comment Procedures), Economic Regulatory Administration, 2000 M Street, NW, Room 2214B, Washington, DC 20461, (202) 254–5201.

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

William Caldwell (Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street, NW, Room 2304, Washington, DC 20461, (202) 254–8034.

Alan Lockard (Office of Fuels Regulation), Economic Regulatory Administration, 2000 M Street, NW, Room 6222, Washington, DC 20461, (202) 254–7422.

Joel M. Yudson (Office of General Counsel), Department of Energy, 1000 Independence Avenue, SW, Room 6A–127, Washington, DC 20585, (202) 252–6744.

SUPPLEMENTAL INFORMATION: On July 15, 1979, the ERA of the DOE issued a final rule (44 FR 42549, July 19, 1979) that generally continued the provisions of its May 1, 1979 interim final rule. It also established, effective September 1, 1979, a downward adjustment and certification procedure for wholesale purchaser-resellers of motor gasoline whose supply obligations to retail sales outlets decrease. In the July 15 rule, we inadvertently neglected to account for suppliers' decreased obligations resulting from wholesale purchaser-consumers or bulk purchasers going out of business or reducing their allocation entitlements. The corrective amendment issued today, effective September 1, 1979, remedies the omission and includes the latter categories of customers as purchasers for which wholesale purchaser-resellers will have to make downward adjustments when the resellers' supply obligations to them decrease.

The reasons for including wholesale purchaser-consumers and bulk purchasers in the classes of customers for which downward adjustments will have to be made are the same as for adopting the downward adjustment provision. The downward adjustment provision will ensure that in the current period of shortage mid-level marketers will receive sufficient gasoline to meet their supply obligations to base period customers, but not additional amounts.

We have also made a technical change to clarify that the July 15 provision was intended to apply to decreases in supply obligations that result from resellers' purchasers having gone out of business since the corresponding base period month and not only for prospective decreases.

In addition, since the practice by customers of purchasing less than their entire base period volumes, i.e., "underlifting," does not affect the purchasers' allocation entitlements, we also wish to clarify that the downward adjustment provision adopted on July 15, 1979 and amended today does not apply to underlifting.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, and Pub. L. 95–70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective September 1, 1979.

Issued in Washington, D.C., July 19, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

Section 211.107 is amended by revising paragraph (d) to read as follows:

§ 211.107 Method of allocation.

* * * * *

(d) A wholesale purchaser-reseller will downward adjust its motor gasoline base period use for a current month by the amount that its supply obligations will decrease or have decreased when a retail sales outlet, wholesale purchaser-consumer or bulk purchaser that it supplies will go or has gone out of

business since the corresponding base period month or otherwise terminates or reduces its allocation entitlement from that wholesale purchaser-reseller. The wholesale purchaser-reseller shall immediately certify the downward adjustment to its base period suppliers on a pro-rata basis in proportion to that part of its base period use received from each supplier in the corresponding base period month. Each supplier that receives a certification shall decrease its supply obligation to the wholesale purchaser-reseller by that amount, shall downward adjust its own base period use by that amount and shall certify the adjustment to its base period suppliers.

[FR Doc. 79-22960 Filed 7-24-79; 8:45]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 208

[Reg. ER-1135; Amd. No. 18; Docket 34397]

Air Transportation Performed for Department of Defense

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 19, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Civil Aeronautics Board is eliminating the provisions of its economic regulations which prescribe minimum rates applicable to domestic and international charter service and international individually ticketed or waybilled scheduled service provided for the Department of Defense by air carriers pursuant to contract.

DATES: Adopted: July 19, 1979. Effective: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Richard B. Hirst, Office of the General Director, International and Domestic Aviation, or Lawrence R. Myers, Office of the General Counsel, 1825 Connecticut Avenue, Washington, D.C. 20428, 202/673-5830; 673-5791.

SUPPLEMENTARY INFORMATION: For reasons discussed in ER-1134, issued today, the Board is revoking 14 CFR 208.101, *Minimum rates and compensation for air transportation performed for the Department of Defense*, which conditions the authority of a supplemental air carrier (now charter air carrier) to provide air transportation pursuant to contract with the Department of Defense upon adherence to the minimum rate structure set forth in 14 CFR 288.7.

§ 208.101 [Revoked and reserved]

Accordingly, in 14 CFR Part 208, *Terms, Conditions and Limitations of Certificates to Engage in Supplemental Air Transportation*, § 208.101, *Minimum rates and compensation for air transportation performed for the Department of Defense*, is revoked and reserved.

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

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22965 Filed 7-24-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 288

[Regulation ER-1134; Amendment No. 68; Docket 34397]

Exemption of Air Carriers for Military Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Civil Aeronautics Board is eliminating the provisions of its economic regulations which prescribe minimum rates applicable to domestic and international charter service and international individually ticketed or waybilled scheduled service provided for the Department of Defense by air carriers pursuant to contract. The exemption from tariff-filing requirements which the Board's rules currently provide for these services will be retained. This action is taken on the Board's own initiative in response to changed circumstances in the military air transportation market and to the apparent need for reform of the Board's military ratemaking function in view of recent legislative changes and the Board's experience. The Board is making this rule effective immediately so that the carriers providing services can negotiate with DOD without delay.

DATES: Adopted: July 19, 1979. Effective: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Richard B. Hirst, Office of the General Director, International and Domestic Aviation, or Lawrence R. Myers, Office of the General Counsel, 1825 Connecticut Avenue, Washington, D.C. 20428, 202/673-5830; 673-5791.

SUPPLEMENTARY INFORMATION: On January 4, 1979, the Board proposed to amend 14 CFR Part 288 to terminate our exercise of authority over the prices of military charter service, Category A scheduled service, and substitute service,[1] and to rescind three related provisions of our Economic Regulations.[2] See EDR-370, 44 FR 2179, January 10, 1979. We stated three reasons for our action. First, we observed that changes in the economic circumstances of the air charter industry appear to have eliminated any need to protect charter air carriers from price competition for military business through the regulation of military rates. Second, we noted that our experience with Part 288 has led us to question whether the regulation of current military air transportation prices is an efficient way to supply the Department of Defense (DOD) with both current air transportation and commitments to the Civil Reserve Air Fleet (CRAF). Third, we pointed out that in a series of recent statutory changes, Congress has signalled its intention to place the maximum possible reliance upon competitive market forces for the attainment of satisfactory service and price levels in air transportation. This new orientation was first stated and implemented in the case of domestic cargo service by Public Law 95-163, effective November 7, 1977. Further major changes made by Public Law 95-504, reflected in the revised policies of the Act, make it apparent that the same thrust toward less active regulation is to be pursued in other spheres of Board regulation as well. The minimum rate regulation which is the core of Part 288 is essentially, and in some areas expressly, at odds with this new statutory mandate from Congress.

In response to the notice of proposed rulemaking, two air carriers (Trans World Airlines and Hawaiian Airlines) filed individual comments and six carriers (Airlift International, Flying Tiger Line, Hawaiian Airlines, Seaboard World Airlines, Trans International Airlines, and World Airways), filed comments jointly. The Department of Defense filed an answer to the joint comments of the six carriers and to the comments of TWA. We have carefully reviewed these comments and have decided to make final, with some minor

[1] "Charter service" (encompassing "Category B," "Logair" and "Quicktrans" services) and "Category A transportation," as defined in section 288.1, include the carriage of both persons and property. "Substitute service" is the performance of a carrier's DOD charter service obligation by another carrier on a subcontract basis.

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

changes, the proposal set forth in the notice of proposed rulemaking.

None of the commenters oppose adoption of the basic proposal. TWA agrees that the structure of military ratemaking should be modified, but argues that the Board should not exempt military rates from the tariff filing requirements of the Federal Aviation Act. In addition, TWA urges the Board to eliminate the Category Y fare. Hawaiian asks that the Board defer the effective date of the proposed rule until it has reviewed current Logair rates and until a substitute ratemaking system is in place. The six air carriers commenting jointly state that they do not oppose termination of the Board's Part 288 rate-setting function. However, they disagree with the Board's statement of historical and economic grounds for the proposed action. The Department of Defense expresses agreement with the joint commenters' view of history and opposition to both of TWA's requests.

1. Comments of Hawaiian

Hawaiian does not object to the substance of our proposal. However, it states that it may "pursue long-term commercial charter commitments for its cargo fleet, and possibly withdraw these aircraft from CRAF (the Civil Reserve Air Fleet), unless some assurance of stability in DOD contract pricing is perceived in the near future." In Hawaiian's view, "the combination of government's immense buying power and the pricing prerogatives open to an array of small carriers in a free market situation" historically have failed to provide satisfactory service to the government and to stimulate air carrier development. Hawaiian also states that the present Logair rate it receives from DOD is too low, and asks the Board to delay the effective date of the rule until a substitute system of ratemaking is in place and until the Board has reviewed and revised upward the present Logair minimum rates.[3]

Apart from the question of timing, we addressed Hawaiian's concerns thoroughly in the notice of proposed rulemaking. There we documented the development of the former supplemental carriers into "a mature industry segment which relies on the civilian rather than the military market."[4] The significance of this development is that the actual and potential strength of these carriers' commercial operations places them in a position to bargain effectively with the Department of Defense, and eliminates the need for an independent regulatory body to police the price structure of the market. The existence of civilian options means that, in the absence of unusual circumstances, DOD cannot use its purchasing volume to force Hawaiian or any other carrier to accept a price which does not compensate the carrier for both the long-term and the short-term costs of production. If DOD should insist on a price which is not fully compensatory, Hawaiian will be free to reject it and to employ its aircraft in the civilian market.

Instead of casting doubt on this conclusion, Hawaiian's comments tend to support it. Hawaiian's statement that it will concentrate on serving the civilian market unless it is offered adequate compensation for its service to the military shows that Hawaiian is not dependent on the military market for employment of its aircraft. Since DOD must bid for Hawaiian's services in competition with other market opportunities if it wishes to retain them, there is little basis for Hawaiian's concern about the "government's immense buying power."

As we noted in the notice of proposed rulemaking, while civilian market opportunities were not freely available to supplemental carriers when the CAB adopted Part 288 in 1961, this was because of regulatory restrictions which severely limited the access of charter carriers to markets other than the military market. The Board has eliminated these restrictions.

With regard to Hawaiian's concern that the present Logair contract rate is too low, we have decided to make our revision of Part 288 effective immediately, so that Hawaiian and other carriers will be free to negotiate with the Department of Defense without delay. In a separate petition,[5] Trans International Airlines (TIA) has also urged the Board to revise upward the Logair/Quicktrans Part 288 minimum rate schedule. TIA contends that "there can be no rate adjustment except through the Board's amendment of Part 288 establishing a revised minimum rate for Logair/Quicktrans services," because the Logair/Quicktrans contracts between the carriers and DOD define the price term as the Part 288 minimum rate. While TIA is correct that the parties are bound by whatever rates are set by the Board, the elimination of the minimum rate structure itself is another matter. Under such circumstances, modern contract law generally recognizes that, absent a manifest intent to the contrary, the failure of an "open price" term to be computed as specified in the contract does not excuse subsequent performance, but rather obligates the buyer to pay a "reasonable price" for subsequent benefits received.[6] The contract provisions cited by TIA are not inconsistent with this general principle. By eliminating the Part 288 minimum rate structure now, we are removing an unnecessary regulatory barrier preventing the carriers from negotiating directly and expeditiously with DOD to determine the reasonable price to be paid for their services.[7]

2. Comments of TWA

TWA says that "it shares the Board's view that circumstances in the military air transportation market have changed and that the structure of military ratemaking should be modified." However, TWA proposes that the Board alter its proposed rule in several ways. First, TWA argues that retention of the tariff-filing requirement would promote competition in the military market, while the proposed exemption will inhibit competitive development. Second, TWA contends that the Board should replace the Category Y tariff rules, which permit the transportation of military passengers in scheduled service as a substitute for cancelled Category B charter service, with rules "permitting carriers to file in their tariffs special group fares for the military based on some rational economic inputs." Finally, TWA urges the Board to abolish "different military individually ticketed fares, i.e., 'A', 'Y', 'Z', based on artificial distinctions such as one-way charter rates, etc."

We think the proposed rule satisfies TWA's basic concerns. The rule abolishes the entire Part 288 minimum rate structure, including the Category B charter rate, which has served as the basis for Category A, Y, and Z rates. Thus, the rates for the services which those denominations represent—respectively, less than planeload (including individual) transportation in scheduled service obtained by contract, transportation of passengers in scheduled service as a substitute for cancelled charters obtained by contract, and scheduled international passenger transportation obtained on an individually ticketed basis—will no longer be based on Board-set charter rates. Rather, TWA and other carriers

[3] By a petition filed March 21, 1979, Hawaiian has requested an upward revision in the Logair/Quicktrans minimum rates for L-188 c aircraft. See Docket 35117.

[4] EDR-370, 44 FR 2179, January 10, 1979.

[5] Docket 35866, "Emergency Petition for Minimum Rate Revision," June 15, 1979.

[6] See, e.g. Anderson, Ronald A., *On the Uniform Commercial Code* (Lawyers Cooperative Publishing Company, 1970) 2d Ed., Vol. 1, Sec. 2-305:10.

[7] We are, of course, willing to assist DOD in reaching an interim or final rate adjustment. Such assistance might take the form, for example, of our determining at DOD's request whether rate adjustments recently sought by the carriers in petitions to the Board appear to be consistent with adjustments the Board would have made in the past under Part 288.

interested in providing these services to the Defense Department will be free to negotiate directly with DOD on a purchaser-supplier basis to establish all desired services at economic levels.

DOD states in its anwer to TWA that "A reading of EDR–370 makes clear that Category Y fares are not part of the subject matter of this rulemaking." This is correct insofar as the requirement to file Category Y tariffs is concerned, although we intend to consider in the near future, after giving notice to interested persons, whether there is any continued policy justification for this tariff-filing requirement.[8] However, the Category Y rate will now be freely negotiable between the carriers and DOD, since the Part 288 minimum charter rate to which the Y rate has been tied will no longer exist.

For these same reasons, we see no need to adopt a rule requiring the filing of tariffs for military group fares in order to encourage their development. With the abolition of the Part 288 minimum rate structure, to which these rates have been tied, such fares should develop through the operation of the market if there is an economic basis for them. Since the carriers will no longer be restricted to Board-set rates in carrying DOD traffic in international scheduled service, economic rather than regulatory forces should be the prime determinant of price, and we would expect the workings of the market ultimately to differentiate by price among services with differing costs—for example, between large blocs of seats purchased well in advance, on the one hand, and a single seat purchased a day before departure, on the other.

We are similarly unpersuaded by TWA's contention that the development of competition in the military charter market would be enhanced by our requiring the filing of tariffs. TWA appears to assume that such a requirement would prevent this market from operating on the basis of annual contracts, which TWA considers "extremely unhealthy" because "one, or at best two, carriers might obtain virtually all of the military traffic for a full year to the probable detriment of all concerned." However, merely requiring the filing of tariffs, as TWA proposes, would hardly prevent DOD from procuring charter transportation on an annual contract basis. Charter traffic is typically arranged contractually and in advance. If DOD's needs are such that it makes more sense to arrange for charter transportation in annual aggregates rather than by individual flight, the filing of tariffs would not alter that fact or prevent DOD from procuring transportation in that way. The tariffs would simply reflect the terms and conditions under which participating carriers would be willing to provide transportation to DOD within the terms of its procurement needs.

Moreover, we do not agree with TWA that a program of annual competitive bidding, should DOD adopt such an approach, would be anticompetitive. First, DOD clearly perceives advantages in having available to it many, rather than only one or two, suppliers of air transportation, since this is a premise of its present policy of allocating its business among competing carriers. DOD allocates its business on the basis of non-price considerations such as the quality of a carrier's commitment of aircraft to CRAF, rather than on the basis of price. It is permitted to depart from allocation by price under 10 U.S.C. § 2304(a)(16) only after making a determination that "it is in the interest of the national defense to have . . . a supplier available for furnishing . . . services in case of a national emergency." Thus it is unlikely that DOD would adopt a system which allots all DOD's business to one or two carriers.

Second, TWA does not articulate how the outcome of an annual competitive bidding process would be "extremely unhealthy from competitive and other standpoints." Our view of competitive bidding is that it generally stimulates competing firms to offer products and services at a price which approximates their cost as closely as possible. Thus, the most efficient firm obtains the business—the outcome sought by competitive market processes. As we observed in the notice of proposed rulemaking and as we discuss further below, the possibility that a competitive bidding procedure would lead to destructive below-cost bidding has been eliminated by our removal of regulatory barriers to civilian market access by charter carriers, and by the consequent growth of that market.

3. Joint Comments for Airlift, Flying Tiger, Hawaiian, Seaboard, TWA, and World

The six air carriers commenting jointly, like TWA and Hawaiian, do not oppose termination of the Board's Part 288 rate-setting function. However, they object to our statement of the grounds for the proposal in two respects.

First, the six carriers disagree with our statement that protection of supplemental carriers was in large part the justification for the adoption of Part 288 in 1961. Second, they contend that contrary to the views we expressed, the establishment of minimum rates under Part 288 is in fact an efficient way to supply the military with both current air transportation and commitments to CRAF.

The six carriers argue that instead of protecting the supplemental carriers from pressures to price their military services below long run average cost, the Board's purpose in adopting Part 288 was to provide economic support for "the development of a larger and more modern civil airlift capability to be available in the event of national emergency." In fact, the Board sought to do both because it saw both goals as being connected. We sought to preserve the safety and quality of military air service—including, as the six carriers correctly observe, the quality of CRAF—by setting minimum rates to control what we perceived to be destructive bidding practices by supplemental carriers, which in 1961 were largely confined to the military market by regulatory restrictions. These restrictions made it economic for supplemental operators to enter bids as low as variable cost in order to avoid losing military business, because if they did not receive a military contract their lack of authority to effectively enter civilian markets meant that they would not recover any costs at all. Since the supplementals were, in effect, captive suppliers to the Department of Defense by virtue of regulatory restrictions on the markets they could enter, we moved to regulate minimum military contract prices in order to protect them from pressures to enter below-cost bids for military contracts, and thus to prevent deterioration of the safety and quality of military service.[9] This is made clear from the Congressional testimony of then-CAB Chairman Boyd,[10] quoted in part by the six carriers, but reproduced more fully here:

> Now, let me talk for a moment about the prices that the military paid in the past for augmentation airlift in relation to value received. I am speaking with particular reference to the international and overseas MATS contracts and to the period prior to the Board's assertion of rate control.

[8] We will take this opportunity, however, to make two simplifying changes in the Part 288 tariff-filing exemption provisions. First, "substitute service" is implicitly covered by "charter service" and need no longer be separately identified. And second, "Category A transportation" is redesignated more broadly as "military scheduled transportation" to facilitate the possible inclusion within the scope of the exemption, after appropriate procedures, of Category Y and/or other forms of military transportation on scheduled service aircraft.

[9] Source: *Military Air Transportation: Hearings Before a Subcommittee of the House Committee on Government Operations*, 87th Cong., 1st Sess. (1961), at 12–13 (hereinafter "1961 Hearings").

[10] 1961 Hearings, 85–87.

Certainly, if we look at the prices paid by MATS in terms of the amount of passenger-miles and ton-miles moved, the military indeed received a bargain. Rates as low as 2 cents a passenger-mile for transportation to foreign countries are certainly cheap in relation to what you and I would have to pay for such transportation. Indeed the rates for the military were as low as 25 percent of the rates for the lowest class of individually ticketed service and 60 percent of the typical charter rates.

In terms of the larger aspects of value, however, it is clear that the national interest was being cheated. Too much of the airlift was being performed with obsolete aircraft of the early postwar vintage. Even today, after a period of relative stability and what we believe are reasonably compensatory rates for foreign military transportation, far too few truly modern aircraft are engaged in this program, although I am happy to say that for the first time some modern turbine-powered all-cargo aircraft are to be employed in the MATS program during fiscal 1962. But it is clear that there is too little of this capacity as yet, either considered as a percentage of the total or in absolute numbers.

Airline Revenues Too Low

What is the reason for this unhappy situation? The answer lies in the fact that until the Board asserted jurisdiction over the rates received for MATS business, the revenues received by the carriers were insufficient to enable them to earn the minimum necessary to meet their expenses, put themselves on a sound financial footing and attract the capital necessary to modernize their equipment.

The fact is that under the old system of competitive bidding, without a rate floor, many aircraft operators bid at prices that were marginal and were even below their actual cost. This destructive bidding resulted not only in a lack of adequate earnings but also produced very substantial losses for some of the carriers involved.

This is illustrated by the plight of Overseas National Airways which received MATS awards well above $20 million in the year ended September 30, 1960, and lost $2,245,000 in performing service under the contract, even though this carrier has always had the reputation of being a low-cost operator.

Even larger losses were experienced by Seaboard World Airlines, which was then known as Seaboard & Western. World Airways also experienced losses, although on a smaller scale.

Why Destructive Bidding?

The question then that you may logically raise is why do businessmen deliberately commit themselves to such unprofitable contracts? I will not pretend to know the answer in any given case. But there appear to be a number of factors which may explain this phenomenon.

In some instances, mistakes in judgment may be responsible for an uneconomically low bid. In others, a carrier may be forced by a temporary condition such as excess equipment, to quote an unreasonably low bid.

Finally, for some carriers, it is literally a matter of survival. A number of these carriers are primarily engaged in attempting to maintain their existence in the belief that they will be rewarded as new markets, particularly in aircargo, open up. But these carriers have payrolls and other expenses which have to be met today. They need an immediate cash flow. They cannot pass up a substantial Government contract even if it means money losses, since it will provide the cash flow necessary to keep their organizations intact. If they are able to develop enough additional outside business, the profits will offset the losses and they will break even.

We do not believe that any system which allows some competitors to cut prices to out-of-pocket cost or less is in the long run a healthy one. Reasonable profits are necessary to insure modernization and growth. Very few financial institutions with money to invest will consider the business of furnishing air transportation to the military a reasonable risk.

Moreover, cutthroat competition introduces instability in the market, resulting in extreme fluctuations in the amount of MATS business awarded to any particular carrier from year to year. Under these conditions, unregulated competitive bidding cannot produce an adequate, modern air fleet.

* * * * *

Low Bids Affect Safety

There is one more aspect to the problem of destructive bidding which ought to be mentioned, and that is the safety factor. I know of no industry in which safety is so closely bound up with economics as the air transportation industry. The point is an obvious one and need not be belabored. In fact, the safety record of our supplementals is a fine one. Nevertheless, a carrier that is devoting most of its energies to stave off bankruptcy is a worrisome problem from the safety standpoint.

Mr. Boyd's remarks were plainly directed at the supplemental carriers. These carriers dominated the military market in terms of market share prior to the adoption of Part 288. In 1961 certificated route carriers received less than 25% of the contract awards made by the Military Air Transportation System (the predecessor of the Military Airlift Command) measured in dollar value. In addition, Mr. Boyd referred to individual supplemental carriers by name, and specifically addressed the safety record of supplemental carriers. Although the considerations which led us in 1961 to regulate minimum military charter rates—the perceived need to protect supplemental carriers from destructive bidding in order to preserve an adequate military airlift—have now been invalidated by the reduction in regulatory barriers to entry by charter carriers into the civilian market, and by the consequent end of the charter operators' dependence on military sales, Mr. Boyd's testimony confirms the accuracy of our account of the historical reasons for our adoption of Part 288.

The six carriers also disagree with our analysis of the efficiency of the Part 288 procurement process. We observed in the notice of proposed rulemaking that while the rates we set under Part 288 and the carrier-submitted data upon which they are based ostensibly reflect only the costs of providing transportation in the current term, in fact the rates also pay the cost of commitment of aircraft to be used in the event of a national emergency (CRAF). Thus we concluded that, if DOD were to purchase these two services separately, it would better be able to obtain each service at a price approximating its cost, and that under such circumstances we would expect the price of current transportation to fall because that price would no longer include the cost of making a CRAF commitment.

The six carriers have not persuaded us that our analysis is incorrect. Their contention that DOD's international charter expenditures from 1960 through 1978 would have been $2.3 billion greater if the airlift had been purchased at "standard" civil charter rates does not alter the fact that current military transportation prices set under Part 288 pay for both current transportation service and CRAF commitments. Moreover, the methodology the carriers used in their calculation of savings is open to criticism. The carriers appear to have calculated "standard" civil charter rates on the basis of industry-wide average charter prices. A more accurate approximation of the transportation prices available to DOD from 1960 through 1978, if it had allocated business on the basis of price, would be obtained by examining the lowest rates offered by charter carriers to their civilian customers rather than industry-wide average rates. This is because the use of price as a factor in DOD allocation decisions would give increased market shares to carriers with lower-than-average costs and would encourage carriers to submit low bids. Air carriers frequently offer commercial charter rates which are lower than the charter rates paid by DOD, as is shown by the following table: [11]

Air carrier	Commercial charter rate (July 1977)
Capitol	.0268
TIA	.0280
Airlift	.0298
Flying Tiger	.0300
World	.0308
Overseas	.0322
Pan Am	.0374
Northwest	.0394

[11] Sources: Air Carrier Traffic Statistics, December 1977, for capacity figures; MAC traffic breakdowns from Appendix, CAB ER-1024; rates from CAB Tariffs Division.

When these fares were in effect, the comparable military charter rate [12] was .0318. Thus five air carriers were offering civilian charters at low rates below—in some cases, substantially below—the military rate.

The six carriers further contest our view of the inefficiency of Part 288 on the ground that "the CRAF program has achieved significant progress during the 18 years that the Board has engaged in Part 288 ratemaking." While it is certainly true that the ton-mile capability of CRAF has grown substantially since 1961, it is also true, as the six carriers recognize, that the CRAF Fleet is "not at what have recently been determined to be optimum levels." As we have noted, [13] this is not only a recent phenomenon but has been a recurrent problem since the adoption of Part 288. It seems evident to us that this problem might well be remedied if MAC simply purchased CRAF commitments separately from current transportation, instead of relying on carriers to provide the service as a by-product of their transportation operations. Such an approach, at a minimum, would provide DOD with information about the costs of providing CRAF commitments, and this would allow DOD to develop a purchasing strategy to obtain an optimum level of commitments to CRAF. The present system, by mixing the cost of CRAF commitments with the cost of providing transportation and then setting prices on an average cost basis, yields no such information, and generally provides DOD with much less control over the make-up of CRAF than a direct purchase system would. In our opinion, the market-oriented approach is sufficiently promising and advantageous to warrant the test of experience.

Finally, the six carriers argue that while, as a matter of economic analysis, it may be logical for DOD to purchase current transportation and CRAF commitments separately, ". . . this method was in fact attempted prior to 1961, and it failed." We have recounted at length [14] the differences between the highly-restricted charter market of 1961 and the open market of today. We have done so because, as James Bryce said, "The chief practical use of history is to deliver us from plausible false analogies." [15] It may seem plausible to assume that, if the charter carriers were driven to destructive bidding in 1961 by DOD's use of competitive bidding procurement practices, a resumption of competitive bidding would produce a return to below-cost bidding. However plausible this analogy may appear on its face, it is false because the conditions which produced the 1961 problem no longer exist. Instead, as we have emphasized, they have been replaced by conditions which make it very unlikely that a procurement process taking price into account would elicit below cost bids. These conditions are:

1. The elimination of regulatory barriers which in 1961 largely precluded the entry of charter carriers into the civilian charter market;

2. The growth of the civilian market into the source of more than 75% of the revenues of the charter carriers. [16] In 1961 the civilian charter market supplied only 13.5% of the revenues of the supplemental carriers, while the military market accounted for 71.9%. [17]

3. The elimination of regulatory barriers which until recently precluded the entry of charter carriers into scheduled service, providing a further reduction in the charter carriers' dependence on the military market;

4. The increased sophistication of both the charter carrier managements and the Military Airlift Command, which procures air transportation services for DOD. DOD could preserve the advantage of having multiple suppliers, and obtain some of the efficiencies associated with competitive bidding, by using price as an important but not the sole factor in allocating its business among competitive carriers. [18]

The charter carriers now derive the vast bulk of their revenues from civilian operations. Because of their reliance on civilian revenues and their access to both the charter and scheduled service markets, they are now in a position to bargain effectively with the military, which was not the case in 1961. Under present conditions, the use of a price-based procurement system is no more likely to produce rates below long-run average cost than are the everyday commercial transactions of the charter carriers. This means that neither the survival of the charter carrier nor the safety and quality of the military airlift is dependent on a ratemaking system such as Part 288.

Accordingly, the Civil Aeronautics Board revises 14 CFR Part 288, *Exemption of Air Carriers for Military Transportation*, to read as follows:

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Sec.
288.1 Definitions.
288.2 Exemption.

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

§ 288.1 Definitions.

As used in this part:

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

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

"DOD" means the Department of Defense.

§ 288.2 Exemption.

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

[12] Category B roundtrip passenger rates for DC-8, 707 and wide-bodied aircraft.

[13] EDR-370, 44 FR 2179, January 10, 1979.

[14] EDR-370, 44 FR 2179, January 10, 1979.

[15] Quoted in *D. Fischer, Historians' Fallacies: Toward a Logic of Historical Thought* 243 (1970).

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

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

[18] It appears that is might be both economically efficient and consistent with DOD's non-price concerns for DOD to allocate its annual procurement of seat-miles by auction, using a procedure similar to that employed by the Treasury Department to distribute treasury bills, but modified to take into account DOD's transportation interests other than cost. This procedure, known as a non-discriminatory auction, could permit participation in the market by many suppliers. Under such a procedure, each carrier would submit a bid stating the number of seat miles it is willing to provide and the lowest price it is willing to accept. The highest bid accepted by DOD would be the price all carriers would receive, but business would be allocated on the basis of each carrier's bid, with the low bidders receiving preferences. One advantage of this approach is that that it would provide an incentive for all participating carriers to submit low (but fully compensatory) bids, which, from DOD's standpoint, would favorably affect the cost of the procurement. A second advantage of this procedure is that it is flexible enough to accomodate DOD's non-price interests. For example, procurement awards to carriers could be restricted to a certain percentage of their total revenues; separate auctions could be held for separate markets; and DOD would be able to distribute its business among many carriers. We would be happy to assist DOD in establishing such a procedure, or some variant of it, on either an experimental or a more permanent basis.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22966 Filed 7-24-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 380

[Regulation SPR-163; Amendment No. 5; Docket 35054]

Public Charters; Extending Consumer Protection Requirements to Other Charter Types

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 19, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB extends its recently adopted Public Charter consumer protection requirements to charter flights that are performed under other charter rules, which are being phased out.

DATES: Adopted: July 19, 1979; Effective: September 1 and October 1, 1979, as set out in § 380.19(d).

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

The principal rule concerning charter flights that are sold directly to individual members of the general public is 14 CFR Part 380, *Public Charters*. On March 2, 1979, the Board adopted a set of consumer protection amendments to that rule (SPR-156, 44 FR 12971, March 9, 1979.) Those amendments require that charter participants be given refunds when there are major changes in the charter packages that they have purchased. They also include new disclosure requirements for charter advertising and specific requirements for the contracts between charter operators and participants. The amendments were effective generally for operator-participant contracts entered into on or after May 1, 1979, for Public Charters scheduled to depart on or after July 1, 1979. The corresponding requirements for advertising apply to ads distributed or broadcast on or after May 1 for flights scheduled to depart on or after July 1.

When the Public Charter rule was originally adopted in August, 1978, it replaced the more restrictive and complicated Advance Booking, Inclusive Tour, and One-stop-inclusive Tour Charter rules, among others. To ease the transition to Public Charters, the revocation of those rules (14 CFR Parts 371, 378, and 378a) was made effective January 1, 1979. It also specified that a charter can be performed under the old rules at any time after that date, as long as it is covered by a prospectus filed with the Board before that date.

By January 1, 1979, charter operators had filed prospectuses for a large number of these "old-rule charters", in some cases extending far into the future. Without further Board action, these flights would not be subject to the Public Charter consumer protection rules. The Board therefore proposed on March 14, 1979, to extend the protections adopted for Public Charters in SPR-156 to the old-rule charters (SPDR-67, 44 FR 17191, March 21, 1979). The proposal contemplated that the extension of the rules would apply to advertising distributed or broadcast on or after June 1, 1979, for old-rule charters scheduled to depart on or after July 1, and to operator-participant contracts entered into on or after June 1 for flights scheduled to depart on or after July 1. This would correspond to the May 1-July 1 scheme for Public Charter consumer protection.

Arthurs Travel Center, Inc., filed the only comment in response to this proposal. It generally supported the proposal. However, it stated that the change in rules would require it to reprint brochures and resolicit certain passengers. It argued that the benefits of improved consumer protections for participants must be balanced against the burden that too quick a transition would impose on the charter operator. It therefore suggested a 90-day postponement of the planned effective dates.

Similar concerns with the transition to the rules adopted in SPR-156 for Public Charters led us to grant a blanket waiver of certain aspects of those rules for flights to be performed before October 1. (Order 79-5-2, May 1, 1979, broadened on reconsideration in Order 79-7-14, July 3, 1979.) We have therefore decided to extend the consumer protections to old-rule charters as proposed, but with the delay that Arthurs requested. The rules will therefore apply to advertising and contracts on or after September 1, 1979, for flights on or after October 1, 1979.

SPDR-67 proposed to effect the extension of the consumer protection rules by adding a new § 380.19 to the Public Charter rule. As proposed, paragraph (a) defined "old-rule charter" and paragraphs (b) and (c) set out the substantive requirements. Since that proposal, however, we have adopted final rules to eliminate charter tariff-filing requirements for direct air carriers. One of those rules has already added § 380.19, *Old-rule charters*, with the same definition in paragraph (a). Paragraph (b) states that tariffs need not be filed for old-rule charters. (SPR-160, 44 FR 33060, June 8, 1979.) Therefore, the substance of the proposed paragraphs (b) and (c) as set out in SPDR-67 now appears in paragraphs (c) and (d).

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 380, *Public Charters*, as follows:

In § 380.19, new paragraphs (c) and (d) are added, to read:

§ 380.19 Old-rule charters.

* * * * *

(c) Indirect air carriers performing old-rule charters shall conform to the requirements of §§ 380.12, 380.30-380.33, and 380.33a of this part as if the old-rule charters were Public Charters.

(d) The requirements set forth in paragraph (c) of this section are effective as follows: § 380.12 applies to old-rule charters scheduled to depart on or after October 1, 1979. §§ 380.30 and 380.33a(d) apply to old-rule charter solicitation materials distributed or broadcast on or after September 1, 1979, but only with respect to charters scheduled to depart on or after October 1, 1979. §§ 380.31-380.33 and 380.33a (except 380.33a(d)) apply to old-rule operator-participant contracts entered into on or after September 1, 1979, but only with respect to charters scheduled to depart on or after October 1, 1979.

(Secs. 101(3), 204, 401, 402, 404, 407, 411, 416, and 1102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 760, 766, 769, 771, 797, 49 U.S.C. 1301, 1324, 1371, 1372, 1374, 1377, 1381, 1386, and 1502.)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22969 Filed 7-24-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 399

[Regulation PS-85 Docket 34397 Amendment No. 64]

Policy Statements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 19, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Civil Aeronautics Board is eliminating the provisions of its economic regulations which prescribe minimum rates applicable to domestic and international charter service and international individually ticketed or

waybilled scheduled service provided for the Department of Defense by air carriers pursuant to contract.

DATES: Adopted: July 19, 1979; Effective: July 19, 1979.

FOR FURTHER INFORMATION CONTACT: Richard B. Hirst, Office of the General Director, International and Domestic Aviation, or Lawrence R. Myers, Office of the General Counsel, 1825 Connecticut Avenue, Washington, D.C. 20428, 202/673–5830; 673–5791.

SUPPLEMENTARY INFORMATION:

For reasons discussed in ER–1134, issued today, the Board is revoking its statement of policy in 14 CFR 399.16 *Military exemptions,* which relates the grant of exemption authority to an air carrier for the performance of Department of Defense contracts to, among other factors, compliance with the minimum rates for military transportation established in 14 CFR 288. Similarly, the Board is revoking 14 CFR 399.38, *Military tariff rates,* which provides that compliance with the Category A passenger rate established in 14 CFR 288.7(d)(1) will be given great weight by the Board in passing upon the lawfulness of tariffs specifying fares for the transportation of individually ticketed passengers in foreign or overseas air transportation or in air transportation between the 48 contiguous States and Hawaii or Alaska.

Accordingly, in 14 CFR Part 399, *Statements of General Policy,* § 399.16, *Military exemptions,* and § 399.38, *Military tariff rates,* are revoked and reserved.

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

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–22968 Filed 7–24–79; 8:45 am]

BILLING CODE 6320–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C–2975]

The Clorox Co.; Prohibited Trade Practices and Affirmative Corrective Actions

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 order, among other things, requires an Oakland, Calif. manufacturer of household cleansers, detergents, bleach, specialty food products and charcoal briquets to cease misrepresenting characteristics, properties, quality or use of any cleanser; to cease advertising any of the above without first having in their possession documentation supporting their claims; to cease failing to maintain adequate records of substantiation documentation; and to cease failing to disclose precautionary measures specified in the proposed order.

DATES: Complaint and order issued July 2, 1979.*

FOR FURTHER INFORMATION CONTACT: William A. Arbitman, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102, (415) 556–1270.

SUPPLEMENTARY INFORMATION: On Wednesday, February 1, 1979, there was published in the **Federal Register,** 44 FR 10515, a proposed consent agreement with analysis In the Matter of The Clorox Company, 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—Advertising Falsely or Misleadingly: § 13.170 Qualities or properties of product or service; § 13.170–16 Cleansing, purifying; § 13.210 Scientific or other relevant facts; § 13.250 Success, use or standing. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records; § 13.533–45(a) Advertising substantiation. Subpart—Failing To Maintain Records: § 13.1051 Failing to maintain records; § 13.1051–10 Accurate; § 13.1051–20 Adequate. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities and properties; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use or standing. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

(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. 79–22927 Filed 7–24–79; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 13

[Docket C–2974]

Motherhood Maternity Shops, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

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 order, among other things, requires a Santa Monica, Calif. manufacturer and seller of maternity wearing apparel and related products and its corporate owner to cease establishing, maintaining and enforcing resale prices and sale periods for their products; soliciting, exchanging or disseminating price information; and compelling adherence to such prices and sale periods through persuasion or coercion. Respondents are additionally prohibited from withholding advertising allowances, or otherwise taking adverse action against recalcitrant retailers.

DATES: Complaint and order issued June 21, 1979.*

FOR FURTHER INFORMATION CONTACT: Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243–EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007. (212) 264–1207.

SUPPLEMENTARY INFORMATION: On Monday, April 16, 1979, there was published in the **Federal Register,** 44 FR 22494, a proposed consent agreement with analysis In the Matter of Motherhood Maternity Shops, Inc., a corporation and MMS of Delaware, Inc., 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.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made

* Copies of the Complaint, and the Decision and Order filed with the original document.

*Copies of the Complaint, and the Decision and Order filed with the original document.

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-Coercing and Intimidating: § 13.350 Customers or prospective customers. Subpart-Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.431 To exchange future price information; § 13.470 To restrain or monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. 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 Supplies or Service: § 13.610 Cuting off supplies or service; § 13.655 Threatening disciplinary action or otherwise. Subpart-Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart-Maintaining Resale prices: § 13.1130 Contracts and agreements; § 13.1145 Discrimination; § 13.1145–5 Against price cutters; § 13.1155 Price schedules and announcements; § 13.1165 Systems of espionage; § 13.1165–80 Requiring information of price cutting.

(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. 79-22926 Filed 7-24-79; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket 8859]

National Industries, Inc., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: This order dismisses a complaint charging a Louisville, Ky. firm and its wholly-owned subsidiary with illegally imposing geographic restrictions on licensed bottlers of their soft drink products, on the grounds that the companies are no longer engaged in the soft drink business or the practices which were the focus of the complaint.

DATES: Complaint issued July 15, 1971. Dismissal order issued June 18, 1979.*

FOR FURTHER INFORMATION CONTACT: FTC/DM, Ronald A. Bloch, Washington, D.C. 20580, (202) 523–3552.

SUPPLEMENTARY INFORMATION: In the Matter of National Industries, Inc., a corporation, and Cott Corporation, a corporation.

(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)

The dismissal order, is as follows:

Final Order

The Administrative Law Judge filed his Initial Decision in this matter on April 23, 1979, dismissing the complaint against respondents National Industries, Inc. and Cott Corporation on grounds that neither respondent is now engaged in the soft drink business nor in the practices which were the focus of the complaint. No appeal from the Initial Decision was filed.

The Commission having now determined that the matter should not be placed on its own docket for review, and that the Initial Decision should become effective as provided in § 3.51(a) of the Commission's Rules of Practice.

It is ordered that the Initial Decision and Order contained therein shall become effective on June 18, 1979.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-22928 Filed 7-24-79; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 231

[Release No. 33-6090]

Interpretative Releases Relating to the Securities Act of 1933 and General Rules and Regulations Thereunder

AGENCY: Securities and Exchange Commission.

ACTION: Interpretative release.

SUMMARY: The Commission recommends certain techniques in drafting trust indentures to the attention of persons registering offerings of debt securities under the Securities Act of 1933 (15 U.S.C. 77a et seq.) which may permit expedited review by the staff of the registration materials.

DATE: July 11, 1979.

ADDRESS: Interested persons are invited to write directly to the Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, with any suggestions or comments.

FOR FURTHER INFORMATION CONTACT: Norman Schou, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 755–1240.

SUPPLEMENTARY INFORMATION: The Commission suggests that issuers of debt securities in offerings required to be registered under the Securities Act of 1933 consider certain techniques in drafting trust indentures which may reduce the amount of time spent by the staff in reviewing the documents and thereby shorten the time spent in registration. Recently, the Commission's Division of Corporation Finance has been requested to accelerate the effectiveness of registration statements relating to offerings of debt securities within a few days after the filing. In many cases, review of the filing by the staff is protracted somewhat by the necessity of reviewing a lengthy trust indenture in order of determine its compliance with the Trust Indenture Act of 1939. It is the staff's experience that review of such registration statements may be appreciably accelerated when a trust indenture need not be reviewed in its entirety and has observed certain techniques in drafting trust indentures which simplify and abbreviate review of the indenture. Accordingly, the Commission recommends that prospective trustees, underwriters and registrants of debt offerings expecting early effectiveness of the registration statement consider employing one of the following practices, although, of course, there can be no assurance that the time in registration will necessarily be affected in any particular case.

1. *Use of an incorporating indenture.* Draft a brief indenture containing dates and provisions unique to the offering to be registered and which incorporates by reference a standard form of indenture previously qualified under the Trust Indenture Act, such as the American Bar Foundation's *Sample Incorporating Indenture, Model Debenture Indenture Provisions, All Registered Issues, 1967,* or any other indenture previously qualified by the Commission provided that a copy of it is available for inspection in the Commission's public records system. At present, indentures filed as exhibits to registration statements under the Securities Act of 1933 are retained for so long as the

* Copies of the Complaint, Initial Decision Dismissing Complaint, and Final Order filed with the original document.

registrant has a reporting requirement with the Commission plus ten years.

2. *Copy of previously qualified indenture.* Prepare the indenture as a verbatim copy of the *Model Debenture Provisions* or of any other indenture previously qualified by the Commission and publicly available as in paragraph 1 above, with changes only in names, dates and provisions unique to the prospective offering. As supplemental information, furnish the staff with a copy of the model used in preparing the filed document with changes clearly indicated.

3. *Use of previously qualified indenture.* Where securities were authorized for issuance under an indenture previously qualified and a sufficient number remain unissued to cover the issuance to be registered, it is not necessary to prepare a new indenture or to make any new filing under the Trust Indenture Act.

4. *Use of supplemental indenture.* Where a previously qualified indenture is open-ended and authorizes the issuance of an indefinite number of additional securities or series by supplemental indenture, it is necessary only to file the supplemental indenture as an exhibit to the registration statement.

Invitation for Comments

Interested persons are invited to write directly to the Office of the Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, with any suggestions or comments designed to improve administration of the review process involving trust indentures or for information about the format of indentures.

By the Commission.

George A. Fitzsimmons,

Secretary.

July 11, 1979.

[FR Doc. 79-22888 Filed 7-24-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 79-201]

Changes in the Customs Field Organization

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document changes the field organization of the Customs Service by establishing a new port of entry at Valdez, Alaska, in the Anchorage, Alaska, Customs district (Region VIII). This change is needed because of a substantially increased demand for Customs services at Valdez resulting from a change in the method employed in transporting crude Alaskan oil from Valdez to refineries at ports on the Gulf and East Coasts of the United States.

EFFECTIVE DATE: July 25, 1979.

FOR FURTHER INFORMATION CONTACT: Robert Schenarts, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8151).

SUPPLEMENTARY INFORMATION:

Background

Valdez, Alaska, is the terminus of the Trans-Alaska pipeline and the port of lading for crude oil to be shipped to refineries at ports on the Gulf and East Coasts of the United States via the Panama Canal. Because of the need to enter and clear vessels engaged in the transportation of crude oil from Valdez, a Customs officer has been detailed there temporarily from the Anchorage, Alaska, Customs district. However, with the beginning of the summer tourist season and increased activity at other Alaska ports, it may not be possible to continue this temporary service.

Crude oil presently is loaded on large ships at Valdez, transported down the West Coast of the United States, and transshipped to smaller U.S. flag vessels for shipment through the Panama Canal to refineries on the Gulf and East Coasts. These operations have been conducted at sea, and the overall movement of crude oil from Alaska to the East Coast has been designated as "domestic trade" by the U.S. Department of Commerce. Recently, certain refiners have received approval from the Department of Commerce to move these transshipment operations to a newly constructed on-shore terminal in Panama. Consequently, the movement of oil will lose its "domestic trade" status, and those vessels transporting crude oil to the terminal in Panama from Valdez will have to be entered and cleared by Customs at Valdez before reloading. Once this change in transshipment procedures has been implemented, an average of 10 to 14 vessels per month will require the services of a Customs inspector at Valdez. The Anchorage Customs district then will be requested to furnish Valdez with an officer on an on-call basis to provide this service whenever needed.

The closest Customs offices to Valdez from which officers can be detailed on a temporary basis are Anchorage, 150 air miles away, and Ketchikan, 800 air miles away. Local weather conditions frequently result in closures of the Valdez airport. Under the circumstances, customs cannot guarantee prompt service to ships which will need to enter and clear at Valdez. Failure to expedite the clearance of these vessels may cause delays in the overall movement of crude oil and thereby contribute to a serious decrease in national oil supplies. Customs, therefore, is of the opinion that the establishment of a port of entry at Valdez as soon as possible is warranted.

Inapplicability of Notice and Delayed Effective Date Provisions

Because any delay in implementing this change could impede the transportation of crude oil to refineries and have a serious impact upon national oil supplies, contrary to the public interest, good cause exists for dispensing with the notice, comment, and delayed effective date provisions of 5 U.S.C. 553. Accordingly, this change is published in the **Federal Register** and Customs Bulletin as a final rule.

Changes in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (44 FR 31057), a new Customs port of entry is established at Valdez, Alaska, in the Anchorage, Alaska, Customs district (Region VIII). The geographical boundaries of the port consist of that area in the State of Alaska as set forth on the U.S. Department of the Interior Geological Survey Maps of Valdez, Alaska (Quadrangles A-6 and A-7), and include the following:

That area in the State of Alaska within the boundaries of section 36 of Township 8 South, Range 7 West; Sections 31, 32, 33, 34, 35, and 36 of Township 8 South, Range 6 West; Sections 2, 3, 10, 11, 14, 15, 16, 17, and 18 of Township 9 South, Range 6 West; Sections 13 and 14 of Township 9 South, Range 7 West of the Copper River Meridian; and the roadway of the Richardson Highway from Section 11 of Township 9 South, Range 6 West to and including the roadway of the unnamed road connecting the Richardson

Highway to Section 14 of Township 9 South, Range 6 West.

Because Valdez is situated in an essentially undeveloped area of Alaska which has not been throughly surveyed, the coordinates of the port limits cannot be stated more precisely.

Amendment to the Regulations

To reflect this change, the table in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by inserting "Valdez, including territory described in T.D. 79–201." directly below "Skagway." in the column headed "Ports of entry" in the Anchorage, Alaska, Customs district (Region VIII).

Regulation Determined to be Nonsignificant

In a directive published in the **Federal Register** on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations", the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the **Federal Register** and codified in the Code of Federal Regulations to be "significant". However, it has been determined that this amendment does not meet the Treasury Department criteria in the directive for a "significant" regulation because it is nonsubstantive, essentially procedural, does not materially change existing or establish new policy, and does not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: July 5, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79–22925 Filed 7–24–79; 8:45 am]

BILLING CODE 4810–22–M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 840–79]

Authority To Sign Indictments When U.S. Attorney Is Recused

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order authorizes the United States Attorney to designate any Assistant United States Attorney in his office to perform any function, including the signing of indictments and any other documents and papers, when the United States Attorney has recused himself from the applicable matter. The order amends 28 CFR 0.131.

EFFECTIVE DATE: July 9, 1979.

FOR FURTHER INFORMATION CONTACT: Daniel E. Fromstein, General Litigation and Legal Advice Section, Criminal Division, United States Department of Justice, Washington, D.C. 20530 (202–724–6971).

By virtue of the authority vested in me by 28 U.S.C. 509 and 510, Title 28, Code of Federal Regulations, is amended by revising § 0.131, to provide:

§ 0.131 Designation of Acting United States Attorneys.

Each U.S. Attorney is authorized to designate any Assistant U.S. Attorney in his office to perform the functions and duties of the U.S. attorney during his absence from office, or with respect to any matter from which he has recused himself, and to sign all necessary documents and papers, including indictments, as Acting U.S. Attorney while performing such functions and duties.

Dated: July 9, 1979.

Griffin B. Bell,

Attorney General.

[FR Doc. 79–22920 Filed 7–24–79; 8:45 am]

BILLING CODE 4410–01–M

28 CFR Part 0

[Order No. 839–79]

Coercion of Abortions and Sterilizations

AGENCY: Department of Justice.

ACTION: Final Rule.

SUMMARY: Section 300a–8, Title 42, United States Code, which became effective July 1, 1976, makes it a misdemeanor for certain categories of persons to coerce or endeavor to coerce a person to undergo a sterilization or abortion by threatening loss of, or disqualification for the receipt of, any benefit of service under a program receiving federal financial assistance. Existing Department regulations assign to the Civil Rights Division the enforcement of all federal statutes affecting civil rights except those specifically assigned to the Criminal Division. This order adds the provisions of Section 300a–8 of Title 42, United States Code, to the list of federal statutes assigned to the Civil Rights Division.

EFFECTIVE DATE: July 9, 1979.

FOR FURTHER INFORMATION CONTACT: John Harmon, Assistant Attorney General, Office of Legal Counsel, United States Department of Justice, Washington, D.C. 20530 (202–633–2041).

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, § 0.50(a) of Subpart J of Part 0 of Chapter I of Title 28, Code of Federal Regulations is amended by adding "abortion and sterilization" immediately after "housing."

Dated: July 9, 1979.

Griffin B. Bell,

Attorney General.

[FR Doc. 79–22921 Filed 7–24–79; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF DEFENSE

Engineers Corps

33 CFR Part 222

[ER 1110–2–1802]

Engineering and Design; Reporting Earthquake Effects

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: Engineer Regulation 1110–2–1802 pertaining to reporting earthquake effects appeared in the **Federal Register** issue of February 14, 1979 (44 FR, page 9591). Extensive changes were required because the regulation did not adequately provide for variations in effects from similar magnitude earthquakes in different parts of the United States. This document provides guidance and establishes procedures for assuring the structural integrity and operational adequacy of major Civil Works structures following a significant earthquake. A recent review of Corps practices in dam design revealed a need for updating guidance in gathering data after an earthquake occurs. Post-earthquake evaluations will detect conditions of significant structural distress and provide a basis for timely initiation of restorative and remedial measures.

EFFECTIVE DATE: 25 July 1979.

FOR FURTHER INFORMATION CONTACT: Ernest L. Dodson, Chief, Geotechnical Branch, Office, Chief of Engineers, Department of the Army, Washington, DC 20314, (202) 693–6823.

Note.—The U.S. Army Corps of Engineers has determined that this document does not

contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

In consideration of the above required changes, 33 CFR Part 222 is amended by revising § 222.6 to read as follows.

§ 222.6 Reporting earthquake effects.

(a) *Purpose.* This regulation states policy, defines objectives, assigns functions, and establishes procedures for assuring the structural integrity and operational adequacy of major Civil Works structures following the occurrence of significant earthquakes. It primarily concerns damage surveys following the occurrences of earthquakes.

(b) *Applicability.* This regulation is applicable to all field operating agencies having Civil Works responsibilities.

(c) *References.* (1) ER 1110-2-100 (§ 222.2).

(2) ER 1110-2-1806.

(3) ER 1110-2-8150.

(4) ER 1130-2-419.

(5) State-of-the-Art for Assessing Earthquake Hazards in the United States—WES Miscellaneous Papers S-73-1—Reports 1 thru 14. Available from U.S. Army Engineer Waterways Experiment Station, P.O. Box 631, Vicksburg, Mississippi 39180.

(d) *Policy.* Civil Works structures which could be caused to fail or partially fail by an earthquake and whose failure or partial failure would endanger the lives of the public and/or cause substantial property damage, will be evaluated following potentially damaging earthquakes to insure their continued structural stability, safety and operational adequacy. These structures include dams, navigation locks, powerhouses, and appurtenant structures, (intakes, outlet works, buildings, tunnels, paved spillways) which are operated by the Corps of Engineers and for which the Corps is fully responsible. Also included are major levees, floodwalls, and similar facilities designed and constructed by the Corps of Engineers and for whose structural safety and stability the Corps has a public obligation to be aware of although not responsible for their maintenance and operation. The evaluation of these structures will be based upon post-earthquake inspections which will be conducted to detect conditions of significant structural distress and to provide a basis for timely initiation of restorative and remedial measures.

(e) *Post-Earthquake Inspections and Evaluation Surveys.* (1) *Limitations of Present Knowledge.* The design of structures for earthquake loading is limited by the infrequent opportunity to compare actual performance with the design. Damage which would affect the function of the project is unlikely if peak accelerations are below 0.1g.; but it cannot be assumed that a structure will not be damaged from earthquake loadings below that for which it was designed. Furthermore, earthquakes have occurred in several parts of the country where significant seismic activity had not been predicted by some seismic zoning maps. This indicates the possibility that earthquake induced loads may not have been adequately considered in the design of older structures.

(2) *Types of Reportable Damage.* Many types of structural damage can be induced by ground motion from earthquakes or from large nuclear blasts (which also tend to induce ground vibrations in the more damaging lower frequency ranges). Any post-earthquake change in appearance or functional capability of a major Civil Works structure should be evaluated and reported. Examples are symptoms of induced stresses in buildings made evident by cracked plaster, windows or tile, or in binding of doors or windows; cracked or shifted bridge pier footings or other concrete structures; turbidity or changed static level of water wells; cracks in concrete dams or earth embankments; and misalignment of hydraulic control structures or gates. Induced dynamic loading on earth dams may result in loss of freeboard by settlement, or cause localized quick conditions within the embankment sections or earth foundations. Also, new seepage paths may be opened up within the foundation or through the embankment section. Ground motion induced landslides may occur in susceptible areas of the reservoir rim, causing embankment overtopping by waves and serious damage. All such unusual conditions should be evaluated and reported.

(f) *Inspection and Evaluation Programs.* (1) If the project is located in an area where the earthquake causes significant damage (Modified Mercalli Intensity VII or greater) to structures in the vicinity, the Chief, Engineering Division, should be immediately notified and an engineering evaluation and inspection team should be sent to the project.

(2) If the project is located in an area where the earthquake is felt but causes no or insignificant damage (Modified Mercalli Intensity VI or less) to structures in the vicinity of the project, project operations personnel should make an immediate inspection. This inspection should determine (1) whether there is evidence of earthquake damage or disturbance, and (2) whether seismic instrumentation, where present, has been triggered. The Chief, Engineering Division should be notified by phone of the results of the inspection. If damage is observed, which is considered to threaten the immediate safety or operational capability of the project, immediate action should be taken as covered in paragraph f(1) of this section. For other situations, the Chief of Engineering Division will determine the need for and urgency for an engineering inspection.

(3) When an engineering inspection of structures is deemed necessary following a significant earthquake, HQDA (DAEN-CWE) WASH DC 20314 will be notified of the inspection program as soon as it is established.

(4) As a general rule, the structures which would be of concern following an earthquake are also the structures which are involved in the inspection program under ER 1110-2-100. Whenever feasible, instrumentation and prototype testing programs undertaken under ER 1110-2-100 to monitor structural performance and under ER 1110-2-8150 to develop design criteria will be utilized in the post-earthquake safety evaluation programs. Additional special types of instrumentation will be incorporated in selected structures in which it may be desirable to measure forces, pressures, loads, stresses, strains, displacements, deflections, or other conditions relating to damage and structural safety and stability in case of an earthquake.

(5) Where determined necessary, a detailed, systematic engineering inspection will be made of the post-earthquake condition of each structure, taking into account its distinctive features. For structures which have incurred earthquake damage a formal technical report will be prepared in a format similar to inspection reports required under ER 1110-2-100. (Exempt from requirements control under paragraph 7-2b, AR 335-15.) The report will include summaries of the instrumentation and other observation data for each inspection, for permanent record and reference purposes. This report will be used to form a basis for major remedial work when required. Where accelerometers or other types of strong motion instruments have been installed, readings and interpretations from these instruments should also be included in the report. The report will contain recommendations for remedial work when appropriate, and will be

transmitted through the Division Engineer for review and to HQDA (DAEN–CWE) WASH DC 20314 for review and approval. For structures incurring no damage a simple statement to this effect will be all that is required in the report, unless seismic instrumentation at the project is activated. (See paragraph h(4) of this section.)

(g) *Training.* The dam safety training program covered by paragraph 6 of ER 1130–2–419 should include post-earthquake inspections and the types of damage operations personnel should look for.

(h) *Responsibilities.* (1) The Engineering Divisions of the District offices will formulate the inspection program, conduct the post-earthquake inspections, process and analyze the data of instrumental and other observations, evaluate the resulting condition of the structures, and prepare the inspection reports. The Engineering division is also responsible for planning special instrumentation felt necessary in selected structures under this program. Engineering Division is responsible for providing the training discussed in paragraph (g) of this section.

(2) The Construction Divisions of the District offices will be responsible for the installation of the earthquake instrumentation devices and for data collection if an earthquake occurs during the construction period.

(3) The Operations Division of the District offices will be responsible for the immediate assessment of earthquake damage and notifying the Chief, Engineering Division as discussed in paragraphs f (1) and (2). The Operations Division will also be responsible for earthquake data collection after the construction period in accordance with the instrumental observation programs, and will assist and participate in the post-earthquake inspections.

(4) The U.S. Geological Survey has the responsibility for servicing and collecting all data from strong motion instrumentation at Corps of Engineers dam projects following an earthquake occurrence. However, the U.S. Army Waterways Experiment Station (WES) is assigned the responsibility for analyzing and interpreting these earthquake data. Whenever a recordable earthquake record is obtained from seismic instrumentation at a Corps project, the Division will send a report of all pertinent instrumentation data to the Waterways Experiment Station, ATTN: WESGH, P.O. Box 631, Vicksburg, Mississippi 39180. The report on each project should include a complete description of the locations and types of instruments and a copy of the instrumental records from each of the strong motion machines activated. (Exempt from requirements control under paragraph 7–2v, AR 335–15).

(5) The Engineering Divisions of the Division offices will select structures for special instrumentation for earthquake effects, and will review and monitor the data collection, processing, evaluating, and inspecting activities. They will also be specifically responsible for promptly informing HQDA (DAEN–CWE) WASH DC 20314, when evaluation of the condition of the structure or analyses of the instrumentation data indicate the stability of a structure is questionable. (Exempt for requirements control under paragraph 7–2o, AR 335–15.)

(6) Division Engineers are responsible for issuing any supplementary regulations necessary to adapt the policies and instructions herein to the specific conditions within their Division.

(i) *Funding.* Funding for the evaluation and inspection program will be under the Appropriation 96X3123, Operations and Maintenance, General. Funds required for the inspections, including Travel and Per Diem costs incurred by personnel of the Division office or the Office, Chief of Engineers, will be from allocations made to the various projects for the fiscal year in which the inspection occurs.

Pub. L. 738, 74th Congress, 49 Stat. 1570 (33 U.S.C. 701b); Pub. L. 685, 75th Congress, 52 Stat. 802 (33 U.S.C. 540); Pub. L. 92–367, 86 Stat. 506 (33 U.S.C. 467 *et. seq.*))

Source: ER 1100–2–1802.
Dated: July 16, 1979.

Forrest T. Gay, III,
Colonel, Corps of Engineers Executive Director, Engineer Staff.

[FR Doc. 79–22612 Filed 7–24–79; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2740 and 2910

[Circular No. 2450]

Land Resource Management (2000); Recreation and Public Purposes Act

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking updates the Recreation and Public Purposes Act regulations to reflect the amendments of that Act made by section 212 of the Federal Land Policy and Management Act of 1976 and other changes. Section 212 requires that certain additional criteria be met prior to approving applications, makes changes in the acreage limitations and provides that patents and leases for recreational purposes be made without monetary consideration.

DATE: Effective August 24, 1979.

ADDRESS: Any comments and inquiries should be sent to: Director (320), Bureau of Land Management, 1800 C Street N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Mathew Millenbach (202) 343–8731.

SUPPLEMENTARY INFORMATION: The proposed rulemaking on this subject was published in the **Federal Register** on January 12, 1979 (44 FR 2620). A 60 day comment period was provided. Ten written comments were received during the comment period and were considered in the preparation of this final rulemaking. Eight of the comments were from State governments or agencies and two comments were from Federal agencies. The comments were favorable to the rulemaking, but a number of questions were raised concerning the implementation of its provisions. Several commented that the rulemaking would carry out the intent of Congress and provide an easier process for the acquisition of Federal lands by State and local governments and agencies for the uses specified. One comment questioned whether Federal lands that had been identified because of their special values could be disposed of under the rulemaking. Any Federal lands that meet the criteria of the rulemaking can be disposed of. However, it is highly unlikely that a finding would be made during the decisionmaking process that it would be in the public interest to dispose of such lands unless they were to continue in the same important use. The final rulemaking provides adequate protection to those Federal lands having special designated uses. Further, the danger is lessened by the fact that this rulemaking covers disposals for recreational and public purposes, and only to States and their political subdivisions or nonprofit corporations and associations.

One comment asked what impact the wilderness inventory process now ongoing within the Bureau of Land Management would have on disposals under this rulemaking. Any lands included in wilderness study areas and recommended for inclusion in the Wilderness System will not be available for disposal until Congress has made a decision on the matter.

Another comment expressed the opinion that recreational pursuits connected with wildlife activities should be included in the broader definition of recreational uses and qualified to receive the 6,400 acre entitlement. Section 2741.6 is in conformance with the provisions of the Recreation and Public Purposes Act, as amended, and the suggested comment has not been adopted.

One comment suggested that the statements in the "Summary" and "Supplementary Information" sections did not fully describe the contents of the proposed rulemaking. The two sections, when read in conjunction with the proposed rulemaking, give the public full notice of what the proposed rulemaking is intended to accomplish. Another comment from the same source, questioned the imposition of additional reverter provisions in § 2741.8 of the proposed rulemaking. The reverter provisions have been carefully studied and are proper conditions under a disposal made pursuant to the Recreation and Public Purposes Act, as amended. No change has been made in the section.

A comment pointed out that § 2912.1–1(c) makes no provision for notice and hearing in connection with a revocation or suspension of "any instrument providing for use, occupancy or development of public lands," as provided in section 302(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732). This suggestion has been adopted and § 2912.1–1(c) has been amended to provide for notice and opportunity for a hearing.

Another comment questioned the provision of § 2912.4–2(a) that authorized the amendment of existing leases to comply with the provisions of this rulemaking. This provision is designed to bring existing leases into conformance with the amendments to the Recreation and Public Purposes Act, as well as, other changes made by this final rulemaking. This is a proper authority and no change has been made in the section.

One comment expressed concern that the lands that would be disposed of under this final rulemaking would not be adequately considered under procedures covering the preservation and enhancement of sites and structures of historic, architectual or archeological significance. Prior to a conveyance under the provisions of this final rulemaking, lands will be considered under either the Bureau of Land Management's land use planning system or a decision document that would result in classification of the lands for disposal, or both. These processes will include a cultural inventory to protect the cultural values.

A change made after studying the proposed rulemaking was the insertion of the word "sex" in § 2741.8. This change was made to correct an oversight in the non-discrimination provision. Another change designed to rectify an omission was the addition of the words "Aleuts, and Eskimos", after the word "Indians" in § 2741.1(a). The amended wording of the rulemaking is now the same as the wording in the definition of "public lands" in the Federal Land Policy and Management Act.

Finally, a change was made in § 2912.1–1(d) to make it clear that leases, as well as conveyances, issued to a State, county, or other State or Federal instrumentality or political subdivision for recreational or historic-monument purposes shall be made without monetary consideration. This amendment is in accord with section 212 of the Federal Land Policy and Management Act, and was inadvertently omitted from the proposed rulemaking.

Editorial and language changes needed to clarify the final rulemaking have been made.

The principal author of this final rulemaking is Mathew Millenbach, Division of Lands and Realty, assisted by the staff of the Division of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Under the authority of the Recreation and Public Purposes Act, as amended, (43 U.S.C. 865 et seq.), Parts 2740 and 2910, Groups 2700 and 2900, Subchapter B, Chapter II, Title 43 of the Code of Federal Regulations are revised as set forth below.

Guy R. Martin,

Assistant Secretary of the Interior.

July 19, 1979.

1. Part 2740 is revised to read as follows:

PART 2740—RECREATION AND PUBLIC PURPOSES ACT

Subpart 2740—Recreation and Public Purposes Act: General

Sec.

2740.0–1 Purpose.
2740.0–2 Objective.
2740.0–3 Authority.
2740.0–5 Definitions.
2740.0–6 Policy.
2740.0–7 Cross reference.

Subpart 2741—Recreation and Public Purposes Act: Requirements

Sec.

2741.1 Lands subject to disposition.
2741.2 Qualified applicants.
2741.3 Applications.
2741.4 Guidelines for conveyances and leases under the act.
2741.5 Applications for transfer of title or change of use.
2741.6 Acreage limitations and general conditions.
2741.7 Price.
2741.8 Patent provisions.

Authority: Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.).

Subpart 2740—Recreation and Public Purposes Act: General

§ 2740.0–1 Purpose.

These regulations provide guidelines and procedures for transfer of certain public lands under the Recreation and Public Purposes Act as amended (43 U.S.C. 869 et seq.), to States or their political subdivisions, and to nonprofit corporations and associations, for recreational and public purposes.

§ 2740.0–2 Objective.

The objective is to meet the needs of certain State and local governmental agencies and other qualified organizations for public lands required for recreational and public purposes.

§ 2740.0–3 Authority.

(a) The Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.), commonly known as the Recreation and Public Purposes Act, authorizes the Secretary of the Interior to lease or convey public lands for recreational and public purposes under specified conditions.

(b) Section 211 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1721), authorizes the Secretary of the Interior to convey to States or their political subdivisions unsurveyed islands determined by the Secretary to be public lands of the United States and "omitted lands" under the Recreation and Public Purposes Act without regard to acreage limitations contained in the Act.

§ 2740.0–5 Definitions.

As used in this part, the term:

(a) "Act" means the Recreation and Public Purposes Act as amended by section 212 of the Federal Land Policy and Management Act of 1976.

(b) "Authorized officer" means any employee of the Bureau of Land Management who has been delegated

the authority to perform the duties described in this part.

(c) "Public lands" means any lands and interest in lands administered by the Bureau of Land Management, except lands located on the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts and Eskimos.

§ 2470.0-6 Policy.

(a) To assure development of public lands in accordance with a development plan and compliance with an approved management plan, the authorized officer may require that public lands first be leased under the provisions of subpart 2912 of this title for a period of time prior to issuance of a patent.

(b) Municipal corporations may not secure public lands under this act which are not within convenient access to the municipality and within the same State as the municipality. Other qualified governmental applicants may not secure public lands outside their political boundaries or other area of jurisdiction.

§ 2740.0-7 Cross references.

(a) Requirements and procedures for conveyance of land under the Recreation and Public Purposes Act are contained in Subpart 2741 of this chapter.

(b) Requirements and procedures for leasing of land under the Recreation and Public Purposes Act are contained in Subpart 2912 of this title.

(c) Requirements and procedures for conveyance of unsurveyed islands and omitted lands under Section 211 of the Federal Land Policy and Management Act are contained in Subpart 2742 of this chapter.

Subpart 2741—Recreation and Public Purposes Act: Requirements

§ 2741.1 Lands subject to disposition.

(a) The act is applicable to any public lands except (1) lands withdrawn or reserved for national forests, national parks and monuments, and national wildlife refuges, (2) Indian lands and lands set aside or held for use by or for the benefit of Indians, Aleuts and Eskimos, and (3) lands which have been acquired for specific purposes.

(b) Revested Oregon and California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands may only be leased to States and counties and to State and Federal instrumentalities and political subdivisions and to municipal corporations.

(c) Section 211 of the Federal Land Policy and Management Act of 1976 does not apply to public lands within the National Forest System, defined in the Act of August 17, 1974 (16 U.S.C. 1601), the National Park System, the National Wildlife Refuge System and the National Wild and Scenic Rivers System.

§ 2741.2 Qualified applicants.

Applications for any recreational or public purpose may be filed by States, Federal and State instrumentalities and political subdivisions, including counties and municipalities, and nonprofit associations and nonprofit corporations that, by their articles of incorporation or other authority, are authorized to acquire land.

§ 2741.3 Applications.

(a) Applications shall be submitted on forms approved by the Director, Bureau of Land Management.

(b) Each application shall be accompanied by three copies of a statement describing the proposed use of the land. The statement shall show that there is an established or definitely proposed project for such use of the land, present detailed plan and schedule for development of the project and a management plan which includes a description of how any revenues will be used. The provisions of § 1821.2 of this title apply to filings pursuant to this section.

§ 2741.4 Guidelines for conveyances and leases under the act.

(a) Public lands shall be conveyed or leased under the act only for an established or definitely proposed project for which there is a reasonable timetable of development and satisfactory development and management plans.

(b) No public lands having national significance shall be conveyed pursuant to the act.

(c) No more public lands than are reasonably necessary for the proposed use shall be conveyed pursuant to the act.

(d) For proposals involving over 640 acres, public lands shall not be sold or leased pursuant to this act until:

(i) Comprehensive land use plans and zoning regulations for the area in which the lands are located have been adopted by the appropriate State or local authorities.

(ii) The authorized officer has held at least one public meeting on the proposal.

(e) Applications shall not be approved unless and until it has been determined that disposal under the act would serve the national interest following the planning requirements of section 202 of the Federal Land Policy and Management Act (43 U.S.C. 1712).

(f) Public lands may be determined to be suitable for lease or sale under the act by the authorized officer on his own motion as a result of demonstrated public needs for public lands for recreational or public purposes during the planning process described in section 202 of the Federal Land Policy and Management Act. Potential applicants should contact the authorized officer and furnish him with conceptual plans of the proposed use early in the planning process so that he can plan for the proposed use of the public lands.

(g) lands under the jurisdiction of another agency shall not be determined to be suitable for lease or sale without that agency's approval.

(h) the issuance of a notice that public lands are suitable for sale or lease under the act and are classified as such shall segregate such public lands from all other appropriations, including locations under the mining laws, except as provided in the notice of an amendment thereof. If no application is filed within 18 months after issuance of the notice, the segregation shall be automatically vacated and the public lands restored to their former status.

(i) Patents shall not be issued for sanitary landfill sites, unless it can be shown that when the usefulness of the lands for landfill purposes ends, the land shall be used for recreation or other public purposes as provided in the approved development plan. The land shall be leased until the sanitary landfill has been filled and the subsequent development has been completed.

(j) The act shall not be used to provide sites for the disposal of permanent or long-term hazardous wastes.

§ 2741.5 Applications for transfer or change of use.

(a) Applications under the act for permission to add to or change the use specified in a patent or applications to transfer title to a third party shall be filed as prescribed in § 2741.3 of this title.

(b) Applications for transfer of title are subject to the acreage limitations as prescribed in § 2741.6(a) of this title.

(c) Prior to approval of an application filed under this section, the public lands may be reappraised in accordance with § 2741.7 of this title and the beneficiary required to make such payments as are found justified by the reappraisal.

2741.6 Acreage limitations and general conditions.

(a) Conveyances under the act to any applicant in any one calendar year shall be limited as follows:

(1) Any State or State agency having jurisdiction over the State park system may acquire not more than 6,400 acres for recreational purposes and such additional acreage as may be needed for small roadside parks and rest sites of 10 acres or less each.

(2) Any State or agency or instrumentality of such State may acquire not more than 640 acres for each of its programs involving public purposes other than recreation.

(3) Any politicial subdivision of a State may acquire for recreational purposes not more than 6,400 acres, and for public purposes other than recreation an additional 640 acres. In addition, any political subdivision of a State may acquire such additional acreage as may be needed for roadside parks and rest sites of not more than 10 acres each.

(4) If a State or political subdivision has failed in any one calendar year to receive 6,400 acres (not counting public lands for small roadside parks and rest sites) and had an application on file on the last day of that year, the State, State park agency or political subdivision may receive additional public lands to the extent that the conveyances would not have exceeded the limitations for that year.

(5) Any nonprofit corporation or nonprofit association may acquire for recreational purposes not more than 640 acres and for public purposes other than recreation an additional 640 acres.

(6) Acreage limitations described in this section do not apply to conveyances made under section 211 of the Federal Land Policy and Management Act of 1976.

(b) Conveyances within any State shall not exceed 25,600 acres for recreational purposes per calendar year, except that should any State park agency or political subdivision fail in one calendar year to receive 6,400 acres other than small roadside parks and rest sites, additional conveyances may be made thereafter to that State park agency or political subdivision pursuant to any application on file on the last day of said year to the extent that the conveyances would not have exceeded the limitations of said year.

(c) No patents shall be issued under the act unless and until the public lands are officially surveyed. This requirement does not apply to islands patented under the authority of section 211(a) of the Federal Land Policy and Management Act of 1976.

(d) All leases and patents issued under the act shall reserve to the United States all minerals together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior.

§ 2741.7 Price.

(a) Conveyances for recreational or historic-monument purposes to a State, county, or other State or Federal instrumentality or political subdivision shall be issued without monetary consideration.

(b) All other conveyances shall be made at prices established by the Secretary of the Interior through appraisal or otherwise, taking into consideration the purpose for which the land is to be used.

(c) Patents shall be issued only after payment of the full purchase price by a patent applicant.

§ 2741.8 Patent provisions.

(a) All patents under the act shall provide that title shall revert upon a finding, after notice and opportunity for a hearing, that, without the approval of the authorized officer:

(i) The patentee or its approved successor attempts to transfer title to or control over the lands to another;

(ii) The lands have been devoted to a use other than that for which the lands were conveyed;

(iii) The lands have not been used for the purpose for which they were conveyed for a 5-year period; or

(iv) The patentee has failed to follow the approved development plan or management plan.

(b) Patents shall also provide that the Secretary of the Interior may take action to revest title in the United States if the patentee directly or indirectly permits his agents, employees, contractors, or subcontractors (including without limitation lessees, sublessees, and permittees) to prohibit or restrict the use of any part of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, sex or national origin.

PART 2910—LEASES

2. Subpart 2912 is revised to read as follows:

Subpart 2912—Recreation and Public Purposes Act

Sec.
2912.0–7 Cross reference.
2912.1 Nature of Interest.
2912.1–1 Terms and conditions of lease.
2912.2 Renewal of leases.
2912.3 Substitution of new lease.
2912.4 Leases for solid waste disposal sites.
2912.4–1 Requirement.
2912.4–2 Procedures.

Authority: Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.)

Subpart 2912—Recreation and Public Purposes Act

§ 2912.0–7 Cross reference.

The general requirements and procedures under the Recreation and Public Purposes Act are contained in part 2740 of this title.

§ 2912.1 Nature of interest.

§ 2912.1–1 Terms and conditions of lease.

(a) The term of leases under the Recreation and Public Purposes Act, hereafter referred to as "the Act," shall be fixed by the authorized officer but shall not exceed 20 years for nonprofit associations and nonprofit corporations, and 25 years for Federal, State, and local governmental entities. A lease may contain, at the discretion of the authorized officer, a provision giving the lessee the privilege of renewing the lease for a like period.

(b) Leases shall be issued on a form approved by the Director, Bureau of Land Management and shall contain terms and conditions required by law, and public policy, and which the authorized officer considers necessary for the proper development of the land, for the protection of Federal property, and for the protection of the public interest.

(c) Leases shall be terminable by the authorized officer upon failure of the lessee to comply with the terms of the lease, upon a finding, after notice and opportunity for hearing, that all or part of the land is being devoted to a use other than the use authorized by the lease, or upon a finding that the land has not been used by the lessee for the purpose specified in the lease for any consecutive period specified by the authorized officer. The specified period of non-use or unauthorized use shall not be less than 2 years nor more than 5 years.

(d) Reasonable annual rentals shall be established by the Secretary of the Interior and shall be payable in advance. Upon notification of the amount of the yearly rental, a lease applicant shall be required to pay at least the first year's rental before the lease shall be issued. Upon the voluntary relinquishment of a lease before the expiration of its term, any rental paid for the unexpired portion of the term shall be returned to the lessee

upon a proper application for repayment to the extent that the amount paid covers a full lease year or years of the remainder of the term of the original lease. Leases for recreational or historic-monument purposes to a State, county or other State or Federal instrumentality or political subdivision shall be issued without monetary consideration.

(e) Leases are not transferable except with the consent of the authorized officer. Transferees shall have all the qualifications of applicants under the Act and shall be subject to all the terms and conditions of the regulations in this part.

(f) A lessee shall not be permitted to cut timber from the leased lands without prior permission from the authorized officer.

(g) All leases shall reserve to the United States all minerals together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior.

§ 2912.2 Renewal of leases.

A lessee with a privilege of renewal must notify the authorized officer at least 180 days before the end of the lease period that it will exercise the privilege.

§ 2912.3 Substitution of a new lease.

A lessee may apply for a new lease at any time. Applications for new leases shall be accompanied by consent of the lessee to cancellation of the existing lease upon the issuance of the new lease and by three copies of a statement showing (a) the need for a new lease and (b) any changes in the use or management of the lands or the terms and conditions of the lease which the applicant desires.

§ 2912.4 Leases for solid waste disposal sites.

§ 2912.4-1 Requirement.

Compliance with *Guidelines for the Thermal Processing of Solid Wastes* (40 CFR Part 240). *Guidelines for the Land Disposal of Solid Waste* (40 CFR Part 241), and *Regulations for the Acceptance of Certain Pesticides and Recommended Procedures for the Disposal and Storage of Pesticides and Pesticide Containers* (40 CFR Part 165), and any other regulations or guidelines promulgated pursuant to the Resource Conservation and Recovery Act of 1976 (43 U.S.C. Chapter 82) is required under leases issued for purposes involving disposal of solid waste.

§ 2912.4-2 Procedures.

(a) All new leases shall contain stipulations requiring compliance with the above-referenced regulations and guidelines. Leases and respective plans of development and management already in existence without such specific stipulations shall be amended to require compliance with the above guidelines be lessees. In all cases, the lease must stipulate that failure to comply with the regulations and guidelines shall constitute sufficient grounds for cancellation of the lease.

(b) Lease applications shall include in the plan of development and management detailed description of the methods and procedures that will be employed to achieve compliance with the above regulations and guidelines. The regulations and guidelines delineate minimum standards of performance that must be followed. The recommended methods and procedures in the guidelines are means whereby the requirements may be met. Alternate methods and procedures may be used in meeting the requirements when approved by the authorized officer.

[FR Doc. 79-22923 Filed 7-24-79; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5670

[U-36534]

Utah; Powersite Restoration No. 752; Partial Revocation of Powersite Reserves No. 42 and No. 732

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This order partially revokes Powersite Reserves No. 42 and No. 732. The lands to be revoked remain withdrawn under the jurisdiction of the Bureau of Reclamation. The purpose of this order is to clear the official public land status records.

EFFECTIVE DATE: July 25, 1979.

FOR FURTHER INFORMATION CONTACT: Keith Corrigall, 202-343-8731.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751; 43 U.S.C. 1714), it is ordered as follows:

1. The Secretary's Order of August 27, 1909, creating temporary Powersite Reserve No. 42, and the Executive Order of December 27, 1919, creating Powersite Reserve No. 732 are hereby revoked so far as they affect the following described lands:

Salt Lake Meridian

T. 5 S., R. 23 E.,
Sec. 11, lot 1, NW¼NE¼, S½NE¼, NE¼SE¼;
Sec. 12, lots 3, 10 to 13, inclusive, 16, SW¼SW¼;
Sec. 13, N½NE¼, NE¼NW¼.

The areas described aggregate approximately 448.61 acres in Uintah County.

2. All of the above described lands are presently withdrawn by the Secretary's Order of May 6, 1942, for use of the Bureau of Reclamation.

July 18, 1979.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 79-22891 Filed 7-24-79; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

50 CFR Part 32

Hunting; Certain National Wildlife Refuges in Nevada

AGENCY: U.S. Fish and Wildlife Service, Interior .

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening of hunting of certain National Wildlife Refuges in Nevada is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for migratory birds, upland game and big game.

EFFECTIVE DATES: August 18, 1979, through June 30, 1980.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address or telephone number listed below in the body of Special Regulations.

General Conditions

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional Special Regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters No vehicle travel is permitted except on designated roads and trails.

§ 32.12 Special Regulations: Migratory Game Birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Fallon National Wildlife Refuge, P.O. Box 1236, Fallon, Nevada 89406, telephone (702) 423–5128.

Stillwater Wildlife Management Area, P.O. Box 1236, Fallon, Nevada 89406, telephone (702) 423–5128.

Pahranagat National Wildlife Refuge, P.O. Box 445, Alamo, Nevada 89001, telephone (702) 725–3417.

Special Conditions: 1. Boats without motors or other flotation devices are permitted on the refuge hunting area *only* during the migratory waterfowl hunting season.

2. Refuge closed to goose and snipe hunting.

3. Special dove hunting regulations are in effect opening day through the following Monday. All dove hunters, 14 years or older, must have a refuge permit during this period.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nevada 89833, telephone (702) 779–2237.

Special Conditions: Migratory game birds, except doves and pigeons, may be hunted.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, P.O. Box 592, Fallon, Nevada 89406, telephone (702) 423–5128.

Pahranagat National Wildlife Refuge, P.O. Box 232, Alamo, Nevada 89001, telephone (702) 725–3417.

Special Condition: Quail and cottontail rabbit only may be hunted.

Sheldon National Wildlife Refuge, Nevada Headquarters: P.O. Box 111, Lakeview, Oregon 97630, telephone (503) 947–3315.

Stillwater Wildlife Management Area, P.O. Box 1236, Fallon, Nevada 89406, telephone (702) 423–5128.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nevada 89108, telephone (702) 878–9617.

Special Condition: Desert bighorn sheep only may be hunted.

Sheldon National Wildlife Refuge, Nevada Headquarters: P.O. Box 111, Lakeview, Oregon 97630, telephone (503) 947–3315.

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 any recreational use permitted will not interfere with the primary purpose for which the area was 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.

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.

The primary author of this document is Lynn C. Howard, Sacramento Area Office, telephone FTS 468–4771, com'l (916) 484–4771.

Dated: July 13, 1979.

William Sweeney,

Area Manager—California-Nevada, U.S. Fish and Widlife Service.

[FR Doc. 79–22893 Filed 7–24–79 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 32

Hunting; Clear Lake National Wildlife Refuge, Calif.

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to hunting of Clear Lake National Wildlife Refuge in California is compatible with the objectives for which this area was established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for big game.

EFFECTIVE DATES: August 25, 1979 through September 3, 1979.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tule Lake, California 96134, Telephone number (916) 667–2231.

General Conditions

Hunting on portions of the Clear Lake refuge shall be in accordance with applicable State and Federal regulations, subject to additional Special Regulations and conditions as indicated. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to the refuge are listed on the reverse side of maps available at refuge headquarters at Tule Lake. No vehicle travel is permitted except on designated roads and trails.

§ 32.32 Special Regulations; big game; for individual wildlife refuge areas.

Clear Lake National Wildlife Refuge.

Special Conditions: 1. Antelope only may be hunted and only during the period specified by California State Hunting Regulations.

2. Only five hunters shall be allowed on the Peninsula "U"section at any one time, on a first-come first-served basis. Entrance will be granted only at the gate located on the Clear Lake Road. This gate will be closed when the kill quota is reached even though the season may still be open.

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 any recreational use permitted will not interfere with the primary purpose for which the area was established; (2) and 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 Clear Lake National Wildlife Refuge was 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.

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.

The primary author of this document is Lynn C. Howard, Sacramento Area Office; Telephone FTS 468-4771, com'l (916) 484-4771.

Dated: July 13, 1979.

William Sweeney,

Area Manager, California-Nevada, U.S. Fish and Wildlife Service.

[FR. Doc. 79-22892 Filed 7-24-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 44, No. 144
Wednesday, July 25, 1979

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.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Subtitle A]

Title IV, Agricultural Credit Act of 1978; Regulations To Govern Emergency Conservation Programs

AGENCY: Department of Agriculture.

ACTION: Advance Notice of Proposed Rulemaking and Request for Public Comment.

SUMMARY: The Department of Agriculture gives advance notice of forthcoming decisions leading to the implementation of Title IV of the Agricultural Credit Act of 1978, Pub. L. 95–334.

DATE: Comments and suggestions should be submitted on or before August 8, 1979.

ADDRESS: Comments and suggestions should be addressed to Mr. Arnold Miller, Office of the Secretary, Department of Agriculture, Room 117–A, Washington, D.C. 20250, (202) 447–3465.

FOR FURTHER INFORMATION CONTACT: Mrs. Oneida Darley, Assistant to the Deputy Secretary, Room 200–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6158.

SUPPLEMENTARY INFORMATION: Title IV of the Agricultural Credit Act of 1978 authorizes certain emergency conservation programs to control wind erosion, rehabilitate agricultural lands, conserve and enhance water supplies and to reduce hazards to life and property in the event of natural disasters. Forthcoming decisions will include those related to developing regulations to govern the programs authorized by Title IV.

The Secretary has directed that implementation of the programs authorized by Title IV be carried out with a view toward ensuring that they are efficiently administered, uniformly responsive in emergencies, and limited to practices and measures that are environmentally and economically supportable. In order to achieve these goals, public comment is requested on such issues as: (1) The criteria to be applied in determining whether assistance under the Act will be provided; (2) whether there should be any fixed monetary limitations on the program assistance, and if so, the amount thereof; and (3) the kinds of measures or practices for which assistance will be provided.

Full implementation of the Title IV programs is conditioned upon the appropriation of funds to carry out those authorities.

Section 401 authorizes a program similar to the emergency conservation measures program currently administered by the Agricultural Stabilization and Conservation Service (ASCS). Section 402 authorizes a program similar to the drought and flood conservation program administered by ASCS in 1977. Section 403 authorizes a program similar to the emergency watershed protection program (Section 216) currently administered by the Soil Conservation Service.

Comments and suggestions made in response to this notice should be received by August 8, 1979, in order to be sure of receiving consideration in connection with development of the proposed rules.

Dated: July 20, 1979.

Jim Williams,

Deputy Secretary.

[FR Doc. 79-23015 Filed 7-24-79; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

[7 CFR Part 1099]

[Docket No. AO-183-A36]

Milk in the Paducah, Ky., Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends changes in order provisions to allow more milk to move directly from farms to manufacturing plants when not needed for fluid milk (bottling) uses. This recommended action is based on a dairy farmer cooperative association's proposal considered at a public hearing held June 22, 1979. These changes are needed to reflect current marketing conditions and to permit added efficiencies in disposing of the market's reserve milk supplies.

DATE: Comments are due on or before August 16, 1979.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Hearing—Issued June 4, 1979; published June 7, 1979 (44 FR 32708).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Paducah, Kentucky, marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, DC 20250, by the 10th day after publication of this decision in the **Federal Register.** The period for filing exceptions is being limited to 10 days because of the need for amending the order by September 1, 1979. A longer filing period might preclude amending the order by that date.

The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at

the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing conducted at Paducah, Kentucky, on June 22, 1979. Notice of such hearing was issued June 4, 1979 (44 FR 32708).

The material issue on the record of the hearing relates to diversions of producer milk.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Diversions of producer milk. The order should be amended to provide that a cooperative association may divert to nonpool plants up to 33 percent of its member milk physically received at pool plants in the months of April through August and December, and 25 percent in other months. The same percentages also should apply to diversions to nonpool plants by a proprietary handler. The current limits are 25 percent in April through August and 15 percent in other months.

Dairymen, Inc. (DI), which represents a large proporation of producers supplying the market, proposed the changes adopted in this decision. No one opposed the proposal at the hearing or in briefs.

A spokesman for the cooperative testified that the order changes are needed to reflect changes in marketing conditions that have occurred during the past three years. Three changes in marketing conditions were cited to demonstrate the need for higher diversion limits. First, a distributing plant located in Paducah, Kentucky, closed during October 1976, resulting in a loss of Class I sales historically supplied by the cooperative. There now are only two plants in the market that receive and process milk for fluid purposes.

Second, the witness stated that one of the remaining plants now obtains a substantial portion of its milk supply from sources not historically associated with the Paducah market. Thus, another outlet normally supplied by DI was lost. Accoringly, he said, some milk of DI member producers that had been previously pooled on the Paducah order was shifted to plants regulated under other orders. He stated that DI currently pools 40 percent less milk on the Paducah order than it did before these changes took place. He maintained that even at this level of pooling, the cooperative finds it difficult to live within the current diversion limits.

The third change noted by the DI witness was the purchase by DI in 1977 of the fluid processing portion of a plant at Murray, Kentucky. The witness pointed out that the portion of the plant not purchased by DI now is defined as a nonpool plant. The impact of this change, he noted, was that the processing of Class II milk at this location is now in the nonpool portion of the facility. He indicated that under this arrangement milk moved from farms to the Class II operation must be treated as milk diverted from a pool plant if the milk is to remain in the pool. Otherwise, to maintain pool status the milk must first be received at the fluid milk plant and them be reloaded and moved to the adjacent nonpool plant as a transfer, according to the DI representative. He expressed his belief that of the three marketing changes cited this change had had the greatest impact upon the cooperative's ability to pool milk under the current diversion limits.

Proponent's witness maintained that in view of these changes, the current limits on diversions to nonpool plants are unduly limited and should be relaxed. According to the spokesman, receipts at the two remaining distributing plants vary considerably from day to day. He testified that each plant receives some milk each day, but that the daily amounts received vary from 10 percent to 18 percent of the weekly total. The spokesman stated that with only two fluid outlets remaining the cooperative now has less flexiblity than before in shifting milk supplies among pool plants and thus needs to be able to divert more milk to nonpool plants in order to efficiently handle the reserve milk supplies needed to accommodate the daily and seasonal milk requirements of pool plants. He further maintained that the higher limits proposed would avoid future unnecessary and costly handling of milk just to maintain pool status for producers historically associated with the market.

The cooperative's witness also urged that the limit applicable to diversions during December be inccreased from 15 percent to 33 percent of receipts at pool plants. He contended that because of the Christmas holidays, the problem of disposing of milk not needed for fluid uses is just as acute in December as it is during any of the flush production months.

The proposed changes in the diversion provisions should be adopted. The evidence clearly establishes that conditions in the market have changed as described by the proponent, with the result that the cooperative has more reserve milk than can be efficiently disposed of under current order provisions. DI has found it necessary several times during the past year to incur the costs of additional milk handling (receiving, unloading, reloading, reshipping) for the sole purpose of maintaining pool status for the milk.

The record also demonstrates that DI bears a major responsibility for balancing the market's supplies with the fluid milk needs of distributors. Milk from the cooperative's members accounts for about two-thirds of the total producer milk on the market. With only two distributing plants operating in the market, flexibility is limited for shifting milk away from plants where it is not needed for fluid use to other plants where it is needed.

Even though DI now pools about 40 percent less milk on the market than it did three years ago, the present diversion limits have created problems for the association in efficiently handling reserve milk supplies. At the cooperative's request, the Department suspended the 15 percent diversion limit for the months of November 1978 through March 1979. In each of those months, diversions to nonpool plants exceeded the amounts that could have been diverted absent the suspension.

Although the suspension had the effect of increasing the diversion limit to 25 percent, some milk in December 1978 still had to be received at a pool plant before being moved to a nonpool plant for surplus use in order to maintain pool status for the milk. Data show that for the 12 months of June 1978 through May 1979, the market's Class I utilization was lowest in May, June, July and December, ranging from 77.4 percent in July to 78.9 percent in May. December's utilization, therefore, is comparable to that for May, June and July and is lower than that for other months in which the higher diversion limits apply. The inclusion of December as a month in which greater diversions to nonpool plants would be allowed is warranted on the basis of the record.

Action to change the diversion limits as proposed will benefit DI in that some unloading, pumping, cooling, and reloading of milk can be eliminated. Since most of the milk DI diverts is delivered to essentially the same location as if it were first received and then transferred, transportation savings will be minimal. Nevertheless, the potential for DI and other handlers to save on hauling milk directly to surplus outlets at other locations in the future will be assured should the need arise.

Rulings on Proposed Findings and Conclusions

A brief and proposed findings and conclusions were filed by the proponent cooperative association. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth below.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1099.13, paragraphs (c)(2) and (c)(3) are revised to read as follows:

§ 1099.13 Producer milk.

* * * * *

(c) * * *

(2) If diverted by a cooperative association for its account as milk of its members to nonpool plants which does not exceed 33 percent of the milk physically received from member producers of such cooperative association at pool plants during the month in any of the months of April through August and December and 25 percent in other months, except that if milk of members is diverted by the cooperative association in excess of the specified percentages, no milk diverted by the cooperative association during the month shall be producer milk unless the cooperative association designated the dairy farmers whose milk is not producer milk;

(3) If diverted by a handler in his capacity as the operator of a pool plant, as milk of a producer who is not a member of a cooperative association diverting milk pursuant to paragraph (c)(2) of this section, which does not exceed 33 percent of the aggregate quantity of milk received at such plant from such nonmember producers during the month in any of the months of April through August and December and 25 percent in other months, except that if milk of nonmember producers is diverted by the handler in excess of the specified pecentages, no milk diverted by the handler during the month shall be producer milk unless the handler designated the dairy farmers whose milk is not producer milk; and

* * * * *

Note.—This action has not been determined significant under the USDA criteria implementing Executive Order 12044.

Signed at Washington, D.C., on: July 20, 1979.

Irving W. Thomas,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-22980 Filed 7-24-79; 8:45 am]

BILLING CODE 3410-02-M

[7 CFR Part 1124]

Milk in the Oregon-Washington Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The proposed suspension would remove the limit on such movements of milk during the months of July and August 1979. The action was requested by four cooperative associations to assure the efficient disposition of milk not needed for fluid use and to maintain producer status under the order for their dairy farmer members regularly associated with the market.

DATE: Comments are due within 7 days after publication in the Federal Register.

ADDRESS: Comments (2 copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Oregon-Washington marketing area is being considered for the months of July and August 1979:

In the third sentence of paragraphs (a) and (b) of § 1124.11, the word "not".

All persons who want to comment on the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before August 1, 1979.

The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include July 1979 in the suspension period.

The comments that are sent will be made available for public inspection at the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of July and August 1979. The order now provides that during any month a cooperative association may divert a total quantity of producer milk not in excess of the total quantity received during the month from all member producers at pool plants. Similarly, the operator of a pool plant may divert a total quantity of producer milk not in excess of the total quantity received from producers (for which the operator

of such plant is the handler during the month) at such pool plant.

Four cooperative associations representing a substantial number of producers on the market requested the suspension. The basis for the request is that current marketing conditions require the four associations to handle an increasing quantity of reserve milk supplies during July and August because the demand for milk supplies by their regular fluid outlets this summer is substantially below normal. They indicated that this situation is aggravated by the fact that milk production of their member producers is heavier than normal this summer.

The proponent cooperatives state that their reserve milk supplies are customarily moved directly from member farms to nonpool manufacturing plants. However, because of current marketing conditions, they expect their reserve milk supplies during July and August 1979 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Without the suspension, the cooperatives believe that a substantial part of the milk of their member producers who have regularly supplied the fluid market would have to be moved uneconomically first to pool plants and then to the nonpool manufacturing plants in order to still maintain producer status for such milk in July and August 1979.

Signed at Washington, D.C. on July 20, 1979.

Irving W. Thomas

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-22961 Filed 7-24-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 109]

Proposed Rules for Employment Authorization for Certain Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed Rule.

SUMMARY: The Immigration and Naturalization Service proposes to add a new Part to its regulations to codify the procedures and criteria for the grant of employment authorization to aliens in the United States. Service procedures for the grant of employment authorization are contained in several different places in the Operations Instructions and in various informal policy statements directed at Service field offices and the proposed regulations are intended to codify in one place in the regulations the procedures to be followed in granting employment authorization to certain aliens in the United States.

DATES: Representations must be received on or before September 24, 1979.

ADDRESSES: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Attorney General's authority to grant employment authorization stems from section 103(a) of the Immigration and Naturalization Act which authorizes him to establish regulations, issue instructions, and perform any actions necessary for the implementation and administration of the Act. The Attorney General's authority has been delegated to the Commissioner of Immigration and Naturalization by 28 CFR 0.105. The authority of the Attorney General to authorize employment of aliens in the United States as a necessary incident of his authority to administer the Act was specifically recognized by the Congress in the enactment of section 6 of Pub. L. 95-571. That provision amended section 245(c) of the Act to bar from adjustment of status any alien (other than an immediate relative of a United States citizen) who after January 1, 1977 engages in unauthorized employment prior to filing an application for adjustment of status.

Service procedures for the grant of employment authorization are contained in several different places in the Operations Instructions and in various informal policy statements directed at Service field offices. The proposed regulations will for the first time codify existing employment authorization procedures.

Under the proposal, aliens who are nonimmigrants maintaining status will continue to comply with the existing regulations relating to permissible employment for their particular nonimmigrant status. Other aliens may apply to the district director for discretionary grant of employment authorization if the alien is an applicant for, and is prima facie entitled to, an immigration benefit (such as adjustment of status, suspension of deportation, asylum) which if granted would make him eligible to remain in the United States permanently or for an indefinite period of time. An alien who, as an exercise of the Service's prosecutorial discretion, has been allowed to remain in the United States for an indefinite or extended period of time will also be eligible to apply. The proposed regulation states that the application for employment authorization may be granted if the alien establishes that he is financially unable to maintain himself during the applicable period.

In the light of the foregoing, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations by adding a new Part 109, as set forth below.

PART 109—EMPLOYMENT AUTHORIZATION

Sec.

109.1 Application.
109.2 Criteria.

Authority: Sec. 103 and 245(c); (8 U.S.C. 1103 and 1255(c))

§ 109.1 Application.

(a) An alien who is maintaining a lawful nonimmigrant status in the United States under section 101(a)(15) of the Act may apply for employment authorization only to the extent permitted by §§ 214.1 and 214.2 of this chapter.

(b) An alien who is not maintaining a lawful nonimmigrant status may apply for employment authorization if he:

(1) establishes to the satisfaction of the district director that he has a prima facie claim of entitlement to a benefit which, if granted, would make him eligible to remain permanently or indefinitely in the United States; or

(2) has been granted permission to remain in the United States for an indefinite or extended period of time by the Immigration and Naturalization Service.

§ 109.2 Criteria

An alien described in § 109.1(b) may be granted employment authorization by the district director until the completion of administrative processing, or the completion of the period for which he will be permitted to remain by the Immigration and Naturalization Service, if the alien establishes to the satisfaction of the district director that he is financially unable to maintain himself during that period. No appeal shall lie from a district director's denial of an application for employment authorization under this part.

Public Comment Invited

In accordance with 5 U.S.C. 553, the Service invites representations of interested parties on this proposed rule. All relevant data, views, or arguments submitted on or before September 24, 1979, will be considered. Representations should be submitted in writing, in duplicate, to the Commissioner of the Immigration and Naturalization Service at the address shown at the beginning of this notice.

Dated: July 19, 1979.

Leonel J. Castillo,

Commissioner of Immigration and Naturalization.

Department of Justice

Immigration and Naturalization Service, July 20, 1979

Certification

By virtue of the authority vested in me by Title 8, Code of Federal Regulations, Part 103 a regulation issued by the Attorney General pursuant to Section 103 of the Immigration and Nationality Act,

I hereby certify that the annexed documents are originals, or copies thereof, from the records of the said Immigration and Naturalization Service, Department of Justice, relating to a Notice of Proposed Rulemaking re amendment of 8 CFR Part 109.

File No. CO 845-P, of which the Attorney General is the legal custodian by virtue of Section 103 of the Immigration and Nationality Act.

James A. Kennedy,

Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 79-22959 Filed 7-24-79; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

[14 CFR Part 383]

[SPDR-71, Docket 34997, dated July 19, 1979]

Consumer Protections for Members of Scheduled-Service Tour Groups

AGENCY: Civil Aeronautics Board.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Civil Aeronautics Board requests comments on new consumer protection provisions for tours operated on scheduled air service. Views are sought on whether consumer protection rules are needed for scheduled-service tours, on the CAB's statutory authority to prescribe such rules, and on the form those rules should take. A petition for rulemaking on this subject was filed by Mr. Steven K. Morrison.

DATES: Comments by: October 23, 1979; reply comments by: November 22, 1979.

Comments and relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: August 7, 1979.

Applications for compensation for the cost of participating in this proceeding by: August 24, 1979.

The Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 34997, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: About the proposed rule—David Schaffer, Office of the General Counsel, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673-5442. About compensated public participation—Russell Patterson, Office of the Managing Director or; (202) 673-5189.

APPLICATIONS FOR COMPENSATED PARTICIPATION:

Because the Board believes that broad public participation will be particularly useful in deciding what, if any, rules are needed to protect members of scheduled-service tour groups, and because we went to hear all relevant viewpoints, we explicitly invite applications for compensation to participate in this rulemaking proceeding. The closing date for applications for financial assistance is August 24, 1979. Eligibility criteria and procedures for compensation are set out in 14 CFR Part 304 (43 FR 56878, December 5, 1978). That part and a handbook explaining the program are available from the Distribution Section, Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

In SPR-156, 44 FR 12971, March 9, 1979, the Board adopted consumer protection amendments to its Public Charter rule, 14 CFR Part 380. These amendments applied only to tour operators utilizing charter service. During the comment period preceding that rule, some commenters argued that the consumer protection rules should also be made applicable to scheduled service tour operators.

The Federal Trade Commission (FTC) stated in its comment that most of the problems addressed in that rule were also faced by tourists who travel by scheduled air service. It claimed that extending the rule to cover scheduled tour packages was justified by both statutory and case law and that such an extension would allow the board to formulate non-discriminatory rules to insure that one portion of the industry did not gain an unjustified competitive advantage.

Non-charter tours were not covered by SPR-156 because such action was beyond the scope of that rulemaking. To have included non-charter tours would have required an additional proposal and delayed needed regulation.

The Board recognizes that there may be consumer problems on tours operated on scheduled air transportation. The board has received a petition from Mr. Steven K. Morrison asking the Board to amend its rules to apply the charter consumer protection provisions to all tour packages and particularly to those "sold by a scheduled commercial airline." This notice is the Board's response to that petition. The Morrison petition is not, however, the only indication of problems in this area. There is also considerable Congressional concern about consumer abuse by the air travel industry. The House Subcommittee on Commerce, Consumer, and Monetary Affairs of the Committee on Government Operations held hearings on this problem in April. In addition, the Board has logged about 1500 complaints involving tours conducted with scheduled air transportation in the past 3 years.

We do not know whether the problem is serious enough to warrant imposing new regulation on non-charter operators. We receive fewer consumer complaints about scheduled service than about charters, although the former involved more passengers. This may indicate a lower rate of consumer problems for scheduled-service tours. The lower rate may also result from the greater involvement of the airline. With a charter tour, the passenger is dealing with an independent operator, who in turn buys space from an airline. The charter operator is the principal in the transaction with the consumer, and the choice of airline is often not a major consideration in the consumer's selection of a tour. It is thus the charter operator who gets complaints and is liable when there are consumer problems. Although most operators are well-established and conscientious, they may not always be in a position to offer

as immediate relief to aggrieved tour participants as could an airline.

In contrast, the airline is much more directly involved in the sale of scheduled-service tours. It is the principal in the sale of the air transportation, and may also be the principal in the sale of ground accommodations. Thus the scheduled carrier is usually closely identified with the tour package, and may have a strong incentive to resolve consumer problems in order to protect its image. The Board is interested in whether commenters have found or believe this to be the case. In this connection, we would like to know the extent to which airlines have been assisting complainants.

In order better to learn the extent of the problem and what activities need to be regulated, the Board would like more information on the problems consumers have experienced on non-charter tours, and their views on why there have been fewer complaints to the Board about scheduled-service tours than about charter tours. We are especially interested in the views of other government agencies and the kinds of consumer complaints that they have received.

Assuming these consumer problems do warrant new government rules, more information is still needed before specific solutions can be proposed. The charter consumer protection provisions in SPR–156 cannot merely be extended to cover non-charter tours. There are different legal relationships and marketing patterns between charter and non-charter tours. For charters, the tour operator is the principal in the sale to the passenger and the one primarily responsible for marketing the tour. In scheduled service, a tour operator, if there is one, is typically an agent or other intermediary in the transaction and the carrier is more directly involved in the marketing of the tour. These differences appear to call for a different remedy scheme for scheduled-service tours.

Another problem is uncertainty concerning the extent to the Board's jurisdiction over scheduled service-tours. Our regulatory power in this area is derived primarily from section 411 of the Act. That section prohibits unfair and deceptive practices in the sale of air transportation. The ground accommodations, however, are not always an integral part of the sale of the air transportation. It is not clear whether the Board may exercise jurisdiction over the operators of the ground portion of a tour when those ground operators are not themselves engaging in air transportation, either directly or indirectly.

While the Board does regulate charter operators organizing Public Charter flights (14 CFR Part 380), those rules are based primarily on the operators' status as indirect air carrier. The consumer protection provisions do, however, extend to hotel and other ground accommodations arranged by an operator. We are less certain under what conditions a packager arranging ground accommodations to be sold in connection with scheduled air transportation is an air carrier under the Act, or otherwise within the Board's regulatory jurisdiction.

We suggest the following guidelines for applying consumer protection rules to the ground services and accommodations offered on scheduled service tours. They would apply only where one of the following factors are present:

(1) The air transportation is advertised in the same brochure or flyer as the ground package;

(2) The air transportation is advertised as being included in the price of the tour;

(3) The air transportation will not be sold without the purchase of a ground package; or

(4) The ground package is held out in the name of the airline. The Board specifically asks commenters to give their opinions on these guidelines in light of the governing statute.

The Board also requests comments on the remedies that would best protect the interests of consumers without unduly increasing the costs to the industry. One possibility is to establish a remedial fund through which aggrieved travel consumers could resolve complaints involving packaged tours and obtain refunds. This fund could apply to both charter and scheduled-service tours. Similar funds already in use in Britain and Canada could serve as models. Travel agents and tour operators might contribute to a central fund to satisfy consumer claims. These contributions might be based on a passenger surcharge, perhaps on the order of 50 cents or a dollar per ticket.

The fund could benefit all parties by providing a standard form of recourse for tour participants with valid complaints. In the charter area, it might be a less burdensome alternative for tour operators than the Board's current bonding and escrow requirements. It is unlikely, however, that in any area the fund could replace the other substantive rules for the protection of tour participants. A consumer protection fund appears to be most beneficial where it supplements disclosure requirements and good contractual relations between the parties.

There are further questions to be explored on how the fund would be administered, what degree of involvement would be needed in auditing and administering the fund, and whether there would be any anti-competitive effects. There may be anti-competitive problems if, in order to limit claims against the fund, tour operators who perceive themselves as most reliable try to prevent others from participating. Conversely, the more established operators may be reluctant to participate if they believe that others are unnecessarily burdening the fund. The Board requests comments on the advisability and structure of a consumer protection fund.

Accordingly, the Civil Aeronautics Board requests comments on the above issues and the following questions:

I. What are the statutory limits of the Board's jurisdiction over scheduled-service tours?

II. If the Board has jurisdiction, should it adopt consumer protection rules for scheduled-service tours, and to what portion of the industry should those rules apply?

A. What problems have consumers experienced on scheduled-service tours?

B. Why have there been fewer complaints from members of scheduled-service tour groups than from participants of charter tours?

C. How much do airlines assist consumers who experience problems on scheduled-service tours?

III. What sort of remedial scheme should the Board adopt?

A. Would it be sufficient to require disclosure of the services and terms of the tour?

B. Should the individual or company that is responsible for satisfactorily performing each portion of the tour be identified?

C. Under what circumstances, if any, should a participant be entitled to a refund?

D. Should a consumer protection fund be established?

(Secs. 204, 401, 402, 404, 411, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 757, 760, 769, 771; 49 U.S.C. 1324, 1371, 1372, 1374, 1381, and 1386.)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22967 Filed 7-24-79; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 792-3087]

RR International, Inc., et al.

Correction

In FR Doc. 79-21894 appearing on page 41219 in the issue of Monday, July 16, 1979 make the following corrections:

On page 41219, in the third column, the first word of the fifteenth line should have read "no".

On page 41219, in the third column, in the first paragraph under "Order, Part I", the thirteenth thru seventeenth lines should have read: "device, variously known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or of any other automobile retrofit device as 'automobile retrofit device' is defined in § 301 of the".

On page 41221, in the third column, the fifth line of the second full paragraph should have read: "energy saving characteristic of any product".

[16 CFR Part 13]

[File No. 792 3016]

C.I. Energy Development, Inc.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Tarzana, Calif., firm and two corporate officers engaged in the advertising, sale and distribution of a product known, among other names, as the G.R. Valve, to cease representing, without reliable substantiation, that installing the G.R. Valve or any substantially similar automobile retrofit device in a motor vehicle will result in fuel economy improvement. They would also be barred from using any endorsement or testimonial which has not been properly authorized; and prohibited from misrepresenting a product endorser's expertise in a field of knowledge, and the conclusions of tests or surveys pertaining to energy consumption or energy saving characteristics of automobile retrofit devices. Additionally, the order would require that product advertising disclose any material connection that may exist between endorser and the firm or its corporate officers.

DATE: Comments must be received on or before September 14, 1979.

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

FOR FURTHER INFORMATION CONTACT: FTC/PE, Linda Colvard Dorian, Washington, D.C. 20580. (202) 724-1524.

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

[File No. 792-3016]

C. I. Energy Development, Inc., a corporation; Joseph J. London, David A. Mullin, individually and as officers of the corporation

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of C. I. Energy Development, Inc., a corporation; Joseph J. London and David A. Mullin, individually and as officers of the corporation, sometimes hereinafter referred to as respondents, and it now appearing that the proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of acts and practices being investigated;

It is hereby agreed by and between the said proposed respondents, and counsel for the Federal Trade Commission that:

1. Proposed respondent C. I. Energy Development, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its principal office and place of business at 18346 Ventura Boulevard, Tarzana, California 91356. Proposed respondents Joseph J. London, and David A. Mullin are officers of said corporation. They formulate, direct, and control the policies, acts, and practices of said corporation. Joseph J. London's address is 20325 Angelina Street, Woodland Hills, California 91364. David A. Mullin's address is 5247 Armida Drive, Woodland Hills, California 91364.

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

3. Proposed respondents waive:

(a) Any further procedural steps;

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

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

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

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

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34(b) of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to the proposed respondents; addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may

have to any other manner of service. The complaint may be used in construing the terms of the order, but no agreement, understanding, representation, or interpretation not contained in the order, complaint, or the aforementioned agreement may be used to vary or contradict the terms of the order.

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

Order

Part I

It is ordered that respondents C.I. Energy Development, Inc., a corporation; Joseph J. London, and David A. Mullin, individually and as officers of the corporation, their successors and assigns, either jointly or individually, and the respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of the automobile retrofit device, variously known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or of any other automobile retrofit device, as "automobile retrofit device" is defined in § 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. § 2011, having substantially similar properties, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that the automobile retrofit device variously known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or any other automobile retrofit device having substantially similar properties, will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle.

Part II

It is further Ordered that respondents, their successors and assigns, either jointly or individually, and the respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any automobile retrofit device as "automobile retrofit device" is defined in § 301 of the Energy Policy and Conervation Act of 1975, 15 U.S.C. § 2011, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such device will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle unless (1) such representation is true, and (2) at the time of making such representation, respondents possess and rely upon written results of dynamometer testing of such device according to the then current urban and highway driving test cycles established by the Environmental Protection Agency and these results substantiate such representation, and (3) where the representation of the fuel economy improvement is expressed in miles per gallon or percentage, all advertising and other sales promotional materials which contain the representation expressed in such a way must also contain, in a way that clearly and conspicuously discloses it, the following disclaimer: "REMINDER: Your actual fuel saving may be less. It depends on the kind of driving you do, how you drive and the condition of your car."

Part III

It is further ordered that respondents, their successors and assigns, either jointly or individually, and the respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product or service in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. representing, directly or by implication, that an endorser of such product or service has expertise in a field of knowledge unless the endorser has the education, training, and knowledge necessary to be qualified as an expert in that field;

b. using, publishing, or referring to any testimonial or endorsement from any person or organization for such product or service unless, within the twelve (12) months immediately preceding any such use, publication, or reference, respondents have obtained from that person or organization an express written and dated authorization for such use, publication, or reference;

c. failing to disclose a material connection, where one exists, between an endorser of such product or service and any of the respondents. A "material" connection shall mean, for purposes of this Order, any direct or indirect economic interest in the sale of the product or service which is the subject of this endorsement other than (1) a fixed sum payment for the endorsement, all of which is paid before any advertisement containing the endorsement is disseminated, or (2) payment for the endorsement which is directly related to the extent of the dissemination of advertising containing it;

d. representing, directly or by implication, any performance characteristic of such product or service unless (1) at the time of making the representation, respondents possessed and relied upon competent and reliable scientific tests substantiating such representation, and (2) respondents possess a written test report which describes both test procedures and test results. A competent and reliable "scientific test" is one in which one or more persons, qualified by professional training, education and experience, formulate and conduct a test and evaluate its results in an objective manner using testing procedures which are generally accepted in the profession to attain valid and reliable results. The test may be conducted or approved by (a) a reputable and reliable organization which conducts such tests as one of its principal functions, (b) an agency or department of the government of the United States, or (c) persons employed or retained by respondents if they are qualified (as defined above in this paragraph) and conduct and evaluate the test in an objective manner;

e. misrepresenting in any manner the purpose, content, or conclusion of any test or survey pertaining to such product or service;

f. misrepresenting in any manner either consumer preference for such product or service or the results obtained by consumer usage of such product or service;

g. misrepresenting in any manner the performance, efficacy, capacity, or usefulness of such product or service.

Part IV

It is further ordered that respondents, their successors and assigns, either jointly or individually, and the respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale,

sale or distribution of any product or service in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain the following accurate records which may be inspected by Commission staff members upon fifteen (15) days' notice: copies of and dissemination schedules for all advertisements, sales promotional materials, and post-purchase materials; documents authorizing use, publication or reference to testimonials or endorsements; records of the number of pieces of direct mail advertising sent in each direct mail advertisement dissemination; documents which substantiate or which contradict any claim is a part of the advertising, sales promotional material, or post-purchase materials disseminated by respondents directly or through any business entity. Such records shall be retained by respondents for a period of three (3) years from the last date any such advertising, sales promotional, or post-purchase materials were disseminated.

Part V

It is further ordered that corporate respondent shall forthwith distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees who are engaged in the preparation and placement of advertisements, and that the individual respondents shall forthwith distribute a copy of this Order to each of their agents, representatives, employees, successors and assigns. Respondents shall also distribute a copy of this Order to any individual or corporation that purchases or has purchased from them, through one purchase of through a series of purchases, more than five (5) of the devices variously known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names.

Part VI

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

Part VII

It is further ordered that each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this Order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notiice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order.

Part VIII

It is further ordered that the respondents shall within sixty (60) days after service upon them of this Order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from C.I. Energy Development, Inc., Joseph J. London, and David A. Mullin.

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

The complaint charged the respondents with disseminating and causing the dissemination of advertisements containing several false and misleading representations regarding an automobile retrofit device known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names. In particular, the complaint alleged that representations, made in the C.I. Energy Development advertisements, of significant fuel economy improvement for an automobile because of the installation of the G.R. Valve were both false and without a reasonable basis. The complaint further alleged that C.I. Energy Development's advertising represented Gordon Cooper to be an expert in automotive engineering and to be merely an endorser of the valve when in fact he was not an expert in automotive engineering and he was a principal in the valve's marketing. Finally, the complaint charges that C.I. Energy Development advertisements were deceptive because they misrepresented certain tests of the valve as well as results of consumer usage of it.

The proposed consent order contains the following provisions designed to remedy the advertising violations charged:

Part I prohibits the dissemination of advertising which represents that the G.R. Valve or other automobile retrofit device with substantially similar properties may result in fuel economy improvement when installed in a motor vehicle.

Part II prohibits, for any automobile retrofit device, the making of any representation that the installation of the device in a motor vehicle will result in fuel economy improvement unless the representation is true and is substantiated by results of dynamometer testing according to the Environmental Protection Agency's test cycles. This part further requires a disclaimer to be included in advertising where claims of fuel economy improvement are expressed in miles per gallon or in percentage.

Part III(a) prohibits any representation that an endorser of any product or service has expertise in a field of knowledge unless the endorser has education, training and knowledge sufficient to be qualified as an expert in that field.

III(b) prohibits use of an endorsement from a person or organization in advertising for any product or service unless, during the year immediately preceding the use, express written and dated authorization is obtained from the person or organization.

III(c) requires that, when an endorser has an economic interest in the sale of a product or service marketed by the respondents other than either a fixed sum payment made in full before advertising containing the endorsement is disseminated or an amount determined by the extent of dissemination of advertising containing the endorsement, this economic interest must be disclosed to the public in the advertising.

III(d) prohibits the making of any representation about any performance characteristic of any product or service unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific tests which substantiate the representation. Respondents also must possess a written test report which

describes both test results and procedures.

III(e) prohibits respondents from misrepresenting the purpose, content or conclusion of any test or survey for any product or service.

III(f) prohibits respondents from misrepresenting consumer preference for or consumer usage of any product or service.

(g) prohibits respondents from misrepresenting the performance, efficacy, capacity, or usefulness of any product or service.

Part IV requires that an advertisement's dissemination schedules, endorsement authorizations associated with the advertisement, and any documents which substantiate or which contradict any claim in the advertisement for any product or service be retained for a period of three years from the last date the advertisement was disseminated.

Part V requires the corporate respondent to distribute a copy of the order to all employees engaged in preparation or placement of advertising. The individual respondents must distribute a copy of the order to their agents or representatives, and all the respondents must distribute a copy of the order to any individual or corporation that has purchased more than five (5) valves from them.

Part VI requires that the respondents notify the Commission at least thirty (30) days before any proposed structural change in the corporation occurs which may affect compliance with the order.

Part VII requires that each of the individual respondents notify the Commission of the discontinunace of this present business and, for a ten year period, of his affiliation with a new business. This notification must include the name and address of the new business as well as a statement indicating the nature of the business.

Part VIII requires that respondents file a compliance report with the Commission within sixty (60) days after the effective date of the order.

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

Carol M. Thomas,

Secretary.

[FR Doc. 79-22957 Filed 7-24-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 13]

[File No. 792 3060]

Leroy Gordon Cooper, Jr., a.k.a. Gordon Cooper; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require an individual from Encino, Calif. engaged in advertising, selling and endorsing a product known, among other names, as the G.R. Valve, to cease representing, without reliable substantiation, that installing the G.R. Valve or any substantially similar automobile retrofit device in a motor vehicle will result in fuel economy improvement. The order would further prohibit Mr. Cooper from using or providing any endorsement or testimonial which has not been properly authorized or which contains unsubstantiated representations; and bar him from misrepresenting an endorser's expertise in a field of knowledge, and the conclusions of tests or surveys relating to the performance of a product or service. Additionally, the order would require that advertising disclose any material economic interest in the sale of a product or service that may exist between endorser and marketer of such product or service.

DATE: Comments must be received on or before September 14, 1979.

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

FOR FURTHER INFORMATION CONTACT: FTC/PE, Linda Colvard Dorian, Washington, D.C. 20580. (202) 724-1524.

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

[File No. 792-3060]

Leroy Gordon Cooper, Jr., Also Known as Gordon Cooper, an Individual

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Gordon Cooper, an individual, sometimes hereinafter referred to as respondent, and it now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of acts and practices being investigated:

It is hereby agreed by and between the said proposed respondent and his attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Gordon Cooper is an individual whose address is 5011 Woodley Avenue, Encino, California 91436.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

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

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

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

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

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant

to the provisions of Section 2.34(b) of the Commission's Rules, the Commisison may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to the proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right he may have to any other manner of service. The complaint may be used in construing the terms of the order, but no agreement, understanding, representation, or interpretation not contained in the order, complaint, or the aforementioned agreement may be used to vary or contradict the terms of the order.

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

Order

Part I

It is ordered that respondent Gordon Cooper, an individual, his agents, representatives, employees, successors and assigns, either jointly or individually, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of the automobile retrofit device, variously known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or of any other automobile retrofit device, as "automobile retrofit device" is defined in section 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. section 2011, having substantially similar properties, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that the automobile retrofit device variously known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or any other automobile retrofit device having substantially similar properties, will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle.

Part II

It is further ordered that respondent, his agents, representatives, employees, successors and assigns, either jointly or individually, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any automobile retrofit device as "automobile retrofit device" is defined in section 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. section 2011, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such device will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle unless (1) such representation is true, and (2) at the time of making such representation, respondent possesses and relies upon written results of dynamometer testing of such device according to the then current urban and highway driving test cycles established by an agency or department of the United States government and these results substantiate such representation, and (3) where the representation of the fuel economy improvement is expressed in miles per gallon or percentage, all advertising and other sales promotional materials which contain the representation expressed in such a way must also contain, in a way that clearly and conspicuously discloses it, the following disclaimer: "REMINDER: Your actual fuel saving may be less. It depends on the kind of driving you do, how you drive and the condition of your car."

Part III

It is further ordered that respondent, his agents, representatives, employees, successors and assigns, either jointly or individually, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product or service in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist form:

a. representing, directly or by implication, that an endorser of such product or service has expertise in a field of knowledge unless the endorser has the education, training, and knowledge necessary to be qualified as an expert in that field;

b. using, publishing, or referring to any testimonial or endorsement from any person or organization for such product or service unless, within the twelve (12) months immediately preceding any such use, publication or reference, respondent has obtained from that person or organization and express written and dated authorization for such use, publication, or reference;

c. failing to disclose a material connection, where one exists, between an endorser of such product or service and respondent. A "material" connection shall mean, for purposes of this Order, any direct or indirect economic interest in the sale of the product or service which is the subject of this endorsement other than (1) a fixed sum payment for the endorsement, all of which is paid before any advertisement containing the endorsement is disseminated, or (2) payment for the endoersement which is directly related to the extent of the dissemination of advertising containing it;

d. representing, directly or by implication, any performance characteristic of such product or service unless (1) at the time of making the representation, respondent possessed and relied upon competent and reliable scientific tests substantiating the representation, and (2) respondent possesses a written test report which describes both test procedures and test results. A competent and reliable "scientific test" is one in which one or more persons, qualified by professional training, education and experience, formulate and conduct a test and evaluate its results in an objective manner using testing procedures which are generally accepted in the profession to attain valid and reliable results. The test may be conducted or approved by (a) a reputable and reliable organization which conducts such tests as one of its principal functions, (b) an agency or department of the government of the United States, or (c) persons employed or retained by respondent if they are qualified (as defined above in this paragraph) and conduct and evalute the test in an objective manner;

e. misrepresenting in any manner the purpose, content, or conclusion of any test or survey pertaining to such product or service;

f. misrepresenting in any manner either consumer preference for such product or service or the results obtained by consumer usage of such product or service;

g. misrepresenting in any manner the performance, efficacy, capacity, or usefulness of such product or service.

Part IV

It is further ordered that respondent, this agents, representatives, employees, successors and assigns, either jointly or individually, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, distribution or sale of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Providing an endorsement which relates directly or by implication to the performance or efficacy of such product or service, or which refers to any characteristic, property, use, or result of use of such product or service, unless:

a. when respondent's endorsement pertains to subject matter falling within respondent's area of expertise, at the time of the first dissemination of such endorsement, respondent possesses and relies upon competent and reliable scientific evidence to substantiate any representation made directly of by implication in the endorsement, or

b. in all other cases, at the time of the first dissemination of such endorsement, respondent has made a reasonable inquiry into the truthfulness of his endorsement, and possesses and relies upon information resulting from such inquiry which substantiates any representation made directly or by implication in the endorsement. "Reasonable inquiry" shall be defined as follows:

(1) obtaining information from at least two competent and reliable sources independent of the advertiser and any other party with an economic interest in the sale of the product or service which is the subject of the endorsement; or

(2) obtaining information from the advertiser or from other parties with an economic interest in the product or service which is the subject of the endorsement and having such information independently evaluated by at least two competent and reliable sources.

2. Failing to disclose a material connection, where one exists, between an endorser of such product or service and its advertiser(s). A "material" connection shall mean, for purposes of this Order, any direct or indirect economic interest in the sale of the product or service which is the subject of this endorsement other than (1) A fixed sum payment for the endorsement all of which is paid before any advertisement containing the endorsement is disseminated, or (2) payment for the endorsement which which is directly related to the extent of the dissemination of advertising containing it.

Part V

It is further ordered that respondent, his agents, representatives, employees, successors and assigns, either jointly or individually, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain the following accurate records which may be inspected by Commission staff members upon fifteen (15) days' notice: copies of and dissemination schedules for all advertisements, sales promotional materials, and post-purchase materials; documents authorizing use, publication, or reference to testimonials or endorsements; documents which substantiate or which contradict any claim which is a part of the advertising, sales promotional material, or post-purchase materials disseminated by respondent directly or through any business entity. Such records shall be retained by respondent for a period of three (3) years from the last date any such advertising, sales promotional, or post-purchase materials were disseminated.

Part VI

It is further ordered that respondent promptly notify the Commission of the discontinuance of his present business or employment. In addition, for a period of ten years from the effective date of this Order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment where he is responsible, directly or, by his delegation, through any employee or agent, for the dissemination or approval of any advertising claim relating to any product or service. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The terms of this paragraph shall not affect any other obligation arising under this Order.

Part VII

It is further ordered that the respondent shall within sixty (60) days after service upon him of this Order file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Gordon Cooper.

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

The complaint charged the respondent with making several false and misleading representations in endorsing an automobile retrofit device known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names. In particular, the complaint alleged that representations made by Gordon Cooper of significant fuel economy improvement for an automobile because of the installation of the G.R. Valve were both false and without a reasonable basis. The complaint further alleged that Gordon Cooper represented himself to be an expert in automotive engineering and to be merely an endorser of the valve when in fact he was not an expert in automotive engineering and he was a principal in the valve's marketing. Finally, the complaint charges that Mr. Cooper misrepresented certain tests of the valve as well as results of consumer usage of it.

The proposed consent order, dealing with Mr. Cooper both as a principal in the valve's marketing and as an endorser, contains the following provisions designed to remedy the advertising violations charged:

Part I prohibits the dissemination of advertising which represents that the G.R. Valve or other automobile retrofit device with substantially similar properties may result in fuel economy improvement when installed in a motor vehicle.

Part II prohibits, for any automobile retrofit device, the making of any

representation that the installation of the device in a motor vehicle will result in fuel economy improvement unless the representation is true and is substantiated by results of dynamometer testing according to driving test cycles established by an agency or department of the United States government. This part further requires a disclaimer to be included in advertising where claims or fuel economy improvement are expressed in miles per gallon or in percentage.

Part III(a) prohibits any representation that an endorser of any product or service has expertise in a field of knowledge unless the endorser has education, training and knowledge sufficient to be qualified as an expert in that field.

Part III(b) prohibits use of an endorsement from a person or organization in advertising for any product or service unless, during the year immediately preceding the use, express written and dated authorization is obtained from the person or organization.

III(c) requires that, when an endorser has an economic interest in the sale of a product or service marketed by respondent other than either a fixed sum payment made in full before advertising containing the endorsement is disseminated or an amount determined by the extent of dissemination of advertising containing the endorsement, this economic interest must be disclosed to the public in the advertising.

III(d) prohibits the making of any representation about any performance characteristic of any product or service unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific tests which substantiate the representation. Respondent also must possess a written test report which describes both test results and procedures.

III(e) prohibits respondent from misrepresenting the purpose, content or conclusion of any test or survey for any product or service.

III(f) prohibits respondent from misrepresenting consumer preference for or consumer usage of any product or service.

III(g) prohibits respondent from misrepresenting the performance, efficacy, capacity, or usefulness of any product or service.

Part IV pertains to respondent Gordon Cooper when he is an endorser of a product or service.

IV(1)(a) prohibits respondent, when he is an expert in the subject matter about which he is making claims, from making claims about a product or service in his endorsement without, at the time the endorsement is first disseminated, possessing and relying upon competent and reliable scientific evidence.

IV(1)(b) prohibits respondent in all other cases, from making claims about a product or service in his endorsement without, at the time the endorsement is first disseminated, having made a reasonable inquiry into the truthfulness of his endorsement and without possessing and relying upon information resulting from his inquiry which substantiates any claim he may make in his endorsement. Reasonable inquiry is defined as either obtaining information on the product or service from at least two competent and reliable sources independent of those persons with an economic interest in the product or service or obtaining information from those persons with an economic interest in the product or service and then having their information evaluated by at least two competent and reliable independent sources.

IV(2) requires that when respondent, as an endorser, has an economic interest in the sale of a product or service marketed by the advertiser other than either a fixed sum payment made in full before advertising containing the endorsement is disseminated or an amount determined by the extent of dissemination of advertising containing the endorsement, this economic interest must be disclosed to the public in the advertising.

Part V requires that an advertisement's dissemination schedules, endorsement authorizations associated with the advertisement, and any documents which substantiate or which contradict any claim in the advertisement for any product or service be retained for a period of three years from the last date the advertisement was disseminated.

Part VI requires that respondent notify the Commission of the discontinuance of his present business and, for a ten year period, of his affiliation with a new business where the is responsible for the dissemination or approval of any advertising claim relating to any product or service. This notification must include the name and address of the new business as well as a statement indicating the nature of the business.

Part VII requires that respondent file a compliance report with the Commission within sixty (60) days after the effective date of the order.

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

Carol M. Thomas,

Secretary.

[FR Doc. 79-22958 Filed 7-24-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 454]

Advertising and Labeling of Protein Supplements; Publication of Staff Report on Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Publication of staff report.

SUMMARY: On July 31, 1978, the notice of publication of the Presiding Officer's report on the proposed trade regulation rule regarding the advertising and labeling of protein supplements was published in the **Federal Register**, 43 FR 33258.

The San Francisco Regional Office staff report, which summarizes and analyzes the evidence in the rulemaking proceeding on advertising and labeling protein supplements and makes recommendations for final Commission action, has now been made public and placed on Public Record 215-49. The publication of the staff report commences the final 60-day public comment period on both the staff report and the Presiding Officer's report.

DATE: Comments will be accepted for the public record if received on or before September 24, 1979.

ADDRESSES: Comments should be sent to: Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW, Washington, D.C. 20580.

Request for copies of the report should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Karen E. Chandler, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, CA 94102, (415) 556-1270.

SUPPLEMENTARY INFORMATION: Pursuant to § 1.13(g) of the Commission's rules of practice, the staff has made its report, containing its summary and analysis of the record and its recommendations for a final rule. The report is now available for public comment under the Commission's rules of practice, § 1.13(h).

To help stimulate discussion of certain issues, a memorandum from Albert H. Kramer, Director of the Bureau of Consumer Protection, which discusses the staff report and solicits comment on

particular issues, is attached to the staff report as Appendix D. Commenters are not limited to the issues raised in Mr. Kramer's memorandum but may discuss all aspects of the staff report and Presiding Officer's report. Commentary must be limited to evidence already on the rulemaking record; no new evidence may be submitted.

Requests for copies of the staff report and the Presiding Officer's report should be sent to the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580. Comments on these reports will be accepted on or before September 24, 1979. Comments should be identified as "Comments on Protein Supplements TRR Reports," and addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580. When possible, five copies of comments should be submitted.

After the comment period is over the Commission may, pursuant to § 1.13(i) of its rules of practice, allow persons who have previously participated in the rulemaking to make oral presentations to it, unless it determines that such presentations would not significantly assist it in its deliberations. Such presentations shall be confined to information already in the rulemaking record. Request to participate in an oral presentation should be received by the Commission no later than September 24, 1979 and should be sent to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW, Washington, D.C. 20580.

The Commission cautions all concerned that the staff report has not been reviewed or adopted by the Commission, and that its publication should not be interpreted as reflecting the present views of the Commission or any individual member thereof.

Approved: July 18, 1979.

Albert H. Kramer,

Director, Bureau of Consumer Protection.

[FR Doc. 79-22887 Filed 7-24-79; 8:45 am]

BILLING CODE 6750-01-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL No. 1281-8]

Approval and Promulgation of Implementation Plans: Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability.

SUMMARY: The State of Missouri has submitted State Implementation Plan (SIP) revisions for non-attainment areas in the State of Missouri to fulfill the requirements of the Clean Air Act Amendments of 1977. Interested persons are invited to examine the Missouri SIP revisions and submit comments. A notice of proposed rulemaking describing the revisions will be published at a later date. The period for submittal of comments will extend for 30 days after publication of the proposed rulemaking.

ADDRESSES: Comments should be addressed to Robert J. Chanslor, Air Support Branch, EPA, 324 East 11th Street, Kansas City, Missouri 64106.

The Missouri submissions may be examined during normal business hours at the above address and also at the following locations: EPA, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460; Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101; Kansas City, Missouri Health Department, Air Pollution Control, 21st Floor, City Hall, Kansas City, Missouri 64106; Division of Air Pollution Control, 419 City Hall, St. Louis, Missouri 63103; Department of Community Health and Medical Care, 801 South Brentwood Boulevard, Clayton, Missouri 63105; Mid-American Regional Council, 20 West Ninth Street, Kansas City, Missouri 64105; and East-West Gateway Coordinating Council, Pierce Building, Suite 1200, 112 North Fourth Street, St. Louis, Missouri 63102.

FOR FURTHER INFORMATION CONTACT: Robert J. Chanslor, 816-374-3791, (FTS 758-3791).

SUPPLEMENTARY INFORMATION: Section 172 of the Clean Air Act as amended in 1977, requires that states revise their SIPs to provide for the attainment of the National Ambient Air Quality Standards (NAAQS) in areas which have been designated non-attainment. The State of Missouri has submitted SIP revisions in response to requirements of the Clean Air Act.

The purpose of this notice is to announce that the revisions have been formally submitted and are available for public inspection. The public is encouraged to submit written comments on them. A description of the revisions and proposed EPA action on the revisions will be published in the **Federal Register** as part of a notice of proposed rulemaking at a later date.

(42 U.S.C. 7410).

Dated: July 10, 1979.

David R. Alexander,

Regional Administrator.

[FR Doc. 79-22987 Filed 7-24-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1280-8]

Proposed Revision of the Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule

SUMMARY: On May 3, 1979, the State of Delaware submitted a revised State Implementation Plan (SIP) designed to achieve the National Ambient Air Quality Standard for Ozone (O_3) in New Castle County. The revisions were designed to meet the requirements of Part D of Title I of the Clean Air Act, as amended.

The requirements for an approvable nonattainment SIP are described in a notice published on April 4, 1979 [44 FR 20372 (1979)]. This notice describes the nature of Delaware's submittal and discusses any deficiencies with respect to the requirement of Section 110 and Part D of the Clean Air Act found by EPA's review to date.

DATE: On June 11, 1979, the Regional Administrator, EPA, Region III, published a Notice of Availability [44 FR 33437 (1979)] of the revised Delaware SIP for public inspection. Therefore, the Regional Administrator believes that a 30 day public comment period following publication of this Notice of Proposed Rulemaking will be sufficient to afford the public opportunity to submit comments. Therefore, comments must be submitted on or before August 24, 1979.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, PA 19106. ATTN: Mr. Harold A. Frankford.

Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Edward Tatnall Building, Capitol Complex, Dover, DE 19901. ATTN: Mr. Robert R. French.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

All comments on the proposed revision should be directed to:

Mr. Howard Heim, Chief, Air Programs Branch—3AH10, Air & Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, PA 19106. ATTN: AH300DE.

FOR FURTHER INFORMATION CONTACT:
Mr. Harold A. Frankford (3AH12), U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, PA 19106; phone: 215/597–8392.

SUPPLEMENTARY INFORMATION:

Background

New provisions of the Clean Air Act, enacted in August 1977, Public Law No. 95–95, require States to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each State to submit to the Administrator, a list of the NAAQS attainment status for all areas within the State. The Administrator promulated these lists on March 3, 1978 [43 FR 8962 (1978)] and on September 12, 1978 [43 FR 40502 (1978)]. The New Castle County, Delaware portion of the Metropolitan Philadelphia Interestate Air Quality Control Region (AQCR) was designated as a nonattainment area for ozone (O_3). As a consequence, the State of Delaware was required to develop, adopt, and submit to EPA revisions to its SIP for this nonattainment area by January 1, 1979. The revisions must conform to requirements of Part D of the Clean Air Act and provide for attainment of the NAAQS as expeditiously as practicable. In accordance with these requirements, Austin P. Olney, Secretary, Department of Natural Resources & Environmental Control acting on behalf of Governor Pierre S. DuPont, 4th, submitted a revised SIP on May 3, 1979.

On June 11, 1979 [44 FR 33437 (1979)], EPA published a Notice of Availability of the Delaware SIP revision and invited the public to inspect the plan. As yet, no public comments have been received. EPA has reviewed the SIP revision with respect to the requirements and criteria described or referenced in the **Federal Register** notice published on April 4, 1979 [44 FR 20372 [1979]). This notice, to which interested persons may refer, is entitled "General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas", and is incorporated herein by reference. A summary of the criteria for approving SIPs for nonattainment areas follows.

Criteria for Approval

The following list summarizes the basic requirements for nonattainment area plans.

1. Evidence that the proposed SIP revisions were adopted by the State after reasonable notice and public hearing.
2. A provision for expeditious attainment of the standards.
3. A determination of the level of control needed to attain the standards by 1982 and the criteria necessary for approval of any extension beyond that date.
4. An accurate inventory of existing emissions.
5. Provisions for reasonable further progress (RFP) as defined in Section 171 of the Clean Air Act.
6. An identification of emissions growth.
7. A permit program for major new or modified sources, consistent with Section 173 of the Clean Air Act.
8. Use of Reasonably Available Control Technology (RACT) control measures as expeditiously as practicable.
9. Inspection and Maintenance (I/M) if necessary, as expeditiously as practicable.
10. Necessary transportation control measures, as expeditiously as practicable.
11. Enforceability of the regulations.
12. An identification of and commitment to the resources necessary to carry out the plan.
13. State commitments to comply with schedules.
14. Evidence of public, local government, and State involvement and consultation.

In the following sections of this Notice there are several references to the terms "design value" and "rollback." To avoid confusion or misunderstanding, these terms are defined below:

Design Value—the level of existing air quality used as a basis for determining the amount of change of pollutant emissions necessary to attain a desired air quality level.

Rollback—a proportional model used to calculate the degree of improvement in ambient air quality needed for attainment of a national ambient air quality standard.

Description of Proposed SIP Revisions

The State of Delaware officially submitted the revised ozone SIP for New Castle County to the Regional Administrator, EPA, Region III, on May 3, 1979. This revised SIP contains provisions for controlling volatile organic compound (VOC) emissions from stationary sources and transportation measures designed to reduce VOC emissions from mobile sources. For ozone nonattainment areas, EPA requires the adoption of RACT for eleven VOC source categories. The Delaware SIP regulates sources in 10 of these categories: Solvent metal cleaning; tank-truck gasoline loading terminals; cutback asphalt paving; bulk gasoline plants; gasoline service stations—Stage I controls; storage of petroleum liquids in fixed-roof tanks; surface coating of coils, paper, fabrics, automobiles, and light duty trucks; surface coating of large appliances; surface coating of metal furniture; and petroleum refinery sources. Delaware does not include regulations for surface coating for insulation of magnet wire because no sources within this category are located in New Castle County. In addition, regulations for the surface coating of cans, a subset of one of the above categories, are not included in the SIP. However, Delaware has certified that no can coating operations are located in New Castle County and that none are anticipated.

Ozone

EPA has evaluated the State of Delaware's SIP and has communicated the results of this analysis to the State of Delaware Department of Natural Resources and Environmental Control. The following discussion summarizes EPA's comments on various elements of the Delaware SIP:

(1.) *Adoption after Reasonable Notice and Hearing*—The State of Delaware has adequately satisfied the requirements of this section. Delaware held public hearings concerning the provisions of the SIP on December 12 and 14, 1978, in accordance with Section 110 of the Clean Air Act. The regulations were subsequently adopted by the State on May 3, 1979.

(2.) *Attainment Date*—Based on the May 3, 1979 SIP submittal, the State of Delaware does not anticipate achieving the ozone standard by the end of 1982 in New Castle County. An extension of the deadline until the end of 1987 has been requested. EPA may approve an extension request provided Delaware demonstrates that attainment by 1982 is impossible, despite the implementation of RACT for the VOC stationary source categories and the implementation of reasonably available transportation control measures, including a motor vehicle inspection and maintenance (I/M) program.

(3.) *Control Strategy and Demonstration of Attainment*—The

Delaware SIP was developed on the basis of the .12 ppm ozone standard. A commitment to attain the ozone standard by the end of 1987 was provided.

(4.) *Emission Inventory*—Delaware has submitted a 1976 emission inventory and has committed to develop a 1977 inventory. The mobile source portion of the inventory should be expanded to include mobile source emissions by type of vehicle. Delaware should provide this information to EPA.

(5.) *Reasonable Further Progress (RFP)*—The State of Delaware has provided a satisfactory RFP presentation in its ozone SIP.

(6.) *Margin for Growth*—Source category growth projections were adequately incorporated into the Delaware SIP demonstration. However, a system for tracking emission growth rates was not addressed and should be submitted to EPA.

(7.) *Preconstruction Review*—The State of Delaware submitted a recently enacted Regulation XXV governing requirements of preconstruction review. The provisions of this regulation allow new or modified sources with allowable emissions of volatile organic compounds with Regulation XXV exceeding 50 tons per year or 1,000 pounds per day or 100 pounds per hour, whichever is more restrictive.

The regulation does not now address the question of interstate pollution, as required by the Interpretative Ruling of January 16, 1979 [44 FR 3275 (1979)]. In addition, the term "reconstruction" refers to best available control technology (BACT) rather than to lowest achievable emission rate (LAER). Since Regulation XXV refers to major sources of VOC (the major precursors in the formation of ozone), and since LAER is the applicable emission limitation for major new sources which would cause or contribute to a nonattainment pollutant, Delaware should amend the term "reconstruction" to refer to LAER. Also, the State's definition of "LAER" is unclear in its wording and intent and should be modified. The State has informed EPA of its intent to revise all of the above-noted items and to propose these revisions at a forthcoming public hearing.

(8.) *RACT as Expeditiously as Practicable*—The Control Technique Guidelines (CTG) documents provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the State regulations are not supported by the information in the CTGs, and the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs.

(a.) Delaware should justify the exemption granted in § 9.2 of its regulations to any coating line having an emission rate of less than 40 pounds during any one day. This equates to a yearly exemption of approximately 7.5 tons per coating line and a source may contain numerous surface coating lines. Potentially, this exemption could have a significant air quality impact. This exemption from RACT should be adequately justified.

(b.) Delaware's SIP includes a provision in Section 1.1B of its regulations which exempts sources of methyl chloroform (1, 1, 1, trichloroethane) and methylene chloride from the provisions of the SIP. These volatile organic compounds, while not appreciably affecting ambient ozone levels, are potentially harmful. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity.

Furthermore, methyl chloroform is considered one of the slower reacting VOC's which eventually migrates to the stratosphere where it is suspected of contributing to the depletion of the ozone layer. Since stratospheric ozone is the principal absorber of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer.

In Section 1.2 of its regulations, however, Delaware has included a requirement that "no person shall substitute either methyl chloroform or methylene chloride for any other VOC for any solvent metal cleaning purpose on or after the effective date of the regulation". EPA endorses Delaware's approach to prohibit possible substitution of these compounds in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. State officials and sources are also advised that there is a strong possibility of future EPA regulatory action to control these compounds.

(9.) and (10.) *I/M and Transportation Control Measures, if necessary, as Expeditiously as Practicable*—Transportation control measures (TCM's) and an I/M program are required in New Castle County. For more information on these topics, please refer to the TCM section below.

(11.) *Enforceability*—Delaware should amend its VOC regulations to reflect certain enforceability concerns discussed below.

(a.) Test procedures for determining compliance with Sections 5.1, 7.1, 11.1A(3)(iv), 11.2B(3)(iv), and 11.3B(1)(ii) of Delaware's regulations should be specified in the SIP. Respectively, these sections cover delivery vessels, bulk gasoline terminals, cold cleaning facilities, open top vapor degreasers and conveyorized degreasers.

(b.) The definition of "Vapor-Tight" should also be defined in terms of initial positive pressure of 18 inches of water and a vacuum pressure of 6 inches of water.

(c.) Section 51.15(a)(1) of Title 40 CFR states that:

> Each plan shall contain legally enforceable compliance schedules setting forth the dates by which all stationary mobile sources or categories of such sources must be in compliance with any applicable requirement of the plan.

Delaware's plan as submitted does not include such compliance schedules for future effective portions of Regulation XXIV concerning Volatile Organic Compound Emissions. The Delaware plan should therefore include such schedules.

(12.) *State Commitments and Resources to Implement and Enforce Adopted Measures*—The State of Delaware adequately commits to devote its existing financial and manpower resources to the implementation of this SIP revision and to seek additional resources as may be required.

(13.) *State Commitments to Comply With Schedules*—EPA has published and will be issuing additional Control Techniques Guideline (CTG) documents for the control of stationary source categories of VOC's. The State of Delaware adequately commits to develop and adopt legally enforceable regulations for all appropriate stationary source categories of VOC's subsequent to EPA's issuance of these guideline documents.

(14.) *Evidence of Public, Local Government and State Involvement and the Analysis of Effects*—The Clean Air Act specifies that a SIP should include evidence of involvement and consultation with public, local government, legislature, and all other interested parties. The State of Delaware, in conjunction with the Wilmington Metropolitan Area Planning

Coordinating Council (WILMAPCO), has satisfied this requirement through a series of public hearings, fair displays, workshops, presentations, and various news media announcements.

The SIP should also contain an analysis of the energy, economic, environmental and social impacts of the plan. Delaware's economic impact analysis is sufficient for the 1979 SIP, however, a more detailed analysis of effects will be required in subsequent SIP submittals.

Summary of Major Issues

(1.) Test methods are not specified for determining compliance with the requirements of the regulations covering gasoline delivery vessels, bulk gasoline terminals, and the three categories of degreasers.

(2.) RACT requirements are not being met for the surface coating regulations.

(3.) Categorical compliance schedules are not contained in the future effective VOC regulations.

Transportation Control Measures

In response to the nonattainment designation for New Castle County, a process of consultation among State agencies and local elected officials resulted in the Governor's certification on March 30, 1978, of the Wilmington Metropolitan Area Planning Coordinating Council (WILMAPC) as the Section 174 agency to develop the transportation component of the 1979 revised Delaware State Implementation Plan. WILMAPCO, an organization composed of locally elected officials, is the Metropolitan Planning Organization for the Wilmington Metropolitan area. This area covers New Castle County, Delaware as well as Salem County in New Jersey and Cecil County in Maryland. The submittal, however, only concerns the New Castle County portion of this metropolitan area.

Based on a regional ozone design value for the Metropolitan Philadelphia Interstate Air Quality Control Region and allowing for transported ozone, the plan using modified linear rollback predicts that the level of control necessary for sources of volatile organic compounds to meet the .12 ppm standard is 50%. Despite the application of RACT on stationary sources, the Federal Motor Vehicle Control Program and implementation of transportation control measures, the rollback technique predicts that an additional reduction of approximately 15% will be needed to attain the NAAQS after 1982. The inability to achieve the ozone standard by 1982 necessitates a schedule for the implementation of a motor vehicle inspection and maintenance (I/M) program and an analysis and subsequent implementation or transportation control measures necessary for attainment of the NAAQS.

Following an extensive process of considering alternative packages of measures (detailed in the Appendix to the proposed Delaware SIP Revision), the WILMAPCO Council on September 21, 1978, made recommendations of measures to be included in the SIP. The WILMAPCO Council also recommended that the State should seek an extension of the attainment deadline to 1987. The Delaware submittal describes commitments to implement nine transportation measures by December 31, 1982:

(1.) *Motor Vehicle Inspection and Maintenance Program*—Delaware will develop and implement an I/M program for New Castle County. The program is to be in full operation by 1982.

(2.) *Rideshare Program*—A brokerage service program will be implemented on a pilot basis to achieve an increase in vehicle occupancy and to quantify the success of the program.

(3.) *Delaware Authority for Regional Transit (DART) Service Standards Study*–A consultant under contract to WILMAPCO is identifying quantitative performance standards for the DART operation.

(4.) *DART Marketing Study*—WILMAPCO has a study underway to evaluate existing trip patterns to identify potential service areas for DART expansion.

(5.) *Coordinated Signalization Demonstration Project*—The Delaware Department of Transportation will install a computerized signalization system covering 15 miles along U.S. Route 202 and Delaware Route 92. This will be completed in 1980.

(6.) *Staggered and Flexible Work Hours*—WILMAPCO will coordinate a program of staggered work hours among public and private sector employers.

(7.) *Land Use Considerations*—The adopted land use plan for WILMAPCO encourages land uses compatible with public transit and encourages future development in already-developed areas.

(8.) *Bicycle Measures*—This commitment includes a number of actions for implementation in the current Transportation Systems Management Element for New Catle County. These actions include implementation of certain bicycle facility improvements and implementation of the Newark Bikeway System, as well as actions to obtain storage facilities and route permissions.

(9.) *Control of Extended Idling*—This commitment incorporates the Delaware Right Turn-on-Red Light Law as part of the SIP.

Additional Commitments

WILMAPCO has committed to conduct an analysis of 32 measures which relate to the applicable reasonably available control measures described in Section 108(f) of the Clean Air Act. (Analysis of the vapor recovery program will remain the State's responsibility. Similarly, actions for I/M are the State's responsibility, although WILMAPCO will cooperate in this effort.) WILMAPCO developed a detailed description of some of these tasks in its Fiscal Yar 1980 Integrated Planning Work Program's application for an Urban Air Quality Planning Grant under Section 175 of the Clean Air Act. This is currently under review by EPA and the U.S. Department of Transportation.

Inspection/Maintenance

On November 3, 1978, the Governor of Delaware submitted a schedule to EPA for the implementation of a motor vehicle inspection and maintenance (I/M) program in New Castle County. The Governor cited the authority of the Motor Vehicle Emissions portion of the Delaware Code (Title 7, Chapter 67) as the enabling legislation for this action. A certification by the Attorney General's Office that the State has basic authorizing legislation for the program is included in the SIP based on Title 7, Chapter 67 and Title 21, Chapter 21 of the Delaware Code.

The Governor has committed to implement an I/M program contingent upon cost effectiveness and new automotive technology. With these contingencies, this commitment is not totally acceptable under Section 172(b)10 of the Clean Air Act. Therefore, EPA is proposing to accept this commitment on the condition that these contingencies are removed from the SIP within one year from the date of final action on this SIP revision.

The I/M implementation schedule included in the SIP submittal provides for a centralized mandatory inspection/voluntary maintenance program beginning January 1, 1981 and provides for mandatory inspection/mandatory maintenance program beginning January 1, 1982. In addition, the State has committed itself to a program which is adequate to provide a 25.0% reduction of light duty vehicle emissions by December 31, 1987.

EPA finds the program to be adequate if a comprehensive and detailed

regulatory program is carried out as proposed.

Evaluation of Transportation Control Measures

In reviewing the transportation control component of the Delaware SIP, EPA solicited comments from the U.S. Department of Housing and Urban Development and U.S. Department of Transportation. Comments from these agencies will be evaluated along with others before EPA takes final action on the proposed Delaware SIP revision. These comments, along with others, will be considered in the evaluation of transportation control measures.

The following section presents a summary of the salient portions of the transportation component of the revised Plan for Delaware compared with the requirments of EPA's checklist for review of transportation portions of 1979 SIP submittals:

(1.) The definition of New Castle County as the Geographic nonattainment area for both stationary sources and transportation control measures is adequate.

(2.) The 1976 emissions inventory that was used in the submittal is generally adequate. However, EPA requests that the "Highway Vehicles" portion of the mobile source emission inventory be further refined to define the contribution of the categories of heavy duty and light duty vehicles.

(3.) The submittal contains an estimate of emissions reductions that includes documentation of current and future travel demand estimates. The estimated vehicle miles travelled (VMT) increases from the base year 1976 were approximately 13.8% by 1982 and 25.3% by 1987. Through the application of the Federal Motor Vehicle Control Program and through new car replacement, this growth in travel demand projects a negative growth in emissions for motor vehicles. These estimates are adequate.

(4.) The certification WILMAPCO as the Section 174 lead agency for New Castle County, Delaware, is adequate.

Also, on December 27, 1978, The Governor of the State of New Jersey certified WILMAPCO as the Section 174 agency to coordinate an analysis of transportation measures for the Salem County, New Jersey, nonattainment areas for future submittals. For the purpose of the 1979 submittal, the WILMAPCO certification is adequate.

(5.) The identification of tasks and responsibilities for agencies participating in the development of the proposed submittal is generally adequate.

The proposed submittal contains a description of the integration of transportation control measures within the area's transportation planning and programming process. However, the plan does not discuss a description of the process for determining consistency and conformity of transportation plans and programs with the SIP. Criteria for determining conformity should be developed in accordance with forthcoming U.S. Department of Transportation (U.S. DOT) and EPA guidance on this subject.

The SIP contains a draft copy of the WILMAPCO Fiscal Year 1980 Integrated Planning Work Program (IPWP). This IPWP includes a description of tasks proposed to be studied during fiscal years 1980–1981. EPA and the Department of Transportation are currently reviewing this application to determine appropriate funding under Section 175 of the Clean Air Act.

EPA requests WILMAPCO clarify the rationale for deleting from further consideration two transportation measures apparently considered reasonably available, namely a traffic signal preemption stay and reversible traffic lanes.

(6.) While the extent of public participation is adequate, EPA expects a more extensive involvement from public and elected officials during development of an alternatives analysis funded by Section 175 of the Clean Air Act.

(7.) An identification of financial and other resources necessary to carry out the first year of alternatives analysis will be finalized by WILMAPCO when EPA and U.S. DOT complete the review of the Section 175 grant.

(8.) Provisions for progress reporting should include quarterly reports to the Urban Mass Transportation Administrator under Section 175 requirements as well as the providing of information for annual reports of the State's annual assessment of reasonable further progress.

(9.) A specific commitment to use available grants and funds to establish, expand and improve public transportation to meet basic transportation needs, although discussed, is not included in the SIP submittal. This commitment should be submitted to EPA as part of the SIP.

(10.) The emission reduction estimates appear reasonable for the adopted transportation measures. According to EPA guidance, I/M is projected to effect at least an 8.0% reduction in emissions of hydrocarbons by 1982, and a 25.0% reduction in emissions of hydrocarbons by 1987.

(11.) Section 172(b)(9) of the Act requires identification and analysis of air quality, health, welfare, economic, energy and social effects of the plan revisions required by Section 172 and a summary of the public comment on such analysis. The analysis for the transportation component is adequate at this time. However, a more thorough analysis is to be done in preparing the plan to be submitted by July 1, 1982.

(12.) The SIP includes a discussion for prioritization of air quality activities occuring in the transportation planning and programming process. Future assessment of the long range and transportation system managment elements of the adopted transportation plan should include an analysis of air quality effects.

(13.) The measures in the plan must include schedules (including interim milestones) and commitments to implementation by responsible agencies.

Conclusion

The measures proposed today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations of any source will remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while it is moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of non-compliance penalties. Furthermore, if there is any instance of delay or lapse in the applicablity or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exceptions to this rule are cases where there are conflicts between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for sources to comply with the new regulations. In these situations, the State may exempt sources from compliance with the pre-existing regulations. Any exemption granted would be reviewed and acted on by EPA either as part of these proposed regulations or as future SIP revisions.

The public is invited to submit to the address stated above comments on whether the proposed amendments submitted by Delaware should be approved or disapproved or a revision of the Delaware State Implementation Plan.

The Administrator's decision to approve or disapprove this proposed SIP revision will be based on the comments received and on a determination of whether the amendments submitted by Delaware meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

A supplement to an April 4, 1979 Notice of Proposed Rulemaking (44 FR 20372 [1979]) was published on July 2, 1979 (44 FR 38583 [1979]) involving, among other things, conditional approval. EPA proposes to conditionally approve the plan where there are minor deficiencies and the State provides assurances that it will submit corrections on a specified schedule. This notice solicits comment on what items should be conditionally approved. A conditional approval will mean that the restrictions on new major source construction will not apply unless, (1) the State fails to submit, by dates to be scheduled, SIP revisions necessary to remedy the deficiencies or (2) the revisions are not approved by EPA.

Deficiencies in the Delaware Plan that are not corrected may be cause for disapproval of these proposed SIP revisions. However, EPA is aware that the State of Delaware is undertaking an effort to rectify plan deficiencies.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401–7642)

Dated: July 17, 1979.

Jack Schramm,

Regional Administrator.

[FR Doc. 79–22984 Filed 7–24–79; 8:45 am]

BILLING CODE 6560–01–M

[40 CFR Part 52]

[FRL 1279–8]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: The Environmental Protection Agency is extending the comment period on a proposed rule published June 19, 1979 (44 FR 35263), which proposed disapproval of a revision to the Michigan State Implementation Plan. The extension was requested by Dow Chemical Company. The comment period has been extended from July 19, 1979, to August 6, 1979.

DATES: Comments must be received on or before August 6, 1979.

ADDRESS: Send comments to John McGuire, Regional Administrator, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Air Programs Branch.

FOR FURTHER INFORMATION CONTACT: Joel Morbito, Michigan State Specialist, Air Programs Branch, (312) 886–6059.

SUPPLEMENTARY INFORMATION: This notice extends the peroid for comments to the notice published June 19, 1979 (44 FR 35263), proposing disapproval of a proposed revision to the Michigan State Implementation Plan. The proposed revision sought approval of the continued use of a Supplementary Control System (SCS) for control of emission of sulfur dioxide and particulate matter by Dow Chemical Company, U.S.A. (Dow Chemical) at its Midland, Michigan chemical plant.

In the June 19, 1979 notice USEPA proposed to disapprove the proposed revision to the State Implementation Plan because operation of a Supplementary Control System violates the Clean Air Act prohibition of dispersion techniques.

Because key people were not available for three weeks at the Dow Chemical Company plant and because of the complexity of the subject matter, Dow Chemical sent a letter July 5, 1979, requesting that the comment period for the notice proposing disapproval of the proposed State Implementation revision, published June 19, 1979 (44 FR 35263), be extended from July 19, 1979 to August 6, 1979.

USEPA has decided that the extension of the comment period to August 6, 1979 is a reasonable extension, and the comment period is hereby extended to August 6, 1979.

Dated: July 13, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79–22845 Filed 7–24–79; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 79–175; RM–3359]

Television Broadcast Station in Vancouver, Wash.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of UHF television Channel 49 to Vancouver, Washington, in response to a petition filed by KLRK Broadcasting Corporation. The proposal would provide for a first commercial television station in Vancouver.

DATES: Comments must be filed on or before September 15, 1979, and reply comments must be filed on or before October 5, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of § 73.606(b), Television Broadcast Stations. (Vancouver, Washington), BC Docket No. 79–175 RM–3359.

Adopted: July 17, 1979.

Released: July 23, 1979.

1. Before the Commission is a petition for rule making (Public Notice No. 1172), issued April 16, 1979, submitted by KLRK Broadcasting Corporation ("petitioner"). The petition seeks the amendment of § 73.606(b) of the Commission's rules, the Television Table of Assignments, by removing the reservation of Channel *14 at Vancouver, Washington, which limits it to noncommercial educational use only. Public Broadcasting Service ("PBS") opposed the proposal and petitioner responded.

2. Vancouver (pop. 41,859), seat of Clark County (pop. 128,454) [1], is located in southwest Washington, directly across the Columbia River from Portland, Oregon. Vancouver is presently assigned Channel *14 (unoccupied and unapplied for). It receives television service from four commercial Portland, Oregon, stations (KATU, Channel 2; KOIN-TV, Channel 6; KGW-TV, Channel 8; and KPTV, Channel 12). Portland is also assigned

[1] Population figures are taken from the 1970 U.S. Census.

Channel 24 on which there are four applications pending.

3. Petitioner argues in favor of deleting the reservation on Channel 14 so that Vancouver can have a local commercial television station. It claims that Vancouver's population has had a 25% increase between 1967 and 1977 and the trend is expected to continue. Petitioner adds that a Vancouver commercial television facility would bring service to southwest Washington in addition to bringing another fully comprehensive television service to the entire Portland metropolitan area with a population of 1,270,900 now reached by only four stations.

4. PBS contends that the noncommercial educational channel reservations should be retained to insure that the unique educational and cultural programming offered by public broadcasting can be made avaiable to as much of the American public as possible. It notes that the Commission has long recognized that public television entities may face difficulties in raising funds to put television stations on the air. Therefore, it argues, reservations must be retained to allow time for the efforts of prospective licensees of public stations to come to fruition. PBS asserts that petitioner has not adequately demonstrated that removal of a reservation is warranted. It questions whether the need for a sixth commercial and third independent service in the market justifies giving up the imported resource of a reserved channel.

5. In reply, petitioner contends that although the channel has been allocated for years there is no sign of interest in or prospect for its use. It argues that it is inequitable to continue the reservation under such circumstances.

6. We believe that petitioner's proposal to bring a first local commercial television service to Vancouver is worth exploring. However, we do not believe the public interest would be served by deleting the educational reservation of the present assignment, especially since another channel can be assigned. Because of the availability of Channel 49 for assignment to Vancouver, there is no need to discuss further the argument between petitioner and Public Broadcasting Service.

7. Since Vancouver is located within 402 kilometers (250 miles) of the United States-Canada border, the proposed assignment of Channel 49 to Vancouver, Washington, requires coordination with the Canadian Government before it can be adopted.

8. Comments are invited on the following proposal to amend the Television Table of Assignments with regard to the city of Vancouver, Washington:

City	Channel No.	
	Present	Proposed
Vancouver, Wash	*14	*14, 49-

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before September 15, 1979, and reply comments on or before October 5, 1979.

11. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 79-22961 Filed 7-24-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

Hunting; Opening of Certain National Wildlife Refuges to Hunting.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Notice is given that it is proposed to add Felsenthal National Wildlife Refuge, Arkansas, and D'Arbonne National Wildlife Refuge, Louisiana to the refuge areas open for hunting. The Director has received information that this action would be in

accordance with the provisions of all laws applicable to the areas, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest, and that such use is compatible with the major purpose for which the refuges were established. Hunting, subject to annual special regulations, will provide additional public recreational opportunity.

DATES: Comments must be received on or before August 24, 1979.

ADDRESS: Comments may be addressed to the Director, (FWS/RF), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ronald L. Fowler, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Telephone 202–343–4305.

SUPPLEMENTARY INFORMATION: Ronald L. Fowler is also the primary author of this proposed rulemaking. Areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation. The Director may open refuge areas to hunting upon a determination that such use is compatible with the major purposes for which such areas were established, that it would be in accordance with provisions of all laws applicable to the area, will be compatible with the principles of sound wildlife management and will otherwise be in the public interest. It is the purpose of this proposed rulemaking to seek public input regarding the opening of the above cited refuges to hunting of migratory game birds, upland game, and big game.

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C) environmental assessments have been prepared on each of these proposals and are available for public inspection and copying at room 2024, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20040, or by mail, addressing the Director at the address above. The policy of the Department of Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment. All relevant comments will be considered by the Department prior to the issuance of a final rulemaking.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Accordingly, it is proposed to change 50 CFR Part 32 by the addition of Felsenthal, and D'Arbonne National Wildlife Refuges by amending sections 32.11, 32.21 and 32.31 as follows:

§ 32.11 List of open areas; migratory game birds.

* * * * *

Arkansas

* * * * *

Felsenthal National Wildlife Refuge

* * * * *

Louisiana

* * * * *

D'Arbonne National Wildlife Refuge

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§ 32.21 List of open areas; upland game.

* * * * *

Arkansas

* * * * *

Felsenthal National Wildlife Refuge

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Louisiana

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D'Arbonne National Wildlife Refuge

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§ 32.31 List of open areas; big game.

* * * * *

Arkansas

* * * * *

Felsenthal National Wildlife Refuge

* * * * *

Louisiana

* * * * *

D'Arbonne National Wildlife Refuge

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Dated: July 18, 1979.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 79–22860 Filed 7–24–79; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 44, No. 144
Wednesday, July 25, 1979

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.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Assignment of Geographic Area for the Fremont Grain Inspection Department, Inc., Fremont, Nebr.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

NOTICE: This notice announces the assignment of geographic area to the Fremont Grain Inspection Department, Inc., Fremont, Nebraska, for the performance of official grain inspection functions. This agency was designated as an official agency effective October 20, 1978, under the United States Grain Standards Act, as amended.

EFFECTIVE DATE: July 25, 1979.

FOR ADDITIONAL INFORMATION CONTACT: J. T. Abshier, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The Fremont Grain Inspection Department, Inc. (the "Agency"), 603 East Dodge Street, Fremont, Nebraska 68025, was designated on October 20, 1978, as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official inspection functions. The designation also included an interim assignment of geographic area within which this agency would operate.

Section 7(f)(2) of the Act generally provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The geographic area assigned on an interim basis to the Agency was announced in the February 12, 1979, issue of the **Federal Register** (44 FR 8919–8920).

Interested persons were given until March 29, 1979, to comment on the proposed geographic area. One comment was received. The Sioux City Inspection & Weighing Agency, Inc., Sioux City, Iowa, indicated they had been providing official grain inspection functions in Dixon and Thurston Counties in Nebraska for many years. Accordingly, after review of this matter with the Agency, these two counties were deleted with the Agency's concurrence from the proposed geographic area and added to the geographic area of Sioux City Inspection & Weighing, Inc.

After due consideration of all relevant matters and information available to the U.S. Department of Agriculture, the geographic area assigned to this agency is as follows: In Nebraska, the area shall be bounded:

On the North by: U.S. Route 20 from U.S. Route 81 east to the eastern Pierce County line; the Pierce County line south; the Wayne County line; the Cuming County line; the Burt County line east to the Missouri River;

On the East by: The Missouri River south-southeast to State Route 91; State Route 91 west to the eastern Dodge County line; the Dodge County line south; the southern Dodge County line west to U.S. Route 77; U.S. Route 77 south to the southern Saunders County line;

On the South by: The Saunders County line west; the southern Butler County line west; the southern Polk County line west; and

On the West by: The western Polk County line north to the Platte River; the Platte River northeast to the western Platte County line; the Platte County line north; the northern Platte County line east to U.S. Route 81; U.S. Route 81 north to U.S. Route 20.

In Iowa, the area shall include the following Counties:

1. Carroll, west of U.S. Route 71;
2. Crawford;
3. Harrison, east of State Route 183; and
4. Shelby.

The above has been restated to utilize county lines where possible for clarification purposes and does not alter the above descriptions as orginally proposed in any way.

Exceptions to the foregoing geographic area the following locations situated inside the Agency's area which have been and will continue to be serviced by other official agencies. These have been restated to more accurately describe the locations by the elevator sites serviced rather than by general reference to the city, town or area in which situated:

1. Farmers Cooperative Grain Company and Wagner Mills, Inc., Columbus, Nebraska, in Platte County, to be serviced by Hastings Grain Inspection, Inc.

2. Farmers Coop Business Association, Shelby, Nebraska, in Polk County, to be serviced by Omaha Grain Inspection Service, Inc.

3. Farmers Coop Business Association, Rising City, Nebraska, in Butler County, to be serviced by Omaha Grain Inspection Service, Inc.

4. Charter Oak Grain & Seed and Delantry Grain Company, Charter Oak, Iowa, in Crawford County, to be serviced by Sioux City Inspection and Weighing Agency, Inc.

In addition, the following which are located outside the foregoing contiguous geographic area have been serviced by the Agency and will continue to be serviced by the Agency:

1. Farmers Cooperative and Drumel Grain and Storage, Wahoo, Nebraska, in Saunders County.

2. Juergens Produce and Seed and Farmers Grain and Lumber Company, Carroll, Iowa, in Carroll County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the geographic area, the Agency will provide official inspection services not requiring a licensed inspector at other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of the specified service points by contacting the Agency or the Compliance Division, Delegation and Designation Branch, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Sections 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875 (7 U.S.C. 79, 79a).)

Done in Washington, D.C. on: July 19, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79-22970 Filed 7-24-79; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

Air Florida; Issuance of Charter Air Carrier Certificates

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 79-7-118).

SUMMARY: The Board proposes to issue to Air Florida charter air carrier certificates authorizing it to engage in charter air transportation domestically, and between points in the United States and points in Canada, Mexico, Central America, and the Caribbean (Dockets 33142 and 33166). (The complete text of this order is available as noted below).

DATES: All interested persons having objections to the Board's issuing an order making final the tentative findings and conclusions or to the issuance of the proposed charter air carrier certificates shall file with the Board and serve on Air Florida and all U.S. certificated air carriers by August 27, 1979 a statement of objections together with a summary of testimony, statistical data, and other such material expected to be relied upon to support the stated objections. Replies to objections may be filed no later than September 6, 1979.

ADDRESSES: Objections and replies should be filed in Dockets 33142 and 33166, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Teresa A. Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5088.

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

The complete text of Order 79-7-118 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may sent a postcard request for Order 79-7-118 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 19, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22940 Filed 7-24-79; 8:45 am]

BILLING CODE 6320-01-M

Alia and Syrianair; Applications To Amend Permits

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79-7-129.

SUMMARY: The Board proposes to approve the following applications:

Applicant: Alia—The Royal Jordanian Airlines Corporation (Alia)—Docket 34332; Syrian Arab Airlines (Syrianair)—Docket 34311.

Application Date: Alia—December 27, 1978. Syrianair—December 22, 1978.

Authority Sought: Alia and Syrianair applied to renew and amend their permits to add Houston to their route schedules, to increase their weekly frequencies from two to four, and to add Public Charters.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN August 15, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicants, the Department of Transportation, the Department of State, and the Ambassadors of Jordan and Syria. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:

Dockets *34332, 34311,* Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Alia—The Royal Jordanian Airlines Corporation and Syrian Arab Airlines, c/o Robert N. Meiser, P. C., Suite 307, 1300 Connecticut Avenue, N.W., Washington, D.C. 20036.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: The Mediteranean and Africa Area, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5043.

By the Civil Aeronautics Board: July 19, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22939 Filed 7-24-79; 8:45 am]

BILLING CODE 6320-01-M

Air Route Nonstop Authority; American Airlines, et al.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-7-132.

SUMMARY: The Board is proposing to grant air route nonstop authority under section 401 of the Federal Aviation Act of 1958, as amended, between Dallas/Ft. Worth, on the one hand, and San Antonio, Austin and Houston, on the other hand, to American, Continental, Ozark, U.S. Air, Inc. d/b/a USAir (formerly Allegheny) and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than August 24, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than August 9, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 36173, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: James F. Adley, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5412.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: American Airlines, Continental Air Lines, Ozark Air Lines and USAir.

The Complete text of Order 79-7-132 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may sent a

postcard request for Order 79–7–132 to that address.

By the Civil Aeronautics Board: July 19, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–22941 Filed 7–24–79; 8:45 am]

BILLING CODE 6320–01–M

International Air Cargo Corp., Egypt; Application To Amend Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: ORDER 79–7–127.

SUMMARY: The Board proposes to approve the following application:

Applicant: International Air Cargo Corporation Egypt (IACC).

Application Date: March 20, 1979. Docket: 35090.

Authority Sought: Amended foreign air carrier permit to add the Netherlands as an intermediate point between Egypt and New York and grant of blanket off-route charter authority.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall file a statement of such objections NO LATER THAN August 13, 1979, with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Egypt in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS: Docket 35090, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Applicant: Howard G. Feldman, O'Connor & Hannan, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Glenn M. Datnoff, Legal Division, bureau of International Aviation, Civil Aeronautics Board; (202) 673–5035.

By the Civil Aeronautics Board: July 19, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–22942 Filed 7–24–79; 8:45 am]

BILLING CODE 6320–01–M

Priority and Nonpriority Domestic Service Mail Rates

AGENCY: Civil Aeronautics Board.

ACTION: Order to Show Cause 79–7–95.

SUMMARY: The Board is proposing to implement its new procedure for establishing future final mailrates in the Priority and Nonpriority Domestic Service Mail Rates Investigation, Docket 23080–2. The updating formula has been modified to project fuel and non-fuel costs separately. The complete text of the order is available as noted below.

DATES: Interested persons having objections to the rates or related findings and conclusions proposed should file notice by August 2, 1979, and if notice is filed, written answer and supporting documents should be filed by August 22, 1979.

ADDRESSES: The notices and documents should be filed in Docket 23080–2, Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Mark Kahan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5858.

SUPPLEMENTARY INFORMATION: The terms and conditions applicable to the transportation of each class of mail rates proposed here are set forth in Order 79–7–16.

The tentative final mail rates set forth below represent an increase of approximately 9.0 percent over the final mail rates established for the first six months of 1979. About 6.0 percentage points of this increase are due to fuel cost increases.

Final Domestic Service Mail Rates

[July 1, 1979, Through Dec. 31, 1979]

	Calendar year 1974 rates[1] (cents)	Escalation factors (percent)	Final rates July 1, 1979, through Dec. 31, 1979 (cents)
Linehaul charge per billing ton-mile:			
Sack	11.49	55.19	17.83
PAL	6.50	.....	10.09
Standard container	8.79	.....	13.64
Daylight container	7.05	.....	10.94
Terminal charge per found originated capacity:			
Taxi:			
Sack	0.991	55.19	1.538
PAL	0.728	.....	1.130
Standard container	0.979	.....	1.519
Daylight container	0.973	.....	1.510
Departure:			
Sack	1.186	16.83	1.386
PAL	0.873	.....	1.020
Standard container	1.176	.....	1.374
Daylight container	1.164	.....	1.360
Noncapacity:			
Sack	6.064	48.63	9.013
PAL	6.052	.....	8.995
Standard container	1.746	.....	2.595
Daylight container	1.747	.....	2.597
Total terminal charge per pound originated:			
Sack	8.241	.....	11.937
PAL	7.653	.....	11.145
Standard container	3.901	.....	5.488
Daylight container	3.884	.....	5.467

[1] Order 78–11–80, Appendix F.

The complete text of Order 79–7–95 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–7–95 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 16, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22938 Filed 7-24-79; 8:45 am]

BILLING CODE 6320-01-M

Transpacific and Latin American Service Mail Rates Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Order to Show Cause, 79-7-96.

SUMMARY: The Board is proposing to implement its new procedure for establishing future final mailrates in the *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation, Docket 26487.* The updating formula has been modified to project fuel and non-fuel costs separately. The complete text of the order is available as noted below.

DATES: Interested persons having objections to the rates or related findings and conclusions proposed should file notice by August 2, 1979, and if notice is filed, written answer and supporting documents should be filed by August 22, 1979.

ADDRESSES: The notices and documents should be filed in Docket 26487, Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Mark Kahan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5858.

SUPPLEMENTARY INFORMATION: The terms and conditions applicable to the transportation of each class of mail rates proposed here are set forth in Order 79-7-16.

Final International Service Mail Rates

[July, 1, 1979, through December 31, 1979]

	Calendar year 1974 rates (cents)	Escalation factor (percent)	Final rates July 1, 1979, through Dec. 31, 1979 (cents)
Atlantic Rate Area[1]			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	20.22	41.62	28.64
Space available mail	12.96		18.35
Terminal charge per pound originated:			
Priority and military ordinary mail	11.39	79.15	20.41
Space available mail	10.27		18.40
Pacific Rate Area[2]			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.88	44.67	31.65
Space available mail	13.49		19.52
Terminal charge per pound originated:			
Priority and military ordinary mail	13.39	51.44	20.28
Space available mail	11.59		17.55
Latin America Rate Area[3]			
Linehaul charge per billing ton-mile:			
Priority and military ordinary mail	21.53	37.06	29.51
Space available mail	16.44		22.53
Terminal charge per pound originated:			
Priority and military ordinary mail	9.89	(0.55)	9.84
Space available mail	9.10		9.05

[1] Order 79-7-17, appendix D-1.
[2] Order 79-7-17, appendix D-2.
[3] Order 79-7-17, appendix D-3.

The complete text of Order 79-7-96 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-7-96 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 16, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-22937 Filed 7-24-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

New York Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules an Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) of the Commission will convene at 4:30 p.m. and will end at 6:30 p.m. on August 23, 1979, at the Phelps Stokes Fund, Incorporated, 10 East 87 Street, New York, New York 10028.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Eastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program planning.

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

Dated at Washington, D.C., July 20, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-22948 Filed 7-24-79; 8:45 am]

BILLING CODE 6335-01-M

Virginia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia Advisory Committee (SAC) of the Commission will convene at 3:00 p.m. and will end at 9:00 p.m. on August 28, 1979 at 1515 Lafayette Boulevard, Fredericksburg, Virginia 22401.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is for the program planning for 1979-81.

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

Dated at Washington, D.C., July 19, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-22949 Filed 7-24-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Special Censuses

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. However, because of the need to avoid conflicts with activities involving the conduct of the 1980 census, no additional special censuses will be conducted during the period from August 1, 1979 to January 1, 1981. The Bureau is, therefore, not accepting requests for cost estimates for special censuses at this time. Beginning in the fall of 1980 the Bureau will resume accepting such requests.

The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the *Current Population Reports*—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since July 1, 1978, for which tabulations were completed between May 1, 1979 and June 30, 1979.

Dated: July 20, 1979.

Daniel B. Levine,

Acting Director, Bureau of the Census.

State/place special area	County	Date of census	Population
Arizona:			
Apache Junction	Pinal	March 27	10,128
Oro Valley (annexed area)	Pima	March 10	36
Prescott Valley town	Yavapai	February 6	1,806
Arkansas:			
Chidester town	Ouachita	February 9	407
Ravenden town	Lawrence	February 8	318
Idaho:			
Post Falls city	Kootenai	February 12	5,077
Illinois:			
Bourbonnais village	Kankakee	February 7	12,525
Deer Park village	Lake	March 8	1,231
Fisher village	Champaign	February 7	1,541
Glendale Heights	DuPage	November 28, 1978	20,928
Warrenville city	DuPage	March 15	6,805
North Dakota:			
Mercer County	Mercer	January 10	8,282
Tennessee:			
Cookeville city	Putnam	January 1	18,734
Wisconsin:			
Cadott village	Chippewa	March 26	1,244
Fern town	Florence	March 14	118
Somers town	Kenosha	February 21	7,773

[FR Doc. 79-22962 Filed 7-24-79; 8:45 am]

BILLING CODE 3510-07-M

Maritime Administration

Approval of Applicant as Trustee

Notice is hereby given that Northwestern National Bank of Minneapolis, Minneapolis, Minnesota, with offices at 7th and Marquette, Minneapolis, Minnesota, has been approved as Trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: July 19, 1979.

Robert J. Patton, Jr.,

Acting Secretary.

[FR Doc. 79-22983 Filed 7-24-79; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council's Groundfish Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), has established a Groundfish Advisory Subpanel (AP) which will meet to review and comment on the draft of the Groundfish Fishery Management Plan (FMP).

DATES: The meeting will convene on Wednesday, August 8, 1979, at 1 p.m.; on Thursday, August 9, 1979, at 8 1.m.; adjourning at approximately 5 p.m. on both days. The meeting is open to the public.

ADDRESS: The meeting will take place at the Le Baron Hotel, 1350 North First Street, San Jose, California 95112.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S. W. Mill Street, Second Floor, Portland, Oregon 97201, telephone: (503) 221-6352.

Dated: July 20, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-22975 Filed 7-24-79; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council's Inter-Council Billfish Steering Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Inter-Council Billfish Steering Committee, established under Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will meet to review the Billfish Fishery Management Plan.

DATES: The meeting will convene on Tuesday, August 14, 1979, at 9 a.m. and will adjourn on Wednesday, August 15, 1979, at 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Virgin Isle Hotel, St. Thomas, Virgin Islands.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 308, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: July 19, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-22974 Filed 7-24-79; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will meet to discuss: (1) Draft regulations for the Precious Coral Fishery Management Plan (FMP) and vote on final approval of the FMP; (2) Status of FMP's for the Billfish and Spiny Lobster fisheries; (3) Budgets for FY80, 81, & 82; (4) Fisheries Master Plan for the State of Hawaii; and (5) Conduct other business.

DATES: The meeting will convene on Wednesday, August 22, 1979, at 7 p.m.; Thursday and Friday, August 23 & 24, 1979, at 9 a.m.; and Saturday, August 25, 1979, at 10 a.m.; adjourning on August 22, 1979, at 9 p.m. August 23 & 24, 1979, at 4:30 p.m., and August 25, 1979, at 12 noon. The meeting is open to the public.

ADDRESS: The meeting will take place at the King Kamehameha Hotel, Kailua-Kona, Island of Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

Dated: July 19, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-22973 Filed 7-24-79; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

National Voluntary Laboratory Accreditation Program (NVLAP); Quarterly Report

Optional procedures for use in requesting and implementing a National Voluntary Laboratory Accreditation Program have been announced. Optional procedures which can be used by government agencies (15 CFR Part 7b) were published in the **Federal Register** on March 9, 1979 (44 FR 12982-12990). Optional procedures which can be used by private sector organizations (15 CFR Part 7c) were published in the **Federal Register** on April 25, 1979 (44 FR 24274-24282). This quarterly report covers the period from April 1 to June 30, 1979, and has been prepared in accordance with section 7.17 of the original procedures (15 CFR Part 7a) and that same section in the optional procedures identified above. Publication in the **Federal Register** is not necessary according to the procedures but is deemed appropriate because of the significant advances of the program which have occurred in this time period.

Thermal Insulation Materials

A list of 23 laboratories which have requested NVLAP accreditation for testing thermal insulation materials was published in the last quarterly report which was also printed in the **Federal Register** (44 FR 22139 and 26961, dated April 13 and May 8, 1979, respectively).

Owens-Corning Fiberglas Corporation, in submitting its request to be accredited in a letter dated February 16, 1979 (well before the February 28 deadline for requests to be submitted), also indicated that it wished to have its plant laboratories covered. At the time the last quarterly report was published (as indicated above), the relationship between the research laboratory and the plant laboratories of Owens-Corning was not clear, as a result of which that company's application for accreditation was considered as being for a single laboratory. Subsequent discussions between the NVLAP staff and Owens-Corning have led to the conclusion that each of the company's seven plant laboratories should be included in the program for individual examination and accreditation. The locations of those plant laboratories are as follows:

Owens-Corning Fiberglas—Barrington, NJ
Owens-Corning Fiberglas—Delmar, NY
Owens-Corning Fiberglas—Fairburn, GA
Owens-Corning Fiberglas—Kansas City, KN
Owens-Corning Fiberglas—Newark, OH
Owens-Corning Fiberglas—Santa Clara, CA
Owens-Corning Fiberglas—Waxahachie, TX

Recapitulating, in view of the individual evaluation actions involving the Owens-Corning laboratories, a total of 30 laboratories representing 20 organizations currently are being considered for accreditation in the program.

Freshly Mixed Field Concrete

The National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete (NLACC-2) has met on three occasions and is scheduled to meet again this month in preparation of recommended general and specific criteria for accrediting laboratories. Applications for accreditation will not be accepted until final criteria are published in the **Federal Register.**

Carpet

A request from the Department of Housing and Urban Development to establish a laboratory accreditation program for carpet under NVLAP (15 CFR Part 7b) was published in the **Federal Register** on June 18, 1979 (44 FR 35000).

Dated: July 19, 1979.

Francis W. Wolek,

Acting Assistant Secretary for Science & Technology.

[FR Doc. 79-22907 Filed 7-24-79; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Department of the Army

Fort Lewis Military Installation; Filing of Environmental Impact Statement

In accordance with the National Environmental Policy Act of 1969, the Army, on July 20, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the on-going missions at the Fort Lewis military installation to include the Yakima Firing Center. The alternatives of discontinuing or reducing operations are also analyzed. Copies of the statement have been forwarded to concerned Federal, state, and local agencies. Interested organizations or individuals may obtain copies from Commander, 9th Infantry Division and Fort Lewis, Attn: AFZH-FEQ, Fort Lewis, Washington 98433, telephone (206) 967-5337 or 5646.

In the Washington area, copies may be seen during normal duty hours, in the Environmental office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone (202) 694-3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 79-22856 Filed 7-24-79; 8:45 am]

BILLING CODE 3710-08-M

Fort Story, Va.; Filing of Environmental Impact Statement

The Army, on July 20, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the ongoing missions at Fort Story, Virginia. The alternatives of maintaining, discontinuing, or changing missions at Fort Story are analyzed. Copies of the statement have

been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, US Army Transportation Center and Fort Eustis, Attn.: Facilities Engineering Directorate, Fort Eustis, Virginia 23604.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, Telephone (202) 694–3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety, and Occupational Health, OASA (IL&FM).

[FR Doc. 79–22857 Filed 7–24–79; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Aberdeen Proving Ground, Md.; Filing of Final Environmental Impact Statement

The Army on July 20, 1979 provided the Environmental Protection Agency with the Final Environmental Impact Statement for Establishment of the U.S. Army Nuclear, Biological, Chemical Defense School. The statement assesses the environmental and socioeconomic impacts of establishing an Army Nuclear, Biological, Chemical Defense School at Aberdeen Proving Ground, MD; Ft. McClellan, AL; or Restone Arsenal, AL. On March 29, 1979, the Department of the Army announced Ft. McClellan, AL, at the preferred alternative.

Copies of the Final Environmental Impact Statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from Commander, U.S. Army Training and Doctrine Command, Attn.: ATCS–CSPG, Fort Monroe, Virginia 23651.

In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, (phone (202) 694–1163).

Dated: July 16, 1979.

Bruce A. Hildebrand,

Deputy for Environment, Safety, and Occupational Health, OASA (IL&FM).

[FR Doc. 79–22858 Filed 7–24–89; 8:45 am]

BILLING CODE 3710–08–M

Wiggins Pass, Fla.; Detailed Project Report, Intent To Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed plan would provide a navigation channel from the Gulf of Mexico through Wiggins Pass as well as in smaller channels east to Wiggins Pass Marina and south to Vanderbilt Beach. The outside channel will be 1,300 feet long, 150 feet wide by 8 feet deep with 2 feet of required and 2 feet of allowable overdepth. To reduce the possibility of shifting channel alinement between maintenance dredgings, an impoundment basin 100 feet wide by 1,300 feet long at the same depth, will be dredged along the northern edge of the channel. The channels east to Wiggins Pass Marina and south to Vanderbilt Beach will be 50 feet wide and 6 feet deep. Because much of both channels are already these dimensions, dredging will be required only in certain areas. Approximately 90,000 cubic yards of predominantly sandy material dredged from the outer channel at Wiggins Pass and the channel east to Wiggins Pass Marina will be placed on the beach south of Wiggins Pass. Another 30,000 cubic yards of material may be placed in an upland disposal area if it is insuitable for beach disposal. Channel deepening through Turkey Bay will probably result in increased boat speeds across the lake which in turn will increase turbidity and adversely affect aquatic grassbeds in the lake. To decrease this likelihood, the Corps proposes to contruct four mangrove breakwaters on the east side of the channel and one on the west side. The breakwaters will be 250 feet long, 10 feet wide with 30-foot spaces between breakwaters to insure adequate tidal flushing and will be situated 50 feet from the channel edge. The tops will be approximately 18 inches above mean low water and 6 inches below mean high water. The breakwaters will be planted with mangroves whose spacing and density will be determined at a later date. In addition to the above, an existing disposal mound on the west side of the channel north of Turkey Bay will be cut in three places to permit tidal flushing in the mangroves behind the berm. The gaps will be 50 feet wide, 100 feet long, 3 feet deep, and be located 350 feet apart.

2. Conceivable alternatives include dredging the channels deeper, dredging only the Vanderbilt Beach Channel or the Wiggins Pass Marina Channel, or no action.

3. a. The process for determining the scope of issues to be addressed and for identifying the significant issues related to alternative action is underway. A Public Workshop was held December 12, 1978 and a Public Meeting is planned for late summer 1979. The study has been coordinated with the Collier County Board of Commissioners, the U.S. Fish and Wildlife Service, State of Florida, Florida Division of Archives, History and Records Management and the Interagency Archeological Services Division, Department of Interior. Additional meetings may be held as issues become more clearly defined. Affected Federal, State and local agencies, Indian tribes, and other interested organizations and individuals are invited to participate in the identification of issues, problems and needs and the formulation of alternative courses of action by communicating with the addressee listed below.

b. Significant issues to be analyzed in depth in the DEIS include fish and wildlife habitat requisites, water quality considerations, recreation demands, archeological and historical considerations and navigation needs.

c. Consultation with the State Historic Officer and the U.S. Heritage Conservation and Recreation Service has been initiated in accordance with the National Historic Preservation Act of 1966 and Executive Order 11593. Planning has been coordinated with the U.S. Fish and Wildlife Service as required by the Fish and Wildlife Coordination Act of 1973.

4. A scoping meeting was held on December 12, 1978.

5. The DEIS will be available for review in September 1979.

ADDRESS: Questions about the proposed action and DEIS can be referred to Mr. Moray L. Harrell, Chief of the Environmental Quality Section, U.S. Army Engineer District, P.O. Box 4970, Jacksonville, Florida 32201, telephone (904) 791–3615.

Dated: July 13, 1979.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79–22862 Filed 7–24–79; 8:45 am]

BILLING CODE 3710–AJ–M

Office of the Secretary of Defense

Privacy Act of 1974; Notice of Systems of Records: Amendments

Correction

In FR Doc. 79–20389, appearing at page 38967 in the issue for Tuesday, July 3, 1979, make the following change:

On page 38987, in the third column, insert the identification number "DWHS P19" directly above the heading "System name:".

BILLING CODE 1501-01-M

Privacy Act of 1974; System of Records: Amendment; Correction

In FR Doc. 79–20389, appearing at page 38967, in the issue for Tuesday, July 3, 1979, make the following correction:

On page 38975, in the last column, under the system identification DECOMP PBO3, delete the second section heading "*Categories of individuals covered by the system:*" and insert: "*Categories of records in the system* :".

H. E. Lofdahl,

Director, Correspondence and Directive, Washington Headquarters Services, Department of Defense.

[FR Docs 79–22906 Filed 7–24–79; 8:45 am]

BILLING CODE 3810-70-M

Office of the Secretary

Defense Science Board Task Force on EMP Hardening of Aircraft Meeting

The Defense Science Board Task Force on EMP Hardening of Aircraft will meet in closed session August 14–15, 1979 at Defense Nuclear Agency, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will review hardening of U.S. aircraft against EMP and related subjects and will provide recommendations for appropriate actions.

In accordance with 5 U.S.C. App. I 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: July 2, 1979.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79–22902 Filed 7–24–79; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on EMP Hardening of Aircraft Meeting

The Defense Science Board Task Force on EMP Hardening of Aircraft will meet in closed session September 5–6, 1979 at Defense Nuclear Agency, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will review hardening of U.S. aircraft against EMP and related subjects and will provide recommendations for appropriate actions.

In accordance with 5 U.S.C. App. I 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: July 2, 1979.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79–22903 Filed 7–24–79; 8:45 am]

BILLING CODE 3810-70-M

Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–436, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, September 4, 1979; Tuesday, September 11, 1979; Tuesday, September 18, 1979 and Tuesday, September 25, 1979 at 10:00 a.m. in Room 3D–325, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b (4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D–281, The Pentagon, Washington, D.C.

Dated: July 20, 1979.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 79–22905 Filed 7–24–79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Standard Oil of California; Consent Order With Standard Oil Company of California

AGENCY: Department of Energy.

ACTION: Notice of Proposed Consent Order and Opportunity for Public Comment.

SUMMARY: Pursuant to 10 CFR 205.199J, the Office of Special Counsel (OSC) of the Department of Energy hereby gives notice that it entered into a Consent Order with Standard Oil Company of

California through its subsidiary Chevron U.S.A., Inc., on July 17, 1979. The Consent Order addresses Chevron's compliance with the crude oil transfer pricing regulations, 10 CFR 212.83 and 212.84, for the months October 1973 through May 1975. In the Consent Order, Chevron agrees to reduce its costs claimed for interaffiliate transactions in imported crude oil in that period by $4.1 million.

As required by 10 CFR 205.199J, OSC will receive comments concerning the Consent Order for a period of at least 30 days following publication of this notice (8–24–79). Although the Consent Order has been signed and accepted by the parties, OSC may, after consideration of the comments received, withdraw its acceptance to the Consent Order, attempt to negotiate a modification of the Consent Order, or make the Consent Order final as proposed.

COMMENTS AND FURTHER INFORMATION: Comments received on or before August 31, 1979 will be considered. Comments, and questions concerning the Consent Order should be addressed to:

Leslie Wm. Adams, Assistant Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue NW, Room 2140, Washington, D.C. 20461.

Copies of the Consent Order may be received by written request to the same address. Copies will also be available at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue SW., Room GA–152.

SUPPLEMENTARY INFORMATION: Chevron is a refiner subject to the cost calculations and transfer pricing rules of 10 CFR 212.83 and 212.84. These rules are used to determine, among other things, the proper measurement of costs of crude oil imported by a firm through its foreign affiliates.

In April 1977, the Federal Energy Administration (FEA) issued a Notice of Proposed Disallowance to Chevron alleging that the firm had overstated its costs with respect to interaffiliate imported crude oil transactions by $8.1 million for the period October 1973 through May 1975.

In December 1977, the Office of Special Counsel for Compliance was created within the Department of Energy. In February 1978, the responsibility for the transfer pricing program was transferred from the Office of Enforcement, Economic Regulatory Administration, to the OSC.

OSC and Chevron have discussed the issues raised by the Notice of Proposed Disallowance in conference. In the course of the discussions, reporting and calculation errors were discovered which resulted in an adjustment of the disallowance to approximately $6.9 million.

The Consent Order

OSC and Chevron each believe that there is merit to the position each has taken with regard to the Notice of Proposed Disallowance and Chevron's response thereto. However, the parties have found it possible to resolve the issues, particularly Chevron's valuation of a Venezuelan crude oil, without resort to further formal proceedings.

OSC has examined the arguments raised by Chevron, and considered the time and expense which could be involved in the litigation of the issues raised. OSC has concluded that it is in the best interests of the United States to terminate these proceedings through the Consent Order as executed with Chevron. The significant terms of the Consent Order are that:

1. Chevron agrees to reduce its landed costs for the period October 1973 through May 1975 by $4.1 million. That amount is to be distributed in accordance with an allocation schedule which distributes the major portion pro rata to the amount of Venezuelan Boscan crude oil disallowance initially issued to Chevron in the Notice of Proposed Disallowance. The remaining contested costs for other crude oils are to be disallowed in full.

2. Chevron agrees to recalculate its increased product costs for that period and subsequent months to determine if it will have overrecovered costs by virtue of the landed cost disallowance.

3. Chevron agrees to report to the Office of Special Counsel within 15 days whether it has received overrecoveries and to submit a plan for refunding any amount of overrecovery.

4. The provisions of 10 CFR 205.199J, including the publication of this notice, are applicable to the Consent Order.

Submission of Written Comments

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to the address noted above. Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Chevron Transfer Pricing Consent Order." All comments received by 4:30 p.m. EDT on August 31, 1979 will be considered by OSC in evaluating the Consent Order. Modifications of the Consent Order which, in the opinion of OSC, significantly change the terms or impact of the Consent Order will be published for comment.

Any information or data which, in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., July 17, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79–22885 Filed 7–24–79; 8:45 am]

BILLIING CODE 6450–01–M

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Settlements.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of May 1979. The Consent Orders represent resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than $500,000 in the aggregate, excluding any penalties and interest. For Consent Orders involving sums of $500,000 or more, Notice will be separately published in the **Federal Register.** These Consent Orders are concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below, through direct refunds or rollbacks or prices.

For further information regarding these Consent Orders, please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street NE., Atlanta, Georgia 30309, telephone number (404) 881–2661.

Firm name and address	Settlement amount	Product	Period covered	Recipients of settlement
Wholesale LP Gas, Inc., Columbus, MS 39701.	$65,000.02	Propane	Nov. 1, 1973 to Mar. 31, 1974	Lampton Love, Loden Butane, Northeast Butane, Amory Butane, United Propane, Borden Butane, Mann Propane, Gulf States Ceramic, Baker Gas & Oil, Putnam Gas, True Temper, Bell Liquified Petroleum, Beneke Corp., Southern Gas, Allgas Service, Hatley Butane, Coombs Gas, Noxubee Gas, Hinton Oil, Sartain Gas, Kerr-McGee Chemical, Alcoa, Covington Propane, and Ackerman Butane.
Herrington LP Gas, Co., Olive Branch, MS 38654.	22,017.20	Propane	Nov. 1, 1973 to Apr. 30, 1976	Mid-South Galvanizing, B.F. Goodrich, Holiday Inn University, Modern Plastics, Holiday Inn Airport, Keene Corp., Unitigers Corp. Reisdential Customers, and Farm Customers.
Super Oil Co., Johnson City, TN 37601	152,911.43	Gasoline middle distillates	Nov. 1, 1973 to Oct. 31, 1974	Large Volume Jobbers, Tennessee Transport Reseller's, Va. Transport Resellers, Tankwagon Resellers, North Carolina Transport Reselllers, Super Outlets—Full Service, Mack Hopson, Tankwagon Consumers, Transport Consumers, and Tankwagon Reseller/Retailer.
Meason Operating Co., Natchez, MS 39120	82,109.27	Crude oil	Sept. 1, 1973 to Mar. 31, 1977	Escrowed to ERA direct and through Ashland Oil, Inc., for distribution in a just and equitable manner in accordance with applicable laws, and regulations.

Issued in Atlanta, Georgia on the 4th day of June 1979.

James C. Easterday,

District Manager.

[FR Doc. 79-22851 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

Bridewell et al.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Billy Bridewell (Bridewell et al.) and other working interest owners as follows:

Billy Bridewell, 706 Fair Foundation Building, Tyler, Texas 75702.
Bert E. Cobb, c/o Walter R. Gibson, Citizens First National Bank, Trust Department, Tyler, Texas 75702.
William J. Cobb, 478 Fair Foundation Building, Tyler, Texas 75702.
Eugene Jeffers, P.O. Box 6688, Tyler, Texas 75711.
G. Vernon Whyte, 478 Fair Foundation Building, Tyler, Texas 75702.

This Proposed Remedial Order charges Bridewell et al., with pricing violations in the amount of $168,090.44, caused by Bridewell's inclusion of an injection well in the well count for making the "stripper well" lease determination during the period September 1, 1973 through August 31, 1976 in the state of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 749-7626. On or before August 8, 1979, any aggrived person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 17th day of July 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement.

[FR Doc. 79-22854 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

Hubert Rose; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: July 13, 1979. Comments by September 24, 1979.

ADDRESS: Send comments to Alan L. Wehmeyer; Chief, Crude Products Program Management Branch; 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer; Chief, Crude Products Program Management Branch; 324 East 11th Street; Kansas City, Missouri 64106, (Phone) 816-374-5932.

SUPPLEMENTARY INFORMATION: On July 13, 1979, the office of Enforcement of the ERA executed a Consent Order with Hubert Rose of Centralia, Illinois. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Hubert Rose (Rose), with its home located in Centralia, Illinois is a firm engaged in the production and sales of crude oil, and is subject to the mandatory petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Rose, the Office of Enforcement, ERA, and Rose entered into a Consent Order significant terms of which are as follows:

1. During the period covered by this Consent Order (September 1, 1973 through July 31, 1975), Rose sold crude oil produced from the Price property and the Ritz property, both located in Jasper County in the State of Illinois, at prices in excess of the ceiling price. All sales were to Union Oil Company.

2. The reason for the overcharges was Rose's erroneous characterization of the Price and Ritz properties as stripper well lease properties. The audit of Rose disclosed that neither the Price property nor the Ritz property qualified for the stripper well lease exemption as defined at 6 CFR 150.54(s) and 10 CFR 210.32. Sales of crude oil at prices in excess of the price rule at 10 CFR 212.73 resulted.

3. It is understood that Rose does not by entering into this Consent Order admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the consent order.

II. Disposition of Refunded Overcharges

In this Consent Order, Rose agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.I. above, the sum of $75,000 together with interest over a period not to exceed twelve (12) months from the effective date of this Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this consent Order.

You should send your comments or written notification of a claim to Alan L. Wehmeyer; Chief, Crude Products Program Management Branch; 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Hubert Rose Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 24, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 18th day of July 1979.

Lindell J. Williams,

Deputy Manager, Central Enforcement District.

[FR Doc. 79–22852 Filed 7–24–79; 8:45 am]

BILLING CODE 6450–01–M

North East Natural Gas Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: July 13, 1979. Comments by August 23, 1979.

ADDRESS: Send comments to Alan L. Wehmeyer; Chief, Crude Products Program Management Branch; 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer; Chief, Crude Products Program Management Branch, 324 East 11th Street, Kansas City, Missouri 64106, (Phone) 816–374–5932.

SUPPLEMENTARY INFORMATION: On July 13, 1979, the Office of Enforcement of the ERA executed a Consent Order with North East Natural Gas Co., Inc., of Canton, Ohio. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

North East Natural Gas Co., with its home office located in Canton, Ohio, is a firm engaged in the production and sales of crude oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of North East Natural Gas Co., Inc., the Office of Enforcement, ERA, and North East Natural Gas Co. Inc., entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order concerns the claims and disputes resulting from an investigation and audit of North East which focused on North East's production and sales of domestic crude oil during the period September 1, 1973 through March 31, 1977. As a result of its investigation the Office of Enforcement alleges that North East, during the above named period, sold crude oil from four (4) of its properties at a price in excess of that allowed by the price rule at 10 CFR 212.73. These sales were to Quaker State Oil Refining Corporation.

2. The violations referred to in Paragraph 1, above, resulted from selling "old oil" at "stripper" prices, from properties that did not qualify for the "stripper lease exemption," as defined at 10 CFR 212.31 and 212.54.

3. North East does not, by entering into this Consent Order, admit that it has violated any regulations of the DOE.

4. Within thirty (30) days of the effective date of the Consent Order, North East shall deliver a certified check in the sum of $48,500.00 made payable to the United States Department of Energy. The remainder of the amount to be refunded will be paid by monthly payments within an eighteen (18) month period. At the end of said eighteen (18) month period, any remaining unrefunded overcharges will be paid within the following thirty (30) days by certified check made payable to the United States Department of Energy.

5. The provisions of 10 CFR 205.199J, including publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, North East Natural Gas Co., Inc., agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $86,604.00. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Alan L. Wehmeyer; Chief, Crude Products Program Management Branch; 324 East 11th Street; Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on North East Natural Gas Co., Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 23, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 18th day of July 1979.

Lindell J. Williams,

Deputy Manager, Central Enforcement District.

[FR Doc. 79–22853 Filed 7–24–79; 8:45 am]

BILLING CODE 6450–01–M

Young Refining Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to Young Refining Corporation, Huey Road, Post Office Drawer 775, Douglasville, Georgia 30134. This Proposed Remedial Order charges Young Refining Corporation with pricing violations in the amount of $178,091.00 connected with the sale of No. 2 fuel oil, No. 3 fuel oil, No. 5 fuel oil, and naphtha during the time period November 1, 1973 through April 30, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, NE, Atlanta, Georgia 30309, Phone: (404) 881–2661. On or before August 8, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia, on the 6th day of July, 1979.

James C. Easterday,

District Manager of Enforcement, Southeast District.

[FR Doc. 79–22855 Filed 7–24–79; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 79–69]

Richmond Transfer & Storage Co., d.b.a. Richmond Export Service & International Cargo Services; Possible Violations; Order of Investigation and Hearing

The Commission has become aware of activities of a certain carrier-designated off-dock container freight station (CFS) operator, Richmond Transfer and Storage Co., d/b/a/ Richmond Export Service and International Cargo Services (collectively knowns as RTS).

RTS publishes, and distributes to common carriers by water a "Fact Sheet", which describes the promotional aspects of its business, the free time allowed, and a schedule of services performed and rates charged for RTS' CFS operations.

Many of the services offered by RTS, such as storage, handling, loading, unloading, and free time, are those of a terminal operator as defined in the Commission's General Order 15 (46 CFR Part 533). These services are generally performed after the cargo has left the shipper's custody (or before release to the consignee) and in most respects are idential to the wide range of services which would otherwise be performed by a waterfront terminal operator.

In RTS' "fact Sheet", RTS characterized its operation as a "port facility" and claims that the cost of using its facility is no more than when cargo is delivered directly to the waterfront. Although RTS is performing services, as defined by General Order 15, it has not filed a marine terminal tariff as required by that General Order.

The tariffs of some carriers, who designate RTS as their CFS, provide that cargo received at a carrier's CFS is subject to the appropriate port terminal tariff. RTS' "Fact Sheet" indicates that RTS accepts outbound cargo as much as two weeks before sailing without charge. In Docket No. 555, *Practices, etc., of San Francisco Bay Area Terminals,* 2 U.S.M.C. 709, 713, the Commission's predecessor ordered that the maximum free time period for foreign cargo at San Francisco Bay area terminals was not to exceed 7 days inbound and 10 days outbond (exclusive of Saturdays, Sundays, and holidays), and all Bay Area terminal tariffs reflect

this limitation. RTS' fee time practice appears contrary to the decision in Docket No. 555, *supra*.

Furthermore, it appears that RTS pays some, but not all, freight forwarders a commission for business directed to them by forwarders for unspecified services. Such practice appears to be violative of section 16 and 17 of the Shipping Act, 1916, (46 U.S.C. 815 & 816). Moreover, RTS has not filed a tariff which provides for the payment af *any* commission to freight forwarders.

Therefore, it is ordered, That pursuant to sections 16, 17 and 22 of the Shipping Act, 1916, an investigation and hearing be instituted to determine if RTS' CFS activities are those of an "other person" subject to the Commission's jurisdiction under section 1, Shipping Act, 1916.

It is further ordered, That it be determined whether RTS' failure to file a tariff with the Commission is violative of General Order 15 and section 17, Shipping Act, 1916.

It is further ordered, That it be determined whether RTS' practice of paying a commission to some freight forwarders is violative of section 16, First, or contrary to section 17, Shipping Act, 1916.

It is further ordered, That it be determined whether RTS' practice of allowing up to two weeks free time for outbound cargo is violative of section 16, First, or section 17, Shipping Act, 1916.

It is further ordered, That the parties address themselves to such additional issues as the presiding Administrative Law Judge may find relevant and material to the violations alleged.

It is further ordered, That RTS, 1015 Market Avenue, Richmond, California, 94894, to made respondent to this proceeding and that the matter be assigned for public hearing before an Administrative Law Judge at a date and place to be determined by the Administrative Law Judge presiding, but in no event, later than January 16, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, deposition, or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are otherwise necessary for the development of an adequate record;

It is further ordered, That this Order be published in the Federal Register and a copy thereof be served upon the Respondent;

It is further ordered, That any person other than Respondents and the Commission's Bureau of Hearing Counsel, having an interest and desiring to participate in this proceeding, may do so by filing a timely petition for leave to intervene pursuant to § 502.72 of the Commission's rules;

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

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-22859 Filed 7-24-79; 8:45 am]

BILLIING CODE 6730-01-M

ENERGY DEPARTMENT

Economic Regulatory Administration

J. R. Parten; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: July 16, 1979.

COMMENTS BY: August 24, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (214) 749-7626.

SUPPLEMENTARY INFORMATION: On July 16, 1979, the Office of Enforcement of the ERA executed a Consent Order with J. R. Parten of Houston, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

J. R. Parten, with its office located in Houston, Texas, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and J. R. Parten, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1973 through December 1976 and it included all sales of crude oil which were made during that period.

2. J. R. Parten improperly applied the provisions of 10 CFR Part 212, Subpart D, when determining the prices to be charged for crude oil; and as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its purchaser of crude oil from the Seven J. Stock Farm Lease.

3. J. R. Parten has agreed to refund $275,000.00 to the U.S. Treasury. The refund will be made in monthly payments beginning September 1, 1979, and continuing until the full amount is paid on February 1, 1980. A detailed schedule of the refund payments is contained in the Consent Order.

4. The sales of crude oil determined by DOE to be in violation were made to a refiner, and because the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, J. R. Parten agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $275,000.00 on or before February 1, 1980. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the

Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 749-7626.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on J. R. Parten Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 24, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 17th day of July, 1979.

Wayne I. Tucker,

District Manager for Enforcement, Southwest District, Economic Regulatory Administration.

[FR Doc. 79-22884 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CI 77-844, et al.]

Ashland Exploration, Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

July 16, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 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.

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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf 1,000 ft³	Pressure base
CI77-844 C, Dec. 9, 1978	Ashland Exploration, Inc., P.O. Box 1503, Houston, Texas 77001.	Consolidated Gas Supply Corp., Crook District, Boone County, W. Va.	(1)	14.65
CI79-525 (CI71-827) B, July 2, 1979.	Devon Corp. (Kirby Petroleum Co.), 3300 Liberty Tower, Oklahoma City, Okla. 73102.	Texas Gas Transmission Corp., Iota Field, Acadia Parish, La.	Depleted, plugged and abandoned and the oil and gas lease terminated prior to the acquisition by Devon of Kirby.	
CI79-526 A, July 3, 1979	General American Oil Company of Texas, Meadows Building, Dallas, Tex. 75206.	Transcontinental Gas Pipe Line Corp., block 22, West Cameron area, Gulf of Mexico.	(2)	14.73
CI79-527 E, July 5, 1979	Gulf Oil Corporation (successor in interest to Kewanee Oil Co.), P.O. Box 2100, Houston, Tex. 77001.	Trunkline Gas Co., certain acreage located in the South Mermentau Field, Acadia Parish, La.	(3)	15.025
CI79-528 A, July 9, 1979	Amerada Hess Corp., 1200 Milam, 6th Floor, Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., block 540, West Cameron area, offshore La.	(4)	15.025
CI79-529 E, July 9, 1979	Gulf Oil Corporation (successor in interest to Kewanee Oil Co.).	United Gas Pipe Line Co., certain acreage located in the Lewisburg field, Acadia Parish, La.	(5)	15.025
CI79-530 A, July 10, 1979	Amerada Hess Corp	Transcontinental Gas Pipe Line Corp., blocks 37, 38, 57, and 58, Eugene Island area, offshore La.	(4)	15.025
CI79-531 A, July 10, 1979	Warren Petroleum Co., a division of Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Eunice Gas processing plant, Lea County, N. Mex.	(6)	14.65

[1] Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
[2] Applicant is filing under Gas Purchase Contract dated June 1, 1979.
[3] Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated August 6, 1962, as amended.
[4] Applicant is willing to accept the applicable maximum lawful price as provided by the Natural Gas Policy Act of 1978.
[5] Effective as of July 1, 1978, applicant acquired all of Kewanee's interest in properties covered by contract dated October 21, 1974, as amended.
[6] Applicant is filing under Gas Exchange Agreement dated March 23, 1979.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 79-22864 Filed 7-24-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ER79-509]

Connecticut Light & Power Co.; Transmission Agreement

July 18, 1979.

The filing Company submits the following:

Take notice that on July 12, 1979, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated February 23, 1979 between (1) CL&P, The Hartford Electric Company (WMECO) and (2) Mansfield Municipal Light Department (Mansfield).

CL&P states that the Transmission Agreement provides for a transmission service to Mansfield for the wheeling of Mansfield's entitlement in the Vermont Yankee nuclear generating facility during the period from March 1, 1979 to October 31, 1981.

The transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts which Mansfield is entitled to receive during such month. The monthly transmission charge will be reduced by 50% to give due recognition for payments made by Mansfield to intervening systems.

CL&P requests an effective date of March 1, 1979 for the Transmission Agreement.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; WMECO, West Springfield, Massachusetts and Mansfield, Mansfield, Massachusetts.

CL&P further states that the filing is in accordance with § 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application 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 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 August 7, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-22865 Filed 7-24-79; 8:45 am]
BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

July 12, 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.

Kansas Corporation Commission

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 79-11434
2. 15-081-20100
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Haskell KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79-11435
2. 15-055-20263
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79-11436
2. 15-093-20448
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79-11437
2. 15-081-20103
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Haskell KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11438
2. 15–081–20102
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Haskell KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11439
2. 15–055–20303
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11440
2. 15–081–20122
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Haskell KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11441
2. 15–081–20139
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Haskell KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11442
2. 15–081–20134
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Haskell KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11443
2. 15–081–20135
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Haskell KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11444
2. 15–081–20133
3. 103
4. Helmerich & Payne Inc
5. Jones H No 1
6. Panoma Gas Area 538159
7. Haskell KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11445
2. 15–055–20262
3. 103
4. Helmerich & Payne Inc
5. McKee A No 1
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11446
2. 15–093–20427
3. 103
4. Helmerich & Payne Inc
5. Potter A No 1
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11447
2. 15–055–20279
3. 103
4. Helmerich & Payne Inc
5. Taylor A No 1
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11448
2. 15–055–20280
3. 103
4. Helmerich & Payne Inc
5. Tullett A No 1
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11449
2. 15–055–20257
3. 103
4. Helmerich & Payne Inc
5. Wagner A No 3
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11450
2. 15–055–20258
3. 103
4. Helmerich & Payne Inc
5. Wagner A No 4
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11451
2. 15–093–20447
3. 103
4. Helmerich & Payne Inc
5. White A No 1
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11452
2. 15–093–20553
3. 103
4. Helmerich & Payne Inc
5. White A No 1
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11453
2. 15–165–00000
3. 108
4. George A Angle
5. #1 Scheuerman A
6. Reichel
7. Rush KS
8. 14.0 million cubic feet
9. July 2, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–11454
2. 15–165–00000
3. 108
4. George A Angle
5. #1 Holzmeister A
6. Reichel
7. Rush KS
8. 6.0 million cubic feet
9. July 2, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–11455
2. 15–165–00000
3. 108
4. George A Angle
5. #1 Holzmeister
6. Reichel
7. Rush KS
8. 1.0 million cubic feet
9. July 2, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–11456
2. 15–165–00000
3. 108
4. George A Angle
5. #1 Hoffmann
6. Reichel
7. Rush KS
8. 2.0 million cubic feet
9. July 2, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–11457
2. 15–165–00000
3. 108
4. George A Angle
5. #2 Hartman A
6. Reichel
7. Rush KS
8. 37.0 million cubic feet
9. July 2, 1979
10. Kansas-Nebraska Natural Gas Company

1. 79–11458
2. 15–189–20403
3. 103
4. Northern Natural Gas Producing Co
5. Bunton #1 Unit #2
6. Panoma Gas Area 538159
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11459
2. 15–189–20338
3. 103
4. Mobil Oil Corporation
5. Phillips R S #5
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11460

2. 15–189–20363
3. 103
4. Mobil Oil Corporation
5. Sturdy #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11461
2. 15–189–20393
3. 103
4. Northern Natural gas Producing CO
5. Kenoyer #2 Unit #3
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11462
2. 15–189–20334
3. 103
4. Mobil Oil Corporation
5. H Wilson #2 Unit #3
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11463
2. 15–189–20339
3. 103
4. Northern Natural Gas Producing Comp
5. Parker #1 Farm #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11464
2. 15–067–20512
3. 103
4. Mobil Oil Corporation
5. Guy Fairchild Unit #2
6. Panoma
7. Grant KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11465
2. 15–189–20360
3. 103
4. Northern Natural Gas Producing Comp
5. Republic Fee #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11466
2. 15–189–20391
3. 103
4. Northern Natural Gas Producing Comp
5. Curry Unit #2
6. Panoma
7. Stevens, KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11467
2. 15–189–20335
3. 103
4. Northern Natural Gas Producing Comp
5. Albert #2 Unit #3
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11468
2. 15–189–20394
3. 103
4. Northern Natural Gas Producing Comp
5. Albert #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11469
2. 15–189–20545
3. 103
4. Mobil Oil Corporation
5. Tate Hickok Unit #2
6. Panoma
7. Kearny KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11470
2. 15–067–20482
3. 103
4. Mobil Oil Corporation
5. A L Ingles #2
6. Panoma
7. Grant KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11471
2. 15–189–20368
3. 103
4. Mobil Oil Corporation
5. Gaskill Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11472
2. 15–189–20345
3. 103
4. Mobil Oil Corporation
5. H J Gilbert Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11473
2. 15–189–20342
3. 103
4. Mobil Oil Corporation
5. Martha Reynolds B #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11474
2. 15–189–20344
3. 103
4. Mobil Oil Corporation
5. F F Rapp Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11475
2. 15–189–20379
3. 103
4. Mobil Oil Corporation
5. Randall C Hill #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11476
2. 15–189–20390
3. 103
4. Mobil Oil Corporation
5. Gooch #1 Unit #2
6. Hanke
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11477
2. 15–067–20483
3. 103
4. Mobil Oil Corporation
5. Smith-Tune Unit #2
6. Panoma
7. Grant KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11478
2. 15–189–20367
3. 103
4. Mobil Oil Corporation
5. Gilbert-Reynolds Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11479
2. 15–189–20347
3. 103
4. Mobil Oil Corporation
5. Rapp-Grigsby Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas Co

1. 79–11480
2. 15–189–20305
3. 103
4. Mobil Oil Corporation
5. Lloyd R Thompson Unit #1
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11481
2. 15–189–20331
3. 103
4. Mobil Oil Corporation
5. Webber #2 Unit #3
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11482
2. 15–035–21870

3. 102
4. Petroleum Enterprises
5. Fulghum #1
6. Winfield
7. Cowley KS
8. 18.3 million cubic feet
9. July 2, 1979
10. Colonial Corporation

1. 79–11483
2. 15–055–20264
3. 103
4. Helmerich & Payne Inc
5. Bedford A NO 2
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11484
2. 15–055–20304
3. 103
4. Helmerich & Payne Inc
5. Brown C NO 1
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11485
2. 15–093–20517
3. 103
4. Helmerich & Payne Inc
5. Campbell A NO 1
6. Panoma Gas Area 53159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11486
2. 15–055–20270
3. 103
4. Helmerich & Payne Inc
5. Carlton B NO 1
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11487
2. 15–189–20386
3. 103
4. Helmerich & Payne Inc
5. Citizens Building & Loan B NO 2
6. Panoma Gas Area 53159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11488
2. 15–093–20415
3. 103
4. Helmerich & Payne Inc
5. Citizens Building & Loan B NO 3
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11489
2. 15–093–20416
3. 103
4. Helmerich & Payne Inc.
5. Citizens Building & Loan B No 4
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11490
2. 15–093–20417
3. 103
4. Helmerich & Payne Inc.
5. Citizens Building & Loan B No 5
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11491
2. 15–093–20434
3. 103
4. Helmerich & Payne Inc.
5. Citizens Building & Loan B No 6
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11492
2. 15–093–20435
3. 103
4. Helmerich & Payne Inc.
5. Citizens Building & Loan B No 7
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11493
2. 15–093–20436
3. 103
4. Helmerich & Payne Inc.
5. Citizens Building & Loan B No 8
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11494
2. 15–093–20454
3. 103
4. Helmerich & Payne Inc.
5. Citizens Building & Loan B No 9
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11495
2. 15–093–20548
3. 103
4. Helmerich & Payne Inc.
5. Citizens Building & Loan B No 10
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11496
2. 15–093–20518
3. 103
4. Helmerich & Payne Inc.
5. Citizens Building & Loan C No 1
6. Panoma Gas Area 538159
7. Kearny KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11497
2. 15–055–20261
3. 103
4. Helmerich & Payne Inc.
5. Jones G No 1
6. Panoma Gas Area 538159
7. Finney KS
8. 110.0 million cubic feet
9. July 2, 1979
10. Colorado Interstate Gas Company

1. 79–11507
2. 15–189–20330
3. 103
4. Mobil Oil Corporation
5. Elmo Lodge #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11508
2. 15–189–20396
3. 103
4. Mobil Oil Corporation
5. McCoy #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11509
2. 15–189–20371
3. 103
4. Northern Natural Gas Producing Comp
5. Lambert #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11510
2. 15–189–20355
3. 103
4. Mobil Oil Corporation
5. Grey #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11511
2. 15–189–20333
3. 103
4. Mobil Oil Corporation
5. Hutton #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11512
2. 15–189–20362
3. 103
4. Mobil Oil Corporation
5. Lowrey #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11513
2. 15–189–20332
3. 103
4. Mobil Oil Corporation

5. L Porter Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11514
2. 15–189–20383
3. 103
4. Mobil Oil Corporation
5. Hill #1 Unit #3
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11515
2. 15–093–20513
3. 103
4. Mobil Oil Corporation
5. USA–White Unit D #2
6. Panoma
7. Kearny KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11516
2. 15–189–20402
3. 103
4. Northern Natural Gas Producing Comp
5. Olney #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11517
2. 15–189–20336
3. 103
4. Northern Natural Gas Producing Comp
5. Citizens State Bank #2 Unit #3
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Northern Natural Gas Company

1. 79–11518
2. 15–093–20524
3. 103
4. Mobil Oil Corporation
5. USA-White Unit C #2
6. Panoma
7. Kearny KS
8. 70.0 million cubic feet
9. July 2, 1979
10. Cities Service Gas

1. 79–11519
2. 15–189–20346
3. 103
4. Mobil Oil Corporation
5. O T Gilbert Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Cities Service Gas

1. 79–11520
2. 15–189–20382
3. 103
4. Mobil Oil Corporation
5. Lee Gilbert Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Cities Service Gas

1. 79–11521
2. 15–189–20381
3. 103
4. Northern Natural Gas Producing Co
5. Baker Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Co

1. 79–11522
2. 15–189–20359
3. 103
4. Northern Natural Gas Producing Co
5. Steward #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Co

1. 79–11523
2. 15–189–20328
3. 103
4. Mobil Oil Corporation
5. Bovie #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Co

1. 79–11524
2. 15–189–20320
3. 103
4. Mobil Oil Corporation
5. T G Hicks Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Co

1. 79–11525
2. 15–189–20358
3. 103
4. Mobil Oil Corporation
5. E Carpenter #3(84) Unit #4
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Co

1. 79–11526
2. 15–189–20357
3. 103
4. Mobil Oil Corporation
5. Springer #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Co

1. 79–11527
2. 15–189–20317
3. 103
4. Mobil Oil Corporation
5. G W Shell Unit #1
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Co

1. 79–11528
2. 15–067–20529
3. 103
4. Mobil Oil Corporation
5. Maude Meyer Unit #2
6. Panoma
7. Grant KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Cities Service Gas Co

1. 79–11529
2. 15–189–20329
3. 103
4. Mobil Oil Corporation
5. Cutter #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Company

1. 79–11530
2. 15–189–20370
3. 103
4. Northern Natural Gas Producing Comp
5. Ratcliff #1 Unit #2
6. Panoma
7. Stevens KS
8. 70.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Company

1. 79–11531
2. 15–165–00000
3. 108
4. George A Angle
5. #2 Kaiser
6. Reichel
7. Rush KS
8. 16.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11532
2. 15–165–00000
3. 108
4. George A Angle
5. #1 Lippert C
6. Reichel
7. Rush KS
8. 3.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11533
2. 15–165–00000
3. 108
4. George A Angle
5. #1 Roth B
6. Reichel
7. Rush KS
8. 15.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11534
2. 15–175–20319
3. 103
4. Robert F White
5. Covel Trust No 1
6. Hugoton Field (Krider Zone)
7. Seward KS
8. 60.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Company

1. 79–11535
2. 15–127–20418
3. 102
4. Benson Mineral Group
5. Koger #2–30

6. Wilde
7. Morris KS
8. 26.0 million cubic feet
9. July 3, 1979
10. Mapco

1. 79–11536
2. 15–127–20203
3. 102
4. Benson Mineral Group
5. Veal #2–30 Twin
6. Wilde
7. Morris KS
8. 0 million cubic feet
9. July 3, 1979
10. Mapco

1. 79–11537
2. 15–127–20240
3. 102
4. Benson Mineral Group
5. White #4–6
6. Wilde
7. Morris KS
8. 62.0 million cubic feet
9. July 3, 1979
10. Mapco

1. 79–11538
2. 15–127–20120
3. 102
4. Benson Mineral Group
5. White 2–6
6. Wilde
7. Morris KS
8. 60.0 million cubic feet
9. July 3, 1979
10. Mapco

1. 79–11539
2. 15–127–20170
3. 102
4. Benson Mineral Group
5. White 1–6
6. Wilde
7. Morris KS
8. 68.0 million cubic feet
9. July 3, 1979
10. Mapco

1. 79–11540
2. 15–127–20147
3. 102
4. Benson Mineral Group
5. Koger #1–30
6. Wilde
7. Morris KS
8. 23.9 million cubic feet
9. July 3, 1979
10. Mapco

1. 79–11541
2. 15–165–00000
3. 108
4. George A Angle
5. #1 Urban C
6. Reichel
7. Rush KS
8. .1 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11542
2. 15–165–00000
3. 108
4. George A Angle
5. #1 OCHS
6. Reichel
7. Rush KS
8. 5.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11543
2. 15–007–20495
3. 103
4. Barnett Oil Inc
5. Z-Bar #1
6. Aetna
7. Barber KS
8. 60.0 million cubic feet
9. July 3, 1979
10. Cities Service Gas Co

1. 79–11544
2. 15–129–00000
3. 108
4. Pan Eastern Exploration Company
5. Riley #4
6. Taloga Cherokee
7. Morton KS
8. 4.5 million cubic feet
9. July 3, 1979
10. Panhandle Eastern Pipe Line Company

1. 79–11545
2. 15–119–00000
3. 108
4. Pan Eastern Exploration Company
5. Behnke B #1
6. Singley
7. Meade KS
8. 14.4 million cubic feet
9. July 3, 1979
10. Panhandle Eastern Pipe Line Company

1. 79–11546
2. 15–129–00000
3. 108
4. Pan Eastern Exploration Company
5. Lewis #1
6. Greenwood
7. Morton KS
8. 16.1 million cubic feet
9. July 3, 1979
10. Panhandle Eastern Pipe Line Company

1. 79–11547
2. 15–129–00000
3. 108
4. Pan Eastern Exploration Company
5. Ruggles #1
6. Greenwood
7. Morton KS
8. 5.7 million cubic feet
9. July 3, 1979
10. Pan Eastern Pipe Line Company

1. 79–11548
2. 15–165–00000
3. 108
4. George A Angle
5. #1 Urban K
6. Reichel
7. Rush KS
8. 5.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11549
2. 15–165–00000
3. 108
4. George A Angle
5. #2 McGill
6. Reichel
7. Rush KS
8. 19.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11550
2. 15–189–20386
3. 103
4. Kansas Petroleum Inc
5. Brecheisen #1
6. Panoma Council Grove
7. Stevens KS
8. 60.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Company

1. 79–11551
2. 15–189–20385
3. 103
4. Kansas Petroleum Inc
5. Brecheisen #1–A
6. Council Grove Panoma
7. Stevens KS
8. 60.0 million cubic feet
9. July 3, 1979
10. Northern Natural Gas Company

1. 79–11552
2. 15–165–00000
3. 108
4. George A Angle
5. #2 Hoofer
6. Reichel
7. Rush KS
8. 1.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11553
2. 15–165–00000
3. 108
4. George A Angle
5. #1 Janson
6. Riechel
7. Rush KS
8. 2.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11554
2. 15–165–00000
3. 108
4. George A Angle
5. #2 Janson A
6. Reichel
7. Rush KS
8. 8.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–11568
2. 15–047–20314
3. 102
4. Benson Mineral Group Inc
5. Gibson #2
6. Wil
7. Edwards KS
8. 109.0 million cubic feet
9. July 3, 1979
10. Panhandle Eastern Pipeline Co

1. 79–11569
2. 15–047–20313
3. 102
4. Benson Mineral Group Inc
5. Gibson #1
6. Wil
7. Edwards KS
8. 109.0 million cubic feet
9. July 3, 1979
10. Panhandle Eastern Pipeline Company

1. 79–11570
2. 15–047–20359
3. 102
4. Benson Mineral Group Inc
5. Schultz 2–A
6. Wil

7. Edwards KS
8. 87.0 million cubic feet
9. July 3, 1979
10. Panhandle Eastern Pipeline Company

1. 79–11571
2. 15–047–20287
3. 102
4. Benson Mineral Group
5. Shultz 1–A
6. Wil
7. Edwards KS
8. 87.0 million cubic feet
9. July 3, 1979
10. Panhandle Eastern Pipeline Co.

1. 79–11572
2. 15–047–20345
3. 102
4. Benson Mineral Group
5. Gibson #4
6. Wil
7. Edwards KS
8. 109.0 million cubic feet
9. July 3, 1979
10. Panhandle Eastern Pipelines Co.

1. 79–11573
2. 15–127–20224
3. 102
4. Benson Mineral Group
5. White 3–6
6. Wilde
7. Morris KS
8. 64.0 million cubic feet
9. July 3, 1979
10. MAPCO

1. 79–11574
2. 15–127–20162
3. 102
4. Benson Mineral Group
5. Veal 2–30
6. Wilde
7. Morris KS
8. 33.0 million cubic feet
9. July 3, 1979
10. MAPCO

1. 79–11596
2. 15–165–00000
3. 108
4. George A. Angle
5. #2 Steitz-Decker
6. Reichel
7. Rush KS
8. 8.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11597
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Holzmeister B
6. Reichel
7. Rush KS
8. 8.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11598
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Scherwood
6. Reichel
7. Rush KS
8. 8.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11599
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Schlitter
6. Reichel
7. Rush KS
8. 2.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11600
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Lippert B
6. Reichel
7. Rush KS
8. 9.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11601
2. 15–165–00000
3. 108
4. George A. Angle
5. #2 Lippert B
6. Reichel
7. Rush KS
8. 9.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11602
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Lebsack A
6. Reichel
7. Rush KS
8. 1.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11603
2. 15–165–00000
3. 108
4. George A. Angle
5. #2 Lippert
6. Reichel
7. Rush KS
8. 21.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11604
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Grumbein A
6. Reichel
7. Rush KS
8. 16.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11605
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Hoofer
6. Reichel
7. Rush KS
8. 18.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11606
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Honderick C
6. Reichel
7. Rush KS
8. 1.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11607
2. 15–165–00000
3. 108
4. George A. Angle
5. #6 Lippert A
6. Reichel
7. Rush KS
8. 2.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11608
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Honderick
6. Reichel
7. Rush KS
8. 11.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11621
2. 15–165–00000
3. 108
4. George A. Angle
5. #2 Legleiter
6. Reichel
7. Rush KS
8. .0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11622
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Kober A
6. Reichel
7. Rush KS
8. 5.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11623
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Kober
6. Reichel
7. Rush KS
8. 6.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11624
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Kleweno A
6. Reichel
7. Rush KS
8. 13.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

1. 79–11625
2. 15–165–00000
3. 108
4. George A. Angle
5. #3 Kansas State
6. Reichel
7. Rush KS
8. 3.0 million cubic feet

9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.
1. 79–11626
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Ochs A
6. Reichel
7. Rush KS
8. 7.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.
1. 79–11627
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Hartman A
6. Reichel
7. Rush KS
8. 9.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.
1. 79–11628
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Odell
6. Reichel
7. Rush KS
8. 3.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.
1. 79–11629
2. 15–165–00000
3. 108
4. George A. Angle
5. #2 Ochs B
6. Reichel
7. Rush KS
8. 4.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.
1. 79–11630
2. 15–165–00000
3. 108
4. George A. Angle
5. #1 Steitz A
6. Reichel
7. Rush KS
8. 7.0 million cubic feet
9. July 3, 1979
10. Kansas-Nebraska Natural Gas Co. Inc.

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79–11401
2. 30–045–23020
3. 103
4. Amoco Production Company
5. Boyd Gas Com C #1
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 73.0 million cubic feet
9. July 2, 1979
10. El Paso Natural Gas Co
1. 79–11659
2. 30–045–22575
3. 103
4. Dietrich Exploration Company Inc
5. State #1
6. Nipp Pictured Cliffs
7. San Juan, NM
8. 43.0 million cubic feet
9. July 2, 1979
10. El Paso Natural Gas Co
1. 79–11660
2. 30–045–23139
3. 103
4. Amoco Production Company
5. Bruington Gas Com D #1
6. Aztec Pictured Cliffs
7. San Juan, NM
8. 47.0 million cubic feet
9. July 2, 1979
10. El Paso Natural Gas Co
1. 79–11661
2. 30–045–23095
3. 103
4. Amoco Production Company
5. Marcotte Gas Com C #1
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 38.0 million cubic feet
9. July 2, 1979
10. El Paso Natural Gas Co
1. 79–11662
2. 30–015–22583
3. 103
4. Dorchester Exploration Inc
5. Graham St Com #1
6. South Carlsbad (Morrow)
7. Eddy, NM
8. 200.0 million cubic feet
9. July 2, 1979
10. Natural Gas Pipeline Co of Amerca

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79–11402
2. 47–021–01493
3. 108
4. Allegheny Land & Mineral Co
5. A–204
6. Glenville District
7. Gilmer, WV
8. 1.1 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp
1. 79–11403
2. 47–041–01088
3. 108
4. Allegheny Land & Mineral Co
5. A–187
6. Court House District
7. Lewis, WV
8. 6.1 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp
1. 79–11404
2. 47–041–01014
3. 108
4. Allegheny Land & Mineral Co
5. A–186
6. Court House District
7. Lewis, WV
8. 1.8 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp
1. 79–11405
2. 47–041–00417
3. 108
4. Allegheny Land & Mineral Co
5. A–55
6. Appalachia Basin
7. Lewis, WV
8. 2.3 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp
1. 79–11406
2. 47–007–00525
3. 108
4. Allegheny Land & Mineral Co
5. A–188
6. Saltlick District
7. Braxton, WV
8. 4.2 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp
1. 79–11407
2. 47–017–01137
3. 108
4. Allegheny Land & Mineral Co
5. A–250
6. McClellan District
7. Doddridge, WV
8. 6.4 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp
1. 79–11408
2. 47–017–01025
3. 108
4. Allegheny Land & Mineral Co
5. A–213
6. McClellan District
7. Doddridge, WV
8. 6.4 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp
1. 79–11409
2. 47–021–01183
3. 108
4. Allegheny Land & Mineral Co
5. A–93
6. Dekalb District
7. Gilmer, WV
8. 9.1 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp
1. 79–11410
2. 47–017–00941
3. 108
4. Allegheny Land & Mineral Co
5. A–206
6. McClellan District
7. Doddridge, WV
8. 3.0 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp
1. 79–11411
2. 47–041–00481
3. 108
4. Allegheny Land & Mineral Co

5. A–71
6. Court House District
7. Lewis, WV
8. 2.0 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11412
2. 47–033–00370
3. 108
4. Allegheny Land & Mineral Co
5. A–275
6. Eagle District
7. Harrison, WV
8. 3.1 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11413
2. 47–049–00272
3. 108
4. Allegheny Land & Mineral Co
5. A–273
6. Mannington District
7. Marion, WV
8. 2.5 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11414
2. 47–017–00503
3. 108
4. Allegheny Land & Mineral Co
5. A–113
6. Appalachian Basin (Giant District)
7. Doddridge, WV
8. 2.9 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11415
2. 47–097–01502
3. 108
4. Allegheny Land & Mineral Co
5. A–356
6. Washington District
7. Upshur, WV
8. 3.9 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11416
2. 47–097–01070
3. 108
4. Allegheny Land & Mineral Co
5. A–340
6. Washington District
7. Upshur, WV
8. 5.7 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11417
2. 47–097–01073
3. 108
4. Allegheny Land & Mineral Co
5. A–341
6. Washington District
7. Upshur, WV
8. 7.3 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11418
2. 47–085–03254
3. 108
4. Allegheny Land & Mineral Co
5. A–343
6. Murphy District
7. Ritchie, WV
8. 9.6 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11419
2. 47–013–01698
3. 108
4. Allegheny Land & Mineral Co
5. A–22
6. Appalachian Basin (Sherman Dist)
7. Calhoun, WV
8. 3.9 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11420
2. 47–017–00271
3. 108
4. Allegheny Land & Mineral Co
5. A–24
6. Southwest District Appalachian Basin
7. Doddridge, WV
8. 1.1 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp

1. 79–11421
2. 47–033–00365
3. 108
4. Allegheny Land & Mineral Co
5. A–269
6. Eagle District
7. Harrison WV
8. 1.0 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11422
2. 47–097–01504
3. 108
4. Allegheny Land & Mineral Co
5. A–355
6. Washington District
7. Upshur WV
8. 16.1 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11423
2. 47–097–01112
3. 108
4. Allegheny Land & Mineral Co
5. A–354
6. Washington District
7. Upshur WV
8. 7.0 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11424
2. 47–085–03033
3. 108
4. Allegheny Land & Mineral Co
5. A–301
6. Murphy District
7. Ritchie wv
8. 1.2 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11425
2. 47–085–03056
3. 108
4. Allegheny Land & Mineral Co
5. A–297
6. Murphy District
7. Ritchie wv
8. 1.4 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11426
2. 47–041–01533
3. 108
4. Allegheny Land & Mineral Co
5. A–325
6. Freemans Creek District
7. Lewis WV
8. 4.8 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11427
2. 47–017–01354
3. 108
4. Allegheny Land & Mineral Co
5. A–309
6. McClellan District
7. Dodridge WV
8. 7.3 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11428
2. 47–013–01728
3. 108
4. Allegheny Land & Mineral Co
5. A–39
6. Appalachian Basin Washington
7. Calhoun WV
8. 4.4 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11429
2. 085–02053
3. 108
4. Allegheny Land & Mineral Co
5. A–40
6. Murphy Dist Appalachian Basin
7. Ritchie WV
8. 4.4 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11430
2. 47–041–00388
3. 108
4. Allegheny Land & Mineral Co
5. A–38
6. Appal Basin Freemans Creek
7. Lewis WV
8. 3.4 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11431
2. 47–085–03210
3. 108
4. Allegheny Land & Mineral Co
5. A–334
6. Grant District
7. Ritchie WV
8. .8 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11432
2. 47–041–01530
3. 108
4. Allegheny Land & Mineral Co
5. A–324
6. Freemans Creek District
7. Lewis WV
8. 4.0 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.

1. 79–11433
2. 47–097–01001
3. 108
4. Allegheny Land & Mineral Co
5. A–311

6. Washington District
7. Upshur WV
8. 3.7 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11498
2. 47–041–00418
3. 108
4. Allegheny Land & Mineral Co
5. A–54
6. Freemans Creek Dist Appal Basin
7. Lewis WV
8. 7.2 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11499
2. 47–041–00400
3. 108
4. Allegheny Land & Mineral Co
5. A–45
6. Freemans Creek Dist Appal Basin
7. Lewis WV
8. 3.4 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11500
2. 47–017–00284
3. 108
4. Allegheny Land & Mineral Co
5. A–58
6. Southwest District Appal Basin
7. Doddridge WV
8. 3.7 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11501
2. 47–021–01137
3. 108
4. Allegheny Land & Mineral Co
5. A–59
6. De Kalb District
7. Gilmer WV
8. 4.6 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11502
2. 47–017–01019
3. 108
4. Allegheny Land & Mineral Co
5. A–207
6. McClellan District
7. Doddridge WV
8. 3.0 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11503
2. 47–041–01307
3. 108
4. Allegheny Land & Mineral Co
5. A–247
6. Freemans Creek District
7. Lewis WV
8. 1.1 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11504
2. 47–017–00538
3. 108
4. Allegheny Land & Mineral Co
5. A–136
6. Giant District
7. Doddridge WV
8. 5.7 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11505
2. 47–041–00722
3. 108
4. Allegheny Land & Mineral Co
5. A–131
6. Freemans Creek District
7. Lewis WV
8. 2.7 Million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11506
2. 47–017–00741
3. 108
4. Allegheny Land & Mineral Co
5. A–177
6. McClellan District
7. Doddridge WV
8. 4.7 Million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11555
2. 47–017–02281
3. 108
4. Allegheny Land & Mineral Co
5. A–700
6. Southwest District
7. Doddridge WV
8. 8.5 Million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11556
2. 47–033–01058
3. 108
4. Allegheny Land & Mineral Co
5. A–659
6. Eagle District
7. Harrison WV
8. 13.2 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11557
2. 47–083–00177
3. 108
4. Allegheny Land & Mineral Co
5. A–516
6. Roaring Creek District
7. Randolph WV
8. 3.3 Million cubic feet
9. July 3, 1979
10. Columbia Gas Transmission Corp
1. 79–11558
2. 47–097–01804
3. 108
4. Allegheny Land & Mineral Co
5. A–728
6. Buckhannon District
7. Upshur WV
8. 5.6 Million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11559
2. 47–033–01260
3. 108
4. Allegheny Land & Mineral Co
5. A–749
6. Union District
7. Harrison WV
8. 5.6 Million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11560
2. 47–097–01796
3. 108
4. Allegheny Land & Mineral Co
5. A–723
6. Buckhannon District
7. Upshur WV
8. 2.1 Million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11561
2. 47–097–01283
3. 108
4. Allegheny Land & Mineral Co
5. A–397
6. Union District
7. Upshur WV
8. 12.7 Million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11562
2. 47–017–01870
3. 108
4. Allegheny Land & Mineral Co
5. A–680
6. Southwest
7. Doddridge WV
8. 10.1 Million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11563
2. 47–083–00230
3. 108
4. Allegheny Land & Mineral Co
5. A–763
6. Middle Fork District
7. Randolph WV
8. 3.4 million cubic feet
9. July 3, 1979
10. Columbia Gas Transmission Corp
1. 79–11575
2. 47–085–03089
3. 108
4. Allegheny Land & Mineral Co
5. A–295
6. Murphy District
7. Ritchie WV
8. 1.4 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11576
2. 47–097–01089
3. 108
4. Allegheny Land & Mineral Co
5. (1–5) A–348
6. Washington District
7. Upshur WV
8. 2.3 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11577
2. 47–097–01110
3. 108
4. Allegheny Land & Mineral Co
5. A–352
6. Washington District
7. Upshur WV
8. 6.9 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11578
2. 47–097–01118
3. 108
4. Allegheny Land & Mineral Co
5. A–358
6. Union District

7. Upshur WV
8. 3.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11579
2. 47–017–01297
3. 108
4. Allegheny Land & Mineral Co
5. A–293
6. McClellan District
7. Doddridge WV
8. 8.9 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11580
2. 47–041–00778
3. 108
4. Allegheny Land & Mineral Co
5. A–147
6. Freemans Creek District
7. Lewis WV
8. 1.2 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11581
2. 47–041–00860
3. 108
4. Allegheny Land & Mineral Co
5. A–161
6. Court House District
7. Lewis WV
8. 1.0 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11582
2. 47–085–03046
3. 108
4. Allegheny Land & Mineral Co
5. A–294
6. Murphy District
7. Ritchie WV
8. 5.8 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11583
2. 47–085–02414
3. 108
4. Allegheny Land & Mineral Co
5. A–149
6. Murphy District
7. Ritchie WV
8. 1.9 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11584
2. 47–085–02036
3. 108
4. Allegheny Land & Mineral Co
5. A–34
6. Appal Murphy Dist Basin
7. Ritchie WV
8. 9.0 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11585
2. 47–041–00751
3. 108
4. Allegheny Land & Mineral Co
5. A–107
6. Freemans Creek District
7. Lewis WV
8. 2.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11586
2. 47–017–01136
3. 108
4. Allegheny Land & Mineral Co
5. A–241
6. McClellan District
7. Doddridge WV
8. 5.3 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11587
2. 47–017–01039
3. 108
4. Allegheny Land & Mineral Co
5. A–224
6. Grant District
7. Doddridge WV
8. 6.1 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11588
2. 47–085–02095
3. 108
4. Allegheny Land & Mineral Co
5. A–56
6. Murphy District Appalachin Basin
7. Ritchie WV
8. 2.2 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11589
2. 47–017–00834
3. 108
4. Allegheny Land & Mineral Co
5. A–191
6. Grant District
7. Doddridge WV
8. 3.5 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11590
2. 47–017–00938
3. 108
4. Allegheny Land & Mineral Co
5. A–214
6. McClellan District
7. Doddridge WV
8. 3.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11591
2. 47–041–00620
3. 108
4. Allegheny Land & Mineral Co
5. A–116
6. Freemans Creek-District Appalachin
7. Lewis WV
8. 2.0 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11592
2. 47–017–01038
3. 108
4. Allegheny Land & Mineral Co
5. A–226
6. McClellan District
7. Doddridge WV
8. 8.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11593
2. 47–041–00578
3. 108
4. Allegheny Land & Mineral Co
5. A–101
6. Freemans Creek District
7. Lewis WV
8. 3.5 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11594
2. 47–041–00687
3. 108
4. Allegheny Land & Mineral Co
5. A–105
6. Freemans Creek District
7. Lewis WV
8. 2.3 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11595
2. 47–041–00404
3. 108
4. Allegheny Land & Mineral Co
5. A–47
6. Freemans Creek Appal Basin
7. Lewis WV
8. 3.4 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11609
2. 47–017–01120
3. 108
4. Allegheny Land & Mineral Co
5. A–242
6. McClellan District
7. Doddridge WV
8. 1.6 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11610
2. 47–021–01608
3. 108
4. Allegheny Land & Mineral Co
5. A–244
6.
7. Gilmer WV
8. 2.6 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11611
2. 47–021–01132
3. 108
4. Allegheny Land & Mineral Co
5. A–51
6. Dekalb Appalachian Basin
7. Gilmer WV
8. 4.6 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11612
2. 47–085–02339
3. 108
4. Allegheny Land & Mineral Co
5. A–134
6. Murphy District
7. Ritchie WV
8. .7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11613
2. 47–021–01167
3. 108
4. Allegheny Land & Mineral Co
5. A–91
6. Center District
7. Gilmer WV
8. 4.3 million cubic feet

9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11614
2. 47–041–00443
3. 108
4. Allegheny Land & Mineral Co
5. A–63
6. Freemans Creek District
7. Lewis WV
8. .7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11615
2. 47–021–01508
3. 108
4. Allegheny Land & Mineral Co
5. A–212
6. Glenville District
7. Gilmer WV
8. 1.1 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11616
2. 47–017–00966
3. 108
4. Allegheny Land & Mineral Co
5. A–211
6. Grant District
7. Doddridge WV
8. 4.9 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11617
2. 47–017–01113
3. 108
4. Allegheny Land & Mineral Co
5. A–208
6. McClellan District
7. Doddridge WV
8. 3.6 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11618
2. 47–041–00723
3. 108
4. Allegheny Land & Mineral Co
5. A–132
6. Freemans Creek District
7. Lewis WV
8. 2.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11619
2. 47–041–00492
3. 108
4. Allegheny Land & Mineral Co
5. A–76
6. Freemans Creek District
7. Lewis WV
8. .7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11620
2. 47–041–00689
3. 108
4. Allegheny Land & Mineral Co
5. A–130
6. Freemans Creek District
7. Lewis WV
8. 2.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11631
2. 47–097–01759
3. 108
4. Allegheny Land & Mineral Co
5. A–655
6. Buckhannon District
7. Upshur WV
8. 12.9 million cubic feet
9. July 3, 1979
10. Equitable Gas

1. 79–11632
2. 47–033–01227
3. 108
4. Allegheny Land & Mineral Co
5. A–733
6. Union District
7. Harrison WV
8. 15.9 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11633
2. 47–033–01224
3. 108
4. Allegheny Land & Mineral Co
5. A–702
6. Sardis District
7. Harrison WV
8. 3.3 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11634
2. 47–033–01207
3. 108
4. Allegheny Land & Mineral Co
5. A–732
6. Ten Mile District
7. Harrison WV
8. 5.8 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11635
2. 47–021–01180
3. 108
4. Allegheny Land & Mineral Co
5. A–90
6. Center District
7. Gilmer County WV
8. 3.3 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11636
2. 47–097–01794
3. 108
4. Allegheny Land & Mineral Co
5. A–719
6. Buckhannon District
7. Upshur WV
8. 3.2 million cubic feet
9. July 3, 1979
10. Equitable Gas

1. 79–11637
2. 47–001–00913
3. 108
4. Allegheny Land & Mineral Co
5. A–706
6. Union District
7. Barbour WV
8. 9.3 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11638
2. 47–083–00186
3. 108
4. Allegheny Land & Mineral Co
5. A–647
6. Middle Fork District
7. Randolph WV
8. 21.2 million cubic feet
9. July 3, 1979
10. Columbia Gas Transmission Corp

1. 79–11639
2. 47–033–00256
3. 108
4. Allegheny Land & Mineral Co
5. A–180
6. Clay District
7. Harrison WV
8. 4.2 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11640
2. 47–041–02183
3. 108
4. Allegheny Land & Mineral Co
5. A–744
6. Skin Creek District
7. Lewis WV
8. 1.5 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11641
2. 47–017–01891
3. 108
4. Allegheny Land & Mineral Co
5. A–746
6. Southwest District
7. Doddridge WV
8. 9.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11642
2. 47–061–00284
3. 108
4. Allegheny Land & Mineral Co
5. A–290
6. Cass District
7. Monongalia County WV
8. 1.8 million cubic feet
9. July 3, 1979
10. Carnegie Natural Gas Company

1. 79–11643
2. 47–021–01148
3. 108
4. Allegheny Land & Mineral Co
5. A–65
6. Dekalb District
7. Gilmer WV
8. 8.8 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11644
2. 47–041–00762
3. 108
4. Allegheny Land & Mineral Co
5. A–143
6. Freemans Creek District
7. Lewis WV
8. 7.8 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp

1. 79–11645
2. 47–017–00972
3. 108
4. Allegheny Land & Mineral Co
5. A–209
6. McClellan District
7. Doddridge WV
8. 7.7 million cubic feet
9. July 3, 1979

10. Consolidated Gas Supply Corp
1. 79–11646
2. 47–033–01071
3. 108
4. Allegheny Land & Mineral Co
5. A–652
6. Sardis District
7. Harrison WV
8. 15.1 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11647
2. 47–097–01088
3. 108
4. Allegheny Land & Mineral Co
5. A–346
6. Washington District
7. Upshur WV
8. 4.1 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11648
2. 47–097–01093
3. 108
4. Allegheny Land & Mineral Co
5. A–347
6. Washington District
7. Upshur WV
8. 10.4 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11649
2. 47–097–01072
3. 108
4. Allegheny Land & Mineral Co
5. A–339
6. Washington District
7. Upshur WV
8. 7.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11650
2. 47–041–00395
3. 108
4. Allegheny Land & Mineral Co
5. A–43
6. Murphy Appalachian Basin
7. Lewis WV
8. 2.0 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11651
2. 47–085–02052
3. 108
4. Allegheny Land & Mineral Co
5. A–44
6. Murphy Appalachian Basin
7. Ritchie WV
8. 2.2 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11652
2. 47–013–01703
3. 108
4. Allegheny Land & Mineral Co
5. A–29
6. Washington Appalachian Basin
7. Calhoun WV
8. 5.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11653
2. 47–041–00378
3. 108
4. Allegheny Land & Mineral Co
5. A–28
6. Freemans Creek Appalachian Basin
7. Lewis WV
8. 5.1 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11654
2. 47–041–00652
3. 108
4. Allegheny Land & Mineral Co
5. A–119
6. Court House Dist Appalachian Basin
7. Lewis WV
8. 7.7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11655
2. 47–013–01865
3. 108
4. Allegheny Land & Mineral Co
5. A–114
6. Washington–District Appalachian Basin
7. Calhoun WV
8. 3.1 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11656
2. 47–041–00882
3. 108
4. Allegheny Land & Mineral Co
5. A–163
6. Court House District
7. Lewis WV
8. 5.8 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp
1. 79–11657
2. 47–033–00368
3. 108
4. Allegheny Land & Mineral Co.
5. A–268
6. Eagle District
7. Harrison WV
8. 3.0 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11658
2. 47–017–01294
3. 108
4. Allegheny Land & Mineral Co.
5. A–292
6. McClellan District
7. Doddridge WV
8. 5.1 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11663
2. 47–013–01722
3. 108
4. Allegheny Land & Mineral Co.
5. A–35
6. Washington Appalachian Basin
7. Calhoun WV
8. 3.1 million cubic feet
9. July 2, 1979
10. Consolidated Gas Supply Corp.
1. 79–11664
2. 47–021–01258
3. 108
4. Allegheny Land & Mineral Co.
5. A–139
6. Glenville District
7. Gilmer WV
8. 4.8 million cubic feet
9. July 5, 1979
10. Consolidated Gas Supply Corp.
1. 79–11665
2. 47–041–00515
3. 108
4. Allegheny Land & Mineral Co.
5. A–81
6. Freemans Creek District
7. Lewis WV
8. 2.9 million cubic feet
9. July 5, 1979
10. Consolidated Gas Supply Corp.
1. 79–11666
2. 47–041–00514
3. 108
4. Allegheny Land & Mineral Co.
5. A–80
6. Freemans Creek District
7. Lewis WV
8. 6.2 million cubic feet
9. July 5, 1979
10. Consolidated Gas Supply Corp.
1. 79–11667
2. 47–041–01210
3. 108
4. Allegheny Land & Mineral Co.
5. A–229
6. Courthouse District
7. Lewis WV
8. .7 million cubic feet
9. July 3, 1979
10. Consolidated Gas Supply Corp.
1. 79–11668
2. 47–041–00576
3. 108
4. Allegheny Land & Mineral Co.
5. A–86
6. Freemans Creek District
7. Lewis WV
8. 3.7 million cubic feet
9. July 5, 1979
10. Consolidated Gas Supply Corp.
1. 79–11669
2. 47–021–01259
3. 108
4. Allegheny Land & Mineral Co.
5. A–140
6. Glenville District
7. Gilmer WV
8. 4.8 million cubic feet
9. July 5, 1979
10. Consolidated Gas Supply Corp.
1. 79–11670
2. 47–041–00654
3. 108
4. Allegheny Land & Mineral Co.
5. A–121
6. Freemans Creek District
7. Lewis WV
8. 4.0 million cubic feet
9. July 5, 1979
10. Consolidated Gas Supply Corp.
1. 79–11671
2. 47–017–01112
3. 108
4. Allegheny Land & Mineral Co.
5. A–196
6. McClellan District
7. Doddridge WV
8. 5.9 million cubic feet
9. July 5, 1979
10. Consolidated Gas Supply Corp.

1. 79–11672
2. 47–017–00945
3. 108
4. Allegheny Land & Mineral Co.
5. A–216
6. McClellan District
7. Doddridge WV
8. 6.2 million cubic feet
9. July 5, 1979
10. Consolidated Gas Supply Corp.

U.S. Geological Survey, Tulsa, Okla.

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State, or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–11564
2. 35–119–00000–0000–0
3. 102
4. Philco Petrolum Corporation
5. Morgan No. 1
6.
7. Payne OK
8. 25.0 million cubic feet
9. July 3, 1979
10. Phillips Petroleum Company

1. 79–11565
2. 35–119–20979–0000–0
3. 103
4. Philco Petroleum Corporation
5. Morgan No. 1
6.
7. Payne OK
8. 50.0 million cubic feet
9. July 3, 1979
10. Phillips Petroleum Company

1. 79–11566
2. 35–015–20422–0000–0
3. 108
4. Tenneco Oil Company
5. Lefthand 1–23
6. Cogar South
7. Caddo OK
8. 10.8 million cubic feet
9. July 3, 1979
10. Oklahoma Gas & Electric Co.

1. 79–11567
2. 35–017–20912–0000–0
3. 102
4. Donald C. Slawson Oil Producer
5. Hall No. 1–27
6. Watonga Trend
7. Canadian OK
8. 15.0 million cubic feet
9. July 3, 1979
10. Cities Service Gas Co.

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 NE., 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 within fifteen (15) days of the date of publication of this notice in the **Federal Register.**

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–22878 Filed 7–24–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP79–384]

Eastern Shore Natural Gas Co.; Application

July 16, 1979.

Take notice that on June 26, 1979, Eastern Shore Natural Gas Company (Applicant), P.O. Box 615, Dover, Delaware 19901, filed in Docket No. CP79–384 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render additional interruptible service to various existing direct-sale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to render additional interruptible service to various direct-sale customers up to the daily volumes shown in the following table:

Customer	Presently authorized daily volume (dt/day)	Proposed daily volume (dt/day)
International Playtex	100	600
James Thompson, Inc.	40	600
Reichhold Polymers, Incl3840		750
Killen Grain Company	80	1,000
Townsend's, Inc.	60	1,000
City of Easton	1,250	2,500
General Foods	350	3,300
City of Dover	250	9,000

Applicant states that the additional interruptible demands of the existing customers listed above will be supplied from significant increases in Applicant's gas supply as a result of: (1) two successive emergency gas purchases from UGI Corp. (UGI); (2) a gas sales agreement with Delhi Gas Pipeline Corporation (Delhi); and (3) regular deliveries from Transcontinental Gas Pipe Line Corporation's (Transco) improved system supply. It is indicated that Applicant purchased 303,969 dekatherms equivalent of emergency gas from UGI during February and March 1979 and has also purchased approximately 760,000 dekatherms equivalent of gas from UGI, with deliveries commencing on April 28, 1979, and continuing at a rate of approximately 12,700 dekatherms per day through June 26, 1979. The UGI gas is being supplied to several of the customers listed above who have been curtailed and who have been forced to use oil to satisfy fuel needs which Applicant was unable to satisfy. The UGI gas has been transported from Applicant by Transco. Applicant expects to receive from time to time, additional releases from Transco's system supply.

Applicant states that as a result of the significant increases in gas deliveries by Transco and additional releases expected in the future from Transco, Applicant expects to be able from time to time to meet its customers' requests for interruptible gas service. Such service has not been provided to some of these customers for a period of six to eight years as a result of the general decline in Transco's gas supply throughout the 1970's. On the basis of current information, Applicant states, it appears that the daily requirements of these customers will or may be in excess of the daily volume previously authorized by FPC certificate orders. To facilitate Applicant's ability to meet these requests for interruptible service and thereby avoid the necessity of repeatedly invoking the notice and reporting provisions of 18 CFR 157.45 to accomplish service to these customers, Applicant requests the Commission to supplement Applicant's existing authority to deliver gas to them. No additional facilities are necessary to render service at these levels, Applicant states.

It is stated further that certain of the indicated customers will be using natural gas to displace No. 2, No. 5 and/or No. 6 fuel oil, while others will use natural gas in place of propane. The City of Dover and the City of Easton are currently said to be exposed to servere curtailments by Applicant. They have advised Applicant that the interruptible gas contemplated by this application will be used in order to displace fuel oil. Applicant understands that the City of Dover and the City of Easton have filed requests for public interest exemptions from the requirements of the Powerplant and Industrial Fuel Use Act of 1978.

Several of the existing customers are said to qualify as essential agricultural users under Title IV of the Natural Gas Policy Act of 1978. By increasing the volumes which Applicant would be

authorized to deliver to these customers, Applicant would be better able to meet new Priority 2 (essential agricultural use) demands with less likelihood of *pro rata* curtailment of such users.

It is stated that on May 22, 1979, Transco, acting as agent for Applicant and others, entered into a gas sales agreement with Delhi, pursuant to which Applicant would receive up to 8,500 dekatherms per day equivalent of gas for a 12-month period commencing on or about June 1, 1979. Transco proposes to transport the Delhi gas for Applicant's account pursuant to Natural Gas Policy Act of 1978, Title III. Applicant would take delivery of the gas at its delivery points in Hockessin, Delaware, and Parksburg, Pennsylvania.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 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 otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22866 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-515]

Gulf Power Co.; Notice of Supplement

July 19, 1979.

The filing Company submits the following:

Take notice that on July 16, 1979, Gulf Power Company (Gulf) filed herein Supplement to its FERC Electric Tariffs providing for changes in loads for service by Gulf to Choctawhatchee Electric Cooperative, Inc., at Santa Rosa (Walton County), Florida. This tariff supplement is proposed to be effective for service commencing on June 15, 1979, and Gulf therefore requests waiver of the Commission's notice requirements to allow such effective dates.

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 August 10, 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. 79-22867 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-380]

National Fuel Gas Supply Corp.; Application

July 16, 1979.

Take notice that on June 22, 1979, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14240, filed in Docket No. CP79-380 an application pursuant to Section 7(c) of the National Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a meter and regulator station in order to maintain continuity of services to Applicant's principal sales customers, National Fuel Distribution Corporation (Distribution), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to install and operate a 6-inch office meter and 3-inch regulatory with a 6-inch relief valve on its Line U at Gunnville Station (Station LN-RS-40T) in northwestern New York State. The proposed facilities, Applicant indicates, are designed to coordinate with changes in Distribution's facilities which involve construction of its Line UM-3 which would extend from Applicant's Gunnville Station to the Billow Station and which would supply Batavia, New York and immediate area, now being supplied entirely through Distribution's P4-8-inch line but in lesser amounts. The proposed facilities would supply 20,640 Mcf of natural gas per day to the proposed UM-3 line of distribution.

Applicant estimates the total cost of the proposed facilities to be $20,860, which cost would be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 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 cvonvenience 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. 79-22868 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP71-107 and RP72-127]

Northern Natural Gas. Co.; Revised Tariff Sheets

July 18, 1979

Take notice that on July 10, 1979 Northern Natural Gas Company (Northern) filed Third Revised Volume No. 1 Substitute 19th Revised Sheet No. 4A and Original Volume No. 2 Substitute 19th Revised Sheet No. 1C. Northern states that these sheets are filed as required by Commisison Order of June 25, 1979. Northern states that these tariff sheets are filed in order to comply with Ordering Paragraph D of that Order. The tariff sheets have an effective date of June 27, 1979.

North states that copies of the tariff sheets, the explanatory statement and supporting schedules have been mailed to all of its interested customers and state commissions and that a copy of the filing is also available for inspection in Northern's office in Omaha, Nebraska.

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 N. 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 July 25, 1979. Protests will be considered by the Commisson 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. 79-22869 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-510]

Ohio Power Co.; Termination

July 18, 1979.

The filing Company submits the following:

Take notice that Ohio Power Company (OPCo) on July 13, 1979 tendered for filing a Notice of Termination of OPCo's Service Schedule G of Rate Schedule FERC No. 36 (Service Schedule G—Firm Power to the Dayton Power and Light Company (Dayton).

Prior written notice given by OPCo on November 12, 1976 under the terms of Service Schedule G provides for no service under the Schedule after May 31, 1979. Therefore, OPCo has requested that the Commission make the Notice of Termination effective any time after that date as provided in 18 CFR 35.15.

According to OPCo, copies of this filing have been served upon Dayton.

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, 125 N. Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 8, 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. 79-22870 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-514]

Ohio Power Co.; Notice of Agreement

July 19, 1979.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on July 16, 1979, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Supplement No. 7 dated June 15, 1979 to the Interconnection Agreement dated January 1, 1952, between Ohio and Ohio Edison Company, designated Ohio Rate Schedule FERC No. 25.

Subsection 4.11 of Supplement No. 7 provides a Demand Charge for Limited Term Power of $3.75 per kilowatt per month, and subsection 4.12 of Supplement No. 7 for a transmission charge for third party Limited Term Power transactions of $0.75 per kilowatt per month, proposed to become effective June 30, 1979. Applicant states that since the use of Limited Term Power cannot be accurately estimated, for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from this supplement for such period.

Copies of the filing were served upon Ohio Edison Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest said application with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, DC 20426, in accordance with Sections 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 August 10, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22871 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-517]

Ohio Power Co.; Proposed Changes

July 19, 1979.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on July 17, 1979, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Company), Modification No. 10 dated June 15, 1979 to the Interconnection Agreement dated December 1, 1963 (1963 Agreement), between Ohio Company and Columbus & Southern Ohio Electric Company (Columbus Company), designated Ohio's Company Rate Schedule FERC No. 32.

Modification No. 10 provides for participation by the parties in Economy Energy transactions involving systems

which are not parties to the 1963 Agreement.

Under the proposed Modification transactions with systems not a party to the 1963 Agreement between the parties would be priced, as was previously contemplated under the 1963 Agreement between the parties, on the basis of costs incurred, plus a sharing by all of the participants of the savings realized by the ultimate receiving system. Transmission losses are one of the costs incurred. Each system participating in an Economy Energy transaction other than as the supplying or receiving system would receive 15% of the savings and the supplying and ultimate receiving system would divide the remainder of the savings. Applicant states that the proposed 15% of savings allocated to each intermediate system was arrived at through negotiation and is intended to recognize that since Economy Energy transactions will depend upon the availability of Economy Energy, the need for another system for such energy and possible transmission restrictions, it is impossible to estimate the transactions and revenues resulting from the proposed service.

Copies of the filing were served upon Columbus & Southern Ohio Electric Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22872 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2689]

Scott Paper Co.; Application for Amendment of License

July 17, 1979.

Take notice that the Scott Paper Company filed on August 31, 1977, and supplemented on July 24, 1978, an application seeking Commission approval of serveral modifications to its constructed Oconto Falls Project No. 2689. The project is located on the Oconto River in the city of Oconto Falls, Oconto County, Wisconsin. Correspondence concerning the application should be sent to: Charles L. Gravett, III, Scott Paper Company, Law Division, Scott Plaza One, Philadelphia, PA 19113; and Bernard A. Foster, III, Nancy J. Hubbard, Ross, March & Foster, 730 15th St., NW, Washington, DC 20005.

On January 18, 1973, the Commission issued a minor license for the project, which included three powerhouses and four generating units with a total installed capacity of 1,070 kW. The project was in poor condition, and the applicant was ordered by the Commission to make repairs. Subsequently, the applicant reconstructed Powerhouse No. 2 and installed a used generating unit rated 1,500kW. The applicant also determined that Powerhouse No. 3 should be abandoned, and thereafter removed the structure. The project now consists of two powerhouses and two generating units with a total installed capacity of 1,860 kW.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the commission's Rules of Practice and Procedure ("Rules"), 18 CFR 1.10 or 1.8 (1978). 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 Sept. 4, 1979. The Commission's address is: 825 N. Capitol Street, NE, Washington, DC 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22873 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP73-114 (PGA79-2) et al.]

Tennessee Gas Pipeline Co.; Notice Granting Extension of Time

July 18, 1979.

On July 6, 1979, Tennessee Gas Pipeline Company filed a motion for extension of time for complying with Ordering Paragraph (B) of the Commission's June 29, 1979 order in these proceedings. The motion states the material required by Appendix A of the order may be voluminous and time consuming to prepare because Tennessee purchases gas under approximately 800 gas purchase agreements.

Upon consideration, notice is hereby given that an extension of time is granted to and including August 15, 1979 for Tennessee to comply with Ordering Paragraph (B).

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-22874 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-381]

Texas Gas Transmission Corp.; Application

July 16, 1979.

Take notice that on June 25, 1979, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP79-381 an application pursuant to Section 311(a)(1)(A)(ii) of the Natural Gas Policy Act of 1978 for approval to render a transportation service, on an interruptible basis, for the City of Murray, Kentucky (Murray), a resale customer of Applicant, and to construct and operate certain facilities necessary to perform such service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Pursuant to a transportation agreement, dated June 13, 1979, between Applicant and Murray, Applicant proposes to transport and deliver up to 250 Mcf of natural gas per day to Murray, which gas is produced from reserves in Hopkins County, Kentucky, and purchased by Murray from Har-Ken Oil Company. Applicant also proposes to construct and install a meter station and related equipment at or near Block Valve No. 46 on Applicant's No. 1, 26-inch pipeline near Nebo, Hopkins County, Kentucky, in order to effectuate the proposed transportation service. Applicant states that it would receive the volumes of gas it proposes to transport at the proposed meter station and would transport and deliver the gas to Murray at an existing meter station where Applicant makes deliveries to Murray. Applicant further states that the meter station would be owned and operated by Applicant, and that Murray would reimburse Applicant for the costs

associated with the construction and installation of such station. The estimated cost of the proposed facilities is $10,700.

Applicant states that it would charge Murray for the proposed transportation service an initial rate of 24.26 cents for each Mcf (at 14.73 psia) delivered to Murray.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1979, file with the Federal Energy Regulatory Commission, Washington, DC 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 determing 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. 79-22875 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP72-156, PGA 79-2]

Texas Gas Transmission Corp.; Filing of Revised Tariff Sheet

July 12, 1979.

Take notice that on June 15, 1979, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Twenty-Sixth Revised Sheet No. 7, to its FERC Gas Tariff, Third Revised Volume No. 1. The tariff sheet and supporting information are being filed pursuant to the Purchased Gas Adjustment Provisions set out in Section 23 of Texas Gas' tariff and § 10.5 pertaining to the recovery of demand charge adjustments. Also reflected are changes in the Louisiana First Use Tax pursuant to the provisions of Section 25 of Texas Gas' Tariff.

Texas Gas states that the Current Adjustment under the revised tariff sheet reflects rates payable to Texas Gas' suppliers as of August 1, 1979, in accordance with applicable price regulations under the Natural Gas Policy Act of 1978 (NGPA).

Copies of the revised tariff sheet and supporting data are being mailed to Texas Gas' jurisdictional customers and 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 July 23, 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. 79-22876 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-516]

The Washington Water Power Co.; Notice of Filing

July 19, 1979.

The filing Company submits the following:

Take notice that on July 17, 1979, the Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Letter Agreement" between Washington and San Diego Gas & Electric Company (San Diego) for the sale of capacity. Washington states that the capacity will be made available to San Diego during July and August 1979.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to July 1, 1979, adding that there would be no effect upon purchasers under other rate schedules.

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, DC 20426, in accordance with 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 August 13, 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. 79-22877 Filed 7-24-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OTS-00004; FRL 1281-6]

Administrator's Toxic Substances Advisory Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice of Open Meeting.

SUMMARY: There will be a meeting of the Premanufacturing Notification and Existing Chemical Subcommittees of the Administrator's Toxic Substances Advisory Committee (ATSAC) from 9:00 a.m. to 5:00 p.m. on Tuesday, August 14, 1979. The meeting will be held in Room 2117, Waterside Mall, EPA, 401 M Street S.W., Washington, D.C. and will be open to the public.

FOR FURTHER INFORMATION CONTACT: David J. Steinhardt, Interim, Administrative Officer, ATSAC, Office of Toxic Substances (TS-793), Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. Toll free telephone number (800) 424-9065. In Washington, D.C. call 755-4854.

SUPPLEMENTAL INFORMATION: The purpose of this meeting is to discuss matters related to EPA's implementation of the Toxic Substances Control Act (Pub. L. 94-469). The agenda includes discussion of:

1. Revised premanufacture notice form. In the near future EPA will repropose the notice form in the **Federal Register** for further public review and comment.

2. EPA's premanufacture notice review process.

3. Status of EPA's review of premanufacture notices received to date.

4. Other premanufacture issues.

5. EPA plans and programs regarding asbestos controls.

The meeting will be open to the public and time will be set aside for public comments. Any member of the public who wishes to present an oral or written statement should contact David J. Steinhardt at the address or phone numbers listed above.

Dated: July 17, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

[FR Doc. 79-22982 Filed 7-24-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 79-173; FCC 79-436]

Booth American Co.; Revocation of License

Adopted: July 12, 1979; Released July 20, 1979.

By the Commission: Commissioners Ferris, Chairman; and Quello absent.

In the matter of revocation of the license of Booth American Company, Stations WJLB and WMZK-FM, Detroit, Michigan:

1. The Commission has before it for consideration the outstanding licenses of the captioned licensee, Booth American Company, to operate Radio Stations WJLB and WMZK-FM, Detroit, Michigan, and the Commission's field inquiries concerning the operation of those stations.[1]

2. Information before the Commission raises the following questions:

(a) To determine whether and if so the extent to which, the licensee, or its employees, violated Sections 317 or 508 of the Communications Act of 1934, as amended;

(b) Whether, in light of all the facts and circumstances pertaining thereto, the licensee in its response to the Commission dated January 19, 1976, misrepresented facts to the Commission and/or was lacking in candor;

(c) Whether, in light of all the facts and circumstances pertaining thereto, the licensee formulated, issued and/or implemented meaningful employee conflict of interest policies and controls for both stations and, if so, whether the licensee took supervisory steps to ensure adherence to those policies and controls;

(d) Whether, and if so the extent which, the licensee's employees subordinated the public interest to their own private financial interests in their selection of programming content for WJLB and WMZK-FM;

(e) Whether, in light of the evidence adduced under questions (c) and (d), the licensee misrepresented facts to the Commission during the course of its investigation regarding the licensee's conflict of interest policies and controls and their implementation;

(f) Whether, in light of all the facts and circumstances pertaining thereto, the licensee relinquished non-delegable programming responsibilities to the WMZK-FM "foreign directors";

(g) Whether, and if so the extent to which, the licensee failed to maintain effective supervisory procedures to monitor the content of WMZK-FM's foreign language programming;

(h) Whether, in light of the information giving rise to the preceding questions, if found to be true, the licensee possesses the requisite qualifications to remain a licensee of the Commission.

3. Information relating to the above questions has come to the attention of the Commission since the grant of the renewal of licenses for WJLB and WMZK-FM. This information would, if substantiated, warrant a refusal to grant a license or permit or an original application, and raises serious questions, best resolved in a hearing, as to whether Booth American Company has the qualifications to be a licensee of the Commission.

4. Accordingly, IT IS ORDERED, That pursuant to the provisions of Section 312(a) (2) and (4) of the Communications Act of 1934, as amended, Booth American Company IS DIRECTED TO SHOW CAUSE why an Order revoking the licenses of WJLB and WMZK-FM, Detroit Michigan, SHOULD NOT BE ISSUED and to appear and give evidence as to the matters raised in paragraph two, at a hearing to be held at a time and location specified in a subsequent Order, that time to be no less than thirty (30) days from the receipt of the Order.

5. IT IS FURTHER ORDERED, That the Chief of the Broadcast Bureau is directed to serve upon Booth American Company a Bill of Particulars regarding the matters referred to in Questions (a) through (g) inclusive, set out in paragraph two, within thirty (30) days of the release of this Order.

6. IT IS FURTHER ORDERED, That pursuant to Section 312(d) of the Communications Act of 1934, as amended, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Broadcast Bureau.

7. IT IS FURTHER ORDERED, That to avail itself of the opportunity to be heard, the licensee pursuant to Section 1.91(c) of the Commission's Rules, in person or by attorney, shall file with the Commission within thirty days of the receipt of this Order to Show Cause a written appearance stating that he will appear at the hearing and present evidence on the matter specified in the Order. If the licensee fails to file an appearance within the time specified, the right of a hearing shall be deemed to have been waived. See Section 1.92(a) of the Commission's Rules. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the Order to Show Cause. See Section 1.92(b) of the Commission's Rules. In the event the right to a hearing is waived, the presiding Officer, or the Chief, Administrative Law Judge if no presiding officer has been designated, will terminate the hearing proceeding and certify the case to the Commision in the regular course of business and an appropriate Order will be entered. See Sections 1.92(c) and (d) of the Commission's Rules.

8. IT IS FURTHER ORDERED, That the Secretary of the Commission send a copy of this Order to Show Cause by Certified Mail—Return Receipt Requested to Booth American Company, Licensee of Radio Stations WJLB and WMZK-FM, Detroit, Michigan.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-22946 Filed 7-24-79; 8:45 am]

BILLING CODE 6712-01-M

[1] The Commission also has under consideration an application by Booth American Company to acquire control of the licensee of Television Station KGSC-TV San Jose, California (BTC-781030KE, filed October 30, 1978). Action on this application will be held in abeyance pending the conclusion of the hearing ordered herein. *Jefferson Radio Company, Inc.* v. *FCC*, 340 F. 2d 783 (D.C. Cir. 1964), *Walton Broadcasting Co.*, 28 FCC 2d 111 (1971) and *Bi-County Broadcasting Corporation*, 34 FCC 2d 117 (1972).

[Report No. A-3]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: July 20, 1979.

Cutoff Date: August 31, 1979.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They are potentially eligible for funding from the National Telecommunications and Information Administration (NTIA). They will be considered to be ready and available for processing after August 31, 1979. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 31, 1979, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not

later than the close of business on August 31, 1979.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on August 31, 1979.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPED-790427AC: New Watertown, New York, St. Lawrence Valley Ed.,TV Council, Inc.; Req: 89.5 MHz: Channel No. 20BC; Erp: 4 kw; Haat: 1,150 Ft.

BPED-790608AN: WVBU-FM Lewisbutg, Pennsylvania, Bucknell University; Has: 90.5 MHz; Channel No. 213DS; Erp: .01 kw; Haat: Ft. (Lic.); Req: 90.5 MHz; Channel No. 213B; Erp: 11.1 kw; Haat: 148 Ft.

[FR Doc. 79-22945 Filed 7-24-79; 8:45 am]

BILLING CODE 6712-01-M

[FCC 79-438; BC Docket No. 79-172; File Nos. BR-1672 and BRH-918]

WHAV Broadcasting Co., Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: July 12, 1979.

Released: July 20, 1979.

By the Commission: Commissioner Ferris, Chairman; and Quello absent.

In the matter of applications of WHAV Broadcasting Company, Inc., Radio Stations WHAV-AM-FM, Haverhill, Massachusetts, for renewal of licenses; *Memorandum opinion and order.*

1. The Commission has before it for consideration the above-captioned applications and its inquiries into the operation by WHAV Broadcasting Company, Inc., of Radio Stations WHAV-AM-FM, Haverhill, Massachusetts.

2. Information before the Commission raises serious questions as to whether the captioned applicant possesses the qualifications to be or to remain a licensee of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity and must, therefore, designate the applications for hearing.

3. Accordingly, IT IS ORDERED, That the captioned applications ARE DESIGNATED FOR A CONSOLIDATED HEARING pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether, and if so the extent to which, the licensee made misrepresentations to the Commission in its current renewal applications and during the field investigations regarding the employment duties and responsibilities of its assistant general manager.

(b) To determine whether, and if so the extent to which, the licensee violated Section 73.125 of the Commission's Rules by discriminating against female employees in regard to its personnel policies and practices and in working conditions.

(c) To determine whether, and if so the extent to which, the licensee subsequent to the Commission's initial field investigation harassed and otherwise made reprisals against female employees whom it suspected had cooperated with the Commission staff during the course of the investigation.

(d) To determine, in light of the evidence adduced under the preceding issues, whether the licensee possesses the requisite qualifications to be or remain a licensee of the Commission, and whether a grant of the captioned applications would serve the public interest, convenience and necessity.

4. IT IS FURTHER ORDERED, That the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a bill of particulars with respect to issues (a) through (c).

5. IT IS FURTHER ORDERED, That the Broadcast Bureau proceed with the initial presentation of evidence with respect to issues (a) through (c), and that the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its applications would serve the public interest, convenience and necessity.

6. IT IS FURTHER ORDERED, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to Section 1.221 of the Commission's Rules, in person or by its attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. IT IS FURTHER ORDERED, That the applicant herein pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by Section 1.594(g) of the Rules.

8. IT IS FURTHER ORDERED, That the Secretary of the Commission send copies of this Order by Certified Mail—Return Receipt Requested to WHAV Broadcasting Company, Inc., licensee of Radio Stations WHAV-AM-FM, Haverhill, Massachusetts.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-22947 Filed 7-24-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 79-72]

Cargill, Inc. v. Waterman Steamship Corp.; Filing of Complaint

Notice is given that a complaint filed by Cargill, Incorporated against Waterman Steamship Corporation was served July 19, 1979. Complainant alleges that respondent assesses lower rates from river ports to ports in India than from Gulf of Mexico ports to ports in India for shipments of bulgar in violation of sections 16 First and 17 of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before January 19, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 79-22952 Filed 7-24-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-73]

Conference Authority to Publish Drayage Charges at Port of New York; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by the West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference. Petitioner seeks an order declaring that the Conference has authority under its basic agreement, FMC No. 2846, to establish, maintain, modify, or eliminate charges for the drayage of cargo between member lines' ocean terminals and the Conrail Portside Terminal at the Port of New York.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101 or may inspect the petition at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested persons may submit replies to the petition to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 on or before August 13, 1979. An original and fifteen copies of such replies shall be submitted and a copy thereof served on petitioner. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition.

Francis C. Hurney,

Secretary.

[FR Doc. 79-22951 Filed 7-24-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-70]

E. I. du Pont de Nemours & Co. v. Sea-Land Service, Inc.; Filing of Complaint

Notice is given that a complaint filed by E. I. du Pont de Nemours & Company against Sea-Land Service, Inc. was served July 19, 1979. Complainant alleges that respondent has overcharged it for ocean freight in violation of the Shipping Act, 1916 (46 U.S.C. 817).

Hearing in this matter, if any is held, shall commence on or before January 19, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necesary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 79-22953 Filed 7-24-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-71]

Saipan Shipping Co., Inc. v. Asiatic Intermodal Seabridge, S.A., et al.; Filing of Complaint

Notice is given that a complaint filed by Saipan Shipping Co., Inc. against Asiatic Intermodal Seabridge, S.A., Cabras Marine Corp., Malayan Towage & Salvage Co., China-Pacific Intermodal, Ltd., China-Pacific, S.A., Transpac Marine, S.A., Pacific Logistics, S.A., Island Navigation Co., Ltd. and Oceania Line, Inc. was served July 19, 1979. Complainant alleges that respondents, pursuant to an agreement not filed with the Federal Maritime Commision, operated and are operating as common carriers by water in the United States commerce in the trade between Guam and the Northern Mariana Islands without having effective tariffs on file in violation of section 14, 15, 16, 17, and 18 of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before January 19, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 79-22954 Filed 7-24-79; 8:45 am]

BILLING CODE 6730-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on July 19, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before August 13, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Civil Aeronautics Board

The CAB requests clearance of new application requirements contained in Part 324, Procedures for Compensating Air Carriers for Losses, of the Board's Procedure Regulations which govern the determination of compensation for losses under section 419(a)(6) of the Airline Deregulation Act of 1978 (Pub. L. 95-504). Section 324.2 outlines the contents that must be included in an "Application for Compensation for Losses" which a carrier must file to receive compensation for losses incurred in complying with a Board order to continue to provide essential air service to a community. Section 324.9 sets forth procedures whereby the Board, upon its own initiative, or a "Petition for Advance Compensation for Losses" filed by a carrier, may order advance payments for a carrier's future losses (projected for continued service to a community) subject to adjustment upon determination of the final rate. The CAB estimates that respondents will be approximately 35 U.S. Scheduled Air Carriers and that reporting burden for filing an application for compensation for losses will average 28 hours per application, and reporting burden for filing a petition for advance compensation for losses will average 12 hours per application.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-22917 Filed 7-24-79; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

Regional Public Advisory Panel of Architectural and Engineering Service; Meeting

Pursuant to Pub. L. 92-463, Notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 2, 26 Federal Plaza, New York, New York on August 14 and August 15, 1979 starting at 9 a.m., in Room 305-B.

The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of Architect-Engineers under consideration for selection to furnish Supplemental Architect-Engineer Services under five (5) separate multiple award one year contracts covering the following areas in Region 2.

1. New Jersey

2. Western Portion of New York State
3. Eastern Portion of New York State, Puerto Rico and the Virgin Islands
4. Borough of Manhattan of New York, New York
5. New York City (Excluding Manhattan) and Long Island.

The meeting will be open to the public.

Dated: July 19, 1979.

Gerald J. Turetsky,

Regional Administrator.

[FR Doc. 79-22880 Filed 7-24-79; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Advisory Committee; 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 August 1979:

Name: Agenda Planning Subcommittee of the National Council on Health Planning and Development
Date and Time: August 13, 1979, 10:00 a.m.-12:30 p.m.
Place: West Building, Room 1103, 840 North Lake Shore Drive, Chicago, Illinois 60611
Open for entire meeting.

Purpose. The objectives of the Agenda Planning Subcommittee are to (1) assist the Chairperson in planning the order and timing of agenda topics for full Council consideration and action to assure that the Secretary will receive advice and/or recommendations on each of its three areas of functional responsibilities under section 1503(a) in an appropriate time and manner; (2) coordinate information about and among subcommittee activities and plans; and (3) provide preliminary review of proposed changes in Council operations.

Agenda. The Subcommittee will plan the agenda for the September 14 meeting of the National Council on Health Planning and Development, and make preliminary plans for the November 8-9 meeting to be held in Los Angeles. In addition, the Subcommittee will discuss plans for a joint meeting in the Fall with representatives from the National Professional Standards Review Council. Finally, the Subcommittee will consider requests for individuals or organizations wishing to make a brief presentation before the Council.

Any individuals or organizations or group of organizations wishing to make a brief presentation to the Council should write to Mrs. Sally Berger, Chairperson, National Council on Health Planning and Development, 180 N. LaSalle Street, Suite 1521, Chicago, Illinois 60601, identifying the subject and including a brief discussion of the points to be covered. Requests received before or by August 6 will be considered on August 13 by the Agenda Planning Subcommittee. Requests received later will be considered at the October meeting of the Subcommittee.

Anyone requiring information regarding the subject Subcommittee should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782. Telephone (301) 436-7175.

Agenda items are subject to change as priorities dictate.

Dated: July 19, 1979.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 79-22914 Filed 7-24-79; 8:45 am]

BILLING CODE 4110-83-M

Office of Human Development Services

[Program Announcement No. 13612-791]

Administration for Native Americans; Program Announcement

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Extension of Closing Date to Announcement of Availability of Grant Funds for A Native Hawaiian Economic Development Project in the State of Hawaii.

SUMMARY: The Administration for Native Americans announced, in the **Federal Register** of June 5, 1979 (44 FR 109), that applications would be accepted for grants under Section 803 of the Native Americans Programs Act of 1974, Pub. L. 93-644, as amended in 1978 by Pub. L. 95-568. Regulations governing this program are published in the *Code of Federal Regulations* in 45 CFR Part 1336.

DATES: The closing date for the applications is hereby extended from July 30, 1979 to August 13, 1979 in order to provide added opportunity for potential grantees to prepare and submit quality project proposals.

(Catalog of Federal Domestic Assistance Program Number: 13-612, Native American Programs)

Dated: July 18, 1979.

David T. Raisen,

Acting Commissioner, Administration for Native Americans.

Approved: July 20, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

[FR Doc. 79-22944 Filed 7-24-79; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

July 16, 1979.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the

Santee Tribe, White Oak Indian Community, Route 1, Box 34M, Holly Hill, South Carolina 29059

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 June 4, 1979. The petition was forwarded and signed by Hudson Crummie.

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. 20242.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 79-22913 Filed 7-24-79; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[U-25683]

Coal Lease Offering by Sealed Bid and Oral Auction

July 13, 1979.

U.S. Department of the Interior, Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. Notice is hereby given that the lands hereinafter described in Carbon County, Utah, will be offered for coal lease by sealed bid of $25 per acre minimum bonus followed by oral auction to the qualified bidder of the highest cash amount per acre or fraction thereof, as a bonus for the privilege of leasing the lands in accordance with the provisions of Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. Sections 181–263), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 2:00 p.m., M.D.T., August 8, 1979, in Room 1408 of the University Club Building. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time, and place set for the opening of such bids.

Lands Offered: The land is located in the Book Cliffs Known Recoverable Coal Resources Area in Carbon County, Utah, approximately four miles north of Helper, Utah. The surface overlying the coal is federally owned and is within the area administered by the Moab District Office.

The lands are described as follows:

T. 12 S., R. 9 E., SLM, Utah
Sec. 25, lots 3, 4, SW¼, W½SE¼;
Sec. 26, E½E½.
T. 12 S., R. 10 E., SLM, Utah
Sec. 28, S½;
Sec. 29, NW¼SW¼, E½SE¼;
Sec. 30, lots 3, 4, E½SW¼, N½SE¼, SW¼SE¼.

Containing 1,172.71 acres.
(Bonus must be computed on the basis of 1,173 acres.)

Coal exists in the lower half of the Blackhawk Formation, which is the middle unit of the Upper Cretaceous Mesaverde Group. Four coal beds (Castlegate 'A', Castlegate 'C', Kenilworth, and Castlegate 'D' in ascending order) underlie the offered area in minable thickness (greater than or equal to 4 feet). Recoverable reserves from the four beds are estimated to be 21,600,000 tons. As received, the coal is expected to average approximately 13,200 Btu per pound and generally less than .5 percent sulfur and less than 9 percent ash. Little difference exists between coal from one bed to the next. The coal would be classified as high-volatile A and B bituminous under ASTM specification D388–66.

Public Comments: The public is invited to submit written comments concerning the fair market value of the offered coal reserves to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be reviewed and taken into consideration in the determination of fair market value for the offered lands. Comments should address specific factors related to fair market value including: the quantity and quality of the coal resource, the estimated market value of the coal, the estimated cost of producing the coal, the expected rate of industry return, the appropriate discount rate for use in calculating present value along with probable timing and rate of production, the value of the surface estate, and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3525.8(b). Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to the State Director, *Utah State Office,* Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111, and to the Regional Conservation Manager, Conservation Division, Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225, to arrive no later than August 1, 1979.

Rental and Royalty: A lease issued as a result of this offer will provide for payment of an annual rental of $3 per acre or fraction thereof. The high bidder shall have the option of acquiring the lease at the escalated royalty rate of 10.4 percent with the successful bonus bid; or acquiring the lease at the standard royalty rate of 8 percent and a bonus of $2,095.35 per acre plus the successful bonus bid less $25.00 per acre, as determined in accordance with 30 CFR 211.63.

Detailed Statement: A detailed statement of the terms and conditions of the lease offer and bidding instructions may be obtained from the Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. The successful bidder is obligated to pay for the newspaper publications of this notice.

William G. Leavell,
Associate State Director.

[FR Doc. 79-22359 Filed 7-24-79; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Intent To Negotiate for Supplemental Irrigation Water Service Contracts; Boysen Unit, Pick-Sloan Missouri Basin Program, Wyoming

The Department of the Interior, through the Bureau of Reclamation, intends to begin negotiations with Harley L. Bower, L. U. Sheep Company, and W. L. Culbertson, all of Worland, Wyoming, for long-term supplemental irrigation water service from Boysen Reservoir, a storage feature of Boysen Unit, Pick-Sloan Missouri Basin Program. The proposed contracts will be drafted pursuant to section 9(e) of the Reclamation Project Act of August 4, 1939 (53 Stat. 1186).

These entities have established irrigation operations for which temporary supplemental water service contracts for Boysen Unit storage have been previously required. Harley L. Bower has been contracting on an annual basis since 1974 for 500 acre-feet of water to irrigate 144 acres. L. U. Sheep Company has also been contracting annually since 1974 for 180 acre-feet of water to irrigate 60 acres. W. L. Culbertson has been contracting annually since 1977 for 77 acre-feet of water to irrigate 22 acres.

The United States would deliver water at the outlet works of Boysen Dam, and all costs associated with the carriage and distribution of water to the individual contractor's land would be the responsibility of the contractor. The contractors would be required to pay an appropriate share of the Boysen Unit's annual operating costs and a service charge for water storage and regulation.

The public is invited to submit written comments on the form of the proposed contracts not later than 30 days after the completed contract drafts are declared to be available to the public.

For further information on scheduled negotiations and copies of the proposed contract form, please contact Mr. William E. Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, Bureau of Reclamation, P.O. Box 2553, Billings, Montana 59103, telephone (406) 657–6413.

Dated: July 17, 1979.

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-22696 Filed 7-24-79; 8:45 am]

BILLING CODE 4310-09-M

Colusa Basin Drain, Central Valley Project, California; Intent To Initiate Contract Negotiations for a Combination Water Right Settlement and Water Service Contract

The Department of the Interior, through the Bureau of Reclamation, intends to open contract negotiations with water users on Colusa Basin Drain to resolve water rights issues and provide a basis for charging for Central Valley Project (CVP) water which is currently being diverted without reimbursement. A major portion of the water diverted by the water users from Colusa Basin Drain should have been available to downstream water right holders but has been replaced in the Sacramento River with CVP water without remuneration to the United States. In addition to the above quantity, a small portion of the water supply in the drain is return flow from CVP water which has been used for irrigation by Sacramento River diverters under contract with the United States and for which the United States claims all rights. The United States should be reimbursed for both of these portions of water diverted from the Colusa Basin Drain. Letters will be mailed to each water user on the Colusa Basin Drain notifying them of our intention to begin contract negotiations.

Our intitial negotiations will be to contract with approximately 60–70 water users along Colusa Basin Drain to provide approximately 88,000 acre-feet of CVP water and to recognize 86,000 acre-feet of diverters' water rights water. A portion of the CFP water supply has been allocated to the Colusa Basin Drain contracting program. This portion was recognized in both the reanalysis of the firm project yield and also in the Secretary of the Interior's decision to help protect water quality in the Sacramento-San Joaquin Delta. As the United States does not intend to import CVP water into the drain, it will not guarantee the adequacy of a physical water supply in the drain. All contract terms and conditions including the water rate, water readjustment procedures, excess land laws, and rules and regulations will be consistent with current water marketing policies.

The public is invited to observe the negotiating sessions and to submit written comments on the form of proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. The Commissioner of Reclamation will review the comments submitted and based on the number, source, and nature of the comments will decide whether to hold a public hearing.

All meetings scheduled by the Bureau of Reclamation with a potential contractor for the purpose of discussing terms and conditions of a proposed contract shall be open to the general public as observers.

Advance notice of meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any meeting. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the freedom of Information Act (80 Stat. 383), as amended.

For further information, please contact: Mrs. Betty Riley, Repayment Specialist, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484–4620.

Dated: July 17, 1979

R. Keith Higginson,

Commissioner of Reclamation.

[FR Doc. 79-22697 Filed 7-24-79; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

Bus Service to Jefferson National Expansion Memorial; Public Meeting Workshops Concerning Proposed Bus Service to the Gateway Arch and Old Courthouse in St. Louis

In accordance with Title III of Public Law 95–344, 92 Stat. 477, 16 U.S.C. Section 2301 et seq. (1978), announcement is made of a proposed pilot program of bus service to Jefferson National Expansion Memorial National Historic Site. The public law authorizes the implementation of pilot transportation programs designed to provide urban residents better access to units of the National Park System.

In connection with the proposed service to the Memorial, the public is invited to offer its ideas and suggestions at a series of workshop meetings. The schedule of meetings:

Tuesday, August 7, 1979—Southern Illinois University, Edwardsville, Illinois, 1:30 p.m. (CDT).

Wednesday, August 8, 1979—The Gateway Arch, St. Louis, Missouri, 7:30 p.m. (CDT).

Thursday, August 9, 1979—St. Louis County Public Library, 1640 S. Lindbergh Boulevard, St. Louis County, Missouri, 7:30 p.m. (CDT).

The subject of the workshops will be proposed bus service to Jefferson National Expansion Memorial, including the Gateway Arch and Old Courthouse. Bus service in the St. Louis metropolitan area is provided by Bi-State Development Agency. The National Park Service will fund a pilot program to enable the Agency to provide service to the Memorial for area residents who otherwise would have little or no means of getting there. The Service and the Agency are seeking ideas on the best way to do this, including what routes to use, termination points, what days of the week and what times of day to provide service, and what members of the public need and want a means to reach the Memorial. The public is invited to suggest answers to these questions and any others related to the proposed bus service.

Each of the three workshops will be open to the public. Anyone may file a written statement with the individual listed below. Statements will be accepted through August 9.

All communications or requests for additional information should be addressed to the Superintendent, Jefferson National Expansion Memorial, 11 North Fourth Street, St. Louis, Missouri 63102. Telephone (314) 425–4468.

Dated: July 18, 1979.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 79-22964 Filed 7-24-79; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-69]

Certain Airtight Cast-Iron Stoves; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: July 18, 1979.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 79-22990 Filed 7-24-79; 8:45 am]

Billing Code 7020-02-M

[Investigation No. 337-TA-70]

Certain Coat Hanger Rings; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: July 19, 1979.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 79-22989 Filed 7-24-79; 8:45 am]

BILLING CODE 7020-02-M

[TA-406-5]

Anhydrous Ammonia From the U.S.S.R.; Investigation and Hearing

Investigation instituted. Following receipt of a petition on July 11, 1979, filed on behalf of twelve U.S. producers and one U.S. distributor of anhydrous ammonia, the U.S. International Trade Commission on July 18, 1979, instituted an investigation under section 406(a) of the Trade Act of 1974 (19 U.S.C. 2436) to determine, with respect to imports of anhydrous ammonia provided for in items 417.22 and 480.65 of the Tariff Schedules of the United States which are the products of the Union of Soviet Socialist Republics (U.S.S.R.), whether market disruption exists with respect to merchandise produced by a domestic industry. Section 406(e)(2) of the Trade Act defines market disruption to exist within a domestic industry if "imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry."

Public hearing. A public hearing in connection with this investigation will be held in Washington, D.C., at 10:00 a.m., e.d.t., on Wednesday, August 29, 1979. The hearing will be held in the Hearing Room, United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. All parties will be given an opportunity to be present, to produce evidence, and to be heard at the hearing. Requests to appear at the hearing should be received in writing in the Office of the Secretary of the Commission not later than 5:00 p.m., Friday, August 24, 1979.

Written statements. Interested parties may submit statements in writing in lieu of, and in addition to, appearing at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received not later than Monday, September 10, 1979.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission and at the New York City office of the Commission located at 6 World Trade Center.

By order of the Commission.

Issued: July 19, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-22991 Filed 7-24-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Consent Judgment in United States v. Borden, Inc., Coleman Dairy, Inc., and Dean Foods Co., Inc., 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 a competitive impact statement as set out below have been filed with the United States District Court for the Eastern District of Arkansas, Western Division, in Civil Action LR-C-77-108, *United States* v. *Borden, Inc.; Coleman Dairy, Inc.; and Dean foods Products Company, Inc.* The complaint alleged that the defendants and co-conspirators had engaged in a combination and conspiracy to submit collusive and rigged bids to government agencies, school districts, and other institutions, and to fix stabilize, and maintain the wholesale list prices of dairy products sold in central Arkansas. The proposed judgment prohibits the defendants from entering into or maintaining any agreement or understanding to raise, fix, stabilize or maintain the prices of dairy products produced or marketed in Arkansas, or to submit collusive or rigged bids or price quotations to any purchaser of dairy products in Arkansas. The jugment also requires that each defendant, once a year for the next five years, conduct an audit of its operations to determine compliance with the Final Judgment.

Each year a report of the findings of the audit must be submitted to the Court, the United States and to responsible officers of the defendants. Public comment is invited within the statutory 60 day comment period. Comments should be directed to Barry F. McNeil, Chief, Antitrust Division, Department of Justice, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242.

Dated: July 13, 1979.

Charles F. B. McAleer,

Special Assistant for Judgement Negotiations, Office of Operations, Antitrust Division.

U.S. District Court, Eastern District of Arkansas, Western Division

United States of America, Plaintiff, v. *Borden, Inc.; Coleman Dairy, Inc.; and Dean Foods Products Company, Inc.,* Defendants.

Civil No. LR-C-77-108.

Filed: July 13, 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 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: July 13, 1979.

For the Plaintiff: John H. Shenfield, *Assistant Attorney General;* William E. Swope, Barry F. McNeil, Charles F. B. McAleer, *Attorneys, Department of Justice.*

For the Defendants: Nathan P. Eimer, *Attorney for Borden, Inc.,* Charles R. Hoover, *Attorney for Coleman Dairy, Inc.,* Richard P. Campbell, *Attorney for Dean Food Products Company, Inc.,* (unsigned), *United States Attorney,* Sandra W. Cherry, *Assistant United States Attorney,* Alan A. Pason, J. Michael Weston, *Attorneys, Department of Justice, U.S. Department of Justice, Antitrust Division, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242, (214) 749-1275.*

U.S. District Court, Eastern District of Arkansas, Western Division

United States of America, Plaintiff, v. *Borden, Inc.; Coleman Dairy, Inc., and Dean Foods Products Company, Inc.*, Defendants.

Civil No. LR-C-77-108.

Filed: July 13, 1979.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on April 22, 1977, and plaintiff and defendants, by their respective attorneys, having each consented to the making and 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 admission by plaintiff or defendants, or any of them, in respect to any such issue;

NOW, THEREFORE, before any testimony has been taken herein and without trial of adjudication of any issues of fact or law herein, and upon consent of the parties as aforesaid, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Complaint states claims upon which relief may be granted against the defendants under Section One of the Sherman Act, 15 U.S.C. 1.

II

As used in this Final Judgment:

(A) "Person" shall mean any individual, corporation, partnership, firm, association, or other business or legal entity.

(B) "Dairy products" means fluid pasteurized and homogenized milk, two percent milk, skim milk, chocolate milk, buttermilk, whipping and table cream, half and half, sour cream, yogurt, cottage cheese, ice cream and ice milk, and butter; and in addition means related products which are not processed from raw milk but which are regularly marketed by dairies such as margarine, non-dairy creamers, orange and other fruit drinks, sherbet, popsicles, and other frozen novelties.

(C) "Dairy" means any person which produces dairy products or which sells and distributes dairy products to customers such as grocery stores, restaurants, hotels, schools, hospitals, military installations or other government agencies.

(D) "Defendant" means defendants Coleman Dairy, Inc.; Dean Foods Products Company, Inc.; and Borden, Inc.

III

The provisions of this Final Judgment are applicable to Coleman Dairy, Inc.; Dean Foods Products Company, Inc.; and Borden, Inc., when acting through the Dairy & Services Division of Borden, Inc.; and to any successor entity thereto and to the parents, subsidiaries, successors and assigns, directors, officers, agents and employees of each such defendant and to all 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.

IV

Each defendant is enjoined and restrained from directly or indirectly:

(A) Entering into, maintaining or furthering any contract, agreement, understanding, combination or conspiracy to raise, fix, stabilize or maintain the prices of dairy products produced or marketed in the State of Arkansas; and,

(B) Entering into, maintaining or furthering any contract, agreement, understanding, combination or conspiracy to submit collusive or rigged bids, or collusive or rigged price quotations to any purchaser of dairy products in the State of Arkansas.

V

Each defendant is enjoined and restrained from communicating to or exchanging with any other dairy any actual or proposed prices, price lists, price changes, or other terms or conditions of sale at or upon which any dairy product is to be or has been sold in the State of Arkansas. *Provided, however,* That a defendant may (a) communicate such information with a person acting as a distributor of the defendant's dairy products pursuant to a bona fide distributorship agreement; and (b) solely in connection with a proposed or actual bona fide sales transaction, quote to any person a price and other applicable terms and conditions of sale for a specific dairy product.

VI

Each Defendant is ordered and directed to:

(A) Furnish within thirty (30) days after the date of entry of this Final Judgment, a copy therof to each of its officers and directors, and to each of its employees and agents who have any responsibility for the pricing or sale of dairy products in the State of Arkansas.

(B) Furnish a copy of this Final Judgment to each successor to those officers, directors, employees, or agents described in Paragraph (A) of this Section, within thirty (30) days after such successor is employed by or becomes associated with such defendant.

(C) File with this Court and with plaintiff within sixty (60) days after the date of entry of its Final Judgment, an affidavit as to the fact and manner of its compliance with Paragraph (A) of this Section; and

(D) Obtain, from each officer, director, employee and agent served with a copy of this Final Judgment pursuant to Paragraph (A) of this Section, and from each successor to each such officer, director, employee and agent served with a copy of this Final Judgment pursuant to Paragraph (B) of this Section, a written statement evidencing such person's receipt of a copy of this Final Judgment, and to retain such statements in its files.

VII

(A) Once each year, for a period of five (5) years, each defendant shall conduct an audit of its operations to determine compliance with the provisions of this Final Judgment. The scope of the audit shall include all dairy plants and sales offices which are involved in the production or marketing of dairy products in the State of Arkansas. The auditors must be given complete cooperation by all personnel of defendants and shall be given access to all books and records of the defendants.

(B) A detailed description by each defendant as to how the audit will be conducted is to be submitted to the Court and to the plaintiff for approval prior to the initial audit.

(C) As soon as practicable after the anniversary date of this Final Judgment, a report of the findings of the audit shall be filed with the Court, the plaintiff, and submitted to responsible officers of defendants.

VIII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justic shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the prossession or under the control of such defendant, who may have counsel present, 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, employees and agents or such defendants, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VIII 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 the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under 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 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 that defendant is not a party.

IX

Jurisdiction is retained 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 this Final Judgment or for the modification of any of the provisions herein, and for the enforcement or compliance therewith and punishment of any violation of any of the provisions contained herein.

X

The entry of this Final Judgment is in the public interest.

Dated this —— day of ————, 1979.

United States District Judge.

In the District Court of the United States, Eastern District of Arkansas, Western Division

United States of America, Plaintiff, v. *Borden, Inc.; Coleman Dairy Inc.; and Dean Foods Products Company, Inc.*, Defendants.

Civil No. LR-C-77-108.

Filed: July 13, 1979.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)), the United States of America hereby 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 April 27, 1977, the United States filed a complaint under Section 4 of the Sherman Act (15 U.S.C. 4), alleging that beginning at least as early as February 1971, and continuing until sometime in or around June 1976, the defendants and co-conspirators had engaged in a combination of conspiracy to submit collusive and rigged bids to government agencies, school districts, and other institutions, and to raise, fix, stabilize, and maintain the wholesale list prices of dairy products sold in central Arkansas, in violation of Section 1 of the Sherman Act (15 U.S.C. 1). The complaint requested that the Court rule the defendants had been engaged in an unlawful conspiracy in violation of Section 1 of the Sherman Act (15 U.S.C. 1) and to issue an injunction prohibiting its continuance.

Entry by the Court of the proposed Final Judgment will terminate this action against all defendants. The Court will retain jurisdiction over the matter for any further proceedings which might 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 Involved in the Alleged Violation

The defendant dairies and co-conspirators are engaged in the production and sale of dairy products in the State of Arkansas. Defendant Borden, Inc.'s dairy is located in Little Rock, Arkansas. Defendant Coleman Dairy, Inc.'s dairy is also located in Little Rock, Arkansas; and defendant Dean Foods Products Company, Inc. operates dairies at Conway, Arkansas, and Memphis, Tennessee. These defendant corporations are the largest dairies in the State of Arkansas, and their combined sales in the State of Arkansas in 1975 exceeded $45 million.

The complaint alleges that the defendants engaged in a conspiracy to submit collusive and rigged bids to government agencies, school districts and other institutions in central Arkansas, and to raise, fix, stabilize and maintain the wholesale list prices of dairy products in central Arkansas. The conspiracy involved meetings, discussions and agreements among officials of defendants and co-conspirators concerning bids to be submitted to various institutions and concerning wholesale list prices.

According to the complaint, the conspiracy had the following effects: (a) the prices of dairy products in central Arkansas were raised, fixed and maintained at artificial and non-competitive levels; (b) purchasers of dairy products were deprived of the benefits of free and open competition; and (c) competition among the defendants and co-conspirators was restrained.

III

Procedural History

On August 29, 1977, the Government's complaint and those of certain private plaintiffs, including the State of Arkansas, were consolidated. At the same time, the Court stayed all discovery pending the conclusion of *United States* v. *Borden, Inc. et al.* (LR-CR-77-80), a criminal action which named, among others, the defendant corporations. On December 27, 1977, the criminal action was terminated when the Court sentenced the remaining defendants on their pleas of *nolo contendere*. After termination of the criminal case the Court lifted the stay on discovery. The United States has continued to be a party to the consolidated action, but has been prohibited by order of the Court from participating in discovery.

IV

Explanation of the Proposed Consent Judgment

The United States and the defendants have agreed that a Final Judgment in the form negotiated by the parties may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, provided the plaintiff has not withdrawn its consent. The Stipulation provides that there has been no admission with respect to law or fact. Under the provisions of Section 2 (e) of the Antitrust Procedures and Penalties Act, entry of the Judgment is conditioned upon a determination by the Court that it is in the public interest.

A. *Prohibited Conduct.* The proposed Judgment enjoins each defendant from entering into, maintaining or furthering any contract, agreement, understanding, combination of conspiracy to raise, fix, stabilize or maintain the prices of dairy products, or to submit collusive or rigged bids, or collusive or rigged price quotations to any purchaser of dairy products. Each defendant is further restrained from communicating to or exchanging with any other dairy any actual or proposed prices, price lists, price changes, or other terms or conditions of sale of dairy products. However, a defendant may communicate such information to bona fide distributors, and in connection with a proposed or actual bona fide sales transaction with another dairy.

B. *Scope of the Proposed Judgment.* The Final Judgment applies not only to the defendants but also to their parents, subsidiaries, successors and assigns, directors, officers agents, and employees. It also applies to all persons, in active concert or participation with any defendant, who receive actual notice of the Final Judgment.

Even though defendant Borden, Inc. and Dean Foods Products Company, Inc. do business outside the State of Arkansas, the Judgment is limited geographically to the State of Arkansas, as was the conspiracy. The Judgment is not limited in the time that the restraints imposed apply. Therefore, unless the Court either modifies or vacates all or part of the Judgment, the defendants are forever bound by its prohibitions.

C. *Other Relief.* Further, for a period of five years after the entry of the Judgment, each defendant must each year conduct an audit of its operations to determine its compliance with the provisions of the Final Judgment. A detailed description of how each defendant will conduct the audit must be submitted to the Court and United States for approval prior to the initial audit. Each year, as soon as practicable after the anniversary date of the entry of the Judgment, a report of the findings of the audit shall be filed with the Court, with the United States and submitted to responsible officers of defendants.

D. *Effect of the Proposed Judgment.* The terms of the Judgment are designed to insure that each defendant will act completely independently in determining the prices, and terms and conditions at which it sells or offers to sell dairy products in the State of Arkansas. Compliance with the proposed Judgment will ensure competition among the defendants in the sale of dairy products.

It is the opinion of the Department of Justice that the proposed Final Judgment contains fully adequate provisions to prevent the continuance or recurrence of the violations of the antitrust laws charged in the complaint. The United States is also given access, upon reasonable notice, to the records and employees of the defendants to monitor their compliance with the provisions of the Final Judgment. In the Department of Justice's view, disposition of the lawsuit without further litigation is appropriate in that the proposed Judgement provides all the relief which the United States sought in its complaint.

Alternatives to the Proposed Consent Judgment

The Proposed Final Judgment is substantially in the form submitted initially to the defendants.

VI

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 suffered, as well as costs and reasonable attorney fees. Suits have been filed against defendants in the Eastern District of Arkansas alleging violations of the antitrust laws similar to those found in the United States' complaint. These private plaintiffs have been granted discovery of much of the material developed by the United States in the course of the investigation which led to the companion criminal action and already have been substantially assisted by the Government's efforts. *United States* v. *Borden, Inc.* (LR–CR–77–80). Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), this Final Judgment has no *prima facie* effect in any lawsuits which have been, or may be brought against these defendants.

VII

Procedures Available for Modification of the Proposed 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 Barry F. McNeil, Chief, Dallas Office, Antitrust Division, U.S. Department of Justice, 1100 Commerce Street, Room 8C8, Dallas, Texas 75242, within the sixty (60) day period provided by the Act. These comments, and the Department'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 we should determine that some modification of it is necessary.

VIII

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, and consequently, none are being filed.

Alan A. Pason, *Attorney, United States, Department of Justice, Antitrust Division, 1100 Commerce Street, Room 8C20, Dallas, Texas 75242 (214) 749–1275.*
Sandra W. Cherry, *Assistant United States Attorney, Eastern District of Arkansas, U.S. Courthouse and Post Office, Room 310, 600 W. Capitol, Little Rock, Arkansas 72201.*

[FR Doc. 79–22916 Filed 7–24–79; 8:45 am]
BILLING CODE 4410–01–M

Minimum Wage Study Commission

Cancellation of Committee Meeting

July 20, 1979.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the cancellation of the following Commission meeting:

Name: Minimum Wage Study Commission.
Date: August 14, 1979.

Original notification of this meeting appeared in the June 18, 1979 **Federal Register.**

The Commission will meet in Executive Session on August 3, 1979.

The next regular meeting of the Commission will be held Tuesday, September 11, 1979.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW, Washington, DC 20005, (202) 376–2450.

Louis E. McConnell,
Executive Director.

[FR Doc. 79–22912 Filed 7–24–79; 8:45 am]
BILLING CODE 4510–23–M

National Foundation on the Arts and the Humanities

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the National Council on the Arts will be held on August 10, 1979, from 9:00 a.m.-5:30 p.m., August 11, 1979 from 9:00 a.m.-5:30 p.m., and August 12, 1979 from 9:00 a.m.-1:00 p.m., at the Capitol Hilton Hotel, 16th and K Streets, N.W., Washington, D.C.

A portion of this meeting will be open to the public on Friday, August 10, 1979 from 9:00 a.m.-4:30 p.m. and Saturday, August 11, 1979 from 9:00 a.m.-3:00 p.m. Topics for discussion will include Guidelines for the Theater, Dance, Museum, Federal-State Partnership and Challenge Grant programs; reports from the Task Force on Hispanic American Arts and the Task Force on Communities' Program Policy; Endowment activity in the international field. The remaining sessions of this meeting on Friday, August 10, 1979 from 4:30 p.m.-5:30 p.m.; Saturday, August 11, 1979 from 3:00-5:30 p.m.; and Sunday, August 12, 1979 from 9:00 a.m.-1:00 p.m. are for the purpose of Council 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 may be closed to the public pursuant to subsections (c) (4), (6) and 9 (B) of section 552b 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: July 20, 1979.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79–22963 Filed 7–24–79; 8:45 am]
BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on August 9–11, 1979, in Room 1046, 1717 H Street, NW, Washington, D.C. Notice of this meeting was published on June 27, 1979 (44 FR 37568).

The agenda for the subject meeting will be as follows:

Thursday, August 9, 1979

8:30 a.m.—12:00 Noon: Executive Session (open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will hear and discuss the report of its Subcommittee on the review of Licensee Event Reports submitted by the operators of commercially licensed nuclear power plants during the period of 1976–78.

1:00 p.m.–2:00 p.m.: Meeting with NRC Staff (Open)—The Committee will hear a report and will discuss NUREG–0396, A Modified Basis for the Development of State and Local Government Radiological Emergency Response Plans for Support of Light-Water Nuclear Power Plants.

2:00 p.m.–6:00 p.m.: Salem Nuclear Generating Station Unit 2 (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding proposed operation of the Salem Nuclear Generating Station Unit 2 and other Westinghouse nuclear power plants of this class, taking into account the lessons learned from the accident which occurred at the Three Mile Island Nuclear Station, Unit 2.

The Committee will hear and discuss reports and presentations as appropriate by members and representatives of the NRC Staff, the Public Service Electric and Gas Company, the Westinghouse Electric Corporation and owners of other Westinghouse nuclear plants of this class.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

6:00 p.m.–6:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee on the review of the LaCrosse Boiling Water Reactor operations.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

Friday, August 10, 1979

8:30 a.m.–12:30 p.m.: Executive Session (Open)—The Committee will discuss underlying causes which contributed to the accident which occured at the Three Mile Island Nuclear Station, Unit 2.

1:30 p.m.–6:00 p.m. Executive Session (Open)—The Committee will discuss proposed ACRS recommendations to the Nuclear Regulatory Commission regarding implications of the accident which occurred at the Three Mile Island Nuclear Station, Unit 2.

The Committee will discuss proposed mechanisms for resolution of generic matters related to light-water nuclear plants which are identified in its report of March 21, 1979 to the Nuclear Regulatory Commission.

Saturday, August 11, 1979

8:30 a.m.–4:00 p.m.: Executive Session (Open)—The Committee will discuss proposed ACRS comments and recommendations regarding the implications of the accident which occurred at TMI–2 on March 28, 1979; its proposed report to the NRC regarding evaluation of Licensee Event Reports; and a proposed report to the NRC regarding pipe cracking in boiling water nuclear plants.

The Committee will discuss its proposed annual report to the U.S. Congress regarding the adequacy of the NRC Safety Research Program. The Committee will discuss its schedule for future activities including resolution of Anticipated Transients Without Scram and will complete discussion of other items considered during this meeting.

The Committee will discuss activities of individual members.

Portions of this session will be closed as necessary to discuss Proprietary Information and to protect information the release of which would represent an unwarranted invasion of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 4, 1978 (44 FR 45926). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)) and to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–1371), between 8:15 a.m. and 5:00 p.m. EDT.

Dated: July 20, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79–22908 Filed 7–24–79; 8:45 am]

BILLING CODE 7590–01–M

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.41, "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Md., this day July 18, 1979.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director, Export/Import and International Safeguards, Office of International Programs.

U.S. Nuclear Regulatory Commission

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country destination
		Total element	Total isotopes		
Edlow International, 07/05/79, 07/09/79, XSNMO1536.	93.5% enriched uranium	26.0	24.31	Fuel reload for high flux reactor, Grenoble.	France.
Pechiney Ugine Kuhlmann Dev., 07/05/79, 07/11/79, XSNMO1537.	45.5% enriched uranium	28.5	13.0	For fuel fabrication research and development program.	France.
Mitsui & Co., 07/05/79, 07/09/79, XSNMO1538.	3.95% enriched uranium	3,808	102	Reload fuel for Fukushima I, unit 5	Japan.
Transnuclear, 07/06/79, 07/10/79, XSNMO1539.	93.3% enriched uranium	3.008	2.806	Fuel elements for Hoger Onderwijs Reactor.	Netherlands.

[FR Doc. 79–22909 Filed 7–24–79; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, RS 809-5, is entitled "Qualification Test for Cable Penetration Fire Stops for Use in Nuclear Power Plants" and is intended for Division 1, "Power Reactors." It describes a method acceptable to the NRC staff for meeting the Commission's regulations with respect to the qualification testing of cable penetration fire stops used in nuclear power plants.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington D.C. 20555, Attention: Docketing and Service Branch, by September 25, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 17th day of July 1979.

For the Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards, Office of Standards Development.

[FR Doc. 79-22910 Filed 7-24-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. PRM-20-7]

Natural Resources Defense Council, Inc.; Action on Petition for Rulemaking

Please take notice that the Nuclear Regulatory Commission (NRC) has denied a portion of a petition for rulemaking submitted by letter dated August 6, 1976 by the Natural Resources Defense Council, Inc. (NRDC), 2345 Yale Street, Palo Alto, California 94306. The petition requested that the NRC immediately adopt interim regulations setting standards for shallow land disposal of transuranic (TRU) and other low-level radioactive waste as well as prepare a broad programmatic generic environmental impact statement (GEIS) on low-level waste disposal.

A notice of filing of the petition, Docket NO. PRM-20-7, was published in the **Federal Register** on September 23, 1976 (41 FR 41759) and the public was invited to file comments on the petition within 60 days of publication of notice. (The comment period was later extended to 90 days.) Fourteen of the fifteen responses from industry and the States that were received by the NRC recommended denial of the petition. In addition, the original petitioner (NRDC) filed an "analysis" and comments on the other comments received by the Commission.

Analysis of the issues and points raised by the petition was performed by the NRC staff when the petition was initially reviewed. At that time, the NRC staff concluded that no compelling potential health and safety hazard existed to warrant immediate NRC reassumption of regulatory authority from Agreement States, or immediate implementation of interim regulations as proposed by the petitioner. (NRC staff rationale for their decision regarding the need for immediate action as proposed by the petitioner is contained in the material presented in *NRC Staff Position on Petition*, which follows in this Notice.) A broad, flexible program for the orderly development of comprehensive regulations governing the management and disposal of low-level radioactive waste by shallow land burial or other alternative methods was initiated and subsequently announced in the **Federal Register** on December 7, 1977 (42 FR 61904). This program is currently in progress. The regulations and supporting environmental impact statements are scheduled to be issued for public comment in 1980 and will address disposal of all nuclides, including transuranic nuclides.

The Commission believes that a separate GEIS on low-level waste disposal is neither required by the National Environmental Policy Act of 1969 (NEPA) nor necessary for the development of the NRC program. It is intended that the environmental impact statements and other technical documentation being developed to support the forthcoming regulations will be of sufficient scope to address the major issues that would be included in the petitioner's proposed programmatic GEIS. The issues and points raised in the petition and in the petitioner's proposed GEIS outline are, however, being considered by NRC staff as input to their development of waste management regulations and supporting environmental impact statements.

The petitioner has been a participant in the advisory panel for the development of NRC's proposed radioactive waste classification system. In addition, the requirements stated in the recent NRC request for proposals (RS-NMS-79-026) for assistance in the development of the environmental impact statement (EIS) to guide and support the proposed regulation on low-level waste disposal, 10 CFR Part 61, include many of the issues and points raised by this petition.

The remaining sections of this notice include a summary of the petition, a summary of the public comments on the petition, the NRC staff position on the petition, a background discussion of the NRC Waste Management Regulations development effort, and a summary of the NRC staff response to the NRDC "Allegations of Fact."

Summary of Petition

Briefly, the regulations proposed by the petitioner would have required the following:

Long-Lived Transuranic-Contaminated Waste

—The transfer of regulatory authority over long-lived transuranic waste from Agreement States to NRC; (7)[1]

—An immediate end to disposal by burial of long-lived transuranic waste with only retrievable storage permitted; (5)

—Payment of fees by persons who produce transuranic waste to finance adequately safe permanent disposal; (6)

—Establishment of a reporting and inspection system operated by NRC (with on-site, unannounced inspection by NRC inspectors) to assure accurate classification of transuranic waste; (3)

Other Low-Level Radioactive Waste

—The suspension of licensing of new or enlarged burial sites until NRC establishes site selection criteria, radioactive release standards setting maximum permissible migration rates for radionuclides away from disposal sites, minimum standards for environmental monitoring programs, and standards for long-term care with mechanisms to finance such care; (10)

—Establishment of minimum fees to be paid (effective immediately) for each cubic foot of waste buried at existing sites to assure adequate funds for long-term care; (4)

Solidification of Low-Level Radioactive Waste Before Shipment

—The solidification of all radioactive waste before shipment to reduce the potential for release to the environment either through accident or sabotage. (7)

The petitioner also requested that the Commission immediately prepare a GEIS on the Commission's program for disposal of low-level radioactive waste. The petition stated that a national program for disposal of low-level waste by shallow land burial represents a major programmatic decision that must be examined in an appropriately broad programmatic GEIS. It also stated that separate statements on individual sites would have difficulty considering the generic questions involved since the present need is to establish criteria for adequate disposal practices, for acceptable sites, and for the type of material that the disposal sites can properly handle.

The petition was accompanied by an appendix suggesting regulation language as well as a "Memorandum of Points" discussing the basis for the petition. A summary of the Memorandum was included in the petition in the form of ten "allegations of fact" (petitioner's wording). The appendix also included suggestions for the scope and development of the proposed GEIS.

A copy of the petition (Docket No. PRM–20–7) with attachments is available for public inspection in the Commission's Public Document Room (PDR) located at 1717 H Street, NW., Washington, D.C. 20555. Copies of comments on the petition are also available for inspection in the PDR.

Summary of Public Comments

Overall response to the petition was that it not be adopted as proposed. Of the 15 commenters (all industrial or state groups), only one consistently supported the petitioner's recommendations, as stated. In addition, the original petitioner (NRDC) filed comments and an "analysis of comments" on the other comments received by the Commission.[2]

Proposed Interim Regulations. The comments received did not generally support the necessity of immediate adoption of interim regulations. (The total number of public comments received on each of the NRDC-recommended regulations are listed in the *Summary of Petition* above.) With exception of the NRDC analysis of the comments, little rationale was given to support interim regulations. Ten commenters stated that there was no demonstrated public health and safety risk with present practices and thus there was no justification or legal basis for the interim regulations.

Two of the commenters responded favorably to NRDC's proposed regulations for an immediate end to non-retrievable TRU waste disposal, and for payment of fees by producers of waste for long-term care. Two of the commenters supported the proposed regulations, with one commenter noting the toxicity and long half-lives of TRU. One other commenter suggested that an amendment to the one disposal license [3] permitting burial of TRU waste would be more workable than a rulemaking action. The two negative commenters believed that the toxicity and long half-lives of TRU nuclides required careful handling but there was no urgency to the matter. They stated that before regulations are promulgated, a study should be conducted to define TRU waste and the methods by which TRU waste would be disposed. The commenters generally agreed that the producers of waste should be responsible for the costs accrued, but that setting fees by regulation was unworkable.

The commenters were generally negative on NRDC's proposed regulations for transfer of TRU licensing from the Agreement States to the NRC, for suspension of licensing of new or enlarged sites until certain site criteria were adopted, and for solidification of all low-level waste before shipment. The commenters felt that the uniformity allowed by Federal control was a good idea, but that there was no reason to disrupt the Agreement State program. The commenters also thought that suspension of licensing activities was unnecessary and might not be in the public interest. Seven commenters responded to the proposal for solidification requirements, stating that shipment of present quantities of liquid low-level waste is not a major risk and is already regulated. They also stated that many factors should be considered before NRC requires solidification of waste—i.e., concentrations, quantities, probabilities of release, consequence, packaging, costs and benefits.

NRDC "Allegations of Fact." Each of the ten allegations of fact made by the petitioner in support of the petition generally received from one to four comments, not including the petitioner's analysis. The commenters remarked that seven of the allegations of fact were inaccurate or distorted. One allegation received no comments. Two of the allegations of fact—(1) ERDA has prohibited burial of government-TRU waste, and (2) the Atomic Energy Commission (AEC) proposed but did not finalize regulations for commercial-TRU waste burial—were accepted as true. All that commented on these two allegations of fact (except the petitioner) felt that the actions discussed provided insufficient justification for the petition. (See Appendix A for a summary of NRC staff response to the "Allegations of Fact.")

Low-Level Waste Generic Environmental Impact Statement. Comments on the necessity of a GEIS were divided, with one commenter supporting and three opposing. The supportive commenter felt that a GEIS should be done because low-level waste has significant environmental impacts and a comprehensive evaluation had not been done to date. Those opposing stated that there was no need or basis for a GEIS or thought that such a statement should be part of the waste

[1] Indicates the total number of public comments received on each of the NRDC recommendations listed.

[2] Material in the analysis that was not directly linked to remarks by another commenter was treated by the NRC staff in the same manner as other comments on the petition.

[3] The only commercial burial site currently disposing of small quantities of TRU waste by shallow land burial is the site operated by the Nuclear Engineering Company, Inc. (NECO) and located in the center of the Hanford Reservation near Richland, Washington.

management GEIS being prepared by the Energy Research and Development Administration (ERDA). (For the reader's information, on October 1, 1977, ERDA was combined with other government agencies to form the Department of Energy (DOE). In April 1979, DOE published a GEIS entitled "Draft Environmental Impact Statement on Management of commercially Generated Radioactive Waste" (DOE/EIS–0046–D). This GEIS focuses on alternative methods for permanent disposal of commercially-generated high-level and TRU waste.

NRC Staff Position on Petition

To recapitulate and consolidate, the NRDC petition essentially requests five kinds of actions from NRC:

1. Reassert regulatory authority for TRU waste from Agreement States and limit TRU waste disposal to a retrievable form.

2. Invoke a moratorium on new or enlarged burial site licensing pending the establishment of certain requirements.

3. Establish a perpetual-care find by regulation.

4. Restrict transportation of low-level waste in liquid form.

5. Prepare a generic environmental impact statement.

The NRC staff position on these areas, in which the Commission concurs, is as follows:

TRU Waste Disposal—Under Section 274c(4) of the Atomic Energy Act of 1954, as amended NRC must determine existence of a hazard or potential hazard prior to the reassertion of regulatory authority from Agreement States. A somewhat similar finding must be made for the immediate implementation of regulations governing low-level waste disposal or prohibiting TRU waste disposal by shallow land burial. The staff does not believe that current operation of burial grounds in Agreement States would justify the necessary finding that a hazard exists or potentially exists for exercise of this statutory authority. (Earlier NRC publications, such as the NRC Task Force Report, the **Federal Register** Notice announcing the Task Force Report (42 FR 13366, March 10, 1977), and the **Federal Register** Notice announcing the NRC low-level Waste Management Program (42 FR 61904, December 7, 1977), have contained similar statements.) NRC has already initiated a comprehensive program for development of regulations governing the management and disposal of all types of redioactive waste, including TRU waste. Although it is conceivable that the NRC could initiate an effort to develop temporary "interim" rules as suggested by the petitioner, NRC staff believes that, as a practical matter, well planned "interim" rules could not be prepared on a schedule much different than current, ongoing schedules for regulations development. To do so would delay placing the broader, more comprehensive regulations currently under development into effect. It is for these latter regulations that there is a demonstrated need.

Nonetheless, an interim short-term period will elapse before executive and legislative decisions are made on the issues of management and disposal of radioactive waste and prior to the completion of the regulations currently under development by NRC. The NRC staff notes the concern of the petitioner, the public, and others regarding the safe disposal of TRU and other waste and is investigating the effects of continued short-term TRU burial as well as possible alternatives—such as retrievable storage—to TRU waste burial. In any case, the staff believes that retrievable storage procedures similar to procedures used today by DOE for storage of TRU waste may be necessary for certain types of waste defined by the waste classification regulation when this regulation is adopted.

Today, only the site operated by the Nuclear Engineering Company, Inc. (NECO) and located in the center of the Hanford Reservation near Richland, Washington, accepts TRU-contaminated materials in concentrations greater than ten nanocuries per gram for burial in soil. The disposal site is located on land leased from the Federal Government to the State of Washington, who then subleases a portion of the leased land to the disposal site operator. At the commercial site, the disposal of special nuclear material (SNM), including plutonium, is regulated by NRC. As Washington is an Agreement State, the State of Washington regulates the disposal of source and byproduct material (including TRU isotopes other than plutonium).

The limited burial to date of TRU-contaminated waste in the middle of the Hanford Reservation minimizes any potiential future problems since geohydrological, meteorological, and ecological factors regarding the overall Hanford Reservation are well investigated and documented; and extensive monitoring programs are conducted by DOE in addition to those conducted by NECO. No public health and safety problems have been identified with the operation of the commercial site. Quantities of TRU materials delivered to the commercial disposal site are currently small and, due to executive decisions deferring reprocessing of spent power reactor fuel, should remain small. Total inventories of commercial TRU waste buried at the site as well as inventories that are expected to be delivered in the next few years are small compared to the inventories already existing on the surrounding Hanford Reservation.

The continued burial of plutonium-contaminated waste at the commercial disposal site is under independent review by the NRC licensing staff in considering the renewal of NECO's SNM disposal license at Hanford. Washington is undergoing a similar review for wastes contaminated with other TRU isotopes. A decision whether to allow or prohibit the burial of TRU waste at that site will be made in connection with these licensing reviews. Discussions between DOE, the State of Washington, NECO, and NRC staff have been held regarding the possible discontinuance of TRU burial at the Hanford commercial site. NRC staff understands that the State of Washington is considering action, under the State's authority as site landlord, to discontinue disposal of TRU waste. Any action taken at the site regarding disposal of TRU waste will be closely coordindated between NRC and State staff.

An alternative action (to burial) is acceptance for storage of commercial TRU waste by the Federal government (e.g., DOE), with a charge levied on the waste generator to cover costs of storage, retrieval, repackaging (if necessary), transport, and ultimate disposal. In their report to the President ("Report to the President by the Interagency Review Group on Nuclear Waste Management," TID–29442, March 1979) recommending a national plan for radioactive waste disposal, the Interagency Review Group on Nuclear Waste Management (IRG) recommended that TRU waste should be isolated from the biosphere in a manner similar to that used for isolation of high level waste. The IRG also recommended that legislation be enacted to extend NRC licensing authority to cover DOE activities regarding new DOE facilities for disposal of TRU waste.

NRC is currently developing a waste classification regulation to determine the types of low-level radioactive waste material that can be disposed of by various disposal methods. (See Appendix A for more information.) This regulation is scheduled to be published for public comment in 1980. As a result of the regulation, certain types of waste

will require retrievable storage pending transfer to a repository for final disposal. It is expected that retrievable storage of such waste would be accomplished in a similar manner as that used today for the storage of government-produced TRU waste.

Licensing of New or Enlarged Burial Sites. NRDC interprets the Atomic Energy Act as requiring a moratorium on NRC and Agreement State licensing of new burial sites and expansions of existing sites pending promulgation of Commission regulations governing shallow land burial. This request is based on NRDC's findings that current NRC and State regulation is inadequate as demonstrated by waste migration and other incidents. In addition, NRDC argues that the Commission must regulate by promulgating regulations. Finally, NRDC relies on Section 274(c)(4) of the AEA to assert that the Commission must require Agreement States to apply NRC reguations.

The incidents described by NRDC have been investigated by the NRC staff. In its opinion they do not constitute health or safety hazards to the public which warrant Commission termination of an Agreement State Program pursuant to Section 274j of the AEA, or a Commission moratorium on its own licensing activities. Furthermore, NRDC is incorrect in its legal argument regarding the need for Commission regulations. It is a well-established principle of administrative law that an agency has discretion to proceed by regulation or adjudication. *SEC* v. *Chenery Corp.*, 322 U.S. 194, 203 (1947). This principle is especially applicable to the Commission because Congress has granted it unusually broad discretion to carry out the Atomic Energy Act. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 55 L. Ed. 2d 450, 474 n. 13 (1978); *Siegel* v. *AEC*, 400 F. 2d 778, 783 (D.C. Cir. 1968). Therefore, the Commission is not required to impose a moratorium on the licensing of low-level waste disposal pending the promulgation of regulations. Finally, section 274c(4) of the AEA does not support NRDC's assertion that the Commission must impose its regulations on Agreement States to satisfy the Commission's "duty" to make a continuing determination that State programs are not leading to hazardous disposal. Section 274c(4) imposes no such duty of continuous Commission review. That section allows continuance of NRC authority over the disposal of hazardous materials at the time the Commission enters into a State Agreement if the Commission by regulation or order determines that continued Federal control is necessary. Furthermore, NRDC's "dual authority" theory is contrary to the recent decision in *NRDC* v. *NRC*, 8 ELR 20163, 20164 (D.C. Cir. Jan. 6, 1978), in which the Court held the Commission retains no residual authority over individual licensing actions taken by Agreement States.

The staff believes that licensing new or enlarged burial grounds on the basis of need is an option which, for continued assurance of protection of the public health and safety, should not be foreclosed. There is a continuing production of low-level waste at hospitals, universities, laboratories, reactors, etc., that requires disposal and the only currently available disposal method is shallow land burial. Until the regulations governing shallow land burial and alternative disposal methods are established, applications for new or enlarged disposal sites will be handled on a case-by-case basis. Any new licenses that are issued by NRC will be qualified by the provision that the licenses may be modified as new criteria and regulations are developed. Because of NRC's close liaison with the Agreement States, NRC staff expects that the States will initiate similar actions. Every Agreement State's radiological health program is reviewed annually to ensure that it is adequate for the protection of the public health and safety and that it is compatible with similar NRC programs.

Long-Term Care and Funding. Issues related to long-term care and funding of commercial waste disposal sites are being addressed by NRC. The staff believes that such issues, some of which were discussed by the petitioner, can be best resolved within the framework of the existing NRC low-level waste management and regulatory development program. In accordance with the program, NRC has initiated a number of studies to develop funding standards, procedures, and predictive tools.

One particular series of studies has been contracted to determine criteria and standards regarding safety and costs related to decommissioning nuclear fuel cycle facilities. To date, results of studies on a fuel reprocessing plant and a pressurized water reactor have been published. These reports, along with other ongoing studies on a boiling water reactor and facilities associated with the front end of the nuclear fuel cycle, will provide useful data to the regulatory development effort. Of more specific significance to the effort is a study underway to evaluate the safety and costs related to decommissioning a low-level waste burial site.

This study, scheduled for completion this year, has a five-fold technical emphasis.

1. Provide technical bases for the establishment of operating criteria for existing burial grounds;

2. Identify long-term care requirements for burial grounds;

3. Estimate future financial needs for the decommissioning of burial grounds and evaluate bases for the establishment of financial structures for long-term care of burial grounds;

4. Evaluate potential record keeping needs; and

5. Evaluate the environmental monitoring needs.

NRC also plans to address through our regulations development effort alternative organizational roles involving low-level waste site regulation, site operation, site ownership, financial liability, decommissioning and inspection.

For use in the interim period prior to promulgation of the low level waste regulations, NRC's Division of Waste Management, Office of Nuclear Material Safety and Safeguards, has prepared a technical position on requirements on low level waste burial ground site closure and stabilization. This technical position is being incorporated into the licenses for the three disposal facilities currently open. A copy of this technical position is available for public inspection in the Commission's PDR.

One of the alternative methods to provide long-term funding is, as recommended by the petitioner, the establishment of a special fund based upon a cubic foot charge by NRC regulation. (The NRC Task Force recommended a Federally-administered long-term care fund in NUREG–0217.) However, the establishment by NRC of a long-term care fund through fees based upon volume of materials buried poses difficult questions of law. Although fees for use of property may be established between landlord and tenant, as is currently the case, to order a fee per unit volume of waste by Commission regulation and to establish an earmarked fund would require Congressional authorization.

A federally mandated fee per unit volume of waste that is not a product of the landlord/tenant contract, would be in essence a tax requiring legislative enactment. (See *Federal Power Commission* v. *New England Power Co.*, 415 U.S. 345 [1974]; *National Cable Television Association Inc.* v. *United States*, 415 U.S. 336 [1974].) The establishment of a special fund based

upon such a tax would also require special legislation.

Based on landlord/tenant (State/site operator) contracts authorized by State law, all six States containing commercial burial sites collected disposal fees from the site operator on a per-cubic-foot basis and place the collected fees into a State fund established for long-term care of the sites. Three sites are presently closed and not collecting fees. (A specific fund for long-term care of the Sheffield, Illinois site was established in 1977 in Illinois. Illinois previously chose to assign the collected fees into the State general Fund.) However, as noted in NUREG–0217, no national standards are available by which States can evaluate the adequacy of existing long-term care funds or collection rates, evaluate proposed changes to long-term care charges, or evaluate amounts that might be needed for corrective actions if major problems develop in site operations. Development of such standards is being addressed in the studies previously discussed as well as other staff efforts.

Transportation of Liquid Low-Level Waste. In the request for regulations prohibiting transportation of all liquid waste, the petitioner observes that the liquid form increases the potential mobility of the waste material. However, the existing regulations adopted by the NRC and the Department of Transportation (DOT) [4] specify the types and limiting concentrations of all radioactive material, including liquids, acceptable for shipment as well as the packaging requirements. As would be expected, materials of greater hazard or mobility are regulated more stringently than materials of lesser hazard or mobility.

For example, liquid radioactive material in Type A quantities must be packaged in or within a leak-resistant and corrosion-resistant inner containment vessel. The packaging must be adequate to prevent loss or dispersal of the contents of the inner container vessel if the package was subjected to a prescribed 30-foot drop test. Either enough absorbent material must be provided to absorb at least twice the volume of the liquid contents or a secondary containment vessel must be provided to retain the radioactive contents under normal conditions of transporting, assuming the failure of the inner primary containment vessel. Quantities of radioactive material greater than Type A limits can be transported only in Type B packaging, which is designed to more stringent standards such as survivability under certain hypothetical accident conditions. Other, less stringent standards apply to material, such as low specific activity material, containing low concentrations of radioactivity.

The few cases of shipment of low-level liquid waste do not represent a hazard to the public health and safety. Policies in effect at the commercial disposal sites require that only solid waste material may be buried. Liquids, except for liquid scintillation vials, must be solidified before burial.

Liquid scintillation vials are typically small glass vials (about an inch in diameter by a few inches high) containing small quantities of radioactive material (microcuries per liter) in an organic solution. The vials are transported to disposal sites in drums containing enough absorbent material to absorb at least twice the volume of the liquid contents. Additional processing prior to disposal may be performed at the disposal sites.

As part of a general review of the existing regulations and procedures for the packaging and transportation of radioactive materials, the NRC initiated in June 1975 the development of an "Environmental Impact Statement on the Transportation of Radioactive Material by Air and Other Modes." The final statement (NUREG–0170) was published in December 1977. The statement covered the transportation of all types of radioactive material—from spent fuel to low specific activity material—and indicated that transportation of radioactive material is being conducted under the present regulatory system in an adequately safe manner.

Based on this statement and the staff's continuing review of potential problems associated with transport of radioactive material, the staff concludes that no health and safety problem currently exists to warrant the immediate establishment of regulations prohibiting transportation of liquid waste. Present practices of solidifying and disposing of radioactive waste are being addressed as part of the ongoing NRC low-level waste program.

Low-Level Waste GEIS. The NRC staff believes that issuance of a separate programmatic GEIS as proposed by the petitioner is in this case neither required by NEPA nor necessary to conduct NRC's existing program for study and development of regulations for low-level waste disposal. The arguments relied upon by NRDC do not compel a GEIS. The facts do not warrant it. At this time, the Commission independently licenses only one such facility located near Sheffield, Illinois.[5] Five Agreement States license five other low-level waste disposal sites pursuant to their own authorities. (At two of these five sites, Washington and Barnwell, South Carolina, NRC issues a Special Nuclear Material [SNM] license.) Contrary to NRDC's assertion, these State actions are taken pursuant to their own authorities and not under authority delegated by the Commission. *Natural Resources Defense Council* v. *Nuclear Regulatory Commission*, supra. Furthermore, NRDC's theory of continuing NRC authority over licensing actions by Agreement States leads to dual jurisdiction contrary to the clear expression of Congressional intent in enacting section 274 of the Atomic Energy Act. S. Rep. No. 870, 86th Cong., 1st Sess. 9 (1959). Dual jurisdiction was also explicitly rejected by the Court in *NRDC* v. *NRC*, supra, which held that the Commission has no residual authority over individual licensing actions taken by Agreement States. Consequently, the only *federal* licensing actions by the Commission regarding shallow land burial of low-level waste are associated with the licensing of the Sheffield facility and the SNM licenses at Hanford and Barnwell. Any proposed licensing actions for these facilities will be assessed by NRC in accordance with 10 CFR Part 51, and if necessary, an EIS will be prepared.

The technical studies being conducted and environmental impact statements that will be prepared and published to guide and support NRC's regulatory development effort will form a sufficiently large informational and decisional base to obviate any need for a separate GEIS. The EIS used to guide and support the proposed low-level waste regulation will, in part, analyze shallow land burial in the context of alternative disposal methods for low-level waste. Input to the analysis is being provided by a NRC-contracted study of alternative disposal methods. This study is identifying viable alternative disposal methods and submitting to further detailed study alternative methods determined on the basis of a preliminary screening effort. Preliminary results of the study to date have been published in a status report

[4] In the United States, the DOT and the NRC share primary regulatory authority for transport and packaging for transport of radioactive material. The DOT and the NRC partition their overlapping responsibilities by means of a Memorandum of Understanding, last issued in March 1973, between DOT and the Atomic Energy Commission (AEC), the predecessor of NRC.

[5] The disposal facilities located near Sheffield, Illinois; Beatty, Nevada; and Hanford, Washington were all originally licensed by AEC. Since the time that these three facilities were originally licensed, both Nevada and Washington have become Agreement States.

entitled, "Screening of Alternative Methods for the Disposal of Low-Level Radioactive Waste" (NUREG/CR-0308), October 1978.

The alternatives study may yield several acceptable alternative methods for low-level waste disposal. As part of the NEPA process, shallow land burial must be considered within the context of other alternatives and their technical uncertainties. However, technical criteria and requirements for disposal by shallow land burial are needed to meet regulatory requirements for existing and any new shallow land burial sites. As guided by the EIS, NRC plans to develop technical criteria and requirements for shallow land burial and for identified viable alternatives.

NRC staff is considering the issues raised in the petition and in the petitioner's proposed GEIS outline in their development of the proposed low-level waste disposal regulation and guiding EIS. The request for proposal (RS-NMS-79-026) for this EIS includes many of these issues. In addition to this input, NRC staff is considering public input from an Advance Notice of Proposed Rulemaking which was published in the Federal Register (43 FR 49811) on October 25, 1978, to invite public comments and suggestions on the scope, content, and issues to be addressed in the EIS. The petition and GEIS outline are also being considered as input to NRC's development of the waste classification regulation and guiding EIS. An Advance Federal Register Notice of Proposed Rulemaking on the waste classification EIS is expected to be published shortly.

Further information regarding NRC's program to develop low-level waste regulations is contained in Appendix A.

Dated at Washington, D.C. this 18th day of July 1979.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Appendix A.—Background—NRC Regulatory Development Effort

NRC Task Force. Issues related to Federal versus State regulation of commercial radioactive waste burial grounds were addressed in an NRC Task Force Report ("NRC Task Force Report on Review of the Federal/State Program for Regulation of Commercial Low-Level Radioactive Waste Burial Grounds," NUREG-0217, March 1977; NUREG-0217 Supplement 1, October 1977). These issues were raised by the General Accounting Office (GAO), the Joint Committee on Atomic Energy (JCAE), and the House Committee on Government Operations. The NRDC petition was received after the formation of the Task Force and referenced the issues raised by the above organizations. The petition—along with the publications and recommendations of a wide range of Congressional, technical, industrial, public, and governmental groups—provided input to the Task Force study and was referenced in the Task Force Report.

After concluding that the States through their regulatory programs have adequately protected the public health and safety, the Task Force made a number of recommendations regarding Federal versus State regulation and other related issues currently affecting commercial burial ground regulation and operation. These recommendations included accelerated development of a specific regulatory program for low-level waste disposal including regulations, standards, and criteria; and studies to identify and evaluate the relative safety and impacts of alternative low-level waste disposal methods.

The staff subsequently published a program plan for low-level waste management entitled "NRC Low-Level Radioactive Waste Management Program" (NUREG-0240, September 1977), including technical studies to prepare a regulatory base, development of regulations, criteria, and supportive EIS's and development of criteria and procedures for applicants to prepare license applications and for NRC to make uniform and timely licensing decisions. To formulate the program, the staff considered the Task Force recommendations; public comments on the Task Force Report; data gleaned from review of technical documents and participation in conferences, meetings, and discussions attended by industrial, state, and public organizations; and considerations of the points and recommendations contained in the petition, comments on the petition, and other correspondence and documents. Periodic updates of NUREG-0240 are planned and the first update is expected in 1979. The progress made to date in NRC's program of technical study and regulation development will be summarized in the update and further refinements to the program discussed.

Radioactive Waste Classification Regulation. As noted in NUREG-0240, NRC plans to propose a radioactive waste classification regulation which will stipulate the kinds and quantities of radioactive material that can be disposed of by various methods. The regulation will also outline general licensee requirements (e.g., confirmatory measurements, record-keeping, inspections) that will ensure proper classification of wastes. NRC is initiating a contractual effort to prepare an environmental impact statement (EIS) to guide and support the waste classification regulation. An Advance Notice of Proposed Rulemaking will soon be published in the Federal Register to request advice, suggestions, and comments on the issues, scope, and content of the EIS used to guide the regulation. The proposed regulation, draft EIS, and draft regulatory guide which will provide assistance to licensees in complying with the regulation are currently scheduled for publication in 1980.

As a starting point for the waste classification regulation and guiding EIS, NRC contracted a waste disposal classification system study which was intitiated, in part, to address the public comments received on a rule proposed by the AEC in 1974 to prohibit the burial of TRU-contaminated commercial waste. In this proposed rule, commercial TRU waste in concentrations greater than 10 nanocuries per gram of material would have been consigned to retrievable storage facilities operated by the Federal government pending the development of a facility for the ultimate disposition of the waste. However, numerous problems (e.g., poor justification for the 10 nanocurie per gram limit, no cost-benefit analysis, no accompanying regulatory guides) were identified by persons commenting on the proposed rule, and the rule was never adopted by the AEC for commercial waste.

A ten nanocurie per gram TRU burial limit, however, was adopted by AEC in 1970 for government-produced radioactive waste and this limit is still in effect at sites operated by the Department of Energy (DOE). An investigation is underway in DOE to redefine the concentration levels at which government-produced TRU nuclides may be disposed of by shallow land burial. Some modification of the interim ten nanocurie per gram limit may result based on this investigation.

In the current waste classification study contracted by NRC, TRU waste is *not* classified as *separate* waste category. Instead, concentrations of individual radionuclides, including TRU nuclides, are classified according to the disposal requirements of the radionuclide concentration. In the study, it was determined that all radioactive waste disposal methods can be placed into one of three generic categories.[1]

1. Isolation in a repository or disposal by other means providing a high degree of isolation;

2. Confinement for a period of time with controlled, predictably low release rates; and

3. Discharge directly into the biosphere in a manner similar to that utilized for municipal non-radioactive trash.

The waste disposal categories are not limited to specific disposal methods. However, each category implies general time periods for confinement—e.g., thousands of years for category 1, hundreds of years for category 2, and essentially immediate release for category 3.

A classification methodology was developed which invloves identifying a set of exposure events at model waste disposal facilities, describing potential radionuclide transport to man, and calculating limiting concentrations or inventories of radionuclides in waste that may be placed in the model disposal sites to ensure that specified dose guidelines are not exceeded. A status report on the waste classification methodology and applications has been published ("A System for Classifying Radioactive Waste Disposal—What Waste

[1] Further refinements to this basic concept regarding radioactive wastes and disposal methods are being addressed in the study.

Goes Where?", NUREG–0456, June 1978). A Federal Register notice (43 FR 36722–36725) was issued to announce the availability of the document and to request public comments on the in-progress study. Comments received by the NRC will be incorporated into the further development of the classification system, the completion of the study, and the development of the waste classification regulation. An updated report on the classification system study is planned for publication in 1979.

Rule Making Actions. The licensing requirements for management and disposal of the types of waste defined by the waste classification regulation as well as the technical requiremets for various disposal methods will be addressed in two other rule making actions. A proposed regulation (10 CFR Part 60: "Disposal of High-Level Waste in Geologic Repositories") plus a supporting EIS governing the management and disposal of high-level waste are scheduled for publication in a draft form during 1979. Additionally, NRC is now initiating a contractual effort to prepare an EIS to guide and support the development of a proposed regulation 10 CFR Part 61, entitled "Management and Disposal of Low-Level Radioactive Waste." An Advance Federal Register Notice of Rulemaking (43 FR 49811) was issued on October 25, 1978 to request public comments on the contents and scope of the EIS and proposed low-level waste disposal regulation, which are both scheduled to be published for public comment in 1980.

The proposed low-level waste regulation will require conformance with a set of minimal acceptable performance criteria while allowing flexibility in technical approaches. The body of the proposed regulation will provide the licensing requirement for managemet and disposal of low-level waste, including provisions on preparation of licensing applications, Commission actions on applications, license conditions, tests, inspections, license modifications, and enforcement. Institutional arrangements for low-level waste disposal facilities, including land ownership, facilities operation, financial liability, monitoring, decommissioning, inspection, and long-term care of waste disposal facilities will be addressed.

Appendices to the low-level waste disposal regulation will specify the technical requirements for licensing of shallow land burial and alternative disposal methods, and for disposal of wastes containing very low levels of radioactive material. Specifications regarding waste form/container performance, site selection and suitability, design and operation of sites, monitoring during and after site operations, and decommissioning will be included. An EIS will be prepared to support the regulation that will consider the environmental impacts of shallow land burial and alternative mathods of low-level waste disposal.

Summary of NRC Staff Response to NRDC Ten "Allegations of Fact"

The following 10 "allegations of fact" were made by the petitioners in support of the petition for rulemaking:

1. Two of the existing commercially-operated low level waste disposal sites have experienced migration of radionuclides away from burial trenches, less than 15 years after wastes were buried.

2. Evidence from one commercial disposal site suggests that plutonium has migrated from the burial site to surrounding areas.

3. The six existing burial sites were selected without adequate study of the geological, hydrological, topographical, and meteorological conditions of the areas in which the sites were located.

4. Environmental monitoring programs at several existing waste disposal sites are seriously inadequate.

5. Improper practices at existing burial sites have been corrected only extremely slowly and sometimes not at all.

6. A radioactive liquids storage tank at one disposal site has already been the subject of sabotage or vandalism.

7. Plans and funding arrangements for long-term surveillance of the disposal sites are grossly inadequate at several of the existing commercial burial grounds.

8. No site selection criteria or other standards governing the operation of low level waste burial grounds currently exist.

9. The U.S. Energy Research and Development Administration (ERDA) [2] which operates burial grounds for the low level radioactive waste generated by the Federal Government has prohibited the burial of waste contaminated by transuranic elements. ERDA currently requires storage of such waste so that it can be retrieved within 20 years.

10. The Atomic Energy Commission proposed regulations prohibiting the burial of transuranic-contaminated waste at commercial burial grounds in September 1974, but never made these regulations final.

The detailed NRC staff response to each of these 10 allegations is available for public inspection in the Commission's Public Document Room (1717 H Street NW, Washington, D.C. 20555). The staff response notes that six of the 10 "allegations of fact" (Numbers 1, 3, 4, 5, 7 and 8) made by the petitioner specifically reference a report to Congress by the Comptroller General of the United States ("Improvements Needed in the Land Disposal of Radioactive Wastes—A Problem of Centuries," General Accounting Office (GAO), January 12, 1976). NRC staff responded to the findings and recommendations of this GAO report by letter to the Comptroller General dated April 2, 1976. Many of the issues raised in the petition, allegations, and GAO report were also covered in some detail in the NRC Task Force Report NUREG–0217, and were used as input for development of the NRC low level radioactive waste management program which was published as NUREG–0240.

The staff response notes that although there have been occurrences where sites have contributed radioactivity to the local environment, at no sites have these occurrences constituted a threat to the public health and safety. The occurrences, however, have indicated a need for more specific criteria and standards for management and disposal of low level waste. A number of studies are ongoing by NRC, USGS, EPA, DOE, and State agencies to more completely assess the geohydrological characteristics of the burial sites. These studies as well as a number of other studies are being factored into NRC development of a comprehensive regulation, 10 CFR Part 61, governing the management and disposal of low level waste. Included in this regulation will be specific requirements on waste form; disposal facility siting, design and operation; monitoring; and site closure, funding and long term care. NRC's Division of Waste Management, Office of Nuclear Material Safety and Safeguards, has prepared a technical position on requirements for site closure and stabilization. This technical position is being incorporated into the licenses for the three disposal facilities currently open. Additional technical positions are planned covering other aspects of low level waste disposal operations.

The response also acknowledges that (1) ERDA (now DOE) has an ongoing policy whereby TRU wastes are retrievably stored, and (2) the AEC in 1974 proposed a rule prohibiting burial of commercially-generated TRU waste but never made this rule final. As discussed in the response, NRC plans to replace this proposed 1974 TRU rule with a proposed waste classification regulation used to determine the types of wastes—including but not limited to TRU wastes—that can be disposed of by different methods.

Today, the only commercial disposal site still accepting small quantities of TRU waste for shallow land burial is the site located in the center of the Hanford Reservation near Richland, Washington. No public health and safety problems have been identified with the operation of the commercial site. Disposal of plutonium waste is under independent review by the NRC staff as part of their review of a renewal application for disposal of SNM waste at the site.

[FR Doc. 79-22753 Filed 7-24-79; 8:45 am]

BILLING CODE 7590-01-M

[2] Now U.S. Department of Energy (DOE).

Petitions for Rulemaking; Issuance of Quarterly Report

The Nuclear Regulatory Commission has issued the June 30, 1979, quarterly report on petitions for rulemaking. This report is issued in accordance with 10 CFR 2.802 and is a quarterly summary of petitions for rulemaking that are pending final action.

A copy of this report, designated NRC Petitions for Rulemaking Pending Final Action as of June 30, 1979, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Requests for single copies of this report, or request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S.

Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md., this 18th day of July, 1979.

For the Nuclear Regulatory Commission.

Joseph M. Felton,

Director, Division of Rules & Records, Office of Administration.

[FR Doc. 79-22911 Filed 7-24-79; 8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

Procurement System for Audiovisual Productions; Proposed Procedure; Invitation for Public Comment

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy.

ACTION: Solicitation of comments on proposed Government-wide contracting system for videotape productions.

SUMMARY: OFPP Policy Letter 78–5, August 28, 1978, established a uniform Government-wide system for contracting for motion picture productions. Since the establishment of the motion picture contracting system, members of the audiovisual industry, Congress, and individual agencies have urged OFPP to develop a similar system for videotape productions. To accomplish this objective, OFPP convened a task group of members of the Federal Audiovisual Committee. The task group submitted its recommendations for the videotape system to OFPP on June 1, 1979. OFPP has reviewed the recommendations and prepared a new policy letter expanding the policies contained in Policy Letter 78–5 to include videotape productions. The new letter is set forth below and comments are requested on the videotape contracting policies. OFPP has already considered comments on the motion picture production portion of the proposed system (42 FR, No. 201, p. 5565).

DATES: Comments must be received before September 20, 1979.

ADDRESS: Comments should be addressed to the Office of Federal Procurement Policy, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. David F. Baker, Deputy Assistant Administrator for Logistics, telephone 202–395–7207. Copies of the proposed contract and solicitation documents referred to in the Policy Letter are available for review in the Office of Federal Procurement Policy or copies may be obtained by contacting Mr. Baker. These documents closely resemble the formats previously developed for motion picture productions.

James D. Currie,

Acting Administrator.

[Policy Letter No. 79–]

To the Heads of Executive Departments and Establishments

SUBJECT: Contracting for Motion Picture Productions and Videotape Productions

1. *Purpose.* This Policy Letter prescribes a uniform Government-wide system for contracting for motion picture and videotape productions. It replaces Policy Letter 78–5 issued by the Office of Federal Procurement Policy (OFPP) on August 28, 1978.

2. *Applicability.* The specified policy and procedures will be followed by all executive departments and agencies.

3. *Background.* Beginning in the early 1970's, various management studies were made of the Government's audiovisual contracting programs. These studies indicated widespread dissatisfaction with the policies and procedures followed by Federal agencies and departments in contracting for the production of audiovisuals, particularly motion pictures. OFPP Policy Letter 78–5 corrected many of the motion picture contracting problems noted in the studies and established a Government-wide system for contracting for motion pictures. Since the issuance of Policy Letter 78–5, members of the audiovisual industry, Congress, and individual Federal agencies have urged OFPP to develop a similar system for videotape productions. This policy letter responds to those suggestions and establishes one Government-wide system for both motion picture and videotape productions.

4. *Policy.* Executive agencies and departments shall use the uniform Government-wide system described in paragraph 9 below in contracting for motion picture and videotape productions. The uniform system is intended to:

a. Reduce waste and inefficiency inherent in many existing departmental and agency contracting procedures;

b. Ensure that the Government obtains quality motion picture and videotape productions at fair, competitive prices;

c. Provide a central point within the Government where producers can obtain information on motion picture and videotape contracting procedures and opportunities; and

d. Increase competition for Government contracts.

5. *Implementation.* the General Services Administration and the Department of Defense shall make such changes to the Federal Procurement Regulations and the Defense Acquisition Regulation as are necessary to implement the uniform contacting system.

6. *8(a) Contracts.* Contracts made pursuant to Section 8(a) of the Small Business Act will be handled in accordance with existing regulations and use for the uniform system is not required.

7. *Effective Date.* The motion picture contracing system required by this policy letter was initially implemented on March 30, 1979, by Policy Letter 78–5. That system shall continue in effect as provided herein. The contracting system for videotape productions shall become effective January 1, 1980, and the thereafter solicitations and awards for such productions shall be in accordance with the system.

8. *Definitions.* As used in this Policy Letter:

a. "Motion picture production" refers to 8-mm, 16-mm, 35-mm, and 70-mm sound-on-film. It does not include videotape, and sound slide, multi-media productions, or separate media services.

b. "Videotape production" refers to production on magnetic videotape. It does not include motion picture film, sound slide, or multimedia productions or separate media services.

c. "Federal Audiovisual Committee" refers to an interagency committee chaired by OFPP. The Committee is made up of representatives from more than 20 Federal agencies. Its purpose is to advise and assist in the formulation of Govenment-wide audiovisual policy.

d. "Executive Agent" refers to the Directorate for Audiovisual Management Policy of the Department of Defense. The Executive Agent is designated by OFPP and is responsible for administering and maintaining the motion picture and videotape contracting system. The Executive Agent also serves as the central information source about the system.

e. "Interagency Audiovisual Review Board" refers to a sub-group of the Federal Audiovisual Committee. It is chaired by the Executive Agent and is used to evaluate motion picture and videotape productions submitted by producers interested in obtaining Government contracts for motion picture and videotape work.

9. *Uniform System.*—a. *Open Invitation.* All persons and firms interested in producing Govenment motion picture productions or videotape productions are required to submit samples of their work to the Executive Agent. The Executive Agent will place notices, at least semi-annually, in the Commerce Business Daily inviting the submission of such work samples. Similar notices will be placed in the trade press where feasible.

b. *Submission of Work Samples.* (1) Producers interested in motion picture work must submit a 16-mm sound sample film that they have produced within the previous three years.

(2) Producers interested in videotape work must submit a sample program on ¾ inch, U-format videocassette that they have produced during the previous three years.

(3) Each sample film and videotape must be accompanied by a statement explaining its purpose, the sponsor, production medium, the contract price, and/or production cost.

c. *Review of Work Samples.* Work samples submitted to the Executive Agent will be reviewed and evaluated by the Interagency Audiovisual Review Board (IARB). A minimum of five IARB members must

participate in the evaluation of each work sample. The public may attend meetings of the IARB during which sample motion picture and videotape productions are viewed. The public may not, however, be present nor participate in the formal evaluation of the productions.

d. *Criteria for Evaluating Work Samples.* Films and videotapes reviewed by the IARB will be evaluated on the basis of the following criteria:

(1) Achievement of Purpose(s): Did the production accomplish its stated purpose? Was it appropriate for the intended audience?

0–20 Points

(2) Creativity: Did the production provide a fresh or innovative way of conveying the message? Was the manner of presentation appropriate?

0–20 Points

(3) Continuity: Did the subject develop in a logical or understandable manner?

0–10 Points

(4) Technical Quality: Did the following elements, if included in the production exhibit technical competence?

Direction, Writing, Photography/Camera Work, Editing, Artwork/Animation, Narration/Dialogue, Music and Sound, Special Effects.

0–50–Points

e. *Obtaining Contracts and Placement on Qualified Producers Lists.* (1) Contracting with the Executive Agent. The Executive Agent will offer contracts to all producers whose films and/or videotapes receive an average composite score of 70 or more from the IARB. The contracts will contain standard provisions covering Government motion picture or videotape work. Orders for production and other work will be awarded under these contracts. The authority for the contracts is this Policy Letter and 41 U.S.C. 252(c)(10).

(2) Placement of the Qualified Lists. producers who sign contracts with the Executive Agent will be placed on Qualified Film Producers List (QFPL) or a Qualified Videotape Producers List (QVPL). Producers, who qualify on the basis of motion picture and videotape work samples, may be placed on both lists.

(3) Continuous Qulaification. The QFPL and QVPL will remain open and producers may submit work samples to the Executive Agent at any time. Producers whose initial films and/or videotapes do not receive a score of 70 or more may continue to submit samples until they qualify. All samples will be reviewed on a first-in, first-out basis. Producers who initially qualified for the QFPL under the "grandfather arrangement" in Policy Letter 78–5 must still submit a work sample to the Executive Agent within one year of the date of their original contracts.

(4) Removal from the QFPL or QVPL. A producer will remain on the QFPL or QVPL until an agency complains of unsatisfactory work on a specific production or until the producer requests removal. If an agency complains of unsatisfactory work, the IARB will review the production and the complaint. When warranted, the IARB may recommend that the Executive Agent terminate the producer's contract and remove the producer from the QFPL or QVPL. Also, producers not responding to five consecutive solicitations will be asked if they wish to be removed from the list(s).

(5) Structure and Distribution of the QFPL and QVPL. Firms placed on the QFPL or QVPL will not be classified by subject matter or geographic area unless they so request. Copies of the qualified lists will be distributed by the Executive Agent to all using agencies and to persons requesting them.

f. *Agencies' Use of QFPL and QVPL.* (1) Contacting the Executive Agent. When an agency needs to have a motion picture of videotape production produced and determines to contract for the production, it will contact the Executive Agent and request the names of a specific number of producers from the QFPL or QVPL. The Executive Agent will furnish names in increments of five. The names furnished will be selected from the QFPL or QVPL on a random number, rotational basis. For every increment of five names requested, the procuring agency may select a maximum of two additional names from the appropriate list. The names provided by the Executive Agent plus those picked by the agency, if any, will be placed at the bottom of the list for future use.

(2) Use of Names. The agency will solicit proposals from all firms referred by the Executive Agent and from those appropriately selected by the agency itself. Proposals must be solicited from at least five producers for each requirement (unless a noncompetitive acquisition is justified in accordance with agency regulations). Agencies will determine in light of the specific film or videotape to be produced whether more than five proposals should be solicited. As a general guide, however, agencies should not request the names of more than ten producers from the Executive Agent for productions estimated to cost less than $100,000.

g. *Soliciting Proposals.* (1) Use of Solicitation Formats. Agencies shall use the solicitation formats developed by the Federal Audiovisual Committee in soliciting proposals for specific productions. The contracts between the producers on the qualified lists and the Executive Agent contain standard terms and conditions and those terms and conditions will not be repeated in each solicitation or award. The solicitation formats developed by the Federal Audiovisual Committee may be obtained from the Executive Agent.

(2) Two Approaches. When using the solicitation formats obtained from the Executive Agent, agencies must first determine whether scripting will be separated from production. This is a matter of judgment involving two approaches to production. The first approach holds that a clear separation can be made in some instances between scripting and production and that any producer can produce a satisfactory motion picture or videotape production from a completed script. The second approach holds that production of some films and videotapes (from initial research through treatment, scripting, and production) is a continuous process which requires the continuous involvement of one creative individual from start to finish. Solicitation formats have been developed for each of these approaches and the proper format must be used depending on the approach selected.

h. *Scripting Separated from Production.* (1) Obtaining Scripts. When an agency determines that scripting for a particular film or videotape should be separated from production, the agency will obtain and approve a script. Generally, scripts may be obtained directly from writers under existing small purchase procedures.

(2) Obtaining Production Proposals. Once the script has been acquired it will be included in the production specifications and used by the agency in soliciting competitive proposals from the firms on the QFPL or QVPL. Proposals will be solicited in the appropriate format, in accordance with paragraph g.(1) above.

(3) Evaluation Criteria.

(a) Motion picture and videotape production proposals, submitted by producers when scripting has been separated from production, will be evaluated on the basis of:

—Technical quality of a sample production.

—Creativity, as demonstrated in a sample production.

—Qualifications of proposed key production team members, including the Producer/Director, Editor, Other key personnel, if designated by agency.

—Relevant experience, demonstrated in similar past efforts by the same team.

—The proposed production price.

(4) Production Awards. The production award will be made to the responsible producer submitting the best proposal, price and other factors considered.

i. *Scripting Included with Production.* (1) Obtaining Treatments. Where scripting is to be included as part of the production effort, agencies will solicit treatment proposals from firms on the QFPL or QVPL. The appropriate solicitation format must be used in accordance with paragraph g.(1) above.

(2) Evaluation Criteria. Proposals for treatments will be evaluated by the agency on the basis of:

—Technical quality of a sample production.

—Creativity, as demonstrated in a sample production.

—Qualifications of proposed key production team members, including the Producer/Director, Scriptwriter/Editor, Other key personnel, if designated by agency.

—Relevant experience, demonstrated in similar past efforts by the same team.

—Quality of previous sample treatment or script if specifically requested by the agency.

(3) Awards for Treatments. Awards for the development of treatments should generally be made to at least two producers submitting proposals. These awards will be made at a preestablished fixed price determined by the agency and included in the solicitation. Subsequent awards for the development of multiple scripts (not treatments) should be made only in unusual cases.

(4) Production Awards. The treatments will be evaluated together with technical and

price proposals for the production, and the award for the scriptwriting and production work will be made to the responsible producer whose proposal is most advantageous to the Government, price and other factors considered.

j. *Responsibility Determinations.* The evaluation criteria contained in paragraphs h. and i. will be used by agencies in evaluating producer proposals. Agency contracting officers, however, will determine a particular offeror's responsibility prior to making an award. For this purpose, financial and other data may be requested.

———,

Administrator

[FR Doc. 79-22861 Filed 7-23-79; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21147; 70-6328]

Appalachian Power Co.; Proposed Issuance and Sale of First Mortgage Bonds to Insurance Company Pursuant to Claimed Exemption From Competitive Bidding

Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009.

Notice is hereby given that Appalachian Power Company ("Appalachian"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b) and 12(c) of the Act and Rules 42(b) and 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to issue and sell by private placement $35,000,000 aggregate principal amount of its first mortgage bonds ("Bonds"). The Bonds will be sold at par, will mature August 1, 1989, will bear interest payable semiannually at a rate of 10.9% per annum, will be subject to a sinking fund requiring the annual redemption of $1,750,000 principal amount commencing August 1, 1984, and will be sold to the Equitable Life Assurance Society of the United States. The Bonds will not be redeemable prior to August 1, 1984, if such redemption is for the purpose of refunding them, directly or indirectly, through the use of borrowed funds having an effective interest cost less than the effective interest cost of the Bonds.

The Bonds will be issued under and secured by Appalachian's mortgage and deed of trust, dated as of December 1, 1940, as supplemented and amended and as to be further supplemented and amended by a supplemental indenture. The net proceeds from the sale of the Bonds will be used to pay at maturity the $35,000,000 principal amount of Appalachian's first mortgage bonds, 7¼% Series, due September 1, 1979.

Appalachian claims exemption from the competitive bidding requirements of Rule 50 for its sale of the Bonds pursuant to Rule 50(a)(2). It states that the Bonds will have a maturity of less than ten years, will be issued to an institutional investor and that no finder's or other fee is to be paid to a third person in connection with the sale of the Bonds. Appalachian further claims that the terms of the Bonds compare favorably with the terms of its most recent sale at competitive bidding of first mortgage bonds due May 1, 1987, which bonds were sold (pursuant to order dated May 7, 1979 (HCAR No. 21040)) at an effective interest cost of 11.15%.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the State Corporation Commission of Virginia and the Public Service Commission of Tennessee have jurisdiction over the proposed transaction, and that no other state commission and no federal commission, other than this Commission, has jurisdiction thereover.

Notice if further given that any interested person may, not later than August 14, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such Rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22929 Filed 7-24-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21148; 70-6320]

Central & South West Fuels, Inc., et al.; Supplemental Notice of Proposed Indemnity Agreements Concerning Fuel Subsidiary's Mining Activities

July 18, 1979.

In the matter of Central and South West Fuels, Inc., P.O. Box 10773, Golden, Colorado 80401; Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403; Public Service Company of Oklahoma, 212 East 6th Street, Tulsa, Oklahoma 74119; Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156; West Texas Utilities Company, P.O. Box 841, Abilene, Texas 79604.

Notice is hereby given that Central Power and Light Company ("CPL"), Public Service Company of Oklahoma ("PSO") Southwestern Electric Company ("CPL"), Public Service Company of Oklahoma ("PSO"), Southwestern Electric Power Company ("SWEPCO"), and West Texas Utilities Company ("WTU"), each an electric utility subsidiary of Central and South West Corporation, a registered holding company, together with Central and South West Fuels, Inc. ("CSWF"), a fuel subsidiary of CPL, PSO, SWEPCO and WTU, have filed with this Commission a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rules 45(b), 90 and 91 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

By order dated August 2, 1978 (HCAR No. 20658), this Commission authorized the creation of CSWF, with CPL, PSO and SWEPCO each owning 30% of CSWF's common stock and WTU owning the remaining 10%. CSWF conducts nonpetroleum fuel exploration, acquisition and development activities

as agent for its owners pursuant to orders issued in File No. 70–6235. As part of this fuel exploration and development program, CSWF contemplates engaging in mining activity in a number of states which require, as a prerequisite to the commencement of such activity, the posting by CSWF of a bond indemnifying the state against potential losses due to CSWF's failure to restore any mined property to its original condition. By notice dated June 1, 1979 (HCAR No. 21078), declarants sought authorization for arrangements under which CSWF would procure a master bond from St. Paul Fire & Marine Insurance Company ("St. Paul") to cover all its operations, and CPL, PSO, SWEPCO and WTU would enter into separate general agreements indemnifying St. Paul for 30%, 30%, 30% and 10%, respectively, of the total of any liability incurred by St. Paul in its position as surety for CSWF under such master bond.

By amendment to their filing declarants state that a master bond arrangement is not feasible and that it would be desirable for CSWF to obtain separate quotes from various cariers on each job site (or series of sites). Therefore CPL, PSO, SWEPCO and WTU each request authorization to execute and deliver from time to time one or more indemnity agreements indemnifying the bonding sureties for 30%, 30%; 30% and 10%, respectively, of the total amount of any liability incurred by such surety in its position as surety for CSWF under a bond covering CSWF's operations. Such authorization would extend indefinitely as long as CSWF is authorized to conduct operations for its owners.

The authorization given in connection with the fuel exploration, acquisition and development activities in File No. 70–6235 provides that the costs incurred by CSWF in the development of a given property be apportioned among its owners not on the basis of their ownership interest in CSWF, but rather on the basis of their ownership interests in that one property. Accordingly, should the owners be called upon to fulfill their obligations under the proposed indemnity agreements (under which agreements their liability would be proportionate to their ownership interests in CSWF) CPL, PSO, SWEPCO and WTU would reimburse each other as necessary to render each company's loss in connection with a particular mining operation proportionate to its ownership interest in that mining operation.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,700, including legal fees of $500. It is stated that no state commision and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice if further given that any interested person may, not later than August 14, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified it the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such Rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22930 Filed 7–24–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21149; 70–6300]

Consolidated Natural Gas Co., et al.; Post-Effective Amendment Regarding Proposed Long-Term Bank Financing by Holding Company

In the matter of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10020, CNG Coal Company, CNG Development Company Ltd., CNG Producing Company, CNG Research Company, Consolidated Gas Supply Corporation, Consolidated Natural Gas Service Company, Inc., Consolidated System LNG Company, The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company, West Ohio Gas Company.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and certain of its subsidiary companies, CNG Coal Company, CNG Development Company Ltd., CNG Producing Company, CNG Research Company, Consolidated Gas Supply Corporation, Consolidated Natural Gas Service Company, Inc., Consolidated System LNG Company, The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company, and West Ohio Gas Company have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated July 2, 1979 (HCAR No. 21129), Consolidated and its subsidiary companies, among other things, were authorized to engage in certain intrasystem financing. Jurisdiction was reserved over the proposed transactions as to which the record was not yet complete, namely the long-term borrowings of Gas Supply, the long-term borrowings of River and East Ohio, the stock issuance of River, and the long-term borrowings of Peoples.

Consolidated now proposes to issue and sell, pursuant to a Credit Agreement with Chase Manhattan Bank, N.A. ("Chase"), acting for itself and as agent for various other banks, its notes up to a maximum of $75,000,000 outstanding at any one time for up to eight years. The bank loans will be in the form of revolving credits commencing September 4, 1979, or as soon thereafter as Commission approval is received, and may be converted to four-year term loans on September 1, 1983. During the revolving credit period, each bank agrees to make loans to Consolidated from time to time to and including August 31, 1983, up to such bank's commitment under the Credit Agreement. During such period Consolidated may borrow, pay or prepay, and reborrow up to each bank's commitment. Consolidated will have the right at any time upon five New York business days' notice to Chase, as agent, to terminate entirely or reduce the aggregate commitments of the banks. Each loan during the revolving credit period will be evidenced by a Revolving

Credit Note. Interest will be at the prime commercial lending rate of Chase and payable quarterly. A commitment fee of ½ of 1% per annum will be charged on the unused portion of the revolving credit commitment.

Under the terms of the Crdit Agreement, each bank agrees to make a four-year term loan to Consolidated on September 1, 1983 (the "Conversion Date"), in an amount not exceeding such bank's commitment on the date of such loan. Each term loan will be evidenced by Consolidated's Term Note maturing as to principal in eight equal semi-annual installments, commencing March 1, 1984. The final maturity of the last maturing installment of the Term Notes will be not later than September 1, 1987. Interest on each Term Note will be computed at a rate per annum of ¼ of 1% above the prime commercial lending rate in effect at Chase from time to time to and including August 31, 1985, and ½ of 1% from September 1, 1985, to maturity.

The proposed borrowings by Consolidated will be used to finance, in part, the 1979 capital expenditures of its subsidiary companies, presently estimated at $185,000,000. The original application-declaration provided that following this proposed $75,000,000 of bank financing by Consolidated, the interim open account advances to subsidiary companies, to the extent outstanding, will be converted into long-term financing of such subsidiary companies as proposed, and thereafter loans to subsidiary companies for capital expenditures will be evidenced by such long-term financing. With regard to such long-term financing of the subsidiary companies, it is now stated that during the revolving credit period under Consolidated' Credit Agreement with the banks, the loans to subsidiary companies for capital expenditures will be in the form of open account advances payable to Consolidated on or before September 1, 1983. Following the conversion by Consolidated of its revolving credit into term loans under the Credit Agreement, such open account advances to subsidiary companies shall be converted into Term Notes of such subsidiary companies with maturities substantially the same as Consolidated's related term loans under the Credit Agreement. Said open account advances and Term Notes will bear interest at a rate predicated on and substantially equal to the effective cost of money to Consolidated.

Consolidated request authorization to file certificates of notification under Rule 24 on a quarterly basis.

The fees and expenses to be incurred in connection with the proposed issuance and sale of notes to banks by Consolidated are estimated at $21,000, including legal fees of $10,000. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed notes.

Notice is further given that any interested person may, not later than August 15, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22931 Filed 7-24-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10787; 812-4473]

Corporate Securities Trust, Intermediate-Term Debt Series 1 and Subsequent Series; Filing of Application Pursuant to Section 6(c) for Order of Exemption From Section 22(d) of the Act

Notice is hereby given that Corporate Securities Trust, Intermediate-Term Debt Series 1, and Subsequent Series ("Applicant") c/o Smith Barney, Harris Upham & Co. Incorporated, 1345 Avenue of the Americas, New York, New York 10019, registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, filed an application on May 10, 1979, and an amendment thereto on July 11, 1979, pursuant to Section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of Section 22(d) of the Act to the extent necessary to permit Applicant to offer unitholders of all of its Long-Term Debt Series and Intermediate-Term Debt Series ("Debt Series") the opportunity to participate in the Corporate Securities Trust Debt Series Reinvestment Program (the "Reinvestment Program"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant states that it consists of a series of similar but separate unit investment trusts organized under the laws of the State of Massachusetts. According to the application, twelve Long-Term Debt Series have been created, and one additional series, designated Intermediate-Term Debt Series 1 and comprised of a portfolio of obligations possessing somewhat less long-term maturities than the obligations contained in the portfolios of the twelve Long-Term Debt Series, has also been created. The application further states that a registration statement relating to Long-Term Debt Series 13 has been filed with the Commission, but such series has not been organized and such registration statement has not been declared effective. The Applicant indicates that Smith Barney, Harris Upham & Co., Blyth Eastman Dillion & Co. Incorporated, Paine, Webber, Jackson & Curtis Incorporated, and Drexel Burnham Lambert Incorporated act as sponsors for various series of the Applicant (the above-mentioned companies hereinafter called the "Sponsors"). New England Merchants National Bank ("Trustee") acts as trustee for all series of the Applicant.

According to the application, the objectives of each Debt Series are a high level of current income and conversion of capital through an investment in a diversified portfolio of long-term debt obligations (in the case of Long-Term Debt Series) or debt obligations having maturities not exceeding 15 years (in the case of Intermediate-Term Debt Series), and each Debt Series is composed of not less than $10,000,000 principal amount of interest-bearing obligations deposited by the Sponsors with the Trustee. The

Sponsors have chosen to include in Debt Series portfolios only obligations which, at the time of purchase, had an A or better rating from either Standard & Poor's Corporation or Moody's Investors Service.

Applicant states that at the time of deposit of such obligations the Sponsors receive redeemable units from the Trustee representing the entire ownership of Debt Series (each individual unit representing a fractional undivided interest in the Debt Series) and that these units are offered by the Sponsors for sale to the public at a public offering price computed on the basis of the aggregate offering price of the obligations in such Debt Series portfolio, plus accrued interest on such obligations and a sales charge, currently at 4% of the total public offering price of such units. The Applicant indicates that the Trustee receives the interest and principal paid on the portfolio obligations of each Debt Series and distributes this to the unit holders of the Debt Series on a monthly basis. Such distributions are net of applicable expenses and funds required for the redemption of units.

The Applicant proposes to provide to holders of units of existing and future Debt Series the opportunity to participate in the Reinvestment Program, under which a holder of five or more units of Applicant's Debt Series may elect to have his or her monthly distributions with respect to such units automatically reinvested in units of various Debt Series of the Applicant. The application states that units of ownership in existing Debt Series represent a fractional interest in the portfolio of the issuing Debt Series in the ratio of one unit ("ordinary unit") for each $1,000 principal amount of obligations in that portfolio. Applicant states that units of such denomination will continue to be issued for sale to the general public, and in addition, units of smaller denomination, representing fractional interests in a ratio of one unit ("reinvestment unit") for each $10 principal amount of obligations in the portfolio of the issuing Debt Series, will be issued for sale exclusively to participants in the Reinvestment Program, with such smaller denomination units to be sold to participants without the sales charge applicable to sales made to the general public.

According to the application, following enrollment in the Reinvestment Program by a unit holder, the monthly distributions of interest and principal made with respect to his or her units will be retained by the Trustee for the account of the unit holder, and will be used by the Trustee to purchase units and fractions of units of reinvestment denominations for the unit holders from the Sponsor in each February, May, August and November ("Reinvestment Months"). Units purchased on behalf of participants in the Reinvestment Program will be priced on the basis of the aggregate offering price of the obligations in the portfolio of the Debt Series to which the units relate, plus accrued interest on said obligations, and without the imposition of a sale charge. Funds retained by the Trustee for reinvestment will be held in savings accounts which are interest bearing at the current open pass book rate (presently 5%) to unit holders, and are available for use by the Trustee pursuant to normal banking procedures.

Applicant states that a holder of five or more units of its Debt Series may enroll in the Reinvestment Program at any time with respect to such units by delivering an authorization form to the Trustee, which form is available from the Sponsors. The application further provides that a participant may withdraw from the Reinvestment Program at any time by giving written notice of such withdrawal to the Trustee. In cases where a participant does not give the Trustee written notice of withdrawal at least five days prior to the first day of a Reinvestment Month, the participant will be deemed to have elected to participate in the Reinvestment Program with respect to the particular transaction occurring during that month, and his or her withdrawal will be effective for the next succeeding distribution following the Reinvestment Month.

Applicant represents that the Sponsors, although not obligated to do so, intend to offer a new Debt Series of the Applicant, units of which shall be made available for reinvestment, at or near the beginning of each Reinvestment Month. Applicant states said new Debt Series will differ from existing Debt Series only with respect to the composition of their portfolios and their portfolio derived financial characteristics (for example, yield and public offering of the units). It states that if units of a new Debt Series are not available for purchase in a Reinvestment Month, then the funds retained by the Trustee for reinvestment will be used to purchase units of Debt Series which permit the issuance of units in reinvestment denominations, such units having been previously sold to the public and reacquired by the Sponsors in the course of making a market for such units, including units of Debt Series created prior to the date of this application. The Sponsors anticipate that this will rarely occur. In cases in which reinvestments are made through this secondary market, Applicant represents that the units so used will constitute units purchased by the Sponsors as market makers and not unsold units remaining from an original distribution of units; the Debt Series of the units so used will have an anticipated remaining maturity of at least ten years; the units so used will meet investment quality criteria at least as high as those applicable to the most recently created Debt Series of the Applicant and will only include obligations of so-called investment grade security rating, that is, BBB or better if rated by Standard & Poor's Corporation or Baa or better if rated by Moody's Investors Service, Inc.; and the Sponsors will at that time be maintaining a secondary market in the units involved so that the Prospectus distributed in connection therewith will be current. To the extent there are no units available for purchase in a Reinvestment Month, funds accumulated by the Trustee for the account of unit holders will be distributed to them.

Applicant asserts that the authorization to reinvest distributions in units of Debt Series of the Applicant given to the Trustee by unit holders participating in the Reinvestment Program will not extend to reinvestment in a Debt Series which materially differs from previous Debt Series, and will be treated as being void for such Debt Series. The Sponsors anticipate that examples of Debt Series manifesting such a material difference would include Debt Series containing obligations in their portfolios which were not at the time of the reinvesment at least as high as the minimum rating assigned by either standard & Poor's Corporation of Moody's Investors Service, Inc. to obligations in the portfolio of the most recently created Debt Series of the Applicant, but in no event lower than BBB by Standard & Poor's Corporation or Baa by Moody's Investors Service, Inc. Deviations in bond quality (within the Criteria set forth in prospectuses relating to Debt Series of the Applicant), diversification or yield from previous Debt Series will normally not be deemed by Sponsors to be sufficiently material to void an authorization form under the Reinvestment program. Applicant does not assure that the quality and diversification of the portfolio or the yield of any future Debt Series will be similar to previous Debt Series. Descriptions of the Reinvestment

Program provided to unit holders will indicate that differences in portfolio quality, diversification or yield among Debt Series will not ordinarily constitute a sufficiently material differences to disqualify a particular Debt Series from serving as a medium for reinvestment, and will disclose that a participant may acquire an interest through the Reinvestment Program in a Debt Series possessing a portfolio of securities containing one or more securities with a lower rating than the securities contained in the portfolio of the Debt Series in which his or her original investment was made.

Applicant states that after a unit holder has enrolled in the Reinvestment Program, the Trustee will open an account for him or her and will send to the unit holders a confirmation of the opening of the account. Thereafter, whenever a transaction occurs in the account, the unit holder will receive a confirmation statement describing the transaction. Whenever funds in the account are used to purchase new units, a final prospectus relating to the new units will be mailed with the confirmation statement within four business days following the fifteenth day of the Reinvestment Month, or, if such fifteenth day is not a business day for the Trustee, within four business days following the first business day thereafter. Accordingly to the application, the confirmation statement will indicate that such units have been purchased on behalf of the unit holder, and that such transaction will become final unless the unit holder notifies the Trustee within sixteen days from the date of the purchase (which date shall be indicated in the confirmation statement) that he or she does not want that particular purchase made. If the Trustee does not receive such notice within sixteen days from the date of the purchase, the unit holder will be deemed to have accepted the purchase as of the purchase date indicated on the confirmation statement at the price in effect on such date, regardless of subsequent appreciation or depreciation in the price of such units. Applicant states that in the case of a unit holder who rejects the purchase of units, the purchase is rescinded as of the purchase date indicated on the confirmation statement, all funds of the unit holder paid by the Trustee on behalf of the unit holder to the Sponsors on the purchase date for the purchase of such units will be delivered to the unit holder, and the Sponsors will retain the ownership of the units. Applicant further states that after a purcahse of units has been rejected, the Sponsors may dispose of such units, either by sale to the public or by tender to the Trustee for redemption, and that any appreciation or depreciation in the price of such units occurring during the period in which they are owned by the Sponsors (including appreciation or depreciation occurring after the units are purchased on behalf of a unit holder through the operation of the Reinvestment Program and before such purchase is rejected by the unit holder) will accrue exclusively to the Sponsors. To aid a participant who might desire to withdraw from either the Reinvestment Program or a particular transaction, a Termination Form wil be enclosed with each confirmation statement and a toll-free telephone number will be established for the use of participants wishing to notify the Trustee of such withdrawal.

The application indicates that unless a withdrawing participant specifically indicates in his or her Termination Form (a) that he or she wishes to withdraw from the Reinvestment Program only for a particular distribution or (b) that he or she wishes to withdraw for less than all Debt Series of the Applicant with respect to which he or she has units enrolled in the Reinvestment Program, he or she will be deemed to have withdrawn completely from the Reinvestment Program in all respects. The application further states that whereas a sale or redemption of some of the units of ordinary denomination enrolled in the Reinvestment Program by a participant will not constitute a withdrawl from the Reinvestment Program with respect to the remaining units so enrolled by such participant, a withdrawal from the program with respect to, or redemption or sale of, any units of reinvestment denomination or fractional units of reinvestment denomination of a Debt Series will constitute the withdrawal from the Reinvestment Program of all other units (other than units of ordinary denomination) held by such unit holder in such Debt Series (but not of any other Debt Series).

Applicant states that if a holder of units of reinvestment denomination or fractional units of reinvestment denomination of a Debt Series withdraws from the Reinvestment Program with regard to distributions made in respect of such units, the Trustee will b authorized to require the redemption of such withdrawn units. In addition, the application provides that if the Reinvestment Program is terminated for any reason, there may be a mandatory redemption of units of reinvestment denomination and fractional units of reinvestment denomination.

Applicant states that as long as the Sponsors are offering to purchase units of reinvestment denomination, the Sponsors will purchase reinvestment denomination units and fractional units of such series required by the Trustee to be redeemed by making payment therefor to the unit holder, which payment shall be no less than the amount such unit holder would have received from the redemption of such units by the Trustee. Applicant further states that units purchased by the Sponsors in this manner may be tendered to the Trustee for redemption, at the option of the Sponsors, provided that the Sponsors shall not receive for units so purchased a higher price than was paid for them, plus accrued interest.

Applicant states that for recordkeeping and other administrative activities, the Trustee will charge each reinvestment account a quarterly fee of 1.50% of the amount reinvested in such quarter, up to a maximum fee of $3.00 per quarter. Such fee shall be payable quarterly, on the date on which reinvestments occur, and will be withheld by the Trustee from the reinvestment account. The fee may be increased by the Trustee without the approval of partricipants in the Reinvestment Program by amounts not exceeding proportional increases in consumer prices for services as measured by the United States Department of Labor's Consumer Price Index entitled "All Services Less Rent," or, if such Index is no longer published, in a similar index to be determined by the Trustee and the Sponsors. The Sponsors have been advised that such provision has rarely been invoked. Applicant asserts that this fee will be the only charge to participants in the Reinvestment Program.

Applicant states that the Sponsors, although not obligated to do, so, intend to maintain markets for units of reinvestment denomination by continuously offering to purchase such units at prices basd on the aggregate offering price of the obligations in the Debt Series portfolio, plus accrued interest. The Sponsors may reoffer these units to participants in the Reinvestment Program in the situations described above and in the application where no new Debt Series of the Applicant is available for reinvesments. In the event that the Sponsors do not maintain a market for such units, the application provides that a unit holder desiring to dispose of them may only be able to do so by tendering such units to the Trustee

for redemption, on the same terms as units of ordinary denomination.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and if such class of securities is being currently offered to the public by or through an underwriter, no principal underwriter of such securities and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes or persons, securities, or transactions from any provision of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that the sales charges payable by purchasers of units of Debt Series of the Applicant to the Sponsors is intended to compensate them for expenses incurred and efforts made in solicitating sales of such units. The Applicant notes that while unit holders of Debt Series of the Applicant will be notified of the availability of the Reinvestment Program, the Sponsors will not conduct a sales campaign to solicit such participation. Thus, Applicant submits that if units of the Applicant are sold through the Reinvestment Program with a sales load, the sponsors will receive such load without having provided the services which justify its imposition. The Applicant believes that participants in the Reinvestment Program, rather than the Sponsors, should receive the benefit of this cost saving of the elimination of the sales load.

Applicant states that because the Reinvestment Program will generate additional costs on the part of the Trustee relating to additional recordkeeping and other administrative activities, it is reasonable that these costs are paid by the participants by means of the quarterly fee it proposes to charge.

The Applicant believes that provision must be made for mandatory redemption of units of reinvestment denomination and fractional units of reinvestment denomination when such units are withdrawn from the Program or if the Program is terminated, in order to prevent an increase in the expenses of series of the Applicant resulting from the use of such series as vehicles for reinvestment. Applicants believe that if distributions in respect of such reinvestment units of a series, which would normally be reinvested at no cost to the series, are instead mailed to the holders of such reinvestment units every month, the expenses of the series would increase.

Notice is further given that any interested person may, not later than August 10, 1979 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22932 Filed 7-24-79; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 10788; 811-2826]

The Dreman Fund, Inc.; Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that the Dreman Fund, Inc. ("Fund") Suite 3704, 30 Broad Street, New York, New York 10024, and open-end, diversified managment investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 21, 1979, pursuant to Section 8(f) of the Act for an order of the Commission declaring that the Fund has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund was incorporated in Maryland. On May 2, 1978, the Fund registered under the Act by filing its Notification of Registration on Form N–8A, and, on the same date, it filed a Registration Statement under the Act on form N–8B–1. On may 5, 1978 it filed a Registration Statement under the Securities Act of 1933 on Form S–5, which became effective on November 16, 1978. The application states that no public offering of shares was made but orders to purchase shares from six shareholders were accepted after the effective date of the registration under the Securities Act of 1933. The application further states that the Fund presently has 11 shareholders. After the Fund received orders from its shareholders to liquidate their shares, the Board of Directors adopted a Plan of Liquidation and Dissolution on March 8, 1979. The Fund's securities were liquidated on the open market within one week thereafter, and on April 11, 1979, the security holders unanimously approved the Plan of Liquidation and Dissolution.

The application indicates that all funds have been distributed to the Fund's shareholders, with the exception of $1,069.01 withheld to cover accounts payable and $7,300 withheld to cover a contingent liability for Federal capital gains taxes. The application states that any amount remaining after the actual liabilities have been established and paid will be distributed pro-rata to the shareholders. The application further states that after payment to shareholders of any assets remaining after payment of all liabilities, the Fund will file Articles of Dissolution with the appropriate officials in Maryland.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 13, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing theron. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Managment, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22933 Filed 7–24–79; 8:45 am]

Billing Code 8010–01–M

[Rel. No. 10786; 812–4450]

Kemper Municipal Bond Fund, Inc. and Kemper Financial Services, Inc., Filing of Application for Order Pursuant to Section 6(c) of the Act Granting Exemption From the Provisions of Section 22(d) of the Act

Notice is hereby given that Kemper Municipal Bond Fund, Inc. ("Fund"), 120 South La Salle Street, Chicago, Illinois 60603, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and Kemper Financial Services, Inc. ("Adviser"), the Fund's investment adviser and principal underwriter (hereinafter the Fund and the Adviser are collectively referred to as "Applicants"), filed an application on March 7, 1979, and amendments thereto on May 17, 1979, June 7, 1979, and July 2, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act to permit the sale of shares of the Fund at net asset value, without a sales charge, to participants in a reinvestment program proposed to be offered to unitholders of Tax Exempt Income Trust, Series 1 (and subsequent Series) ("Trust"), a unit investment trust registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Fund invests in municipal bonds, and that its objective is to provide as high a level of current interest income which is exempt from federal income taxes as is consistent with preservation of capital. According to the application, municipal bonds purchased by the Fund must be rated "A" or better by Standard & Poor's Corporation or Moody's Investors Services, Inc. Applicants further state that Tax Exempt Income Trust, Series 1, sponsored by Donaldson, Lufkin & Jenrette Securities Corporation ("Sponsor"), has as its objectives a high level of tax exempt current income and the preservation of capital, and invests in a diversified fixed portfolio of long-term state, municipal and public authority debt obligations which at the time of deposit in the Trust have an "A" or better rating from Standard & Poor's Corporation or Moody's Investors Services, Inc. Applicants state that the Sponsor intends to create additional series of Tax Exempt Income Trust, each series being a separate, but similar, trust.

According to the application, shares of the Fund are offered for sale to the public at their net asset value next computed after an order is received, plus a sales charge which varies from 4.75% (as a percentage of the offering price) on purchases of less than $25,000, to 1.2% on purchases of $1,000,000 or more. The application further states that shareholders of the Fund have the option of investing distributions respecting their Fund shares in additional shares of the Fund at net asset value.

Applicants propose to permit unitholders of the Trust to invest their monthly distributions of principal (including capital gains, if any) or interest, or both, in shares of the Fund without a sales charge and without regard to minimum investment requirements ("Program"). The application states that any unitholder could elect to participate in the Program and have distributions automatically invested in shares of the Fund by filing a notice of election card with the Program Agent, State Street Bank and Trust Company (in the case of Texas residents, through the Sponsor). The application further states that: (i) the Program Agent will mail a notice of election card to each unitholder, accompanied by a prospectus describing the Fund; (ii) the Program will be disclosed in a revision or supplement to the Fund's current registration statement; and (iii) in the case of new purchasers of units or assignees of units, a completed notice of election card must be received by the Program Agent at least ten days prior to the record day applicable to any distribution in order for such election to be in effect as to such distribution.

Applicants state that under the Program distributions on participants' units will be automatically received by the Program Agent who will forward such distributions to the Fund for purchases of shares of the Fund. Applicants further state that, notwithstanding a unitholder's election to have distributions of principal reinvested in the Fund, the proceeds of a redemption of units initiated by a unitholder will by paid directly to the unitholder. The proceeds of redemption, or payment at maturity, of securities held by the Trust will be invested in shares of the Fund in the case of unitholders who have elected to have distributions of principal invested in the Fund. According to the application, participants could at any time by notifying the Program Agent in writing elect to terminate their participation in the Program as to: (i) all Trust distributions; (ii) Trust principal and capital gains distributions; or (iii) Trust interest distributions. Any such written notice must be received by the Program Agent at least 10 days prior to the record day applicable to any distribution in order for such election to be in effect as to such distribution. The application further states that a participant could, at any time, elect to redeem his Fund shares by notifying the Program Agent in writing.

Applicants state that: (i) a notice will be mailed to each unitholder respecting distributions on his units setting forth the total amount of each such distribution and the portions thereof attributable to interest and principal; (ii) distributions to be invested in shares of the Fund will be transferred to the Program Agent who will forward such amounts, immediately upon receipt, to the Fund for the purchase of shares; and (iii) the Program Agent will mail confirmation of purchases of Fund

shares to each participant. Applicants further state that the Program Agent has undertaken to forward redemption requests to the Fund immediately upon receipt.

Applicants submit that once a unitholder is a participant in the Program, such unitholder's interest in the Fund will be identical to that of any shareholder of the Fund and such unitholder will be a shareholder of record of the Fund. Applicants further state that unitholders participating in the Program will be provided with an annual updated prospectus of the Fund, and that such unitholders will have the option of reinvesting Fund distributions in additional shares at net asset value. Applicants state that the expense of offering the Program will be borne by the Adviser.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person, except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus. Applicants request an exemption from the provisions of Section 22(d) of the Act to permit the investment of distributions from the Trust in share of the Fund at net asset value pursuant to the Program.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that the granting of an exemption from the provisions of Section 22(d), of the Act would be consistent with the public interest and with the purposes of Section 22(d) of the Act. They further submit that such exemption would be beneficial to both unitholders and Fund shareholders. Applicants assert that the major portion of the cost of selling investment company shares is incurred in identifying potential investors and ascertaining their investment objectives. In this respect, they state that the unitholders of the Trust have already been identified as seeking tax exempt income from a diversified portfolio of securities and that little or no additional sales cost could be allocated to the purchase of Fund shares through the Program. Applicants assert that such investors should receive the benefit of these reduced sales expenses through reinvestment at net asset values without the payment of a sales charge. Applicants further assert that the Fund will benefit from the proposed transactions because: (i) the investments in the Fund through the Program will produce a larger asset base and a steady cash flow which will assist meeting redemption requests without liquidating portfolio securities; (ii) to the extent that the Fund's operating expenses do not increase in direct proportion to increases in assets, the increased asset base resulting from the Program will reduce the costs of operations on a per share basis; and (iii) the Fund and its transfer agent have agreed that the transfer agency fees attributable to participant's accounts in the Fund will not exceed, as a percentage of assets, the fees paid by the Fund on its other shareholder accounts. Applicants submit that the Trust also will benefit from the proposed transaction to the extent that it will be able to provide unitholders with the opportunity to invest distributions in an open-end investment company which is similar to the Trust.

Notice is further given that any interested person may, not later than August 10, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22934 Filed 7–24–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 16040; SR–PSE–79–8]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

On June 4, 1979, the Pacific Stock Exchange Incorporated filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which would clarify the timing of the implementation of an options trading halt in the event of a regulatory halt in the underlying security. The proposed change would amend PSE Rule VI, Section 37, to provide that whenever a regulatory halt takes place in the underlying security on an exchange where more than 50 percent of the total volume over the past six months has been traded, trading in the options class also will be halted.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–15910, June 11, 1979) and by publication in the **Federal Register** (44 FR 34679, June 15, 1979).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to options exchanges, and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22935 Filed 7-24-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21151; 70-6055]

System Fund, Inc., et al.; Post-Effective Amendment Regarding Financing Arrangements Related to the Purchase of Fuel by a Nonutility Subsidiary for Use by the Operating Companies

In the Matter of System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112, Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203, Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174, Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205, New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112.

Notice is hereby given that Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively referred to as "Operating Companies"), all public utility subsidiary companies of Middle South Utilities, Inc. ("Middle South"), a registered holding company, together with System Fuels, Inc. ("SFI"), a jointly-owned nonutility subsidiary company of the Operating Companies, have filed a post-effective amendment to their declaration in this proceeding pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 50(a)(2) and 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 30, 1976, the Commission approved an extension of the period through December 31, 1977, during which SFI is authorized to make borrowings from the Operating Companies, parent companies of SFI, to finance its fuel supply business. (HCAR No. 19835). In that proceeding, SFI committed itself to endeavor to obtain funds from external sources under arrangements advantageous to SFI and the Middle South System, in lieu of borrowings from the Operating Companies, to meet SFI's expenditure requirements.

By order dated November 7, 1977, (HCAR No. 20246), the Commission authorized SFI to make borrowings through the sale of bankers' acceptances under an Acceptance Facility Line of Credit Agreement ("Acceptance Agreement") with Citibank, N.A., New York, New York ("Bank") to finance a portion of its requisite inventory of fuel oil through 1978. Pursuant to the Acceptance Agreement, SFI could borrow and reborrow through November 18, 1978, up to a maximum aggregate amount not to exceed at any one time outstanding the lesser of $25,000,000 or an amount equal to 50 percent of the fair market value of SFI's fuel oil inventory then in storage at specified locations (the "Acceptance Base"). The period during which SFI could effect such borrowing and reborrowings was extended to November 18, 1979 by order dated November 15, 1978. As of May 31, 1979, SFI's borrowings from the bank under the Acceptance Agreement aggregated $25,000,000, the proceeds of which were applied by SFI toward the purchase of oil for use, as fuel by the Middle South system. At that date, SFI's fuel oil inventory was 7,200,000 bbls, with an estimated market value of $131,700,000.

To assure the availability to the Operating Companies and to Arkansas-Missouri Power Company, the other operating subsidiary of Middle South, of an adequate supply of fuel oil through 1979, SFI presently estimates that it will be necessary to maintain an inventory varying between 5,800,000 and 7,800,000 bbls., valued at as much as $145,000,000, an increase of $61,000,000 over the amount projected earlier for the maximum fuel inventory for 1979. The maximum value of SFI's fuel oil inventory for 1980 is estimated to be at least as high as the projected 1979 maximum value. Requirements may vary because of seasonal factors, availability of natural gas and other changes in conditions. To finance this increase, authorization is being sought in this filing and in File No. 70-5259 to amend the Acceptance Agreement and the Loan Agreement, dated December 8, 1972, as amended, among SFI, Middle South, the Operating Companies and Hibernia National Bank. The Amendment to the Acceptance Agreement proposed herein would increase the aggregate amount at any one time outstanding which SFI may borrow and reborrow under the Acceptance Agreement to the lesser of $50,000,000 or an amount equal to 60% of the fair market value of SFI's fuel oil inventory in storage at specified locations (the "New Acceptance Base"). The proposed amendment would also extend the term of the Acceptance Agreement to June 30, 1981. Proceeds from borrowings under the Acceptance Agreement would be used to finance a portion of SFI's fuel oil inventory.

Based upon the prevailing bid rate of 9.85 percent in effect as of June 28, 1979, for 90-day commercial drafts or bills ineligible for discount with Federal Reserve Banks, and after giving effect to the Acceptance Charge under the Acceptance Agreement, as previously amended, of 1.60 percent per annum payable as to Drafts of SFI accepted and discounted by the Bank, SFI estimates that its cost of money in respect of the proposed borrowings under the Acceptance Agreement, as previously amended would be 11.79 percent per annum.

Changes to reflect the proposed increase in borrowings under the Acceptance Agreement and the proposed extension of its terms will be made in the Security Agreement pursuant to which SFI has granted the Bank a security interest in fuel oil inventories at specified locations in Arkansas and Mississippi. As a result of the proposed changes in the Acceptance Agreement and in order to maintain the security interest granted by SFI to the Bank in its fuel oil inventory at specified locations in Louisiana, SFI will enter into an amendment to the Pledge and a Second Chattel Mortgage and will execute and deliver in pledge to the Bank a Second Mortgage Note in the principal amount of $25,000,000 pursuant to a Second Pledge Agreement. In all other respects the proposed transactions remain the same.

The companies request exemption from the competitive bidding requirements of Rule 50(b) pursuant to paragraph (a)(5) thereof with respect to the reasonableness of any fees, commissions or other remuneration to be paid in connection with the execution and delivery by SFI of the drafts and consider the execution and delivery to the Bank of the Second Mortgage Note exempt from the requirements of Rule 50(b) pursuant to paragraph (a)(2) thereof. The companies propose to file the requisite certificates of notification under Rule 24 covering the proposed transactions on a quarterly basis.

The fees and expenses to be incurred in conection with the proposed transactions are to be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 13, 1979, request in writing that a hearing be held on such matter, stating

the nature of his interest, the reasons for such request and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such a request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such a request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22936 Filed 7-24-79; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10782; 812-4495]

Lord Abbett Cash Reserve Fund, Inc.; Application for Order of Exemption

July 16, 1979.

Notice is hereby given that Lord Abbett Cash Reserve Fund, Inc. ("Applicant"), 63 Wall Street, New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 18, 1979, and an amendment thereto on July 2, 1979, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share, for the purpose of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects, its portfolio securities will be valued in accordance with the views of the Commission, set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC–9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund designed as an investment vehicle for individuals, institutions and fiduciaries with temporary cash balances or cash reserves. Applicant represents that its investment objective is maximum current income and preservation of capital through investments in high-quality short-term liquid securities. Applicant states that in pursuit of its objective, it will invest exclusively in high-quality money market instruments consisting of (i) obligations issued or guaranteed by the U.S. Government or any agency or instrumentality thereof; (ii) obligations (including certificates of deposit and bankers' acceptances) of U.S. banks (including foreign branches) and savings and loan associations which at the date of the latest public reporting had total assets in excess of $1 billion and capital, surplus, and undivided profits in excess of $100 million; (iii) commercial paper (such as short-term unsecured promissory notes of corporations and variable amount master demand notes) which at the date of investment is rated A–1 by Standard & Poor's Corporation or Prime-1 by Moody's Investor Services, Inc., or, if not rated, is issued by companies having outstanding debt rated AAA or AA by Standard & Poor's or Aaa or Aa by Moody's; (iv) corporate debt securities (bonds and debentures) with no more than 12 months remaining to maturity at date of settlement and rated AAA or AA by Standard & Poor's or Aaa or Aa by Moody's; (v) short-term repurchase agreements with member banks of the Federal Reserve System, primary dealers in U.S. Government securities, or broker-dealers. Applicant represents that such agreements will be limited to transactions with financial institutions believed by Applicant's investment adviser to present minimal credit risks and will be collateralized by underlying money market instruments in which the Applicant may otherwise invest as described above. Applicant states that repurchase agreements entered into with broker-dealers will be for periods not to exceed thirty days and throughout the period the collateral will have a value at least equal to the amount of the loan (including accrued interest).

Applicant represents that it proposes to (i) utilize the mark-to-market method of valuing its portfolio instruments having remaining maturities in excess of 60 days; (ii) utilize the amortized cost valuation technique for valuing its portfolio instruments having remaining maturities of 60 days or less; and (iii) effect sales, redemptions and repurchases of its shares at prices calculated to the nearest one cent on a share having a nominal value of $1.00. Applicant further states that it will determine its net asset value per share for purposes of effecting sales, redemptions and repurchases of its shares as of the close of trading on each day the New York Stock Exchange is open for trading, or at such other times as may be determined by its Board of Directors that are not inconsistent with the requirements of the Act and the rules thereunder.

Rule 22c–1 under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In IC–9786 the Commission expressed its view that it is inconsistent with Rule 2a–4 for certain money market funds to "round off" calculations of their net asset value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" its portfolio valuation as required by Rule 2a–4.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and the rules thereunder, if and to the extent that such exemption if necessary or appropriate in the public interest and consistent with

the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an exemption to permit it to maintain its net asset value at $1.00 per share by rounding off its calculation of net asset value to the nearest cent. Applicant submits that the granting of such exemption would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that it believes that potential investors in its shares are not concerned with the theoretical differences which might occur between the yield achieved through "market" pricing and the yield computed by using the "penny rounding" valuation method described herein. Applicant further believes that such potential investors are vitally concerned that the net asset value of their shares remain stable and that the daily net income declared on their investment not exhibit the volatility which can often occur when changes in market prices cause changes in yield on a daily or weekly basis, and that they would forego investing in a fund which did not meet these requirements. In addition, Applicant states that granting of the relief requested would provide its shareholders the convenience of being able to determine the value of Applicant's shares simply by knowing the number of shares they own, and would make the task of maintaining an investment record easier.

Applicant asserts that computing its net asset value per share to the nearest one cent on a share value of one dollar as described above will allow it to maintain a constant net asset value per share under usual or ordinary circumstances and thereby permit it to serve the interests and requirements of its shareholders notwithstanding its use of the mark-to-market method, as opposed to the amortized cost method, of valuing its portfolio instruments having remaining maturities in excess of 60 days.

Applicant further represents that its directors have determined in good faith that this proposed method of calculating the net asset value per share of Applicant under the described circumstances is appropriate and in the best interest of its shareholders.

Finally, Applicant contends that a substantial number of money market funds now offer the public a steady $1.00 price for their shares and that experience has demonstrated that such funds provide a useful investment vehicle for the investors they serve.

Applicant further states that its request for exemption may be conditioned upon its adherence to the following:

1. Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, will undertake—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objective, that the price per share of Applicant's shares as computed for purposes of sales, repurchases and redemptions, rounded to the nearest one cent, will not deviate from $1.00.

2. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and Applicant will not (i) purchase any instrument with a remaining maturity of greater than one year, or (ii) maintain a dollar-weighted average portfolio maturity in excess of 120 days; and

3. Applicant's purchases of portfolio instruments, including securities underlying repurchase agreements, will be limited to those classes of high-quality instruments designated hereinabove.

Notice is further given that any interested person may, not later than August 10, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–22883 Filed 7–24–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21146; 70–6051]

Middle South Utilities, Inc., and Middle South Energy, Inc.; Proposal by Subsidiary To Issue Common Stock to Parent

July 17, 1979.

In the matter of Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Middle South Energy, Inc., 225 Baronne Street, New Orleans, Louisiana 70112.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Middle South Energy, Inc. ("MSEI"), a wholly owned subsidiary of Middle South, have filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By Commission order dated December 20, 1977 (HCAR No. 20327), MSEI was authorized to issue and sell to Middle South, and Middle South, was authorized to purchase, from time to time, through and including December 31, 1978, 75,000 shares of MSEI's presently authorized but unissued common stock, no par value ("New Common Stock"), at a price of $1,000 per share for an aggregate cash purchase price of $75,000,000.

Sales of common stock aggregating 53,000 shares occurred during 1978. By Commission order dated December 27, 1978 (HCAR No. 20849), MSEI was authorized to issue and sell to Middle South, and Middle South was authorized to purchase (i) from time to time, through and including Junce 30, 1979, up to 10,000 shares of the common stock which were unsold as of December 31, 1978 ("Carryover Shares"), and (ii) from time to time, through and including December 31, 1979, up to 75,000 additional shares of MSEI's authorized but unissued common stock, no par value ("New Common Stock").

As of June 22, 1979 MSEI had sold all of the Carryover Shares and 31,800

shares of the New Common Stock to Middle South.

It is now stated that, based upon MSEI's revised estimate of cash requirements for the remainder of 1979 and during the first half of 1980, in addition to the 43,200 shares of the New Common Stock which were unsold as of June 22, 1979, it may be necessary for MSEI to issue and sell to Middle South during the remainder of 1979 and during the first half of 1980, an aggregate of 50,000 additional shares of its authorized but unissued common stock, no par value ("Additional Shares").

MSEI is authorized by its articles of incorporation to issue up to 1,000,000 shares of its common stock, no par value, and as of June 22, 1979, MSEI had issued and sold an aggregate of 313,800 shares of its common stock, no par value to Middle South for an aggregate cash consideration of $313,800,000.

MSEI proposes to issue and sell to Middle South up to such 50,000 shares of Additional Shares from time to time through June 30, 1980, at a price of $1,000 per share for an aggregate cash purchase price of $50,000,000.

Sales of the Additional Shares will be timed to coincide with MSEI's cash needs which are primarily determined by the nature and pace of the construction work on the Grand Gulf Project. Each such sale will be reported to the Commission by a Certificate filed pursuant to Rule 24.

MSEI will apply the proceeds of sales of Additional Shares to costs incurred by it in the construction of the Grand Gulf Project.

To the extent funds are required from external sources to acquire the Additional Shares, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes issued under a revolving credit agreement dated June 29, 1978 with a group of banks headed by Manufacturers Hanover Trust Company, New York, New York, as authorized by the Commission's order dated June 15, 1978 (HCAR No. 20593), or through extensions thereof or such other forms of financing as may be approved by the Commission.

Sale of the Carryover Shares and the Additional Shares will enable MSEI to continue construction of the Grand Gulf Project and to maintain capitalization ratios required under various agreements, including its Restated and Amended Bank Loan Agreement with a group of lending banks and its Mortgage and Deed of Trust dated june 15, 1977.

The fees, commissions and expenses to be incurred in connection with the proposed transaction are estimated at $5,000, consisting entirely of legal fees. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 10, 1979, request in writing that a hearing be hold on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22882 Filed 7-24-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21145; 31-771]

Scopar International, Inc.; Application for Exemption Pursuant to Section 3(a)(5)

July 17, 1979.

Notice is hereby given that Scopar International, Inc. ("Scopar"), 316 Aragon Avenue, Coral Gables, Florida 33134, a holding company, has filed an application for exemption pursuant to Section 3(a)(5) of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the application, which is summarized below, for a description of Scopar and its subsidiary and a statement as to the basis upon which an exemption is requested.

Scopar, a Delaware corporation, is engaged through its wholly-owned subsidiary, Empresa Electrica Del Ecuador, Inc. ("Emelec"), a Maine corporation, in the generation, transmission and sale of electricity solely in the Republic of Ecuador. In 1978, Scopar and its subsidiary reported operating income of $30,006,339 (5.47% of which represented administrative, purchasing, engineering and consulting services rendered to Emelec by the parent and other affiliated companies) and net income of $3,300,323.

Scopar's principal business is that of a holding company for Emelec, and it has no other subsidary companies. Neither Emelec nor Scopar owns or operates any facilities used for the generation, transmission, or distribution of electric energy in the United States. Scopar's financial statement shows that it is not and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or companies any part of the business of which within the United States is that of a public utility company within the meaning of the Act.

Section 3(a)(5) provides that the Commission shall exempt a holding company and its subsidiaries if

"such holding company is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or companies the principal business of which within the United States is that of a public-utility company."

Scopar states that, on the basis of the facts stated in its application and summarized herein, it is entitled to an exemption under Section 3(a)(5). Section 3(a) provides that the Commission shall grant an application for exemption "unless and except insofar as it finds the exemption detrimental to the public interest or the interest of investors and consumers * * *."

Notice is further given that any interested person may, not later than August 10, 1979, request in writing that a hearing be held on such matter stating the nature of interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an

attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted in the manner provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including notice of the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-22881 Filed 7-24-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Agency for International Development

Extension of Comment Period on Proposed Change of A.I.D. Policy Regarding Nationality Eligibility for A.I.D.-Financed Contracts for Services

By notice dated June 14, 1979, published in the **Federal Register** June 21, 1979, Vol. 44, No. 121, page 36283, A.I.D. requested public comment on a proposed change in its nationality policy governing the eligibility of suppliers of services under A.I.D. financing. The deadline for comments was July 20, 1979.

A.I.D. has been requested by several U.S. firms and an association of construction industry firms to extend the deadline, in particular in order to permit consideration of the matter at the association's annual meeting. Accordingly, the deadline for comments is extended to August 20, 1979.

Comments should be addressed to John F. Owens, Deputy Assistant Administrator, Bureau for Program and Management Services, Room 5893, Department of State, Agency for International Development, Washington, D.C. 20523. For further information contact Frank Calkins, (703) 235-9107.

Dated: July 16, 1979.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 79-22922 Filed 7-24-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Form 990, Return of Organization Exempt From Income Tax; Adoption of Proposed Revision

Correction

In FR Doc. 79-22008, appearing at page 41600 of the **Federal Register** for Tuesday, July 17, 1979, portions of Form 990, Return of Organization Exempt from Income Tax was printed incorrectly. Form 990 is repirnted correctly below.

BILLING CODE 1505-01-M

Form **990**
Department of the Treasury
Internal Revenue Service

Return of Organization Exempt from Income Tax

Under section 501(c) (except private foundation), 501(e) or (f) of the Internal Revenue Code

1979

For the calendar year 1979, or fiscal year beginning , 1979, and ending , 19

Use IRS label. Otherwise, please print or type.	Name of organization	A Employer identification number (see instructions)
	Address (number and street)	B If exemption application is pending check here . . . . . ▶
	City or town, State, and ZIP code	C If addressed changed check here . . ▶

D Check applicable box—Exempt under section ▶ ☐ 501(c) ( ) (insert number), ☐ 501(e) OR ☐ 501(f).

E Is this a group return (see instruction K) filed for affiliates? ☐ Yes ☐ No
Is this a separate return filed by a group affiliate? ☐ Yes ☐ No
If "Yes" to either, give four-digit group exemption number (GEN) ▶

NOTE: ☐ Check here if gross receipts are normally not more than $10,000 (see instruction T) and do not complete the rest of this return (see instruction C).
☐ Check here if gross receipts are normally more than $10,000 and line 12 is $25,000 or less. Complete Parts I, II, IV, and VI and only the shaded items in Parts III and V (see instruction D). If line 12 is more than $25,000 you must complete the entire return.

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All section 501(c)(3) organizations must also complete Schedule A (Form 990) and attach it to this return.

Part I Analysis of Revenue, Expenses and Fund Balances

		Total	These columns are strictly optional—see instructions: Restricted	Unrestricted
Revenue	1 Contributions, gifts, grants and similar amounts received:			
	(a) Directly from the public			
	(b) Through professional fundraisers			
	(c) As allotments from fundraising organizations			
	(d) As government grants			
	(e) Other			
	(f) Total (add lines 1(a) through 1(e)) (attach schedule—see instructions)			
	2 Membership dues and assessments			
	3 Interest			
	4 Dividends			
	5 (a) Gross rents			
	(b) Minus: Rental expenses			
	(c) Net rental income			
	6 Royalties			
	7 (a) Gross amount received from sale of assets other than inventory			
	(b) Minus: Cost or other basis and sales expenses			
	(c) Net gain/loss (attach schedule)			
	8 Special fundraising events and activities:			

Type of event	Receipts	Expenses

	(a) Total receipts			
	(b) Total expenses			
	(c) Net income (line 8(a) minus line 8(b))			
	9 (a) Gross sales minus returns and allowances			
	(b) Minus: Cost of goods sold (attach schedule)			
	(c) Gross profit (loss)			
	10 Program service revenue (from Part II, line (f))			
	11 Other revenue (from Part II, line (g))			
	12 Total revenue (add lines 1(f), 2, 3, 4, 5(c), 6, 7(c), 8(c), 9(c), 10 and 11)			
Expenses	13 Fundraising (from line 40(B))			
	14 Program services (from line 40(C))			
	15 Management and general (from line 40(D))			
	16 Total expenses (add lines 13 through 15)			
Fund Balances	17 Excess (deficit) for the year (subtract line 16 from line 12)			
	18 Fund balances or net worth, beginning of year (from line 65(A))			
	19 Other changes in fund balances or net worth (attach explanation)			
	20 Fund balances or net worth, end of year (add lines 17, 18 and 19)			

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Part II Program Service Revenue and Other Revenue

	Program service revenue	Other revenue
(a)		
(b)		
(c)		
(d)		
(e)		
(f) Total program service revenue (Enter here and on line 10)		
(g) Total other revenue (Enter here and on line 11)		

Part III Allocation of Expenses by Function

NOTE: If line 12, Part I is $25,000 or less you should complete only the line items for columns (A) and (B), Part III. If line 12 is more than $25,000 you must complete columns (A), (B), (C), and (D).

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Note: *Do not include amounts reported on line 5(b), 7(b), 8(b) or 9(b) of Part I.*	(A) Total	(B) Fundraising	(C) Program services	(D) Management and general
Expenses 21 Contributions, gifts, grants and similar amounts awarded (attach schedule)				
22 Benefits disbursed to or for members				
23 Compensation of officers, directors and trustees				
24 Other salaries and wages				
25 Pension plan contributions				
26 Other employee benefits				
27 Payroll taxes				
28 Fees for fundraising				
29 Other professional services				
30 Interest				
31 Occupancy				
32 Rental and maintenance of equipment				
33 Printing and postage				
34 Telephone				
35 Supplies				
36 Travel				
37 Other expenses (itemize):				
38 Total expenses before depreciation (add lines 21 through 37)				
39 Depreciation, depletion, etc.				
40 Grand total (add lines 38 and 39). Enter here and on lines 13 through 15				

Part IV List of Officers, Directors and Trustees (See Instructions)

(A) Name and address	(B) Title and time devoted to position	(C) Compensation	(D) Contributions to employee benefit plans	(E) Expense account and other allowances

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Part V Balance Sheet

Assets	(A) Beginning of tax year	(B) End of tax year
41 Cash:		
(a) Savings and interest-bearing accounts		
(b) Other		
42 Accounts receivable ▶ ..... minus allowance for doubtful accounts ▶		
43 (a) Notes receivable (attach schedule) ▶ ..... minus allowance for doubtful accounts ▶		
(b) Loans to officers, directors and trustees (attach schedule)		
44 Inventories		
45 Government obligations:		
(a) U.S. and instrumentalities		
(b) State and its subdivisions		
46 Investments in nongovernmental bonds, etc. (attach schedule)		
47 Investments in corporate stocks (attach schedule)		
48 Mortgage loans (number of loans ▶ .....)		
49 Other investments (attach schedule)		
50 Depreciable (depletable) assets (attach schedule):		
(a) Beginning assets ▶ ..... minus accumulated depreciation ▶		
(b) Ending assets ▶ ..... minus accumulated depreciation ▶		
51 Land		
52 Other assets (attach schedule)		
53 Total assets		
Liabilities		
54 Accounts payable		
55 Contributions, gifts, grants, etc., payable		
56 Bonds and notes payable (attach schedule)		
57 Mortgages payable		
58 Loans from officers, directors and trustees (attach schedule)		
59 Other liabilities (attach schedule)		
60 Total liabilities		
Fund Balances and Net Worth		

Note: *You must complete this section of the balance sheet based on the method of accounting you normally use. Please check either "Fund Accounting" or "All Others" and provide the information requested under the method you have checked.*

Fund Accounting	All Others		
Check here ▶ ☐	Check here ▶ ☐		
61 Current funds:			
(a) Unrestricted			
(b) Restricted			
62 Land, buildings and equipment	Capital stock or trust principal		
63 Endowment and similar funds	Paid-in or capital surplus		
64 Other	Retained earnings or accumulated income		
65 Total fund balances	Total net worth		
66 Total liabilities and fund balances/net worth			

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Form 990 (1979) Page 4

Part VI Statements Regarding Certain Activities

	Yes	No
67 Describe each significant program service activity and indicate the expenses paid or incurred: (a) (b) (c) (d) — Expenses		
68 Have you engaged in any activities not previously reported to the Internal Revenue Service? If "Yes," attach a detailed description of such activities.		
69 Have any changes not previously reported to the Internal Revenue Service been made in your organizing or governing documents? If "Yes," attach a copy of the changes.		
70 (a) Did you have unrelated business gross income of $1,000 or more during the year covered by this return?		
(b) Have you filed a tax return on Form 990–T, Exempt Organization Business Income Tax Return, for this year?		
(c) If you have gross sales or receipts from business activities not reported on Form 990–T, attach a statement explaining your reason for not reporting them on Form 990–T.		
71 Was there a liquidation, dissolution, termination, or substantial contraction during the year (see instructions)? If "Yes," attach a schedule of the dispositions for the year showing type of assets disposed of, the dates disposed, the cost or other basis, the fair market value on dates of disposition and the names and addresses of the recipients of the assets distributed.		
72 Are you related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization (see instructions)? If "Yes," enter the name of organization ▶ ..... and check whether it is ☐ exempt OR ☐ nonexempt.		
73 (a) Enter amount expended, if any, directly or indirectly for section 527(e)(2) political purposes		
(b) Did you file Form 1120–POL, U.S. Income Tax Return of Certain Political Organizations, for this year?		
74 Did your organization receive donated services or the use of facilities or equipment at no charge or at substantially less than fair rental value? If "Yes," you may, if you choose, indicate the value of such services or usage here. Do not include this amount elsewhere on this return ▶		
The following statements should be completed ONLY by the organizations indicated.		
75 *Section 501(c)(5) or (6) organizations.*—Did you expend any amounts in connection with any attempt to influence the general public, or segments thereof, with respect to legislative matters or referendums (see instructions and section 1.162–20(c) of the Income Tax Regs.)? If "Yes," enter the total amount expended for this purpose		
76 *Section 501(c)(7) organizations.*—Enter amount of: (a) Initiation fees and capital contributions included on line 12		
(b) Gross receipts from general public from use of club facilities included in line 12 (see instructions)		
(c) Does your governing instrument or any written policy statement provide for discrimination against any person because of race, color or religion?		
77 *Section 501(c)(12) organizations.*—Enter: (a) The total amount of gross income received from members or shareholders		
(b) The total amount of gross income received from other sources (do not net amounts due or paid to other sources against amounts due or received from them)		
78 *Public interest law firms.*—Attach information required by specific instruction for line 78.		
79 The books are in care of ▶ ..... Telephone No. ▶ ..... Located at ▶		

DRAFT

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

▶ Signature of officer ..... Date ▶ Title .....

Paid Preparer's Information

Preparer's signature ▶ .....

Firm's name (or yours, if self-employed), address and Zip Code ▶ ..... Date ▶

☆ U.S. GOVERNMENT PRINTING OFFICE : 1979—O-283-248

263–248–1

BILLING CODE 1505-01-C

Office of the Secretary

Certain Fresh Winter Vegetables From Mexico; Termination of Antidumping Investigation

AGENCY: U.S. Treasury Department.

ACTION: Termination of antidumping investigation.

SUMMARY: This notice is to advise the public that the antidumping investigation concerning certain fresh winter vegetables from Mexico is being terminated. The termination is based on the withdrawal of the original antidumping petition, as detailed in the body of this notice and appendices hereto.

EFFECTIVE DATE: July 25, 1979.

FOR FURTHER INFORMATION CONTACT: Linda F. Potts, Assistant Director, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue, NW, Washington, D.C. 20220, telephone (202–566–2951).

SUPPLEMENTARY INFORMATION: On September 12, 1978, a petition in proper form was received pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel on behalf of the Southwest Florida Winter Vegetable Growers Association, the Palm Beach-Broward Farmers Committee for Legislative Action, Inc., and the South Florida Tomato and Vegetable Growers, Inc., alleging that certain fresh winter vegetables from Mexico are being, or are likly to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as the "Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the Federal Register of October 19, 1978 (43 FR 48755). On April 30, 1979, a notice of "Extension of Antidumping Investigatory Period" was published (44 FR 25283).

For purposes of this notice, the term "certain fresh winter vegetables" means fresh cucumbers, eggplant, peppers, squash, and tomatoes (except cherry tomatoes), the product of Mexico, provided for in items 135.90 through 135.92, 136.20 through 136.22, 137.10, 137.50, and 137.60 through 137.63, respectively, of the Tariff Schedules of the United States, and meeting the United States Department of Agriculture minimum standards for grades as set out in 7 CFR 51.2220 through 51.2239, 51.2190 through 51.2207, 51.3270 through 51.3286, 51.4030 through 51.4062 and 51.1855 through 51.1877, respectively. This investigation concerns only fresh vegetables shipped during the winter vegetable season, meaning shipments of the subject merchandise made during the period November 1 in any year to the last day of the following April inclusive.

Counsel for petitioners submitted a letter dated July 18, 1979, indicating that in order to facilitate negotiations between the Governments of Mexico and the United States to seek a just and equitable solution to problems existing in the winter vegetable market petitioners would withdraw their petition if the Treasury agreed with certain understandings concerning petitioners' right to refile their petition and the time in which Treasury would process any investigation initiated upon such refiling. On July 18, 1979, the Treasury Department confirmed these understandings in a letter and on July 19, 1979, counsel for petitioners submitted a letter formally withdrawing the petition. These letters are reproduced as appendices to this notice.

Accordingly, I hereby conclude that based upon the withdrawal of the antidumping petition, it is appropriate to terminate this investigation. This termination is without prejudice to the filing of a subsequent antidumping petition concerning the same products.

Robert H. Mundheim,

General Counsel of the Treasury.

July 19, 1979.

Van Ness, Feldman & Sutcliffe,
Washington, D.C., July 18, 1979.

Re: Certain Fresh Winter Vegetables from Mexico.

Robert H. Mundheim, Esq.,
General Counsel, Department of the Treasury, Room 3000, 15th and Pennsylvania Avenue NW., Washington, D.C.

Dear Mr. Mundheim: On September 12, 1978, three Florida winter vegetable grower organizations, the Palm Beach-Broward Farmers Committee for Legislative Action Inc., the Southwest Florida Winter Vegetable Growers Association and the South Florida Tomato and Vegetable Association, Inc. (hereinafter Petitioners) filed an antidumping petition with respect to certain fresh winter vegetables imported from Mexico. On October 19, 1978, an Antidumping Proceeding Notice was published and an intense investigation commenced. The Department of the Treasury's tentative determination, which could result in an affirmative finding and a withholding of appraisement, is now required to be made by July 19, 1979, since the Department of the Treasury has exhausted all statutory extensions.

On July 16 and 17, 1979, the Petitioners and their representatives met with officials of the Department of State and the Office of the Special Trade Representative. We were informed that the Government of Mexico had agreed to enter into negotiations on an expedited basis to seek a just and equitable solution to problems existing in the winter vegetable market. While realizing that we are literally hours away from an objective tentative determination as to whether Mexican winter vegetables are being sold in this country at less than fair value, the Petitioners do not want to act as an impediment to an acceptable negotiated solution to this long standing problem. Accordingly, to facilitate such negotiations, the Petitioners will agree to immediately withdraw their Antidumping Petition if the Department of the Treasury accepts and expressly acknowledges each of the following conditions:

1. The withdrawal of the petition is without prejudice. The Treasury files pertaining to this petition will be retained for at least five years from the date on which the petition is withdrawn. The petitioners may refile the withdrawn petition within 90 days of withdrawal and the Department of the Treasury will accept the resubmitted petition, without condition, as fulfilling all requirements under the statute and regulations for immediately initiating an antidumping investigation.

2. Should the withdrawn petition be refiled within 90 days of withdrawal, the Department of the Treasury will issue its tentative determination within 7 days of such filing and a final determination as expeditiously as possible.

3. Should the withdrawn petition be refiled within 90 days of withdrawal the Treasury determinations will be based on the relevant information in the retained files and the accumulated expertise and extensive statistical data obtained in the development of that information; specifically, the Treasury determinations will involve a determination as to whether there were sales at less than fair value during the 1977–78 winter vegetable growing season as defined in the withdrawn petition.

Any subsequent filing after 90 days of the date of withdrawal of the petition will be processed expeditiously using, among other things, the relevant information in the retained files and the accumulated expertise attained in the development of that information.

Upon receipt of your acceptance and acknowledgement of the above four points, the Petitioners promptly will provide you with a letter confirming the withdrawal of their petition.

Sincerely,

Howard J. Feldman.

The General Counsel of the Treasury,
Washington, D.C., July 18, 1979.

Howard J. Feldman, Esq.,
Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Washington, D.C.

Dear Mr. Feldman: Thank you for your letter of July 18, in which you agree to withdraw the antidumping petition relating to certain fresh winter vegetables from Mexico, if we accept certain conditions.

Those conditions are acceptable, and we will terminate the investigation as soon as we have your formal withdrawal.

Sincerely,

Robert H. Mundheim.

Van Ness, Feldman & Sutcliffe,
Washington, D.C., July 19, 1979.

Re: Certain Fresh Winter Vegetables from Mexico.

Robert H. Mundheim, Esq.,
General Counsel, Department of the Treasury, Room 3000, 15th and Pennsylvania Avenue NW., Washington, D.C.

Dear Mr. Mundheim: Thank you for your letter of July 18, 1979, in which you confirm the understandings set forth in our letter of July 18, 1979. This constitutes formal notification by the Palm Beach-Broward Farmers Committee for Legislative Action Inc., the Southwest Florida Winter Vegetable Growers Association and the South Florida Tomato and Vegetable Association, Inc., that they are withdrawing their anti-dumping petition concerning certain fresh winter vegetables from Mexico.

Sincerely,

Howard J. Feldman.

[FR Doc. 79-22950 Filed 7-24-79; 8:45 am]

BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 112]

Assignment of Hearings

July 19, 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 143496 (Sub-1), United Coach Companies of Tidewater, Inc., now being assigned for hearing on September 10, 1979 (1 week), at Norfolk, VA, location of hearing room will be designated later.

MC 51146 (Sub-664F), Schneider Transport, Inc., now assigned for hearing on July 26, 1979, at Chicago, IL, and will be held in Room 2502, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 115331 (Sub-469F), Truck Transport, Incorporated, now assigned for hearing on July 30, 1979, at Chicago, IL, and will be held in Room 349, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 133655 (Sub-128F), Trans-National Truck, Inc., at Chicago, IL, is now assigned for hearing July 26, 1979, is canceled transfered to Modified Procedures.

MC 145102 (Sub-12F), Freymiller Trucking, Inc., now being assigned for hearing on October 30, 1979, (1 day), at Los Angeles, CA, in a hearing room to be designated later.

MC 14138 (Sub-8F), Heavy Transport, Inc., now being assigned for hearing on October 31, 1979, (3 days), at Los Angeles, CA, in a hearing room to be designated later.

MC 107515 (Sub-1205F), Refrigerated Transport Co., Inc., now being assigned for hearing on November 5, 1979, (1 week), at Los Angeles, CA, in a hearing room to be designated later.

MC 134906 (Sub-1, 2, 3, 4, 5, 6, and 7), Cape Air Freight, now assigned for hearing on August 1, 1979, at Louisville, KY, and continued to August 6, 1979, at Chicago, IL, is postponed to October 10, 1979 (3 days), at Louisville, KY, and continued to October 15, 1979 (until complete), at Chicago, IL, in a hearing room to be designated later.

MC 111231 (Sub-67M1), Jones Truck Lines, Inc., now being assigned for hearing on October 30, 1979, (9 days), at Birmingham, AL, in a hearing room to be designated later.

MC-C-7287, Aaacon Auto Transport, Inc., investigation and revocation of certificates, now assigned for hearing on July 23, 1979, (6 weeks), at New York, NY, is canceled and reassigned to July 24, 1979 (4 days), at the Offices of the Interstate Commerce Commission, Washington, DC, and continued to July 30, 1979 (5 weeks), in Room F-2220, Federal Building, 26 Federal Plaza, New York, NY.

MC 82492 (Sub-220F), Michigan & Nebraska Transit Co., Inc., at Chicago, IL, now assigned for hearing October 15, 1979, is canceled transfered to Modified Procedure.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22898 Filed 7-24-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 135]

Motor Carrier Temporary Authority Applications

July 19, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Motor Carriers of Property

MC 47583 (Sub-83TA), filed February 12, 1979. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D.S. Hults, P.O. Box 225, Lawrence, KS 66044. Mineral wool insulation (fibre glass) (except in bulk), from the facilities of CertainTeed Corporation, located at or near Mountaintop, PA, to points in LA and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Vernon V. Coble, DS, ICC, 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 47583 (Sub-85TA), filed March 2, 1979, and published in the **Federal Register** issue of April 3, 1979, and republished as corrected this issue. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Such commodities as are manufactured, processed, sold, used, distributed or dealt in by Fort Howard Paper Company, a manufacturer of Sanitary Paper Products (except commodities in bulk), between the facilities of Fort Howard Paper Company, located at or

near Green Bay, WI, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, DC, GA, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, MS, NC, ND, NE, NJ, NV, NY, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): For Howard Paper Co., P.O. Box 130, 1919 S. Broadway, Green Bay, WI 54305. Send protests to: Vernon V. Coble, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106. The purpose of this republication is to completely show the territorial description which was previously omitted.

MC 146222 (Sub-2TA), filed March 2, 1979, and published in the **Federal Register** issue of April 3, 1979, and republished as corrected this issue. Applicant: ILCO TRUCKING, INC., P.O. Box 57087, Birmingham, AL 35209. Representative: Alan E. Serby, 3390 Peachtree Road, NE, 5th Floor, Lenox Towers South, Atlanta, GA 30326. Contract, irregular; pipe, fittings, hydrants, valves, iron and steel products and parts and accessories for aforementioned items (except commodities in bulk from the facilities of American Cast Iron Pipe Company located at or near Birmingham, AL to points in the U.S. in or east of the western boundaries of MT, WY, CO and NM, under a continuing contract or contracts with American Cast Iron Pipe Company, for 180 days. Supporting shipper(s): American Cast Iron Pipe Co., P.O. Box 2727, Birmingham, AL 35202. Send protests to: Mabel E. Holston, TA, ICC, Rm 1616, 2121 Building, Birmingham, AL 35203. The purpose of this republication is to reflect the proper commodity description.

MC 146062 (Sub-1TA), filed February 16, 1979. Applicant: J. C. HAULING CO., 6233 Gravois Ave., St. Louis, MO 63116. Representative: Harold L. Fults, P.O. Box 12, Millstadt, IL 62260. *Crushed dolomite*, in bulk in dump vehicles, from the facilities of Valley Mineral Products Corp., at or near Bonne Terre, MO, to the facilities of Granite City Steel, at Granite City, Il, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Valley Mineral Products Corp., 915 Olive St., St. Louis, MO 63101; Granite City Steel, 20th and State Streets, Granite City, IL 62040. Send protests to: Peter E. Binder, OIC, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

[FR Doc. 79-22897 Filed 7-24-79; 8:45 am]
BILLING CODE 7035-01-M

[Notice No. 120]

Motor Carrier Temporary Authority Applications

July 3, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinenance of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 1334 (Sub-28TA), filed June 20, 1979. Applicant: RITEWAY TRANSPORT, INC., 2131 W. Roosevelt St., Phoenix, AZ 85009. Representative: James Kimbro (same address as applicant). *Fire resistant products, sealers, insulation materials and cements, polystyrene products, and materials and equipment used in the manufacture and application of the foregoing commodities*, from Orange County, CA to points in AZ, CO, ID, WA, NV, UT, NM, OR and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: United States Mineral Products Co., 1485 S. Main St., Orange, CA 92668. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 8515 (Sub-18TA), filed June 6, 1979. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard Kofkin, 39 South LaSalle Street, Chicago, IL 60603. *Chemicals and oxidizing materials* (except in bulk) from LaSalle, IL to points in the states of PA, NC, SC, KY, OH, NY, KS and MN for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Carus Chemical Company, 1500 Eighth Street, LaSalle, IL 61301. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 8544 (Sub-37TA), filed June 20, 1979. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, TX 77011. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. *Garden and water hose and hose fittings* from Stillwater, OK to Farmers Branch, TX for 180 days. Supporting shipper(s): Swan Hose Division, Amerace Corp., P.O. Box 509, Worthington, OH 43085. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 40025 (Sub-8TA), filed June 14, 1979. Applicant: DUST MOTOR SERVICE, INC., 129th St. & Dickey Rd., East Chicago, IN 46312. Representative: Donald W. Smith, Suite 945–9000 Keystone Crossing, Indianapolis, IN 46240. *Iron and steel articles*, from the facilities of Jones & Laughlin Steel Corp., Western Division, at points in the Chicago Commercial Zone located in IN, to points in IL on and north of U.S. Hwy 36 and points in Christian County, IL for 180 days. An ETA has been granted for 90 days. Supporting shipper(s): Jones & Laughlin Steel Corp. Western Division, 3001 Dickey Rd., E. Chicago, IN. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 52465 (Sub-47TA), filed June 22, 1979. Applicant: RICE TRUCK LINES, P.O. box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *Used bricks* from points in Cascade County, MT to points in King, Pierce, Snohomish and Kitsap Counties, WA, for 180 days.

An underlying ETA seeks 90 days authority. Supporting shipper(s): Thomas R. Jensen, Box 165, Clarkston, UT 84305. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 75835 (Sub-10TA), filed June 19, 1979. Applicant: EDGAR W. ROOT, INC., 17 Hillside Road, Westfield, Massachusetts 01085. Representative: James M. Burns, 1383 Main Street, Springfield, MA 01103. *Such merchandise as is dealt in by retail department stores and catalog order houses and related advertising material,* (1) between the facilities of Sears, Roebuck and Company located at Newington, CT, and points in Hampden, Hampshire, Berkshire and Franklin Counties, MA; and (2) between the facilities of Sears, Roebuck and Company located at Holyoke, MA, and points in Litchfield, Hartford and Tolland Counties, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sears, Roebuck and Company, 555 E. Lancaster Avenue, St. Davids, PA 19087. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 94265 (Sub-307TA), filed June 11, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460 West, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, Ga 30342. *Foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration,* (1) From plantsite and storage facilities utilized by Vlasic Foods, Inc., at or near Millsboro, DE to the states of WV, VA, NC, SC, and KY. (2) From plantsite and storage facilities utilized by Vlasic Foods, Inc., at or near Greenville, MS to the states of AL, GA and FL. (3) From plantsite and storage facilities utilized by Vlasic Foods, Inc. at or near Memphis, Imlay City, and Bridgeport, MI to the plantsite and storage facilities utilized by Vlasic Foods, Inc. at or near Greenville, MS. (4) From plantsite and storage facilities utilized by Vlasic Foods, Inc. at or near Memphis, Imlay City, and Bridgeport, MI to plantsite and storage facilities utilized by Vlasic Foods, Inc. at or near Millsboro, DE, for 180 days. Supporting shipper(s): Vlasic Foods, Inc., 33200 W. 14 Mile Rd., W. Bloomfield, MI 48033. Send protests to: I.C.C. Fed. Res. Bldg. 101 N. 7th St., rm. 620, Philadelphia, PA 19106.

MC 107295 (Sub-926TA), filed June 13, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Iron and steel articles,* ex-barge from Madison, IN, to destinations in the states of IL, IN, and MI for 180 days. An ETA has been granted for 90 days. Supporting shipper(s): Wheeling-Pittsburgh Steel Corp., P.O. Box 118, Pittsburgh, PA 15230. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 107815 (Sub-11TA), filed June 18, 1979. Applicant: IOWA COACHES, INCORPORATED, 1180 E. Roosevelt Ext., Dubuque, IA 52001. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg. Des Moines, IA 50309. *Passengers and their baggage, in the same vehicle as passengers, in special operations, in round trip, sightseeing, and pleasure tours,* beginning and ending at Dubuque, IA and extending to points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): VFW Auxiliary No. 9663, 660 W. Third, Dubuque, IA; Dubuque Packer Pals, 471 Locust St., Dubuque, IA; Christine Zimmer, 201 W. 17th, Dubuque, IA. Send protest to: Herbert W. Allen, DS, ICC 518 Federal Bldg., Des Moines, IA 50309.

MC 110325 (Sub-105TA), filed May 19, 1979. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Esq., Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. *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 Salt Lake City, UT and Ogden, UT, serving no intermediate points, and serving the termini for purposes of joinder only, over U.S. Hwy 89 (also over Interstate Hwy 15) to Ogden and return over the same route, for 180 days. Note: Applicant proposes to tack the authority sought here with its authority in MC-110325 and Subs thereto. Supporting shipper(s): None. Applicant states the authority sought is to establish a fueling and equipment station between two alternate routes with no new service points. Send protest to: Irene Carlos, T/A, I.C.C., P.O. Box 1551, Los Angeles, CA 90053.

MC 113024 (Sub-162TA), filed June 8, 1979. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Hwy., Smyrna, DE 19977. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. Contract carrier, irregular routes, *steel wire,* from Mt. Joy, PA to Olney, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Electric Hose & Rubber Co., PO. Box 910, Wilmington, DE 19899. Send protest to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 114274 (Sub-67TA), filed June 12, 1979. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, IA 50306. Representative: John Duncan Varda, 121 S. Pinckney St., Madison, WI 53703. *Paper and paper products (except in bulk) and products (except in bulk) produced or distributed by manufacturers and converters of paper and paper products,* from the facilities of Nekoosa Papers, Inc., in Little River Country, AR, to points in CT, DE, IA, IL, IN, MA, MD, MI, MN, NE, NH, NJ, NY, OH, PA, RI, VA and WI for 180 days. Supporting shipper(s): Nekoosa Papers, Inc., 100 Wisconsin River Dr., Port Edwards, WI 54469. Send protest to: Herbert W. Allen DS, ICC 518 Federal Bldg., Des Moines, IA 50309.

MC 116474 (Sub-65TA), filed June 20, 1979. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Representative: David C. White, Esq., 2400 S. W. Fourth Avenue (503-226-6491), Portland, OR 97201. Contract, Irregular in the transportation of *laminated wood products, prefabricated wooden timbers, trusses and beams* from the facilities of Duco-Lam, Inc., at Swisshome, OR, to points in MT and WA, under contract with Duco-Lam, Inc., for 180 days. Supporting shipper(s): Duco-Lam, Inc., P.O. Box 297, Drain, OR 97435. Send protest to: A. E. Odoms, DS ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Oregon.

MC 117324 (Sub-8TA), filed June 21, 1979. Applicant: FORT DODGE TRANSPORTATION CO., East Highway 20, Fort Dodge, IA 50501. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Passengers and their baggage, in charter operations,* beginning and ending at points in Polk County, IA, and extending to points in the US (except HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hawkeye Tours, Inc., 8459 Hickman Rd., Des Moines, IA 50322. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119765 (Sub-83TA), filed June 22, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 So. 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Such merchandise as is dealt in by chain grocery stores,* from the facilities of A. E. Staley Manufacturing Company at Chicago, IL and its commercial zone to points in IA, IN, KY, MI, NE, and WI, for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper(s): A. E. Staley Manufacturing Company, 2222 Kensington Court, Oak Brook, IL 60520. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 123744 (Sub-57TA), filed June 15, 1979. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: E. Steward Butler, P.O. Box 88, Woodland, PA 16881. *Refractories,* from Wellsville, OH to points in PA, MD and NY, for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): Swank Refractories Company, 400 Rouser Road, Coraopolis, PA 15108. Send protests to: J. J. England, D/S, I.C.C. 2111 Federal Building, Pittsburgh, PA 15222.

MC 123805 (Sub-14TA), filed June 20, 1979. Applicant: LOMAX TRUCKING SERVICE, INC., Rural Route No. 1, Hannibal, MO 63401. Representative: Thomas P. Rose, Jefferson Bldg., Jefferson City, MO 65101. *Crushed bauxite,* in bulk, in dump vehicles, from points in Audrian, Montgomery and Pike Counties, MO to Chicago Heights, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C. E. Refractories, P.O. Box 88, Vandalia, MO. Send protests to: Vernon V. Coble, D/S, I.C.C., 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 125254 (Sub-62TA), filed June 12, 1979. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Frozen foodstuffs,* between Indianapolis, IN, on the one hand, and, on the other, points in IL, IA, KS, MN, MO, NE, ND, OH, SD, and WI, for 180 days. Restricted to shipments originating at or destined to the facilities of Monument Distribution Warehouse, Inc., Indianapolis, IN. Supporting shipper(s): Monument Distribution Warehouse, Inc., 3320 S. Arlington Ave., Indianapolis, IN 46203. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 126555 (Sub-67TA), filed June 20, 1979. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same address as applicant's). *Cement* from Rapid City, SD to points in CO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ramport Materials Co., Jct. Hwy. 95 & 58, Golden, CO 80401. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 126045 (Sub-29TA), filed June 18, 1979. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, P.O. Box 3122, Davenport, IA 52808. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Tractors (except truck tractors) agricultural machinery and implements, attachments and parts and accessories for the above described commodities,* from the plantsite and warehouse facilities of Duetz Corp. located at or near Davenport, IA, to points in IL, IA, KS, MN, MO, NE, SD and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Duetz Corp., P.O. Box 3687, Davenport, IA 52808. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 128205 (Sub-85TA), filed June 8, 1979. Applicant: BULKMATIC TRANSPORT CO., 12000 South Doty Avenue, Chicago, IL 60628. Representative: Arnold Burke, 180 North La Salle Street, Chicago, IL 60601. *Corn sugar and corn starch* in bulk, from Arco, IL to MI, OH, IN, WI, NY, CO, KY, VA, MO, IA, PA, and WV for 180 days. Supporting shipper(s): CPC International, Inc., International Plaza, Englewood Cliffs, NJ 07632. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 133384 (Sub-3TA), filed June 18, 1979. Applicant: BARBERTON RECON CENTER, INC., 5075 Wooster Road, Barberton, OH 44203. Representative: E. H. van Dueson, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. *Used automobiles and trucks in secondary movements, in truckaway service,* from the facilities of the Ford Motor Co., at or near Dearborn, MI, to Chicago, IL, Kansas City, MO, Springfield, MO, Mason City, IA, Nashville, TN, Columbus, OH, Darlington, SC, Minneapolis, MN, and Albany, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Company, Detroit, MI 48243. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 134574 (Sub-30TA), filed June 20, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *Wine,* in containers, from points in CA, OR and WA to points in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coors Country, Inc., Box 20251, Billings, MT 59104, Waters Distributing Company, 1011 River Drive So., Great Falls, MT 59404. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 134724 (Sub-10TA), filed June 22, 1979. Applicant: BIG RIG REFRIGERATION, INC., 6465 So. 86th St., Omaha, NE 68127. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Meats and packinghouse products,* from the facilities of Beef Nebraska, Inc., at Omaha, NE to points in NJ, NY, NH, MA and CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beef Nebraska, Inc., 3301 G Street, Omaha, NE 68107. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 136545 (Sub-24TA), filed June 21, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles* from facilities of Jones & Laughlin Steel Corp., at or near Aliquippa and Pittsburgh, PA to points in WI and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones & Laughlin Steel Corp., Rm. 121—1600 W. Carson St., Pittsburgh, PA 15263. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 140484 (Sub-46TA), filed June 19, 1979. Applicant: LESTER COGGINS TRUCKING INC., 22671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Plastic film* in vehicles equipped with mechanical refrigeration units from the facilities of RJR Archer, Inc. at or near Huntsville, AL to all points in the U.S. (except AK and HI) for 180 days. Supporting shipper(s): R J R Archer, Inc., 1450 S. Chillocothe Rd., Aurora, OH 44202. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Room 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 140484 (Sub-47TA), filed June 19, 1979. Applicant: LESTER COGGINS TRUCKING INC., 22671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Plastic film* in vehicles equipped with mechanical refrigeration from Aurora, OH to points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R J R Archer, Inc., 1450 S. Chillocothe Rd., Aurora, OH 44202. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Room 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 141804 (Sub-238TA), filed June 20, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Wrapping paper,* from Longview, WA to the facilities of Avery International, Inc., its divisions and subsidiaries located at Azusa and Monrovia, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Avery Label, A Division of Avery International, 777 E. Foothill Blvd., Azusa, CA 91702. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 142335 (Sub-9TA), filed June 19, 1979. Applicant: C & E TRUCKING CO., INC., 11910 Greenstone Avenue, Santa Fe Springs, CA 90670. Representative: D. E. Dawson (same address as applicant). *Various glass containers, in cartons, glass container closures, material, equipment and supplies used in the manufacture and distribution of glass containers,* from points and places in Alameda, Contra Costa, and Los Angeles Counties, CA, to points and places in Clark and Washoe Counties, NV and Navajo, Yuma, Gila, Coconino, Cochise, Maricopa, Graham and Pima Counties, AZ, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Glass Container Corporation, 505 North Euclid Street, Anaheim, CA 92801. Send protests to: Irene Carlos, TA, ICC P.O. Box 1551, Los Angeles, CA 90053.

MC 142484 (Sub-8TA), filed June 21, 1979. Applicant: STRINGFELLOW TRANSPORTATION CO., INC., 724 Third Avenue, North, Birmingham, AL 35203. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Contract, Irregular: *Lumber,* from Goodwater, AL to points in the states of GA, IL, IN, IA, KY, LA, MD, MO, MI, MS, NC, NY, OH, PA, SC, TN, VA, WV and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kimberly Clark Corporation, Coosa Pines, AL 35044. Send protests to: Mabel E. Holston, T/A, ICC Room 1616—2121 Building, Birmingham, AL 35203.

MC 142484 (Sub-9TA), filed June 21, 1979. Applicant: STRINGFELLOW TRANSPORTATION COMPANY, INC., 724 Third Avenue, North, Birmingham, AL 35201. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *Contract, irregular: Pipe, fitting, valves, fire hydrants, castings, and materials and supplies used in the installation thereof,* from the facilities of U.S. Pipe and Foundry Company in Jefferson County, AL, to points in the states of IL, IN, MI, OH and WI, for 180 days. Supporting shipper(s): U.S. Pipe and Foundry Company, 3300 First Avenue, North, Birmingham, AL 35202. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 145384 (Sub-37TA), filed June 18, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Street sweepers, self-propelled; inddustrial plant sweepers, self-propelled;* brush chippers; jet runway cleaners; sewer cleaners and catch basic cleaners and flushers, mounted or unmounted, and brushes and parts for the above commodities, between the facilities of FMC Corporation Sweeper Division at or near Pomona, CA on the one hand, and, on the other, points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): FMC Corporation Sweeper Division, 1201 E. Lexington St., Pomona, CA 91766. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145574 (Sub-2TA), filed June 15, 1979. Applicant: RUSS'S MOTOR SERVICE, INC., 5070 Lake St., Melrose Park, IL 60160. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. *General commodities (except those of unusual valve, class A & B explosives household goods as defined by the Commission, commodities in bulk and livestock) having prior or subsequent movement by rail, air or water,* between the Chicago, IL Commerical Zone and Racine, WI, Bettendorf and Burlington, IA, and Terra Haute, IN for 180 days. An ETA has been granted for 90 days. Supporting shipper(s): J. I. Case, Inc., 700 State St., Racine, WI 53404. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 146704 (Sub-2TA), filed June 15, 1979. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Avenue, Akron, OH 44216. Representative: Michael L. Moushey, 275 East State Street, Columbus, OH 43215. *Contract carrier:* irregular routes: *beer, in bottles, cans and kegs, between South Volney, NY, on the one hand, and, Steubenville, OH, on the other for 180 days.* Supporting shipper(s): Fort Pitt Distributing Co., Inc., 117 South Sixth Street, Steubenville, OH 43952. Send protests to: D/S I.C.C., 101 North 7th Street, Room 620, Philadelphia, PA 19106.

MC 147365 (Sub-TA), filed June 7, 1979. Applicant: T.O.T.E., INC., 554 University Ave., SW., Atlanta, GA 30310. Representative: S. T. Robinson (same as applicant). *Freight all kinds, except articles of extraordinary value and, Classes A and B explosives, in containers and empty containers, having an immediately prior or subsequent movement by water* between the Seaports of Charleston, SC, Savannah, GA, Jacksonville, FL and Mobile, AL on the one hand and points in AL, FL, GA, SC and TN on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 9 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 147534 (Sub-1TA), filed June 19, 1979. Applicant: SUPERIOR TRUCK LEASING, INC., 4315 So. 79th St., Omaha, NE 68127. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Contract carrier:* irregular routes: *Meat, 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 MCC 209 and 766,* from Omaha, NE to points in NC and FL, under contract with Armour & Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour & Co., 5023 So. 33rd St., Omaha, NE 68107. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 147214 (Sub-1TA), filed June 19, 1979. Applicant: DETERMANN INDUSTRIES INC., 1425 N. Washington Blvd., Camanche, IA 52730. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. *Petroleum coke, in dump vehicles,* from the facilities of Determann River Terminal at Camanche, IA to Hennepin, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Koch Refining Company, P.O. Box 2256, Wichita, KS 67201. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-22895 Filed 7-24-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 125]

Motor Carrier Temporary Authority Applications

July 10, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 4484 (Sub-10TA), filed June 20, 1979. Applicant: CROWN TRANSPORT, INC., Rural Delivery No. 2, Wampum, PA 16157. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Knocked down metal buildings, conduit, duct, raceways, fittings, and parts, and accessories and equipment, materials and supplies used in the manufacture, from* Parkersburg, WV to AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA and WI for 180 days. An underlying ETA seeks 90 days operating authority. Supporting shipper(s): Walker/Parkersburg Division of Textron, Inc., P.O. Box 1828, Parkersburg, WV 26101. Send protests to: J. J. England, DS, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 8515 (Sub-19TA), filed June 21, 1979. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. (1) *Show and display cases and racks;* from Metamora, IL, to points in IN, IA, GA, KS, LA, MI, MN, MO, MS, NE, NC, OH, TX, UT and WI; and (2) *Materials, equipment and supplies used by manufacturers of show and display cases and racks,* from points in IN, IA, GA, KS, LA, MI, MN, MO, MS, NE, NC, OH, TX, UT and WI; to Metamora, IL for 180 days. Applicant has also filed an underling ETA seeking 90 days operating authority. Supporting shipper(s): Metamora Woodworking Co., 501 East Madison, Metamora, IL 61548. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 8515 (Sub-20TA), filed June 21, 1979. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 86, Spring Valley, IL 61326. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Synthetic plastics and chemical compounds,* (except in bulk), between Ottawa, IL and points in IA, IN, KY, MI, MN, MO, OH, TN, WI and WV for 180 days. An underlying ETA was granted for 90 days operating authority. Supporting shipper(s): Borg-Warner Chemicals, International Center, Parkersburg, WV 26101. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 30844 (Sub-649TA), filed June 26, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same as applicant). *Frozen foodstuff* between Indianapolis, IN, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, DC, restricted to shipments originating at or destined to the facilities of Monument Distribution Warehouse, Inc., Indianapolis, IN, for 180 days. Supporting shipper(s): Monument Distribution Warehouse, Inc., 3320 S. Arlington Ave., Indianapolis, IN 46203. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg. Des Moines, IA 50309.

MC 61445 (Sub-15TA), filed June 8, 1979. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014 *Cranes, personnel and material hoists, and parts and accessories for cranes and hoists,* between points in NY, NJ, PA, DE, MD, WV, VA, NC, SC, and DC, for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): American Pecco Corp., 10109 Residency Rd., Manassas, VA 22110. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 65475 (Sub-26TA), filed June 18, 1979. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Iron and steel and iron and steel articles,* from the facilities of Connors Steel Company, Inc., located at Huntington, WV, to pts. in the US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Connors Steel Co., Inc., P.O. Box 118, Huntington, WV 25706. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 73134 (Sub-5TA), filed June 22, 1979. Applicant: SUPREME EXPRESS & TRANSFER CO., 3311 Chouteau Ave., St. Louis, MO 63103. Representative: Earnest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Non-alcoholic beverages,* in containers, from Warrenton, MO to points in IL, KS and IA, for 180 days. Supporting shipper(s): Warrenton Products, Inc., P.O. Box 309, Warrenton, MO. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 94265 (Sub-308TA), filed June 14, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460 West, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. *Food, food products and food ingredients, (except in bulk), in tank vehicles),* from the facilities of Archer Daniels Midland Co. at or near Decatur, IL to points, in AL, GA, FL, MS, NC, SC, VA and WV, for 180 days. Restricted to traffic destined

to the above destination states. Supporting shipper(s): Archer Daniels Midland Co., P.O. Box 1470, Decatur, IL 62525. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 98614 (Sub-13TA), filed June 19, 1979. Applicant: ARKANSAS TRANSPORT COMPANY, INC., 100 West Emily, North Little Rock, AR 72214. Representative: J. E. Siegler, P.O. Box 702, Little Rock, AR 72203. Underlying ETA seeks corresponding authority for 90 days. *Petroleum and petroleum products* in bulk in tank trucks from Wynnewood, OK to Danville, AR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wholesale Distributors, Inc., P.O. Box 184, Danville, AR 72833. Send protests to: William H. Land, Jr., DS, 3108 Federal Building, Little Rock, AR 72201.

MC 98494 (Sub-2TA), filed June 29, 1979. Applicant: J. L. WILKERSON COMPANY, 3737 W. Lower Buckeye Rd., Phoenix, AZ 85009. Representative: David Robinson, 3003 N. Central Ave., Suite 2101, Phoenix, AZ 85012. *Heavy machinery, boilers and road equipment*, between points in AZ on the one hand, and, on the other hand, points in CA, CO, NV, UT, NM and TX (west of U.S. Hwy 83), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Minerals Equipment Co., 2420 S. 16th Ave., Phoenix, AZ, A. J. Gilbert Construction Co., P.O. Box 5288, Bisbee, AZ 85603, and Lake Shore, Inc., P.O. Box 151, Phoenix, AZ 85001. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 109324 (Sub-42TA), filed June 27, 1979. Applicant: GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, AR 72601. Representative: Jay C. Miner (same address as applicant). 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 Ft. Smith, AR and Kansas City, MO, serving no intermediate points, as an alternate route for operating convenience only in conjunction with carrier's authorized regular-route operations between Ft. Smith, AR and Kansas City, MO: from Ft. Smith over U.S. Hwy 71 to Kansas City and return over the same route, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Garrison Motor Freight, Inc., P.O. Box 1278, Harrison, AR 72601. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 114334 (Sub-55TA), filed June 21, 1979. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel and iron and steel articles*, from Guntersville, AL to points in AL, FL, GA, KY, MS and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corporation, 1000 East 80th Place, Merrillville, IN 46410. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 114334 (Sub-56TA), filed June 25, 1979. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel and iron and steel articles* from St. Louis, MO commercial zone to AR, MS and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) St. Louis Terminals Corporation, One North Market Street, St. Louis, MO 63102. (2) American Sheet & Strip Steel, 812 East Brooks Rd., Memphis, TN 38116. (3) Zelrich Steel Co., 1495 Harbor, Memphis, TN 38110. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 114604 (Sub-78TA), filed June 13, 1979. 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. *Apple Products* from the facilities of Shenandoah Apple Co-Operative, Inc., at or near Winchester, VA to points in AL, GA, MS, FL, and TN for 180 days. Supporting shipper(s): Shenandoah Apple Co-Operative, Inc., P.O. Box 435, Winchester, VA 22601. Send protests to: Sara K. Davis, T/A, ICC 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 114604 (Sub-77TA), filed June 14, 1979. 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. *Sugar, except in bulk*, from points in LA to points in and east of ND, SD, NE, KS, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Colonial Sugars, Borden, Inc., Gramercy, LA 70052, Godchaux Henderson, reserve, LA. The South Coast Corp., P.O. Box 8036, Houma, LA 70361. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 116254 (Sub-273TA), filed June 25, 1979. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35630. Representative: Mr. Hampton M. Mills (same address as applicant). *Liquid caustic soda*, in bulk, in tank vehicles, from Muscle Shoals, AL to points in TN on and east of U.S. Highway 27, for 180 days. Supporting shipper(s): Diamond Shamrock Corporation, 1100 Superior Avenue, Cleveland, OH 44114. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building Birmingham, AL 35203.

MC 116474 (Sub-46TA), filed June 29, 1979. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Representative: David C. White, 2400 S.W. 4th Ave., Portland, OR 97201, 503-226-6491. Contract, Irregular TREATED POLES from the facilities of McFarland Cascade Company at Eugene, OR to points in Riverside and Imperial Counties, CA and points in AZ under contract with McFarland Cascade Company for 180 days. Supporting shipper(s): McFarland Cascade Company P.O. Box 2667, Eugene, OR 97401. Send protests to: A. E. Odoms DS, ICC, 114 Pioneer Courthouse 555 S.W. Yamhill Street, Portland, OR 97204.

MC 116645 (Sub-31TA), filed June 18, 1979. Applicant: DAVIS TRANSPORT CO., P.O. Box 56, Gilcrest, CO 80623. Representative: Richard S. Mandelson, 1660 Lincoln St., Suite 1600, Denver, CO 80264. *Molasses, in bulk*, from Scottsbluff, Gering and Bayard, NE to Lucerne, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Products, Kucerne, CO 80646. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 117815 (Sub-324TA), filed June 28, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Magazines, magazine parts, newspaper supplements and printing paper*, from the facilities of Meredith Corporation at or near Des Moines, IA to points in IL, IN, KS, MI, MN, MO, NE and WI for 180 days. Restricted to the transportation of traffic originating at the named origins and destined to the named destinations. An underlying ETA seeks 90 days authority.

Supporting shipper(s): Meredith Corporation, 5701 SW Park Ave., Des Moines, IA 50305. Send protests to: Herbert W. Allen DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119765 (Sub-84TA), filed June 27, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meats and packinghouse products* from Omaha, NE to points in NJ, NY, NH, MA and CT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Marvin R. Bailey, Management Supervisor, Beef Nebraska, Inc., 3301 "G" Street, Omaha, NE 68107. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 119765 (Sub-85TA), filed June 27, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meats and packinghouse products* from Omaha, NE to points in CA, FL, GA, KS, LA, MD, MA, ME, MO, NH, NJ, NY, OH, OK and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): William Rogers, Traffic Manager, Union Packing Company of Omaha, 4501 South 36th Street, Omaha, NE. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 121654 (Sub-23TA), filed June 15, 1979. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Richard M. Tettelbaum, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *(1) Aluminum products and (2) materials, equipment and supplies used in the manufacture, distribution and sale of aluminum products (except commodities in bulk),* between facilities of Consolidated Aluminum Corporation at or near Gulfport, MS, on the one hand, and on the other, points in AL, GA, FL, NC, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Aluminum Corp., P.O. Box 14448, St. Louis, MO 63178. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 121654 (Sub-24TA), filed June 27, 1979. Applicant: COASTAL TRANSPORT AND TRADING COMPANY, P.O. Box 458, Forest Park, GA 30050. Representative: Marc A. Pearl, Serby & Mitchell, P. C., 3390 Peachtree Road, 5th Floor, Atlanta, GA 30326. *Common carrier;* Irregular routes; *Transporting: lumber and lumber products (except commodities in bulk),* from the facilities of Continental Forest Industries at or near Statesboro, Hazelhurst, Augusta, and Washington, GA to points in FL, GA, KY, LA, MS, NC, SC, TN and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Forest Industries, P.O. Box 8969, Savannah, GA 31412. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124964 (Sub-42TA), filed June 25, 1979. Applicant: JOSEPH M. BOOTH d.b.a. J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract Carrier,* irregular routes, *transporting foodstuffs,* (1) from Dunkirk, NY, Champaign, IL, and New Ulm, MN, to points in GA; (2) from Decatur, GA to points in FL, for 180 days. Under a continuing contract or contract or contracts with Kraft, Inc., Chicago, IL. Restricted against the transportation of commodities in bulk. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124964 (Sub-43TA), filed June 25, 1979. Applicant: JOSEPH M. BOOTH d.b.a. J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* irregular routes, *transporting foodstuffs,* between points in AL, AR, CT, FL, GA, IL, IN, KS, LA, MI, MD, MN, MO, MS, NC, NJ, NE, NY, OH, PA, TN, TX, SC, VA, and WI, for 180 days. Under a continuing contract or contracts with Kraft, Inc., Chicago, IL. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124964 (Sub-41TA), filed June 22, 1979. Applicant: JOSEPH M. BOOTH d.b.a. J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* irregular routes, *transporting canned and preserved foodstuffs,* from the facilities of Heinz USA, Division of H. J. Heinz Co., located at or near Greenville, SC, to points in AL, FL, GA, MS, TN, and the New Orleans, LA Commercial Zone. Under a continuing contract or contracts with Heinz USA, Division of H. J. Heinz Co. for 180 days. Restricted to traffic originating at the named facilities and destined to the named destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: G. H. Fauss, Jr, DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124964 (Sub-40TA), filed June 21, 1979. Applicant: JOSEPH M. BOOTH d.b.a. J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* irregular route, *transporting such commodities as are sold in or used by operators of restaurant chains (except commodities in bulk),* (1) between Burger King Facilities, (2) between Burger King facilities and Burger King supplies, and (3) between all points in the US (except AK and HI). Under a continuing contract or contracts with Burger King Corporation, Miami, FL for 180 days. Supporting shipper(s): Burger King Corporation, P.O. Box 520843, Miami, FL 33152. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 126555 (Sub-68TA), filed June 26, 1979. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Philip A. Nagel (same address as applicant's). (1) *Beer and carbonated beverages* from St. Paul, MN; Milwaukee, WI; Peoria, IL to Rapid City, SD (2) *Glassware* from St. Paul, MN to Rapid City, SD, for 180 days. Supporting shipper(s): Highland Beverages, 802 E. St. Patrick, Rapid City, SD 57709. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 128555 (Sub-33TA), filed June 26, 1979. Applicant: MEAT DISPATCH, INC., 2103 17th St., East, Palmetto, FL 33561. Representative: Robert D. Gunderman, Esq., 710 Statler Bldg., Buffalo, NY 14202. *Contract carrier*— Irregular route: (1) *Heating and cooling equipment, and gas grills, and* (2) *parts, materials, supplies and equipment used in the manufacture, production, sale or distribution* of such commodities between Dallas and Garland, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, KS, KY, LA, MI, MS, MO, NM, OH, OK, PA, TN and VA restricted in (1) and (2) above to the transportation of traffic transported under a continuing contract or contracts with Dearborn Stove

Company, a Division of Addison Products Company for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dearborn Stove Company, 3000 West Kingsley St., Garland, TX. Send protests to: Donna M. Jones, T/A, ICC—BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 129645 (Sub-74TA), filed May 31, 1979. Applicant: BASIL J. SMEESTER and JOSEPH G. SMEESTER, d.b.a. Smeester Brothers Trucking, 1330 South Jackson Street, Iron Mountain, MI 49801. Representative: H.G. Denny, 1330 South Jackson Street, Iron Mountain, MI 49801. *Iron and steel articles*, between Midland, PA and all points in IA, MN and WI. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crucible Inc., Division of Colt Industries, P.O. Box 226, Midland, PA 15059. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 133154 (Sub-10TA), filed June 22, 1979. Applicant: BELL TRANSPORT COMPANY, 16036 Valley Blvd., Fontana, CA 92335. Representative: Jerry L. Michael, 16036 Valley Blvd., Fontana, CA 92335. *CONTRACT:* Irregular: *Boxes, fibreboard, paperboard or pulpboard; cans, paper or pulpboard, with or without tops, covers or bottoms thereto; cups, paper, plastic containers, cans, cups and trays, with or without covers or lids thereto;* from the facilities of Sealright Company, Inc., at or near Los Angeles, California, to points in Arizona, Nevada and Utah, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Sealright Company, Inc., 4209 E. Noakes St., Los Angeles, CA 90023. Send protests to: Irene Carlos, T/A, I.C.C., P.O. Box 1551, Los Angeles, CA 90053.

MC 134134 (Sub-46TA), filed June 27, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: J. F. Crosby, I–80 and Highway 50, P.O. Box 37205, Omaha, NE 68137. *Alocholic beverages, including wine* (1) from the facilities of Heublein, Inc. at Hartford and East Hartford, CT to Detroit and Allen Park, MI; Paducah, KY; Chicago, IL; and points in their commercial zones (2) from the facilities of Heublein, Inc. at Detroit and Allen Park, MI to Camp Dodge at or near Grimes, IA; Chicago, IL and points in its commercial zone; Eau Claire, Madison, Middleton and Stevens Point, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): David F. Tucker, Transportation Manager-Spritis, Heublein, Inc., 330 New Park Avenue, Hartford, CT 06101. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th Street; Omaha, NE 68102.

MC 135884 (Sub-17TA), filed June 26, 1979. Applicant: CALDWELL TRUCKING, INC., Holdman Route, Pendleton, OR 97801. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Contract, irregular, kitchen and bathroom cabinets from Caldwell, ID to Burney, CA. Supporting shipper(s): Heritage Woodworking Co., P.O. Box 1360, Burney, CA 96013. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 136545 (Sub-25TA), filed June 26, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Steel tubing* from facilities of Ohio Steel Tube Co. at or near Shelby, OH to points in MN and to points in WI except those in Dane, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha Counties, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ohio Steel Tube Co., 132 W. Main St., Shelby, OH 44875. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 138875 (Sub-209TA), filed June 26, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). *Gum Shellac* (except in bulk), from Attleboro, MA to Portland, OR and their respective commercial zones. Supporting shipper(s): Zehrung Corporation, 2201 N.W. 20th, Portland, OR 97209. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 138875 (Sub-210TA), filed June 26, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. *Brick* (except in bulk), from Boise, ID to points in WY. 180 days. Supporting shipper(s): The Masonry Center, Inc., P.O. Box 7825, Boise, ID 83707. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 141245 (Sub-12TA), filed June 26, 1979. Applicant: BARRETT TRUCKING CO., INC., 16 Austin Drive, Burlington, VT 05401. Representative: John A. Barrett (same address as applicant). *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses*, from Canton, MA to the facilities of Shoppers Discount Foods, Inc. in Montpelier, VT. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shoppers Discount Foods, Inc., P.O. Box 1046, Montpelier, VT 05602. Send protests to: ICC, P.O. Box 548, Montpelier, VT 05602.

MC 142364 (Sub-17TA), filed June 12, 1979. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, 2802 Kibler Road, Van Buren, AR 72956. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. *Paper and paper products* (except in bulk), and *products* (except in bulk) produced or distributed by manufacturers and converters of paper and paper products, from the plantsite and facilities used by Nekoosa Papers, Inc., in Little River County, AR, to points in AZ, CA, ID, IL, IN, IA, KY, MI, MN, MO, ND, NM, OH, PA, SD, TN and WI, for 180 days. Supporting shipper(s): Nekoosa Papers, Inc., 100 Wisconsin River Dr., Port Edwards, WI 54469. Send protests to: William H. Land, Jr., DS, 3108 Federal Office Building, Little Rock, AR 72201.

MC 142364 (Sub-18TA), filed June 28, 1979. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Pulpboard NOIBN*, not corrugated (in skids or rolls) from the facilities of Eastex Division, Temple-Eastex, Inc., at or near Evadale, TX, to points in the United States (except AK, HI and TX) for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Eastex Division, Temple-Eastex, Inc., P.O. Box 816, Silsbee, TX 77656. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 142715 (Sub-57TA), filed June 25, 1979. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K. O. Petrick (same as applicant). *Frozen foodstuffs (except commodities in bulk)*, from Lake Odessa, MI and points in Barry, Allegan and Oceana counties in MI to points in Philadelphia, PA and Salem and Cumberland counties in NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seabrook Foods, Inc., Seabrook, NJ 08302. Send protests to: District Supervisor, ICC, 414 Federal Building & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 142715 (Sub-58TA), filed June 28, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Paper and paper products, of natural and synthetic fibre and materials, equipment and supplies used in the manufacture or distribution of paper and paper products (except commodities in bulk in tank or hopper vehicles)* between Marinette, Green Bay, Oconto Falls and Fond du Lac, WI, on the one hand, and, on the other, points in ND, SD, NE, KS, CO, MN, IA, MO, IL, IN, MI, OH, PA, NY, NJ, and DE, restricted to traffic originating at or destined to the facilities of Scott Paper Co., for 180 days. Supporting shipper(s): Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. Send protests to: District Supervisor, ICC, 414 Federal Building & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 144505 (Sub-3TA), filed June 26, 1979. Applicant: DOYLE LOVE, d.b.a. LOVE TRUCKING, Route 1, Box 438, Mabank, TX 75147. Representative: Hightower, Alexander and Cook, P.C., 1st Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. *Motorcycles* from Arlington, TX to points in LA, on and south of a line beginning at the LA–TX State line and extending along U.S. Highway 190 to Junction U.S. Highway 90, and then along U.S. Highway 90 to the LA–MS State line for 180 days. An underlying ETA seeking 90 days authority filed. Supporting shipper(s): Five supporting shippers. Send protests to: Opal M. Jones, Trans. Asst., I.C.C., Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 145384 (Sub-38TA), filed June 26, 1979. Applicant: ROSE–WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Magazines, catalogues, booklets, and parts and sections thereof,* from the facilities of Meredith Corporation at Des Moines, IA to points in AZ, CA, ID, NM, NV, OR, UT and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Meredith Corporation, 5701 SW Park Ave., Des Moines, IA 50305. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 147054 (Sub-2TA), filed June 20, 1979. Applicant: JAMES RAY BRADY, d.b.a. J. R. BRADY TRUCKING, Rt. 3, Box 265, Kannapolis, NC 28081. Representative: James Ray Brady (same as applicant). *Fabric, cotton & rayon pc. goods finished and unfinished* from Shelby, NC, Bambery, SC and Milledgeville, GA to San Antonio, TX and San Francisco and Los Angeles, CA and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack the authority herein applied for with MC–147054R. Supporting shipper(s): Concord Warehousing Co., Lanscot Arlen Fabric's Inc., P.O. Box 1212, Concord, NC. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 147074 (Sub-6TA), filed June 21, 1979. Applicant: E Z FREIGHT LINES, Gould Street & E. 46th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Such commodities manufactured, distributed or used by manufacturers of sporting and recreational equipment. From Celina, OH and Milwaukee, WI to points in CT, DC, DE, GA, ME, MD, MA, NH, NY, PA, RI, TN, VA, and NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Frabill Mfg. Co., Div. of Huffy Corp., 2018 South First Street, Milwaukee, WI 53207. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 147295 (Sub-1TA), filed June 13, 1979. Applicant: C & C TRANSPORTATION COMPANY P.O. Box 2016, Fairview Heights, IL 62208. Representative: Charles M. Long (address same as applicant). *Steel pipe and tubing;* from the facilities of Edison Pipe & Tubing Inc. at Pine Bluff, AR; Tampa, FL; Chicago, IL; E. St. Louis, IL; New Orleans, LA; St. Louis, MO; Columbus, OH; Dallas, Houston and Rosenburg, TX; and facilities of Wheeling Pittsburg Steel, Wheeling, WV and their commercial zones; to AL, AR, IN, FL, GA, IL, IA, KS, LA, MI, MS, MN, NE, NC, OH, OK, PA, SC, TN, TX, WI, KY, WV, VA, for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Edison Pipe & Tubing Co., 721 Olive Street, St. Louis, MO 63101. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 147455 (Sub-TA), filed May 29, 1979. Applicant: W. F. BROADWATER TRUCKING CO., Rt. 2, Box 39–D, Grantsville, MD 21536. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Refractories, refractory products and equipment and materials used in manufacture thereor* between Harbison Walker Refractories at Jennings, MD, on the one hand, and on the other, points in DE, MD, NJ, NY, OH, PA, VA, and WV for 180 days. Supporting shipper(s): Harbison Walker Refractories, Division of Dresser Industries, Inc., No. 2 Gateway Center, Pittsburgh, PA 15222. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147424 (TA), filed May 14, 1979. Applicant: SOUTHWIRE COMPANY, Transportation Division, 126 Fertilla Street, Carrollton, GA 30117. Representative: Theodore M. Forbes, Jr., 4000 First National Bank Tower, Atlanta, GA 30303. *Specific commodities, as stated in Appendix 1, 2 and 3 to wit: PVC Plastic Resin, Color concentrates, paint, paper products—NOIBN and crude rubber synthetic. Limitation: no hauling of bulk commodities or in tank vehicles* from on the one hand, Wilmington, DE, Henry, IL, Perryville, MD, Charlotte, NC, Akron, OH, Cincinnati, OH, Cleveland, OH, Mansfield, OH, Grand Junction, TN and on the other hand, all points in GA. Part II: *For paper products, NOIBN* from on the one hand, Anniston, AL, Brewton, AL, Mobile, AL, Crossett, AR, Little Rock, AR, Fernandina Beach, FL, Jacksonville, FL, Bogalusa, LA, Pineville, LA, Plymouth, NC, Chester, PA, Philadelphia, PA, Columbia, SC, Dallas, TX, Houston, TX, Silsbee, TX, and on the other hand, all points in GA. Part III: *For crude rubber synthetics* from on the one hand, Camden, AR, Baton Rouge, LA, Borger, TX, Port Neches, TX and on the other hand, all points in GA for 180 days. Supporting shipper(s): Sun Products Corp., P.O. Box 1280, Carrollton, GA 30117, Dixie Converting Corp., P.O. Box 1446, Carrollton, GA 30117, and Associated Rubber Co., P.O. Box 245, Tallapoosa, GA 30176. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 147495 (Sub-1TA), filed June 22, 1979. Applicant: PRESTWOOD TRUCKING & LEASING, INC., P.O. Box 789, Hartsville, SC 29550. Representative: Peter A. Greene, 900 17th Street, N.W., Washington, DC 20006. *Manufactured forest products,* from the facilities of Weyerhaeuser Company, Inc., in NC to points in VA, DE, MD, WV, OH, IN, DC, NJ, PA, NY, CT, RI, MA, VT, NH, ME, TN and KY, for 180 days. An underlying ETA for 90 days authority. Supporting shipper(s): Weyerhaeuser Company, P.O. Box 787, Plymouth, NC 27962. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 147534 (Sub-2TA), filed June 26, 1979. Applicant: SUPERIOR TRUCK LEASING, INC., 4315 So. 79th St.,

Omaha, NE 68127. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Contract carrier:* irregular routes: *Carpets, floor coverings and rugs,* from Dalton and Eton, GA and Chicago, IL to Council Bluffs, IA, for 180 days, under contract with Michael's Carpets and Furniture. An underlying ETA seeks 90 days authority. Supporting shipper(s): Michael's Carpets and Furniture, 3211 Nebraska Ave., Council Bluffs, IA. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 39414 (Sub-16TA), filed March 12, 1979, and published in the **Federal Register** issue of April 25, 1979, and republished as corrected this issue. Applicant: TYLER TRUCK LINES, INC., 2824 Judge Rd., Oakfield, NY 14125. Representative: S. Michael Richards/ Raymond A. Richards, P.O. Box 225, Webster, NY 14580. Contract carrier-irregular routes, *Adhesives, building materials, gypsum & gypsum products, paint and paint products and plasterboard joint system (except in bulk),* from the facilities of the United States Gypsum Co. at Woodbridge Township, NJ to New York and Pennsylvania, for 180 days. The purpose of this republication is correct the origin point which is Woodbridge Township, NJ in lieu of Woodbridge Township, NY.

MC 52704 (Sub-223TA), filed May 8, 1979, and published in **Federal Register** issue of June 13, 1979, and republished as corrected this issue. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Glass containers,* from Henryetta, OK to Martinsville, VA and Eden, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203. The purpose of this republication is to reflect the Sub as 223TA.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-22896 Filed 7-24-79; 8:45 am]

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[Volume No. 107]

Permanent Authority Decisions

Decided: June 21, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before march 1, 1979, 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 other 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.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

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.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

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 July 25, 1979.*

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.

Findings: 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 transportation policy of 49 U.S.C. 10101. 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 transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly 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(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (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 applciation of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

H. G. Homme, Jr.,

Secretary.

MC 488 (Sub-11F), filed January 30, 1979. Applicant: BREMEN'S EXPRESS COMPANY, a corporation, 318 Haymaker Road, Monroeville, PA 15146. Representative: Edward Goldberg, 1408 Law & Finance Building, Pittsburgh, PA 15219. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *refractory products (*except commodities in bulk), and (2) *materials and supplies* (except commodities in bulk), used in the manufacture and installation of refractories from points in Clearfield, PA, to (a) those points in WV on and north of U.S. Hwy 50, and (b) those points in OH on and east of a line beginning at Cleveland, OH and extending over Interstate Hwy 77 to junction U.S. Hwy 21 near Akron, then over U.S. Hwy 21 to junction Interstate Hwy 77 near Strasburg, then over Interstate Hwy 77 to the OH–WV State line. (Hearing site: Pittsburgh, PA.)

MC 125708 (Sub-151F), filed July 27, 1978, previously published in **Federal Register** August 31, 1978 as republished this issue. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 West 152nd Street, East Chicago, IN 46312. Representative: Joseph H. Klostermann, 109 S. Velma, South Roxana, IL 62087. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *animal feed, feed ingredients, and additives,* and (2) *materials and supplies* used in the manufacture and distribution of animal feeds (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NH, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI, restricted to the transportation of traffic originating at or destined to the above described territory (except AL). (Hearing site: St. Louis, MO, or Washington, DC.)

Note.—This republication shows AR as a destination instead of AK.

MC 141759 (Sub-9F), filed February 26, 1979, previously published April 27, 1979, and republished this issue. Applicant: OHIO PACIFIC EXPRESS, INC., 2385 S. High St., Columbus, OH 43207. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by manufacturers of glass and glass products,* (except commodities in bulk), from Columbus, OH, to points in AL, AR, AZ, CA, CO, GA, ID, LA, MS, MT, NV, NM, OK, OR, TX, UT, WA, and WY, under continuing contracts with Federal Glass, Division of Federal Paperboard Company. (Hearing site: Columbus, OH.)

Note.—This republication shows AR as a destination state instead of AK.

MC 147178F, filed February 9, 1979. Applicant: INFLATION FIGHTERS TRANSPORT, INC., 101 State Street, Suite 304, Springfield, MA 01103. Representative: David M. Marshall (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic products and* (2) *materials, equipment, and supplies* used in the manufacture and sale of plastic products, between points in MA, CA, IL, NY, NJ, and TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Mobil Chemical Company, Petrochemical Division, of Holyoke, MA. (Hearing site: Boston, MA, or Washington, DC.)

[FR Doc. 79-22901 Filed 7-24-79; 8:45 am]

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[Volume No. 108]

Permanent Authority Decisions

Decided: June 22, 1979.

The following applications, filed on or after March 1, 1979, 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 petition for intervention, either in support of or in opposition 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.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those suporting the applications, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance wiht the requirments of the rules may be rejected. An original and one copy of the petition to intervene 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.

Section 247(f) provides, in part, that an applicant which does not intend to timely 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.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

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 administrative 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.

Findings

With the exception of those applications involving duly noted problems (e.gs., 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 present and future 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 transportation policy of 49 U.S.C. 10101. 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 invovled we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before August 24, 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 the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only 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 non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,

Secretary.

MC 30618 (Sub-16F), filed April 2, 1979. Applicant: HENRY V. RABOUIN, INC., Richmond Road, P.O. Box 204, Pittsfield, MA 01201. Representative: Sherwood Guernsey, II, 57 Wendell Avenue, Pittsfield, MA 01201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *talc and talc tailings*, from points in Windsor County, VT, to points in MD, DE, and PA, (except those points in PA east and south of a line beginning at the NY–PA State line and extending over U.S. Hwy 15 to junction Interstate Hwy 76, then over Interstate Hwy 76 to the PA–NJ State line). (Hearing site: Albany, NY, or Boston, MA.)

MC 103498 (Sub-58F), filed April 2, 1979. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, and waste paper*, between points in MO, KS, IL, AR, LA, TX, MS, TN, IA, CO, OK, NE, and MN. (Hearing site: Lubbock or Dallas, TX.)

MC 112989 (Sub-93F), filed April 2, 1979. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 South, Eugene, OR 97405. Representative: John W. White (same address as applicant). To operate as a *common carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting (1) *knocked-down buildings*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of knocked-down buildings, between Carson City, NV, on the one hand, and, on the other, points in AZ, CA, ID, MT, OR, UT, and WA. (Hearing site: Carson City, NV.)

MC 112989 (Sub-94F), filed April 2, 1979. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refractory products*, from Pittsburg, CA, to points in OR, WA, ID, UT, and NV. (Hearing site: Los Angeles, CA.)

MC 114569 (Sub-297F), filed April 2, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum articles*, from Hannibal, OH, to those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI). (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 114569 (Sub-298F), filed April 2, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printing paper*, from Johnsonburg, PA, to those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI). (Hearing site: Harrisburg, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 119619 (Sub-133F), filed April 2, 1979. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 W. 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, NY 11368. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *foodstuffs* (except frozen foodstuffs and commodities in bulk), (1) from the facilities of Ragu Foods, Inc., at Rochester, NY, to Owensboro and Henderson, KY, and (2) from Owensboro and Henderson, KY, to points in IN, IL, IA, KS, MN, MO, NE, and WI. (Hearing site: New York, NY, or Washington, DC.)

MC 119789 (Sub-566F), filed April 2, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., 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 (1) (a) *plastic siding and* (b) *fittings and accessories* used in the installation of plastic siding, from Weatherford, TX, to points in the United States (except AK, HI, and TX), and (2) *materials and supplies* used in the manufacture and distribution of plastic siding, in the reverse direction. (Hearing site: Dallas or Fort Worth, TX.)

MC 119789 (Sub-567F), filed April 2, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., 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 *frozen foods*, from North East, PA, to points in CA. (Hearing site: Buffalo, NY.)

MC 119789 (Sub-570F), filed April 2, 1979. Applicant: CARVAN

REFRIGERATED CARGO, INC., 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 (1) *plastic articles* from Danville, IL, Mount Vernon, IN, and Rolla, MO, to points in AL, AZ, AR, CA, FL, GA, LA, MS, NM, OK, and TX, (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of plastic articles (except commodities in bulk), in the reverse direction. (Hearing site: Dallas or Fort Worth, TX.)

MC 119789 (Sub-571F), filed April 2, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical appliances, electrical equipment, and parts* for electrical equipment and electrical appliances, from Ripon, WI, to points in AL, AR, AZ, CA, CO, FL, GA, LA, MS, NV, NM, OK, OR, TX, UT, and WA; (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from the destinations indicated in (1) above to the origin named in (1) above, and (3) *electrical appliances, electrical equipment, and parts* for electrical appliances and electrical equipment, from Searcy, AR, to Ripon, WI.

MC 123329 (Sub-47F), filed April 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 *molasses*, in bulk, in tank vehicles, from the facilities of Meenderinck Molasses, in Whatcom County, WA, to the port of entry on the international boundary line between the United States and Canada at or near Sumas, WA. (Hearing site: Great Falls, MT.)

Note.—Dual operations may be involved.

MC 123329 (Sub-48F), filed April 2, 1979. Applicant: H. M. TRIMBLE AND 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 *grape juice*, in bulk, in tank vehicles, from Paw Paw, MI, to the port of entry on the international boundary line between the United States and Canada at or near Portal, ND. (Hearing site: Great Falls, MT.)

Note.—Dual operations may be involved.

MC 133689 (Sub-265F), filed April 2, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bedding products, and materials and supplies* used in the manufacture and distribution of bedding products (except commodities in bulk), from Cloquet, MN, to the facilities of Lifetime Foam Products, Inc., at (a) Batavia, IL, Philadelphia, PA, Conyers, GA, and Kansas City, MO, restricted to the transportation of traffic destined to the named facilities. (Hearing site: St. Paul, MN.)

MC 134369 (Sub-12F), filed March 5, 1979. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, IL 61010. Representative: Allan C. Zuckerman, 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 *sand and sand with additives*, in bulk, from the facilities of Acme Resin Company, division of CPC International, Inc., at Chicago, IL, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Chicago, IL.)

MC 134388 (Sub-20F), filed April 2, 1979. Applicant: HOME RUN, INC., Three East Washington Street, Jamestown, OH 45335. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *buildings*, and (2) *component parts, materials, supplies, and fixtures* used in the erection or assembly of buildings (except commodities in bulk), between points in FL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract with Ryan Homes, Inc., of Pittsburgh, PA. (Hearing site: Columbus, OH or Pittsburgh, PA.)

MC 136268 (Sub-22F), filed April 2, 1979. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, WI 53566. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Chicago, IL, to points in WI. (Hearing site: Madison, WI, or Chicago, IL.)

MC 136818 (Sub-68F), filed April 2, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in packages, from Maryland Heights, MO, to points in CO, KS, MT, NM, TX, UT, and WY. (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 136899 (Sub-37F), filed April 2, 1979. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, cellulose products, and textile softeners*, from the facilities of Procter & Gamble Paper Products Co., at (a) Green Bay, Marinette, and Menasha, WI, and (b) Cheboygan, MI, to points in IL, IN, IA, KS, MN, MO, NE, ND, OH, and SD. (Hearing site: Madison, WI, or Cincinnati, OH.)

MC 138359 (Sub-12F), filed April 2, 1979. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan Street, Hutchinson, MN 55350. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages* (except in bulk), from Milwaukee, WI, to Bismarck, ND, under continuing contract(s) with Ed Phillips and Sons Company of North Dakota, of Bismarck, ND. (Hearing site: St. Paul, MN.)

MC 140389 (Sub-51F), filed April 2, 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 (1) *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Louisville Freezer

Center, at Louisville, KY, to Memphis, TN, Smithfield, VA, points in SC, and those points in NC west of U.S. Hwy 1; and (2) *foodstuffs* (except 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, and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the origin facilities named in (1) above, to points in AL, FL, GA, TN (except Memphis and its commercial zone), VA (except Smithfield and its commercial zone), and those points in NC east of U.S. Hwy 1. (Hearing site: Louisville, KY, or Atlanta, GA.)

Note.—The person or persons who appear to be engaged in common control with another carrier must either file an application under 49 U.S.C. § 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 142508 (Sub-71F), filed April 2, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products* (except in bulk), from Wood River, IL, Kansas City, MO, and Toledo, OH, to Denver, CO, Des Moines, IA, Kansas City, MO. and Grand Island, Omaha, and Scottsbluff, NE. (Hearing site: Omaha or Lincoln, NE.)

MC 145918 (Sub-2F), filed April 2, 1979. Applicant: 1st O & D, INC., 2035 South Halsted, Chicago, IL 60608. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by retail automotive stores, from Chicago, IL, to points in AL, AR, AZ, CO, CT, DE, FA, GA, ID, IN, IA, KS, KY, LA, MA, ME, MD, MI, MN, MS, MO NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, and DC, under a continuing contract (s) with Sovereign Oil Company, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 146079 (Sub-3F), filed April 2, 1979. Applicant: JACKSON TRANSPORT, a corporation, Rural Route 1 Box 410A, Clayton, IN 46118. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *materials, equipment, and supplies* used in the maufacture of motor vehicles, and (2) *containers* used in the distribution of the commodities in (1) above, between Indianapolis, IN, on the one hand, and, on the other, Laredo and Dallas, TX. (Hearing site: Indianapolis, IN.)

MC 146128 (Sub-1F), filed April 2, 1979. Applicant: MERRITT FOODS COMPANY, a corporation, d.b.a. MERRITT REFRIGERATED SERVICE, 2840 Guinotte Street, Kansas City, MO 64120. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, from Chicago, IL, to points in IA, KS, and MO. The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 146139 (Sub-2F), filed April 2, 1979. Applicant: BAY SANITATION, INC., 2414 M–22, P.O. Box 594, Leland, MI 49654. Representative: Jack D. Larson (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpet and building materials* (except commodities in bulk, in tank vehicles), between Traverse City, MI, on the one hand, and, on the other, points in FL, GA, AL, SC, and NC, under a continuing contract(s) with Lynch Acoustical and Specialties, Inc., of Traverse City, MI. (Hearing site: Lansing, MI.)

MC 146329 (Sub-3F), filed April 2, 1979. Applicant: W–H TRANSPORTATION, INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. 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 (1) manufacturers and dealers of agriculture equipment, (except commodities in bulk), and (2) manufacturers and dealers of industrial equipment (except commodities in bulk), from Racine, WI, and Burlington and Bettendorf, IA, to points in KS, MT, and NE. (Hearing site: Racine or Milwaukee, WI.)

[FR Doc. 79-22900 Filed 7-24-79; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 24]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, and Intrastate Applications

Dated: July 11, 1979.

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, 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 *petition to intervene either with or without leave* must be filed with the Commission on or before August 24, 1979, with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can

be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 124679 (Sub-54 M1F), filed April 6, 1979. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). Petitioner holds motor *common carrier* certificate in MC 124679 (Sub-54), issued on April 13, 1976, authorizing the transportation, in interstate or foreign commerce, over irregular routes, of *foodstuffs*, in vehicles equipped with mechanical refrigeration, from Salt Lake City, UT, to points in CT, MD, MA, NJ, NY, OH, PA, RI, VA, WV, IL, IN, MI, and DC, restricted to the transportation of traffic originating at the named origin. By the instant petition, petitioner seeks to modify the authority as follows: Delete the equipment restriction. (Hearing site: Salt Lake City, UT.)

Republications of Grants of Operating Rights Authority Prior to Certification Notice

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 August 24, 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 115826 (Sub-318F) (Republication), filed June 1, 1978, published in the **Federal Register** issue of June 6, 1978, and republished this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Commerce City, CO 80022. Applicant's representative: Howard Gore (same address as applicant). A Decision of the Commission, Review Board No. 2, decided June 18, 1979, and served July 5, 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, transporting *foodstuffs* (except in bulk, in tank vehicles), from the facilities of Central Packing Co., at or near Boulder and Denver, CO, to points in the United States (except Alaska, Colorado, and Hawaii), restricted to the transportation of traffic originating at the named origin facilities, 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 modify the commodity and territorial description.

Motor Carrier Operating Rights Applications Notice

The following applications, filed on or after March 1, 1979, 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 *petition to intervene either with or without leave* must be filed with the Commission on or before August 24, 1979, with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 101474 (Sub-25F), filed March 14, 1979. Applicant: RED TOP TRUCKING COMPANY, INC., 7020 Cline Ave., Hammond, IN 46323. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *material* for recycling, and *scrap metal*, between points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 144789 (Sub-1F), filed November 28, 1979, previously published in **Federal Register** January 11, 1979 and March 1, 1979. Applicant: SUZANNE V. KING, d.b.a. ERNIE'S MOBILE HOME TRANSPORT, 5779 Feather River Boulevard, Marysville, CA 95901. Representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (a) *trailers* (mobile homes) in initial movements only, designed to be drawn by passenger automobiles (except travel trailers and camping trailers), and (b) *Buildings*, complete or in sections mounted on wheeled undercarriages, restricted to shipments originating at points of manufacture or assembly, between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing site: San Francisco or Los Angeles, CA.)

Note.—This republication clarifies the commodity description.

Finance Applications—Notice

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 August 24, 1979. Such protest 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.

Motor Carrier Board Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Sections 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 August 24, 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–78040, filed February 28, 1979. Transferee: DON HAUSAUER TRUCKING, INC., Route 1, Carufel's First Addition, Bismarck, ND 58501. Transferor: Don Hausauer, d.b.a. DON HAUSAUER TRUCKING, 56 Carlin St., Fort Lincoln, ND 58501. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–144351, issued October 20, 1978, as follows: *Heavy farm machinery*, except parts thereof, from South St. Paul and Minneapolis, MN, to Streeter, ND, and points in Emmons, Logan and McIntosh, ND, and for acquisition by Don Hausauer, Ervin E. Mund, and Andrew Frison, of control of the rights through the purchase. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78140, filed April 23, 1979. Transferee: SPORT AND WATER SAFETY INSTITUTE, LTD., 3365 Main Street, College Park, Georgia 30337. Transferor: EASY TRAVEL TOURS, INC., 4147 Norman Road, Stone Mountain, Georgia 30083. Representative: Bruce E. Mitchell, Esq., Serby & Mitchell, P.C., 3390 Peachtree Road, Atlanta, Georgia 30326. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–142206 issued March 27, 1978 authorizing the transportation of passengers and their baggage, in the same vehicle with passengers, in round trip charter operations beginning and ending at Clarkston, Decatur, East Point, Marietta, Riverdale, Roswell, Stone Mountain, and Tucker, GA, and extending to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. Transferee holds no authority from the Commission. Application for temporary lease has not been filed.

MC–FC–78181, filed June 11, 1979. Transferee: R & TW SERVICE CO., a corporation, 6504 Airport Hwy., Holland, OH 43528. Transferor: ALFONS F. SOBB, d.b.a. AL SOBB'S AUTO SALES AND SERVICE, 2817 Lagrange St., Toledo, OH 43608. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–104181, issued June 1, 1943, as follows: *Wrecked or disabled automobiles, buses, trucks, tractors, trailers, semi-trailers, and house trailers*, in tow-away service, over irregular routes, beteeen points in Lucas County, OH, on the one hand, and, on the other, points in IN, the lower Peninsula of MI, and those in PA on and West of U.S. Hwy 219. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78189, filed June 14, 1979. Transferee: THE CONNECTICUT COMPANY, d.b.a. AIRFIELD SERVICE, 132 Allyn St., Hartford, CT 06103. Transferor: The Airfield Service Company, 193 Turnpike Road, Windsor Locks, CT 06096. Representatives: Thomas W. Murrett, 342 North Main St., West Hartford, CT 06117; Harvey S. Levinson, 101 Pearl St., Hartford, CT 06103. Authority sought for the purchase by transferee of transferor's operating rights in Certificate No. MC–115581 Sub 3, issued August 24, 1970, as follows: Passengers and their baggage, and express mail and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle, between Hartford, CT, and Granby, CT, serving all intermediate points, over a specified regular route; and passengers and their baggage, and express and newspapers in the same vehicle with passengers, and baggage of passengers in separate vehicles, between Westfield, MA, and Hoskins, CT, serving all intermediate points, over a specified regular route. The certificate authorizes incidental charter operations in interstate or foreign commerce. Transferee holds no authority from the Commission. An application for temporary authority has been filed.

MC–FC–78190, filed June 11, 1979. Transferee: GILBERT A. DEWING, d.b.a. BENJAMIN & DEWING LIME SERVICE, Enosburg Falls, VT 05450. Transferor: Ephrem D. Bouchard, Mackey St., Milton, VT 05468. Representative: Alan D. Overton, 3 Main St., Essex Junction, VT 05452. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Permit MC 118631 (Sub-4), issued February 13, 1970, as follows: *Dry fertilizers and dry fertilizer ingredients*, from ports of entry on the United States-Canada Boundary line, in Franklin and Orleans Counties, VT, and Franklin and Clinton Counties, NY, to points in Franklin, Orleans, Caledonia, Grand Isle, Windsor, Crittenden, Lamoille, Washington, Addison and Orange, VT, points in Coos, Grafton, Carroll, and Sullivan Counties, NH, and those in Essex, Clinton, Franklin, St. Lawrence, Jefferson, and Lewis Counties, NY,

under continuing contract with Brockville Chemical Industries, LTD. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78193, filed June 14, 1979. Transferee: ALGONQUIN ASSOCIATES, INC., d.b.a. TWELVE GATE HORSE TRANSPORTATION, 63A Community Place, Long Branch, NJ 07740. Transferor: TWELVE GATE FARM, INC., 150 Phalanx Rd., Lincroft, NJ 07738 Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–113297, issued December 12, 1972, as follows: *Livestock*, other than ordinary livestock, and in connection therewith, *personal effects* of attendants and *supplies and equipment*, including mascots used in the care and/or exhibition of such animals, between points in NJ, on the one hand, and, on the other, points in MA, ME, CT, RI, NC, SC, WV, VA, NJ, NY, MD, PA, DE, and DC. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78196, filed June 15, 1979. Transferee: FRED SEBA, Route 2, Bosworth, MO 64623. Transferor: Harry E. Kimber, P.O. Box 173, Utica, MO 64686. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC–141997, issued April 3, 1978, as follows: *dry feed ingredients*, from points in AR, IL, IA, KS, NE, and OK, to the facilities of Milbank Mills, Inc., at Chillicothe, MO, under continuing contract(s) with Milbank Mills, Inc., of Chillicothe, MO. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC 78198 filed June 12, 1979. Transferee: SPRINGFIELD SCHOOL BUS CO., doing business as TRAVEL TIME, 99 Arnold Street, Springfield, MA 01119. Transferor: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Charles A. Webb, Suite 800 South, 1800 M Street, N.W. Washington, DC 20036. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate MC 61016, issued March 18, 1976, as follows: *passengers and their baggage and express and newpapers* in the same vehicle with passengers, between Springfield, MA and Stafford Springs, CT, serving the intermediate points of East Longmeadow, Hampden, and Monson, MA, and the off-route point of Stafford, CT over CT Hwy 19: from Springfield over unnumbered hwy via East Longmeadow and Hampden, MA, to Monson, MA, then over MA Hwy 32 to MA–CT State line, then over CT Hwy 32 to Stafford Springs, and return over the same route. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 USC 11349.

MC–FC–78199, filed June 11, 1979. Applicant: SURE-WAY TRANSPORTATION, Inc., 4000 I–70 Drive N.W., Columbia, MO 65201. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. Authority sought for purchase by Sure-way Transportation, Inc., of a portion of the operating rights of Oliver Motor Service, Inc., P.O. Box 223, East Highway 54, Mexico, MO 65265. Operating rights sought to be transferred are contained in MC 124511 (sub-39), issued October 24. Coal from mines near Unionville and Columbia, MO, to points in IA, IL, NE and KS. Transferee has filed an application for temporary authority under Section 210a(b). Transferee holds no authority from the commission.

MC–FC–78200, filed June 11, 1979. Transferee: MCINTIRE TRANSPORTATION, INC., 450 Main St., Stoneham, MA 02180. Transferor: MCINTIRE BUS LINES, Inc., 450 Main St., Stoneham, MA 02180. Representative: Harvey Rowe, 26 Lynde St., Salem, MA 01970, Transferees Representative. Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155, Transferors Representative. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificate MC–31558, issued June 10, 1952. as follows: *Passengers and their baggage*, in special or charter service, from points in Middlesex County, MA, to point in ME, MA, NH, and RI, and return, restricted to traffic originating at the points indicated. Transferee presently holds no authority from this Commission. Application for temporary authority has not been filed under 49 U.S.C. 11349.

MC–FC–78203, filed June 22, 1979. Tramsferee: JOSEPH CAVALLERI, d.b.a. F. A. TAYLOR TRUCKING CO., 273 Ash Street, Bridgeport, CT 06605. Transferor: DOROTHY A. MALLOY, d.b.a. F. A. TAYLOR TRUCKING CO., 273 Ash Street, Bridgeport, CT 06605. Representative Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought for the purchase by transferee of the operating rights of transferor set forth in Certificate of Registration MC 120149 Sub issued August 26, 1968 and corresponding Connecticut Division of Public Utilities Control Certificate C–193, as follows: *General commodities*, other than household goods and office furniture and equipment, and other than commodities which necessitate the use of dump trucks, tank trucks or special equipment, for hire as a motor common carrier from his headquarters in Bridgeport and upon call received at his headquarters, between any points within this state, over such routes and highways within this state as may be necesssary in the performance of his common carrier service, subject to such regulations and conditions as the Commission may from time to time prescribe with respect to the conduct of his business. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78206, filed June 22, 1979. Transferee: DONALD W. SHEA, d.b.a. SHEA'S TRANSFER, 569 State St., Meadville, PA 16335. Transferor: Donald J. Shea and Stanley J. Shea, a Partnership, d.b.a. SHEA'S TRANSFER, Same address as Transferee. Representative: James L. McNamara, 1400 Baldwin Bldg., Erie, PA 16501. Authority sought for purchase by transferee of the transferor's operating rights in Certificate MC 5220 issued July 10 1969, authorizing household goods, between Meadville, PA, on the one hand, and, on the other, points in OH, NY and WV. Transferee holds no authority from the Commission. A temporary authority application has not been filed.

Motor Carrier Alternate Route Deviations—Notice

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 August 24, 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 29555 (Deviation No. 33), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104, filed June 22, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Kansas City, MO, over Interstate Hwy. 70 to Denver, CO, and return over the same route, 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 Kansas City, MO, over U.S. Hwy. 71 to junction Iowa Hwy. 2, then over Iowa Hwy. 2 to junction U.S. Hwy. 275, then over U.S. Hwy. 275 to Omaha, NE, then over U.S. Hwy. 275 to junction U.S. Hwy. 30, then over U.S. Hwy. 30 to Sidney, NE, then over Nebraska Hwy. 19 to junction Colorado Hwy. 113, then over Colorado Hwy. 113 to junction Colorado Hwy. 138, then over Colorado Hwy. 138 to junction U.S. Hwy. 6, then over U.S. Hwy. 6 to Denver, CO, and return over the same route.

MC 29910 (Deviation No. 42), ARKANSAS-BEST FREIGHT SYSTEM, INC., P.O. Box 48, Fort Smith, AR 72902, filed June 5, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Cleveland, OH, over Interstate Hwy 480 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction U.S. Hwy 46, then over U.S. Hwy 46 to junction NJ Hwy 31, then over NJ Hwy 31 to junction Interstate Hwy 78, then over Interstate Hwy 78 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Edison, NJ, and return over the same route 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 Cleveland, OH, over U.S. Hwy 422 to junction OH Hwy 8, then over OH Hwy 8, via Akron to Canton, OH, then over U.S. Hwy 30 to junction PA turnpike, then over PA turnpike to junction U.S. Hwy 11, then over U.S. Hwy 11 to Harrisburg, PA, then over U.S. Hwy 22, and unnumbered Hwys to junction NJ Hwy 28, then over NJ Hwy 28 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Edison, NJ, and return over the same route.

RESTRICTIONS: service is subject to restrictions as follows: (1) that carrier, in operating over the PA turnpike shall handle only traffic which is moving between points in MA, RI, CT, and the metropolitan area of New York, NY, including Jersey City, Newark, and Elizabeth, NJ, on the one hand, and, on the other, points west of the OH-IN State line and points in OH north of U.S. Hwy 30 and Lima, OH, on U.S. Hwy 30; or that which is moving between points south of Elizabeth, NJ, on the one hand, and, on the other, points west of the IL–IN State line, including Gary, IN; (2) that authority applicable shall continue only so long as carrier shall, by reason of other authority granted, be entitled or authorized to operate over other routes between the terminals of the said above specified two routes.

MC 69833 (Deviation No. 33), ASSOCIATED TRUCK LINES INC., 200 Monroe Ave. NW., 6th Floor, Grand Rapids, MI 49503, filed July 6, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Hwy. 40 and Interstate Hwy. 64 at East St. Louis, IL, over Interstate Hwy. 64 to junction U.S. Hwy. 31 at Louisville, KY, and return over the same route 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 East St. Louis, IL, over U.S. Hwy. 40 to Indianapolis, IN, then over U.S. Hwy. 31 to Columbus, IN, then over alternate U.S. Hwy. 31 to Seymour, IN, then over U.S. Hwy. 50 to junction U.S. Hwy. 31, then over U.S. Hwy. 31 to Sellersburg, IN, then over U.S. Hwy. 31W to Louisville, KY, and return over the same route.

MC 80430 (Deviation No. 22), GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Dr., La Crosse, WI 54601, filed June 25, 1979, as amended. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Youngstown, OH, north over Ohio Hwy. 193, to junction Interstate Hwy. 80, then over Interstate Hwy. 80 to junction Interstate Hwy. 280, then over Interstate Hwy. 280 to Newark, NJ, and return over the same route, 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 Youngstown, OH, over Ohio Hwy. 7 to North Lima, OH, then over Ohio Hwy. 165 to the Ohio-Pennsylvania State line, then over Pennsylvania Hwy. 51 to Rochester, PA, then over Pennsylvania Hwy. 65 to Pittsburgh, PA, then over U.S. Hwy. 22 to Harrisburg, PA, then over U.S. Hwy. 422 to Philadelphia, PA, then across the Delaware River to Camden, NJ, then over U.S. Hwy. 130 to junction U.S. Hwy. 206, then over U.S. Hwy. 206 to Trenton, NJ, then over U.S. Hwy. 1 to New York, NY, and return over the same route.

Motor Carrier Intrastate Application(s)—Notice

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 changes 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.

New York Docket No. T–1587, filed June 15, 1979. Applicant: VAN'S AUTO & AIR EXPRESS, INC., C.P.O. Box 609, Kingston, NY 12401. Representative: Bruce J. Robbins, 118–21 Queens Blvd., Forest Hills, NY 11375. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities*, between all points in the Counties of Albany, Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester, and the Cities of Albany, New York, Oneonta and Troy. 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, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before August 6, 1979. A copy must also be served upon applicant or its representative. Protests against the limination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 107002 (Sub-E237) (correction), filed May 12, 1974, published in the **Federal Register** of August 26, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Barth (same as above). *Anthol, cymene, esterified tall oil, liquid soap, nalene, paracymene, paramethane, hydro peroxide, pinene, pine oil, pine pitch, pine tar, rasin, rasin liquor, rasen sizing, rasin solution, synthetic gums and resins, tall oil, tall oil fatty acid, tall oil pitch, terpineal, turpentine, and zinc resinates*, in bulk, in tank vehicles, from the facilities of Tenneco Chemicals, Inc., (now Reichhold Chemicals, Inc.) at Pensacola, FL, to points in NJ, NY, and PA. (Gateway eliminated: Bay Minette, AL.) Purpose of republication—clarify such number.

MC 107012 (Sub-674E), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated.*

1. From points in CA, to points in AL, CT, DE, DC, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA and WV.

2. From points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou and Yuba Counties, CA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in MS; Bollinger, Butler, Cape Birardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, Wayne, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH.

3. From points in Inyo, Fresno, Kings and Tulare Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Adams, Allen, Blackford, DeKalb, Delaware, Elkhart, Grant, Huntington, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne Counties, MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve,

Scott, Shannon, Stoddard and Wayne Counties, MO; points in OH.

4. From points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA, to points in AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson; Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Adams, Allen, Blackford, DeKalb, Delaware, Elkhart, Grant, Huntington, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; points in LA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne Counties, MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren and Washington Counties, MO; points in OH; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX.

5. From points in Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara and Ventura Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR, points in IL; points in IN; Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne, Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traurse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Wexford, Alger, Delta, Dickinson, Marquette, Menominee, Schoolcraft, Allegan, Barry, Berrien, Branch, Calhoun, Cass, Eaton, Ionia, Kalamazoo, Kent, Montcalm, Muskegon, Ottawa, Saint Joseph, Van Buren, Chippewa, Luce and Mackinac Counties, MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, St. Genevieve, Scott, Shannon, Stoddard, Wayne, Adair, Audrain, Clarke, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby, Sullivan, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren and Washington Counties, MO; points in OH; Columbia, Dane, Dodge, Green, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, Waukesha, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Saulk, Trempealeau, Vernon, Adams, Brown, Calumet, Clark, Fond Du Lac, Green Lake, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood Counties, WI.

6. From points in San Bernardino County, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in IL; points in IN; points in MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in OH; Columbia, Dane, Dodge, Green, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, Waukesha, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Saulk, Trempealeau, Vernon, Adams, Brown, Calumet, Clark, Fond Du Lac, Green Lake, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood Counties, WI.

7. From points in Imperial, Riverside and San Diego Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties AR; points in IL; points in IN; Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA; points in MI; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancok, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Adair, Audrain, Clarke, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby, Sullivan, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren and Washington Counties, MO; points in OH; Columbia, Dane, Dodge, Green, Jefferson, Kenosha, Milwaukee,

Ozaukee, Racine, Rock, Walworth, Washington, Waukesha, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Saulk, Trempealeau, Vernon, Adams, Brown, Calumet, Clark, Fond Du Lac, Green Lake, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood Counties, WI.

8. From points in Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sagamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; points in IN; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne, Allegan, Barry, Berrien, Branch, Calhoun, Cass, Eaton, Ionia, Kalamazoo, Kent, Montcalm, Muskegon, Ottawa, Saint Joseph and Van Buren Counties, MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren and Washington Counties, MO; points in OH. (Gateway eliminated: Greene County, AR.)

MC 119777 (Sub-E249), filed June 19, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: James P. Barnett (same as above). *Iron and steel articles,* as described in Appendix V to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment). From the plant site of Tennessee Forging Steel Corporation near Harriman, TN to points in PA and New York, NY. *RESTRICTION:* Restricted to the transportation of shipments originating at the plant site of Tennessee Forging Steel Corporation near Harriman, TN. (Gateway—KY.)

MC 119777 (Sub-E248), filed June 19, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: James P. Barnett (same as above). *Iron and steel articles,* as described in Appendix V to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209. From points in Boyd County, KY to points in AR, IA, MO (except St. Louis and points in the St. Louis commercial zone as defined by the Commission), and OK. *RESTRICTION:* The service authorized herein is restricted to the transportation of commodities which do not require the use of special equipment. (Gateway—Cabell County, WV.)

MC 107012 (Sub-E675), filed may 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated:*

1. From points in ID, to points in AL, FL, GA, KY, LA, MS, NC, SC and TN.

2. From points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley and Washington Counties, ID, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE; points in DC; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; points in ME; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselar, Richmond, Rockland, Sullivan, Ulster, Westchester, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington, and Suffolk Counties, NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler,

Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; points in RI; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; points in VT; points in VA; points in WV.

3. From points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties, ID, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; New London County, CT; Kent and Sussex Counties DE; District of Columbia; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo and Washington Counties, ME; Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys, Talbot, Dorchester, Somerset, Wicomico and Worcester Counties, MD; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties and Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton; Accomack, Glocester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties and Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties and Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg; Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties and Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV

4. From points in Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida and Power Counties, ID, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; points in ME; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselar, Richmond, Rockland, Sullivan, Ulster, Westchester, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington, and Suffolk Counties, NY; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; points in RI; Anderson, Angelina, Bowie, Camp,

Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; points in VT; points in VA; points in WV. (Gateway Eliminated: Greene County, AR.)

MC 107012 (Sub-E676), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated,* (1.) From points in FL, to points in CA, CO, ID, IA, KS, MN, MO, MT, NV, ND, OR, SD, UT, WA, and WY. (2.) From points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, and Sarasota, FL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Cook, DuPage, Kane, Kendall, Lake, Will, Adams, Brown, Cass, Fulton, Hancock, Henderson, Knox, Logan, Marshall, Mason, McDonough, Menard, Peoria, Schuyler, Stark, Tazewell, Warren, Woodford, Boone, Bureau, Carroll, DeKalb, Henry, JoDaviess, LaSalle, Lee, McHenry, Mercer, Ogle, Putnam, Rock Island, Stephenson, Whiteside and Winnebago Counties, IL; Baraga, Gogebic, Houghton, Iron, Keweenaw, Ontonagon, Alger, Delta, Dickinson, Marquette, Menominee and Schoolcraft Counties, MI; points in NM; points in OK; Andrews, Archer, Baylor, Blanco, Borden Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; points in WI. (3.) From points in Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns and Union Counties, FL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Adams, Brown, Cass, Fulton, Hancock, Henderson, Knox, Logan, Marshall, Mason, McDonough, Menard, Peoria, Schuyler, Stark, Tazewell, Warren and Woodford Counties, IL; Baraga, Gogebic, Houghton, Iron, Keweenaw, Ontonagon, Alger, Delta, Dickinson, Marquette, Menominee and Schoolcraft Counties, MI; points in NM; points in OK; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX; Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Iron, Pepin, Pierce, Polk, Price, Rusk, Saint Croix, Sawyer, Taylor, Vilas, Washburn, Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Saulk, Trempealeau, Vernon, Adams, Brown, Calumet, Clark, Fond Du Lac, Green Lake, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood Counties, WI. (4.) From points in Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie Counties, FL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Cook, Dupage, Kane, Kendall, Lake, Will, Adams, Brown, Cass, Fulton, Hancock, Henderson, Knox, Logan, Marshall, Mason,

McDonough, Menard, Peoria, Schuyler, Stark, Tazewell, Warren, Woodford, Boone, Bureau, Carroll, DeKalb, Henry, Jodaviess, LaSalle, Lee, McHenry, Mercer, Ogle, Putnam, Rock Island, Stephenson, Whiteside and Winnebago Counties, IL; Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY: Baraga, Gogebic, Houghton, Iron, Keweena, Ontonagon, Alger, Delta, Dickinson, Marquette, Menominee and Schoolcraft Counties, MI; points in NM; points in OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Andrews, Archer, Baylor, Blanco, Borden Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garrza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Brisco, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith Titus, Upshur, Van Zandt and Wood Counties, TX; points in WI. (5.) From points in Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter and Volusia Counties, FL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Adams, Brown, Cass, Fulton, Hancock, Henderson, Knox, Logan, Marshall, Mason, McDonough, Menard, Peoria, Schuyler, Stark, Tazewell, Warren, Woodford, Boone, Bureau, Carroll, DeKalb, Henry, JoDaviess, LaSalle, Lee, McHenry, Mercer, Ogle, Putnam, Rock Island, Stephenson, Whiteside, and Winnebago Counties, IL; Baraga, Gogebic, Houghton, Iron, Keweenaw Ontonagon, Alger, Delta, Dickinson, Marquette, Menominee and Schoolcraft Counties, MI; points in NM; points in OK; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX; Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Iron, Pepin, Pierce, Polk, Price, Rusk, Saint Croix, Sawyer, Taylor, Vilas, Washburn, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Saulk, Trempealeau, Vernon, Adams, Brown, Calumet, Clark, Fond Du Lac, Green Lake, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood Counties, WI. (6.) From points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL, to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz and Yuma Counties, AZ; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren and Washington Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Cook, DuPage, Kane, Kendall, Lake, Will, Adams, Brown, Cass, Fulton, Hancock, Henderson, Knox, Logan, Marshall, Mason, McDonough, Menard, Peoria, Schuyler, Stark, Tazewell, Warren, Woodford, Boone, Bureau, Carroll, DeKalb, Henry, JoDaviess, LaSalle, Lee, McHenry, Mercer, Ogle, Putnam, Rock Island, Stephenson, Whiteside and Winnebago Counties, IL; Baraga, Gogebic, Houghton, Iron, Keweenaw Ontonagon, Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traurse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Wexford, Alger, Delta, Dickinson, Marquette, Menominee, Schoolcraft, Chippewa, Luce and Mackinac Counties, MI; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos and Union Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK;

points in WI. (7.) From points in Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoum, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Adams, Brown, Cass, Fulton, Hancock, Henderson, Knox, Logan, Marshall, Mason, McDonough, Menard, Peoria, Schuyler, Stark, Tazewell, Warren, Woodford, Boone, Bureau, Carroll, DeKalb, Henry, JoDaviess, LaSalle, Lee, McHenry, Mercer, Ogle, Putnam, Rock Island, Stephenson, Whiteside and Winnebago Counties, IL; Baraga, Gogebic, Houghton, Iron, Keweenaw, Ontonagon, Alger, Delta, Dickinson, Marquette, Menominee and Schoolcraft Counties, MI; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos and Union Counties, NM; points in OK; Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX; points in WI. (Gateway Eliminated: Greene County, AR)

MC 119777 (Sub-E243), filed June 19, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: James P. Barnett (same as above). *Iron and steel articles,* as described in Appendix V to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 (except commodities which because of size or weight require the use of special equipment), (1) From Cleveland, Canton, Youngstown and Warren, OH and points in Allegheny, Beaver, Mercer, Venango and Westmoreland Counties, PA to points in WV on and west of a line beginning at Huntington, WV and running along WV Hwy. 10 to junction with U.S. Hwy. 119, thence along U.S. Hwy. 119 to the WV–KY State Line, and (2) From points in Allegheny, Beaver, Mercer, Venango, Westmoreland and Washington Counties, PA to points in Hamilton and Butler Counties, OH. (Gateway—KY.)

MC 119777 (Sub-E244), filed June 19, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: James P. Barnett (same as above). *Iron and steel articles,* as described in Appendix V to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209, From points in Cook Du Page and Will Counties, IL and Lake La Porte and Porter Counties, IN to points in AR and MO, restricted to the transportation of traffic destined to the named destinations. (Gateway—Plantsite of Jones & Laughlin Steel Corporation in Putnam Co., IL.)

MC 119777 (Sub-E245), filed June 19, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: James P. Barnett (same as above). *Scrap iron,* (1) From IL to points in AL, FL and GA, (2) From IN to points in LA and MS, (3) From OH and PA to points in AR, LA, MS, OK and TX, (4) From WV to points in AR, OK and TX, and (5) From New York, NY to points in AR, KS, LA, MS, OK and TX. (Gateway—Calvert City, KY.)

MC 119777 (Sub-E247), filed June 19, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431. Representative: James P. Barnett (same as above). (1) *Steel sheets* and *iron and steel plates, channels, angles, crop ends, mine roof washers* and *couplings,* and (2) *Coated pipe, alloy pipe* and *iron and steel casing, pipe* and *tubing,* except commodities which because of size or weight require the use of special equipment, From New York, NY and points in KY, OH, PA, WV and points in TN on and east of U.S. Hwy. 127 to points in AZ and NM. (Gateway—Sparta, IL.)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-22869 Filed 7-24-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 144
Wednesday, July 25, 1979

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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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., August 3, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1477-79 Filed 7-23-79; 11:33 am]

BILLING CODE 6351-01-M

2

July 20, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: July 27, 1979, 10 a.m.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Docket Nos. RP77-56 and RP76-89 (Depreciation Rates), Northern Natural Gas Company.

(2) Docket No. RP77-108, Transcontinental Gas Pipeline Corporation.

(3) Docket No. RP71-41, United Gas Pipeline Company.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 275-4166.

[S-1475-79 Filed 7-23-79]

BILLING CODE 6450-01-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR, page 43145, date of publication July 23, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., July 26, 1979.

PLACE: 1700 G. Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling, (202-377-6677).

CHANGES IN THE MEETING:

The following item has been added to the agenda for the open meeting:

FIRA Implementation: Expanded Supervisory Authority, Federal Register Document.

Announcement is being made at the earlist practicable time.

No. 255, July 23, 1979.

[S-1480-79 Filed 7-23-79; 3:43 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: July 20, 1979, 44 FR 42840.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: July 25, 1979, 10 a.m.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

2. Docket No. 76-11: Agreement Nos. 150 DR-7 and 3103 DR-7

[S-1479-79 Filed 7-23-79; 3:43 pm]

BILLING CODE 6730-01-M

5

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR, 41633, July 17, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Friday, July 20, 1979.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting; was consideration of any agenda items carried forward from a previous meeting: the following such closed item(s) was added:

Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on June 27, 1979.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 20, 1979.

Theodore E. Allison,

Secretary of the Board.

[S-1476-79 Filed 7-23-79; 11:33 am]

BILLING CODE 6210-01-M

6

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:30 a.m. Monday, July 30, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposals under Regulation Q (Interest on Deposits) that would include:

(a) subjecting certain member bank repurchase agreements to interest rate ceilings (proposed earlier for public comment; docket no. R-0229);

(b) applying deposit rate ceilings to additional funds deposited in an existing time account;

(c) permitting member banks to apply the recently revised early withdrawal penalty to time deposits entered into before July 1, 1979;

(d) increasing rates of interest on certain categories of short-term time deposits;

(e) requiring penalty-free payment of time deposits prior to maturity upon the death of the depositor (proposed earlier for public comment; docket no. R-0228); and

(f) permitting penalty-free withdrawals of time deposits prior to maturity where the owner has been determined incompetent.

2. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 23, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-1461-79 Filed 7-23-79; 3:43 pm]

BILLING CODE 6210-01-M

7

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, August 1, 1979.

PLACE: Board Hearing Room, 8th Floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of July 1979.
(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's Office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, tel: (202) 523–5920.

Date of Notice: July 23, 1979.

[S–1478–79 Filed 7–23–79; 3:43 pm]

BILLING CODE 7550–01–M

federal register

Wednesday
July 25, 1979

Part II

Environmental Protection Agency

Endrin; Intent To Cancel Registrations and Denial of Applications for Registration of Pesticide Products Containing Endrin, and Statement of Reasons

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1278-7; OPP-30000/4C]

Endrin; Intent To Cancel Registrations and Denial of Applications for Registration of Pesticide Products Containing Endrin, and Statement of Reasons

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of Intent to Cancel Registrations and denial of Applications for Registration of Pesticide Products Containing Endrin; Analysis of Comments (Position Document 4) Concerning Endrin.

SUMMARY: On July 27, 1976, the Environmental Protection Agency published in the **Federal Register** (41 FR 31316) a notice of rebuttable presumption against registration and continued registration (RPAR) of pesticide products containing endrin. Registrants and other interested persons were provided the opportunity to submit data and information to rebut the presumption. After reviewing all available information, the Agency determined that three risk presumptions announced in the endrin RPAR had not been rebutted—the risks of significant population reductions of non-target organisms, acute toxicity to wildlife, and teratogenicity—and that the risks posed by the uses of endrin were of sufficient concern to require the Agency to consider whether there were offsetting economic, social, or environmental benefits.

The Agency also reviewed information relating to the benefits of the uses of endrin and, after considering risks in relation to benefits, determined that some risks may be reduced by modifying the terms and conditions of registration for some uses and by cancelling or denying applications for registration for other uses. These preliminary decisions were announced in the Notice of Determination Concluding the Endrin RPAR, published on November 2, 1978 (43 FR 51132) (the "Preliminary Notice") and are detailed further in this Notice.

This Notice initiates actions to cancel unconditionally the registrations of the following uses of endrin: use on cotton in all areas east of interstate Highway #35; use on small grains to control all pests other than they army cutworm, the pale western cutworm and grasshoppers; use on apple orchards in Eastern States to control meadow voles; use on sugarcane to control the sugarcane borer; and use on ornamentals. This notice also notifies applicants for new registrations of these uses of endrin, as well as applicants for registration of endrin for use in unenclosed bird perch treatments, that these applications are denied.

This Notice also initiates actions to cancel the registrations of the following uses of endrin unless registrants modify the terms and conditions of registration as required by this Notice: use on cotton west of Interstate Highway #35; use on small grains to control army cutworms and pale western cutworms; use on apple orchards in Eastern States to control the pine vole and in Western States to control meadow voles; use on sugarcane to control the sugarcane bettle; use for conifer seed treatment; and use in enclosed bird perch treatments. This Notice also notifies applicants for new registrations of these uses of endrin, as well as applicants for registration of endrin for use as tree paint (in Texas), for use on alfalfa and clover seed crops (in Colorado), and for use on small grains to control grasshoppers (in Montana), that these applications are denied unless they are corrected to include the terms and conditions of registration specified in this Notice.

FOR FURTHER INFORMATION CONTACT: William S. Cox, Project Manager, Special Pesticide Review Division, Office of Pesticide Programs (TS-791), EPA, 401 M Street, SW., Washington, DC 20460, 202-557-7973.

SUPPLEMENTARY INFORMATION: Position Document 4 (PD 4), which accompanies this Notice, discusses in detail the comments which were received concerning Position Document ⅔ (P ⅔) and the Preliminary Notice. The comments of the FIFRA Scientific Advisory Panel and the Secretary of Agriculture are included in their entirety as Appendices to PD 4.

I. Introduction

On October 20, 1978, the Environmental Protection Agency issued a Notice of Determination pursuant to 40 CFR 162.11(a)(5), Concluding the Endrin RPAR (the "Preliminary Notice"). (43 FR 51132, November 2, 1978). The Preliminary Notice was accompanied by a Position Document ("PD") ⅔, which set forth in detail the Agency's analysis of comments received during the rebuttal phase of the endrin RPAR, and the Agency's reasons and factual bases for the regulatory actions which it initiated.

With respect to the principal uses of endrin, the Agency determined: (1)(a) That the risks of the uses of endrin on cotton in all States east of the Mississippi River and in Arkansas, Louisiana, Missouri and those portions of Oklahoma and Texas east of Interstate Highway #35 are greater than the social, economic and environmental benefits of use; (b) that the risks of the use of endrin on cotton on other areas are greater than the social, economic and environmental benefits unless risk reductions are accomplished by modifications in the terms of conditions of registration, as described in the Preliminary Notice; (2)(a) that the risks of the uses of endrin on small grains to control pests other than army cutworms, pale western cutworms and grasshoppers are greater than the social, economic and environmental benefits of use; (b) that the risks of the uses of endrin on small grains to control army cutworms, pale western cutworms, and grasshoppers are greater than the social, economic and environmental benefits unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described in the preliminary Notice; and (3)(a) that the risks of the use of endrin on apple orchards in Eastern States to control meadow voles are greater than the social, economic and environmental benefits of use; (b) that the risks of the use of endrin on apple orchards in Eastern States to control the pine vole and in Western States to control meadow voles are greater than the social, economic and environmental benefits of use unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described in the Preliminary Notice.

Accordingly, the Agency initiated actions to cancel or deny registrations for the use of endrin on cotton in all areas east of Interstate Highway #35, to cancel or deny registrations for the use of endrin on small grains to control pests other than the army cutworm, the pale western cutworm, and grasshoppers, and to cancel or deny registrations for the use of endrin on apple orchards in Eastern States to control meadow voles. Further, the Agency initiated action to cancel or deny registrations for the uses of endrin on cotton in areas other than those delineated for cancellation, on small grains to control the army cutworm, pale western cutworm and grasshoppers, and on apple orchards to control the pine vole in Eastern States and to control meadow voles in Western States unless the specified changes in the terms and conditions of registration are accomplished. The Agency further determined that these modifications in

the terms or conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of the uses.

The Agency's conclusions and actions initiated with respect to those uses of endrin which account for a small proportion of the total endrin used were summarized in Section III of the Preliminary Notice.

The remainder of this Notice and the accompanying PD 4 set forth in detail the Agency's analysis of comments submitted by the Secretary of Agriculture, the FIFRA Scientific Advisory Panel (SAP) and other interested parties regarding the reasons and factual bases for the regulatory actions annouced in the Preliminary Notice.

This Notice is organized into four Sections. This introduction is Section I. Section II, entitled "Legal Background", is a general discussion of the regulatory framework within which these actions are taken. Section III and the accompanying PD 4 announce the regulatory actions which the Agency is implementing concerning endrin and set forth the bases for the decisions. Section IV, entitled "Procedural Matters", is a brief discussion of the procedures which will be followed in implementing the reguatory actions which the Agency is announcing in this Notice.

II. Legal Background

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), a manufacturer must demonstrate that the pesticide satisfies the statutory standards for registration. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment" [section 3(c)(5)]. "Unreasonable adverse effects on the environment" is defined as "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" [section 2(bb)]. In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with the terms and conditions of registration, or in accordance with widespread and commonly recognized practice. The manufacturer's burden of proving that a pesticide satisfies the registration standard continues as long as the registration remains in effect. Under § 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.[1]

The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide a structure for gathering and evaluating information about the risks and benefits of these uses. This structure invites public participation at major points in the evaluation process.

The RPAR process is set forth at 40 CFR 162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set out in the regulations. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure either to man or to the animal or plant populations of concern with regard to the adverse effect in question.[2] Further, in addition to submitting evidence to rebut the risk presumption, registrants may submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide subject to the presumption outweigh the risks of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination. In that Notice, the Agency states and explains its position on the question whether the risk presumption has been rebutted. If the Agency determines that the presumption has not been rebutted, it also considers information relating to the social, economic, and environmental costs and benefits which registrants and other interested persons submitted to the Agency and any other benefits information known to the Agency. If the Agency determines that the risks of a pesticide use appear to outweigh its benefits, the RPAR process finally concludes with a Notice of Intent to Cancel or Denial of Application for Registration, pursuant to FIFRA section 6(b)(1) or section 3(c)(6).

When the uses of a pesticide appear to pose risks which are greater than benefits, the Agency considers modifications to the terms and conditions of registration which can reduce risk, and the impacts of such modifications to the terms or conditions of registration on the benefits of the use. The risk reduction measures, short of cancellation, which are available to the Agency include requiring changes in the directions for use on the pesticide's labeling, and classifying the pesticide for "restricted use", pursuant to FIFRA section 3(d).[3]

FIFRA requires the Agency to submit notices issued pursuant to section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy [section 6(b)]. The Agency is required to submit these documents to the Secretary at least 60 days before making the Notice effective by sending it to registrants or making it

[1] The statutory standard for registration also requires that the pesticide satisfy the labeling requirements of FIFRA. These requirements are set out in the statutory definition of "misbranded" [section 2(q)]. Among other things, that section provides that a pesticide is misbranded if "the labeling * * * does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any * * * [restrictions] imposed under secion 3(d) * * * are adequate to protect health and the environment." The Agency can require changes to the directions for use of a pesticide in most circumstances either by finding that the pesticide is misbranded if the labeling is not changed, or by finding that the pesticide would cause unreasonable adverse effects on the environment, unless labeling changes are made which accomplish risk reductions.

[2] 40 CFR 162.11(a)(4) provides that registrants and applicants may rebut a presumption against registration by sustaining the burden of proving: "(1) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraphs (a)(3) (i) or (iii) that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects; or (ii) in the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (a)(3)(ii) that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist, or accrue to levels in man or the environment likely to result in any significant chronic adverse effects; or (iii) that the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error." A primary purpose of the RPAR is to screen for appropriate action those pesticide uses which pose risks which are of sufficient concern to require the Agency to consider whether offsetting benefits justify the risks. Accordingly, the Agency's approach to rebuttal determinations concentrates on whether the risk concerns which are central to each RPAR proceeding have in fact been answered.

[3] On January 31, 1978, the Administrator of the Agency classified all uses of endrin for restricted use and limited them to use by or under the direct supervision of certified applicators (40 CFR 162.31; 43 FR 5788, February 9, 1978). The uses were classified under the Agency's Optional Procedures for Classification of Pesticide Uses by Regulation (40 CFR 162.30; 42 FR 44170, September 1, 1977). All uses of endrin will remain so classified for restricted use unless and until such time as they may be unconditionally cancelled.

public. If the Secretary of Agriculture comments in writing within 30 days of receiving the Notice, the Agency is required to publish the Secretary's comments and the Administrator's response to those comments, together with the Notice. The statute also requires the Administrator to submit notices issued pursuant to section 6 to a Scientific Advisory Panel (SAP) for comment on the impact of the proposed action on health and the environment, at the same time and under the same procedures as those described for review by the Secretary of Agriculture [section 25(d)].

Although not required to do so under the statute, the Agency decided that it is consistent with the general theme of the RPAR process and the Agency's overall policy of open decision-making to afford an opportunity to registrants and other interested persons to comment on the bases for the proposed action during the time that the proposed action is under review by the Secretary of Agriculture and the SAP. Accordingly, the Preliminary Notice and PD 2/3 were made available to registrants and other interested persons at the time the decision documents were transmitted for formal external review. (The Preliminary Notice was published in the **Federal Register**; interested persons were notifed that PD 2/3 was available through publication of a Notice of Availability in the **Federal Register** and by other means.) Registrants and other interested persons were allowed the same period of time to comment, 30 days, that the statute provides for receipt of comments from the Secretary of Agriculture and the SAP. The Agency considered comments received after this date, to the extent it was possible to do so, consistent with orderly decision-making.

III. Determinations and Announcement of Regulatory Actions

As detailed in the Preliminary Notice and PD 2/3, the Agency considered information on the risks associated with the uses of endrin, including information submitted by registrants and other interested persons in rebuttal to the endrin RPAR. The Agency also considered information on the social, economic, and environmental benefits of the uses of endrin subject to the RPAR, including benefits information submitted by registrants and other interested persons in conjunction with their rebuttal submissions, and information submitted by the United States Department of Agriculture. The Agency's assessment of the risks and benefits of the uses of endrin subject to this RPAR, its conclusions and determinations on whether any uses of endrin pose unreasonable adverse effects on the environment, and its determination on whether modifications in terms or conditions of registration reduce risks sufficiently (as an alternative to cancellation) to eliminate any unreasonable adverse effects, were summarized in the Preliminary Notice and set forth in detail in PD 2/3. PD 2/3 was adopted by the Agency as its Statement of Reasons for the determinations and actions announced in the Preliminary Notice and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy.

This Notice constitutes the Agency's Final Notice of Determination Concluding the Endrin RPAR. It reflects modifications in the Agency's initial determinations on the risks, benefits, and unreasonable adverse effects of the uses of endrin which the Agency has concluded are appropriate after review of the comments and information received concerning PD 2/3 and the Preliminary Notice from the Secretary of Agriculture, the SAP, and other sources. This Notice also reflects the modifications in the regulatory actions announced in the Preliminary Notice which the Agency has concluded are appropriate, in light of the comments and other information received on PD 2/3 and the Preliminary Notice from all sources. PD 4, which accompanies this Notice, discusses in detail the information that was received [4] and the Agency's reasons for changing or not changing its initial determinations and the regulatory actions announced in the Preliminary Notice. Finally, this Notice announces the regulatory actions which the Agency is implementing concerning endrin. The Agency hereby incorporates PD 2/3 and PD 4 as its Statement of Reasons for these actions.

A. Determinations on Risks

The endrin RPAR was based on information indicating that endrin posed the following risks to humans and the environment: (1) Oncogenicity; (2) fetotoxic and teratogenic effects; (3) fatalities to endangered species; (4) significant population reductions in non-target organisms; (5) acute toxicity to wildlife; and (6) acute hazards to humans and domestic animals through dermal exposure.

As PD 2/3 explained, the Agency determined, based on the RPAR record, that the weight of the evidence on oncogenicity indicates that endrin is unlikely to pose an oncogenic risk to humans. Moreover, the Agency determined that the risk presumptions for acute dermal toxicity and fatalities to endangered species had been rebutted.[5] As PD 2/3 also explained, the Agency determined that information submitted during the RPAR was insufficient to remove the Agency's concerns that endrin causes significant population reductions in non-target organisms, that it poses a risk of acute toxicity to wildlife and that it poses a risk of acute toxicity to wildlife and that it poses a risk of teratogenicity to humans. The Agency concluded that these risks are associated, to differing degrees, with most uses of endrin and are of sufficient magnitude to require the Agency to determine whether the uses of endrin offer offsetting social, economic or environmental benefits.

B. Determinations on Benefits

The uses of endrin which are subject to this Notice fall into four categories: cotton uses; small grains uses; apple orchard uses; and other uses.[6]

1. *Cotton Uses.* Endrin is used on cotton crops, principally for control of the cotton bollworm and the tobacco budworm. For this use, endrin is formulated almost exlusively in combination with methyl parathion, endrin serving as an adjuvant to methyl parathion. Endrin is a minor cotton insecticide, and its use has declined in recent years as resistance to it has become widespread in some areas.

Numerous alternative pesticides are registered with EPA for control of the cotton bollworm and tobacco budworm, and several of the alternatives are at least as efficacious as, and less hazardous than, the endrin-methyl parathion formulation.

The Agency has determined that the use of endrin on cotton provides small benefits to users and no benefits to any other group. Cancellation of this use would cause current endrin users to use

[4] The comments received from the SAP and the Secretary of Agriculture are attached as Appendices to PD 4. All other comments are available for public inspection in the endrin public file.

[5] In connection with its evaluation of the risk presumption relating to endangered species, the Agency consulted with the United States Fish and Wildlife Service (FWS) pursuant to section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531. The FWS has expressed its biological opinion that the continued use of endrin in accordance with the regulatory actions initiated by the Preliminary Notice is not likely to "jeopardize the continued existence" of threatened or endangered species, nor to result in the destruction or adverse modification of their critical habitats. The biological opinion of the FWS is attached as an Appendix to PD 4.

[6] The category of "other uses" comprises: sugarcane; seed treatments for conifers, watermelons and vegetables; alfalfa and clover seed crops; ornamentals; tree paint; and perch treatments for controlling birds.

alternative pesticides whose cost per acre treatment would not be significantly greater than endrin's and whose use over a growing season might increase growers' production costs by an aggregate amount on the order of $1 million.

2. *Small Grains Uses.* Endrin's use to control the army cutworm and the pale western cutworm on wheat provides substantial benefits to growers. No federally-registered alternative pesticides are available for control of the pale western cutworm, and the Agency has concluded that, if uncontrolled, the pale western cutworm would damage crops sufficiently to reduce wheat yields by 4.7 million bushels annually. Although this would have a minor impact on total United States wheat production, it would reduce the gross revenues of endrin users by approximately $15 million annually. Alternative pesticides are available to control the army cutworm, but they are more expensive than endrin. Endrin users' production costs would increase by an aggregate of approximately $1.2 million annually if alternatives were used.

3. *Apple Orchard Uses.* Endrin is applied as a post-harvest ground spray to control voles (mice) in many apple-producing areas. Alternative pesticides are available but they do not provide the same level of control as endrin for certain pests. The replacement of endrin with zinc phosphide, the only federally-registered interstate pesticide whose efficacy is comparable to endrin's, would result in a 6.7% annual loss in apple production on the acreage currently treated with endrin. This loss of production would reduce annual revenues of producers now using endrin by approximately $5.3 million. The replacement of endrin with chlorophacinone and diphacinone, pesticides registered for use in certain apple-producing states, would result in a 3.3% annual loss in apple production on the acreage currently treated with endrin. This loss of production would reduce revenues of producers now using endrin by approximately $2.4 million. The Agency has determined that production losses of this magnitude would cause the price of apples to increase.

4. *Other Uses.* The Ageny has determined that virtually no benefits are associated with the uses of endrin on sugarcane to control the sugarcane borer and on ornamentals. The Agency has determined that some benefits are associated with the following uses of endrin: seed treatments for conifers, watermelons and vegetables; tree paint; and perch treatments for controlling birds. The Agency has determined that some potential benefits are associated with the use of endrin on alfalfa and clover seed crops and on sugarcane to control the sugarcane beetle.

C. Determinations on Unreasonable Adverse Effects

The Agency has made the following unreasonable adverse effect determinations with respect to the uses of endrin subject to this RPAR:

1. *Determinations on Cotton Uses.* The Agency has determined that the use of endrin on cotton in all areas east of Interstate Highway #35 (including all states east of the Mississippi River, Arkansas, Louisiana, Missouri, and portions of Texas and Oklahoma) poses risks which are greater than the social, economic and environmental benefits of the use. Accordingly, the Agency has determined that the use of endrin on cotton crops in these areas will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice.

The Agency has also determined that risks of the use of endrin on cotton in areas west of Interstate Highway #35 are greater than the social, economic and environmental benefits of these uses unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described below. The Agency has determined, further, that these modifications in the terms or conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of the use. Accordingly, the Agency has determined that, unless these changes in the terms or conditions of registration are accomplished, the use of endrin on cotton in areas west of Interstate Highway #35 will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and the labeling of endrin products for use on cotton in those areas will not comply with the provisions of FIFRA.

2. *Determinations on Small Grains Uses.* The Agency has determined that the use of endrin on small grains to control pests other than the army cutworm, the pale western cutworm and grasshoppers poses risks which are greater than the social, economic and environmental benefits of the use. Accordingly, the Agency has determined that these uses of endrin will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice.

The Agency has also determined that the risks of the use of endrin on small grains to control the army cutworm and the pale western cutworm and to control grasshoppers in Montana are greater than the social, economic and environmental benefits of these or conditions of registration, as described below. The Ageny has determined, further, that these modifications in the terms or conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significnt impacts on the benefits of the uses. Accordingly, the Agency has determined that, unless these changes in the terms or conditions of registration are accomplished, the use of endrin on small grains to control the army cutworm and the pale western cutworm and to control grasshoppers in Montana will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and the labeling of endrin products for use on small grains to control these pests will not comply with the provisions of FIFRA.

3. *Determinations on Apple Orchard Uses.* The Agency has determined that the use of endrin in apple orchards in Eastern States for control of meadow voles poses risks which are greater than the social, economic and environmental benefits of the use. Accordingly, the Agency has determined that this use of endrin will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice.

The Agency has also determined that the risks of the use of endrin in apple orchards in Eastern States for control of the pine vole and in apple orchards in Western States for control of meadow voles are greater than the social, economic and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described below. The Agency has determined, further, that these modifications in the terms or conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of the uses. Accordingly, the Agency has determined that, unless these changes in the terms or conditions of registration are accomplished, the use of endrin in apple orchards in Eastern States to control the pine vole and in apple

orchards in Western States to control meadow voles will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and the labeling of endrin products for use on apple orchards to control these pests will not comply with the provisions of FIFRA.

4. *Determinations on Other Uses.* a. *Sugarcane.* The Agency has determined that the use of endrin on sugarcane to control the sugarcane borer poses risks which are greater than the social, economic and environmental benefits of the use. Accordingly, the Agency has determined that this use of endrin will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice.

The Agency has also determined that the risks of the use of endrin on sugarcane to control the sugarcane beetle are greater than the social, economic and environmental benefits of this use, unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described below. The Agency has determined, further, that these modifications in the terms or conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of the use. Accordingly, the Agency has determined States to control the pine vole and in apple orchards in Western States to control meadow voles will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and the labeling of endrin products for use on apple orchards to contol these pests will not comply with the provisions of FIFRA.

4. *Determinations on Other Uses.* a. *Sugarcane.* The Agency has determined that the use of endrin on sugarcane to control the sugarcane borer poses risks which are greater than the social, economic and environmental benefits of the use. Accordingly, the Agency has determined that this use of endrin will generally cause unreasonable adverse effets on the environment, when used in accordance with widespread and commonly recognized practice.

The Agency has also determined that the risks of the use of endrin on sugarcane to control the sugarcane beetle are greater than the social, economic and environmental benefits of this use, unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described below. The Agency has determined, further, that these modifications in the terms or conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of the use. Accordingly, the Agency has determined that, unless these changes in the terms or conditions of registration are accomplished, the use of endrin on sugarcane to control this pest will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and the labeling of endrin products for use on sugarcane to control this pest will not comply with the provisions of FIFRA.

b. *Ornamentals.* The Agency has determined that the use of endrin on ornamentals poses risks which are greater than the social, economic and environmental benefits of the uses. Accordingly, the Agency has determined that these uses of endrin will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice.

c. *Conifer Seeds; Alfalfa and Clover Seed Crops; Tree Paint.* The Agency has determined that the risks of the uses of endrin on conifer seeds, on alfalfa and clover seed crops (in Colorado), and as tree paint (in Texas) are greater than the social, economic and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described below. The Agency has determined, further, that these modifications in the terms or conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of the uses. Accordingly, the Agency has determined that, unless these changes in the terms or conditions of registration are accomplished, these uses of endrin will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and the labeling of endrin products for these uses will not comply with the provisions of FIFRA.

d. *Bird Perch Treatments.* The Agency has determined that the use of endrin in unenclosed bird perch treatments poses risks which are greater than the social, economic and environmental benefits of the use. Accordingly, the Agency has determined that this use of endrin will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice.

The Agency has also determined that the risks of the use of endrin in "Rid-A-Bird" and other enclosed bird perch treatments are greater than the social, economic and environmental benefits of this use, unless risk reductions are accomplished by modifications in the terms or conditions of registration, as described below. The Agency has determined, further, that these modifications in the terms or conditions of registration accomplish significant risk reductions and that these risk reductions can be achieved without significant impacts on the benefits of the uses. Accordingly, the Agency has determined that, unless these changes in the terms or conditions of registration are accomplished, the uses of endrin in "Rid-A-Bird" and other enclosed bird perch treatments will generally cause unreasonable adverse effects on the environment, when used in accordance with widespread and commonly recognized practice, and the labeling of endrin products for this use will not comply with the provisions of FIFRA.

D. Announcement of Regulatory Actions

Based upon these determinations (developed in detail in PD 2/3 and PD 4), the Agency is initiating the following regulatory actions, and this document shall constitute its Notice of Intent regarding these actions:

1. Cancellation and denial of registrations of endrin products for use on cotton in all areas east of Interstate Highway #35 (including all states east of the Mississippi River, Arkansas, Louisana, Missouri, and portions of Texas and Oklahoma).

Cancellation and denial of registrations of endrin products for use on cotton in areas west of Interstate Highway #35 unless registrants or applicants for registration modify the terms or conditions of registration as follows: Modification of the label of endrin products for use on cotton in areas west of Interstate Highway #35 to add the following:

For use in areas west of Interstate Highway #35 only.

Required Clothing for Female Workers

Female ground applicators, mixers and loaders and flagpersons must wear long-sleeved shirts and long pants made of a closely woven fabric, and wide-brimmed hats. Mixers and loaders must also wear rubber or synthetic rubber boots and aprons.

Warning to Female Workers

The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided. Female workers must be sure to wear all protective clothing and use all protective equipment specified on this label. In case of accidental spills or other unusual exposure, cease work immediately and follow directions for contact with endrin.

Equipment

Ground Application.—For use with boom-nozzle ground equipment. Apply at not less than 5 gallons total mixture, water and chemical, per acre. Do not use nozzle liquid pressure at greater than 40 psi (pounds per square inch). Do not use cone nozzle size smaller than 0.16 gallons per minute (gpm) at 40 psi such as type D2–25 or TX–10, or any other atomizer or nozzle giving smaller drop size.

Aerial Application.—Do not apply at less than 2 gallons total mixture of water and chemical per acre. Do not operate nozzle liquid pressure over 40 psi (pounds per square inch) or with any fan nozzle smaller than 0.4 gallons per minute (gpm) or fan angle greater than 65 degrees such as type 6504. Do not use any cone type nozzles smaller than 0.4 gpm nor whirl plate smaller than #46 such as type D4–46 or any other atomizer or nozzle giving smaller drop size. Do not release this material at greater than 10 feet height above the crop.

Application Restrictions

Do not apply this product within ⅛ mile of human habitation.

Do not apply this product by air within ¼ mile or by ground within ⅛ mile of lakes, ponds, or streams. Application may be made at distances closer to ponds owned by the user but such application may result in excessive contamination and fish kills.

Do not apply when rainfall is imminent.

Apply only when wind velocity is between 2 mph and 10 mph.

Procedures To Be Followed if Fish Kills Occur or if Ponds are Contaminated

In case of fish kills, fish must be collected promptly and disposed of by burial. Ponds in which fish kills have occurred, and user-owned ponds exposed to endrin by application at distances closer than otherwise prohibited, must be posted with signs stating: "Contaminated: No Fishing." Signs must remain for one year after a fish kill has occurred or for six months after lesser contamination unless laboratory analysis shows endrin residues in the edible portion of fish to be less than 0.3 parts per million (ppm).

Prophylactic Use

Unnecessary use of this product can lead to resistance in pest populations and subsequent lack of efficacy.

2. Cancellation and denial of registration of endrin products for use on small grains to control all pests other than the army cutworm, the pale western cutworm and grasshoppers. Cancellation and denial of registration of endrin products for use on small grains for control of the army cutworm, the pale western cutworm and grasshoppers unless registrants or applicants for registration modify the terms or conditions of registration as follows:

Modification of the label of endrin products for use on small grains to control the army cutworm, the pale western cutworm and grasshoppers to add the following:

Required Clothing for Female Workers

Female ground applicators, mixers and loaders and flagpersons must wear long-sleeved shirts and long pants made of a closely woven fabric, and wide-brimmed hats. Mixers and loaders must also wear rubber or synthetic rubber boots and aprons.

Warning to Female Workers

The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided. Female workers must be sure to wear all protective clothing and use all protective equipment specified on this label. In case of accidental spills or other unusual exposure, cease work immediately and follow directions for contact with endrin.

Equipment

Ground application.—For use with boom-nozzle ground equipment. Apply at not less than 5 gallons total mixture, water and chemical, per acre. Do not use nozzle liquid pressure at greater than 40 psi (pounds per square inch). Do not use cone nozzle size smaller than 0.16 gallons per minute (gpm) at 40 psi such as type D2–25 or TX–10, or any other atomizer or nozzle giving smaller drop size.

Aerial application.—Do not apply at less than one gallon total mixture of water and chemical per acre. Do not operate nozzle liquid pressure over 40 psi (pounds per square inch) or with any nozzle smaller than 0.4 gallons per minute (gpm) or fan angle greater than 65 degrees such as type 6504. Do not use any cone type nozzles smaller than 0.4 gpm nor whirl plate smaller than #46 such as type D4–46 or any other atomizer or nozzle giving smaller drop size. Do not release this material at greater than 10 ft. height above the crop.

Application Restrictions

Do not apply this product within ⅛ mile of human habitation.

Do not apply this product by air within ¼ mile or by ground within ⅛ mile of lakes, ponds or streams. Application may be made at distances closer to ponds owned by the user but such application may result in excessive contamination and fish kills.

Do not apply when rainfall is imminent.

Apply only when wind velocity is between 2 mph and 10 mph.

Procedures To Be Followed if Fish Kills Occur or if Ponds are Contaminated

In case of fish kills, fish must be collected promptly and disposed of by burial. Ponds in which fish kills have occurred, and user-owned ponds exposed to endrin by application at distances closer than otherwise prohibited, must be posted with signs stating: "Contaminated: No Fishing." Signs must remain for one year after a fish kill has occurred or for six months after lesser contamination unless laboratory analysis shows endrin residues in the edible portions of fish to be less than 0.3 part per million (ppm).

Pests for Which This Product May Be Applied

This product may be applied to control the following pests only: army cutworm; pale western cutworm; grasshoppers. [*NOTE:* currently grasshoppers may *only* be included on endrin products for use in Montana only.]

3. Cancellation and denial of registration of endrin products for use in apple orchards in Eastern States to control meadow voles.

Cancellation and denial of registration of endrin products for use in apple orchards in Eastern States to control the pine vole and in Western States to control meadow voles unless registrants or applicants for registration modify the terms or conditions of registration as follows:

Modification of the label of endrin products for use in apple orchards in Eastern States to control the pine vole

and in Western States to control meadow voles to add the following:

Required Clothing for Female Workers

Female applicators, mixers and loaders must wear long-sleeved shirts and long pants made of a closely woven fabric, and wide-brimmed hats. Mixers and loaders must also wear rubber or synthetic rubber boots and aprons.

Warning to Female Workers

The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided. Female workers must be sure to wear all protective clothing and use all protective equipment specified on this label. In case of accidental spills or other unusual exposure, cease work immediately and follow directions for contact with endrin.

Application Restrictions

Do not apply this product within 50 feet of lakes, ponds or streams.

Do not apply this product within 50 feet of areas occupied by unprotected humans.

Do not apply when rainfall is imminent.

Procedures To Be Followed if Fish Kills Occur

In case of fish kills, fish must be collected promptly and disposed of by burial. Ponds in which fish kills have occurred must be posted with signs stating: "Contaminated: No Fishing." Signs must remain for one year after a fish kill has occurred unless laboratory analysis shows endrin residues in the edible portion of fish to be less than 0.3 parts per million (ppm).

Equipment

Apply by ground equipment only.

Use a very coarse spray with minimum pressure necessary to penetrate ground cover. Do not apply as a fine spray. Power air blast equipment must be modified to meet the above application restriction. Consult the State recommendations for acceptable methods of adapting equipment.

Prophylactic Use

Unnecessary use of this product can lead to resistance in the vole population and subsequent lack of efficacy.

Pests for Which This Product May Be Applied

This product may be applied to control the following pests only:

Eastern United States—Pine Vole (Microtus pinetorum)
Western United States—Meadow Voles (Microtus species)

4. Cancellation and denial of registration of endrin products for use on sugarcane to control the sugarcane borer. Cancellation and denial of registration of endrin products for use on sugarcane to control the sugarcane beetle unless registrants or applicants for registration modify the terms or conditions of registration as follows:

Modification of the label of endrin products for use on sugarcane to control the sugarcane beetle to add the following:

Required Clothing for Female Workers

Female applicators, mixers and loaders must wear long-sleeved shirts and long pants made of a closely woven fabric, and wide-brimmed hats. Mixers and loaders must also wear rubber or synthetic rubber boots and aprons.

Warning to Female Workers

The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided. Female workers must be sure to wear all protective clothing and use all protective equipment specified on this label. In case of accidental spills or other unusual exposure, cease work immediately and follow directions for contact with endrin.

Application Restrictions

Apply only with low-pressure ground equipment. Cover furrows with soil promptly after application.

Pests for Which This Product May Be Applied

This product may be applied only to control the sugarcane beetle.

5. Cancellation and denial of registration of endrin products for use on ornamentals.

6. Cancellation and denial of registration of endrin products for use for conifer seed treatments unless registants or applicants for registration modify the terms or conditions or registration as follows:

Modification of the label of endrin products for use for conifer seed treatments to add the following:

Application Restrictions

Do not sow treated seed when large numbers of migratory birds are expected.

7. Denial of registration of endrin products for use as tree paint unless applicants for registration modify the terms or conditions or registration as follows:

Modification of the label of endrin products for use as tree paint to add the following:

Required Clothing for Female Workers

Female workers handling or applying this product must wear long-sleeved shirts and long pants made of a closely woven fabric, wide-brimmed hat, and rubber or synthetic rubber boots and aprons.

Warning to Female Workers

The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided. Female workers must be sure to wear all protective clothing and use all protective equipment specified on this label. In case of accidental spills or other unusual exposure, cease work immediately and follow directions for contact with endrin.

8. Denial of registration of endrin products for use on alfalfa and clover seed crops unless applicants for registration modify the terms or conditions of registration as follows:

Modification of the lable of endrin products for use on alfalfa and clover seed crops to add the following:

Required Clothing for Female Workers

Female ground applicators, mixers and loaders and flagpersons must wear long-sleeved shirts and long pants made of a closely woven fabric, and wide-brimmed hats. Mixers and loaders must also wear rubber or synthetic rubber boots and aprons.

Warning to Female Workers

The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided. Female workers must be sure to wear all protective clothing and and use all protective equipment specified on this label. In case of accidental spills or other unusual exposure, cease work immediately and follow directions for contact with endrin.

Equipment

Ground Application—For use with boom-nozzle ground equipment. Apply at not less than 5 gallons total mixture, water and chemical, per acre. Do not use nozzle liquid pressure at greater than 40 psi (pounds per square inch). Do not use cone nozzle size smaller than 0.16

gallons per minute (gpm) at 40 psi such as type D2–25 or TX–10, or any other atomizer or nozzle giving smaller drop size.

Aerial Application—Do not apply at less than 2 gallons total mixture of water and chemical per acre. Do not operate nozzle liquid pressure over 40 psi (pounds per square inch) or with any fan nozzle smaller than 0.4 gallons per minute (gpm) or fan angle greater than 65 degrees such as type 6504. Do not use any cone type nozzles smaller than 0.4 gpm nor whirl plate smaller than #46 such as type D4–46 or any other atomizer or nozzle giving smaller drop size. Do not release this material at greater than 10 feet height above the crop.

Application Restrictions

Do not apply this product within ⅛ mile of human habitation.

Do not apply this product by air within ¼ mile or by ground within ⅛ mile of lakes, ponds or streams. Application may be made at distances closer to ponds owned by the user but such application may result in excessive contamination and fish kills.

Do not apply when rainfall is imminent.

Apply only when wind velocity is between 2 mph and 10 mph.

Procedures To Be Followed if Fish Kills Occur or if Ponds are Contaminated

In case of fish kills, fish must be collected promptly and disposed of by burial. Ponds in which fish kills have occurred, and user-owned ponds exposed to endrin by application at distances closer than otherwise prohibited, must be posted with signs stating: "Contaminated: No Fishing." Signs must remain for one year after a fish kill has occurred or for six months after lesser contamination unless laboratory analysis shows endrin residues in the edible portion of fish to be less than 0.3 parts per million (ppm).

9. Denial of applications for registration of endrin for use in unenclosed bird perch treatments.

Cancellation and denial of applications for registration of endrin for use in "Rid-A-Bird" and other enclosed bird perch treatments unless registrants or applicants for registration modify the terms or conditions of registration as follows:

Modification of the label of endrin products for use in enclosed bird perch treatments to add the following:

Required Clothing for Female Workers

Female workers handling this product must wear long-sleeved shirts and long pants made of a closely woven fabric, wide-brimmed hats, and rubber or synthetic rubber aprons.

Warning to Female Workers

The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided. Female workers must be sure to wear all protective clothing and use all protective equipment specified on this label. In case of accidental spills or other unusual exposure, cease work immediately and follow directions for contact with endrin.

Special Warning

Do not use within one mile of roosting sites or within two miles of nesting sites of peregrine falcons, as identified by the United States Fish and Wildlife Service.

IV. Procedural Matters

This Notice initiates actions to cancel unconditionally the registrations of the following uses of endrin: use on cotton in all areas east of Interstate Highway #35; use on small grains to control all pests other than the army cutworm, the pale western cutworm and grasshoppers; use on apple orchards in Eastern States to control meadow voles; use on sugarcane to control the sugarcane borer; and use on ornamentals. This Notice also notifies applicants for new registrations of these uses of endrin, as well as applicants for registration of endrin for use on unenclosed bird perch treatments, that these applications are denied.

This Notice also initiates actions to cancel the registrations of the following uses of endrin unless registrants modify the terms and conditions of registration as required by this Notice: use on cotton west of Interstate Highway #35; use on small grains to control army cutworms and pale western cutworms; use on apple orchards in Eastern States to control the pine vole and use on apple orchards in Western States to control meadow voles; use on sugarcane to control the sugarcane beetle; use for conifer seed treatment; and use in enclosed bird perch treatments. This Notice also notifies applicants for new registrations of these uses of endrin, as well as applicants for registration of endrin for use as tree paint (in Texas), for use on alfalfa and clover seed crops (in Colorado), and for use on small grains to control grasshoppers (in Montana), that these applications are denied unless they are corrected to include the terms and conditions of registration specified in this Notice.

Under Sections 6(b) and 3(c) of FIFRA, applicants, registrants and other interested or affected parties may request a hearing on the cancellation and denial actions that this Notice initiates. This Section of the Notice explains how affected persons may request a hearing, and the consequences of requesting or failing to request a hearing in accordance with the procedures specified in this Notice.

A. Procedures for Requesting a Hearing

1. *Deadline for requesting a hearing on the cancellation actions.* (a) Registrants affected by the cancellation actions initiated by this Notice may request a hearing on *specific registered uses* of endrin within 30 days of receipt of this Notice, or on or before [30 days from publication], whichever occurs later. (b) Any other person adversely affected by the cancellation actions initiated by this Notice may request a hearing on *specific registered uses* of endrin on or before [30 days from publication].

2. *Deadline for requesting a hearing on the denial actions.* Applicants for new registration of the uses affected by the denials announced in this Notice may request a hearing *on specific uses* of endrin within 30 days of receipt of this Notice, or on or before [30 days from publication], whichever occurs later. Other interested persons may request a hearing with the concurrence of the applicant during the time period available to the applicant.

3. *How to request a hearing.* All registrants, applicants, and other interested or affected parties who request a hearing must file the request in accordance with 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 accompained 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 time 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 SW., Washington, D.C. 20460.

B. Consequences of Filing or Failing To File a Hearing Request

1. *Consequences of filing a timely and effective hearing request.* If a hearing on the Administrator's cancellation or

denial of registration of a specific use or uses of endrin is requested in a timely and effective manner, 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 and denial actions subject to the hearing will not become effective except pursuant to orders of the Administrator at the conclusion of the hearings.

2. *Consequences of failure to file in a timely and effective manner.* If a hearing on the Administrator's unconditional cancellation or denial of registration of any specific use of endrin is not requested in accordance with the procedures specified above within the applicable 30-day time period, cancellation or denial of registration of the specific use of endrin becomes final and effective at the end of the 30-day period.

If a hearing on the Administrator's conditional cancellation or denial of registration of any specific use of endrin is not requested in accordance with the procedures specified above within the applicable 30-day time period, the Agency, immediately after the 30-day period, will notify registrants and applicants of the procedures to be followed to amend their registrations and applications for registration in order to include the terms and conditions of registration specified in this Notice. That notification will establish the date(s) on which the cancellations and denials will become effective unless the registrants and applicants have applied to amend their registrations or their applications for registrations to include the terms and conditions of registration specified in this Notice, and will provide other necessary instructions and information.

Dated: July 17, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

Appendix A—Federal Insecticide, Fungicide,and Rodenticide Act (FIFRA) Scientific Advisory Panel

Review of Notice of Determination Concluding the Rebuttable Presumption Against Registration (RPAR) of Pesticide Products Containing Endrin

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel has completed review of plans by the Environmental Protection Agency (EPA) for initiation of regulatory action on endrin pesticide products under the provisions of Section 6(b) of FIFRA as amended. The review was completed after open meetings were conducted in Arlington, Virginia, during the periods of October 26–27, 1978, and December 14–15, 1978.

Maximum public participation was encouraged during formal review of all aspects of the conclusion of the RPAR on endrin. **Federal Register** notices announcing meetings in October and December were published in the **Federal Register** on October 16, 1978, and October 30, 1978, respectively. In addition, telephonic calls and special mailings were sent to the general public who had previously expressed an interest in activities of the Panel. Written statements relative to regulatory action on endrin were received over a period of several weeks from the Velsicol Chemical Corporation, and expert witnesses which submitted documents in behalf of the Velsicol Chemical Corporation; the Cooperative Extension Service of New York State; U.S. Department of Interior; the Environmental Defense Fund; Dr. Melvin Reuber, pathologist; Dr. Elizabeth L. Anderson, Executive Director, Carcinogen Assessment Group of EPA; and EPA technical staff. In addition, oral comments were received from EPA staff, USDA staff, members of the pesticide industry, EDF, Extension Service of New York State, and the general public.

In consideration of all matters brought out during Panel meetings, matters detailed in written and oral statements, and careful study of all documents submitted by the Agency, the Panel submits the following report on endrin:

The FIFRA Scientific Advisory Panel is especially indebted to Dr. Melvin Reuber of Columbia, Maryland, and Dr. Roy Albert of the EPA Carcinogen Assessment group for their forthright scientific debate on the potential carcinogenicity of endrin.

Aside from the exceptions noted below the Scientific Advisory Panel agrees with the Agency's proposed course of action for the continued registration of endrin as outlined in Endrin Position Document 2/3, submitted to the Panel on October 19, 1978:

(1) The required label changes for the continued registration of endrin for the control of pale western and army cutworms and grasshoppers should include a ¼ mile distance restriction from human habitation so as to more adequately protect humans from exposure.

(2) The Agency should actively seek to find alternate means to endrin for the safe and effective control of pine and western meadow voles.

(3) The required label changes for the continued registration of endrin for pine and western meadow vole control and as a conifer seed treatment should include a geographic restriction in accordance with the report received from the Director of the Fish and Wildlife Service so that endangered species may be adequately protected.

(4) The Panel is concerned with the risks inherent with the prophylactic use of endrin and urges that the Agency reexamine the label statements regarding such use.

(5) The Panel wishes to reiterate its concern with the lack of adequate pesticide monitoring data and the importance of such data in evaluating health impacts. In the case of endrin we are particularly concerned about the lack of such data both for endrin and 12-keto-endrin, a major toxic metabolite.

For the Chairman.

Dated: December 19, 1978.

H. Wade Fowler, Jr.,

Executive Secretary, FIFRA Scientific Advisory Panel.

Appendix B

Department of Agriculture,
Office of the Secretary,
Washington, D.C. November 22, 1978.

Hon. Douglas M. Costle (A–100),
Administrator, U.S. Environmental Protection Agency, Washington, D.C.

Dear Mr. Costle: This is the United States Department of Agriculture's response to the U.S. Environmental Protection Agency's (EPA) Notice of Determination pursuant to 40 CFR 162.11(a)(5), concluding the Rebuttable Presumption Against Registration (RPAR) on endrin, and EPA's proposed intent to cancel and/or modify the terms and conditions of registration, pursuant to Section 6(b)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The notice, dated October 23, 1978, indicates EPA is proposing to (a) cancel certain uses of endrin, and (b) retain certain uses with label modifications.

The U.S. Department of Agriculture and State Cooperators, under the National Agricultural Pesticide Impact Assessment Program (NAPIAP), have been pleased to interact with EPA in developing informational materials upon which the proposed EPA regulatory action is based. We are also pleased to have the opportunity to review the Notice of Determination and the accompanying position document. We are dedicated to mutual resolution of problems involving actual health risks to the consumer and the applicator or farm worker as well as adverse effects on the environment.

We concur that endrin should be classified as a restricted use pesticide and, thus, applied only by or under the supervision of certified applicators. We commend EPA for selecting regulatory options that are consistent with the biological and economic assessments. These include retaining uses in all States on small grains for the pale western cutworm, *Agrotis orthogonia* (Morrison), the army cutworm, *Euxoa auxiliaris* (Grote), and for grasshoppers; in apple orchards for the pine vole, *Microtus pinetorum*, and the western meadow vole, *Microtus montanus;* on sugarcane for the sugarcane beetle, *Eutheola rugiceps* (Le Conte); for seed treatment of conifers, watermelons, vegetables, and melons; in alfalfa and clover seed crop production; use as a tree paint; and the perch treatment for nuisance bird control. We also agree with the continued use of endrin for control of cotton pests in areas where there is a low potential for aquatic contamination.

However, the Department has several issues of concern relative to the regulatory options proposed as follows:

1. We question the advisability of requiring protective clothing for all female workers. The teratogenic risk, as defined, should apply only to female workers capable of bearing children.

2. It would seem appropriate in aerial applications that the wind velocities be

stated only as to the maximum miles per hour allowed rather than a range. We further believe that flying heights be consistent for all crops. A range of wind velocities and varable flying height limitations will pose operational difficulties for aerial applicators that do not appear to be warranted.

3. The use of the word "only" in identifying the vole species to be controlled in apple orchards may cause unnecessary enforcement problems when more than one species is established in an orchard. We assume that the destruction of eastern meadow voles incidental to the control of pine voles would not be considered inconsistent with labeling. Also, we do not believe the statement on prophylactic use adds anything to the usefulness of the label information and should be deleted.

4. We are concerned that the decisionmaking process employed by EPA in evaluating minor use patterns may result in cancellations without adequate justification. For example, it is being proposed that the use of endrin for chinch bug control in small grains be cancelled because only limited benefit data was presented. A similar situation occurred in the chlorobenzilate Notice of Determination regarding Arizona citrus, and minor uses on deciduous fruits and nuts. These actions do not seem to be consistent with the intent of the RPAR process for analyzing benefits and risks. It would seem more logical and highly desirable to retain these minor uses until an unreasonable adverse effect can be clearly demonstrated.

5. We believe the cancellation of uses on cotton in the Southeast and the Delta will have limited economic impact at the present time. However, a number of entomologists in the cotton producing States have pointed out that the use of endrin on cotton could become critical if current alternative pesticides are lost through the regulatory process, reduced market availability, or become less effective. As indicated in our November 4, 1976 report, on page 5–18, these entomologists requested the use of endrin on cotton be retained in Alabama, Arkansas, Mississippi, Florida, Georgia, and New Mexico. It is not clear why a one-quarter mile buffer requirement would be inadequate in the Southeast and delta States. Data presented to EPA by Dr. Virgil Freed (Oregon State University) and the current use experience in Arkansas seems to clearly indicate that a one-quarter mile buffer is adequate in all geographic areas.

It has been almost two years since the States provided use and benefit data. Because changes may have occurred in pest management strategies, we have contacted all States for any new information that may be available. This will be forwarded to you if and when received.

In summary, we concur with the proposed restrictions on the use of endrin for cotton and other crops, with one major exception. We believe endrin should be available to Southeast and Delta cotton producers using the one-quarter mile buffer restriction. We are confident EPA will give favorable consideration to our suggestions and recommendations in developing the final registration determinations. The opportunity to have cooperated on this important agricultural matter is very much appreciated.

Please let us know if additional information would be helpful.

Sincerely,

Bob Bergland,

Secretary.

Appendix C–1

U.S. Department of the Interior,
Fish and Wildlife Service,
Washington, D.C., December 11, 1978.

In reply refer to: FWS/OES 375.0.

Mr. Douglas M. Costle,
Administrator, Environmental Protection Agency, 401 M Street SW., Washington, D.C.

Dear Mr. Costle: This responds to your November 8, 1978, request for reinitiation of consultation under Section 7 of the Endangered Species Act of 1973 on the use of the pesticide endrin relative to its impact on Endangered and Threatened species. This biological opinion should be considered as an extension of my biological opinion of June 8, 1978, a copy of that opinion is enclosed for your information.

The species considered in this opinion are the same as those considered in the June 8, 1978, opinion with the addition of the American peregrine falcon (*Falco peregrinus anatum*).

Our June 8, 1978, opinion concluded that pesticide products containing endrin are not likely to jeopardize the continued existence of the listed species considered in the opinion, or result in the destruction or adverse modification of their Critical Habitats provided the Environmental Protection Agency (EPA) develop new label restrictions designed to reduce the likelihood of exposing endangered species to endrin and that EPA reinitiate Section 7 consultation prior to final action involving new label restrictions.

The EPA has developed new regulatory actions for endrin and this document represents the U.S. Fish and Wildlife Service's Biological Opinion on these new regulatory actions. This opinion will follow the format established in our June 8, 1978, opinion.

Fish and Mollusks

In my June 8, 1978, opinion I stated that although there is currently no evidence to indicate that Threatened or Endangered species are being exposed to toxic amounts of endrin under existing use restrictions, it is apparent that if Threatened or Endangered fish species are exposed to toxic amounts of endrin it is likely that their continued existence could be jeopardized or their Critical Habitats destroyed or modified. Therefore, it was recommended that EPA develop new label restrictions which would put more stringent controls on the use of endrin to reduce the potential of introducing endrin into the aquatic ecosystems of Threatened or Endangered fish and mollusks.

The EPA has responded to this recommendation by canceling the use of endrin on cotton in all areas east of Interstate Highway #35; by adding use restrictions to the cotton, small grain and alfalfa and clover seed crops labels prohibiting use within one-fourth mile of streams, lakes or ponds (except ponds owned by the users in cotton applications), prohibiting use when rainfall is imminent and when wind velocity is greater than ten miles per hour; by requiring aerial applications of endrin be released at no greater altitude than 19 feet above the crop for cotton and 10 feet above the crop for small grains and alfalfa and clover seed crops; by prohibiting application within 50 feet of lakes, streams or ponds and prohibiting use when rain is imminent for orchard control of pine and western meadow volves; by requiring use of low pressure ground equipment and prompt covering of furrows with soil after application for sugarcane beetle control; and by canceling all ornamental uses of endrin. These additional use restrictions are anticipated to significantly reduce the potential for introducing endrin into the aquatic ecosystems of Threetened or Endangered species of fish and mollusks. Therefore, it is my biological opinion that the use of endrin under these proposed label restrictions is not likely to jeopardize the continued existence of threatened species of fish and mollusks or adversely modify their Critical Habitats.

Birds

My June 8, 1978, opinion indicated that exposure of Threatened or Endangered birds to endrin could occur from direct application but would normally be expected to occur through drift from aerial applications or from feeding in areas contaminated from run-off after application. The EPA's new proposed use restrictions for endrin, as cited above, alleviate our concern for adverse impact to Threatened and Endangered birds via drift and run-off during and after endrin usage.

Secondary poisoning of Threatened or Endangered birds is a potential problem which EPA has addressed through labeling on the cotton, small grain, orchard, and alfalfa and clover seed crop uses by requiring prompt burial of fish, if fish kills are experienced. Strict adherence to the requirement will eliminate the potential of secondary poisoning to brown pelicans and will significantly reduce the potential for secondary poisoning of bald eagles and peregrine falcons.

The use of endrin treated conifer seeds offers the potential for secondary kill if seed-eating birds are incidentally poisoned by feeding on the treated seed. Peregrine falcons and bald eagles may prey upon impacted birds and secondary poisoning could possibly ensue. The EPA has addressed this potential problem by prohibiting applications when large numbers of migratory birds are expected.

The use of endrin for pine vole and western meadow vole control in orchards offers the potential for secondary poisoning to the bald eagle and peregrine falcon. Orchards generally have large populations of birds and rabbits, as well as other animals. When birds and rabbits are adversely impacted by endrin they become prime targets for raptors such as the bald eagle and peregrine falcon. If eagles or peregrines consume endrin poisoned birds,

rabbits or other small mammals, secondary poisoning may ensue.

Since endrin is used only after harvest, the areas of impact for Artic peregrine falcons would be their major wintering areas. The major wintering area is defined in my previous opinion. These wintering areas generally are not in the range of the target species, however, the potential for exposure still exists. The area of potential impact on bald eagles and American peregrine falcons would be those areas in which eagles and falcons are known to nest and feed. More specific information on these sites may be obtained from the Fish and Wildlife Service Regional Directors.

Therefore, it is my biological opinion that the use of endrin for pine vole and western meadow vole control in orchards is likely to jeopardize the continued existence of the Arctic peregrine falcon, the American peregrine falcon and the bald eagle when used in their normal ranges.

The proposed registration actions concerning Sorbikill and Rid-a-Bird are not likely to impact the endangered species being considered in this opinion. Therefore, it is my biological opinion that the cancellation of Sorbikill and label changes for Rid-a-Bird are not likely to jeopardize the continued existence of Threatened or Endangered species or adversely modify their Critical Habitat.

The proposed label restrictions, as discussed in the fish and mollusks section, will significantly reduce the potential hazard of endrin to the whooping crane, Attwater's prairie chicken and Mississippi sandhill crane. Therefore, it is my biological opinion that the use of endrin under the proposed label restrictions is not likely to jeopardize the continued existence of the whooping crane, Mississippi sandhill crane and Attwater's prairie chicken or adversely modify their Critical Habitats.

Cumulative Effects

Endrin is a chlorinated hydrocarbon. As such, it has the potential to cause sublethal reproductive impairment in birds. Much of the population decline of bald eagles and peregrine falcons is attributed to reproductive impairment caused by the contamination of their food supply by chlorinated hydrocarbons. Thus, any increase in chlorinated hydrocarbon contamination of bald eagle, American peregrine falcon and Arctic peregrine falcon food supplies must be considered a contributory factor to their decline. The use of endrin in areas where bald eagles and peregrine falcons may feed, as described above, must be considered inconsistent with their conservation and thus contributing to a situation which may jeopardize the continued existence of these species.

Reasonable and Prudent Alternatives

The use of endrin in orchards for control of pine voles and western meadow voles should be prohibited in the wintering habitat of the Arctic peregrine falcon (defined above) and in American peregrine falcon and bald eagle nesting and feeding ranges. The changes should be relatively easy to make because of the very limited distribution of pine voles and western meadow voles in the areas of concern. The Fish and Wildlife Service (FWS) will be available to define these ranges.

Conclusion and Recommendations

Based on review of the above information and other information and data available to the Service, it is my biological opinion that the registration actions and labeling restrictions proposed by EPA for the use of endrin on cotton, small grains, sugarcane, ornamentals, conifer seeds, tree paint, Sorbikill and Rid-a-Bird are not likely to jeopardize the continued existence of the listed species considered herein or result in destruction or adverse modification of their Critical Habitats. The proposed registration actions and label restrictions for the use of endrin in orchards is likely, through cumulative effects, to jeopardize the continued existence of the bald eagle (*Haliaeetus leucocephalus*), American peregrine falcon (*Falco peregrinus anatum*), and Arctic peregrine falcon (*Falco peregrinus tundrius*) unless use restrictions are expanded as stated in the alternative section above or in a similar fashion. The orchard use is not likely to jeopardize the continued existence of the other listed species considered herein or result in destruction or adverse modification of their Critical Habitats.

Sincerely yours,

Lynn A. Greenwalt,

Director.

Appendix C–2

United States Department of the Interior, Fish and Wildlife Service, *Washington, D.C. 20240.*

March 8, 1979.

In Reply Refer To:
FWS/OES 375.4

Mr. Douglas M. Costle, Administrator
U. S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Dear Mr. Costle: This responds to your November 8, 1978, request for reinitiation of consultation under Section 7 of the Endangered Species Act of 1973 on the use of the pesticide endrin relative to its impact on Endangered and Threatend species and their habitats.

Based upon conversations with your representatives at a January 10, 1979, meeting, subsequent conversations with your representatives and the receipt of additional information on bald eagle wintering areas, present and historic peregrine falcon range and restoration sites, laboratory data, field observations and the location of apple orchards, which was not available for my biological opinion of December 14, 1978, I have revised my biological opinion relative to the orchard use of endrin and its impact on the Endangered bald eagle *(Haliaeetus leucocephalus)*, Arctic peregine falcon *(Falco peregrinus tundrius)* and American peregrine falcon *(Falco peregrinus anatum)*. My biological opinion relative to other uses of endrin and other Endangered or Threatened species remains unchanged. A copy of that opinion is enclosed for your information.

As stated in the biological opinion, the use of endrin for pine vole and western meadow vole control in orchards offers the potential for secondary poisoning to the bald eagle and peregrine falcon. Individuals in the State of Washington suspect that endrin sprayed in orchards is poisoning waterfowl, quail, chukar partridges and songbirds. This has not been well documented by laboratory analyses and the extent of the problem remains undefined. Laboratory analysis of a male kestrel found dead in an orchard in Washington in 1976 indicated levels of endrin in the lipid sufficient to suspect endrin poisoning as the cause of death. The source of the endrin is unknown. The State of New York made an effort to determine the environmental effects of endrin used for orchard mouse control in the late fall and winter of 1977–78. The studies included the monitoring of wildlife, soil, water, and fish. Unfortunately, the laboratory analyses have not been completed and the final results of the monitoring are not yet available.

Bald eagles do not normally winter in eastern apple areas. The nearest concentration of wintering eagles to apple areas occurs in Sullivan County, New York. Western apple areas, however, do contain populations of wintering bald eagles. This is particularly true of the Columbia River and its tributaries. A food habits study being conducted in the State of Washington indicates that in one area (Wells Pool) coot and other birds were the most important food items during the winter of 1977–78. In another area (Chief Joseph Pool) chukar partridges were the most important food items. Both of these locations are in the orchard areas of the state. As previously stated, endrin used in orchards is suspected of poisoning waterfowl and partridges in the State of Washington. Lab analyses have so far failed to satisfactorily substantiate this suspicion. Therefore, the potential for secondary poisoning cannot be considered a real threat.

Based on the above information, it is my biological opinion that the use of endrin for pine vole and western meadow vole control in orchards is not likely to jeopardize the continued existence of the bald eagle.

The current and historic range of the American peregrine falcon in the western part of the county does not overlap areas of commercial apple production in Washington and Idaho. American peregrines in the eastern part of the county were extirpated in the 1950's and early 1960's primarily because of the effects of environmental contaminants. In recent years, attempts have been made to reintroduce peregrine falcons to thier former range in the Northeast. Several of the reintroduction sites are in the general proximity of commercial apple orchards. Endrin was used in New York State, in the vicinity of one of the release sites, during the winter of 1977–78. To date, there has been no indication of conflict between this use and the peregrine reintroduction program, but final results of New York State's monitoring program are not yet available.

Based on the above information, it is my biological opinion that the use of endrin for pine and western meadow vole control in orchards is not likely to jeopardize the

continued existence of the American peregrine falcon.

My opinion of December 14, 1978, expressed concern for the Arctic peregrin falcon where its wintering habitat ovelaps the range of the pine vole. From subsequent information provided by your representatives, I have learned that apples are not commercially grown in that overlapping area, therefore, endrin is not likely to be used in apple orchards in the wintering habitat of Arctic peregrines. Based on this information, it is my biological opinion that the use of endrin for pine and meadow vole control in apple orchards is not likely to jeopardize the continued existence of the Arctic peregrine falcon.

Cumulative Effects

My biological opinion of December 14, 1978, expressed the concern that endrin, being a chlorinated hydrocarbon, had the potential to accumulate in the food chains of bald eagles and peregrin falcons to levels that could cause sublethal reproductive impairment. Additional discussions with experts concerning the metabolic breakdown of endrin in avian species and levels throught to produce reproductive impairment in avian species have allayed my fears. Thus, while much of the population decline of bald eagles and peregrine falcons is attributed to reproductive impairment caused by the contamination of their food supply by chlorinated hydrocarbons, it is not believed that the use of endrin in apple orchards will contribute to the reproductive impairment experienced by these species.

Conclusions and Recommendations

Based on review of the above information and other information and data available to the Service, it is my biological opinion that the use of the pesticide endrin in apple orchards for control of pine and western meadow voles is not likely to jeopardize the continued existence of the bald eagle, American peregrine falcon, or Arctic peregrine falcon. If, however, new information indicating a possible effect, either direct or indirect, or on any Endangered species becomes available (either from the New York State monitoring program or the State of Washington, or any other source) consultation must be reinitiated.

Sincerly yours,

Lynn A. Greenwalt,

Director.

Enclosure.

Endrin—Position Document 4

Special Pesticide Review Division, Office of Pesticide Programs, Office of Toxic Substances, U.S. Environmental Protection Agency.

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I. Introduction

The Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) [7 U.S.C. Section 136 *et seq.*] regulates all pesticide products. Section 6(b) of FIFRA authorizes the Administrator of the Environmental Protection Agency ("EPA" or the "Agency") 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."

The Agency designed the Rebuttable Presumption Against Registration (RPAR) process to gather risk and benefit information about problem pesticides and to make balanced decisions concerning them in a manner which allows all interested groups to participate. This process is set forth in 40 CFR 162.11.

On July 27, 1976, the Agency issued an RPAR notice for pesticide products containing endrin (41 FR 31316). The endrin RPAR was one of the first issued by the Agency. At the time it was issued, Agency RPAR procedures were still in a formative stage, and a detailed Position Document 1 did not accompany the endrin RPAR notice. Copies of this Document, however, were provided to all registrants and other concerned parties.

On October 20, 1978, the Agency issued Endrin: Position Document 2/3 (EPA, 1978; hereinafter called PD 2/3), and published a Notice of Determination and Availability of the Position Document in the **Federal Register** on November 2, 1978 (43 FR 51132). In PD 2/3 the Agency analyzed the rebuttals it received in response to the original RPAR notice, presented its analysis of both the risks and benefits associated with the uses of endrin, and proposed a decision to conclude the RPAR process.

FIFRA requires the Agency to submit notices issued pursuant to Section 6 to the Secretary of Agriculture ("Secretary" or "USDA") for comment on the impact of the proposed action on the agricultural economy [Section 6(b)] and to a Scientific Advisory Panel (SAP) for comment on the impact of the

proposed action on health and the environment [Section 25(d)]. The Agency is required to submit these documents to the Secretary and the SAP at least 60 days before making the final notice effective by sending it to registrants and making it public. The Secretary and the SAP may comment in writing within 30 days of receiving the notice; the Agency is required to publish any of their comments and the Administrator's responses with publication of the final notice.

Additionally, since the RPAR notice indicated that endrin had caused fatality to an endangered species, the Agency was required by Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531; see also 50 CFR Part 402, 43 FR 870) to initiate formal consultation with the U.S. Fish and Wildlife Service, U.S. Department of the Interior ("FWS"). The biological opinion submitted to the Agency by the FWS on June 8, 1978 requested the Agency to take appropriate action to reduce risks to endangered species from the use of endrin and to reinitiate formal consultation on the proposed actions (Greenwalt, 1978a). The comments of the FWS to the actions proposed in PD 2/3 were made on Devember 14, 1978 and in a supplementary revision on March 1, 1979 (Greenwalt, 1978b; 1979).

The Agency is not required under the statute to afford registrants and other interested persons an opportunity to comment on the bases for the proposed action while it is under review by USDA and the SAP. However, the Agency decided that it was consistent with the purpose of the RPAR process and the Agency's overall policy of open decisionmaking to do so. Accordingly, PD 2/3 solicited such public comments.

The Agency has received a number of public comments in response to the November 2, 1978 Notice of Determination and the Endrin PD 2/3. Responses from the SAP, USDA, the FWS, Velsicol Chemical Corporation ("Velsicol"), which is the sole manufacturer of endrin in the United States, the Environmental Defense Fund (EDF), and other interested parties have been analyzed and are addressed in Section II of this document. The entire responses from the SAP, USDA and the FWS are contained in the Appendices to this PD 4.

II. Analysis of Comments

A. Comments Relating to Risk

1. *Teratogenicity.* Comments have been received regarding the validity of the tests on which the Agency relied in concluding that endrin has a teratogenic potential, regarding levels of exposure that can reasonably be anticipated, and regarding a margin of safety (MOS) that can be considered as "ample". These comments and the Agency's response are:

a. *Validity of the Tests.* The Agency's risk analysis (PD 2/3) noted that a single exposure of 5 mg/kg endrine on the eighth day of pregnancy caused significant numbers of meningoencephaloceles in hamsters. A no-observed-effect-level (NOEL) of 1.5 mg/kg was established by this study (Chernoff et al., 1978a). Although the teratogenic studies were discussed at length in the FIFRA–SAP Meeting of October 26, 1978 (Transcript of Proceedings, hereinafter referred to as SAP, date, page) the SAP did not make a formal comment on this issue. A consultant for Velsicol seemingly challenged the validity of the Chernoff study (Velsicol, Exh. 31) but the points raised were rebutted by Chernoff et al. (1978b). Velsicol's second consultant accepted the validity of the NOEL of 1.5 mg/kg (Velsicol, Exh. 30, p. 6). Since Velsicol and its first consultant now apparently accept the validity of the established NOEL for purposes of risk assessment (Velsicol, p. 38 and Exh. 61) the details of the related comments and rebuttal do not require further discussion.

b. *Levels of Exposure that can be Anticipated.* The Agency's exposure analysis focused on dermal exposure to bystanders and persons associated with the process of applying endrin and on the ingestion of contaminated fish. The Agency believes that dermal exposure to applicators and bystanders can be reduced adequately by requiring protective clothing, prohibiting application within specified distances from human habitation and similar measures less stringent than cancellation. Ingestion exposure, however, is of particular concern to the Agency because the contamination of fish-bearing waters by runoff is difficult to control, especially where endrin is used on cotton in areas which receive substantial rainfall.

Velsicol has challenged the validity of the Agency's estimate of potential exposure from the consumption of contaminated fish. The Agency based its risk assessment on the consumption of 250g of fish containing 1.0 ppm endrin. This level of exposure was conceived, not as a "worst case" estimate, but as a reasonable one (SAP, October 26, 1978, p. 14). Velsicol did not challenge the use of 250g but contends that 0.4 ppm is the highest concentration of endrin that can be expected to occur in fish (Velsicol, p. 39 and Exh. 5) and relies on the National Pesticide Monitoring Program (NPMP. Seabolt, 1978) results to support its contention.

It is true that the highest concentration of endrin in fish reported for 1977 in the NPMP was 0.4 ppm. However, the NPMP samples fish from major rivers throughout the nation without regard to sources of potential contamination. Moreover, the sampling program is not designed to determine maximum residues that might occur in fish in cropland areas. NPMP samples from Alabama, Arkansas, Louisiana, Mississippi and Tennessee were taken in major rivers where cotton is grown on only a small fraction of the drainage area; where only a small fraction of the cotton that is grown is actually treated with endrin (EPA, 1977); and without regard to actual or potential runoff episodes. Thus, it is somewhat surprising to find endrin present at any concentrations in the fish sampled. The widespread and regular occurrence of endrin in these fish is strong evidence that endrin is likely to be present in much higher concentrations in fish more closely associated with cotton culture.

Levels of endrin in the edible portion of catfish killed by endrin may in fact exceed 4 ppm (Mount and Putnicki, 1966). Since the record establishes that fish kills have been associated with the use of endrin, especially on cotton, it can reasonably be expected that fish-bearing waters have been contaminated with sub-lethal doses of endrin with a much greater frequency. Velsicol's consultant (Velsicol, Exh. 5) has estimated that fish exposed to sub-lethal doses of endrin could accumulate as much as 2.0 ppm. Thus, the Agency's use of 1.0 ppm endrin as a concentration that could reasonably be anticipated in fish consumed by humans is on firm ground.[1]

What must be anticipated in the field is a wide range of endrin residue levels in fish that vary in the probability of occurrence—from the infrequent but very high levels associated with dead and dying fish through all degrees of sub-lethally exposed fish. The amounts of such fish that may be consumed in a day may range widely from small (125 g) through large (250 g) to exceptional portions (500 g). Ranges in the margins

[1] Velsicol also relies on estimates of runoff concentrations which would allegedly occur if a quarter-mile barrier strip were to be imposed to show that the resulting concentrations would be "safe" for fish and apparently for residues in the fish (Velsicol p. 26; Exh. 24). As discussed more fully in Section II C 3, the Agency cannot rely upon their calculations and assumptions involved in the barrier strip model and cannot reasonably conclude that residue levels would be acceptable under that proposal.

of safety associated with these variables will be presented below.

c. *Adequacy of the Margin of Safety (MOS).* The Agency has no rule of general applicability for determining the ampleness of the teratogenic margin of safety associated particular compounds—each chemical is evaluated individually. In evaluating endrin the Agency noted that humans might be 50 times more sensitive to the convulsive effects of endrin than are hamsters and concluded that such a difference in sensitivity might also be true for teratogenic effects (PD 2/3, p. 51). Thus, the Agency concluded that exposure levels that would give rise to an MOS of 500 or lower would be cause for concern. Both the SAP (SAP, October 26, 1979, pp. 30–32) and Velsicol (Velsicol, p. 40 and Exh. 32) objected to the derivation of this MOS. Informally, the SAP members indicated that an ample MOS should be somewhere between 100 and 1000 but could arrive at no scientific method for establishing an appropriate value (SAP, October 26, 1979, pp. 28–34, 124–126). No formal recommendation was made.

Velsicol has attempted to make several points bearing on the assessment of teratogenic risk that require a clarifying response:

(1) Velsicol claims tht the "actual" NOEL lies somewhere between the lowest observed effect level (5 mg/kg) and the observed NOEL (1.5 mg/kg) (Velsicol, pp. 41–2, Footnote (FN 7). This contention is merely speculative. The Agency must rely on established values in estimating the MOS.

(2) Velsicol argues that an MOS of 100 is appropriate for endrin. Velsicol states "As Dr. Wilson notes (Exhibit 32), and as the Agency Acknowledges (Position Document 2/3, p. 51), However, a margin of safety of 100 is normally ample for low potential environmental teratogens such as pesticides* * * " (Velsicol, p. 40). The Agency has neither characterized pesticides in general nor endrin specifically as "low potential environmental teratogens". Further, what the Agency did say concerning the adequacy of margins of safety was:

> While the Agency has not established official guidelines for determing the adequacy of the MOS for teratogens in general, Agency toxicologists believe that an MOS below 100 would be a matter of serious concern. Interpreting these values, however, requires a judgement based on other factors associated with characteristics of the chemical, routes of exposure, and the probability of various levels of exposure. thus, the above value should not be construed as an established Agency policy but only as a toxicological guideline for risk assessment against which benefits must be balanced and additional safetly requirements imposed (PD 2/3, p. 50–1).

(3) Velsicol's consultant, Dr. Wilson, has taken exception to the informal comments by the SAP suggesting that an MOS of 1000 might be appropriate. According to Dr. Wilson, "The only reasonable justification for a margin of safety of 1000 would be in the event that endrin were an environmental pollutant of no or negative economic importance and totally without benefit to man. To the contrary, it makes a significant contribution toward providing food and fiber to meet human needs" (Velsicol, Exh. 35). Clearly, Dr. Wilson's concept of the adequacy of an MOS is not cast solely in terms of assessing risk, per se, but is predicated on assumptions concerning environmental pollution and benefits of use. In admitting, however, that a MOS of 1000 may be justified in some circumstances, Dr. Wilson apparently concedes that the teratogenic risk at margins of safety greater than 100 may be cause for concern. [2]

As discussed above, the Agency does take benefits into account in reaching a final regulatory decision concerning a use of a pesticide. Here, the facts that meningoencephalocele is a serious defect and that the benefits from the use of endrin on cotton are very low lead the Agency to conclude that an MO greater than 100 is appropriate for this use of endrin.

(4) Another of Velsicol's arguments implicitly objects to the Agency's use of any MOS at all. Velsicol contends that a pregant woman would have to consume "ludicrously massive amounts of endrin-contaminated fish to incur a teratogenic hazard" (Velsicol, p. 38). Velsicol then goes on to calculate the amount of "maximally contaminated" fish [3] that a pregnant woman would have to consume "in order to incur the threshold teratogenic dose" (Velsicol, p. 39). Presentation of the data in this fashion completely ignores the concept of providing an adequate margin of safety to prevent susceptible persons from ever receiving a "threshold teratogenic dose". The Agency must reject any approach to risk assessment which is premised on the expression of risk in terms of exposure with no margin of safety assoicated with it. Rather, the Agency must exercise its judgement based on the margins of safety which are afforded by the levels of exposure that can reasonably be anticipated.

The following table indicates the teratogenic margins of safety associated with various levels of consumption of contaminated fish by a 60 kg woman:

	Level of consumption (grams)		
	125	250	500
Endrin concentration (ppm):			
0.1	7500	3750	1870
0.5	1500	750	375
1.0	750	375	187
2.0	375	187	93
4.0	187	93	46

The Agency's illustration of a MOS of 375 associated with the consumption of 250 g of fish containing 1.0 ppm endrin (PD 2/3, p. 58) should be put in the context of the total array of possible risk situations rather than isolated as a single point of contention. As indicated in the above table, the lowest MOS that can reasonably be anticipated (46) would result from an oppportunistic harvest of fish in the final throes of endrin toxicity that are consumed in very large quantity, perhaps because refrigeration is lacking. Such a scenario can reasonably be anticipated but may not be a very common event.[4] On the other hand, judging by NPMP data, women consuming fish caught in the major rivers of the Delta region would commonly be exposed to endrin residues but seldom at levels providing an MOS of less than 1,000. Between these two extremes lies an area of intermediate teratogenic risk that is associated with the consumption of fish from many ponds and streams that are contaminated by sublethal levels of endrin because of their proximity to cotton culture. The risks from such exposure must be considered as unreasonable in light of the low benefits associated with the use of endrin on cotton.

2. *Acute Toxicity to Wildlife.* Velsicol (pp. 46–51) has commented as some length on the issue of acute toxicity to wildlife, emphasizing theoretical reasons why the Agency erred in

[2] In fact, Dr. Wilson's reasoning would indicate that an MOS of between 100 and 1000 is appropriate for endrin. Endrin was found in the vast majority of the fish inhabiting all major rivers sampled by the NPMP in Alabama, Arkansas, Lousisana, Mississippi and Tennessee in 1977 (Seabolt, 1978) and it has occurred at lethal or near lethal levels in the brains of brown pelicans, white pelicans and bald eagles (PD 2/3, pp. 37–9). While endrin may not share the apparent ubiquity of certain other organochlorines in the environment, it certainly qualifies as an "environmental pollutant". Further, the value of endrin in protecting the nation's cotton crop, rather than being "significant", is marginal at best.

[3] Velsicol assumes this to be at levels of 0.4 ppm rather than 1 ppm even though the same consultant elsewhere estimates that sublethal doses may result in bioaccumulation as high as 2 ppm.

[4] While pesticides are deliberately used to harvest fish in some parts of the world, it is more reasonable to hypothesize that adults or children may encounter fish in distress from endrin toxicity, may harvest these fish before they are dead, and that pregnant women may consume these fish.

presuming the existence of this risk and noting an absence of confirmatory evidence. Their major argument is that many forms of wildlife will develop an avoidance response from consuming sublethal levels of endrin. The Agency agrees, in principle, that, because of behavioral characeristics, certain individuals or certain species may not be susceptible to poisoning by endrin. On the other hand, the record indicates that wildlife kills have been observed from the use of endrin on wheat in Colorado (Hinkle, 1979); on cotton fields in California and Alabama, and on alfalfa in California (Bushong, 1978). It can reasonably be inferred from these incidents that the foliar application of endrin at any registered dosage has a potential for killing wildlife, despite the theorizing of Velsicol's consultant (Velsicol, Exh. 46). This conclusion is not ameliorated by self-serving allegations of lack of observed effects which are not supported by an appropriate investigation or analysis.[5] The Agency is not aware of adequate surveys conducted by wildlife biologists that demonstrate the absence of adverse effects on wildlife from the use of endrin.

3. *Population Reduction of Aquatic Organisms.* In PD 2/3 the Agency set forth the circumstances surrounding many events that led the Agency to conclude that runoff of endrin has been a major cause of the reported fish kills. Velsicol does not dispute that endrin may have caused fish klls in the past but persists in maintaining that the "reported problems arose from misapplication or misuse of endrin" (Velsicol, p. 45). Velsicol's claims of misuse are purely conjectural and are insufficient to overcome the presumption of risk.[6]

Perhaps the most persuasive evidence that the lethal endrin concentrations associated with many fish kills arose from normal applicaton practices rather than from misuse stems from the association of those incidents with toxaphene as well. Velsicol has asserted that "Toxaphene was idenfified by the Agency as the causal agent in many of the *very same* PERS incidents which earlier had been attributed to endrin" (Velsicol, FN 12, emphasis in original). As noted on PD 2/3 (p. 22), such a coincidence does not serve to exonerate endrin. The frequent coincidence of high concentrations of both endrin and toxaphene, however, is strong circumstantial evidence that the source of both is runoff since it is highly improbable that both endrin and toxaphene were misapplied or misused independently of each other on numerous occasions at the same time and general area. The Agency continues to believe that most fish kills that have resulted from either endrin, toxaphene or both were the result of use consistent with the label. As discussed more fully below, the Agency also remains unconviced that a ¼ mile barrier strip will adequately reduce runoff of these pesticides.

4. *Fatality to Endangered Species.* At the request of the Director of the U.S. Fish and Wildlife Service (Greenwalt, 1978a) the Agency reinitiated Section 7 Consultation prior to determining what final actions to take with respect to endrin. In response, the FWS expressed the opinion, in essence, that most of the Agency's proposed regulatory actions and use restrictions alleviated the FWS' concern for adverse impacts of endrin to threatened and endangered species (Greenwalt, 1978b). An exception made by the FWS was that the use of endrin to control orchard mice was likely to jeopardize the continued existence of the Arctic and American peregrine falcons and the bald eagle when used in the normal ranges of these birds.

At the FIFRA–SAP meeting (SAP, October 26, 1978 pp. 102–3) the Agency's attention was directed to an unpublished manuscript by Stickel et al. (Undated) in which endrin was identified as the cause of death for two bald eagles. This manuscript was not previously available to the endrin RPAR record. The SAP formally recommended that the Agency address the concerns of the FWS by imposing grographical restrictions for the use of endrin in orchards (Fowler, 1978). EDF, relying on the FWS position, proposed cancellation of additional endrin uses (Hinkle, 1979).

Following additional investigations among its staff and consultation with the Agency, however, the FWS revised its position on the use of endrin to control orchard mice, concluding in essence that a case for risk to the Arctic and American peregrine falcons and to bald eagles could not be substantiated by currently available information (Greenwalt, 1979). Accordingly, the FWS concluded that the use of endrin to control voles in orchards is not likely to jeopardize the continued existence of those species. Any new evidence, however, could require a reappraisal of the FWS' opinion.

Velsicol has made several comments on the risks to endangered species (Velsicol, pp. 54–8) that do not affect the Agency's position but which require response.

(1) Velsicol states, "In view of the evidence on the Louisiana brown pelican presented by Velsicol and in view of the conclusion drawn by Director Greenwalt, the Agency has conceded that the endangered species trigger had been rebutted successfully (Position Document 2/3, pp. 33–40)". While the Position Document does in fact conclude that "the risk to endangered species has been rebutted for the brown pelican", the Agency specifically rejected all of Velsicol's arguments as the basis for such a conclusion (PD 2/3, pp. 35–8). Further, the probable fatality to two bald eagles noted in PD 2/3 and the confirmed fatality of two additional bald eagles introduced to the record by the SAP are sufficient to maintain the Agency's concern for that species. However, the Agency has addressed this concern by requiring that fish killed by endrin be collected and buried, thus substantially reducing the most likely source of exposure to bald eagles. With this new requirement, the Agency agrees that the continued use of endrin "is not likely to jeoprarize the continued existence of the bald eagle" (Greenwalt, 1979).

(2) Velsicol cointests the conclusion of the FWS regarding the potential for secondary poisoning of raptors from birds and rabbits that may be exposed to endrin-treated orchards by citing reports submitted by Warren Smith (Velsicol, p. 57, FN 11). As noted above (FN 5) however, Mr. Smith's observations on wildlife do not address the issue. The relevant document on this issue will be the report of the monitoring program conducted in New York in 1977 and this report, as incicated in PD 2/3 (pp. 61–2), is not yet available because chemical analyses are incomplete.

(3) Velsicol cites the opinion of Dr. Howard regarding hazards of secondary poisoning potential to falcons and eagles. However, Velsicol specifically addresses lack of hazard associated with the consumption of orchard mice (Velsicol, p. 58) rather than the non-

[5] For instance, Warren Smith (Velsicol, FN 11) has reported that deer, woodchucks and rabbits continued to thrive a year after orchards in New York were treated with endrin. Deer, however, are browsers unlikely to be feeding extensively on the ground vegetation of orchards, woodchucks should all be in hibernation at the time endrin is applied, and rabbits have a high reproductive potential to compensate for any excessive mortality. Mr. Smith's training is not in the area of wildlife biology and his argument reflects this lack of expertise. Moreover, the report of the monitoring study of these orchards by wildlife biologists is not yet available.

[6] Moreover, Velsicol contends that "the empirical data of sporadic fish kills relied upon by the Agency actually tend to confirm Dr. Freed's theoretical kinetics" concerning runoff potential (discussed more fully in Section II C 3, below) (Velsicol, p. 23). Whether or not this is true, this argument appears to be inconsistent with Velsicol's misuse argument since Dr. Freed's theoretical kinetics are not based on misuse.

target birds and rabbits that are the concern of the FWS.

In summary, the Agency agrees with the revised position of the FWS in concluding that the available evidence does not support the conclusion that the use of endrin is likely to jeopardize the continued existence of peregrine falcons and bald eagles and also concurs that the situation should be reevaluated as new information becomes available. Thus, the available evidence does not require changes in the Agency's position on endangered species.

5. *Oncogenicity.* The Agency's Carcinogen Assessment Group (CAG) analyzed the available evidence on the oncongenicity of endrin and concluded that endrin was unlikely to be a human carcinogen. Accordingly, in PD 2/3, the Agency took the position that the oncongenicity "trigger" had been rebutted. Dr. Melvin Reuber criticized the Agency's conclusion. Dr. Reuber made an oral presentation to the SAP on October 26, 1978 and submitted written comments to the SAP and to the Agency (Reuber, 1978a; b). The CAG has submitted written responses (Anderson, 1978a; b). At the December 14, 1978 SAP meeting, Dr. Reuber and Dr. Roy Albert, Chairman of the CAG, both discussed the issue of endrin's oncogenicity and responded to Panel members' questions.

Dr. Reuber's major points are (1) that most of the oncogenic studies conducted with endrin are invalid for various reasons and the negative findings reported from such studies should receive no weight in assessing the oncogenicity of endrin and (2) that certain of the studies resulted in statistically significant increases in tumors associated with exposure to endrin. The CAG responded that some of the allegedly positive results involved differences of opinion among pathologists. For instance, Dr. Reuber's diagnosis of cerain liver tumors in the FDA rat study could not be confirmed by two other consultant pathologists. Since Dr. Reuber declined an invitation to participate in a joint examination of the slides, the CAG sccepted the opinion of the other pathologiss. While the CAG acknowledged that most of the available studies had some deficiences, it also indicated that all contributed some information and it determined, on balance, that the slight indication of positive endrin effect found in the FDA rat study and the Kettering mouse study was insufficeint to indicate that endrin was likely to be a human carcinogen. (For detailed discussion, see SAP, December 14, 1978).

EDF also commented on the oncogenicity issue at the SAP meeting and in a submission to the Agency (Hinkle, 1979). EDF argues that respectable scientific authority is sufficent evidence upon which the Agency may rely in a determination and that such authority does not have to reflect a majority opinion. EDF alleges that critical questions regarding the endrin studies remain unanswered and, especially in light of Dr. Reuber's diagnosis, the issue of endrin's carcinogenicity remains an open question. Dr. Albert, in response to similar questioning by the SAP, indicated that Dr. Reuber's opinions had been given a great deal of attention by the CAG (SAP, Dec. 14, 1978, p. 35).

Velsicol has also submitted comments on the question of oncogenicity and the Agency must respond to certain of their statements. By incomplete quotation of the NCI Technical Report Series No. 12 (Velsicol, Exh. 48), Velsicol has incorrectly implied that the NCI conclusions were unqualified. Velsicol reported that NCI had concluded that endrin "was not carcinogenic for * * * rats or for * * * mice" (Velsicol, p. 53). The full statement reads, "It is concluded that under the condition of this bioassay, endrin was not carcinogenic for Osborne-Mendel rats or for B6C3F1 mice." By removing the limitations on the conclusion, Velsicol has improperly generalized its applicability. The NCI clearly did not speak to the conclusions of other existing tests, to what might be the case in other strains of rodents, or to how differences in conditions might have affected the outcome of the NCI tests.

Velsicol's comments also incorrectly characterized both the SAP's and the Agency's positions with respect to the oncogenic status of endrin. Velsicol states, "Moreover, the Agency's Scientific Advisory Panel reviewed the evidence of record and concurred in the Agency's conclusion that endrin is not carcinogenic." (Velsicol, p. 53). In fact, the SAP has made no formal comment on the issue and thus has neither concurred in nor dissented from the Agency's conclusion. Moreover, it is the Agency's position only that the weight of the evidence is that endrin is "unlikely to be a human carcinogen" (PH 2/3, p. 44); the Agency has never unqualifiedly concluded that "endrin is not carcinogenic." The Agency recognized that there was some evidence suggestive of oncogenic effects but that the evidence as a whole supported the conclusion that endrin is unlikely to be a human carcinogen. That there was insufficient evidence for the Agency to consider endrin a probable human carcinogen does not mean—as Velsicol suggests—that the Agency has made an unqualified negative finding.

In summary, the Agency has concluded that it is not necessary to modify the determinations set forth in PD 2/3 that endrin is unlikely to be a human carcinogen and that the oncogenicity "trigger" has been rebutted for endrin.

B. Comments Relating to Benefits

1. *Cotton.*—The USDA (Bergland, 1978) comments:

> We believe the cancellation of uses on cotton in the Southeast and Delta will have limited economic impact at the present time. However, a number of entomologists in the cotton producing States have pointed out that the use of endrin on cotton could become critical if current alternative pesticides are lost through the regulatory process, reduced market availability, or become less effective.

In response, the Agency is pleased that the USDA concurs with the Agency's analysis of the present benefits of endrin on cotton which provides the basis for its regulatory decision. If future events indicate a substantial change in the risk/benefit picture, at that time the Agency can reconsider its regulatory decision.

Velsicol has commented extensively on the essentiality of endrin in Integrated Pest Management Programs (IPMP), especially for control of the bollworm complex, and on the economic impact of an endrin cancellation (Velsicol, pp. 60–74). Velsicol states that experts in Alabama, Arkansas, and Mississippi have presented data which indicate that bollworm resistance to endrin in those states is not currently a widespread or major problem (Velsicol, pp. 62 and 66) but that it remains effective on light to moderate infestations. Judicious use of endrin, allegedly, can retard the development of resistance to newer pesticides. Velsicol offers some recent data on treatment costs indicating that a replacement of endrin with the most likely non-RPAR pesticides would result in a total increase in costs of $1,436,116 rather than the Agency's estimate of $717,850.

The Agency's perception of the benefits from the use of endrin on cotton differs only in detail from Velsicol's. The Agency's understanding is that bollworm resistance to endrin per se is virtually complete (Lincoln, 1979; EPA, 1977) and therefore, as Velsicol indicates, endrin is currently formulated for use on cotton mainly in combination with methyl parathion. Moreover, Velsicol admits that the combination is generally efficaceous only for light to moderate infestations. While the Agency concedes that some benefits

could be derived from the use of endrin on cotton, Velsicol's claim of essentiality is hardly supported by the dramatic decline in use in Mississippi, "from approximately 275,000 pounds in 1973 to approximately 75,000 pounds in 1977, and even less in 1978" (Velsicol, Exh. 18). The Agency agrees in principle that the use of a variety of pesticides may be desirable to retard the development of resistance and that endrin could theoretically continue to play some role in IPM programs. Velsicol's claims that endrin is essential for this purpose, however, are not supported by the record.

Velsicol's conclusion that a cancellation of endrin would increase costs by $1.4 million rather than the Agency's estimate of $0.72 million may well reflect current costs of pesticides more accurately than did the Agency's analysis which was based on 1976 values. Even so, the impact projected by Velsicol is probably exaggerated for several reasons. First, Velsicol has eliminated toxaphene and EPN as alternatives because a notice of RPAR has been issued for toxaphene and because EPN is on the pre-RPAR list (Velsicol, p. 68). However, both chemicals are presently available, and it is simply too early to predict whether they will become unavailable at some point in the future. Additionally, Velsicol's analysis fails to account for the reduction in benefits that would result from the regulatory action it would prefer, imposition of a 1/4 mile distance restriction from water (and human habitation) in the states east of Interstate Highway 35 (I–35). Even under Velsicol's analysis, however, its conclusion with regard to endrin's economic importance to the cotton growing industry is remarkably similar to the Agency's and the Agency continues to maintain that endrin is only of minor significance to the cotton industry.

2 *Small Grains.* USDA (Bergland, 1978) has criticized the Agency for an alleged failure to give sufficient consideration to the possible benefits of relatively insignificant uses of endrin for which economic data may be lacking, such as the use of endrin to control chinch bugs. With respect to the use of endrin for chinch bugs, however, public response to the proposed decision set forth in PD 2/3 indicates that the Agency was correct in attributing little or no economic value to endrin. Dr. Leroy Brooks (Kansas), the only proponent of the use, did not renew his appeal for retaining that use after the issuance of PD 2/3, although he submitted other comments to the USDA (Brooks, 1978). No other comments (including those from Velsicol) were received on chinch bugs and the USDA did not specify other uses with respect to which USDA believed the agency incorrectly assessed the benefits of endrin.

Velsicol's comments with regard to the use of endrin on small grains contain factual errors. Regarding Kansas, Velsicol claims that 1,200,000 acres are treated with endrin (presumably for control of pale western cutworm) and, for Oklahoma, 2,000,000 acres are said to be infested and treated for army cutworm (Velsicol, pp. 76–7). These values are inconsistent with the cited references, with the Agency's estimate of usage, and with Velsicol's own production and sales figures. Regarding pale western cutworms in Kansas, Dr. Brooks stated that, "Some localized infestations requiring treatment of 10 to 20 thousand acres occur every two to three years. Large scale outbreaks . . . that would necessitate treatments over a much larger area (possibly up to a million acres) could occur . . ." (Velsicol, Exh. 58). Regarding Oklahoma, Dr. Coppock reported that, "Between five and six million acres of winter wheat were sprayed *for the greenbug* [emphasis added] and army cutworms during that time [1976]" (Coppock, 1976) and Velsicol's estimate can not be derived from that reference. The Agency's estimate for all states combined was an annual average of 416,000 acres for pale western and 691,000 acres for army cutworms. Velsicol's own production estimates indicate a range in usage on small grains from 201,000 pounds in 1976 to 25,000 pounds in 1977 (PD 2/3, p. 6). At 3–4 oz. active ingredient of endrin per acre, these amounts would have treated from a maximum of one million acres in 1976 to a minimum of one hundred thousand acres in 1977. Thus, the Agency's analysis may have overestimated the benefits of endrin's use on small grains somewhat but Velsicol's claims of treated acreage can not be remotely supported by their own production and sales figures, which were provided by Velsicol to provide a more accurate picture of recent usage.

EDF has protested that there are many available substitutes registered for grasshopper control in small grains and rangeland (Hinkle, 1979). However, endrin is not registered for use in rangeland and several of EDF's alternative pesticides are not registered for use on small grains. PD 2/3 (p. 39) incorrectly listed phorate as an alternative since it is recommended as a border treatment in Montana. To clarify the record, the only federally registered alternatives for the use of endrin on wheat are malathion, parathion, methyl parathion and toxaphene.

Velsicol has submitted new data on the efficacy of various insecticides to control grasshoppers in Oklahoma (Coppock and Pitts, undated). The authors concluded that the results of these tests indicate that endrin (as well as malathion, parathion and toxaphene) gave excellent control under the test conditions.

3. *Apple Orchards.* Velsicol's comments on the benefits of endrin's use in apple orchards contains some misplaced criticisms of the Agency's Benefit Analysis (EPA, 1977). Velsicol states that the Agency inappropriately focus upon total apple acres when assessing endrin, and infers that the Agency was naive in not recognizing the "economically disastrous" effects of voles in affected orchards. Velsicol also states that the Agency's national estimates of the effect of an endrin cancellation upon apple supplies is "misleading". Further, Velsicol charges that "the Agency has attempted to minimize the vole problem". Velsicol concludes by asserting that the Agency should have limited its analysis to vole-invested orchards and should have extended the analysis beyond the three-year time horizon presented in the Benefit Analysis (Velsicol, pp. 78–9).

These assertions reflect some misunderstandings about the benefit analysis. The inclusion of the effect of an endrin cancellation upon national apple supplies and prices is neither "misleading" nor an "attempt to minimize the vole problem" but normal Agency procedure. The Endrin Benefit Analysis for Orchards also includes an extensive discussion of producer-level impacts, including analysis of apple losses, production cost changes, farm level prices, and farm revenues. The cost-effectiveness of endrin and various alternative control strategies used by apple growers are also discussed at length. Since the effects of an endrin cancellation may extend beyond current users, the Agency was prudent in *not* limiting the analysis to owners of vole-infested orchards.

With regard to the three-year time horizon used in the report, the Agency is fully aware that impacts could extend beyond this period. However, available data do not permit an accurate assessment of the economic effects likely to occur in the long term (EPA, 1977 pp. 74–5, 80–1, 84–5).

C. Comments Relating to Regulatory Options

1. *Designation of Target Species in Apple Orchards.* USDA (Bergland, 1978) notes, "The use of the word 'only' in identifying the vole species to be controlled in apple orchards may cuase unnecessary enforcement problems when more than one species is established in an orchard. We assume that the destruction of eastern meadow voles incidental to the control of pine voles would not be considered inconsistent with the labeling." Additionally, Dr. Don Hayne (personal communication, Nov. 14, 1978) has noted that the Agency's use of the terms "eastern" and "western" meadow voles has no basis in scientific nomenclature. Dr. Ross Byers (1978) has indicated that the prairie vole (*Microtus ochrogaster*) has behavioral characteristics similar to that of the of the pine vole and that the need for endrin to control this species in the mid-West should be investigated

Having received no additional information, the Agency is unable to address Dr. Byers' concern. The Agency agrees with Dr. Haynes Point. Accordingly, labels for use in apple orchards should designate the pest species as follows:

Eastern United States: Pine Voles *(Microtus pinetorum)*

Western United States: Meadow Voles *(Microtus species)*

The distribution of commercial apple growing areas is such that the broad geographical limits do not pose problems of interpretation.

USDA is correct in its assumption that the destruction of meadow voles incidental to the control of pine voles from the use of endrin in eastern orchards containing both pine voles and meadow voles would not be inconsistent with the label. The use of the word "only" on the label is necessary, however, to preclude the use of endrin where it is intended to control meadow voles rather than pine voles in the East. The presence of pine voles in an orchard in the East may not be used as a pretext for the the use of endrin intended only to control meadow voles.

2. *Equipment.* USDA commented that, for aerial application, wind velocities should be stated as the maximum allowed (i.e. 10 mph) rather than as a range (i.e. 2–10 mph) and that the flying heights should be the same for all crops. Additionally, the State of North Carolina recommended that the label specify "apply only with ground equipment" for use in apple orchards (Blaylock, 1978).

In specifying a minimum wind velocity for aerial application, the Agency is following the recommendation of Velsicol's Expert Panel (Akesson, 1977) and believes that this represents sound advice for controlling drift because it is supported by empirical data relating to conditions and dispersion of drift. The variable height of application referred to by USDA stems from a typographical error. The maximum height for aerial application should be 10 feet above all crops. While it is unlikely that anyone would attempt to control voles by treating apple orchards with endrin by air, such an attempt would be extremely hazardous. Accordingly, such application will be prohibited by a label restriction.

3. *Distance Restriction from Aquatic Habitats.* a. *Cotton Usage East of Interstate Highway 35.* The Agency concluded in the Endrin PD 2/3 that the hazard of endrin to fish arises from transport to water by both drift and runoff. It concluded that a distance restriction can substantially reduce endrin contamination of water resulting from drift, but that no information was available to assess the impact of a distance restriction on the reduction of contamination from runoff. In response to the recommended regulatory option in PD 2/3 to cancel endrin use on cotton east of Interstate Highway 35, Velsicol submitted an extensive discussion defending the efficacy of a ¼ mile restriction from water bodies in diminishing endrin runoff to water in the southeastern United States. The Agency has already engaged in several exchanges of comments on the runoff question with Velsicol and its consultant, both prior to and during the SAP proceedings (Velsicol Exh. 21, 22, 23, 25; Severn, 1978; SAP, October 26, 1978). The Agency will now respond to Velsicol's position on this matter, as developed in its comments on Position Document 2/3 (Velsicol, pp. 17–30). In Velsicol's summary, the following points were made:

(a) Endrin is strongly adsorbed to soil particles at the application site;

(b) Endrin has a "comparatively short residual life" in the environment;

(c) Not more than 1% of applied endrin would be carried to the edge of a treated plot by an intense rainfall;

(d) An intervening ¼ mile of bare cultivated soil would reduce runoff concentrations of endrin to 1% of this 1%, or 0.01% of the amount applied;

(e) Vegetation in the barrier strip would further reduce the runoff by another factor of 10;

(f) Maximum concentration in a pond containing two acre-feet of water resulting from application of 1.25 lbs of endrin to one acre separated from the pond by a barrier strip covered with vegetation would be approximately 2 ppt (parts per trillion);

(g) The efficacy of the distance restriction has been demonstrated by the reduction in fish kills observed in Arkansas after the imposition of a distance restriction;

(h) The acceptability of the distance restriction is also demonstrated by its imposition in Mississippi as part of an emergency exemption for synthetic pyrethroid application to cotton;

(i) Monitoring data from Alabama confirm the efficacy of intervening land in decreasing endrin residues in ponds;

(j) Distance restrictions imposed by the United States Forest Service for pesticide applications in forest areas also support the efficacy of distance restrictions in reducing contamination of adjacent waters; and

(k) In summary, the evidence that a quarter-mile barrier would render endrin runoff from southeastern cotton fields innocuous is overwhelming, and warrants revision of the Agency's preliminary recommendation to cancel the cotton use in the Southeast.

The Agency's response will discuss each of these points in order.

(a) *Adsorption of Endrin to Soil.* The Agency accepts the view put forward by Velsicol that endrin may be strongly bound to soil or suspended sediment. It is generally agreed (Pionke and Chesters, 1973; USDA/EPA, 1976) that compounds which are strongly adsorbed will move mostly on sediment particles. Thus the major mode of runoff transport of endrin is probably through erosion processes.

Since endrin is applied as a foliar spray, rather than directly to the ground, a potential problem appears to be washoff from the foliage soon after application. The record of endrin-related fish kills appears to be correlated with rainfall incidents. Estimates of the amount of pesticide deposited on foliage from aerial application vary, but 50% on foliage and 50% on the ground appears to be a reasonable estimate. Sparr et al. (1966) observed a concentration of endrin in runoff water during a rainfall event seven days after application which was higher than that found during irrigation prior to the rain and stated:

> We believe that this higher endrin concentration resulted from washing the endrin off the foliage.

While there are major flaws in this study (the particulate fraction of the

runoff was apparently not analyzed, although this fraction would be expected to contain most of the endrin, as noted above), the study at least suggests that foliar washoff during a rainfall event is an additional consideration in evaluating the overall extent of endrin transport by runoff.

Another study indicating that foliar washoff of pesticides from cotton makes an important contribution to runoff was recently reported by Willis et al. (1976). These workers applied toxaphene and other pesticides to cotton in a nearly flat watershed equipped with instrumentation to measure surface runoff and sediment and chemical yields at the point where runoff entered a four-acre pond. They found a total of 0.038 lbs/acre of toxaphene in runoff during the period from August to February (a period of low sediment yield); a total of 9 lbs/acre of toxaphene had been applied in August and September. They concluded that the freshly sprayed leaves were an important source of toxaphene in runoff in August and September. These workers also observed that:

> Current cultural practices in the Mississippi Delta may be intensifying sediment and chemical transport from agricultural fields. After harvest, many farmers shred plant residues, till the soil, and form rows. The fields are left with little or no vegetative cover throughout the winter and early spring, and are subject to the erosive forces of rainfall and runoff until adequate cover develops.

Since, as noted above, endrin is bound to soil particles, this study suggests that substantial runoff transport of endrin may occur under current cotton cultural practices.

(b) *Environmental Persistence of Endrin.* Velsicol concluded that endrin has a comparatively short residual life in the environment. Persistence on foliage or soil is an important issue, since the longer a chemical resides at the site of application, the more opportunity there will be for runoff events to occur. The Agency realizes that although persistence is not an important factor for runoff events which occur immediately following application, it can be an important factor in later runoff events.

Velsicol cited studies on endrin photodegradation (Baker and Appelgate, 1974) and soil metabolism (Castro and Yoshida, 1971; Matsumura et al., 1971) in support of its conclusions with regard to endrin persistence. The study by Baker and Applegate used blacklight lamps to irradiate thin films of endrin and other pesticides on glass in the laboratory; they reported a 10–30% photodecomposition of endrin in 20 hours, compared to dark controls. This study has little utility for evaluating the environmental photodegradation of endrin, since it presents no data on the photochemistry of soil-bound endrin. It is likely that bound endrin would be much less accessible to sunlight and in addition might be inherently less photoreactive. The artificial light source employed also makes this study less valid. The claim that mirex was photodegraded suggests that the emission spectrum of the lamps used extended to well below 290 nm (the lower limit of natural sunlight), since mirex has virtually no absorption above 250 nm and no photoreaction could be detected using natural sunlight (Alley et al., 1974). In summary, the information presented by Baker and Applegate may not be used as a reliable indicator of the environmental photodegradation of endrin.

The soil metabolism study of Castro and Yoshida (1971) was performed in flooded and upland soils in the Philippines. Endrin was found to degrade rapidly in a flooded soil but was in fact quite persistent (88% recovered after two months) when the same soil was maintained at 80% of the maximum water-holding capacity.

This study is of dubious utility in evaluating persistence of endrin in the soils of the southeastern United States. A monitoring study performed in 1966 in Greenville, Mississippi (USDA, 1968) found high residues of endrin in soil more than one year after treatment. Soybeans planted in these soils had endrin residues resulting from translocation. While the studies of Matsumura et al. (1971) showed that 25 of 150 soil cultures had the capacity to degrade endrin in laboratory culture, it is clear that endrin can be sufficiently persistent in the southeastern United States to survive a winter season.

(c) *Estimates of Extent of Runoff From Treated Fields.* Velsicol concluded that, as a worst case, not more than 1% of the endrin applied would be carried to the edge of a treated plot by soil erosion. In support of this conclusion, a limited number of controlled runoff studies were cited, in which the total amount of pesticide leaving the field was measured to be less then 1%. However, two recent reviews (Pionke and Chesters, 1973; Leonard et al., 1976) have compiled a much larger number of such runoff studies; the overall range of extent of loss varied from 0.007% to approximately 40%, with 11 studies reporting losses in excess of 1%. These studies encompassed a wide range of conditions (type of pesticide and application conditions, rainfall characteristics, type of soil, crop, slope, etc.), all of which strongly influence runoff, as noted by Velsicol. In addition, a very recent study (Smith et al., 1978) used paraquat as a tracer compound for estimation of sediment transport in a Southern Piedmont watershed. When applied to the soil surface, runoff losses of paraquat commonly exceeded 5%. Although no cover crop was present in this case, it appears that sediment transport of bound pesticides can be a significant source of aquatic contamination. Precise predictions of the behavior of endrin when applied to cotton in the Southeast may not be made based on data currently available. However, based on the studies which are available, the Agency concludes that a 1% runoff yield, while reasonable some of the time, is certainly not a "worst case" since substantially higher values have been observed.

(d) *Efficiency of a Barrier Strip in Reducing Runoff.* The Agency in PD ⅔ concluded that no information was available on which to base a quantitative estimate of the efficacy of intervening land in reducing the runoff potential of endrin. This conclusion derived in part from the observation that quantitative runoff studies (as discussed in (c) above) commonly measured runoff immediately adjacent to the treated field. This point was also made by Velsicol. However, the summary document submitted by Velsicol also states that:

> * * * on the basis of this worst-case runoff model, Dr. Freed calculated that the quarter-mile barrier (assuming it was bare-cultivated) would reduce runoff concentrations of endrin to 1% of what they would be under similar worst-case circumstances with *no* barrier strip * * * (Velsicol, p. 25)

The calculation referred to above is the use of the Universal Soil Loss Equation and a sediment delivery ratio equation to calculate the amount of chemical in overland runoff; the value computed was 0.0127 pounds. The values of the input parameters for the equations are not presented, nor is the manner of carrying out the calculation. In any event, these calculations are not based on any field experiments with endrin, despite Velsicol's contention that detailed data and other information have been provided to the Agency to evaluate endrin runoff.

There is no question but that intervening land areas can have the effect of reducing sediment runoff and thus sediment-bound pesticide transport. However, erosion continues as a major problem; for example, an annual sediment yield of 11.6 tons per

acre was measured on nearly flat land in the Mississippi Delta (Willis et al., 1976). A general equation for the amount of sediment transported overland apparently is not available. Values of the ratio of sediment transported from a specific area by erosion to the amount received by a body of water range from about 0.1 to 0.3 (USDA/EPA, 1975). This report also concluded that:

> The sediment discharged to large rivers is usually less than one-fourth of that eroded from the land surface.

Obviously, this amount will vary with rainfall intensity and previous surface conditions, as well as the distance over which it is transported. A major runoff event may also pick up sediment deposited during prior runoff events (USDA/EPA, 1976).

In conclusion, the Agency's perception is that it is not possible to predict the extent of overland transport of endrin by erosive processes because of the variable nature of these processes and thus, the efficacy of a barrier strip in reducing endrin runoff cannot be predicted. The Agency concludes that Velsicol's contention that a "worst case" of endrin transport across a ¼ mile barrier strip is 1% of that leaving the treated field is not justified.

(e) *Effect of Vegetation in Attenuating Runoff.* Velsicol concluded that vegetative cover on the proposed barrier strip would further reduce endrin transport by a factor of ten. An exploratory survey (Moubry et el., 1967) of endrin runoff through heavy turf in a Wisconsin orchard was cited, in which no endrin was detectable in runoff water; the water was observed to be devoid of silt. The relevance of this study to cotton runoff is questionable, since it does not appear that cotton fields generally are surrounded by heavy turf. The observations of Willis et el. (1976), quoted above, suggest that very little vegetative cover may be available throughout much of the year in cotton culture. For the cover and management factor appearing in the Universal Soil Loss Equation, a value of 0.34–0.4, corresponding to about 60% reduction in sediment yield, is an approximate value for cotton (USDA/EPA, 1975). This indicates that a factor of ten is too large to be a reasonable estimate of the effect of vegetative cover on a barrier strip in reducing endrin runoff from cotton fields.

(f) *Calculation of Maximum Endrin Concentration.* Based on its estimates of endrin runoff from a treated plot, across a barrier strip, and through vegetation, Velsicol calculated that the maximum concentration in a two acre-foot pond located ¼ mile away from a single treated acre would be 2 ppt. As discussed above, the Agency does not accept these three estimated runoff percentages, or, therefore, the calculated pond concentration based on them. Moreover, the use of a single acre as a plot size is particularly unreasonable; clearly, many acres of cotton could be treated in a single watershed. As noted by Leonard el al. (1976):

> The pesticide load in runoff and on sediment times the areal extent of usage is the pesticide dosage entering the receiving water.

The Agency believes that integrated sampling of a watershed area, in which all of the runoff is channeled through a flume and sampled continuously, is the only reliable way to quantitate pesticide losses in runoff. The studies by Willis et al. (1976) and Smith et al. (1978) are examples of such studies. In the absence of adequate data of this nature, the Agency can not reasonably conclude that Velsicol's calculation of maximum endrin concentration in receiving waters is supported.

(g) *The Arkansas Distance Restriction.* Velsicol stated that a reduction in fish kills in Arkansas following imposition of a ¼ mile aerial application distance restriction from commercial fish ponds and hatcheries demonstrates the efficacy of such restrictions in diminishing runoff transport. Arkansas and Mississippi are areas of intensive commercial catfish farming. Crockett et al. (1975) sampled catfish from 50 farms in 1970 and reported that 76% of the fish samples contained endrin. They concluded that aerial transport of endrin from nearby cotton areas was the most probable route of contamination. They also observed that commercial fish ponds are generally constructed to prevent the entry of surface runoff. Thus it appears likely that the reason that the imposed distance restriction resulted in a decrease in fish kills, to the extent that those data are accurate and complete, was because drift was the main source of contamination of the commercial fish ponds. The Agency accordingly concludes that the alleged success of the distance restriction in Arkansas does not answer the question of reduction in runoff transport.

(h) *The Emergency Exemption in Mississippi.* Velsicol claimed that the imposition of a ¼ mile distance restriction for an emergency exemption involving certain synthetic pyrethroids in Mississippi and the resulting lack of fish kills demonstrates the efficacy of the restriction in diminishing runoff. However, a ¼ mile restriction was imposed as a condition of the emergency exemption use as a precautionary measure to reduce aquatic contamination while adequate data were being developed for registration purposes; it was not imposed on the basis of any particular data or information regarding environmental transport or the effectiveness of a barrier strip in reducing transport. The alleged absence of reported fish kills alone is insufficient to support Velsicol's conclusion. Velsicol did not establish that conditions which cause runoff were associated with the use of the pyrethroids. To the extent that runoff conditions may have been present, the absence of reported fish kills is not evidence that substantial transport did not take place since the transported materials may not have been at lethal concentrations; sublethal concentrations of endrin are of substantial concern to the Agency. Without an adequate analysis and additional empirical data, Velsicol's observation on synthetic pyrethroids gives little, if any, support to its position on the effectiveness of a barrier strip in reducing the transport of endrin by runoff.

(i) *Alabama monitoring data.* The Alabama monitoring data (Elliott, undated) reported a wide range of endrin residues in pond water, sediment, fish, soil, forage, rats and birds. Endrin treatment history was not reported, so that correlation between endrin use and resulting environmental residues is not possible. This study was not designed to evaluate the efficacy of the distance restriction in diminishing endrin residues in water, and no conclusions regarding the efficacy can be drawn from the study.

(j) *Distance Restrictions in Forest Areas.* The United States Forest Service employs distance restrictions for pesticide applications in forest areas primarily to reduce drift. Since vegetative cover and soil surface conditions in forest areas are entirely different from those expected adjacent to southeastern cotton fields, the Agency concludes that distance restrictions used in the forest have no relevance to cotton agriculture.

(k) *Summary.* Velsicol stated that there is overwhelming evidence that a ¼ mile distance restriction would render innocuous any endrin runoff from southeastern cotton fields. The Agency has reviewed all the information submitted by Velsicol concerning this issue, as well as additional information cited above. The Agency concludes that endrin transport to water by runoff would still be a substantial possibility if

the distance restriction were to be imposed, and that no reliable information is available to insure that the attenuation of this transport by a barrier strip would consistently be of the order of magnitude suggested by Velsicol. Accordingly, the conclusions submitted by Velsicol on the issue of runoff cannot be considered adequate to support its proposal of allowing endrin use on cotton in the southeast subject to a ¼ mile distance restriction from water.

Additionally, Velsicol has stated that its proposes distance restrictions from bodies of water "would reduce runoff to innocuous levels even under worst-case circumstances"; that "the Agency has acknowledged the validity of this point with respect to small grains regions and western cotton regions where heavy rainfall is infrequent . . ."; and the "The Agency also agrees with Velsicol that a similar distance restriction of 50 feet is appropriate for the apple orchard use" (Velsicol, p. 24). These statements distort the Agency's position on the effectiveness of barrier strips in reducing runoff. In all cases where the Agency has propose was to reduce to acceptable levels relative to the perceived benefits of usage. In the case of orchards, at the very place cited by Velsicol (PD ⅔, p.157), the Agency stated that:

> Major risks to fish and wildlife would remain because of the high application rate to the terrestrial habitat and because the potential for runoff would be little affected by a distance restriction of 50 feet.

(b) *Small Grains.* In response to the Agency's proposal to permit applications of endrin adjacent to ponds owned by the user, Velsicol has repreated its proposal to prohibit applications within ¼ mile of *all* lakes, ponds, and streams (Velsicol, p. 90). In PD ⅔ the Agency presented its rationale for excepting ponds owned by the user: As a matter of policy, the farmer should have the right to choose between risking his fish and protecting his wheat (PD ⅔, p. 145). Velsicol has given no reason for denying the farmers that option, and Agency sees no reason to change its position.

Dr. Leroy Brooks (1978) has recommended that the distance restriction be reduced to ⅛ mile if endrin is applied by ground equipment. Dr. Brooks' recommendation is consistent with the intent of the use restriction. Drift from a boom ground sprayer two feet above the wheat will travel less than half the distance than will the drift from an airplane at an elevation of 10 feet if both have similar nozzles and pressures. Therefore a ⅛ mile distance restriction is appropriate for such ground equipment and will be so indicated on the label.

4. *Distance Restriction from Human Habitation.* The SAP questioned the basis for the Agency's proposal to prohibit application of endrin within 150 yards of human habitation (SAP, Dec. 15, 1978 pp. 5–6) and recommended that the distance be extended to ¼ mile from human habitation (Fowler, 1978). Velsicol supported the imposition of a quarter-mile restriction. The basis for the Agency's proposal, set forth in PD ⅔ (p. 128), was that the MOS for teratogenic risk estimated for a distance of 150 yards is ample (5500). Neither the SAP nor Velsicol demonstrated any deficiency in the Agency's assessment.

The Agency believes that since there is an ample MOS at 150 yards, the imposition of a ¼ mile restriction would unnecessarily reduce the economic benefits to users. However, the Agency recognizes that its risk estimate assumed compliance by the applicator regarding equipment, wind speed and other restrictions and that in the absence of full compliance, the MOS would vary by an unknown amount. Therefore, in consideration of the recommendations of both the SAP and Velsicol and for consistency in the specification of distances on labels, the Agency will compromise its position and direct that this restriction be modified to read "⅛ mile" (220 yards) instead of "150 yards."

5. *Posting of Contaminated Ponds.* In the event of a fish kill, the Agency proposed that the pond be posted "Contaminated: No Fishing" for a period of one year. Velsicol characterizes this warning as "inadequate" and indicates that a more appropriate warning would be as follows: "Contaminated: Use of this Water for Drinking, Fishing, Swimming or Other Recreational Purposes Is Prohibited" (Velsicol, p. 90). Velsicol's position, however, is unsupported by any analysis. A direct overspray was estimated to produce a concentration of 0.009 mg/l (9 ppb) in a pond 2 feet deep (Velsicol, Exh. 5). Were a woman to drink as much as a gallon of water containing 10 ppb endrin, the MOS would be 2,000. In consideration of the low solubility of endrin in water and its high adsorption on fine particulate matter, the Agency believes that negligible amounts of endrin would be adsorbed by a swimmer. Consequently, consumption of fish caught from contaminated ponds appears to be the only exposure route of significant concern. This concern is adequately dealt with by the Agency's proposal.

Other issues concerning posting have also been raised. One is whether the duration of posting should be less than a year. Another is whether posting is necessary in situations where contamination is likely but the level is below that which kills fish. The latter issue was raised at the SAP meeting (SAP, October 26, 1978, p. 121) but was left unresolved. Unfortunately, available field data are inadequate for precise standard setting. It seems reasonable and prudent, however, to require that, if treatment is made at distances closer than ¼ mile by air or ⅛ mile by ground from ponds owned by the user, that such ponds be posted for a period of 6 months if no fish are killed and 12 months if a fish kill occurs. In any case, fishing may be permitted if laboratory analysis indicates that endrin concentration in the edible portion of fish do not equal or exceed 0.3 ppm (which is the current FDA Action Level for endrin residues in fish), since the MOS for a pregnant woman consuming 315 g (11 oz.) of fish contaminated at this level is 1,000. These restrictions may be revised when a body of data regarding residue reduction in the field becomes available.

6. *Teratogenicity Warning.* The Preliminary Determination proposed that appropriate endrin labels bear a "Warning to Female Workers" that "Excessive Exposure to Endrin May Cause Birth Defects". Velsicol opposes the inclusion of such a warning on endrin labels. (Velsicol, p. 88.) The bases for Velsicol's opposition and the Agency's responses are:

a. *The margin of safety for applicators is 300 and this is three times the acceptable level.* Barring accidents and assuming that they follow label instructions, applicators and other workers are at little risk from the teratogenic effects of endrin. One of the purposes of the warning, however, is to insure that vulnerable female workers are aware of the potential risks so that they may exercise the appropriate precautions and respond properly to accidental exposure. One drop of a 19.7% EC formulation contains 10 mg of endrin and 10% absorption of that drop provides an MOS of only 75 for teratogenic effects. Certainly such potential exposure should be of substantial concern. Further, as discussed above, the Agency does not conclude that an MOS of 100 is "acceptable" for all teratogenic risks.

b. *Also, the phrase "excessive exposure to endrin may cause birth defects" is factually inaccurate because exposure to threshold teratogenic levels of endrin would cause acute toxicity or death to humans before such exposure*

could cause birth defects (see p. 41 of this response and Exhibit 43). The references cited do not elaborate on the above issue but only indicate that endrin may cause single convulsions in humans at dosages of 0.20 to 0.25 mg/kg and multiple convulsions of 1 mg/kg. It is the Agency's position that, since teratogenic effects in the hamster were observed at doses which did not produce convulsions or other overt signs of toxicity, the same relative relationship may exist for humans. That is, a teratogenic hazard in humans may occur before any toxic warning signs are observed. Velsicol's argument would have some validity only if terata in test animals were associated only with severe toxic effects in the dams, which is not the case with endrin. In addition, even if endrin did cause acute toxicity in humans at doses below the teratogenic threshold, the teratogenic concern would not thereby be eliminated.

The Agency recognizes, however, that the Warning to Female Workers "Excessive exposure to endrin may cause birth defects" can be modified to affirmatively and explicitly reflect the Agency's scientific conclusions concerning the teratogenicity of endrin, while at the same time adequately warning vulnerable female workers so that they may exercise appropriate precautions. On the first point, one commenter (Brooks, 1978) has suggested that the warning indicate that the evidence concerning birth defects relates to experimental animals; on the second, Velsicol has asserted that only pregnant workers are at risk of birth defects (although Agency notes that the period of vulnerability has not been established). Accordingly, the Agency has determined to change the first sentence of the Warning to Female Workers from "Excessive exposure to endrin may cause birth defects" to the following two sentences, "The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided."

c. *If a teratogenicity warning is warranted for a weak teratogen such as endrin with only a remote likelihood of exposure to pregnant women, strong teratogens to which women are commonly exposed * * * should contain teratogenicity warnings as well.* The Agency does not agree that endrin should be characterized as a "weak" teratogen.[7] It agrees, in principle, that many compounds should bear teratogenicity warnings and intends to implement that principle when appropriate.

7. *Protective Clothing for Workers.* The USDA commented, "We question the advisability of requiring protective clothing for all female workers. The teratogenicity risk, as defined, should apply only to female workers capable of bearing children." On the other hand, Veliscol states, "Protective clothing should be worn by men as well as women. This is because any hazards to applicators or field workers would be from acute exposure, not from a teratogenic hazard" (Velsicol, p. 91).

Since the risk criterion for acute dermal toxicity for endrin had been rebutted by Velsicol, the Agency determined only to impose additional protective clothing requirements for female workers since they were imposed on the basis of a teratogenic risk. On that point, although it is true that only women who are capable of bearing children are at risk, the Agency believes that it is prudent to impose protective clothing requirements for all women involved in application of endrin since the vast majority of such female workers are likely to be of childbearing age.

8. *Warnings on Prophylactic Use.* In its Notice of Determination, the Agency proposed the following language, *"Prophylactic Use.* Unnecessary use of this product can lead to resistance in pest populations and subsequent lack of efficacy." The Agency received several comments on this proposal.

The USDA commented, "We do not believe the statement on prophylactic use adds anything to the usefulness of the label information and should be deleted" (Bergland, 1978). The SAP report indicated that, "The Panel is concerned with the risks inherent with the prophylactic use of endrin and urges that the Agency reexamine the label statements regarding such use" (Fowler, 1978). Velsicol's comment was, "Velsicol proposed to prohibit prophylactic use of endrin. The Agency's proposed label language, however, merely is in the form of a warning and is not emphatic enough deterrent against prophylactic use" (Velsicol, p. 90). Finally, Dr. Ross Byers (Byers, 1978) wrote:

> The statement, page 33 concerning "Prophylactic Use" is not based on fact. Resistance in vole populations is not the result of using Endrin when not needed! Where resistance develops is when partial control is achieved through low dosage applications and/or poor application technique. Partial control allows sufficient animals within the area to continue the reproduction of survivors in the presence of the toxicant. Pine vole populations were first found resistant to Endrin in the areas most seriously infested and where growers were using reduced rates per acre and/or using rather poor application techniques.

The comments of USDA and the SAP on prophylactic use are diametrically opposed and in neither case is the basis for the position fully articulated. The Agency can only respond by a fuller explanation of its position.

The Agency considered imposing a prohibition against prophylactic use (that is, use when economic infestations are not present), such as that encouraged by Velsicol, rather than a warning. The Agency decided against the prohibition because it believed such a restriction would be generally unenforceable. Unless substantial damage is visible, it is usually not possible to determine, after control measures have been applied, whether or not the controlled populations had been at economic levels. In any event, the Agency believes that the educational aspect of the proposed label language accomplishes the Agency's primary objective in this respect, so that a prohibition *per se* is not necessary.

Dr. Byers' account is not necessarily at variance with the principles on which the Agency relies in its concerns about resistance. Dr. Byers indicates that repeated usage was necessary because of poor control and implicates the poor control as a critical factor in the development of resistance. While, historically, this may have been the case in Virginia, the reason for making frequent applications is not relevant to the principles of natural selection that lead to genetic resistance; selection should be even more rapid if repetitive control is highly effective. Dr. Byers' comment does highlight the importance of proper application methods and the proposed label changes regarding rates and equipment should help to prevent situations such as those described by Dr. Byers.

[7] Velsicol's characterization of endrin as a "weak" teratogen apparently derives from statements made by one of its consultants regarding the Chernoff study (Velsicol, Exh. 30, p. 8 and SAP, October 26, 1978, p. 51 and Velsicol, Exh. 32). At the SAP meeting, Velsicol's consultant stated, "* * * there is some teratogenic potential, albeit a low level for this compound [endrin], but that potential occur only at maternal toxic levels or very near to maternal toxic levels" (SAP, p. 51). The basis for this position has never been made clear. Previously, the consultant stated, "A single dose as high as 10 mg/kg produced no maternal toxicity and had no effect on intrauterine mortality or growth of the offspring. Two types of malformations * * * were significantly increased at the three highest single doses, 5.0, 7.5, and 10.0 mg/kg" (Velsicol, Exh. 30, pp. 5–6). It appeared, on further discussion at the SAP meeting (SAP pp. 51–4), that the consultant's misperceptions of the data should have been rectified. The record is clear that frank terata were produced by single doses of endrin that were substantially below doses which caused observable maternal toxicity to hamsters.

9. *Enforcement.* The EDF notes that pests other than those for which the Agency proposes to maintain registration may occur in small grains and orchards and asks, "How does the 1978 amendment (Section 2(ee)), which allows use on a site against pests not named on the label, affect these 'cancelled' uses?" (Hinkle, 1979). The Agency was cognizant of this problem and addressed it in accordance with Section 2(ee) of FIFRA by requiring that the labeling specifically state that endrin may be used "only" for the pests specified on the label, after it was determined that the use of endrin against other pests would cause an unreasonable adverse effect on the environment. The Agency is aware that strict enforcement of label restrictions may be impossible but believes that, where its regulatory actions have been reasonable, an adequate level of compliance can be anticipated. Any substantial evidence that misuse has become a common practice would provide a basis for further regulatory action.

10. *Grasshopper Control.* EDF strenously opposes the "proposed use of endrin" to control grasshoppers, citing the existence of risks to wildlife and livestock from the use of endrin on wheat and the availability of safer alternatives (Hinkle, 1979). To clarify the status of this use, when the Agency began its risk/benefit analysis, the only registration for endrin to control grasshoppers was for small grains in Montana. This old state registration is now pending as an application for federal registration for use in Montana under 40 CFR Section 162.17. While PD 2/3 was in preparation, the Agency also received endrin registrations for special local needs in the states of Nebraska and Oklahoma, pursuant to Section 24(c) of FIFRA, to control grasshoppers both in winter wheat and as perimeter treatments in noncropland (but not on rangeland). However, the 24(c) registrations for use in Oklahoma expired on December 31, 1978 and the Agency is not aware of any proposal for renewal. The registrations for Nebraska will expire on August 2, 1979, prior to the time endrin would be used on winter wheat for grasshopper control. Further, at the time Nebraska registered these uses, it indicated that they would not be renewed unless Velsicol supplied additional data supporting the safety and efficacy of the use. In the event that Oklahoma or Nebraska should renew these registrations under Section 24(c), the Agency shall then determine whether or not to disapprove them.

Thus the only decision pending at this time concerning the use of endrin to control grasshoppers is on small grains only (not non-cropland and not rangeland) in Montana only. EDF's submission does not appreciable contribute to the Agency's analysis of this use, since much of the risk data referred to by EDF was not submitted for review by the Agency, and it does not appear from EDF's description that it was specifically related to endrin's use for grasshopper control. In light of data submitted by Velsicol concerning the efficacy of endrin for controlling grasshoppers (Coppock and Pitts, Undated), the Agency has no basis to amend its regulatory decision set forth in PD 2/3 concerning the use of endrin to control grasshoppers on small grains in the State of Montana only.

11. *Conifer Seed Treatment.*[8] PD 2/3 concluded that the terms and conditions of registration for endrin products used for treatment of conifer seed should be modified to include an "Application Restriction" stating "Do not apply when large numbers of migratory birds are expected." Althought the agency did not receive any formal comments on the language of this modification, the Agency has determined upon its own re-examination that some ambiguity will be removed, and the intent of the restriction clarified, by amending the "Application Restriction" statement to read: "Do not sow treated seed when large numbers of migratory birds are expected."

D. *Comments Relating to Procedural Matters.* The Agency has received several comments with regard to the RPAR process and how, in the case of endrin, the Agency has administered the process. Since some of these comments reflect misunderstanding, misconstrue the record, or otherwise influence the public perception of Agency activities, the issues raised by these comments require some discussion and clarification.

1. *Availability of the Agency's Rebuttal Analysis.* Velsicol has stated that "the [RPAR] regulations require the Administrator to issue *prior* to initiation of a risk/benefit analysis a notice of determination as to whether the cited risk presumptions have been rebutted. *See* 40 CFR 162.11(a)(5). In the case of the endrin RPAR, however, the Agency's rebuttal analysis was not made available to Velsicol until *after* the Agency's risk/benefit analysis had been completed." (Velsicol, pp. 5–6, FN1, emphasis in original).

Velsicol has misinterpreted the relevant provisions of the RPAR regulations. It is true that § 162.11 (a)(5)(ii) states that * * * if after review of the evidence submitted in rebuttal the Administrator determines that the applicant or registrant has not rebutted the presumption * * *, then he shall issue a notice in accordance with sections 3(c)(6), or 6(b)(1) of the Act * * *, as appropriate, for the use(s) of the pesticide subject to the presumption and not rebutted." However, § 162.11 (a)(5)(iii) specifically provides that "in determining whether to issue a notice pursuant to section 3 (c)(6) or section 6 (b)(1) * * * in accordance with paragraph (a)(5)(ii) of this § 162.11, the Administrator may, in his discretion, take into account staff recommendations resulting from preliminary analysis, if any, concerning the balancing of risks against benefits." In other words, the regulations clearly contemplate that the Administrator may evaluate benefits, and the balancing of those benefits against risks, in determining whether or not to issue a notice of intent to cancel or deny registration in cases where the risk presumptions have not been rebutted. Contrary to Velsicol's assertions, nothing in those regulations or otherwise requires the Administrator to issue a separate document as to whether the risk presumptions have been rebutted, prior to initiating the risk/benefit analysis.[9]

2. *Use of Relevant Information on Risk Assessment.* Velsicol has alleged that the Agency "apparently was unable to take into account * * * in Position Document 2/3 significant risk information on teratogenicity and other matters which had been developed at the Agency's request" (Velsicol, pp. 7 and 17). Although the Agency extended the opportunity to Velsicol to comment upon the teratogenicity issue prior to the issuance of PD 2/3, the matters referred to were certainly not developed "at the Agency's request." Moreover, while the Agency indicated a willingness to consider any new information for its

[8] Endrin is also used for watermelon seed treatment (Florida) and melons and vegetable seed treatment (California). The Agency proposed to accept these uses without *any* restrictions. No comments were received on this proposal.

[9] Velsicol also argues that the Agency's alleged refusal to disclose its rebuttal analysis prior to completion of its risk/benefit analysis "unnecessarily delayed Velsicol from developing further information on the Agency's remaining risk concerns." (*Ibid*). Even assuming that the regulations contemplate repeated opportunities for registrants to rebut presumptions of risk (by "developing further information" after it is determined that the presumption was not rebutted by the initial submission), the Agency does not believe that Velsicol was prejudiced in the circumstances of this case. In any event, the Agency accepted Velsicol's comments on PD 2/3 on January 5, 1979—over two months after Velsicol received a copy of PD 2/3.

potential impact on the pending decision, preliminary reviews by the Agency indicated that none of Velsicol's last minute submissions contained any information that required any change in the Agency's position. And, as indicated in this PD 4, the Agency has reviewed and commented on all relevant information supplied by Velsicol before making this final decision, so that the Agency's review process has not resulted in any prejudice to Velsicol.

3. *Development of State Programs for Use on Cotton.* Representatives of the states of Alabama, Arkansas and Mississippi requested the Agency to defer the final decision on the use of endrin on cotton until the States can develop programs that would substantially alter the risk/benefit picture (Lane, 1979; Lincoln, 1979a; Coley, 1979). The Agency responded by indicating that it wishes to encourage the development of such programs in general but, in the absence of new information, the Agency had no basis for deferring a decision already overdue (Johnson, 1979a). It also indicated that should new information on risk/benefit relationships be developed, including the institution of state programs which would establish appropriate controls to enhance the risk/benefit ratio for the use of endrin on cotton, it would then be appropriate for the Agency to reconsider the registration of endrin for use on cotton in areas east of I–35.

The state of Arkansas then proposed that the State would establish a new category for certain restricted use pesticides such as endrin, in effect making them available for use only under emergency conditions to be identified by extension personnel (Martin, 1979). The Agency responded that many specific details of such a program would have to be developed for further consideration, that a revised risk/benefit analysis would be necessary, and that any new decisions proposed by the Agency would require reconsultation with the FWS and public review (Johnson, 1979b). Thus, the Agency still has no basis for deferring its decision but will reconsider it whenever it is justified by the availability of new information.

III. Conclusions

After considering the comments received from the USDA, the SAP, the FWS, Velsicol and other concerned parties, the Agency has decided to make the following revisions to the Notice of Determination:

A. *Registration for Use on Cotton.* 1. *Warning to Female Workers.* "Excessive exposure to endrin may cause birth defects" will be amended to read, "The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided."

2. *Aerial Application.* "Do not release this material at greater than 19 feet height above the crop" will be amended to read" "* * * 10 feet height above the crop."

3. *Application Restrictions.* "Do not use this product within 150 yards of human habitation" "will be amended to read "Do not apply this product within ⅛ mile of human habitation."

"Do not use this product within ¼ mile of streams, lakes, or ponds. Application may be made within ¼ mile of ponds owned by the user, but application within 200 yards of such ponds may result in fish kill" will be amended to read, "Do not apply this product by air within ¼ mile or by ground within ⅛ mile of lakes, ponds, or streams. Application may be made at distances closer to ponds owned by the user but such application may result in excessive contamination and fish kills."

4. *"Procedures to be Followed if Fish Kills Occur.* In case of fish kills, fish must be collected promptly and disposed of by burial. At ponds, post signs stating: Contaminated: No Fishing. Signs must remain for one year after fish kill has occurred" will be amended to read, *"Procedures to be Followed if Fish Kills Occur or if Ponds are Contaminated.* In case of fish kills, fish must be collected promptly and disposed of by burial. Ponds in which fish kills have occurred, and user-owned ponds exposed to endrin by application at distances closer than otherwise prohibited, must be posted with signs stating: 'Contaminated: No Fishing.' Signs must remain for one year after a fish kill has occurred or for six months after lesser contamination unless laboratory analysis shows endrin residues in the edible portion of fish to be less than 0.3 parts per million (ppm)."

5. Add: "For use in areas west of Interstate Highway #35 only".

B. *Registration for Use on Small Grains.* Amendments 1, 2, 3, and 4 for cotton (A, above) are applicable for small grains.

C. *Registration for Use in Apple Orchards.* 1. Amend the "Warning to Female Workers" as above.

2. *Pests for Which this Product May be Applied,* "This product may be applied to control the following pests only: Pine vole; western meadow vole" will be amended to read, "This product may be applied to control the following pests only: Eastern United States-Pine Voles (*Microtus pinetorum*); Western United States-Meadow Voles (*Microtus species*)".

3. *Equipment.* Add, "Apply by ground equipment only."

4. *Procedures to be Followed If Fish Kills Occur.* "In case of fish kills, fish must be collected promptly and disposed of by burial. At ponds, post signs stating: 'Contaminated: No Fishing'. Signs must remain for one year after fish kill has occurred." will be amended to read "In case of fish kills, fish must be collected promptly and disposed of by burial. Ponds in which fish kills have occurred must be posted with signs stating: 'Contaminated: No Fishing'. Signs must remain for one year after a fish kill has occurred unless laboratory analysis shows endrin residues in the edible portion of fish to be less than 0.3 parts per million (ppm)."

D. *Registrations for Use on Sugarcane.* Amend the "Warning to Female Workers" as above.

E. *Registration for Treatment of Conifer Seed Application Restrictions.* "Do not apply when large numbers of migratory birds are expected" will be amended to read: "Do not sow treated seed when large numbers of migratory birds are expected."

F. *Registrations for Use as Tree Paint.* Amend the "Warning to Female Workers" as above.

G. *Registration of Use on Alfalfa and Clover Seed Crops.* Amendments 1, 2, 3, and 4 for cotton (A, above) are applicable to alfalfa and clover seed crops.

H. *Registration for Use in Enclosed Bird Perch Treatments.* Amend the "Warning to Female Workers" as above.

Except for the above amendments, all provisions of the Notice of Determination will be adopted as the final decision on the registration and continued registration of pesticide products containing endrin.

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federal register

Wednesday
July 25, 1979

Part III

Environmental Protection Agency

Water Quality Criteria; Availability

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1255-4A]

Water Quality Criteria; Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA is announcing the availability for public comment of water quality criteria for 26 of the remaining 38 of the 65 pollutants listed as toxic under the Clean Water Act (CWA). When published in final 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. Summaries of both aquatic-based and health-based criteria and the criteria formulation sections of the documents are published below. We anticipate publishing criteria for the remaining 12 toxic pollutants within the next 30 days.

DATES: Written comments should be submitted to the person listed below by October 23, 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.

SUPPLEMENTAL INFORMATION: EPA published 27 water quality criteria for public comment on March 15, 1979, (44 FR 15926). At that time EPA published a preamble for the criteria, a methodology for deriving aquatic life criteria, a methodology for deriving human health criteria, a summary of specific issues for commenters to address and summaries of the individual criteria documents. The information contained in the March 15 publication applies to the criteria published in this notice.

AVAILABILITY OF DOCUMENTS: Copies of the complete documents will be sent to all persons who requested copies of the initial criteria prior to the time they were published and to those who commented on the first 27 criteria. When ordering documents from this source, please specify the PB number for each document. These are listed at the end of this document. Other persons wishing to review the full documents may obtain copies from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia (703) 557-4650. The documents also are 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: June 29, 1979.

Barbara Blum,

Acting Administrator.

Acenaphthene

Criteria Summary

Freshwater Aquatic Life. The data base for freshwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for saltwater organisms.

For acenaphthene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 110 μg/l as a 24-hour average and the concentration should not exceed 240 μg/l at any time.

Saltwater Aquatic Life. For acenaphthene the criterion to protect saltwater aquatic life as derived using the Guidelines is 7.5 μg/l as a 24-hour average and the concentration should not exceed 17 μg/l at any time.

Human Health. For the protection of human health from the toxic properties of acenaphthene, the ambient water criterion is determined to be 20 μg/l.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for acenaphthene 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 with acenaphthene and saltwater organisms indicate how a criterion may be derived.

For acenaphthene and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value which is derived from results of an embryo-larval test with the sheepshead minnow. Therefore, it seems reasonable to estimate a criterion for acenaphthene and freshwater organisms using 0.44 times the Final Acute Value.

The maximum concentration of acenaphthene is the Final Acute Value of 240 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 acenaphthene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 110 μg/l as a 24-hour average and the concentration should not exceed 240 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 240 μg/l
Final Invertebrate Acute Value = 1,700 μg/l
Final Acute Value = 240 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 520 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 520 μg/l
0.44 × Final Acute Value = 110 μg/l

Saltwater Aquatic Life. The maximum concentration of acenaphthene is the Final Acute Value of 17 μg/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 acenaphthene the criterion to protect saltwater aquatic life as derived using the Guidelines is 7.5 μg/l as a 24-hour average and the concentration should not exceed 17 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 330 μg/l
Final Invertebrate Acute Value = 17 μg/l
Final Acute Value = 17 μg/l
Final Fish Chronic Value = 53 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 500 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 53 μg/l
0.44 × Final Acute Value = 7.5 μg/l

Human Health. So little research has been performed on acenaphthene that its mammalian and human health effects are virtually unknown. The two toxicity studies available (Knobloch, et al. 1969; Reshetyuk, et al. 1970) are inadequate for the basis of a criterion due to the experimental designs (lack of controls, small number of animals, etc.) Therefore, until more toxicological data are generated, particularly teratogenic data in view of the effects of acenaphthene on cell division, an interim criterion based upon organoleptic data is proposed. The lowest human responses were reported at 0.022 to 0.22 ppm (Lillard and Powers, 1975), and thus 20 μg/l is the

recommended criterion. It must be emphasized, however, that this value is not related to health effects and that the significance of odor thresholds is unknown. This value will need to be reviewed once more toxicological data are available.

Acrolein

Criteria Summary

Freshwater Aquatic Life. For acrolein the criterion to protect freshwater aquatic life as derived using the Guidelines is 1.2 μg/l as a 24-hour average and the concentrations should not exceed 2.7 μg/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 acrolein the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 0.88 μg/l as a 24-hour average and the concentration should not exceed 2.0 μg/l at any time.

Human Health. For the protection of human health from the adverse effects of acrolein ingested through the consumption of water and fish a criterion of 6.5 μg/l is suggested.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of acrolein is the Final Acute Value of 2.7 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 acrolein the criterion to protect freshwater aquatic life as derived using the Guidelines is 1.2 μg/l as a 24-hour average and the concentration should not exceed 2.7 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 10 μg/l
Final Invertebrate Acute Value = 2.7 μg/l
Final Acute Value = 2.7 μg/l
Final Fish Chronic Value = 3.3 μg/l
Final Invertebrate Chronic Value = 4.7 μg/l
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 3.3 μg/l
0.44 × Final Acute Value = 1.2 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for acrolein 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 with acrolein and freshwater organisms indicate how a criterion may be estimated.

For acrolein and freshwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value which is derived from results of a life cycle test with the fathead minnow. Therefore, it seems reasonable to estimate a criterion for acrolein and saltwater organisms using 0.44 times the Final Acute Value.

The maximum concentration of acrolein is the Final Acute Value of 2.0 μg/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 acrolein the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 0.88 μg/l as a 24-hour average and the concentration should not exceed 2.0 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 41 μg/l
Final Invertebrate Acute Value = 2.0 μg/l
Final Acute Value = 2.0 μg/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 = 0.88 μg/l

Human Health. Although acrolein is mutagenic in some test systems (see "Mutagenicity" section) and can bind to mammalian DNA (see "Acute Effects on Experimental Systems" section), current information indicates that acrolein is not a carcinogen or cocarcinagen ("Carcinogenicity" section). Water quality criteria for acrolein could be derived from the TLV, chronic inhalation studies, and subacute oral studies using noncarcinogenic biological responses.

Stokinger and Woodward (1958) have described a method for calculating water quality criteria from TLV's. Essentially, this method consists of deriving an acceptable daily intake (ADI) for man from the TLV by making assumptions on breathing rate and absorption. The ADI is then partitioned into permissible amounts from drinking water and other sources. However, because the TLV is based on the prevention of the irritant effects of acrolein on inhalation exposures, such a criterion would have little, if any, validity.

A criterion could also be calculated based on chronic inhalation data. As summarized in the "Chronic Toxicity to Experimental Animals" section, female hamsters exposed to acrolein at 9.2 mg/m^3 in the air, seven hours per day, five days per week, for 52 weeks evidenced slight hematologic changes, significant decreases in liver weight, and significant increases in lung weights (Feron and Kruysse, 1977).

This study cannot be used to derive a criterion by standard methods because a no observable effect level (NOEL) was not obtained. Nonetheless, by making assumptions of respiratory volume and retention, the exposure data from this study can be converted to a mg/kg dose and an "equivalent" water exposure level can be calculated. The average body weight for the hamsters at the end of the exposure was about 100 g. Assuming a mean minute volume of 33 ml for a 100 g hamster (Robinson, 1968) and a retention of 0.75, the average daily dose is estimated at 68.3 μg/animal (9.2 mg acrolein/m^3 × 0.033 1/min × 1 m^3/1000 liters × 60 min/hour × 7 hours/day × 5 days/7 days × 0.75) or 683 μg/kg. Using an uncertainty factor of 1000 (NAS, 1977, p. 108), an estimated "unacceptable" daily dose for man is 0.683 μg/kg or 47.8 μg/man, assuming a 70-kg body weight.

A criterion based on this daily dose level would be unsatisfactory for two reasons. First, as indicated above, the dose data used to derive the standard are not based on a NOEL. In this respect, the derived criterion represents an undesirably high level in water. Secondly, the criterion is based on an inhalation study. Given the probable instability of acrolein in the gastrointestinal tract, the use of inhalation data may not be suitable for deriving a criterion.

In Drinking Water and Human Health, the National Academy of Sciences (NAS, 1977) summarized the study by Newell (1958) in which acrolein was added to the drinking water of rats at concentrations of 5, 13, 32, 80, and 200 mg/l for 90 days without apparent adverse effects (see "Subacute Toxicity to Experimental Animals" section). Because this study did not involve a chronic exposure, the National Academy of Sciences (1977) declined to derive an acceptable daily intake for man based on this study. However, McNamara (1976) has suggested that subacute exposures can be used to estimate chronic no-effect levels. Based on an extensive review of the literature comparing subacute and chronic toxicity

tests, McNamara (1976) noted that "for 95 percent of chemical compounds . . . (on which data were available) . . . a three-month no-effect dose/ten will produce no effects in a lifetime." Using this approximation for acrolein, the no-observable-effect level for acrolein on rats can be estimated at 20 mg/l of water. Assuming a daily water consumption of 35 ml/day and a body weight of 450 g (ARS Sprague-Dawley, 1974), the chronic no-effect dose for rats is estimated at 1.56 mg/kg. This value may be converted into an ADI for man by applying an uncertainty factor. Since the chronic no-effect dose is merely an estimate based on observed relationships between subacute and chronic toxicity, an uncertainty factor of 1000 is recommended (see NAS, 1977, p. 804). Thus, the estimated ADI for man is 15.6 μg/kg or 109 μg/man, assuming a 70-kg body weight. Therefore, consumption of 2 liters of water daily and 18.7 grams of contaminated fish having a bioconcentration factor of 790, would result in, assuming 100 percent gastrointestinal absorption of acrolein, a maximum permissible concentration of 6.50 μg/l for the ingested water:

$$\frac{109\ \mu g}{(2\ \text{liters} + [790 \times 0.018]) \times 1.0} = 6.50\ \mu g/l$$

This criterion does not consider other significant sources of exposure to acrolein such as inhalation. In addition, this criterion may be above the organoleptic level for acrolein, which has not been determined in man.

Antimony

Criteria Summary

Freshwater Aquatic Life. For an antimony the criterion to protect freshwater aquatic life as derived using the Guidelines is 120 μg/l as a 24-hour average and the concentration should not exceed 1,000 μg/l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for antimony 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 adverse effects of antimony ingested through the consumption of contaminated water and fish a criterion of 145 μg/l is suggested.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of antimony is the Final Acute Value of 1,000 μg/l and the 24-hour average concentration is the Final Chronic Value of 120 μg/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 antimony the criterion to protect freshwater aquatic life as derived using the Guidelines is 120 μg/l as a 24-hour average and the concentration should not exceed 1,000 μg/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 antimony.

Final Fish Acute Value = 5,600 μg/l
Final Invertebrate Acute Value = 1,000 μg/l
Final Acute Value = 1,000 μg/l
Final Fish Chronic Value = 120 μg/l
Final Invertebrate Chronic Value = 1,000 μg/l
Final Plant Value = 610 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 120 μg/l
0.44 × Final Acute Value = 400 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for antimony 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 antimony.

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 = greater than 4,200 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = greater than 4,200 μg/l
0.44 × Final Acute Value = not available

Human Health. At the present time, there are essentially no existing community epidemiology studies that provide information on health effects associated with antimony exposure among the general population of the United States or other countries. This is primarily due, as indicated earlier, to the lack of any recognizable public health problems having been previously associated with environmental exposures to antimony. Rather, one is limited to extrapolating, as best as can be done, from human occupational health and animal toxicology studies.

Pulmonary, cardiovascular, dermal, and certain effects on reproduction, development, and longevity are among the health effects best associated with antimony exposure. The pulmonary effects, however, are almost exclusively associated with inhalation exposures and have much less relevance than the other effects in considering possible bases for development of criteria for a water standard. The pulmonary effects are, therefore, not considered here, but rather the main emphasis is placed on the latter types of effects listed.

Cardiovascular changes have been well associated with exposure to antimony and probably represent the most serious antimony-related human health effects demonstrated thus far. Specifically, in humans, various ECG changes e.g., altered T-wave patterns, have been consistently observed following exposures to either trivalent or pentavalent antimonial compounds and have been interpreted as being indicative of at least temporary cardiotoxic effects of antimony. Indications of even more severe, possibly permanent myocardial damage in humans have been obtained in the form of histopathological evidence of cardiac edema, myocardial fibrosis, and other signs of myocardial structural damage. Parallel findings of functional changes in ECG patterns and of histopathological evidence of myocardial structural damage have also been obtained in animal toxicology studies using controlled exposures to antimony compounds.

As for the other types of effects reasonably well associated with antimony exposures, only very limited data exist regarding such effects, and they are presently insufficient to allow definitive conclusions to be drawn regarding important exposure parameters determining their induction in humans. For example, certain skin irritation effects, e.g., rashes, have been noted to occur with high levels of occupational antimony exposure, especially under conditions of extreme heat; similar dermal effects have been reported for at least some patients undergoing therapeutic treatments with systemic injections of antimonials. There does yet exist, however, any evidence to suggest that dermal effects would result from oral ingestion of antimony compounds. In regard to effects on reproduction, development, and longevity, the available evidence linking such effects to antimony is almost entirely derived from animal toxicology studies and consists primarily of data suggesting that: (1) prenatal exposures can interfere with conception, (2) chronic oral exposure via feeding can result in postnatal retardation of growth as indexed by body weight gain, and (3) chronic oral

exposure via drinking water can induce alterations in certain blood chemistry parameters and significantly shorten survival time or lifespan. Such effects, however, have not yet been well replicated in other animal studies; and only very limited analogous antimony-induced effects on reproduction have yet been demonstrated to occur in humans.

In summary, myocardial effects are among the most serious and best characterized human health effects that can presently be linked with antimony exposure; as such, setting an ambient water criterion predicated on protecting the general public from antimony-induced myocardial effects is the most desirable course of action if sufficient information on dose-effect relationships for myocardial effects exists. Failing that, then, the very limited animal toxicology literature on reproduction, development, and longevity effects would offer an alternative basis.

Dose-Effect/Dose-Response Relationships. The previous section summarizes the very limited information presently available regarding a qualitative description of adverse health effects associated with antimony exposure. Ideally, the main objective of the present section would be to provide further information regarding the characterization of dose-effect/dose-response relationships that hold for the induction of the key health effects expected to provide a basis for setting a criterion for antimony. In regard to the definition of "dose-effect" and "dose-response" relationships, Pfitzer (1976) explains the distinction between effect and response in the following terms: "Effect is taken to indicate the variable change due to a dose in a specific subject; and "response" is the number of individuals in a group showing that effect, i.e., the number of "reactors" showing a specific effect at a particular defined dose level. Unfortunately, it is virtually impossible to characterize key antimony-induced health effects in such quantitative terms due to the very limited data base that presently exists.

For example, data reported for the studies by Brieger et al. (1954) suggest an inhalation no-effect level for myocardial effects as likely being around 0.5 mg/m^3. Air concentrations of antimony trisulfide ranging from 0.58 to 5.5 mg/m^3 (with most 3.0 mg/m^3) were associated with the induction of altered ECG patterns and some deaths attributed to myocardial damage among certain antimony workers (Brieger, et al. 1954). Also, in parallel studies on animals, Brieger, et al. (1954), observed ECG alterations in rats and rabbits at antimony exposures of 3.1 to 5.6 mg/m^3, confirming that antimony, per se can specifically produce myocardial effects of the type observed with the occupational exposures. Unfortunately, for present purposes, however, no adequate data exist on oral exposures to antimony compounds which would support reasonable estimates regarding likely no-effect levels for the induction of myocardial effects via antimony ingestion. Nor is there sufficient information on relative absorption rates following oral or inhalation exposures to antimony to allow for extrapolation of likely dose-effect relationships for oral exposures from the limited inhalation exposure data. Consequently, it is presently impossible to recommend a water criterion level based on projected no-effect levels for myocardial damage.

In the absence of sufficient information to develop a criterion based on known antimony myocardial effects in humans, the most viable alternative is to focus on animal toxicology studies demonstrating antimony-induced effects on reproduction, development, and longevity. From the animal studies, those pertaining to prenatal reproductive effects, e.g., Belyaeva (1967) and Casals (1972), employed inhalation exposures or systemic injections of antimony componds, and their result cannot presently be extrapolated very well to project the likely impact of oral exposures. Similarly, the few human studies where effects on reproduction were reported (Belyaeva, 1965; Aiello, 1955) deal with inhalation exposures in occupational settings and cannot now be used to extrapolate likely oral exposure no-effect levels.

Turning to effects on postnatal development and longevity, a study by Gross, et al. (1955) presents evidence for growth retardation occurring when rats were chronically fed diets containing two percent antimony trioxide, but a no-effect level for growth retardation cannot be deduced from the results reported. The studies by Schroeder (Kanasawa and Schroeder, 1969; Schroeder, et al. 1970) containing data on antimony effects on growth and longevity, on the other hand, indicate that oral exposure to 5 ppm of antimony in drinking water had no effect on the rate of growth of either rats or mice. The 5 ppm exposure level, however, was effective in producing significant, although relatively slight reductions in lifespans for animals of both species and altered blood chemistries for exposed rats. It is, therefore, recommended that the 5 ppm exposure level producing such effects be taken as a "lowest observed effect level" (LOEL) in animals that likely approximates the "no-effect" level for antimony induced effects on growth and longevity. If one calculates acceptable daily intake for man using the value of 5 mg/l of antimony and the uncertainty factor of 100 in view of no presently available human epidemiological data regarding such effect would result in a recommended criterion of 145 μg/l.

$$\text{Dose/day} = \frac{5\ (\text{mg/l}) \times 25\ \text{ml/day/rat}}{0.3\ \text{kg/rat}}$$

$$= 416.67\ (\mu\text{g/kg/day})$$

$$\frac{416}{100} = 4{,}16 = 4.2\ (\mu\text{g, ADI})$$

$4.2 \times 70 = 294$ μg (ADI for 70 kg/man)
2 (X) + (Average fish intake) (F) (X) = Daily intake
2 (X) + (0.0187) (1.4.) (X) = 294
99% 1%
2.0262 (X) = 294
(X) = 145 ug/l
(criterion)
100 = uncertainty factor
2 = amount of water ingested, l/day
X = antimony concentration, mg/l
0.0187 = amount of fish/shellfish products consumed, kg/day

$$F = \frac{1.4\ \text{mg.sb/kg fish}}{\text{mg.sb/l of water}}$$

= Bioconcentration factor (BCF)

Drinking water contributes 99 percent of the assumed exposure while eating contaminated fish products accounts for one percent. The criterion level for antimony in ambient water can alternatively be expressed as 11 mg/l, if exposure is assumed to be from the consumption of fish and shellfish alone.

$X + 0.0187 \times 1.4 = 294$
$X = 0.0262 \times 294$
$X = 11.308$
$X = 11$ (mg/l)

Chlorinated Phenols

Criteria Summary

Freshwater Aquatic Life. For 4-chlorophenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 45 μg/l as a 24-hour average and the concentration should not exceed 180 μg/l at any time.

For 2,4,6-trichlorophenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 52 μg/l as a 24-hour average and the concentration should not exceed 150 μg/ l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for any chlorinated phenol 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 adverse effects of chlorinated phenols in water, the following criteria are recommended:

Monochlorophenols

3-chlorophenol—50 μg/l
4-chlorophenol—30 μg/l

Dichlorophenol

2,5-dichlorophenol—3.0 μg/l
2,6-dichlorophenol—3.0 μg/l

Trichlorophenol

2,4,5-trichlorophenol—10 μg/l
2,4,6,-trichlorophenol—100 μg/l

Tetrachlorophenol *

2,3,4,6-tetrachlorophenol—263 μg/l

Basis for the Criteria

Freshwater Aquatic Life. Flavor impairment studies with rainbow trout exposed to various chlorinated phenols showed tainting occurred from 23 μg/l to 84 μg/l and tainting will become the basis for criteria. Criteria can be calculated only for 4-chlorophenol and 2,4,6-trichlorophenol since those are the only two chlorinated phenols for which both acute toxicity data and tainting data exist. Tainting was not caused by 4-chlorophenol and 2,4,6-trichlorophenol at 45 μg/l and 52 μg/l, respectively, and these concentrations are the 24-hour average concentrations. The maximum concentrations of 4-chlorophenol and 2,4,6-trichlorophenol are the Final Acute Values of 180 and 150 μg/l respectively.

No freshwater criterion can be derived for other chlorinated phenols 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.

For 2,4,6-trichlorophenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 52 μg/l as a 24-hour average and the concentration should not exceed 150 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

4-chlorophenol

Final Fish Acute Value = 540 μg/l
Final Invertebrate Acute Value = 180 μg/l
Final Acute Value = 180 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 4,800 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 45 μg/l for tainting
0.44 × Final Acute Value = 79 μg/l

2,4,6,-trichlorophenol

Final Fish Acute Value = 150 μg/l
Final Invertebrate Acute Value = 240 μg/l
Final Acute Value = 150 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 5,900 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 52 μg/l for tainting
0.44 × Final Acute Value = 66 μg/l

4-chloro-3-methylphenol

Final Fish Acute Value = 5.4 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 5.4 μg/l
Final Fish Chronic Value = not available.
Final Invertebrate Chronic Value = not available
Final Plant Value = 95,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 95,000 μg/l
0.44 × Final Acute Value = 2.4 μg/l

4-chloro-2-methylphenol

Final Fish Acute Value = 330 μg/l
Final Invertebrate Acute Value = 12 μg/l
Final Acute Value = 12 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 93,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 93,000 μg/l
0.44 × Final Acute Value = 5.3 μg/l

2,4-dichloro-6-methylphenol

Final Fish Acute Value = 230 μg/l
Final Invertebrate Acute Value = 17 μg/l
Final Acute Value = 17 μg/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 = 7.5 μg/l

2,4,5-trichlorophenol

Final Fish Acute Value = 63 μg/l
Final Invertebrate Acute Value = 110 μg/l
Final Acute Value = 63 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 1,200 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 1,200 μg/l
0.44 × Final Acute Value = 28 μg/l

2,3,4,6-tetrachlorophenol

Final Fish Acute Value = 20 μg/l
Final Invertebrate Acute Value = 12 μg/l
Final Acute Value = 12 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 600 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 600 μg/l
0.44 × Final Acute Value = 5.3 μg/l

2,3,5,6-tetrachlorophenol

Final Fish Acute Value = 24 μg/l
Final Invertebrate Acute Value = 23 μg/l
Final Acute Value = 23 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 2,700 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 2,700 μg/l
0.44 × Final Acute Value = 10 μg/l

Saltwater Aquatic Life. Flavor impairment studies with aquatic organisms indicate that flavor impairment may be an especially important factor in determining water quality criteria for chlorophenols. Unfortunately, data necessary to establish a saltwater criterion based on tainting are unavailable.

For saltwater aquatic life, no criterion for any chlorinated phenol can be derived using the Guidelines, and there are insufficient data to establish a criterion using other procedures.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

4-chlorophenol

Final Fish Acute Value = 790 μg/l
Final Invertebrate Acute Value = 510 μg/l
Final Acute Value = 510 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 3,300 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 3,300 μg/l
0.44 × Final Acute Value = 220 μg/l

2,4,5-trichlorophenol

Final Fish Acute Value = 250 μg/l
Final Invertebrate Value = 66 μg/l
Final Acute Value = 66 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 890 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 890 μg/l
0.44 × Final Acute Value = 29 μg/l

2,3,5,6-tetrachlorophenol

Final Fish Acute Value = 280 μg/l
Final Invertebrate Acute Value = 380 μg/l
Final Acute Value = 280 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 440 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 440 μg/l
0.44 × Final Acute Value = 120 μg/l

*This criterion is based on toxicological effects; all other criterion are based on organoleptic effects.

2,4-dichloro-6-methylphenol

Final Fish Acute Value = not available
Final Invertebrate Acute Value = not available
Final Acute Value = not available
Final Fish Chronic Value = less than 27 µg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = less than 27 µg/l
0.44 × Final Acute Value = not available

Human Health. The chlorinated phenols which are the subject of this document are the monochlorophenols (3- and 4-chlorophenol); the dichlorophenols (2,5-; 2,6-; 2,3-; 4,6-; and 3,4-dichlorophenols) the trichlorophenols (2,4,5-; 3,4,5-; 2,4,6-; 2,3,4-; 2,3,5-; and 2,3,6-trichlorophenol) and the tetrachlorophenols (2,3,4,5-; 2,3,4,6-; and 2,3,5,6-tetrachlorophenols). In addition, the monochlorocresols are discussed.

Three chlorinated phenols have been the subject of separate criteria documents: 2-chlorophenol, 2,4-dichlorophenol and pentachlorophenol.

There are very little data on most of these compounds on chronic mammalian effects. However, the organoleptic effects of these compounds have been well documented (table 1).

There are toxicity data on 2,4,5-trichlorophenol.

McCollister, et al. (1961), in a 98 day feeding study on rats, demonstrated the No Observable Effect Level (NOEL) for 2,4,5-trichlorophenol to be 100 mg/kg. Using the National Academy of Sciences' recommended uncertainty factor of 1000 (Drinking Water and Health, 1977) the Acceptable Daily Intake (ADI) is calculated to be 0.1 mg/kg of body weight, or 7 mg for a 70 kg person.

For the sake of establishing water quality criteria, it is assumed that on the average a person ingests 2 liters of water and 18.7 grams of fish. Since fish may bioaccumulate substances, a bioconcentration factor (BCF) is used in the calculation. The BCF for 2,4,5-trichlorophenol is 130 and was derived by U.S. EPA ecological laboratories in Duluth, Minnesota.

The equation for calculating an acceptable amount of 2,4,5-trichlorophenol in water based on the ingestion of 2 liters of drinking water and 18.7 grams of fish is:

(2 l) × + (0.0187 × F) × =ADI

where

2 l=2 liters of drinking water
0.0187 kg=amount of fish consumed daily
F=bioconcentration factor (130 for 2,4,5-trichlorophenol)
ADI=Allowable Daily Intake (mg/day for a 70 kg person)
(2 l) × + (0.0187 × 130) × =7.0 mg
2 × + 2.43 × =7.0
4.43 × =7.0
× =1.6 mg/l

There are no toxicity data for tetrachorophenol, but because of the similarities between tetra- and pentachlorophenol and the lower acute toxicity of tetrachlorophenol, it is reasonable to set the water criterion on the basis of the more extensive toxicologic data base for pentachlorophenol.

The criterion is established as follows. The no observable effect level (NOEL) for pentachlorophenol is 3 mg/kg. Since the chlorophenols are rapidly excreted by mammals, an uncertainty factor of 100 is used to establish the acceptable human exposure of 0.03 mg/kg per day. A water intake of 2 l/day and an average body weight of 70 kg are assumed. The acceptable whole body exposure is then 70 kg times 0.03 mg/kg/day which equals 2.1 mg/day.

Assuming that the total exposure is from ingesting 2 liters of drinking water and 18.7 grams of fish, the following calculation has been established:

(2 l) × + (0.0187 × BCF)=ADI

where

2 l=amount of drinking water consumed
0.0187 hg=amount of fish consumed
BCF=bioconcentration factor (320 for tetrachlorophenol)
ADI=Acceptable Daily Intake (2.1 mg)

In tetrachlorophenol, which is based on the use of chronic toxicologic data and an uncertainty factor of 100, the recommended criterion level is 263 µg/l. Drinking water contributes 25 percent of the assumed exposure while eating contaminated fish products accounts for 75 percent. The criterion level can alternatively be expressed as 351 if exposure is assumed to be from the consumption of fish and shellfish products alone.

The organoleptic properties of the chlorinated phenols are well known. These compounds have been reported to impart a medicinal-like odor and taste to water and to the flesh of aquatic organisms raised in contaminated water. Summaries of the reported taste/odor threshold levels of various chlorophenols in water or in aquatic organisms are presented in Table 1 and Table 2, respectively.

Water quality criteria for 2-chlorophenol and 2,4-dichlorophenol based on organoleptic effects were published in FR 15946, 1979. These criteria of 0.3 µg/l and 0.5 µg/l, respectively, were derived from the data reported by Hoak (1957) and are based on the odor threshold of these compounds in water.

The criteria for various other mono-, di-, and trichlorophenols have been derived and are based on the lower of the odor threshold in water or the trainting threshold in aquatic organisms (see Table 3).

Since the criterion derived for tetrachlorophenol based on its toxic effects is lower than that derived as a result of its organoleptic properties, the former criterion is recommended.

There are no available data on monochlorocresols upon which to base a criterion.

Table 1.—*Comparison of Odor Thresholds for Chlorophenols in Water*

	Threshold-ppb (µg/l)	Reference[a]
2-chlorophenol	0.33 ppb –30°	2
	2 ppb –25°	3
	6 ppb –NS[b]	4
3-chlorophenol	200 ppb –30°C	2
4-chlorophenol	33 ppb –30°C	2
	250 ppb –25°C	3
	900–1350 ppb	4
2,4-dichlorophenol	0.65 ppb –30°C	2
	2 ppb –25°C	3
2,5-dichlorophenol	3.3 ppb –30°C	2
2,6-dichlorophenol	3 ppb –25°C	3
2,4,5-trichlorophenol	11 ppb –25°C	2
2,4,6-trichlorophenol	100 ppb –30°C	2
	1000 ppb –25°C	3
2,3,4,6-tetrachlorophenol	915 ppb –30°C	2

[a] 2—Hoak, 1957; 3—Burttschell, et al., 1959; 4—Campbell, et al., 1956.
[b] NS—temperature not specified.

Table 2.—*Summary of Threshold Concentrations of Chlorinated Phenols in Water That Cause Tainting of the Flesh of Aquatic Organisms*

Compound	Threshold (µg/l)	Reference[a]
2-chlorophenol	16.0	1
	15.0	2
3-chlorophenol	60.0	1
4-chlorophenol	60.0	1
	50.0	2
2,4-dichlorophenol	5.0	2
	10.0	3

[a] 1—Schulze, E., 1961; 2—Teal, J. L., 1959; 3—Chumway, D. L., 1966.

Table 3.—*Recommended Water Quality Criteria*

Compound	Criterion from organoleptic effects	Criterion from toxicological data
Monochlorophenols		
3-chlorophenol	50 µg/l	none
4-chlorophenol	30 µg/l	none
Dichlorophenols		
2,5-dichlorophenol	3.0 µg/l	none
2,6-dichlorophenol	3.0 µg/l	none
Trichlorophenols		
2,4,5-trichlorophenol	10 µg/l	1000 µg/l
2,4,6—trichlorophenol	100 µg/l	
Tetrachlorophenol*		
2,3,4,6-tetrachlorophenyl	900 µg/l	263 µg/l

*The criterion will be based on toxicological effects

Copper

Criteria Summary

Freshwater Aquatic Life. For copper the criterion to protect freshwater aquatic life as derived using the Guidelines is "$e^{(0.65 \ln (\text{hardness}) - 1.94)}$" as a 24-hour average and the concentration should not exceed "$e^{(0.88 \ln (\text{hardness}) - 1.03)}$" at any time.

Saltwater Aquatic Life. For copper the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.79 μg/l as a 24-hour average and the concentration should not exceed 18 μg/l at any time.

Human Health. For copper the criterion to protect human health is 1 mg/l.

Freshwater Aquatic Life. The maximum concentration of copper is the Final Acute Value of $e^{(0.88 \cdot \ln (\text{hardness}) - 1.03)}$ and the 24-hour average concentration is the Final Chronic Value of $e^{(0.65 \cdot \ln (\text{hardness}) - 1.94)}$. 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. All concentrations herein are expressed in terms of copper.

Final Fish Acute Value = $e^{(0.72 \cdot \ln (\text{hardness}) + 0.83)}$
Final Invertebrate Acute Value = $e^{(0.88 \cdot \ln \text{hardness}) - 1.03}$
Final Acute Value = $e^{(0.88 \cdot \ln (\text{hardness}) - 1.03)}$
Final Fish Chronic Value = $e^{(0.65 \cdot \ln (\text{hardness}) - 1.94)}$
Final Invetebrate Chronic Value = $e^{(0.65 \cdot \ln (\text{hardness}) - 1.42)}$
Final Plant Value = 1 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = $e^{(0.65 \cdot \ln (\text{hardness}) - 1.94)}$

Saltwater Aquatic Life. The maximum concentration of copper is the Final Acute Value of 1.8 μg/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 herein are expressed in terms of copper.

Final Fish Acute Value = 19 μg/l
Final Invertebrate Acute Value = 1.8 μg/l
Final Acute Value = 1.8 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = 11 μg/l
Final Plant Value = 5.0 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 5.0 μg/l
0.44 × Final Acute Value = 0.79 μg/l

Human Health. Copper is an essential dietary element for humans and animals. A level of 2 mg per day will maintain adults in balance and has been considered adequate, although because of interactions with other dietary constituents which limit absorption and utilization, a requirement level must be considered in conjunction with such constituents as zinc, iron, fiber, and ascorbic acid. The minimum level meeting requirements for copper intake in intravenous feeding was 22 μg copper/kg body weight.

The short biological half life of copper and the homeostasis that exists in humans prevents copper from accumulating, even with dietary intakes considerably in excess of 2 mg per day. In the opinion of many investigators, there is much more likelihood of a copper deficiency occurring than of a toxicity developing with current dietary and environmental situations.

Although acute and chronic levels of intake may occur, there are no good data which define these levels. It has been suggested that chronic intakes of 15 mg of copper per day may produce observable effects, but if zinc and iron intakes are also increased, much higher levels may be consumed without adverse reactions. The data for acute toxicity are even more uncertain, since practically all human information stems from cases of attempted suicide.

The available literature leads to the conclusion that copper does not produce teratogenic, mutagenic, or carcinogenic effects. The limited information available indicates that where such action has occurred, e.g., with mixtures of copper sulfate and lime, arsenic, or enediols, the copper should be considered as interacting with the other materials and not as the active material.

The current drinking water standard of 1 mg/l is considered to be well below any minimum hazard level, even for special groups at risk such as very young children, and therefore it is recommended that this standard be maintained.

Cyanide

Criteria Summary

Freshwater Aquatic Life. For free cyanide (expressed as CN) the criterion to protect freshwater aquatic life as derived using the Guidelines is 1.4 μg/l as a 24-hour average and the concentration should not exceed 38 μg/l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for free cyanide can be derived using the Guidelines, and there are insufficient data to estimate a cirterion using other procedures.

Human Health. For cyanide, the criterion to protect human health from the toxic properties of cyanide ingested through water and through contaminated aquatic organisms is 0.2 mg CN^-/l.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of free cyanide is the Final Acute Value of 38 μg/l and the 24-hour concentration is the Final Chronic Value of 1.4 μg/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 free cyanide (expressed as CN) the criterion to protect freshwater aquatic life as derived using the Guidelines is 1.4 μg/l as a 24-hour average and the concentration should not exceed 38 μg/l at any time.

Summary of Available Data. All concentrations herein are for free cyanide expressed as CN. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 38 μg/l
Final Invertebrate Acute Value = 60 μg/l
Final Acute Value = 38 μg/l
Final Fish Chronic Value = 1.4 μg/l
Final Invertebrate Chronic Value = 4.9 μg/l
Final Plant Value = 7,790 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 1.4 μg/l
0.44 × Final Acute Value = 17 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for free cyanide 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. All values are for free cyanide expressed as CN. 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 = 3,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 3,000 μg/l
0.44 × Final Acute Value = not available

Table 1.—*Basis and Derivation of Cyanide Criterion*

Exposure levels [a]	Route	Species	Calculated daily exposure	Margin of safety [d]	Investigator
9.2 mg/m³	Inhalation	Man	60.8 mg [b]	152	El Ghawabi, et. al. 1975.[1]
2.5 mg/m³	Inhalation	Man	16.5 mg [b]	41	DHEW, PHS, 1976.[3]
12 mg/kg	Oral	Rat	840 mg [c]	20.8	Howard and Hanzal, 1955.[2]

[a] NOAEL.
[b] Based on 100% retention and on alveolar exchange of 6.6m³ for 8 hours.
[c] Rat data converted to human equivalent assuming food consumption of 60 g/kg for rats and 70 kg human.
[d] Daily exposure compared with 0.4 mg/day exposure from the consumption of 2 l water containing 0.2 mg/l.
[1] El Ghawabi, S. H., et al. 1975. Chronic cyanide exposure: a clincial, radioisotope, and laboratory study. Br. J. Ind. Med. 32:215.
[2] Howard, J. W., and R. F. Hanzal. 1955. Chronic toxicity for rats of food treated with hydrogen cyanide. J. Agr. Food Chem. 3:325.
[3] DHEW, PHS, 1976. Center for Disease Control, National Institute for Occupational Safety and Health, NIOSH Criteria for Recommended Standard Occupational Exposure to Hydrogen Cyanide and Cyanide Salts (NaCN, KCN, and $Ca(CN)_2$). DHEW, NIOSH Publ. No. 77-108. U.S. Government Printing Office, Washington, D.C.

Human Health. As shown in Table 1, the criterion of 0.2 mg CN^-/l allows for safety factors ranging from 41 to 2100. El Ghawabi, et al. (1975)[1] studied the effects of chronic cyanide exposure in the electroplating sections of three Egyptian factories. A total of 36 male employees with exposures up to 15 years were studied and compared with a control group of 20 normal, non-smoking males. Only minimal differences with respect to thyroid gland size and function were found. The El Ghawabi study was given considerable weight in formulating the NIOSH [3] recommendations for occupational exposure which gives a safety factor of 41 when applied to drinking water by the usual extrapolations (Table 1). Finally, a safety factor of 2,100 is obtained using the results of a two year chronic feeding study in rats. When fed at the rate of 12 mg/kg per day over the equivalent of a lifetime, these rats showed no overt signs of cyanide poisoning, and hematological values were normal. Gross and microscopic examinations of tissues revealed no abnormalities. The only abnormality found was an elevation of thiocyanate levels in the liver and kidneys. Consequently the ADI for man is derived by taking the no observable adverse effect level in mammals (12 mg/kg/day) multiplied by the weight of the average man (70 kg) and dividing by a safety factor of 100. Thus;

$ADI = 12\ mg/kg/day \times 70\ kg \div 100 = 8.4\ mg/day.$

The equation for calculating the criterion for the cyanide content of water given an Acceptable Daily Intake is

$2X + [(0.0187)(F)(X)] = ADI$

Where

2 = amount of drinking water, l/day
X = cyanide concentration in water, mg/l
0.0187 = amount of fish consumed, kg/day
F = bioconcentration factor, mg cyanide/kg fish per mg cyanide/l water
ADI = limit on daily exposure for a 70 kg person = 8.4 mg/day

$2X + (0.0187)(2.3)X = 8.4$
$X = 4.16\ mg/l$

Thus, the current and recommended criteria (0.2 mg/l) has a margin of safety of 20.8 (4.16 ÷ 0.2).

No new additional evidence was encountered to suggest that the 1962 PHS Drinking Water Standard for cyanide should be lowered. The concentration of 0.2 mg/l or less is easily achieved by proper treatment and concentrations in excess of that amount have been encountered only on rare occasions in U.S. water supplies. The experience since 1962 suggests that 0.2 mg CN^-/l is a safe criterion not only for man but for most species of fish as well. Although cyanide has been implicated in fish kills, these represent isolated, accidental and localized cases of pollution where the cyanide concentrations must have been greatly in excess of the P.H.S. limit.

Cyanide is unlikely to become a widespread environmental pollutant because of its low degree of persistence in the biosphere. It is not accumulated or stored in mammals and there is no evidence for its biomagnification in food chains. Well controlled attempts to show cumulative toxic effects have not been successful. No data exist to suggest that cyanide produces such irreversible effects as mutagenesis, teratogenesis or cancer.

3,3'-Dichlorobenzidine (DCB)

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for any dichlorobenzidine 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 any dichlorobenzidine 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 dichlorobenzidine through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of toxaphene 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 0.1 μg/l, 0.01 μg/l and 0.001 μg/l respectively.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for dichlorobenzidine 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 dichlorobenzidine 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. The water quality criterion for DCB is based on the induction of papillary transitional cell carcinomas of the urinary bladder and hepatic carcinomas in female beagle dogs, given an oral dose of 100 mg 3,3'-dichlorobenzidine, three times per week for six weeks, then five times per week continuously for up to 7.1 years (Stula, et al. 1978).[1] Dose-response data for dogs were selected because dogs developed urinary bladder tumors, as do humans, when exposed to certain aromatic amines. The concentration of DCB in water, calculated to keep the lifetime cancer risk below 10^{-5}, is 0.10 μg/l.

Under the Consent Decree in *NRDC vs. Train*, criteria are to state "recommended maximum permissible concentrations (including where

[3] DHEW, PHS. 1976. Center for Disease Control, National Institute for Occupational Safety and Health, NIOSH Criteria for Recommended Standard Occupational Exposure to Hydrogen Cyanide and Cyanide Salts (NaCN, KCN and $Ca(CN)_2$), DHEW, NIOSH Publ. No. 77-108, U.S. Gov. Printing Office, Washington, D.C.

[1] Stula, E. F., J. R. Barnes, H. Sherman, C. F. Reinhardt, J. A. Zapp, Jr. 1978. J. Environmental Pathology and Toxicology, 1: 475-490.

appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." DCB is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of DCB 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 DCB 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	Risk levels and corresponding criteria[1]			
	0	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2].	0	0.001 µg/l	0.01 µg/l	0.1 µg/l
Consumption of fish, shellfish only	0	0.002 µg/l	0.02 µg/l	0.2 µg/l

[1]Calculated by applying a modified "one hit" extrapolation model described in the FR 15926, 1979. Since the extrapolation model is linear to 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]Forty-eight percent of DCB exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 100 fold. The remaining 52 percent of DCB exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of DCB, (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding DCB concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding DCB concentrations.

Although total exposure information for DCB is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data. The water quality criterion for DCB is based on the induction of papillary transitional cell carcinomas of the urinary bladder and hepatic carcinomas in female beagle dogs, given an oral dose of 100 mg DCB, three times per week for six weeks, then five times per week continuously for periods up to 7.1 years (Stula, et al. 1978).[1] The incidence of urinary bladder carcinomas observed in DCB-treated dogs was 5/5 as compared to 0/6 in the control group. The incidences of hepatic carcinomas were 4/5 and 0/6 in DCB-treated and control groups, respectively. The criterion was calculated from the following parameters.

$n_{tu} = 4.5^*$ (urinary bladder carcinomas)
$N_{tu} = 5$
$n_{th} = 4$ (hepatic carcinoma)
$N_{th} = 5$
$n_c = 0$
$N_c = 6$
Le = 7.1 yrs.
le = 7.1 yrs.
L = 8.65 yrs.
d (timeweighted average concentration) = 7.36 mg/kg/day
F = 0.0187 kg
R = 100
W = 11.391 kg

Based on these parameters, the one-hit slope (B_H) is 1.036 $(mg/kg/day)^{-1}$ for urinary bladder carcinomas and 0.724 $(mg/kg/day)^{-1}$ for hepatic carcinomas. The resulting water concentration for DCB, calculated to keep the individual lifetime cancer risk below 10^{-5}, is 0.10 micrograms per liter.

Dichloropropanes/Dichloropropenes

Criteria Summary

Freshwater Aquatic Life. For 1,1-dichloropropane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 410 µg/l as a 24-hour average and the concentration should not exceed 930 µg/l at any time.

For 1,2-dichloropropane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 920 µg/l as a 24-hour average and the concentration should not exceed 2,100 µg/l at any time.

For 1,3-dichloropropane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 4,800 µg/l as a 24-hour average and the concentration should not exceed 11,000 µg/l at any time.

For 1,3-dichloropropene the criterion to protect freshwater aquatic life as derived using the Guidelines is 18 µg/l as a 24-hour average and the concentration should not exceed 250 µg/ l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for 1,1-dichloropropane can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For 1,2-dichloropropane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 400 µg/l as a 24-hour average and the concentration should not exceed 910 µg/l at any time.

For 1,3-dichloropropane the criterion to protect saltwater aquatic life as derived using the Guidelines is 79 µg/l as a 24-hour average and the concentration should not exceed 180 µg/ l at any time.

For 1,3-dichloropropene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 5.5 µg/l as a 24-hour average and the concentration should not exceed 14 µg/l at any time.

Human Health. For the protection of human health from the adverse effects of dichloropropanes and dichloropropenes ingested through the consumption of contaminated fish and water, the following criteria are suggested:

Dichloropropanes—200 µg/l
Dichloropropenes—0.63 µg/l

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any dichloropropane using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, data for 1,3-dichloropropane and saltwater

*This underestimate of the true number, based on Burkson's correction factor, was chosen in order to obtain a finite mathematical estimate.

organisms can be used as the basis for estimating criteria.

For 1,3-dichloropropane and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from a life cycle test with the mysid shrimp. Therefore, a reasonable estimate of criteria for dichloropropanes and freshwater organisms would be 0.44 times the Final Acute Value. The lack of a Final Fish Acute Value for 1,3-dichloropropane and freshwater fish is probably not important since the Final Fish Acute Value is greater than the Final Invertebrate Acute Value for all three cases with freshwater and saltwater organisms in which both values are available.

1,1-dichloropropane

The maximum concentration of 1,1-dichloropropane is the Final Acute Value of 930 μg/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 estimated 24-hour average concentration.

For 1,1-dichloropropane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 410 μg/l as a 24-hour average and the concentration should not exceed 930 μg/l at any time.

1,2-dichloropropane

The maximum concentration of 1,2-dichloropropane is the Final Acute Value of 2,100 μg/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 estimated 24-hour average concentration.

For 1,2-dichloropropane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 920 μg/l as a 24-hour average and the concentration should not exceed 2,100 μg/l at any time.

1,3-dichloropropane

The maximum concentration of 1,3-dichloropropane is the Final Acute Value of 11,000 μg/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 estimated 24-hour average concentration.

For 1,3-dichloropropane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 4,800 μg/l as a 24-hour average and the concentration should not exceed 11,000 μg/l at any time.

1,3-dichloropropene

The maximum concentration of 1,3-dichloropropene is the Final Acute Value of 250 μg/l and the 24-hour average concentration is the Final Chronic Value of 18 μg/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 1,3-dichloropropene the criterion to protect freshwater aquatic life as derived using the Guidelines is 18 μg/l as a 24-hour average and the concentration should not exceed 250 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

1,1-dichloropropane

Final Fish Acute Value = 14,000 μg/l
Final Invertebrate Acute Value = 930 μg/l
Final Acute Value = 930 μg/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 = 410 μg/l

1,2-dichloropropane

Final Fish Acute Value = 42,000 μg/l
Final Invertebrate Acute Value = 2,100 μg/l
Final Acute Value = 2,100 μg/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 = 920 μg/l

1,3-dichloropropane

Final Fish Acute Value = not available
Final Invertebrate Acute Value = 11,000 μg/l
Final Acute Value = 11,000 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 48,000 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 48,000 μg/l
0.44 × Final Acute Value = 4,800 μg/l

1,3-dichloropropene

Final Fish Acute Value = 850 μg/l
Final Invertebrate Acute Value = 250 μg/l
Final Acute Value = 250 μg/l
Final Fish Chronic Value = 18 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 5,000 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 18 μg/l
0.44 × Final Acute Value = 110 μg/l

Saltwater Aquatic Life. The maximum concentration of 1,3-dichloropropane is the Final Acute Value of 180 μg/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 1,3-dichloropropane and saltwater organisms the Final Invertebrate Acute Value divided by the Final Fish Acute Value is 180 μg/l/13,000 μg/l = 0.014. The comparable quotient for 1,2-dichloropropane and freshwater organisms is 2,100 μg/l/57,000 μg/ l=0.037. The average quotient is 0.026. Multiplying this value times the Final Acute Value for 1,2-dichloropropane and saltwater fish results in an estimated Final Invertebrate Acute Value of 0.026 × 35,000 μg/l = 910 μg/l. Thus the estimated Final Acute Value for 1,2-dichloropropane is 910 μg/l. Multiplying this Final Acute Value by 0.44 gives 400 μg/l.

For 1,3-dichloropropane and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from a life cycle test with the mysid shrimp. Therefore, a reasonable estimate of a criterion for 1,2-dichloropropane and saltwater organisms would be 0.44 times the Final Acute Value.

The maximum estimated concentration of 1,2–dichloropropane is the Final Acute Value of 910 μg/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 estimated 24-hour average concentration.

For 1,3-dichloropropene and freshwater fish the Final Chronic Value divided by the Final Acute Value is 18 μg/l/850 μg/l = 0.021. Multiplying this value times the Final Acute Value for 1,3-dichloropropene and saltwater fish results in an estimated Final Fish Chronic Value of 0.021 × 260 μg/l = 5.5 μg/l. Thus the estimated Final Chronic Value is 5.5 μg/l and is slightly lower than 0.44 times the Final Acute Value.

The maximum concentration of 1,3-dichloropropene is the Final Acute Value of 14 μg/l and the estimated 24-hour average concentration is the Final Chronic Value of 5.5 μg/l. No important adverse effects on saltwater aquatic organisms have been reported to be

caused by concentrations lower than the estimated 24-hour average concentrations.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

1,2-dichloropropane

Final Fish Acute Value = 35,000 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 35,000 μg/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 = 15,000 μg/l

1,3-dichloropropane

Final Fish Acute Value = 13,000 μg/l
Final Invertebrate Acute Value = 180 μg/l
Final Acute Value = 180 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = 600 μg/l
Final Plant Value = 66,000 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 600 μg/l
0.44 × Final Acute Value = 79 μg/l

1,3-dichloropropene

Final Fish Acute Value = 260 μg/l
Final Invertebrate Acute Value = 14 μg/l
Final Acute Value = 14 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 1,000 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 1,000 μg/l
0.44 × Final Acute Value = 6.2 μg/l

Human Health. The Ostwald coefficient () is defined as the ratio of the concentration of a gas in a liquid to the concentration of the gas in an equivalent volume of gas above that liquid. By definition, the Ostwald coefficient of a gas and water at any particular temperature could be expressed:

$$= \frac{\text{water solubility (g/l/)}}{\text{conc. or vapor (g/l) at a partial pressure equal to vapor pressure}}$$

In the criteria formulation, the Ostwald coefficient for water is used as that for blood. A review of data on volatile anesthetic agents indicated this approach was acceptable. The applicability of this procedure can be used to estimate X_b.

The determined blood concentrations of PDC in rabbits and dogs after a seven-hour exposure period are from exposure data, blood levels that are calculated based on the Ostwald coefficient determined here (see below), and a hematocrit of 0.50. The data are as follows:

Animal	Exposure conc. (mg/l)	Blood conc. found (mg/l)	Blood conc. calculated (mg/l)
Rabbits	10.3	15–29	26.6
Rabbits	6.0	6–11	16.7
Dogs	4.7	13–16	13.0

Dichloropropane

It was determined that vapor pressure P (20° C) = 40 mm Hg and P (38° C) = 90 mm Hg. Unfortunately the only solubility data available was that for 20° C. However, data available on trichloroethylene and chloroform indicated that

$$\frac{P_{37^\circ}}{P_{20}} = 0.512$$

A similar relationship was found for ether. This factor was utilized for PDC:

Solubility in water = 2.7 g/l

Concentration in air = $n/v = \frac{P}{RT} = \frac{40}{62 \times 293}$ =

0.0022 mole/l = 0.25 g/l

$20^\circ = \frac{2.7}{0.25} = 10.8$

$38^\circ = 10.8 \times 0.512 = 5.5$

Dichloropropene

A valid vapor pressure value for DCP could not be identified as such.

Therefore, the vapor in air density of DCP (cis and trans) of 1.4 at 37.8° C is used. Vapor air density (D) can be expressed as:

$$D = \frac{Pd}{P'} + \frac{P'-P}{P'}$$

where P = vapor pressure (at 37.8°)
P' = ambient pressure (760 mm Hg)
d = vapor density (3.8 for DCP)

Therefore

$$P = \frac{P'D-P}{d-1} = 109 \text{ mm Hg}$$

This is a feasible relationship to the vapor pressure of 90 mm Hg at 38° C reported for PDC. An assumption of parallelism for plots of log vapor pressure vs. 1/T for PDC and DCP is reasonable. Thus the vapor pressure of DCP at 20° C can be assumed to be 59 mm Hg. This conversion is necessary since the only available solubility data for DCP is at 20°.

Thus

$$n/v = \frac{P}{RT} = \frac{59}{62 \times 293} = 0.0032 \text{ moles/l}$$
$$= 0.36 \text{ g/l}$$

solubility of DCP in water at 20° = 1.0 g/l

$$20^\circ = \frac{1.0 \text{ g/l}}{0.36 \text{ g/l}} = 2.8$$

$$38^\circ = 2.8 \times 0.512 = 1.4$$

D–D [R], in one study was found to have a vapor pressure of 35 mm Hg at 20°; in another it was found to have a vapor pressure of 31.3 mm Hg at 20° C.

If these values are accurate, then the mixture of PDC and DCP can be assumed to be a negative deviation from Raoult's law. Measurements of partial pressure of binary solutions show that most of them can be classified as deviating from Raoult's law, either positively or negatively. The implication of this behavior of mixtures of PDC and

DCP has been discussed in this document as regards the interpretation of mutagenicity data.

The derivation of k is the most speculative portion of the model. From the data presented earlier, it can be assumed that the rat excretes 80 percent of a dose in 24 hours. It is likely, however, that PDC and DCP fit a two compartment pharmacokinetic model, at the least. Only the first (water) compartment in the rat can be reasonably estimated from the data available. Based on differences in glomerular filtration rate/weight relationships between rat and man, the k of a rat was reduced from 0.80×24 hr^{-1} to 0.25×24 hr^{-1}. This is a moderate estimate which should also allow for known higher rates of biotransformation in the rat when compared to man.

The volume of distribution (V_D) of the compounds was assumed to be in a total body water plus fat:

Thus

$V_D = V_{TBW} + (V_F \times w/F)$

where

V_{TBW} = volume of total body water (36L in 70 kg man)

V_F = volume of fat (10 l in 70 kg man)

$w/F = o/w$ = blood/water partition coefficient (taken as octanol/water partition coefficient).

A major consideration is the time necessary for the blood to reach equilibrium with the fat. Because this process is slow, the possibility exists for significant elevation of X_b, if V_D as calculated above is used.

To account for this, it was recognized that the NOAEL inhalation exposures were based on seven to eight hours of exposure. Consequently, a safety factor was incorporated in the V_D calculation such that the lipid space was corrected to include only that apparent fat volume which would be filled during 8 hours to exposure.

Thus

$V^D = V_{TBW} + (V_F \times o/w \times F_{sh})$

where

F_{sh} = fraction of final equilibrium level of substance fat after 8 hours.

$F_{sh} = 1 - e^{-kt}$

$1n\ (1-F) = -kt$

where

k =

plasma flow rate per minute in fat (0.11)

V_F O/W

t = 480 minutes

Dichloropropane

$o/w = 105$

$F_{sh} = 0.05$

$V_D = 36 + (10 \times 105 \times 0.05) = 89$

Dichloropropene

$o/w = 43$

$F_{sh} = 0.11$

$V_D = 36 + (10 \times 43 \times 0.11) = 83$

Criteria

As stated above:

$$ADI = \frac{\text{Ingestion NOAEL}}{\text{Uncertainty factor}}$$

The uncertainty factor for both PDC and DCP was taken as 100 based on the fact that the inhalation data utilized appears highly reliable and conversions to ingestion NOAEL have built in underestimation factors.

Finally:

$$CR = \frac{ADI}{2 + (BCF \times 0.0187)}$$

where

CR = water quality criterion

2 = liters of water consumed per day

BCF = bioconcentration faction in edible portion fish (obtained from USEPA Duluth Laboratory)

0.0187 = estimated consumption (kg) by an individual daily

Dichloropropane

The inhalation NOAEL for PDC is 75 ppm (350 mg/m^3) which is the ACGIH TLV

$\lambda = 5.5$

$X_a = 0.35$ mg/l

$X_b = 5.5 \times 0.35 = 1.9$ mg/l

$V_D = 89$ l

$k = 0.25 \times 24\ hr^{-1}$

$$ADI = \frac{0.25 \times 1.9 \times 89}{100} = 420\ \mu g/day$$

$BCF = 5.8$

$$CR = \frac{420}{2 + (5.8 \times 0.0187)} = 200\ \mu g/l$$

Dichloropropene

The inhalation NOAEL for DCP is 1 ppm (4.5 mg/m^3) which is that recommended by Torkelson and Oyen (1977).[1]

$\lambda = 1.4$

$X_a = 4.5$

$X_b = 1.4 \times 4.5 = 6.3\ \mu g/l$

$V^D = 83$

$k = 0.25 \times 24\ hr^{-1}$

$$ADI = \frac{0.25 \times 6.3 \times 83}{100} = 1.3\ \mu g/day$$

$BCF = 2.9$

$$CR = \frac{1.3\ \mu g}{2 + (2.9 \times 0.0187)} = 0.63\ \mu g/l$$

In summary, based upon the use of an inhalation no-observed-adverse-effect-level in rats (DCP), and an uncertainty factor of 100, the criterion level corresponding to the estimated acceptable daily intake of 1.3 µg/day for DCP and 420 µg/day for PDC is .6 µg/l and 200 µg/l, respectively. Drinking water accounts for 95 percent of the assumed exposure for PDC and 98 percent for DCP. The criterion level can alternatively be expressed as 3.9 mg/l for PDC and 24 µg/l for DCP if exposure is assumed to be from the consumption of fish and shellfish products alone.

These criterion formulations assure that 100% of man's exposure is assigned to the ambient water pathway as information on other likely exposure situations is unavailable.

Dinitrotoluenes

Criteria Summary

Freshwater Aquatic Life. For 2,3-dinitrotoluene the criterion to protect freshwater aquatic life as derived using the Guidelines is 12 µg/l as a 24-hour average and the concentration should not exceed 27 µg/l at any time.

For 2,4-dinitrotoluene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 620 µg/l as a 24-hour average and the concentration should not exceed 1,400 µg/l at any time.

Saltwater Aquatic Life. For 2,3-dinitrotoluene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 4.4 µg/l as a 24-hour average and the concentration should not exceed 10 µg/l at any time.

For saltwater aquatic life, no criterion for 2,4-dinitrotoluene 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 2,4-dinitrotoluene through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of 2,4-dinitrotoluene 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 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 740 ng/l, 74.0 ng/l, and 7.4 ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life—2,3-dinitrotoluene. The maximum concentration of 2,3-dinitrotoluene is the Final Acute Value of 27 µg/l and the 24-hour average concentration is 0.44 times

[1] Torkelson, R. R., and F. Oyen. 1977. The toxicity of 1,3-dichloropropene as determined by repeated exposure of laboratory animals. Jour. Am. Ind. Hyg. Assoc. 38: 217.

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 2,3-dinitrotoluene the criterion to protect freshwater aquatic life as derived using the Guidelines is 12 μg/l as a 24-hour average and the concentration should not exceed 27 μg/l at any time.

2, 4-dinitrotoluene. Results obtained with 2,3-dinitrotoluene and freshwater organisms indicate how a criterion may be estimated for 2,4-dinitrotoluene and freshwater organisms.

For 2,3-dinitrotoluene and freshwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value based on an embryo-larval test with the fathead minnow. Therefore, a reasonable estimate of a criterion for 2,4-dinitrotoluene and freshwater organisms would be 0.44 times the Final Acute Value.

The maximum concentration of 2,4-dinitrotoluene is the Final Acute Value of 1,400 μg/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 2,4-dinitrotoluene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 620 μg/l as a 24-hour average and the concentration should not exceed 1,400 μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

2,3-dinitrotoluene

Final Fish Acute Value=46 μg/l
Final Invertebrate Acute Value=27 μg/l
Final Acute Value=27 μg/l
Final Fish Chronic Value=17 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 1,400 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 17 μg/l
0.44 x Final Acute Value = 12 μg/l

2,4-dinitrotoluene

Final Fish Acute Value = 4,300 μg/l
Final Invertebrate Acute Value = 1,400 μg/l
Final Acute Value = 1,400 μg/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 = 620 μg/l

Saltwater Aquatic Life

Results obtained with 2,3-dinitrotoluene and freshwater organisms indicate how a criterion may be estimated for 2,4-dinitroluene and saltwater organisms.

For 2,3-dinitrotoluene and freshwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value based on an embryo-larval test with the fathead minnow. Therefore, a reasonable estimate of the criterion for 2,3-dinitrotoluene and saltwater organisms would be 0.44 times the Final Acute Value.

The maximum concentration of 2,3-dinitrotoluene is the Final Acute Value of 10 μg/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 2,3-dinitrotoluene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 4.4 μg/l as a 24-hour average and the concentration should not exceed 10 μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

2,3-dinitrotoluene

Final Fish Acute Value = 340 μg/l
Final Invertebrate Acute Value = 10 μg/l
Final Acute Value = 10 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 370 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 370 μg/l
0.44 x Final Acute Value = 4.4 μg/l

Human Health. The data from the bioassay of 2,4-DNT for possible carcinogenicity obtained by the National Cancer Institute (NCI, 1978 [1] and Lee, et al. 1978 [2]) were used for the determination of a water quality criterion for the protection of human health. The criterion was developed from the animal carcinogenicity data utilizing a linear non-threshold model.

The rat carcinogenicity studies with dietary administration of 2,4-DNT showed increased incidences of fibroadenomas of the subcutaneous tissue and inanition in male rats and fibroadenomas of the mammary gland and inanition in female rats.

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." 2,4-DNT is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of 2,4-DNT 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 2,4-DNT 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] NCI. 1978. Bioassay of 2,4-dinitrotoluene for possible carcinogenicity. National Cancer Institute Carcinogenesis Technical Report Series No. 54. U.S.D.H.E.W. (NIH) Pub. No. 78-1360. U.S. Government Printing Office, Washington, D.C.

[2] Lee, C. C., et al. 1978. Mammalian toxicity of munition compounds. Phase III: Effects of life-time exposure. Part I: 2,4-Dinitrotoluene. U.S. Army Medical Research and Development Command Contract No. DAMD-17-74-C-4073. Report No. 7, September, 1978.

Exposure assumptions (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water and consumption of 18.7 grams fish and shellfish. [2]		7.4 ng/l	74.0 ng/l	740 ng/l
Consumption of fish and shellfish only		.156 μg/l	1.56 μg/l	15.6 μg/l

[1] Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Appendix I and in Table 9. 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 five percent of the DNT exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 5.5 fold. The remaining 95 percent of DNT exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of DNT, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding DNT concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding DNT 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. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

The water quality criterion for 2,4-dinitrotoluene is derived from the oncogenic effects observed in the mammary gland and liver of female Charles River CD rats fed 200 ppm in the diet. The time-weighted average dose of 45 mg/kg/day was given in the feed for 24 months, with the surviving animals sacrificed one month later. The mammary tumor incidence was 11/23 and 33/35 in the control and treated groups, respectively. The incidence of hepatocellular carcinomas and neoplastic nodules was 0/23 and 24/34 in the control and treated groups, respectively. Assuming a fish bioconcentration factor of 5.5, the criterion is calculated from the following parameters:

^{a}t mammary = 33
^{N}t mammary = 35
^{a}c mammary = 11
^{N}c mammary = 23
^{a}t liver = 24
^{N}t liver = 34
^{a}c liver = 0
^{N}c liver = 23
le = 24 months
Le = 25 months
d = 45 mg/kg/day
R = 5.5
L = 25 months
W = 0.464 kg
F = 0.0187 kg/day

Based on these parameters, the one-hit slope, ^{B}H, is 2.95×10^{-1} for mammary tumors and 1.53×10^{-1} for hepatocellular carcinomas and hepatocellular neoplastic nodules. The resulting water concentration of 2,4-dinitrotoluene calculated to keep the individual lifetime cancer risk below 10^{-5} is 740 ng/l.

Diphenylhydrazine

Criteria Summary

Freshwater Aquatic Life. For 1,2-diphenylhydrazine the criterion to protect freshwater aquatic life as derived using the Guidelines is 17 μg/l ad a 24-hour average and the concentration should not exceed 38 μg/l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for 1,2-diphenylhydrazine 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 1,2-diphenylhydrazine through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of 1,2-diphenylhydrazine 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 0.4 μg/l, 0.04 μg/l and 0.004 μg/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of 1,2-diphenylhydrazine is the Final Acute Value of 38 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 1,2-diphenylhydrazine the criterion to protect freshwater aquatic life as derived using the Guidelines is 17 μg/l as a 24-hour average and the concentration should not exceed 38 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 38 μg/l
Final Invertebrate Acute Value = 170 μg/l
Final Acute Value = 38 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = 49 μg/l
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 49 μg/l
0.44 × Final Acute Value = 17 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for 1,2-diphenylhydrazine 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. An evaluation of the subacute, acute and chronic toxicity, with the exception of carcinogenicity is impossible because of only scanty data. No current guidelines or standards presently exist for DPH. Diphenylhydrazine has been shown to produce carcinogenic responses in rats and mice (NCI, 1974[1]; Pliss, 1974[2]). Since the NCI (1978[1])study represents the only report in which all the data can be analysed, it will be used as a basis for formulating a criterion.

More specifically, the data on the induction of cancer in male and female rats and female mice were chosen for analysis because they all had significantly increased tumor formation following DPH treatment (i.e. dietary). The respective criterion levels obtained from applying the standard water quality dose extrapolation/criteria calculation methodology are given in the following table.

1,2-Diphenylhydrazine Induction of Tumors in Mice and Rats[a]

Species	Sex	Estimated criterion level at 10^{-5} risk[b]
Mouse	Female	1.43 μg/l
Rat	Female	1.32 μg/l
		1.32 μg/l
	Male	5.14 μg/l
		0.38 μg/l

[a] Data taken from NCI, 1978.[1] (Tech No. 92, 1978).
[b] Calculated by applying a modified "one-hit" extrapolation model described in the Federal Register 1062-5, 1979.

It can be seen that male rats appear to have the lowest tolerance for DPH.

Under the Consent Decree in *NRDC vs. Train*, criteria are to state "recommended maximum permissible

[1] National Cancer Institute. 1978. Bioassay of hydrazobenzene for possible carcinogenicity. DHEW Publication No. (NIH) 78-1342.

[2] Pliss, G.B. 1974. Carcinogenic properties of hydrazobenzene. Vop. Onkol. 20: 53.

concentrations (including where appropriate, Zero) consistent with the protection of aquatic organisms, human health, and recreational activities." DPH is suspected of being a human carcinogen. Because there is no recognized safe concentration for human carcinogens the recommended concentration of DPH 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 DPH 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	Risk levels and corresponding criteria [1]			
	0	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2].	0	4 ng/l	40 ng/l	400 ng/l
Consumption of fish and shellfish only..	0	.019 µg/l	0.19 µg	1.9 µg/l

[1] Calculated by applying a modified "one-hit" extrapolation model described in the FR 15926, 1979. Since the extrapolation model is linear to 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] Twenty-one percent of the DPH exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 29 fold. The remaining percent of DPH exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of DPH, (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding DPH concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding DPH concentrations.

Although a total exposure evaluation for DPH is desirable there are no data to support a total exposure analysis. The criteria presented, therefore, assume an incremental risk from assumed ambient water exposure only.

For DPH the case for criterion development is based upon the existence of carcinogenicity responses in animals (rats and mice).

Because of the lack of investigations for other chronic and acute responses, there is no information on other effects in either human or animal systems. Thus, the criterion proposed should be considered as precautionary until further studies can be used in the overall toxicity evaluations.

Summary of Pertinent Data

The water quality criterion for 1,2-diphenylhydrazine is based on the induction of hepatocellular carcinomas and neoplastic nodules in male Fischer 344 rats, exposed to 0.03 percent (300 ppm) 1,2-diphenylhydrazine in the diet *ad libitum* for 78 weeks (NCI, 1978).[1] The incidence of hepatocellular carcinomas and neoplastic nodules was 37/49 and 1/48 in the treated and control groups, respectively. The criterion was calculated from the following parameters:

$n_t = 37$
$N_t = 49$
$n_c = 1$
$N_c = 48$
Le = 104 weeks
le = 78 weeks
L = 104 weeks
$d^* = 15$ mg/kg/day
F = .0187 kg/day
R = 29
W = 0.375 kg

Based on these parameters, the "one-hit" slope (B_H) is 0.715 $(mg/kg/day)^{-1}$. The resulting water concentration of 1,2-diphenylhydrazine, calculated to keep the individual lifetime cancer risk below 10^{-5}, is 0.40 µg/l.

*The dose (expressed as mg/kg (body weight)/day) is based on the assumption that the amount of diet consumed by rats each day was five percent of their body weight.

0.05 × 0.375 kg = 0.01875 kg diet/day.

0.01875 kg diet/day × 300 mg/kg = 5.625 mg 1,2 DPH/day.

5.625 mg 1,2 DPH/day/0.375 kg = 15 mg/kg/day.

Endosulfan

Criteria Summary

Freshwater Aquatic Life. For endodulfan the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.042 µg/l as a 24-hour average and the concentration should not exceed 0.49 µg/l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for endosulfan 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 endosulfan ingested through water and through contaminated aquatic organisms, the ambient water criterion is determined to be 0.1 mg/l.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of endosulfan is the Final Acute Value of 0.49 µg/l and the 24-hour average concentration is the Final Chronic Value of 0.042 µg/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 endosulfan the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.042 µg/l as a 24-hour average and the concentration should not exceed 0.49 µg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 0.49 µg/l
Final Invertebrate Acute Value = 0.60 µg/l
Final Acute Value = 0.49 µg/l
Final Fish Chronic Value = 0.042 µg/l
Final Invertebrate Chronic Value = 0.84 µg/l
Final Plant Value = 2,000 µg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 0.042 µg/l
0.44 × Final Acute Value = 0.22 µg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for endosulfan 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.

Final Fish Acute Value = 0.061 µg/l
Final Invertebrate Acute Value = 0.040 µg/l
Final Acute Value = 0.040 µg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 1,000 µg/l
Residue Limited Toxicant
Concentration = not available

Final Chronic Value=1,000 μg/l
0.44×Final Acute Value=0.018 μg/l

Human Health. Establishing a scientific basis for evaluating the hazard of endosulfan to man is difficult. At very high levels of acute exposure, humans show central nervous system (CNS) symptoms and may die. Several studies report endosulfan has been used for suicides.

Workers who failed to use good safety practices (i.e., to cover skin and use respiratory protection) have died from endosulfan exposure. In one incident, three persons exposed showed CNS symptoms; two of them died. It therefore appears that the most toxic potential effect to man is that of CNS toxicity since the available data indicate a lack of carcinogenic, mutagenic, or teratogenic potential. The absence of reports on toxic effects associated with the proper use of endosulfan (particularly such effects as skin sensitization or other human symptoms) has been noted.

There appears to be considerable species variation in toxic effects. Of the species tested with endosulfan, cattle are the most sensitive to the neurotoxic effects and would therefore be a "worst case" model for human toxicity. There are much more controlled toxicity data on rodents, but cattle appear to be closer in sensitivity and effects to man. Data on CNS toxicity to cattle are presented in Table 13.

Table 13.—*Lethality and CNS Toxicity of Endosulfan in Cattle*

Dose, route	Number animals exposed	Time to CNS toxicity (hours)	Percent exposed showing CNS effects	Time to death (days)	Percent exposed dying
12.5 mg/kg, oral	2	10	100	6	50
0.12 percent formulation, dermal	250	5	20	1	4
4 percent dust, dermal	5	2	100	1	80
35 percent powder, dermal	30	5	(1)	(2)	50

[1] Apparently 100 percent.
[2] Hours to days.

The relevance of these high exposure levels to a water quality criterion presents additional sources of calculation error. The CNS toxicity in these studies is an acute symptom of high exposure. All reported human poisonings, however, have resulted from accident, human error, or suicidal intention. The reported poisonings of man and the most sensitive other mammal, cattle, have occurred after acute, high level exposure to concentrated endosulfan. These levels will not occur in drinking water. The key question then is, are there any data in the toxicology reports or studies to indicate that CNS effects can occur after chronic, very low level exposure to endosulfan?

Tiberin, et al. reported occasional EEG alteration in one of three men one year after a convulsive seizure following exposure to endosulfan. Terziev, et al. report that autopsy on an endosulfan suicide case showed "changes in the neurons" among lesions in other organs. In female rats, exposed for 78 weeks and orally autopsied or necropsied, cause of death was not indicated in the report. Rats, although more resistant to toxicity than man or cattle, demonstrate no histopathological changes in the brain after receiving high doses of endosulfan orally for 78 weeks, or most of a lifetime.

Cerebral hemorrhage was reported in seven female rats that died early in the study (week 21) but the absence of lesions at even higher and more long-term dosage suggested to the authors that these deaths were not compound-related. Several lesions were present in the male rats and mice that died early in these endosulfan feeding studies. The most prevalent lesions included nephropathy, parathyroid hyperplasia and testicular atrophy, all without clear dose response pattern.

An important question is "Do the apolar metabolites of endosulfan remain in the body to produce chronic effects if endosulfan is ingested in low level quantities over a long term?" No controlled metabolic studies in man have been reported, although Demeter and Heyndrickx report that endosulfan sulfate is a metabolite in humans. This metabolite is approximately as toxic to mice as the parent isomers but no specific CNS effects were reported (based on toxicity trials on the pure compound).

The toxicity of endosulfan is somewhat greater in animals with deficiencies of dietary protein. The differences in even a dose as high as an LD50 are not great enough, however, to ascribe any potential human hazard to this mechanism or to suggest that protein-deprived humans would be more sensitive to chronic exposure to endosulfan in drinking water.

It can be concluded that (a) the controlled studies uniformly report CNS toxicity following acute high level exposure and (b) there has been no indication reported of specific lesions in mammals related to mortality following chronic exposure.

A water quality criterion could be based on the lowest no-effect level (NOEL) reported for endosulfan in test species. Available data on no-effect levels are summarized in Table 14.

The lowest NOEL reported in the published literature is 2.0 mg endosulfan per kilogram feed when fed to mice for 78 weeks (Weisburger, et al. 1978) [1] This dose corresponds to 0.4 mg endosulfan/kilogram body weight per day for a typical 25 gram mouse consuming 5 grams feed/day:

$$\left(\frac{2.0\ \text{mg endosulfan}}{1{,}000\ \text{g feed}}\right)\left(\frac{5\ \text{g feed}}{\text{mouse-day}}\right)\left(\frac{\text{mouse}}{0.025\ \text{Kg}}\right) = 0.4\ \text{mg/Kg/ day}$$

Applying a 0.01 animal to human uncertainty factor to this dosage gives an upper limit for nonoccupational daily exposure (ADI) of 0.28 mg/kg body weight for a 70 kg person:

$$\left(\frac{0.4\ \text{mg}}{\text{Kg-day}}\right)\quad(0.01)\quad\left(\frac{70\ \text{Kg}}{\text{person}}\right) = 0.28\ \text{mg/day}$$

[1] Weisburger, J.H., et al. 1978. Bioassay of endosulfan for possible carcinogenicity. National Cancer Institute Division of Cancer Cause and Prevention, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare, Bethesda, Maryland. Pub. 78-1312. Report by Hazleton Laboratories to NCI, NCI-CG-TR-82.

For the purpose of establishing a water quality criterion, human exposure to endosulfan is considered to be based on ingestion of 2 l of water and 18.7 g of fish/day. The amount of water ingested is approximately 100 times greater than the amount of fish consumed. The fish bioconcentration factor for endosulfan of 28 has been established.

Table 14.—*No-Effect Dose Levels for Endosulfan on Different Species and Biochemical Parameters*

Species	Organ/tissue	Effect observed	No-effect dose	Route administered [1]
Rats		Lethality	≅55 mg/kg=LD_{50}	Acute oral (Intragastric).
Rat		Lethality	40 mg/kg=LD_{50}	Acute oral.
Rat	Liver	Cholinesterase inhibition	68 mg/kg minimum	Acute oral.
Rat	Liver	Microsome enzyme function	50 ppm diet	Diet (2 weeks).
Rat	Embryo	Teratogenicity	10 mg/kg	Oral (Gestation Day 7-14).
Rat (female Osborne-Mendel)		Lethality	445 ppm diet	Diet (78 weeks).
Hamsters		Lethality	70 mg/kg	Acute oral.
Hamsters	Liver	Enzyme inhibition: GPT, LDH	134 mg/kg minimum	Acute Oral.
Mice		Weight depression	3.2 ppm diet	Diet (6 weeks).
Mice (female B6C3F1)		Lethality	2.0 ppm diet	Diet (78 weeks).
Rabbit	Eye	Inflammation and irritation	1:1,000 aqueous	Instillation.
Rabbit	Eye	Inflammation and irritation	20 pct aqueous solution	Instillation.
Rabbit	Skin	Irritation	100 mg/kg	Dermal.
Chickens	Egg	Hatchability	0.07 mg/egg	Yolk injection.
Dog		Gross and microscopic lesions	0.75 mg/kg/day	Oral (52 weeks).
Salmonella typhimurium	Strains TA98, 100, 1534, and 1978.	Base-pair substitution (mutagenicity)	1.0 mg/plate	

[1] Single dose unless otherwise noted.

The equation for calculating the criterion for endosulfan content of water is:

$$(2)(X) + (0.0187)(F)(X) = ADI$$

where: 2 = amount of drinking water was consumed, l/day
X = endosulfan concentration in water, mg/l
0.0187 = amount of fish consumed, Kg/day
F = bioconcentration factor, mg endosulfan/Kg fish per mg endosulfan/l water
ADI = limit on daily exposure for a 70 Kg person

For F = 28
$2X + (0.0187)(28)(X) = 0.28$
$2.5286\ X = 0.28$
$X = 0.1$ mg/l

Endrin

Criteria Summary

Freshwater Aquatic Life. For endrin the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.0020 μg/l as a 24-hour average and the concentration should not exceed 0.10 μg/l at any time.

Saltwater Aquatic Life. For endrin the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.0047 μg/l as a 24-hour average and the concentration should not exceed 0.031 μg/l at any time.

Human Health. For the protection of human health from the toxic properties of endrin ingested through water and contaminated organisms, the ambient water criterion is determined to be 1 μg/l.

Freshwater Aquatic Life. The maximum concentration of endrin is the Final Acute Value of 0.10 μg/l and the 24-hour average concentration is the Final Chronic Value of 0.0020 μg/l. 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. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 0.10 μg/l
Final Invertebrate Acute Value = 0.30 μg/l
Final Acute Value = 0.10 μg/l
Final Fish Chronic Value = 0.033 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 480 μg/l
Residue Limited Toxicant Concentration = 0.0020 μg/l
Final Chronic Value = 0.0020 μg/l
0.44 x Final Acute Value = 0.044 μg/l

Saltwater Aquatic Life. The maximum concentration of endrin is the Final Acute Value of 0.031 μg/l and the 24-hour average concentration is the Final Chronic Value of 0.0047 μg/l. 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.

Final Fish Acute Value = 0.056 μg/l
Final Invertebrate Acute Value = 0.031 μg/l
Final Acute Value = 0.031 μg/l
Final Fish Chronic Value = 0.028 μg/l
Final Invertebrate Chronic Value = 0.0075 μg/l
Final Plant Value = 0.2 μg/l
Residue Limited Toxicant Concentration = 0.0047 μg/l
Final Chronic Value = 0.0047 μg/l
0.44 x Final Acute Value = 0.014 μg/l

Human Health. The limited teratogenic and mutagenic studies on endrin suggest that effects are induced with high endrin doses. However, an unusual administration route was used and unrealistically high endrin levels were employed in these studies. Such levels do not occur in water supplies under normal circumstances, therefore, the results of these studies were not used as the basis for the criterion. More toxicological data must be gathered about these potential effects of endrin before a final conclusion can be reached. The available data do not indicate that endrin is carcinogenic.

On the basis of long-term dietary studies in mammals and occupational exposures in man, a realistic water criterion may be proposed. Maximum no-effect dietary levels of endrin reported for experimental animals are:

Species	Dose level (duration)
Mouse	1 mg/kg (lifetime).
Rat	1 mg/kg (2 Years).
Rat	1 mg/kg (established no-effect level).
Hamster	1.5 mg/kg (no effect level) (one day).
Dog	0.1 mg/kg (128 days)
Dog	1 mg/kg (established no-effect level).

Extrapolation of the 0.1 mg/kg no-effect dietary level for the dog to man is reasonable. Since experimental studies of chronic human ingestion are not available (but acute exposure data are), and valid long-term animal feeding studies have been done in more than one species, an uncertainty factor of 100 may be used in the absence of any indication of carcinogenicity in arriving at a water criterion. In deriving a water quality criterion, human exposure to endrin was assumed to come from daily ingestion of 2 l of water and 18.7 g of fish with a bioconcentration factor of 1900 for endrin. Using a no-effect dose level of 0.1 mg/kg, the total allowable intake for a 70-kg man is:

$$0.1 \text{ mg endrin/kg} \times 70 \text{ kg} = \frac{7 \text{ mg/day}}{100 \text{ (uncertainty factor)}} = 70 \text{ ug/day}$$

The criterion for endcin is thus:

$$x = \frac{70 \text{ ug/day}}{2/1 + (0.0187 \text{ kg} \times 1900)} = 1.87 \text{ ug/l}$$

This approximates closely the 1 μg/l maximum allowable concentration for endrin proposed by the Public Health Service for drinking water. It is therefore, recommended that the endrin criterion be established at 1 μg endrin/l.

* It should be noted that, if endrin was present in waters from which edible fish were located and if these fish concentrate endrin by a factor of 1900, this criterion may not be sufficient to protect a special high risk group (i.e., pregnant women who consume a single dose of endrin contaminated fish). Given the bioconcentration factor, fish in water at the maximum recommended concentration of 1 μg/l, may contain 1.9 μg/g endrin. A 250/g portion of fish would contain approximately 0.5 mg endrin (or 0.01 mg/kg for a 50/kg female). This dose provides a margin of safety of only 150 over the NOEL of 1.5 mg/kg for teratogenicity in the hamster. The adequacy of this margin of safety is highly questionable, especially given the likelihood of consumption of more than 250/g of fish at a given time. The recommended water quality criterion of 1 μg/l was based on a chronic exposure study, teratologic outcomes are more likely to occur with acute exposures at critical times in gestation.

Ethylbenzene

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for ethylbenzene 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 ethylbenzene 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 ethylbenzene ingested through water, the ambient water quality criterion is 1.1 mg/l.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for ethylbenzene 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.

Final Fish Acute Value = 10,000 μg/l
Final Invertebrate Acute Value = 3,000 μg/l
Final Acute Value = 3,000 μg/l
Final Fish Chronic Value = greater than 33 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = greater than 440,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = greater than 33 μg/l
0.44 × Final Acute Value = 1,300 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for ethylbenzene 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.

Final Fish Acute Value = 41,000 μg/l
Final Invertebrate Acute Value = 1,500 μg/l
Final Acute Value = 1,500 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = greater than 440,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = greater than 440,000 μg/l
0.44 × Final Acute Value = 660 μg/l

Human Health. The threshold limit value (TLV) of 434 mg/m³ (100 ppm) EB represents what is believed to be a maximal concentration to which a worker may be exposed for eight hours per day, five days per week over his working lifetime without hazard to health or well-being (Amer. Conf. Gov't Ind. Hyg., 1977).[1] To the TLV, Stokinger and Woodward (1958)[2] apply terms expressing respiratory volume during an eight hour period (assumed to be 10 m³) and a respiratory absorption coefficient appropriate to the substance under consideration. In addition, the five-day-per-week occupational exposure is often converted to a seven-day-per-week equivalent in keeping with the more continuous pattern of exposure to drinking water.

According to the model, the amount of ethylbenzene that may be taken into the bloodstream and presumed to be noninjurious and which, hence, may be taken in water each day is:

435 mg/m³	× 10 m³	× 0.5	× 5/7 week	= 1555 mg/day
(TLV)	Respiratory intake term	Respiratory absorption coefficient	Proportion of week exposed	Maximum noninjurious intake

A safety factor of 1000 is used since no long-term or acute human data are available, and there is very little information from experimental animals (Natl. Acad. Sci., 1977).[3] Thus, 1555 mg/day divided by 1000=1.555 or 1.6 mg/day.

To calculate an acceptable amount of EB in ambient water, the methodology assumes a maximal daily intake of 2

[1] American Conference of Governmental Industrial Hygienists. 1977. Threshold limit values for chemical substances and physical agents in the workroom environment with intended changes for 1977.

[2] Stokinger, H.E., and R.L. Woodward. 1958. Toxicologic methods for establishing drinking water standards. Jour. Am. Water Works Assoc. 50: 515.

[3] National Academy of Sciences 1977. Drinking water and health. Washington, D.C.

liters of water per day, the consumption of 18.7 grams of fish/shellfish per day, a bioconcentration factor of 42 for fish and 50 percent absorption.

(x)	(2+42 (0.0187))	0.5	= 1.6 mg/day
Upper intake limit—	Oral intake term	Gastorintestinal absorption coefficient	Maximum noninjurious intake

Solving for x, the value derived is 1.1 mg/l. According to Stokinger and Woodward (1958)[2] "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 water quality 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 EB, is the avoidance of irritation, rather than chronic effects (Am. Conf. Ind. Hyg., 1977). Should chronic effects data become available, both TLV's and recommendations based on them will warrant reconsideration.

In summary, based on a threshold limit value, and an uncertainty factor of 1000, the criterion level for ethylbenzene corresponding to the calculated acceptable daily intake of 1.6 mg/day, is 1.1 mg/l. Drinking water contributes 72 percent of the assumed exposure while eating contaminated fish products accounts for 28 percent. The criterion level can alternatively be expressed as 2.0 mg/l if exposure is assumed to be from the consumption of fish and shellfish products alone.

Haloethers

Criteria Summary

Freshwater Aquatic Life. For 4-bromophenylphenyl ether the criterion to protect freshwater aquatic life as derived using the Guidelines is 6.2 μg/l as a 24-hour average and the concentration should not exceed 14 μg/l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for 4-bromophenylphenyl ether can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. Because of a lack of adequate toxicological data on non-human mammals and humans, protective criteria cannot be derived at this time for any haloether discussed in this document.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of 4-bromophenylphenyl ether is the Final Acute Value of 14 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 4-bromophenylphenyl ether the criterion to protect freshwater aquatic life as derived using the Guidelines is 6.2 μg/l as a 24-hour average and the concentration should not exceed 14 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

4-bromophenylphenyl ether

Final Fish Acute Value = 690 μg/l
Final Invertebrate Acute Value = 14 μg/l
Final Acute Value = 14 μg/l
Final Fish Chronic Value = 9.1 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 9.1 μg/l
0.44 × Final Acute Value = 6.2 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for any haloether 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. 1. Bis(2-chloroisopropyl)ether: A reliable criterion cannot be calculated for this ether because a long-term "no adverse effect" level cannot be established for mammals. A criterion might be derived from a bioassay described in the criteria document using non-tumor pathology. However, in the low dose groups, both male and female mice evidenced an increased incidence of centrilobular necrosis of the liver which was not seen in the high dose groups.

2. Chlorinated Aromatic Ethers: As indicated in Section V.A., the TLV for chlorophenyl phenyl ether is 500 μg/m³. By a process analogous to that used by Stokinger and Woodward, this standard could be used to calculate a water criterion. However, since the TLV for these compounds is based on preventing chloracne, rather than chronic toxicity, such a calculation would not be appropriate. Because of the lack of data on both toxicologic effects and environmental contamination, the hazard posed by these compounds cannot be estimated.

Halomethanes

Criteria Summary

Freshwater Aquatic Life. For methyl chloride the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 7,000 μg/l as a 24-hour average and the concentration should never exceed 16,000 μg/l at any time.

For methyl bromide the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 140 μg/l as a 24-hour average and the concentration should never exceed 320 μg/l at any time.

For methylene chloride the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 4,000 μg/l as a 24-hour average and the concentration should never exceed 9,000 μg/l at any time.

For bromoform the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 840 μg/l as a 24-hour average and the concentration should never exceed 1,900 μg/l at any time.

Saltwater Aquatic Life. For methyl chloride the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 3,700 μg/l as a 24-hour average and the concentration should never exceed 8,400 μg/l at any time.

For methyl bromide the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 170 μg/l as a 24-hour average and the concentration should never exceed 380 μg/l at any time.

For methylene chloride the criterion to protect saltwater aquatic life as derived using procedures other than the

Guidelines is 1,900 μg/l as a 24-hour average and the concentration should never exceed 4,400 μg/l at any time.

For bromoform the criterion to protect saltwater aquatic life as derived using the Guidelines is 180 μg/l as a 24-hour average and the concentration should never exceed 420 μg/l at any time.

Human Health. For the protection of human health from the toxic properties of halomethanes ingested through water and through contaminated aquatic organisms, the ambient water criteria for the halomethanes discussed in this document are:

Compound	Criterion level (μg/l)
Chloromethane (Methyl Chloride)	2
Bromomethane (Methyl Bromide)	2
Dichloromethane (Methylene Chloride)	2
Bromodichloromethane	2
Tribromomethane (Bromoform)	2
Dichlorodifluoromethane	3,000
Trichlorofluoromethane	32,000

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any halomethane 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 halomethanes and freshwater and saltwater fish and invertebrate species indicate how criteria may be estimated.

For bromoform and methylene chloride with freshwater and saltwater organisms and for chloroform and carbon tetrachloride with freshwater organisms, the Final Invertebrate Acute Value divided by the Final Fish Acute Value is 0.46, 0.24, 0.16, 0.090, 0.11, and 0.17 respectively, for an average of 0.21. Multiplying this value times the Final Acute Values for methyl chloride and methyl bromide with freshwater fish results in estimated freshwater Final Invertebrate Acute Values of $0.21 \times 77{,}000\ \mu g/l = 16{,}000\ \mu g/l$ and $0.21 \times 1{,}500\ \mu g/l = 320\ \mu g/l$ respectively. Thus the Final Acute Values for methyl chloride and methyl bromide would be based on these estimated values and are 16,000 μg/l and 320 μg/l respectively.

For chloroform and freshwater organisms the Final Chronic Value is about the same as 0.44 times the Final Acute Value, and for bromoform and saltwater organisms the Final Chronic Value is greater than 0.44 times the Final Acute Value, even though a chronic value is available for fish or invertebrates in both cases. Therefore, it seems reasonable to estimate criteria for other halomethanes and freshwater organisms using 0.44 times the Final Acute Value.

The estimated maximum concentration of methyl chloride is the Final Acute Value of 16,000 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 methyl chloride the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 7,000 μg/l as a 24-hour average and the concentration should never exceed 16,000 μg/l at any time.

The estimated maximum concentration of methyl bromide is the Final Acute Value of 320 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 methyl bromide the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 140 μg/l as a 24-hour average and the concentration should never exceed 320 μg/l at any time.

The maximum concentration of methylene chloride is the Final Acute Value of 9,000 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 methylene chloride the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 4,000 μg/l as a 24-hour average and the concentration should never exceed 9,000 μg/l at any time.

The maximum concentration of bromoform is the Final Acute Value of 1,900 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 bromoform the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 840 μg/l as a 24-hour average and the concentration should never exceed 1,900 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Methyl Chloride

Final Fish Acute Value = 77,000 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 77,000 μg/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 = 34,000 μg/l

Methyl Bromide

Final Fish Acute Value = 1,500 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 1,500 μg/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 = 660 μg/l

Methylene Chloride

Final Fish Acute Value = 38,000 μg/l
Final Invertebrate Acute Value = 9,000 μg/l
Final Acute Value = 9,000 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = greater than 660,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = greater than 660,000 μg/l
0.44 x Final Acute Value = 4,000 μg/l

Bromoform

Final Fish Acute Value = 4,100 μg/l
Final Invertebrate Acute Value = 1,900 μg/l
Final Acute Value = 1,900 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 110,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 110,000 μg/l
0.44 x Final Acute Value = 840 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for methylene chloride, methyl bromide or methyl chloride 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 halomethanes and freshwater and saltwater fish and invertebrate species indicate how criteria may be derived.

For bromoform and methylene chloride with freshwater and saltwater organisms and for chloroform and carbon tetrachloride with freshwater organisms, the Final Invertebrate Acute Value divided by the Final Fish Acute Value is 0.46, 0.24, 0.16, 0.090, 0.11, and 0.17 respectively, for an average of 0.21. Multiplying this value times the Final Acute Values for methyl chloride and

methyl bromide with saltwater fish results in estimated saltwater Final Invertebrate Acute Values of 0.21 × 40,000 μg/l = 8,400 μg/l and 0.21 × 1,800 μg/l = 380 μg/l respectively. Thus the Final Acute Values for methyl chloride and methyl bromide would be based on these estimated values and are 8,400 μg/l and 380 μg/l respectively.

For chloroform and freshwater organisms the Final Chronic Value is about the same as 0.44 times the Final Acute Value, and for bromoform and saltwater organisms the Final Chronic Value 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 criteria for other halomethanes and saltwater organisms using 0.44 times the Final Acute Value.

The estimated maximum concentration of methyl chloride is the Final Acute Value of 8,400 μg/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 methyl chloride the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 3,700 μg/l as a 24-hour average and the concentration should never exceed 8,400 μg/l at any time.

The estimated maximum concentration of methyl bromide is the Final Acute Value of 380 μg/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 methyl bromide the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 170 μg/l as a 24-hour average and the concentration should never exceed 380 μg/l at any time.

The maximum concentration for methylene chloride is the Final Acute Value of 4,400 μg/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 methylene chloride the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 1,900 μg/l as a 24-hour average and the concentration should never exceed 4,400 μg/l at any time.

The maximum concentration of bromoform is the Final Acute Value of 420 μg/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 bromoform the criterion to protect saltwater aquatic life as derived using the Guidelines is 180 μg/l as a 24-hour average and the concentration should never exceed 420 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Methyl Chloride

Final Fish Acute Value = 40,000 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 40,000 μg/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 = 18,000 μg/l

Methyl Bromide

Final Fish Acute Value = 1,800 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 1,800 μg/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 = 790 μg/l

Methylene Chloride

Final Fish Acute Value = 48,000 μg/l
Final Invertebrate Acute Value = 4,400 μg/l
Final Acute Value = 4,400 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = greater than 660,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = greater than 660,000 μg/l
0.44 × Final Acute Value = 1,900 μg/l

Bromoform

Final Fish Acute Value = 2,800 μg/l
Final Invertebrate Acute Value = 420 μg/l
Final Acute Value = 420 μg/l
Final Fish Chronic Value = 1,400 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 12,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 1,400 μg/l
0.44 × Final Acute Value = 180 μg/l

Human Health. Data on current levels of the halomethanes in water, food, and ambient air are not sufficient to permit adequate estimates of total human exposures from these media. Available data discussed in an earlier section of this report (Occurrence) indicate that the greatest human exposure to the trihalomethanes occurs through the consumption of liquids (including drinking water and beverages containing it), and that exposure to chlorofluorocarbons, chloromethane, dichloromethane, and bromomethane occurs primarily by inhalation.

Observed correlations among concentrations of trihalomethanes in finished water are attributed to the presence of common organic precursor materials in raw water.

Among the halomethanes considered in this report, bromodichloromethane seems to predominate in drinking waters. Concentrations of bromodichloromethane in raw and finished water samples are generally in the area of 6 μg/l or less, and thus represent a reasonable upper limit for anticipated levels of any halomethane in water (excluding chloroform and carbon tetrachloride).

Recent reports showing that chloromethane, bromomethane, tribromomethane, dichloromethane, and bromodichloromethane exhibit carcinogenic and/or mutagenic effects in certain bioassay systems suggest the need for conservatism in the development of water quality criteria for the protection of human health. Since the presently available carcinogenicity data base for these compounds is judged qualitatively informative but quantitatively inadequate for risk extrapolation, an alternative approach is necessary for criteria development.

At present levels in relatively unpolluted raw and finished waters (10 μg/l), the halomethanes pose little threat for the production of non-carcinogenic toxic effects in humans. However, the possibility of carcinogenic effects must be evaluated in light of current and past exposures to halomethanes via water supplies. Limited epidemiologic studies have failed to show a clear association between cancer mortality and bromine-containing trihalomethanes at levels in water of about 5–10 μg/l. Since the possible association between human cancers and halomethanes cannot presently be disproven, it would be wise to limit their presence in water to no more than the median levels which are currently encountered (pending better human risk data). Thus, a maximum level of 6 μg/l in raw and finished

waters could be considered as acceptable for bromomethane, chloromethane, dichloromethane, tribromomethane, and bromodichloromethane. From the limited animal bioassay data which are available in the strain A mouse lung tumor system, a daily human intake of halomethanes at 12 μg/day (6 μg/l × 2 l/day) represents a dose which is about 100,000-fold less than the minimum daily dose of tribromomethane which caused a significant increase in tumor formation in mice. Since there exists considerable uncertainty over the human carcinogenic risks of halomethanes, a safety factor of 100,000 seems prudent for the development of an interim standard for all halomethanes pending the results of further research.

The 6 μg/l maximum acceptable concentration for bromomethane, chloromethane, tribromomethane, dichloromethane, and bromodichloromethane does not take into consideration the contribution to total exposure from air and food. Exposure via these media cannot be accurately predicted, although it is likely that it is sufficiently large for chloromethane, dichloromethane, and bromomethane to warrant the recommendation of a water quality criterion below 6 μg/l. Present levels of these three compounds are generally much less than 6 μg/l and it is not likely that current anthropogenic sources would significantly increase their level in water.

For criteria setting purposes it is recommended that a criterion of 2 μg/l be adopted for this group of halomethanes, based upon analogy to the structure and biological activity of chloroform. Despite the presently inadequate data base for most of these compounds, it can nevertheless be predicted that similar biological effects, including neoplastic transformation, may be encountered. Since the recommended criterion for chloroform was derived from reliable experimental data, it represents the most applicable value for all of the halomethanes which are suspected carcinogens.

Evidence for mutagenicity of dichlorodifluoromethane is equivocal and there is no evidence as yet for carcinogenicity as a result of direct exposure. Chronic toxicity data for dichlorodifluoromethane are quite limited. In the only long-term (two years) feeding study reported (U.S. EPA, 1976,[1] citing Sherman, 1974 [2]) the maximum dose level producing no observed adverse effect (in dogs) was 80 mg/kg/day. Applying an uncertainty factor of 1000 (NAS, 1977 [3]) to this data yields a presumptive "acceptable daily intake" of 0.08 mg/kg/day. For a man weighing 70 kg, consuming two liters of water per day and absorbing at 100 percent efficiency, and assuming that the water is the sole source of exposure, this acceptable intake level translates into a criterion level as follows: (0.08) (70)/2 = 2.8 mg/l.

There is no evidence for mutagenicity of trichlorofluoromethane, and no evidence as yet for carcinogenicity as a result of direct exposure. The only data on toxicity testing using prolonged exposure at relatively low test concentrations are from a report (Jenkins, et al. 1970 [4]) which showed no observed adverse effects in rats and guinea pigs exposed continuously by inhalation for 90 days at 5,610 mg/m ^{3}. If the reference man weighing 70 kg breathed this atmosphere and absorbed the compound at 50 percent efficiency, his estimated exposure dose would be 5,610 × 23 × 0.5 = 64,515 mg/day or 922 mg/kg/day. Applying an uncertainty factor of 1000 (NAS, 1977 [3]) to this data yields a presumptive "acceptable daily intake" of 0.922 mg/kg/day for trichlorofluoromethane. Assuming man's weight to be 70 kg and his absorption of ingested compound to be 100 percent efficient, and that his sole source of exposure is water consumed at two liters/day, the acceptable intake is translated into a criterion level as follows: (0.922) (70)/2 = 32.3 mg/l.

Criterion levels intended to protect the public against unacceptable risk of toxicity, mutagenicity, or carcinogenicity from exposure to selected halomethanes in water for consumption, derived as described in the foregoing text, are summarized as follows (rounded off):

Compound	(mg/l)
Bromodichloromethane	2×10^{-3}
Tribromomethane	2×10^{-3}
Dichloromethane	2×10^{-3}
Bromomethane	2×10^{-3}
Chloromethane	2×10^{-3}
Dichlorodifluoromethane	3
Trichlorofluoromethane	32

[1] U.S. EPA. 1976. Environmental hazard assessment report, major one-and two-carbon saturated fluorocarbons, review of data. EPA 560/8-76-003. Off. Toxic Subst. Washington, D.C.

[2] Sherman, H. 1974. Long-term feeding studies in rats and dogs with dichlorodifluoromethane (Freon 12 Food Freezant). Unpubl. rep. Haskell Lab.

[3] National Academy of Sciences. 1977. Drinking water and health. Washington, D.C.

[4] Jenkins, L. J., et al. 1970. Repeated and continuous exposure of laboratory animals to trichlorofluoromethane. Toxicol. Appl. Pharmacol. 16:133.

Adoption of the presently recommended criterion for choloroform (2 μg/l) as the recommended level for other possibly carcinogenic halomethanes should provide an adequate margin of safety in the absence of sufficient data for quantitative risk assessment. This criterion is intended to reduce carcinogenic risks to the public, and takes into account the fact that exposure to halomethanes also occurs through foods and via inhalation. Although the potential carcinogenicity of bromodichloromethane, tribromomethane, dichloromethane, bromomethane, and chloromethane cannot be adequately assessed at present, the adoption of an interim water quality standard in excess of 2 μg/l may be interpreted as approval to discharge larger quantities of these substances than of chloroform. Such a practice is clearly unwarranted until such time that concerns over possible carcinogenic activity have been resolved.

Isophorone

Criteria Summary

Freshwater Aquatic Life. The data base for freshwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for saltwater organisms.

For isophorone the criterion to protect freshwater aquatic life as derived using the Guidelines is 2,100 μg/l as a 24-hour average and the concentration should not exceed 4,700 μg/l at any time.

Saltwater Aquatic Life. For isophorone the criterion to protect saltwater aquatic life as derived using the Guidelines is 97 μg/l as a 24-hour average and the concentration should not exceed 220 μg/l at any time.

Human Health. For the protection of human health from the toxic properties of isophorone ingested through water, the criterion is 460 μg/l.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for isophorone 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 with isophorone and saltwater organisms indicate how a criterion may be estimated.

For isophorone 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, it seems reasonable to estimate a criterion for isophorone and freshwater organisms using 0.44 times the Final Acute Value.

The maximum concentration of isophorone is the Final Acute Value of 4,700 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects of freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For isophorone the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 2,100 μg/l as a 24-hour average and the concentration should not exceed 4,700 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 31,000 μg/l
Final Invertebrate Acute Value = 4,700 μg/l
Final Acute Value = 4,700 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 120,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 120,000 μg/l
0.44 × Final Acute Value = 2,100 μg/l

Saltwater Aquatic Life. The maximum concentration of isophorone is the Final Acute Value of 220 μg/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 isophorone the criterion to protect saltwater aquatic life as derived using the Guidelines is 97 μg/l as a 24-hour average and the concentration should not exceed 220 μg/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 = 220 μg/l
Final Acute Value = 220 μg/l
Final Fish Chronic Value = 7,700 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 110,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 7,700 μg/l
0.44 × Final Acute Value = 97 μg/l

Human Health. Based on the available data on the toxicological effects of isophorone absorption in both man and experimental animals, a calculated water quality criterion for isophorone can only be based upon a non-carcinogenic effect. Water quality criteria may therefore be derived from the TLV, acute oral LD_{50} values, or from subacute oral toxicity data using non-carcinogenic biological responses. Criteria derivations based on all three approaches are presented below.

Criterion Based on TLV: Stokinger and Woodward (1958) presented a method for calculating water quality criteria from TLV's. Essentially, this method consists of deriving an acceptable daily intake (ADI) from the TLV by making assumptions on breathing rate, and respiratory and gastrointestinal absorption. Stokinger and Woodward assumed that the daily total pollutant uptake from air at the TLV concentration can be safely tolerated, and that this safe quantity of pollutant per day can be similarly tolerated in drinking water. The ADI is then partitioned into permissible amounts from drinking water and from other sources.

The International Commission on Radiological Protection (1974) has estimated that the "reference man" breathes 7.6 m^3 of air during eight hours of "light activity." Since respiratory absorption rates are unknown, 50 percent absorption of inhaled isophorone will be assumed. In addition, the five day per week TLV may be converted to a seven day per week equivalent to reflect the more continuous pattern of exposure via drinking water. An ADI for man can be thus calculated from the TLV by multiplying by these factors:

$$28\ mg/m^3 \times 7.6\ m^3 \times 0.5 \times 5\ days/7\ days = 76\ mg/day$$

Since estimates of isophorone exposure from non-water sources are not available, it will be assumed that total isophorone exposure is attributable to the ingestion of drinking water and fish and shellfish. For the pupose of estimating a criterion it will be further assumed that the maximal daily intake of water is 2 liters, that the consumption of fish/shellfish amounts to 18.7 grams/day, and that the gastrointestinal absorption of isophorone is 100 percent. Also a bioconcentration factor of 16 has been calculated for fish (EPA, 1979b). A water quality criterion may then be calculated as:

$$\frac{76\ mg/man}{(2\ l \div [16 \times 0.0187]) \times 1.0} = 33\ mg/l$$

It should be noted that the TLV is based on the prevention of the irritant effects of isophorone on inhalation exposures, rather than on chronic effects. Consequently, the calculation of a criterion by this approach probably has little validity in this case.

Criterion Based on Acute Oral Toxicity Data, McNamara (1976) has suggested that data from acute exposures can be used to estimate chronic no-effect levels for toxic responses to chemical absorption. Based on an extensive review of the literature comparing the results of acute and chronic toxicity bioassays, McNamara noted that "for 95 percent of chemical compounds . . . [on which data were available] . . . LD_{50}/1000 will produce no effects in a lifetime." Using this approximation for isophorone, and an average oral LD_{50} value of 2 g/kg (Effects section), the no observable effect level for isophorone in rats can be estimated at 2 mg/kg/day. This value may be converted into an ADI by applying an appropriate uncertainty factor to account for species extrapolation and limitations of the data. Since the chronic no-effect dose is merely an estimate based on observed relationships between acute and chronic toxicity, an uncertainty factor of 1000 is recommended (see NAS, 1977, p. 804). Thus, the estimated ADI for man is 2 μg/kg or 140 μg/man, assuming a 70 kg body weight. By assuming that man consumes 2 liters of water per day, that man is additionally exposed daily to 18.7 grams of fish and shellfish which bioaccumulate isosphorone from water by a factor of 16, and that gastrointestinal absorption is 100 percent, the corresponding no adverse effect level in water can be calculated as

$$\frac{140\ \mu g/day}{(2\ l \div [16 \times 0.0187]) \times 1.0} = 61\ \mu g/l$$

Based on these calculations, the criterion for isophorone should not exceed 0.06 mg/l.

Criterion Based on Subacute Oral Data: As summarized in the Effects section, no significant effects were produced in beagle dogs by feeding isophorone in gelatin capsules at levels up to 150 mg/kg/day for 90 days (EPA, 1979a). Due to the fact that this study did not involve a truly chronic exposure, the NAS (1977) guidelines for establishing an acceptable daily intake for man are not directly applicable. McNamara (1976) has suggested, however, that subacute exposures can be used to estimate chronic no-effect exposure levels.

McNamara (1976) found that for 95 percent of chemical compounds for which data were available, a three month no-effect dose/10 will yield a level which should produce no adverse effects in a lifetime. By using this relationship, the chronic no-effect dose for dogs is calculated to be:

$$\frac{150 \text{ mg/kg}}{10} = 15 \text{ mg/kg}$$

The application of an uncertainty factor of 1000 is suggested to convert this value to an ADI (see NAS, 1977, p. 804). Therefore, an estimated ADI for man is 15 μg/kg or 1050 μg/man, assuming a 70 kg body weight. Consumption of 2 liters of water daily and of 18.7 grams of contaminated aquatic organisms which have a bioconcentration factor of 16 would result in, assuming gastrointestinal absorption of isophorone, a maximum permissible concentration of 0.46 mg/l for the ingested water:

$$\frac{1050 \text{ μg/day}}{(2 \text{ l} + [16 \times 0.0187]) \times 1.0} = 457 \text{ μg/l}$$

In conclusion, permissible levels for isophorone in water have been derived on the basis of a TLV (33 mg/l), acute oral toxicity data (0.06 mg/l) and a 90-day feeding study in dogs (0.46 mg/l). Although this exercise has yielded figures which may have some utility in the protection of human health, the presently available scientific data base is inadequate to support a reliable criterion. The most prudent approach at this time would be to recommend only an interim criterion pending the results of future research, including the planned NCI bioassay. An interim criterion of 0.46 mg/l could be recommended in cases where water is the sole source of exposure to isophorone, because the basis for this value is a well defined no-effect level derived from a higher vertebrate species (dog) subjected to subchronic oral exposure. Since current levels of isophorone in drinking water are usually less than 3 μg/l, although amounts as high as 9.5 μg/l have been reported, an ample margin of safety apparently exists.

Summary of Pertinent Data. Calculation of appropriate isophorone concentration in saturated air.

For a sample of ideal gas,

$PV = nRT$

where

P = pressure
V = volume
n = number of moles
R = universal gas constant
T = absolute temperature

Since $n = g/mw$, the ideal gas equation can be rearranged as follows to calculate the approximate number of grams of compound contained in a particular volume of gas at a specified temperature and pressure:

$$PV = \frac{g}{mw} RT$$

$$g = \frac{PV(mw)}{RT}$$

At 25°C, the vapor pressure of isophorone is 0.44 mm. Assuming a 1 liter volume of air,

$$g = \frac{\frac{0.44 \text{mm}}{760 \text{mm}} \times 1 \text{ liter} \times 138.21 \frac{\text{g}}{\text{mole}}}{0.082 \frac{\text{liter-atm}}{\text{mole-°K}} \times 298 \text{°K}}$$

$$= 0.00327 \text{ g} = 3.27 \text{ mg}$$

The approximate ppm equivalent concentration of isophorone in saturated air can then be calculated from the relationship:

$$\frac{(\text{mg/l})\ (24{,}450 \text{ ml/mole})}{\text{mw}} = \text{ppm}$$

$$\frac{(3.27 \text{ mg/l})\ (24{,}450 \text{ ml/mole})}{138.21 \text{ g/mole}} = 578 \text{ ppm}$$

Naphthalene

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for naphthalene 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 naphthalene 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 naphthalene ingested through water and through contaminated aquatic organisms, the ambient water criterion is determined to be 143 μg/l.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for napthalene 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.

Final Fish Acute Value = 21,000 μg/l
Final Invertebrate Acute Value = 350 μg/l
Final Acute Value = 350 μg/l
Final Fish Chronic Value = greater than 33 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 33,000 μg/l
Residue Limited Toxicant 00 percent Concentration = not available
Final Chronic Value = greater than 33 μg/l
0.44 × Final Acute Value = 150 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for napthalene 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.

Final Fish Acute Value = 300 μg/l
Final Invertebrate Acute Value = 20 μg/l
Final Acute Value = 20 μg/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 = 8.8 μg/l

Human Health. All chronic toxicity studies using naphthalene have failed to demonstrate any carcinogenic activity except for those performed by Knake (1956). This author found an excess occurrence of lymphosarcoma when naphthalene was given by the subcutaneous route to rats, and lymphocytic leukemia when naphthalene was chronically painted on the skin of mice using benzene as a solvent. However, the naphthalene used in this study was derived from coal tar and contained ten percent or more unidentified impurities. Furthermore, a known experimental carcinogen, carbolfuchsin, was applied prior to each injection of naphthalene in the former study. In light of these defects, carcinogenicity data derived from this

study cannot be used as a basis for a naphthalene water criterion.

No other chronic toxicity studies are available that can be used as an adequate basis for a naphthalene criterion. Furthermore, there are no adequate epidemiologic studies that can be used as a basis.

The ACGIH (1971) has recommended a time-weighted threshold limit value for an industrially exposed population of 50 mg/m^3 (50 μg/l) of naphthalene vapor in air. This value was set to prevent workers with exposure to naphthalene vapors from getting eye irritation. It is unclear, however, whether exposures to water containing naphthalene in excess of this level (50 μg/l) might also result in mucous membrane irritation. Until further information is available on the direct irritant properties of naphthalene in water, the ACGIH threshold limit value cannot be used as a basis for a naphthalene water criterion.

Mahvi, et al. (1977) noted a dose related response by C57 B1/6J mice given intraperitoneal injections of naphthalene in sesame oil. No bronchiolar epithelial changes were noted in two control groups. The authors noted minimal bronchiolar epithelial changes in the treated group receiving 6.4 mg/kg body weight of naphthalene. Severe, reversible damage to bronchiolar epithelial cells was noted among two higher dosage groups. The results of this study can be used as the basis for the criterion. The minimal effect level of 6.4 mg/kg of body weight is equivalent to a 448 mg dose for a 70 kg man and can reasonably be used as a basis for calculating an acceptable daily dosage if it is reduced by a factor of 1000, which equals 448 μg, to protect sensitive individuals (NAS, 1977).

No pharmacokinetic data are available on the absorption of naphthalene by the oral route. Because of its high octanol: water partition coefficient (Krishnamurthy and Wasik, 1978), it is reasonable to expect that naphthalene in water should be nearly completely absorbed and an absorption efficiency of 100 percent can be assumed.

For the purposes of establishing a water quality criterion, human exposure to naphthalene is considered to be based on ingestion of 2 liters of water and 18.7 g of fish. Fish bioaccumulate naphthalene from water by a factor of 60.

With these considerations in mind, the following equation has been established:

$$2\,L \bullet X + (0.0187 \times 60) \bullet X = 448\ \mu g$$

Where:

448 μg = limit on daily exposure for a 70 kg person (ADI)
2 L = amount of drinking water consumed
0.0187 kg = amount of fish consumed
60 = bioaccumulation factor

Solving for X:

X = 143 μg/l

Thus, the water level would have to be limited to 143 μg/l to limit the daily intake of naphthalene to 448 μg.

Nickel

Criteria Summary

Freshwater Aquatic Life. For nickel the criterion to protect freshwater aquatic life as derived using the Guidelines is "$e^{(1.01 \cdot \ln(\text{hardness}) - 1.02)}$" as a 24-hour average and the concentration should not exceed "$e^{(0.47 \cdot \ln(\text{hardness}) + 4.19)}$" at any time.

Saltwater Aquatic Life. For nickel the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 220 μg/l as a 24-hour average and the concentration should not exceed 510 μg/l at any time.

Human Health. For nickel the criterion to protect human health is 50 μg/l/.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of nickel is equal to the Final Acute Value as given by $e^{(0.47 \cdot \ln(\text{hardness}) + 4.19)}$ and the 24-hour average concentration is the Final Chronic Value as given by $e^{(1.01 \cdot \ln(\text{hardness}) - 1.02)}$. No important adverse effects on freshwater organisms have been reported to be caused by concentrations lower than the 24-hour average concentration other than the possible changes in diatom diversity discussed in the Criterion Document.

Summary of Available Data. The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of nickel.

Final Fish Acute Value = $e^{(0.74 \cdot \ln(\text{hardness}) + 4.92)}$
Final Invertebrate Acute Value = $e^{(0.47 \cdot \ln(\text{hardness}) + 4.19)}$
Final Acute Value = $e^{(0.47 \cdot \ln(\text{hardness}) + 4.19)}$
Final Fish Chronic Value = $e^{(1.01 \cdot \ln(\text{hardness}) - 1.02)}$
Final Invertebrate Chronic Value = $e^{(1.01 \cdot \ln(\text{hardness}) + 0.13)}$
Final Final Plant Value = 100 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = $e^{(1.01 \cdot (\text{hardness}) - 1.02)}$

Saltwater Aquatic Life. Criterion: for nickel the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 220 μg/l as a 24-hour average and the concentration should not exceed 510 μg/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 nickel.

Final Fish Acute Value = 14,000 μg/l
Final Final Invertebrate Acute Value = 510 μg/l
Final Acute Value = 510 μg/l

Human Health. In arriving at a criterion for nickel, several factors must be taken into account. There is little evidence for accumulation of nickel in various tissues. Absorption through the gastrointestinal tract is minimal. Acute exposure of man to nickel is chiefly of concern in workplaces where nickel carbonyl or nickel dust are present at high levels. In these situations inhalation is the main route of entry and the lung is the critical organ although, in some instances of high exposure, the central nervous system may also be involved.

The major problem posed by nickel for the U.S. population at large is nickel hypersensitivity, mainly via contact with many nickel-containing commodities. Nickel could play a role in altering defense mechanisms against xenobiotic agents in the respiratory tract, leading to enhanced risk for respiratory tract infections.

While nickel has a possible role as a co-carcinogen in producing respiratory cancer, as suggested by animal studies, this remains to be demonstrated. There is no evidence for carcinogenicity due to the presence of nickel in water. The role of nickel as an essential element is a confounding factor in any risk estimate.

In order to develop a risk assessment based on toxicological effects other than carcinogenicity, dose-response data would be most helpful. However, while the frequency or extent of various effects of nickel are related to the level or frequency of nickel exposure in man, the relevant data do not permit any quantitative estimation of dose-response relationships. The lowest levels of nickel associated with adverse health effects, therefore, must be used in establishing a criterion level for nickel in drinking water.

To arrive at a risk estimate for nickel, a modification of the approach used for non-stochastic effects (Fed. Register 44(52):15980, March 15, 1979) has been adopted.

The studies cited in this document have not demonstrated a no observable effect level (NOEL). Therefore, the study demonstrating the lowest observable effect level (LOEL) for nickel in drinking water has been used to arrive at a non-stochastic risk estimate.

In the study of Schroeder and Mitchener adverse effects in rats were demonstrated at a level of 5 ppm in drinking water. Three generations of rats were continuously exposed to 5 ppm of nickel in drinking water. In each of the generations, increased numbers of runts and enhanced neonatal mortality were seen. A significant reduction in litter size and a reduced proportion of males in the third generation also were observed.

To adapt the LOEL into an Acceptable Daily Intake (ADI) for man, the LOEL is divided by an uncertainty factor of 100, as detailed in a recent National Academy of Sciences report and adopted by the U.S. Environmental Protection Agency (Fed. Register 44(52):15980, March 15, 1979). The choice of this factor is based on the absence of long-term or acute human data, scanty results on experimental animals, and an absence of evidence for carcinogenicity.

When the uncertainty factor of 100 is applied to 5 ppm, the lowest level at which adverse effects may occur is then 0.05 ppm. It can be concluded that levels in water below this concentration would not result in adverse health effects.

Nitrobenzene

Criteria Summary

Freshwater Aquatic Life. For nitrobenzene the criterion to protect freshwater aquatic life as derived using the Guidelines is 480 μg/1 as a 24-hour average and the concentration should not exceed 1,100 μg/1 at any time.

Saltwater Aquatic Life. For nitrobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 53 μg/l as a 24-hour average and the concentration should not exceed 120 μg/l at any time.

Human Health. For the prevention of adverse effects due to the organoleptic properties of nitrobenzene in water, the criterion is 30 μg/l.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of nitrobenzene is the Final Acute Value of 1,100 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 nitrobenzene the criterion to protect freshwater aquatic life as derived using the Guidelines is 480 μg/l as a 24-hour average and the concentration should not exceed 1,100 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 6,000 μg/l
Final Invertebrate Acute Value = 1,100 μg/l
Final Acute Value = 1,100 μg/l
Final Fish Chronic Value = greater than 2,400 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 43,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = greater than 2,400 μg/l
0.44 × Final Acute Value = 480 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for nitrobenzene 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 with nitrobenzene and freshwater organisms indicate how a criterion may be estimated.

For nitrobenzene and freshwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value which is derived from an embryo-larval test with the fathead minnow. Therefore, it seems reasonable to estimate a criterion for nitrobenzene and saltwater organisms using 0.44 times the Final Acute Value.

The maximum concentration of nitrobenzene is the Final Acute Value of 120 μg/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 nitrobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 53 μg/l as a 24-hour average and the concentration should not exceed 120 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 8,700 μg/l
Final Invertebrate Acute Value = 120 μg/l
Final Acute Value = 120 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 9,700 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 9,700 μg/l
0.44 × Final Acute Value = 53 μg/l

Human Health. There is no established criterion for nitrobenzene in water. Because there are little or no data available on the toxicity of nitrobenzene ingested in drinking water, or on the teratogenic, mutagenic, or carcinogenic effects of nitrobenzene in general, experimental testing is necessary before an oral ingestion based criterion can be derived. It is recommended that testing in these areas of toxicity be implemented so that the effects of nitrobenzene on mammals may be better understood.

Using the methodology of Stokinger and Woodward (1958) [1] a water quality criteria (WQC) is derived using the organoleptic level and the TLV.

Organoleptic Level: minimum detectable odor level in water is 0.03 μg/l = 30 μg/l.

Assuming a daily intake of 2 liters of water, the total intake of nitrobenzene based on this criteria would be 60 micrograms/day. Recommended WQC = 30 μg/l.

A calculation of the percentage of exposure attributable to fish and shellfish products is not applicable to a criterion based upon organoleptic effects. Since an organoleptic effect is not based on a toxicological assessment, it would be inappropriate to apportion a percentage of exposure to the consumption of toxiciologically contaminated fish.

TLV: TLV = 5 mg/m³; air intake = 10 m³/day; assume 80 percent absorption:
(5 mg/m³) x (10 m³/day) x (0.8) = 40 mg/day
average over seven days:
40 mg/day x 5/7 = 29 mg/day

Assuming 100 percent gastrointestinal absorption of nitrobenzene and consuming 2 liters of water daily and 18.7 grams of contaminated fish having a bioconcentration factor of 4.3, would result in a maximum permissible concentration of 13.9 mg/l for the ingested water:

$$\frac{29 \text{ mg/day}}{2 \text{ liter} + (4.3 \times 0.0187) \times 1.0} = 13.9 \text{ mg/l}$$

WQC using TLV = 13.9 mg/l

Since the WQC using TLV is well above the detectable odor level of nitrobenzene, water containing this concentration of nitrobenzene would not be esthetically acceptable for drinking. Even though the limitations of using organoleptic data as a basis for establishing a WQC are recognized, it is recommended that a WQC of 30 μg/l be established at the present time. This level may be altered as more data are developed upon which to calculate a WQC.

The analysis and recommendations generated in this document are based on

[1] Stokinger, H. E., and R. L. Woodward. 1958. Toxicological methods for establishing drinking water standards. Jour. Am. Water Works Assoc. 517.

the literature available to date. If future reports indicate that nitrobenzene may be carcinogenic, mutagenic or teratogenic, a reassessment of the WQC will be necessary.

Nitrophenols

Criteria Summary

Freshwater Aquatic Life. For 2-nitrophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 2,700 μg/l as a 24-hour average and the concentration should not exceed 6,200 μg/l at any time.

For 4-nitrophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 240 μg/l as a 24-hour average and the concentration should not exceed 550 μg/l at any time.

For 2,4-dinitrophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 79 μg/l as a 24-hour average and the concentration should not exceed 180 μg/l at any time.

For 2,4-dinitro-6-methylphenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 57 μg/l as a 24-hour average and the concentration should not exceed 130 μg/l at any time.

For 2,4,6-trinitrophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 1,500 μg/l as a 24-hour average and the concentration should not exceed 3,400 μg/l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for 2-nitrophenol can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For 4-nitrophenol the criterion to protect saltwater aquatic life as derived using the Guidelines is 53 μg/l as a 24-hour average and the concentration should not exceed 120 μg/l at any time.

For 2,4-nitrophenol the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 37 μg/l as a 24-hour average and the concentration should not exceed 84 μg/l at any time.

For saltwater aquatic life, no criterion for 2,4-dinitro-6-methylphenol can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For 2,4,6,-trinitrophenol the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 150 μg/l as a 24-hour average and the concentration should not exceed 340 μg/l at any time.

Human Health. To protect human health from the adverse effects of various nitrophenols ingested in contaminated water and fish, suggested criteria are as follows:

Mononitrophenols—no criterion
Dinitrophenols—68.8 μg/l
Trinitrophenols—10 μg/l
Dinitrocresols—12.8 μg/l

Basis for the Criteria

Freshwater Aquatic Life. For 4-nitrophenol and saltwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value which is derived from results of an embryo-larval test with the sheepshead minnow. Therefore, it seems reasonable to estimate criteria for nitrophenols and freshwater organisms using 0.44 times the Final Acute Value.

2-nitrophenol

The maximum concentration of 2-nitrophenol is the Final Acute Value of 6,200 μg/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 2-nitrophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 2,700 μg/l as a 24-hour average and the concentration should not exceed 6,200 μg/l at any time.

4-nitrophenol

The maximum concentration of 4-nitrophenol is the Final Acute Value of 550 μg/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 4-nitrophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 240 μg/l as a 24-hour average and the concentration should not exceed 550 μg/l at any time.

2,4-dinitrophenol

The maximum concentration of 2,4-dinitrophenol is the Final Acute Value of 180 μg/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 2,4-dinitrophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 79 μg/l as a 24-hour average and the concentration should not exceed 180 μg/l at any time.

2,4-dinitro-6-methylphenol

The maximum concentration of 2,4-dinitro-6-methylphenol is the Final Acute Value of 130 μg/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 2,4-dinitro-6-methylphenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 57 μg/l as a 24-hour average and the concentration should not exceed 130 μg/l at any time.

2,4,6-trinitrophenol

The maximum concentration of 2,4,6-trinitrophenol is the Final Acute Value of 3,400 μg/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 2,4,6-trinitrophenol the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 1,500 μg/l as a 24-hour average and the concentration should not exceed 3,400 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

2-nitrophenol

Final Fish Acute Value = 6,200 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 6,200 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 35,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 35,000 μg/l
0.44 × Final Acute Value = 2,700 μg/l

4-nitrophenol

Final Fish Acute Value = 4,200 μg/l
Final Invertebrate Acute Value = 550 μg/l
Final Acute Value = 550 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 4,900 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 4,900 μg/l
0.44 × Final Acute Value = 240 μg/l

2,4-dinitrophenol

Final Fish Acute Value = 610 μg/l
Final Invertebrate Acute Value = 180 μg/l
Final Acute Value = 180 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 1,500 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 1,500 μg/l
0.44 × Final Acute Value = 79 μg/l

2,4-dinitro-6-methylphenol

Final Fish Acute Value = 130 μg/l
Final Invertebrate Acute Value = 130 μg/l
Final Acute Value = 130 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 50,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 50,000 μg/l
0.44 × Final Acute Value = 57 μg/l

2,4,6-trinitrophenol

Final Fish Acute Value = 23,000 μg/l
Final Invertebrate Acute Value = 3,400 μg/l
Final Acute Value = 3,400 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 62,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 62,000 μg/l
0.44 × Final Acute Value = 1,500 μg/l

Saltwater Aquatic Life. For 4-nitrophenol and saltwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value which is derived from results of an embryo-larval test with the sheepshead minnow. Therefore, it seems reasonable to estimate criteria for other nitrophenols and saltwater organisms using 0.44 times the Final Acute Value.

4-nitrophenol

The maximum concentration of 4-nitrophenol is the Final Acute Value of 120 μg/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 4-nitrophenol the criterion to protect saltwater aquatic life as derived using the Guidelines is 53 μg/l as a 24-hour average and the concentration should not exceed 120 μg/l at any time.

2,4-dinitrophenol

The maximum concentration of 2,4-dinitrophenol is the Final Acute Value of 84 μg/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 2,4-dinitrophenol the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 37 μg/l as a 24-hour average and the concentration should not exceed 84 μg/l at any time.

2,4,6-trinitrophenol

The maximum concentration of 2,4,6-trinitrophenol is the Final Acute Value of 340 μg/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 2,4,6-trinitrophenol the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 150 μg/l as a 24-hour average and the concentration should not exceed 340 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

4-nitrophenol

Final Fish Acute Value = 4,000 μg/l
Final Invertebrate Acute Value = 120 μg/l
Final Acute Value = 120 μg/l
Final Fish Chronic Value = 940 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 7,400 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 940 μg/l
0.44 x Final Acute Value = 53 μg/l

2,4-dinitrophenol

Final Fish Acute Value = 1,900 μg/l
Final Invertebrate Acute Value = 84 μg/l
Final Acute Value = 84 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 93,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 93,000 μg/l
0.44 x Final Acute Value = 37 μg/l

2,4,6-trinitrophenol

Final Fish Acute Value = 20,000 μg/l
Final Invertebrate Acute Value = 340 μg/l
Final Acute Value = 340 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 63,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Fish Chronic Value = 63,000 μg/l
0.44 x Final Acute Value = 150 μg/l

Human Health

Mononitrophenols—no criterion
Dinitrophenols—68.6 μg/l
Trinitrophenols—10 μg/l
Dinitrocresols—12.8 μg/l

Uncertainty factors used for criteria formulation have been loosely adapted from Drinking Water and Health (Natl. Acad. Sci., 1977).[1]

In the absence of data on chronic mammalian effects no water criteria for human health can be established for the mononitrophenol isomers at this time.

Information on the dinitrophenol isomers is limited to 2,4-dinitrophenol. Spencer, et al. (1948),[2] in a six-month feeding study with rats demonstrated the no-observable-effect level (NOEL) for 2,4-dinitrophenol to be between 5.4 mg/kg and 20 mg/kg. Taking the lower of the two figures and assuming a 70 kg man consumes 2 liters of water daily and 18.7 grams of contaminated fish having a BCF of 2.4, the NOEL for humans based on the results obtained in rats may be calculated as follows:

$$5.4 \text{ mg/kg} \times 70 \text{ kg} = 378$$

$$\frac{\text{mg } 378 \text{ mg}}{2 \text{ liters} + (2.4 \times 0.0187) \times 1.0} = 185.3 \text{ mg/l}$$

Based on these calculations no biological effect would be predicted in a man drinking water containing 185.3 mg/l 2,4-DNP.

Experience with the use of 2,4-DNP as an anti-obesity drug in the 1930's indicates that adverse effects, including cataract formation, may occur in humans exposed to as little as 2 mg/kg/day. The drug was frequently used in an uncontrolled manner and the available data do not allow the calculation of a no-adverse-effect level in humans. It is clear, however, that ingestion of 2 mg/kg/day 2,4-DNP for a protracted period may result in adverse effects, including cataracts, in a small proportion of the population. Assuming a 70 kg man consumes 2 liters of water daily and 18.7 grams of contaminated fish having a BCF of 2.4 and assuming 100 percent gastrointestinal absorption of 2,4-DNP, a 2 mg/kg dose of 2,4-DNP would result if drinking water contained 68.6 mg/l of 2,4-DNP.

$$\frac{140 \text{ mg/day}}{2 \text{ liters} + (2.4 \times 0.0187) \times 1.0} = 68.6$$

These data taken together with the demonstrated bacterial mutagenicity of 2,4-DNP (Demerec, et al. 1951) [3] and the suspected ability of the compound to induce chromosomal breaks in

[1] National Academy of Sciences. 1977. Drinking water and health. Washington, D.C.

[2] Spencer, H.C., et al. 1948. Toxicological studies on laboratory animals of certain alkyl dinitrophenols used in agriculture. Jour. Ind. Hyg. Toxicol. 30: 10.

[3] Demerec, M., et al. 1951. A survey of chemicals for mutagenic action on *E. coli*. The Am. Natur. 85: 119.

mammals (Mitra and Manna, 1971) [4] suggest that an uncertainty factor of 1,000 should be used in criteria formulation.

The suggested water criterion for 2,4-DNP is, therefore:

$$\frac{68.6 \text{ mg/l}}{1{,}000} = 68.6 \text{ µg/l}$$

The available data are insufficient to enable calculation of water criterion levels for the remaining dinitrophenol isomers. For the present, it seems reasonable to assume that the 2,4-dinitrophenol criterion would be appropriate for the other isomers.

Chronic mammalian toxicology data for the trinitrophenols are absent from the literature. An outbreak of microscopic hematuria among shipboard U.S. Navy personnel exposed to 2,4,6-trinitrophenol in drinking water has been reported, however. Although it is not possible to precisely estimate either the 2,4,6-trinitrophenol water level or duration of exposure required for the development of hematuria 2,4,6-trinitrophenol levels of 10 mg/l and 20 mg/l were detected in drinking water aboard two ships at the time of the outbreak.

Based on the presumed development of hematuria in humans at drinking water levels of 10 mg/l and the evidence indicating mutagenic activity in bacteria, an uncertainty factor of 1,000 is suggested for formulation of the 2,4,6-trinitrophenol water criteria:

$$\frac{10 \text{ mg/l}}{1{,}000} = 10 \text{ µg/l}$$

Since available data are insufficient to enable calculation of water criterion levels for the remaining trinitrophenol isomers, it seems reasonable to asume, for the present, that the 2,4,6-trinitrophenol criterion is appropriate for the other isomers.

Although 4,6-dinitro-o-cresol (DNOC) is considered a cumulative poison in humans, probably as a result of slow metabolism and inefficient excretion, true chronic or subacute effects have never been reported in either humans or experimental animals. Since DNOC is not a cumulative poison in experimental animals, extrapolation to humans from long-term animal studies is of questionable value.

The no-observable-effect level (NOEL) for DNOC respiratory exposure in humans has been reported as 0.2 mg/m^3 air (Natl. Inst. Occup. Safety Health, 1978).[5] NIOSH (1978) has, in fact, recommended that the current Federal workplace environmental limit of 0.2 mg/m^3 be retained, based on the available data.

It is possible to calculate the anticipated daily exposure of a 70 kg human male exposed to 0.2 mg/m^3 for an eight-hour period. If one assumes the average minute volume is 28.6 liters of air/minute (average minute volume for a man doing light work—NIOSH, 1978) [5] the anticipated daily exposure is 39 µg/kg/day. Since the NOEL's calculated from long-term experimental animal studies are considerably higher than this value, it will be used as a basis for the suggested water criterion.

If one assumes that absorption of DNOC across the respiratory tract is identical to gastrointestinal absorption, and that a 70 kg human male consumes 2 liters of water daily and 18.7 g of contaminated fish having a BCF of 7.5, the following calculations indicate the maximum allowable levels of DNOC in drinking water based on the NIOSH air standard values:

$$39 \text{ µg/kg/day} \times 70 \text{ kg} = 2.73 \text{ mg/day}$$

$$\frac{2.73 \text{ mg/day}}{(2/1 + (7.5 \times 0.0187) \times 1.0} = 1.28 \text{ mg/l}$$

In view of the lack of data indicating chronic effects and the existence of a very recent Federal guideline for human exposure, an uncertainty factor of 100 is chosen for the protection of the general public. The suggested criterion for 4,6-dinitro-o-cresol (and in the absence of adequate data, the other dinitrocresol isomers) is

$$\frac{1.28 \text{ mg/l}}{100} = 12.8 \text{ µg/l}$$

Phenol

Criteria Summary

Freshwater Aquatic Life. For phenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 600 µg/l as 24-hour average, and the concentration should not exceed 3,400 µg/l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for phenol 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 phenol ingested through water and through contaminated aquatic organisms the concentration in water should not exceed 3.4 mg/l.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of phenol is the Final Acute Value of 3,400 µg/l and the 2.4 hour average concentration is the Final Chronic Value of 600 µg/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 phenol the criterion to protect freshwater aquatic life as derived using the Guidelines is 600 µg/l as a 24-hour average, and the concentration should not exceed 3,400 µg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 4,000 µg/l
Final Invertebrate Acute Value = 3,400 µg/l
Final Acute Value = 3,400 µg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = 600 µg/l
Final Plant Value = 20,000 µg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 600 µg/l
0.44 × Final Acute Value = 1,500 µg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for phenol 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.

Final Fish Acute Value = 620 µg/l
Final Invertebrate Acute Value = 960 µg/l
Final Acute Value = 620 µg/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 = 270 µg/l

Human health. Heller and Pursell (1938) reported no significant effects in a multi-generation feeding study in rats at 100, 500, and 1000 mg/l of phenol in drinking water for five generations and at 3000 and 5000 mg/l for three generations. Assuming a daily water intake of 30 ml and an average bodyweight of 300 grams, these rats would have received daily doses of 10, 50, 100, 300, and 500 mg/kg/day. The upper range approaches a single LD_{50} dose per day. Deichmann and Oesper (1940) reported no significant effects in

[4] Mitra, A. B., and G. K. Manna. 1971. Effect of some phenolic compounds on chromosomes of bone marrow cells of mice. Indian Jour. Med. Res. 59: 1442.

[5] National Institute for Occupational Safety and Health. 1978. Criteria for a recommended standard: Occupational exposure to dinitro-ortho-creosol. Dept. of Health, Education, and Welfare, Washington, D.C.

rats receiving approximately 70, 100, or 163 mg/kg/day in their drinking water for 12 months. However, both of these studies did not report detailed pathological or biochemical studies but relied mostly on the weights and the general appearance of the animals for evaluation. In a more recent study (Dow Chemical Co., 1976), 135 dosings by gavage over six months at 100 mg/kg/dose resulted in some liver and kidney damage. At 50 mg/kg/dose the exposure resulted in only slight kidney damage. It must be borne in mind that in the first two studies the phenol is incorporated into the drinking water so that the daily dose is taken gradually. In the Dow study the phenol is administered in a single slug. A 500-fold uncertainty factor applied to the 50 mg/kg exposure in the Dow study would provide an estimated acceptable level of 0.1 mg/kg/day for man. In the case of phenol a great deal of information on human exposure exists. Long term animal data are available as well, however, the detail in these studies is very incomplete. Shorter term studies of sufficient detail provide the lowest dose level in animal studies for which an adverse effect was seen. It was judged that the existing data did not fully satisfy the requirements for the use of a 100X uncertainty factor but were better than the requirements for a 1000X uncertainty factor (Table 9). Consequently, an intermediate 500X uncertainty factor was selected.

Table 9.—*Guidelines for Using Uncertainty Factors*

[NAS Drinking Water and Human Health, 1977]

Uncertainty Factor = 10	Valid experimental results from studies on prolonged ingestion by man, with no indication of carcinogenicity.
Uncertainty Factor = 100	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 = 1,000	No long term or acute human data. Scanty results on experimental animals. No indication of carcinogenicity.

When one examines the amount of phenol absorbed through inhalation near the TLV of 20 mg/m³ for occupational exposures by using the Stokinger and Woodward model (1958), then at a breathing rate of 10 m³ for an eight hour day with 75 percent absorption and a body weight of 70 kg, a man would absorb approximately 2.14 mg/kg/working day, assuming no skin absorption. The use of the Stokinger-Woodward model may be applicable to estimate acceptable intake from water.

It has been established that phenol is absorbed rapidly by all routes and subsequently is distributed rapidly. If a ten-fold safety factor is applied to the projected doses absorbed from inhalation at the TLV (which already incorporates some safety factors), then the projected acceptable level would be 0.2 mg/kg/day. The estimate from animal data is 0.1 mg/kg/day. On the basis of chronic toxicity data in animals and man, an estimated acceptable daily intake for phenol in man should be 0.1 mg/kg/day or 7.0 mg/man, assuming a 70 kg body weight. Therefore, consumption of 2 liters of water daily and 18.7 grams of contaminated fish having a bioconcentration factor of 2.3, would result in assuming 100% gastrointestinal absorption of phenol, a maximum permissible concentration of 3.4 mg/l for the ingested water:

$$\frac{7.0\ \text{mg/day}}{(2\ \text{liters} + (2.3 \times 0.0187) \times 1.0} = 3.4\ \text{mg/l}$$

This water quality criterion is in the range of reported taste and odor threshold values for phenol which have been reported. It is recognized that when ambient water containing this concentration of phenol is chlorinated, various chlorinated phenols may be produced in sufficient quantities to produce objectional taste and odors. However, the ambient water quality criterion for phenol is based on phenol alone. For the criteria of 2-chlorophenol, 2,4-dichlorophenol and other chlorophenols, reference should be made to their specific criterion documents.

Phthalate Esters

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for any phthalate ester 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 any phthalate ester 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 phthalate esters ingested through water and through contaminated aquatic organisms, the ambient water criteria for dimethyl phthalate and diethyl phthalate are determined to be 160 mg/l and 60 mg/l, respectively. The water quality criteria for dibutyl phthalate and di-2-ethylhexyl phthalate are determined to be 5 mg/l and 10 mg/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any phthalate ester 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. All concentrations below have been rounded to two significant figures.

butylbenzyl phyhalate

Final Fish Acute Value = 6,100 μg/l
Final Invertebrate Acute Value = 3,700 μg/l
Final Acute Value = 3,700 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 110 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 110 μg/l
0.44 × Final Acute Value = 1,600 μg/l

diethyl phthalate

Final Fish Acute Value = 14,000 μg/l
Final Invertebrate Acute Value = 2,100 μg/l
Final Acute Value = 2,100 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 86,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 86,000 μg/l
0.44 × Final Acute Value = 920 μg/l

dimethyl phthalate

Final Fish Acute Value = 6,900 μg/l
Final Invertebrate Acute Value = 1,300 μg/l
Final Acute Value = 1,300 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 39,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 39,000 μg/l
0.44 × Final Acute Value = 570 μg/l

di-n-butyl phthalate

Final Fish Acute Value = 310 μg/l
Final Invertebrate Acute Value = 36 μg/l
Final Acute Value = 36 μg/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 = 16 μg/l

di-2-ethylhexylphthalate

Final Fish Acute Value = not available
Final Invertebrate Acute Value = 450 μg/l
Final Acute Value = 450 μg/l
Final Fish Chronic Value = 0.63 μg/l
Final Invertebrate Chronic Value = less than 0.59 μg/l
Final Plant Value = not available
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = less than 0.59 μg/l
0.44 × Final Acute Value = 200 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for any phthalate ester using the Guidelines because no Final Chronic Value for either fish 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.

butylbenzyl phthalate

Final Fish Acute Value = 66,000 μg/l
Final Invertebrate Acute Value = 170 μg/l
Final Acute Value = 170 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 170 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 170 μg/l
0.44 × Final Acute Value = 75 μg/l

diethyl phthalate

Final Fish Acute Value = 4,400 μg/l
Final Invertebrate Acute Value = 130 μg/l
Final Acute Value = 130 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 66,000 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 66,000 μg/l
0.44 × Final Acute Value = 57 μg/l

dimethyl phthalate

Final Fish Acute Value = 8,600 μg/l
Final Invertebrate Acute Value = 1,300 μg/l
Final Acute Value = 1,300 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 26,000 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 26,000 μg/l
0.44 × Final Acute Value = 570 μg/l

Human Health. From the available information, the phthalic acid esters have not been found to be carcinogenic in animals or man. At high doses when injected i.p., the esters can act as teratogenic agents and possibly as mutagenic agents in rats. These esters also have an effect upon gonads in rats. Evidence is also at hand to show that the esters may bring about biochemical and pathological changes in the liver of rats when repeatedly administered orally or by i.p. When solubilized in blood components, DEHP has demonstrated liver involvement when these products have been repeatedly administered i.v. to monkeys. Inhalation studies in rats and man suggest that certain phthalates may be responsible for neurological disorders, but these results need further verification since other non-phthalate esters may also have been present leading to the problems.

Since a number of phthalate esters are in the environment or may be present in water, it was thought appropriate to review chronic toxicity data for those esters in which well established chronic toxicity data were reported to establish an "allowable daily intake" (ADI). In calculating the ADI, an uncertainty factor of 100 was used based upon a 70 kg person. Table 11 taken from Shibko (1974), lists eight esters in which the "no effect" dose was established from chronic toxicity studies in rats or dogs. The table also includes the number of days the animals were fed the specific phthalate esters and the calculated ADI. It will be noted that the ADI ranged from a low of 9.8 mg/day for dicyclohexyl phthalate to a high of 700 mg/day for dimethyl phthalate.

For the sake of establishing water quality criteria, it is assumed that on the average a person ingests 2 liters of water and 18.7 grams of fish. The amount of water ingested is approximately 100 times greater than the amount of fish consumed. Since fish may biomagnify the esters to various degrees, a "biomagnification factor" (F) is used in the calculation. Biomagnification factors for dimethyl, diethyl, dibutyl and di-2-ethylhexyl esters were derived by the EPA ecological laboratories, Duluth (see Ingestion from Foods).

Table 11.—*Calculated Allowable Daily Intake in Water and Fish for Various Phthalate Esters*

Ester	No effect dose[1] (mg/kg/day)	Species	Days	ADI[2] (mg/day)	F[3]	Recommended criteria mg/l
1. Dimethyl	1000	Rat	104	700.0	130	160
2. Diethyl	625	Dog	52	438.0	270	60
3. Dibutyl	18	Dog	52	12.6	26	5
4.Dicyclohexyl	14	Dog	52	9.8	(4)	
5. Methyl phthalyl ethyl glycolate	750	Rat	104	525.0	(4)	
6. Ethyl phthalyl ethyl glycolate	250	Rat	104	175.0	(4)	
7. Butyl phthalyl ethyl glycolate	140	Dog	104	98.0	(4)	
8. Di-2-ethyhexyl	60	Dog	52	42.0	95	10

[1] From: Shibko, 1974.
[2] Allowable Daily Intake for 70 kg person (100 safety factor).
[3] F = Biomagnification factor.
[4] Not established.

Due to lack of data, bioconcentration factors could not be derived for dicyclohexyl, methyl phthalyl ethyl glycolate, ethyl phthalyl ethyl glycolate and butyl phthalyl ethyl glycolate.

The equation for calculating an acceptable amount of ester in water based on ingestion of 2 liters of water and 18.7 g fish is:

$$(2/l)\,X + (0.0187 \times F)\,X = ADI$$

where 2/l = 2 liters of drinking water consumed
0.0187 kg = amount of fish consumed daily
F = biomagnification factor
ADI = Allowable Daily Intake (mg/day for 70 kg person)

For example, consider that the ADI for dimethyl phthalate is 700 mg/day and the biomagnification factor is 130, the above equation can be solved as follows:

$$2X + (0.0187 \times 130)X = 700$$
$$2X + (2.43)X = 700$$
$$4.43X = 700$$
$$X = 158 \text{ (or } \approx 160 \text{ mg/l)}$$

Thus, the recommended water quality criterion is 160 mg/l.

Similar calculations were made for each of the esters and are presented below:

Diethyl

$$2/lX + (0.0187 \times 270)X = 438$$
$$2X + 5.05X = 438$$
$$7.05X = 438$$
$$X = 62 \text{ mg/l (or } \approx 60 \text{ mg/l)}$$

Dibutyl

$$2/lX + (.0187 \times 26) = 12.6$$
$$2X + .468X = 12.6$$
$$2.468X = 12.6$$
$$X = 5.10 \text{ mg/l (or } \approx 5 \text{ mg/l)}$$

Di-2-ethyhexyl

$2/1X + (.0187 \times 95) = 42$
$2/1 + 1.7765 = 42$
$3.7785X = 42$
$X = 11.12$ mg/l (or $\approx$10 mg/l)

Thus, the recommended water quality criteria for four phthalate esters are:

dimethyl, 160 mg/l
diethyl, 60 mg/l
dibutyl, 5 mg/l
di-2-ethyhexyl, 10 mg/l
(see Table 11).

It seems clear that exposure from the water route presents no real risk to the population in regard to the phthalate esters. Reported levels of phthalate esters in U.S. surface waters have only been in the ppb range; at approximately 1 to 2 µg/l (see Ingestion from Water section).

Other routes of exposure such as inhalation (industrial sites manufacturing the esters), dermal exposure, consumption of certain fatty or fatty-like foods and certain fish will be the major contributors to the body-load of phthalate esters. Phthalate ester residues in foods such as margarine, cheese and milk may, on some occasions, reach 50 ppm. Also a special group at risk will be patients to whom chronic transfusions of blood and blood products are administered.

Although it is recognized that routes of exposure other than water contribute more to the body burden of phthalate esters, this information will not be considered in forming ambient water quality criteria until additional analysis can be made. Therefore, the criteria presented assumed a risk estimate based only on ambient water exposure.

The need for more accurate residue content of foods, fish and water is still very apparent and, as more data become available, a reevaluation should be made as to the possible hazard to the population by the ingestion of phthalate esters.

Polychlorinated Biphenyls

Criteria Summary

Freshwater Aquatic Life. For polychlorinated biphenyls the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.0015 µg/l as a 24-hour average and the concentration should not exceed 6.2 µg/l at any time.

Saltwater Aquatic Life. For polychlorinated biphenyls the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.024 µg/l as a 24-hour average and the concentration should not exceed 0.20 µg/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 0.2 ng/l, 0.02 ng/l and 0.002 ng/l respectively.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of polychlorinated biphenyls is the Final Acute Value of 6.2 µg/l and the 24-hour average concentration is the Final Chronic Value of 0.0015 µg/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 polychlorinated biphenyls the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.0015 µg/l as a 24-hour average and the concentrations should not exceed 6.2 µg/l at any time.

Summary of Available Data

Final Fish Acute Value + 7.7 µg/l
Final Invertebrate Acute Value = 6.2 µg/l
Final Acute Value = 6.2 µg/l
Final Fish Chronic Value = 0.20 µg/l
Final Invertebrate Chronic Value = 0.73 µg/l
Final Plant Value = 0.10 µg/l
Residue Limited Toxicant
Concentration = 0.0015 µg/l
Final Chronic Value = 0.0015 µg/l
0.44 x Final Acute Value = 2.7 µg/l

Saltwater Aquatic Life. The maximum concentration of polychlorinated biphenyls is the Final Acute Value of 0.20 µg/l and the 24-hour average concentration is the Final Chronic Value of 0.024 µg/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 polychlorinated biphenyls the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.024 µg/l as a 24-hour average and the concentration should not exceed 0.20 µg/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 = 0.20 µg/l
Final Acute Value = 0.20 µg/l
Final Fish Chronic Value = 0.049 µg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 0.1 µg/l
Residue Limited Toxicant
Concentration = 0.024 µg/l
Final Chronic Value = 0.024 µg/l
0.44 x Final Acute Value = 0.087 µg/l

Human Health. An assessment of carcinogenic risk will be made by extrapolation from animal data using a linear (non-threshold) model. The model used takes into account the bioaccumulation of PCBs in fish and shellfish. It is assumed that an average of 2 liters/day of water are consumed along with 18.7 g of fish taken from that water source. Exposures from other food sources, air or occupational exposure are not included in the risk assessment.

Among the studies reviewed by this document, only one appears suitable for use in the cancer risk assessment. None of the mouse studies involved feeding for most or all of a lifetime and are therefore unsuitable. Of the rat studies, the only one involving long term exposure and adequate numbers of animals is the study in Sherman rats by Kimbrough, et al. (1975)[1].

This study has some drawbacks in that it lacks any evidence of a dose-response (due to the use of only one dose level), it tests only one sex of the species, and only one commercial mixture of PCBs was tested. Yet the experimental design is a good one in many ways: the treatment was given over a good proportion of the lifespan, there was an appropriate route (food) and distribution of exposure (uniform dose over time), the authors provided good documentation of the actual intake dose, a sufficiently large number of experimental and control animals were used to detect a statistically significant increase in tumors and there was a thorough and well documented description of the pathology (hepatocellular carcinoma). The NCI study (1978)[2] was the only other study involving a long term exposure and was suggestive of a carcinogenic effect; however, the lack of an adequate number of animals renders it unsuitable as a study upon which to base an estimate of carcinogenic risk.

Under the Consent Decree in *NRDC vs. Train*, criteria are to state "recommended maximum permissible concentrations (including where

[1] Kimbrough, R. D., et al. 1975. Induction of liver tumors in Sherman strain female rats by polychlorinated biphenyl Aroclor 1260. Jour. Natl. Cancer Inst. 55: 1453.

[2] National Cancer Institute. 1978. Bioassay of Aroclor 1254 for possible carcinogenicity. Carcinogenesis Technical Report Series No. 38, DHEW Publ. No. (NIH) 78-838, 62 pp.

appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." PCBs are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of PCBs 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 concentration of PCBs 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}
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2].	0	0.002 ng/l	0.02 ng/l	0.2 ng/l
Consumption of fish and shellfish only..	0	0.002 ng/l	0.02 ng/l	0.2 ng/l

[1] Calculated by applying a modified "one-hit" extrapolation model described in FR 15926, 1979. 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 99.8 percent of the PCB exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 46,000 fold. The remaining 0.2 percent of PCB exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of PCBs, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding PCB's concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding PCB concentrations. Although total exposure information for PCBs 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.

The very low limits suggested by this risk estimate are due in large part to the very large bioaccumulation factor in fish (46,000). This figure is an average for a wide variety of saltwater and freshwater organisms (see section on Ingestion from foods).

As possible strategies to reduce human exposures to PCBs are considered, the relative contributions of ingested water and fish should be kept in mind. At the assumed consumption rate of 2l of drinking water and 18.7 g of fish/day, over 99 percent of the dietary PCBs will be obtained from fish. Strategies which focus separately on the reduction of PCB levels in water and fish for human consumption might be more practical and productive than a single standard for water which takes bioaccumulation in fish into account.

A final comment about the risk level derived from this study is that it is based on animal data which are statistically weak. The weight of evidence indicates that PCBs are carcinogenic in rodents. However, the carcinogenic activities of these compounds are not great. An acceptable noncarcinogenic level could be established with greater certainty if better quantitative data on carcinogenicity were available. Studies with larger numbers of animals designed to measure relatively small effects are needed. Also, the rats appears to be much less sensitive to the acute and subacute effects of PBCs than man or non-human primates. Further investigation of the effects of PCBs in Rhesus monkeys, particularly with reference to the gastric lesions produced, would be useful.

Summary of Pertinent Data. The water quality criterion for PCBs is derived from the hepatocellular carcinoma and neoplastic nodule response of Sherman strain female rats fed 100 ppm Aroclor 1260 (Kimbrough, et al., 1975).[1] A time-weighted average dose of 88.4 ppm was administered for approximately 21.5 months and the animals were observed for an additional six weeks before terminal sacrifice. The incidence of hepatocellular carcinoma and neoplastic nodules was 170/184 in the treated group and 1/173 in the control group. Assuming a fish bioaccumulation factor of 46,000, the criterion is calculated from the following parameters:

$n_t = 170$
$N_t = 184$
$n_c = 1$
$N_c = 173$
$Le = 730$ days
$le = 645$ days
$d = 88.4 \times 0.05 = 4.42$ mg/kg/day
$w = 0.4$ kg
$L = 730$ days
$R = 46{,}000$
$F = 0.0187$ kg/day

Based on these parameters, the one-hit slope B_H is 3.25 (mg/kg/day).$^{-1}$. The resulting water concentration of PCBs calculated to keep the individual lifetime cancer risk below 10^{-5} is 0.24 nanograms per liter.

Toluene

Criteria Summary

Freshwater Aquatic Life. The data base for freshwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for saltwater organisms.

For toluene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 2,300 μg/l as a 24-hour average and the concentration should not exceed 5,200 μg/l at any time.

Saltwater Aquatic Life. For toluene the criterion to protect saltwater aquatic life as derived using the Guidelines is 100 μg/l as a 24-hour average and the concentration should not exceed 230 μg/l at any time.

Human Health. For the protection of human health from the toxic properties of toluene ingested through water and through contaminated aquatic organisms, the ambient water criterion is determined to be 17.4 mg/l.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for toluene 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 toluene and saltwater organisms can be used to estimate a criterion.

For toluene 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 toluene and freshwater organisms would be 0.44 times the Final Acute Value.

The maximum concentration of toluene is the Final Acute Value of 5,200 μg/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 toluene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 2,300 μg/l as a 24-hour average and the concentration should not exceed 5,200 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 5,200 μg/l
Final Invertebrate Acute Value = 13,000 μg/l
Final Acute Value = 5,200 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 250,000 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 250,000 μg/l
0.44 × Final Acute Value = 2,300 μg/l

Saltwater Aquatic Life. The maximum concentration of toluene is the Final Acute Value of 230 μg/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 toluene the criterion to protect saltwater aquatic life as derived using the Guidelines is 100 μg/l as a 24-hour average and the concentration should not exceed 230 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 2,000 μg/l
Final Invertebrate Acute Value = 230 μg/l
Final Acute Value = 230 μg/l
Final Fish Chronic Value = 320 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 8,000 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 320 μg/l
0.44 × Final Acute Value = 100 μg/l

Human Health

Existing Guidelines and Standards. The only current guideline for toluene exposure has been established to prevent adverse health effects from the chemical in occupational settings. The present standard is 100 ppm (375 mg/m³), determined as a time-weighted average exposure for an eight hour workday, with a ceiling of 200 ppm (NIOSH, 1973). Skin and eye exposure is to be minimized. This standard was set primarily on the basis of subjective and objective signs of mucus membrane irritiation and deficits in central nervous system function upon acute inhalation exposure of human subjects to 200 ppm toluene. Short-term inhalation of 100 ppm was apparently without demonstrable effect in humans. Reports reviewed by the National Institute for Occupational Safety and Health (1973) also have failed to indicate adverse effects on the hematopoietic, hepatorenal, or other systems of workers routinely inhaling approximately 100 ppm toluene.

A review of potentially harmful effects of chemical contaminants of drinking water was undertaken by the Committee on Safe Drinking Water of the National Academy of Sciences (1977). The recommendations of this committee were to be used by the U.S. EPA as the scientific basis for revision or ratification of the Interim Primary Drinking Water Regulations promulgated under the Safe Drinking Water Act of 1974. Toluene was one of the organic chemicals considered here. Although it was concluded that toluene and its major metabolite, benzoic acid, were relatively non-toxic, the committee felt there was insufficient toxicological data available to serve as a basis for setting a long-term ingestion standard. It was recommended that studies be conducted to produce relevant information (NAS, 1977). Toluene has recently been considered for a second time by a reorganized Toxicology Subcommittee of the Safe Drinking Water Committee of the National Academy of Sciences. Results of the deliberations of this group have not yet been made public.

There are no Federal or State guidelines, nor standards for general atmospheric pollution by toluene.

Current Levels of Exposure. Toluene has been detected in raw water and in finished water supplies of several communities in the United States. Levels of up of 11 μg/l were found in finished water from the New Orleans area (U.S. EPA, 1975a). In a nationwide survey of water supplies from ten cities, six were discovered to be contaminated with toluene (U.S. EPA, 1975b). Concentrations of 0.1 and 0.7 μg/l were measured in two of these water supplies. Toluene was detected in 1 of 111 communities' finished drinking waters during a second nationwide survey (U.S. EPA, 1977). In a subsequent phase of this survey, toluene was found in one raw water and three finished waters out of 11 surveyed (U.S. EPA, 1977). A level of 19 μg/l measured by gas chromatography/mass spectrometry, was found in one of these finished waters, and 0.5 μg/l was found in another.

There is a paucity of data available on levels of toluene in foods. Toluene was detected in fish caught from polluted waters in the proximity of petroleum and petrochemical plants in Japan (Ogata and Miyake, 1973). A concentration of 5 μg/g was measured in the muscle of one such fish. Two major metabolites of toluene, benzaldehyde and benzoic acid, naturally occur in foods or are intentionally added. Benzaldehyde is a flavoring agent, while benzoic acid is a preservative. Benzoic acid is also given in large oral doses to humans as a clinical method for measuring liver function.

Although toluene has been detected in the atmosphere, concentrations are many times lower than vapor levels considered to be potentially harmful in occupational settings. An atmospheric concentration of 39 ppm toluene was measured in Zurich, Switzerland (Grob and Grob, 1971). An average level of 37 ppb toluene was observed in Los Angeles air in 1966 (Lonneman, et al. 1968). The maximum amount detected there was 129 ppb. Comparable levels were found upon evaluation of air in Toronto, Canada (Pilar and Graydon, 1973). The maximum concentration of toluene measured in Toronto was 188 ppb, while the average concentration was 30 ppb. The atmospheric levels of toluene in both Toronto and Los Angeles varied considerably according to the time of day and sampling location (Pilar and Graydon, 1973; Altshuller, et al. 1971). Thus, it appears that atmospheric toluene in urban areas arises primarily from automotive emissions, with solvent losses as a secondary source.

The most significant toluene inhalation exposures occur in occupational and inhalant abuse settings. Occupational exposure levels are generally lower than the current standard of 100 ppm, although short exposures to higher vapor concentrations occur. Purposeful inhalation of toluene vapors in order to inebriate oneself is a quite different situation, since the participant may inhale extremely high concentrations repeatedly for months or years. Toluene

concentrations as high as 20,000 to 30,000 ppm can produce intoxication within minutes under such circumstances.

Special Groups at Risk. At present levels of exposure to toluene in the environment, available toxicological data do not suggest that any group in the general population would be at risk. Exposure to levels of the chemical necessary to produce physiological or toxicological effects would be anticipated primarily in occupational or solvent abuse situations. Environmental contribution of toluene in such settings should be minimal.

Basis and Derivation of Criterion. Although acute exposure to high levels of toluene can result in marked central nervous system depression, this action is rapidly reversible upon cessation of exposure in both laboratory animals (Peterson and Bruckner, 1976) and in man (Longley, et al. 1967). When administered acutely in quite large doses to animals, toluene can alter the metabolism and bioactivity of certain chemicals which are degraded by the mixed function oxidase system. Toluene appears to have little capacity to cause residual tissue injury. There is no conclusive evidence that the parent compound or its metabolites are mutagenic, although they have apparently not been tested in an *in vitro* mutagencity assay (Dean, 1978). Toluene has not been found to be teratogenic in laboratory animals (Roche and Hine, 1968; Hudak and Ungvary, 1978). Toluene has not been demonstrated to be carcinogenic when applied to the skin of mice (Poel, 1963; Doak, et al. 1976) or when administered by inhalation at concentrations of up to 300 ppm for as long as 18 months to male and female rats (Gibson, 1979). There are no accounts in the literature in which cancer in a human population is attributed specifically to toluene.

A number of investigations of the subacute and chronic toxicity of toluene have been carried out. Although the majority of emphasis has been placed upon inhalation exposure, Wolf, et al. (1956) did conduct a long-term, oral dosing study in which female rats were given 118, 354, and 590 mg/kg of toluene in olive oil by stomach tube 5 times weekly for 193 days. No adverse effects on growth, appearance and behavior, mortality, organ/body weights, blood urea nitrogen levels, bone marrow counts, peripheral blood counts, or morphology of major organs were observed at any dose level. The lack of toxicity reported here is supported by findings of other groups of investigators who found no evidence of residual injury in a variety of animal species subjected to toluene vapors for varying times over periods as long as 18 months (Jenkins, et al. 1970; Carpenter, et al. 1976; Bruckner and Peterson, 1978; Rhudy, et al. 1978; Gibson, 1979).

Therefore, it seems reasonable that the highest dose utilized by Wolf, et al. (1956), namely 590 mg/kg, might serve as the basis for calculating an "Acceptable Daily Intake" for toluene. Although 590 mg/kg will be considered here as a "maximum-no-effect" dose, it should be recognized that the actual "maximum-no-effect" dose may be higher, since Wolf, et al. (1956) did not determine a "minimum-toxic-dose." Reynolds and Yee (1968) saw no effect on several parameters of hepatotoxicity in rats given a single oral dose of 2.4 g/kg toluene. The oral, acute LD_{50} for toluene in young, adult rats is reported to be 7.0 g/kg (Wolf, et al. 1956). It is possible that the actual "maximum-no-effect" dose may be lower than 590 mg/kg, should alternative indices of toxicity be evaluated. Man may prove to be more sensitive to toluene than experimental animals. Thus, assuming a 70 kg body weight, it seems appropriate that a safety factor of 1,000 be applied in the following calculation:

$$\frac{590\ \text{mg/kg} \times 70}{1000} = 41.3\ \text{mg/kg}$$

Therefore, consumption of 2/l of water daily and 18.7/g of contaminated fish having a bioconcentration factor of 20, would result in, assuming 100 percent gastrointestinal absorption of toluene, a maximum permissible concentration of 17.4 mg/l for the ingested water:

$$\frac{41.3\ \text{mg/day}}{(2\ \text{liters} + (20 \times 0.0187) \times 1.0} = 17.4\ \text{mg/l}$$

Toxaphene

Criteria Summary

Freshwater Aquatic Life. For toxaphene the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.007 µq/l as a 24-hour average and the concentration should not exceed 0.47 µg/l at any time.

Saltwater Aquatic Life. For toxaphene the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.019 µg/l as a 24-hour average and the concentration should not exceed 0.12 µg/l at any time.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to toxaphene through ingestion of water and contaminated aquatic

organisms, the ambient water concentration is zero. Concentrations of toxaphene 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 0.5 ng/l, 0.05 ng/l, and 0.005 ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of toxaphene is the Final Acute Value of 0.47 μg/l and the 24-hour average concentration is the Final Chronic Value of 0.007 μg/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 toxaphene the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.007 μg/l as a 24-hour average and the concentration should not exceed 0.47 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=0.92 μg/l
Final Invertebrate Acute Value=0.46 μg/l
Final Acute Value=0.46 μg/l
Final Fish Chronic Value=0.007 μg/l
Final Invertebrate Chronic Value=0.06 μg/l
Final Plant Value=not available
Residue Limited Toxicant
Concentration=0.011 μg/l
Final Chronic Value=0.007 μg/l
0.44×Final Acute Value=0.20 μg/l

Saltwater Aquatic Life. The maximum concentration of toxaphene is the Final Acute Value of 0.12 μg/l and the 24-hour average concentration is the Final Chronic Value of 0.019 μg/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 toxaphere the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.019 μg/l as a 24-hour average and the concentration should not exceed 0.12 μg/l at any time.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 0.44 μg/l
Final Invertebrate Acute Value = 0.12 μg/l
Final Acute Value = 0.12 μg/l
Final Fish Chronic Value = 0.12 μg/l
Final Invertebrate Chronic Value = 0.019 μg/l
Final Plant Value = 0.15 μg/l
Residue Limited Toxicant
Concentration = 0.39 μg/l
Final Chronic Value = 0.019 μg/l
0.44 × Final Acute Value = 0.053 μg/l

Human Health. Various water concentrations of toxaphene have been recommended to protect man and aquatic organisms from the organoleptic or toxic properties of this compound (see "Existing Guidelines and Standards" section). These concentrations with the accompanying rationale, are summarized below:

Level:	*Rationale*
5.0 μg/l	Organoleptic effects
2.5 μg/l	Non-carcinogenic mammalian toxicity
8.75 μg/l	Non-carcinogenic mammalian toxicity
0.44 μg/l	Non-carcinogenic mammalian toxicity
0.008 μg/l	Aquatic toxicity data

Additionally, carcinogenic responses have been induced in mice and rats by toxaphene (National Cancer Institute, 1979).[1] These results, together with the positive mutagenic response, constitute substantial evidence that toxaphene is likely to be a human carcinogen. Estimated criterion levels for toxaphene in water can be calculated using the linear, non-threshold model described in the **Federal Register**, March 15, 1979, and the results of the National Cancer Institute bioassay of toxaphene for carcinogenicity (see Summary of Pertinent Data).

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." Toxaphene is suspected of being a human carcinogen. Because there is no recognized safe concentration for human carcinogens, the recommended concentration of toxaphene 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 toxaphene 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

[1] National Cancer Institute. 1979. Bioassay of Toxaphene for possible carcinogenicity. DHEW Publication No. (NIH) 73-837

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	Risk levels and corresponding criteria [1]			
	0	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2].	0	0.005 ng/l	0.05 ng/l	0.5 ng/l
Consumption of fish and shellfish only..	0	0.005 ng/l	0.05 ng/l	0.5 ng/l

[1] Calculated by applying a modified "one hit" extrapolation model described in the FR 15926, 1979. Since the extrapolation model is linear to low dosses, 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] 99 percent of the toxaphene exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 18,000 fold. The remaining percent of toxaphene exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of toxaphene, (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding toxaphene concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding toxaphene concentrations.

Although total exposure information for toxaphene 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 because of the tenuous estimates and the conflicting information regarding the trend of toxaphene residues in food until additional analysis can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

The water quality criterion for toxaphene is derived from the development of hepatocellular carcinomas and neoplastic nodules in the B C F male mice given the low dose of toxaphene in the NCI bioassay study. In that group, a time-weighted average dose of 99 ppm was administered in the diet for 80 weeks and the animals were observed for additional 10 weeks before terminal sacrifice. The incidence of hepatocellular carcinomas and neoplastic nodules was 7/48 and 40/49 in the pooled control and treated groups, respectively. Assuming a fish bioconcentration factor of 18,000, the criterion is calculated from the following parameters:

nt = 40
Nt = 49
nc = 7
Nc = 48
Le = 900 days
le = 665 days
d = 99 ppm × 0.136 = 13.50 mg/kg/day
w = 0.033 kg
L = 900 days
R = 18,000
F = 0.0187 kg/day

Based on these parameters, the one-hit slope (B_n) is 4.42 (mg/kg/day). The resulting water concentration of toxaphene calculated to keep the individual risk below 10^{-5}, is $4.f \times 10^{-4}$ micrograms/liter.

Zinc

Criteria Summary

Freshwater Aquatic Life. For zinc the criterion to protect freshwater aquatic life as derived using the Guidelines is "$_e$(0.67·ln(hardness) + 0.67)" as a 24-hour average and the concentration should not exceed "$_e$(0.64·ln(hardness) + 2.46)" at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for zinc 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 zinc, the current standard for drinking water of 5 mg/l was adopted for ambient water criterion.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of zinc is the Final Acute Value of $_e$(0.64·ln(hardness) + 2.46) and the 24-hour average concentration is the Final Chronic Value of $_e$(0.67·(hardness) + 0.67). No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For zinc the criterion to protect freshwater aquatic life as derived using the Guidelines is "$_e$(0.67·ln(hardness) + 0.67)" as a 24-hour average and the concentration should not exceed "$_e$(0.64·ln(hardness) + 2.46)" at any time.

Summary of Available Data. All concentrations herein are expressed in terms of zinc.

Final Fish Acute Value = $e^{(0.67 \cdot \ln(\text{hardness}) + 3.63)}$
Final Invertebrate Acute Value = $e^{(0.64 \cdot \ln(\text{hardness}) + 2.46)}$
Final Acute Value = $e^{(0.64 \cdot \ln(\text{hardness}) = 2.46)}$
Final Fish Chronic Value = $(0.67 \cdot \ln(\text{hardness}) + 0.67)$
Final Invertebrate Chronic Value = $e^{(0.64 \cdot \ln(\text{hardness}) + 2.00)}$
Final Plant Value = 30 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = $e^{(0.67 \cdot \ln(\text{hardness}) + 0.67)}$

Saltwater Aquatic Life. No saltwater criterion can be derived for zinc 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 zinc.

Final Fish Acute Value = 9,000 μg/l
Final Invertebrate Acute Value = 41 μg/l
Final Acute Value = 41 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 50 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 50 μg/l
0.44 x Final Acute Value = 18 μg/l

Human Health. Zinc is an essential element and is not a carcinogenic agent. Studies on experimental animals and on human beings given zinc for therapeutic purposes together with observations of occupationally exposed persons show that large doses of zinc can be tolerated for a long periods, provided that the copper status is normal.

Daily ingestion of about 150 mg of zinc as the sulphate has not resulted in adverse effects in most patients even after several months of treatment. A reduction of copper levels has been reported in patients with diseases such as sickle cell anemia and coeliac disease. A reduction of the dose of zinc and copper supplementation corrected the copper deficiency.

Laboratory animals have been shown to tolerate zinc concentration in the range of 100 to 300 mg/kg food and even higher for long periods when the intake of copper has been adequate. Copper deficient animals have been shown to be more susceptible. In many animal experiments zinc concentration in the diet of 1000 to 2000 mg/kg have been reported to be without effect. These concentrations should be compared to the average zinc content of human food, which is about 10 mg/kg.

The water quality criterion for zinc in water based on available data on effects of ingested zinc would be about 10 mg/l for the adult U.S. population. Assuming a water intake of 2 liters per day, this exposure would not cause more than an additional intake of 20 mg which can be well tolerated. This concentration is above the present standard for drinking water which is 5 mg/l based on organoleptic effects.

There are some indicationms that infants and small children may have a high intake of water and an additional intake of 10 to 20 mg might have an influence on copper metabolism in children with low copper intakes or with copper deficiency due to, e.g. intestinal diseases. However, due to insufficient amount of information available for this special group at risk, derivation of criterion lower than the current standard would be difficult to justify. Therefore, it is recommended that the current level be maintained for water quality criteria purposes (5 mg/l). As additional information becomes available reconsiderations of appropriateness of the current standard should be performed.

Acenaphthene	PB 296 782
Acrolein	PB 296 788
Antimony	PB 296 789
Chlorinated Phenols	PB 296 790
Copper	PB 296 791
Cyanide	PB 296 792
Dichlorobenzidine	PB 296 793
Dichloropropanes/propenes	PB 296 799
2,4 Dinitrotoluene	PB 296 794
Diphenylhydrazine	PB 296 795
Endosulfan	PB 296 783
Endrin	PB 296 785
Ethylbenzene	PB 296 784
Haloethers	PB 296 796
Halomethanes	PB 296 797
Isophorone	PB 296 798
Naphthalene	PB 296 786
Nickel	PB 296 800
Nitrobenzene	PB 296 801
Nitrophenols	PB 296 802
Phenol	PB 296 787
Phthalate Esters	PB 296 804
Polychlorinated biphenyls (PCB)	PB 296 803
Toluene	PB 296 805
Toxaphene	PB 296 806
Zinc	PB 296 807

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federal register

Wednesday
July 25, 1979

Part IV

Department of the Interior

Fish and Wildlife Service

Determination that Sagittaria Fasciculata is an Endangered Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination that Sagittaria Fasciculata is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Sagittaria fasciculata* (bunched arrowhead) to be an Endangered species. This plant occurs in North Carolina and South Carolina. The range of *Sagittaria fasciculata* has been reduced due to past drainage and development of suitable habitats. Only two extant populations now exist, one of which has recently been greatly depleted and is now very vulnerable. Both populations occur on privately owned lands. The determination that *Sagittaria fasciculata* is an Endangered species extends to this plant the protection provided by the Endangered Species Act of 1973, as amended.

DATE: This rulemaking becomes effective on August 31, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202/343–4646.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act, presented his report on plant species to Congress on January 9, 1975. This report, designated as House Document No. 94–51, contained lists of over 3,100 U.S. vascular plant taxa considered to be endangered, threatened, or extinct. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of the report of the Smithsonian Institution as a petition to list these species under Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523–24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the above mentioned **Federal Register** publication.

Sagittaria fasciculata was included in both the July 1, 1975, notice of review and the June 16, 1976, proposal. A public hearing on the June 16, 1976 proposal was held on August 4, 1976, in Washington, D.C. In the June 24, 1977, **Federal Register**, the Service published a final rulemaking (42 FR 32373–32381, to be codified at 50 CFR) detailing the regulations to protect Endangered and Threatened plant species. The rules establish prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances.

The Department has determined that this listing does not meet the criteria for significance in the Department Regulations implementing Executive Order 12044 (43 CFR Part 14) or require the preparation of a regulatory analysis.

Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the **Federal Register** prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976 were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, **Federal Register** publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909–17916). The Governors of North Carolina and South Carolina were both notified of the proposed action. The Governors themselves submitted no comments on the proposed action, but conservation agencies of both States did reply. Two comments were received concerning *Sagittaria fasciculata*. One comment was submitted by a professional botanist and the other by the Department of the Army (Fort Jackson, South Carolina). Both comments concerned the distribution of *Sagittaria fasciculata* in South Carolina.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Sagittaria fasciculata* E. O. Beal (bunched arrowhead) is in danger of becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Sagittaria fasciculata* are as follows:

(1) *Present or threatened destruction, modification or curtailment of its habitat or range.* Historically *Sagittaria fasciculata* has been collected from four locations—one in Buncombe County, North Carolina; two in Henderson County, North Carolina; and one in Greenville County, South Carolina.

The Buncombe County, North Carolina location was known only from a 1896 herbarium specimen which only gave general locality information. Local botanists have searched suitable habitats in Buncombe County but no recent records of the species in that County have been found. It is speculated that the Buncombe County site was destroyed by the extensive development of the general area since 1896. Several botanists noted a population which once occurred in Henderson County, North Carolina which was also destroyed by drainage of its habitat.

Two extant populations occur today. The extent population in Henderson County, North Carolina has been greatly reduced in size by past industrial development, road construction, and herbicide use. The population at this site occurs in a seepage located near a highway and adjacent to a railroad bank. Grading and filling operations associated with the widening of the adjacent highway, along with resultant changes in the drainage pattern of the area, have decreased the habitat of *Sagittaria fasciculata* at this location. Herbicides sprayed along the railroad also damaged the population. In early 1979 Southern Railroad reworked the section of railroad where the plants occurred, destroying all of the North Carolina population except for a small number near the highway. The remaining population at this location is very small and extremely vulnerable.

The Greenville County, South Carolina population occurs in a power line right of way, along the headwaters of a river. The open nature of this habitat which is maintaned by Duke Power Company is probably responsible for the vigorous nature of the *Sagittaria fasciculata* plants present at this location. Maintaining the right of way with methods compatible with the survival of the population will be necessary to protect *Sagittaria fasciculata* at this location.

Both extant populations occur on private land and could be further threatened by future development.

3-A25070 0002(00)(24-JUL-79-03:44:14)

(2) *Overutilization for commercial, sporting, scientific or educational purposes.* Interest or curiosity generated by listing this species could lead to collecting and vandalism. The North Carolina population has been so severely reduced in size already that any collecting could easily eliminate the population.

(3) *Disease or predation* (including grazing). Not applicable to this species.

(4) *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

(5) *Other natural or man-made factors affecting its continued existence.* The small size and number of the populations cause this species to be in greater danger of extinction due to natural fluctuations in the population. The early successional nature of the species also contributes to the danger of its extinction due to the loss of suitable habitat. As woody vegetation or taller herbaceous plants overtop *Sagittaria fasciculata* plants their continued existence is doubtful. Habitat manipulation through removal of woody vegetation and other plants should be carried out at both extant sites.

Effect of the Rulemaking

Section 7(a) of the Act as amended in 1978 provides:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of section 7 of the Endangered Species Act Amendments of 1978.

§ 17.12 Endangered and threatened plants.

Provisions for Interagency Cooperation were published on January 4, 1978, in the **Federal Register** (43 FR 870–876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this species.

Endangered species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations which pertain to Endangered plant species, are found at §§ 17.61–17.63 (42 FR 32378–32381).

Section 9(a)(2) of the Act, as implemented by § 17.61 would apply. With respect to any species of plant listed as endangered, it is, in general, illegal for any person subject to the jurisdiction of the United States to import or export such species; deliver, receive, carry, transport or ship such species in interstate or foreign commerce by any means and in the course of a commercial activity; or sell or offer such species for sale in interstate or foreign commerce. Certain exceptions apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the **Federal Register** of June 24, 1977 (42 FR 32373–32381, 50 CFR Part 17), also provide for the issuance of permits under certain circumstances to carry out otherwise prohibited activities involving Endangered plants.

Effect Internationally

In addition to the protection provided by the Act, the Service will review the status of this species to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendices to that Convention and whether it should be considered under other appropriate international agreements.

National Environmental Policy Act

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 added the following provision to subsection 4(a)(1) of the Endangered Species Act of 1973:

> At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Populations of *Sagittaria fasciculata* have already been greatly reduced in size and could be threatened by taking or vandalism, activities not prohibited by the Endangered Species Act of 1973. Publication of critical habitat maps would make this species more vulnerable and therefore it would not be prudent to determine critical habitat at this time.

Sagittaria fasciculata was proposed for listing as an endangered plant on June 16, 1976. Since it has been determined to be imprudent to designate critical habitat for this species at this time and all listing requirements of the Act have been satisfied, the Service now proceeds with this final rulemaking to determine this species to be endangered under the authority contained in the Endangered Species Act of 1973, as amended (16 USC 1531–1543).

The primary author of this rule is Ms. E. La Verne Smith, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703–235–1975).

Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, species, the following plant:

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion of range endangered			
Alismataceae—Water plantain family:						
Sagittaria fasciculata	Bunched arrowhead	U.S.C. (N.C and S.C.)	Entire	E		N/A

Dated: July 19, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-22924 Filed 7-24-79; 8:45 am]

BILLING CODE 4310-55

federal register

Wednesday
July 25, 1979

Part V

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; U.S. Populations of Seven Endangered Species

Digest

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR 17]

Endangered and Threatened Wildlife and Plants; U.S. Populations of Seven Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification that the populations of seven endangered species are not currently protected by the Endangered Species Act.

SUMMARY: With this notice, the Service recognizes that, through an oversight in the listing of seven endangered species the U.S. populations of these species are not currently covered by the endangered classification which is given to the species as a whole. These species are: short-tailed albatross, thick-billed parrot, wood bison, northern swift fox, jaguar, margay and ocelot. Since the Service had assumed that the U.S. populations of these species were provided the protection of the Endangered Species Act of 1973, action will be taken as quickly as possible to propose them for listing and to correct the oversight which currently excludes them from classification under the Act.

DATES: Comments on this notice should be received by September 28, 1979.

ADDRESSES: Send all communications to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Phone 703/235–1975.

SUPPLEMENTARY INFORMATION:

Background

The purpose of this notice is to inform the public and concerned State and Federal agencies that, through an oversight, United States populations of the following species are not currently listed under the Endangered Species Act of 1973: short-tailed albatross (*Diomeda albatrus*), thick-billed parrot (*Rhynchopsitta pachyrhyncha*), wood bison (*Bison bison athabascae*), northern swift fox (*Vulpes velox hebes*), jaguar (*Panthera onca*), margay (*Felis wiedii*) and ocelot (*Felis pardalis*).

The Endangered Species Conservation Act of 1969 required that in listing a native species as endangered, the Governor of any State in which such species was resident was to be consulted. In the case of the above seven species, they were placed on the list as endangered "foreign species" under the 1969 Act and none of the Governors of the States in which they are resident was contacted at the time. Thus the native populations of these species were never formally proposed for listing pursuant to the criteria and procedures of the 1969 Act. Because the "foreign" and "native" species lists were combined under the 1973 Act, the oversight involving the native populations of the listed foreign species was not discovered until recently. Therefore, the native populations of these species are not listed as endangered, although foreign populations are listed and receive all the protection of the Act. It has always been the intent of the Service that all populations of the above seven species deserve to be listed as endangered, whether they occur in the United States or in foreign countries. Therefore, the Service intends to take action as quickly as possible to propose the U.S. populations of these species for listing, and will correct the oversight that excludes them from the current list. Until final action is taken on that proposal, U.S. populations of the above species have no official standing under the Act. However, it is emphasized that the status of these native populations is truly endangered and that it is only as a result of an oversight that they are currently excluded from the protection of the Act. All Federal and State agencies, therefore, are requested and urged to provide them with the same considerations, wherever possible, that they would receive as endangered species until such time as they can be listed.

This notice was prepared by John L. Paradiso, Office of Endangered Species, 703/235–1975).

Dated: July 17, 1979.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 79-22955 Filed 7-24-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Wednesday
July 25, 1979

Part VI

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Review of the Status of the Wilbur Springs Shore Bug

Federal Register

Wednesday
July 23, 1975

Part VI

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Review of the Status of the Water Springs Snails Etd

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR 17]

Endangered and Threatened Wildlife and Plants Review of the Status of the Wilbur Springs Shore Bug

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of status review.

SUMMARY: The Service will review the status of *Saldula usingeri*, the Wilbur Springs shore bug, to determine if it should be added to the List of U.S. Endangered and Threatened Wildlife. A petition received by the Services has presented sufficient data to warrant this review.

DATES: Information regarding the status of this species should be submitted on or before September 28, 1979.

ADDRESSES: Comments and data submitted in connection with this review should be sent to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director—Federal Assistance, Fish and Wildlife Service, Washington, D.C. 20240, phone: 202/343–4646.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 1979 Mr. Antonio Andrade petitioned the U.S. Fish and Wildlife Service to list three insect species as threatened or endangered. Section 4(a) of the Endangered Species Act of 1973 states that the Secretary may determine a species to be endangered or threatened because of any of the following factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. Overutilization for commercial, sporting, scientific, or educational purposes;
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; or
5. Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director, Fish and Wildlife Service. The Service has determined that, with respect to *Saldula usingeri*, the petition provides substantial evidence indicating because of factors 1 and 4, and that the species may be endangered or threatened. This species is presently known only from Wilbur Hot Springs, Colusa County, California. Proposed geothermal development in the area may adversely affect the Wilbur Hot Springs watershed and therefore threaten the insect.

The Service is seeking the views of the Governor of California, and is soliciting from him information on the status of *Saldula usingeri*. Other interested parties are invited to submit any factual information, especially publications and written reports, which is germane to this status review. The information received in response to this notice of review will be used to determine if this species should be proposed for Federal listing as a Threatened or Endangered species.

This notice of review was prepared by Dr. Michael M. Bentzien, Office of Endangered Species (703/235–1975).

Dated: July 3, 1979.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 79–22956 Filed 7–24–79; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

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 July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

31186 5–31–79 / Regulations (other than rules of practice) under the Perishable Agricultural Commodities Act, 1930; proposed rule; comments by 7–30–79

Farmers Home Administration—

31161 5–31–79 / Associations; community facility loans amendments; comments by 7–30–79

Food and Nutrition Service—

35231 6–19–79 / Funding formula for Special Supplemental Food Program for Women, Infants and Children; comments by 8–3–79

Food Safety and Quality Service—

31665 6–1–79 / Use of certain proteolytic enzymes in certain meat and poultry products; comments by 8–1–79

Forest Service—

32005 6–4–79 / Sale and disposal of timber from Federal land; comments by 8–3–79

CIVIL AERONAUTICS BOARD

31199 5–31–79 / Overseas military personnel charters; comments by 7–30–79

COMMERCE DEPARTMENT

Maritime Administration—

31239 5–31–79 / Operating differential subsidy for bulk cargo vessels engaged in worldwide services; amendment of trading restrictions; comments by 7–30–79

CONSUMER PRODUCT SAFETY COMMISSION

38854 7–3–79 / Omnidirectional citizens band base station antennas; development of standard; comments by 8–2–79

38857 7–3–79 / Safety standard for architectural glazing materials; partial revocation; comments by 7–30–79

[See also 44 FR 31218, 5–31–79]

COST ACCOUNTING STANDARDS BOARD

30347 5–25–79 / Accounting standard for independent research and development and bid and proposal costs; comments by 7–30–79

DEFENSE DEPARTMENT

Engineers Corps—

30892 5–29–79 / Use of nonstructural measures in planning for flood damage reduction; comments by 7–30–79

Navy Department—

38910 7–3–79 / Privacy Act rulemaking amendments; comments by 8–2–79

38961 7–3–79 / Privacy Act; systems of records; comments by 8–2–79

Office of the Secretary—

38967 7–3–79 / Privacy Act; systems of records; comments by 8–2–79

38990 7–3–79 / Privacy Act; systems of records; comments by 8–2–79

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

31858 6–1–79 / American Ginseng; exportation of Appendix II species; comments by 7–31–79

31584 5–31–79 / Exports of Appendix II species; American alligator—proposed export findings for the 1979 harvest season; comments by 7–30–79

ENERGY DEPARTMENT

30982 5–29–79 / Electric and hybrid/vehicle program, small business planning grants; comments by 7–30–79

Economic Regulatory Administration—

32225 6-5-79 / Inclusion of additional petroleum substitutes in the entitlements program; comments by 8-1-79

36937 6-25-79 / Middle distillates; special allocation; comments by 7-31-79

Federal Energy Regulatory Commission—

40064 7-9-79 / Cost of providing electric service; collection and reporting of information; petitions for reconsideration due by 7-30-79

40898 7-13-79 / Incremental pricing; load-balancing facilities; exemptions (2 documents); comments by 8-1-79

40072 7-9-79 / Natural gas pipelines; certain transportation, sales and assignments; comments by 7-30-79

38863 7-3-79 / Rates and exemptions for qualifying cogeneration and small power production facilities; comments on staff paper by 8-1-79

Hearings and Appeals Office—

36934 6-25-79 / Oil, administrative procedures and sanctions; comments by 8-1-79

ENVIRONMENTAL PROTECTION AGENCY

32005 6-4-79 / Air pollution; approval and promulgation of implementation plans; Arizona; comments by 8-3-79

38578 7-2-79 / Approval and promulgation of implementation plans; Florida, proposed plan revision; comments by 8-1-79

38581 7-2-79 / Approval and promulgation of implementation plans; South Carolina, proposed plan revision; comments by 8-1-79

38583 7-2-79 / Approval and promulgation of implementation plans; statutory restriction on new sources under certain circumstances for nonattainment areas; comments by 8-1-79

38912 7-3-79 / California; approval and implementation of air quality plan; comments by 8-2-79

37961 6-29-79 Delayed compliance order issued by the state of Utah through the Air Conservation Committee to Kaibab Industries, Panguitch, Utah; comments by 7-30-79

34637 6-22-79 / Judicial review under Clean Water Act; races to the courthouse; comments by 8-3-79

[See also 44 FR 32006, 6-4-79]

37960 6-29-79 / Receipt of implementation plan revision for the State of Rhode Island; comments by 7-30-79

38575 7-2-79 / Sewage treatment grant limitations provided by Section 316 of the Clean Air Act; comments by 8-1-79

31596 5-31-79 / Standards of performance for new stationary sources and national emission standards for hazardous air pollutants; definition of "commenced"; comments by 7-30-79

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

42721 7-20-79 / 706 Agencies; proposed designations; comments by 8-3-79

FEDERAL COMMUNICATIONS COMMISSION

3680 6-20-79 / AM Stereophonic broadcasting; reply comments by 8-3-79

38913 7-3-79 / Compliance with CEQ regulations; comments by 8-2-79

32419 6-6-79 / FM broadcast Station in Brush, Colo.; changes in table of assignments; comments by 7-30-79

29126 5-18-79 / FM broadcast station in North Platte, Nebr., changes in table of assignments; reply comments by 7-30-79

36085 6-20-79 / Helicopters; frequency for use for air-to-air communications; reply comments by 8-2-79

33439 6-11-79 / Proposed changes in assignments for FM broadcast station in East Wenactchee, Wash.; comments by 7-30-79

33440 6-11-79 / Proposed changes in assignments for FM broadcast station in Osage, Kansas; comments by 7-30-79

34170 6-14-79 / Television broadcast station in Oklahoma City, Okla.; change in table of assignments; comments by 7-30-79

32420 6-6-79 / Type acceptance for transmitting equipment used in branch A, B, and D and standards to govern radiation characteristics on antennas; comments by 8-1-79

FEDERAL TRADE COMMISSION

32231 6-5-79 / Howard Johnson Co.; consent to agreement with an anlysis to aid public comments; comments by 8-3-79

31241 5-31-79 / Over-the-counter drugs; publication of staff report on proposed trade regulation rule; comments by 7-30-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

31669 6-1-79 / Canned peas; amendment of standards; comments by 7-31-79

Social Security Administration—

38879 7-3-79 / Disability and blindness, determination for benefits payment; comments by 8-2-79

INTERIOR DEPARTMENT

Office of the Secretary—

33498 6-11-79 / Grazing management program for East Roswell, N. Mex; comments by 7-29-79

33499 6-11-79 / Grazing management program, Ried County, Utah; comments by 7-30-79

LIBRARY OF CONGRESS

Copyright Office—

40147 7-9-79 / Status of Translators; comments by 7-31-79

NATIONAL TRANSPORTATION SAFETY BOARD

34422 6-14-79 / Proposed limitation of accident reporting requirements; comments by 8-3-79

PERSONNEL MANAGEMENT OFFICE

30820 5-29-79 / Personnel records and files, protection of privacy; comments by 7-30-79

SECURITIES AND EXCHANGE COMMISSION

30924 5-29-79 / Filings by self-regulatory organizations of proposed rule changes; comments by 7-31-79

[Corrected at 44 FR 36070, 6-20-79]

36068 6-20-79 / Oil and gas producers; disclosure requirements; comments by 7-31-79

26702 5-4-79 / Statement of management on internal accounting control; comments by 7-31-79

TRANSPORTATION DEPARTMENT

Coast Guard—

38778 7-2-79 / Lights and retroreflective material for life preservers and other lifesaving equipment; comments by 8-1-79

Federal Aviation Administration—

25867 5-3-79 / Domestic, flag and supplement air carriers and commercial operators of large aircraft; wind shear equipment requirements; comments by 8-3-79

33389 6-8-79 / Special Federal Aviation Regulation No. 40; operation of model DC-10 airplanes in United States prohibited; comments by 8-3-79

Federal Highway Administration—

25434 5-1-79 / National bridge inspection standards; amendment; comments by 7-30-79

National Highway Traffic Safety Administration—

36204 6-21-79 / State highway safety agencies; authority and functions; comments by 8-1-79

Saint Lawrence Seaway Development Corporation—

35256 6-19-79 / Joint seaway provisions; comments by 8-3-79

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

38573 7-2-79 / Distilled spirits plant losses after tax determination; comments by 8-1-79

6740 2-2-79 / Wine, distilled spirits and malt beverages; labeling and advertising; comments by 8-3-79

[Comment period extended at 44 FR 32014, 6-4-79]

Comptroller of the Currency—

31984 6-4-79 / Securities Exchange Act; disclosure rules; comments by 8-3-79

31190 5-31-79 / Securities offering disclosure rules; comments by 7-30-79

Internal Revenue Service—

31025 5-30-79 / Companion sitting placement services; exemption from employer status; comments by 7-30-79

32251 6-5-79 / Extensions of temporary reduction of withholding of income tax at source; comments by 7-30-79

27181 5-9-79 / Foreign earned income exclusion and the deduction for excess foreign living costs; comments by 7-30-79

31228 5-31-79 / Income tax; election to treat pre-1974 plan participation as post-1973 participation; comments by 7-30-79

Next Week's Meetings:

ARTS AND HUMANITIES, NATIONAL FOUNDATION

41976 7-18-79 / Humanities Panel Advisory Committee, Washington, D.C. (closed), 8-3-79

CIVIL RIGHTS COMMISSION

40911 7-13-79 / Alabama Advisory Committee, Montgomery, Ala. (open), 7-30-79

40657 7-12-79 / Georgia Advisory Committee, Atlanta, Ga. (open), 8-3-79

40368 7-10-79 / Illinois Advisory Committee, Fort Wayne, Indiana (open), 7-30-79

40658 7-12-79 / Kentucky Advisory Committee, Lexington, Ky. (open), 8-1-79

40912 7-13-79 / Minnesota Advisory Committee, Saint Paul, Minn. (open), 8-9-79

37967 6-29-79 / Washington Advisory Committee, Seattle, Wash. (open), 8-3-79

COAL, PRESIDENT'S COMMISSION ON

41993 7-18-79 / Seminar; education for contract administration in coal industry, Washington, D.C. (open), 8-2-79

Industry and Trade Administration—

40109 7-9-79 / Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (closed), 7-31-79

National Oceanic and Atmospheric Administration—

39572 7-6-79 / Gulf of Mexico and South Atlantic Fishery Management Council's Coral Advisory Subpanel, Hopeville, Ga. (open), 7-30 and 7-31-79

25263 4-30-79 / Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee, Philadelphia, Pa. (open), 7-30-79

41276 7-16-79 / New England Fishery Management Council, Peabody, Mass. (open), 8-1 and 8-2-79

DEFENSE DEPARTMENT

Energy Research Office—

39606 7-6-79 / High Energy Physics Advisory Panel, Germantown, Md. (open), 8-1-79

Office of the Secretary—

40220 7-9-79 / Defense Science Board Advisory Committee, Newport, R.I. (open), 7-30 through 8-3-79

Office of the Secretary—

30149 5-24-79 / Wage Committee, Washington, D.C. (closed), 7-31-79

ENERGY DEPARTMENT

Environment Office—

41286 7-16-79 / Environmental Advisory Committee, Seattle, Wash. (open), 8-2-79

Office of the Secretary—

37678 6-28-79 / Business Environment Task Group of the Committee on Materials and Manpower Requirements, Houston, Tex. (open), 8-2-79

37678 6-28-79 / Regulatory Impact Task Group of the Committee on Materials and Manpower Requirements, Houston, Tex. (open), 8-3-79

ENVIRONMENTAL PROTECTION AGENCY

39608 7-6-79 / Environmental Measurements Advisory Committee Science Advisory Board, Rosslyn Va. (open), 7-30 and 7-31-79

37682 6-28-79 / Management Advisory Group to the Municipal Construction Division, Boston, Mass. (open), 7-31 thru 8-2-79

FEDERAL COMMUNICATIONS COMMISSION

41265 7-16-79 / Telephone network; connection of terminal equipment to private line services, etc., Washington, D.C. (open), 7-30 thru 8-3-79

FEDERAL EMERGENCY MANAGEMENT AGENCY

39309 7-5-79 / National Academy for Fire Prevention and Control Board of Visitors, Emmitsburg, Md. (open), 7-31-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Assistant Secretary for Health Office—

41965 7-18-79 / President's Council on Physical Fitness and Sports, Washington, D.C. (open), 8-2-79

Education Office—

38416 6-29-79 / Bilingual education, each of the ten regional headquarters cities (open), 7-31-79

37170 6-25-79 / Biomedical Sciences Program, Boston, Mass. (open), 8-3-79

37170 6-25-79 / Biomedical Sciences Program, New York, N.Y. (open), 8-3-79

37170 6-25-79 / Biomedical Sciences Program, Philadelphia, Pa. (open), 8-3-79

37170 6-25-79 / Biomedical Sciences Program, Atlanta, Ga. (open), 8-3-79

37170 6-25-79 / Biomedical Sciences Program, Chicago, Ill. (open), 8-3-79

37170 6-25-79 / Biomedical Sciences Program, Dallas, Tex. (open), 8-3-79

37170 6-25-79 / Biomedical Sciences Program, Kansas City, Mo. (open), 8-3-79

37170 6-25-79 / Biomedical Sciences Program, Denver, Colo. (open), 8-3-79

37170 6-25-79 / Biomedical Sciences Program, San Francisco, Calif. (open), 8-3-79

37170 6-25-79 / Biomedical Sciences Program, Seattle, Wash (open), 8-3-79

41572 7-17-79 / Community Education Advisory Council, Washington, D.C. (open), 8-2 and 8-3-79

38364 6-29-79 / Emergency School Aid, each of the ten regional headquarters cities and Washington, D.C. (open), 8-1-79

38400 6-29-79 / Financial assistance to local and state agencies to meet special educational needs, each of the ten regional headquarters cities (open), 7-30-79

37134 6-25-79 / Gifted and Talented Children's Education Program, Boston, Mass. (open), 8-1-79

37134 6-25-79 / Gifted and Talented Children's Education Program, New York, N.Y. (open), 8-1-79

37134 6-25-79 / Gifted and Talented Children's Education Program, Philadelphia, Pa. (open), 8-1-79

37134 6-25-79 / Gifted and Talented Children's Education Program, Atlanta, Ga. (open), 8-1-79

37134 6-25-79 / Gifted and Talented Children's Education Program, Chicago, Ill. (open), 8-1-79

37134 6-25-79 / Gifted and Talented Children's Education Program, Dallas, Tex. (open), 8-1-79

37134 6-25-79 / Gifted and Talented Children's Education Program, Kansas City, Mo. (open), 8-1-79

37134 6-25-79 / Gifted and Talented Children's Education Program, Denver, Colo. (open), 8-1-79

37134 6-25-79 / Gifted and Talented Children's Education Program, San Francisco, Calif. (open), 8-1-79

37134 6-25-79 / Gifted and Talented Children's Education Program, Seattle, Wash. (open), 8-1-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, Boston, Mass. (open), 8-3-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, New York, N.Y. (open), 8-3-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, Philadelphia, Pa. (open), 8-3-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, Atlanta, Ga. (open), 8-3-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, Chicago, Ill. (open), 8-3-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, Dallas, Tex. (open), 8-3-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, Kansas City, Mo. (open), 8-3-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, Denver, Colo. (open), 8-3-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, San Francisco, Calif. (open), 8-3-79

37164 6-25-79 / Indochina Refugee Children Assistance Program, Seattle, Wash. (open), 8-3-79

38673 7-2-79 / National Advisory Council on Women's Educational Programs, Bethesda, Md. (open), 7-30-79

40937 7-13-79 / National Advisory Council on Bilingual Education, West Greenwich, R.I. (open), 8-2 and 8-3-79

37178 6-25-79 / National Diffusion Network Program, Boston, Mass. (open), 8-3-79

37178 6-25-79 / National Diffusion Network Program, New York, N.Y. (open), 8-3-79

37178 6-25-79 / National Diffusion Network Program, Philadelphia, Pa. (open), 8-3-79

37178 6-25-79 / National Diffusion Network Program, Atlanta, Ga. (open), 8-3-79

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37178 6-25-79 / National Diffusion Network Program, Denver, Colo. (open), 8-3-79

37178 6-25-79 / National Diffusion Network Program, San Francisco, Calif. (open), 8-3-79

37178 6-25-79 / National Diffusion Network Program, Seattle, Wash. (open), 8-3-79

38184 6-25-79 / School assistance in areas affected by Federal activity and cases of certain disasters, each of the ten regions, (open), 8-2-79

41353 7-16-79 / Women's Educational Programs National Advisory Council, Washington, D.C. (open), 8-1 and 8-2-79

37184 6-25-79 / Youth Employment Program, Boston, Mass. (open), 8-3-79

37184 6-25-79 / Youth Employment Program, New York, N.Y. (open), 8-3-79

37184 6-25-79 / Youth Employment Program, Philadelphia, Pa. (open), 8-3-79

37184 6-25-79 / Youth Employment Program, Atlanta, Ga. (open), 8-3-79

37184 6-25-79 / Youth Employment Program, Chicago, Ill. (open), 8-3-79

37184 6-25-79 / Youth Employment Program, Dallas, Tex. (open), 8-3-79

37184 6-25-79 / Youth Employment Program, Kansas City, Mo. (open), 8-3-79

37184 6-25-79 / Youth Employment Program, Denver, Colo. (open), 8-3-79

37184 6-25-79 / Youth Employment Program, San Francisco, Calif. (open), 8-3-79

37184 6-25-79 / Youth Employment Program, Seattle, Wash. (open), 8-3-79

Food and Drug Administration—

33155 6-8-79 / Miscellaneous External Drug Products Panel, Rockville, Md., 8-3 and 8-4-79

[Originally published at 44 FR 29727, May 22, 1979]

41547 7-17-79 / Miscellaneous External Drug Products Panel, Rockville, Md. (open), 8-3 and 8-4-79

41546 7-17-79 / Orthopedic Devices Section of Surgical and Rehabilitation Devices Panel, Rockville, Md. (partially open), 8-3-79

National Institute of Education—

40937 7-13-79 / Panel for the Review of Laboratory and Center Operations, Washington, D.C. (open), 8-3 and 8-4-79

National Institutes of Health—

35296 6-19-79 / Cancer Control and Rehabilitation Advisory Committee, Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens, Bethesda, Md. (open), 7-30-79

33494 6-11-79 / National Advisory Neurological and Communicative Disorders and Stroke Council, Bethesda, Md. (open), 7-30-79

35297 6-19-79 / National Cancer Advisory Board, Bethesda, Md. (open), 7-31-79

41966 7-18-79 / Subcommittee on Risk Assessment of the Recombinant DNA Advisory Committee, Bethesda, Md, (open), 8-2-79

INTERIOR DEPARTMENT

Land Management Bureau—

39031 7-3-79 / California Desert Conservation Area Advisory Committee, Riverside, Calif. (open), 8-3 and 8-4-79

34648 6-15-79 / Worland District Grazing Advisory Board, Worland, Wyo. (open), 8-1-79

INTERIOR DEPARTMENT

National Park Service—

40940 7–13–79 / Cuyahoga Valley National Recreation Area, Pilot Transportation Program, Akron, Ohio (open), 7–31–79

40940 7–13–79 / Golden Gate National Recreation Area Advisory Commission, Mill Valley, Calif. (open), 8–1–79

40941 7–13–79 / Sleeping Bear Dunes National Lakeshore Advisory Commission, Benzonia, Mich. (open) 8–3–79

36493 6–22–79 / Valley Forge National Historical Park; Public transportation system, Valley Forge, Pa., 8–1–79

JUSTICE DEPARTMENT

Prisons Bureau—

39626 7–6–79 / Advisory Corrections Council, Jackson, Wyo. 8–2 and 8–3–79

37092 6–25–79 / National Institute of Corrections Advisory Board, Denver, Colo., 7–29–79

Immigration and Naturalization Service—

41594 7–17–79 / Federal Advisory Committee on Immigration and Naturalization, New York, N.Y. (open), 8–2 and 8–3–79

LABOR DEPARTMENT

Employment and Training Administration—

41598 7–17–79 / Federal Committee on Apprenticeship, Columbus, Ohio, (open) 8–1–79

NATIONAL SCIENCE FOUNDATION

40984 7–13–79 / DOE/NSF Nuclear Science Advisory Committee, Orleans, Mass. (partially open), 7–30 through 8–4–79

NUCLEAR REGULATORY COMMISSION

33983 6–13–79 / Advisory Committee on Reactor Safeguards; Subcommittee on Evaluation of Licensee Event Reports, Washington, D.C., 7–29–79

SOCIAL SECURITY NATIONAL COMMISSION

40738 7–12–79 / Washington, D.C. (open), 7–31 and 8–1–79

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Forest Service—

42300 7–19–79 / Tuolumne wild and scenic river study report and environmental impact statement, Columbia, Calif., 8–4–79

Transportation Office—

40368 7–10–79 / Rural Transportation Advisory Task Force, Spokane, Wash., 7–30–79

ENERGY DEPARTMENT

33344 6–8–79 / Industrial energy conservation program including proposed voluntary recovered materials utilization targets, Washington, D.C., 7–31–79

Bonneville Power Administration—

41744 7–17–79 / Wholesale power rates, Idaho Falls, Idaho; Helena, Mont.; Portland, Oreg.; Spokane, Wash.; Seattle, Wash. and Walla Walla, Wash.; 8–1–79

Federal Energy Regulatory Commission—

40073 7–9–79 / Natural gas pipelines; transportation, sale, and assignment of gas; Washington, D.C., 7–30–79

ENVIRONMENTAL PROTECTION AGENCY

31673 6–1–79 / Consolidated permit regulations and underground injection control regulations, hearings, Seattle, Wash., 7–30—8–1–79

34244 6–14–79 / Consolidation of various permit programs, Seattle, Wash., 7–30 through 8–1–79

[See also 44 FR 34346 and 34393, 6–14–79]

NATIONAL TRANSPORTATION SAFETY BOARD

40164 7–9–79 / Aviation accident investigation, Rosemont, Ill., 7–30–79

TRANSPORTATION DEPARTMENT

Coast Guard—

34440 6–14–79 / Proposed design standards for tank barges to prevent oil pollution, Washington, D.C., 8–2–79

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing July 20, 1979

Documents Relating to Federal Grants Programs

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

RULES GOING INTO EFFECT

42685 7–20–79 / HEW/PHS—Grants for demonstrating training of personnel to provide home health services; effective 7–20–79

41203 7–16–79 / ICC—Summary grant procedures; finance; effective 11–1–79

42920 7–20–79 / Labor—Public contracts and property management

41175 7–16–79 / USDA/FmHA—Development grants for community domestic water and waste disposal systems; change in limitations; effective 7–16–79

41174 7–16–79 / USDA/FmHA—Rural housing loans and grants; projects under Rural Rental Housing Loan Program; amendments; effective 7–16–79

DEADLINES FOR COMMENTS ON PROPOSED RULES

42709 7–20–79 / Commerce/NOAA—Guidelines for Sea Grant Colleges and Regional Consortia; comments by 8–20–79

42094 7–18–79 / DOE—Urban wastes demonstration facilities guarantee program; comments by 9–17–79

APPLICATIONS DEADLINES

41354 7–16–79 / HEW/COC—Health incentive grants for comprehensive public health services; apply by 7–31–79

42787 7–20–79 / HUD/CP&D—Community development block grant program; apply by 8–31–79

42787 7–20–79 / HUD/CP&D Small cities discretionary grants; announcement of varius closing dates for receipt of applications

42132 7–18–79 / HEW/HDSO—Special project grant program—projects of national significance in developmental disabilities; applicaitons by 8–13–79

MEETINGS

41966 7–18–79 / HEW/NIH—Clinical Cancer Program Project and Cancer Center Support Review Committee (Clinical Cancer Program Project Review Subcommittee), Bethesda, Md. (partially open), 8–6 and 8–7–79

41966 7–18–79 / HEW/NIH—Clinical Trials Committee, Bethesda, Md. (partially open), 8–7 and 8–8–79

41965 7–18–79 / HEW/NIH—National Advisory Council on Aging, Bethesda, Md. (partially open), 8–24–79

42783 7–20–79 / HEW/NIH—President's Cancer Panel; 7–25–79 meeting cancelled

41976 7–18–79 / NFAH—Humanities Panel Advisory Committee, Washington, D.C. (closed), 8–3–79

OTHER ITEMS OF INTEREST

41954 7–18–79 / EPA—Distribution of funds for water quality management grants under the Clean Water Act

42914 7–20–79 / HEW/NIH—Recombinant DNA research; actions under guidelines

41357 7–16–79 / LSC—Consideration of applications by Legal Services of Arkansas and California Indian Legal Services (2 documents)

42817 7–20–79 / LSC—Grants and contracts; applications

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