

Freedom of Information Reading Room,
Forrestal Building, Room GA-152,
1000 Independence Avenue,
Washington, D.C. 20585.

Issued in Washington, D.C., this 15th day of May 1980.

Paul L. Bloom,
Special Counsel for Compliance.

[FR Doc. 80-17121 Filed 6-4-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order to Atlantic Richfield Co.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Atlantic Richfield Company and Opportunity for Objection.

SUMMARY: Pursuant to 10 CFR 205.192(c) the Office of Special Counsel (OSC) of the Department of Energy (DOE), gives notice that a Proposed Remedial Order (PRO) was issued on May 15, 1980 to Atlantic Richfield Company (ARCO), 515 South Flower Street, Los Angeles, California 90017, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR § 205.193 on or before June 20, 1980.

The Proposed Remedial Order

By this PRO, OSC sets forth findings of fact and conclusions of law concerning ARCO's treatment of the costs of import fees and duties in calculating increased product costs under the refiner price rules in 10 CFR, Part 212, Subpart E between August 20, 1973 and December 31, 1977. ARCO is charged with overstating its increased costs of crude oil by \$57.6 million in violation of 10 CFR 212.82, 212.83, and 212.126(b). Specifically, ARCO is charged with violating these regulations with the following practices.

1. Retroactively revising its reported costs in September 1977 so as to include non-existent fee costs for fee-free oil import licenses (Regulations describing fee-free and fee-paid import licenses are codified in 10 CFR 213.1 *et seq.*);

2. Failing to treat credits for customs duties paid (as provided in 10 CFR 213.35(d)(2)) as reducing its actual costs of import fees payable when reporting product costs from January 1976 onward;

3. Failing to include refunds of previously paid supplemental fees and

customs duties in its calculations of product costs.

As a remedy, ARCO is directed to recompute its product costs for the time in question, including only actual costs and including cost reductions.

Copies of Proposed Order

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained free of charge by written request from: George W. Young, Jr., Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies may be obtained in person from the reading room, Forrestal Building, Room GA-152.

Submission of Objection

Aggrieved persons may object to this Proposed Remedial Order by filing a "Notice of Objection to the Proposed Atlantic Richfield Company, Remedial Order". The Notice must comply with the requirements of 10 CFR 205.193. To be considered, a Notice of Objection must be filed with: Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Room 8014, Washington, D.C. 20461.

The Notice must be filed, in duplicate, by 4:30 p.m. EDT on June 20, 1980, or the first federal workday thereafter if the fifteenth day falls on a weekend or holiday. In addition, a copy of the Notice of Objection must, on the same day as filing, be served on ARCO and on each of the following persons, pursuant to 10 CFR 205.193(c):

Richard H. Koebert, Audit Manager, Pacific District Office of Special Counsel, Department of Energy, 1340 West 6th Street, Room 233, Los Angeles, California 90017.

George Kielman, Associate Solicitor to the Special Counsel for Compliance, Department of Energy, 12th and Pennsylvania Ave., N.W., Mail Stop 2140, Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C., on the 28th day of May 1980.

Paul L. Bloom,
Special Counsel for Compliance.

[FR Doc. 80-17122 Filed 6-4-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1508-2]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1979 and May 31, 1979.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency

responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1979 report; the

backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone 202/755-2808.

Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: May 28, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

Appendix I.—Draft Environmental Impact Statements for Which Comments Were Issued Between May 1, and May 31, 1979

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
DS-COE-A30071-NY	Beach Erosion Control and Hurricane Protection, East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York.	LO1	C
DS-COE-B35007-ME	Fore River, Maintenance Dredging Project, Portland Harbor, Maine.	LO2	B
D-COE-E40171-GA	Harry S. Truman Parkway, Permit, Savannah and Chatham Counties, Georgia	EU2	E
D-COE-F32062-OO	Ohio River Navigation Project Operation and Maintenance, Pennsylvania, West Virginia, Ohio, Kentucky, Indiana and Illinois.	ER2	F
D-COE-F34006-IL	Louisville Lake, Little Wabash River Basin, Louisville, Clay and Effingham Counties, Illinois	ER2	F
D-COE-F36058-MI	Flood Control, Red Run Drain—Lower Clinton River, Macomb County, Michigan	ER2	F
DA-COE-G38002-TS	Burnett, Crystal, and Scott Bays and Vicinity, Baytown, Texas	LO2	G
DEPARTMENT OF AGRICULTURE			
D-AFS-J65083-CO	Upper Arkansas Land Management Planning Unit, Pike and San Isabel National Forest, Colorado.	ER2	I
D-AFS-L03082-OO	Island Park Geothermal Area, Leasing and Development, Idaho, Montana and Wyoming	ER2	K
D-AFS-L81129-OR	Alsea Planning Unit, Land Management Plan, Siuslaw National Forest, Benton, Lane, and Lincoln Counties, Oregon.	LO2	K
D-DOA-A91040-OO	Essential Agricultural Uses of Natural Gas	LO2	A
D-SCS-C36026-OO	Blind Brook Watershed Plan, Westchester County, New York and Fairfield County, Connecticut	LO2	C
D-SCS-E36059-MS	Hoffa Creek Watershed, Multipurpose Project, Grenada and Tallahatchie Counties, Mississippi	LO2	E
DEPARTMENT OF COMMERCE			
D-NOA-D86001-DE	Delaware Coastal Zone Management Program (CZM)	ER2	D
DEPARTMENT OF DEFENSE			
D-USA-D11004-VA	Fort Monroe, Virginia Base Realignment, Fort Monroe, York County, Virginia	LO1	D
D-USA-E10003-OO	U.S. Army Nuclear, Biological/Chemical Defense School, Aberdeen Proving Ground, Maryland, Redstone Arsenal, Alabama; and Fort McClellan, Alabama.	LO2	E
D-USN-B35008-CT	Trident Dredging Project, Thames River Channel, Groton and New London Counties, Connecticut	LO1	B
DEPARTMENT OF INTERIOR			
D-BLM-J99009-MT	Missouri Breaks Grazing Management Program, Montana	LO2	I
D-HCR-D61010-MD	Patapsco Valley State Park, Anne Arundel, Carroll County, Maryland	LO1	D
DEPARTMENT OF TRANSPORTATION			
D-FHW-E40170-TN	TN-34 from Old TN-34 to 22-foot section west of TN-44, Sullivan County, Tennessee (FHWA-TN-EIS-78-04-D).	LO1	E
D-FHW-E40172-NC	NC-51, from NC-16 to U.S. 74, Matthews, Mecklenburg County, North Carolina (FHWA-NC-EIS-79-01-D).	LO2	E
D-FHW-E40173-TN	TN-34, TN-137 to Bluff City Bypass, Johnson City, Washington and Sullivan Counties, Tennessee (FHWA-TN-EIS-78-02-D).	LO1	E
D-FHW-H40090-MO	Improvement of Cole Street, Twelfth Street to Jefferson Avenue, St. Louis, St. Louis County, Missouri (FHWA-MO-EIS-78-01D).	ER3	H
D-FHW-K40064-CA	Proposed Highway Improvements, CA-203, Mammoth Lakes Village, Mono County, California.....	ER2	J
D-FHW-K40067-CA	CA-192, Shoulder Widening for Bicycle Lanes, and Replacement of San Roque Canyon Bridge, Santa Barbara, City and County, California.	LO1	J

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between May 1, and May 31, 1979—Continued*

Identifying No.	Title	General nature of comments	Source for copies of comments
GENERAL SERVICES ADMINISTRATION			
D-GSA-F81008-WI.....	Lease Construction of Federal Building, Milwaukee, Milwaukee County, Wisconsin.....	LO1	F
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-B89012-MA.....	Financial Settlement of South End Urban Renewal Project (CDBG), Boston, Suffolk County, Massachusetts (HUD-ROI-EIS-79-01-D).	ER2	B
D-HUD-E85044-FL.....	Sky Lake South Subdivision, Orlando, Orange County, Florida (HUD-RO4-EIS-77-21)	ER2	E
DS-HUD-F60003-OH.....	Newfields New Community, Montgomery County, Dayton, Ohio.....	LO2	F
D-HUD-F85047-MN.....	Canterbury Square Planned Unit Development, Savage, Scott County, Minnesota.....	ER2	F
D-HUD-J85020-CO.....	Hover Acres Planned Development, Longmont, Boulder County, Colorado.....	ER2	I
D-HUD-J85021-WY.....	Sage Bluff Subdivision, Gillette, Campbell County, Wyoming.....	LO2	I
D-HUD-L85012-ID.....	Lakewood Planned Community, Boise, Idaho (HUD-R10-EIS-79-3D)	LO2	K
NUCLEAR REGULATORY COMMISSION			
D-NRC-J00014-UT.....	Shoestring Canyon Uranium Mill Project, Operation, Utah	ER2	I
TENNESSEE VALLEY AUTHORITY			
D-TVA-E08013-TN.....	500-KV Substation and Transmission Line, Paradise Plant, Montgomery, Montgomery County, Tennessee.	LO1	E
D-TVA-E60007-TN.....	Melton Hill Reservoir, Permanent Easement for Coal-Loading Barge Terminal, Proposed Sale, Anderson County, Tennessee.	LO2	E
D-TVA-E64004-AL.....	Development and Use of Mallard and Fox Creek Area, North Alabama.....	ER2	E
VETERANS ADMINISTRATION			
D-VAD-C81004-NJ.....	Veterans Administration Medical Center, Camden, New Jersey	ER2	C
D-VAD-E69002-OO.....	Veterans Administration National Cemetery, Georgia, Alabama, and South Carolina, Southeastern United States.	LO1	E
D-VAD-F69001-OO.....	Fort Custer National Cemetery, Kalamazoo County, Michigan or Plum Brook, Huron County, Ohio.	LO2	F
D-VAD-L80001-WA.....	515-Bed Replacement Hospital, Veterans Administration Medical Center, Seattle, King County, Washington.	LO2	K

Appendix II.—*Definitions of Codes for the General Nature of EPA Comments**Environmental Impact of the Action*

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the

Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—Final Environmental Impact Statements for Which Comments Were Issued Between May 1, and May 31, 1979

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-E32022-NC	Manteo (Shallowbag) Bay Project, Enlarging and Deepening Basin at Wanchese, Dare County, North Carolina.	EPA continues to have environmental concerns regarding the effect of the jetty system on larval migration. EPA suggests that when the phase I studies are completed that the unresolved matters be addressed in a supplemental EIS.	E
F-COE-F32052-WI	Racine Small Boat Harbor Improvement, Racine Harbor, Racine County, Wisconsin.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F32054-WI	Small Boat Harbor Improvement, Manitowoc Harbor, Manitowoc County, Wisconsin.	EPA's concerns were adequately addressed in the final EIS.	F
FS-COE-K35012-CA	Sacramento River Bank Protection Project, California.	EPA's concerns were adequately addressed in the final EIS.	J
FS-COE-K35013-CA	Bank Protection Project, Sacramento River, Chico Landing to Red Bluff, California.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF AGRICULTURE			
F-REA-E08012-FL	230 KV Transmission Facilities, Lee County, Florida	EPA's concerns were adequately addressed in the final EIS. (USDA-REA-EIS-(ADM) 78-12-F).	E
F-SCS-G36067-TX	Hamilton Creek Watershed Plan, Burnet County, Texas.	EPA's concerns were adequately addressed in the final EIS.	G
F-SCS-G36076-LA	Lower Bayou Teche Watershed, Lafayette and Vermilion Parishes, Louisiana.	EPA's concerns were adequately addressed in the final EIS.	G
F-SCS-K36028-CA	San Miguelita Subwatershed Project, Santa Ynez River, Flood Prevention Project, Santa Barbara, California.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF COMMERCE			
F-NOA-C90004-VI	Virgin Islands Coastal Zone Management Program (CZM).	EPA's concerns were adequately addressed in the final EIS. EPA suggested greater consideration be given to the existing refuse disposal problems in the Virgin Islands.	C
DEPARTMENT OF INTERIOR			
F-BLM-J01019-WY	Development of Coal Resources in Southcentral Wyoming.	Generally, EPA's concerns were adequately addressed in the final EIS. EPA reemphasized the need for BLM to conduct scoping sessions in the preparation of the "super" regional EISs and outlined specific areas which should be discussed in these documents.	I
F-BLM-J01021-WY	Eastern Power River Coal Resources Development, Campbell County, Wyoming.	EPA expressed the need for the "super" regional EIS to be clear and concise and concentrate on the issues. EPA made several recommendations to assist the BLM.	I
F-BOR-F60002-MI	Mill Creek Metropark, Recreation, Washtenaw County, Michigan.	EPA continues to have environmental reservation on the proposed project. EPA believes further assurances are necessary to provide that the state water quality standards will not be violated. In addition, EPA reiterated many of its concerns raised in the comments on the draft EIS.	F
DEPARTMENT OF TRANSPORTATION			
F-FAA-K51012-HI	Lihue airport development projects, Kauai County, Hawaii.	EPA's concerns were adequately addressed in the final EIS.	J
F-FHW-D40055-VA	VA-1 and US 301, Robert E. Lee Bridge and approaches, James River, Richmond, Virginia.	EPA's concerns were adequately addressed in the final EIS. However, EPA did express support for the noise mitigation and water quality maintenance controls described in the FEIS.	D
F-FHW-E40035-MS	US 78, eastern end of Holly Springs Bypass to New Albany Bypass, Marshall, Benton, and Union Counties, Mississippi.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-E40097-NC	Relocation of US 321, Dallas to Hickory, Gaston, Lincoln and Catawba Counties, North Carolina.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-F40041-MI	Reconstruction of US 2 bridge over Manistique River, Manistique, Schoolcraft County, Michigan.	EPA's concerns were adequately addressed in the final EIS. However, EPA suggested that if Eastern Mound or free-standing noise barriers are not feasible, some type of landscaping would be appropriate to provide impacted dwellings with visual and possibly sound barriers.	F

Appendix III.—Final Environmental Impact Statements for Which Comments Were Issued Between May 1, and May 31, 1979—Continued

Identifying No	Title	General nature of comments	Source for copies of comments
GENERAL SERVICES ADMINISTRATION			
F-GSA-D80009-OO	Relocation and Consolidation of NRC Headquarters, Washington, DC and Maryland.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommends the use of water saving devices, stormwater controls, and acoustical treatment in newly constructed buildings; and encouraged GSA to strictly enforce the parking limitations discussed in the EIS.	D
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-E28031-AL	North-Central Jefferson County Water System, Alabama (CDBG).	EPA's concerns were adequately addressed in the final EIS.....	E
F-HUD-E85029-SC	College Park Estates Subdivision, Berkeley County, South Carolina (HUD-R04-77-14F).	EPA's concerns were adequately addressed in the final EIS.....	E
F-HUD-E85034-TN	East Hampton Subdivision, Shelby County, Tennessee (HUD-R04-EIS-77-28F).	EPA's concerns were adequately addressed in the final EIS. However EPA is concerned about the effect of the development on the Harrington Creek Watershed.	E
F-HUD-G85107-TX	Glen Iris Subdivision, Houston, Harris County, Texas.	EPA's concerns were adequately addressed in the final EIS.....	G
F-HUD-K85019-AZ	Maryvale Terrace 53-A, Mortgage Insurance, Phoenix, Arizona.	EPA's concerns were adequately addressed in the final EIS.....	J
NATIONAL CAPITAL PLANNING COMMISSION			
FS-NCP-D61005-DC	Site location and program plan, Civic Center, Washington, DC.	EPA's concerns were adequately addressed in the final EIS.....	D
DEPARTMENT OF STATE			
F-STA-A82102-OO	Narcotics Control in Mexico	EPA has environmental Reservations over the use of Paraquat in this program. EPA's position is not that <i>fusarium oxysporum</i> is the sole alternative to Paraquat, but that this fungus is indicative of the low-impact alternatives that should be considered in the development of a comprehensive, environmentally sound program.	A
Appendix IV.—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between May 1, 1979 and May 31, 1979			
Identifying No	Title	Source of review	
CORPS OF ENGINEERS			
FS-COE-B39005-MA	Bourne and Sagamore Highway Bridges, Cape Cod Canal, Bourne and Barnstable Counties, Massachusetts	.....	B
F-COE-E35047-MS	Hatcher Bayou and Durden Creek Flood Control Project, Warren County, Mississippi	.....	E
DEPARTMENT OF AGRICULTURE			
F-AFS-J65070-UT	Land Management Plan, Salt Lake Planning Unit, Wasatch National Forest, Utah.	.....	I
F-AFS-L01001-WA	Geothermal Leasing and Development, Gifford Pinchot National Forest, Skamania County, Washington (USDA-FS-R6-FES-(ADM)-79-1)	.....	K
F-AFS-L61107-WA	Canal Front Land Management Plan, Olympic National Forest, Clallam, Jefferson and Mason Counties, Washington (USDA-FS-F6-FES-(ADM)-78-9-1).	.....	K
F-AFS-L61111-ID	Warren Planning Unit, Payette National Forest, Idaho and Valley Counties, Idaho (USDA-FS-R4-FES-(ADM)-R4-78-6)	.....	K
F-AFS-L65027-OR	Ochoco Timber Resource Plan, Crook, Harney, Grant, and Wheeler Counties, Oregon (USDA-FS-R7-FES-(ADM)-77-7).	.....	K
F-AFS-L65043-AK	Louisiana-Pacific, Ketchikan Division, Timber Sale Plan 1979-84 Operating Period, Tongass National Forest, Prince of Wales Island and Revilla Island, Alaska.	.....	K
FS-AFS-L82003-ID	Western Spruce Budworm, Boise and Payette National Forests, Idaho (USDA-FS-R4-AFES-(ADM)-R4-78-2)	.....	K
F-SCS-B36018-CT	South Branch Park River Watershed, Hartford County, Connecticut (USDA-SCS-EIS-WS-(ADM)-79-1-F-CT)	.....	B
DEPARTMENT OF ENERGY			
F-DOE-A07015-OO	Fuel Use Act, Coal and Alternative Fuels Use	.....	A

Appendix V.—Regulations, Legislation and Other Federal Agency Actions for Which Comments were Issued Between May 1, 1979 and May 31, 1979

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF COMMERCE			
R-NOA-A90037-OO	15 CFR Part 931, Proposed Administrative Procedures for Implementation of Coastal Energy Impact Program (44 FR 16852).	EPA believes these procedures provide the much needed support for broadened participation in the important decisions affecting OCS activities and offered specific comments to help improve the regulations.	A
DEPARTMENT OF DEFENSE			
A-DOD-K23000-CA	Revised Draft Environmental Assessment and a Proposed Disposal Action at the Sierra Army Depot, California.	EPA recommended additional cautions and concerns to the proposal and made several comments which should be included in the final assessment.	J
DEPARTMENT OF ENERGY			
R-DOE-A25036-OO	10 CFR Part 793, Municipal Waste Reprocessing Demonstration Program, Inquiry Regarding Development of Proposed Guidelines (44 FR 24298).	EPA welcomes the development of programs to secure sound technical and economic data on resource recovery demonstration facilities and encourages DOE to utilize those procedures developed by EPA in its own program.	A
DEPARTMENT OF INTERIOR			
A-BLM-A02149-OO	Intent to Prepare an Environmental and Request for Comments, Proposed Oil and Gas Lease Program, 5 Years, Section 18, Outer Continental Shelf Lands Act (OCS) (44 FR 24639).	EPA supports the preparation of a programmatic EIS in implementing the five-year leasing program and provided several comments to BLM.	A
R-BLM-A61296-OO	43 CFR Part 1800, Planning, Programming, and Budgeting, Subpart 1801 Planning (43 FR 58764).	EPA made specific comments and recommendations in order to strengthen the regulations to provide greater assurances that the requirements of section 102(A)8 will be met.	A
R-IGS-A02142-OO	30 CFR Part 250, Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS) (44 FR 13527).	EPA commented on the following issues. 1) the suspension of operations and/or cancellation of a lease for environmental reasons. EPA continues to advise that determinations of environmental damage and remedial action should be made with input of environmental expertise from entities such as NOAA, FWS, EPA and not solely with parties whose concerns are primarily for the extraction of hydrocarbons; 2) the approval sequence for subsea installations, and the criteria for approval of platform, artificial island and seabed installations, design fabrication and plan of installation; and 3) that the applicability of NPDES administered by EPA under CWA should be referenced under section 250.43. Pollution and waste disposal.	A
DEPARTMENT OF TRANSPORTATION			
R-CGD-A52139-OO	46 CFR Parts 31 and 35, Flammable and Combustible Cargoes, Information Cards (CGD 73-243) (44 FR 18709).	EPA supports the proposed USCG rule. The rule needs to be clarified to reference the notification procedures for oil and hazardous substances (40 CFR 110.9) since the cargoes requiring the information cards include oil and hazardous substance.	A
A-FAA-K51018-AZ	Proposed Expansion of Facilities at Cottonwood Airport, Assessment, Arizona.	EPA has no formal comments to offer at this time.	J
A-FHW-J40047-ND	Knife River Crossing Near Stanton, North Dakota	EPA made no objections to the proposed action and found the informational content to be adequate.	I
R-MTB-A55009-OO	49 CFR Part 193, LNG Facilities, Federal Safety Standards, Development of New Standards (44 FR 8142).	EPA's comments related to definitions within the proposal and recommended the area of enforcement be clarified. In addition, EPA recommended the regulations include post-construction and pre-operational review to confirm compliance.	A
FEDERAL ENERGY REGULATORY COMMISSION			
R-FRC-A05450-OO	18 CFR Parts 2, 4 and 16, Applications for Licenses for Major Projects, Existing Dams, Notice of Proposed Rulemaking (44 FR 24095).	EPA made several comments and modifications to the environmental report, exhibit E, to strengthen that section and facilitate the review process. EPA expressed concern that the impacts from the operation of major projects involving existing dams should not be minimized. This is important when considering peak load production projects which cause major fluctuations in the impoundment level and downstream flow.	A

[FRL 1507-8; OPP-30038]

Pesticide Registration Label Improvement Program**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: The Office of Pesticide Programs is initiating a program to improve pesticide labeling. This Notice describes the program and the procedures that will be used to implement it.

FOR FURTHER INFORMATION CONTACT:
Jean Frane, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460, Telephone: (202) 426-2510.

SUPPLEMENTARY INFORMATION:**I. Background and Purpose**

The EPA is mandated by the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), to protect human health and the environment from unreasonable adverse effects of pesticides. One means of accomplishing this goal is the labeling of pesticide products to provide instructions for their proper use and information on their hazards. The 1972 amendments to the FIFRA provided new authority over the use of pesticides, the enforcement of which is based primarily on the pesticide label—it is now a violation of the law to use a product in a manner inconsistent with its labeling.

Prior to the 1972 amendments, pesticide labels were developed with a view toward user guidance. Labeling submitted by registrants was evaluated on a case-by-case basis at the time of application for registration. The inherent variability of the case-by-case approach, however, has introduced inconsistency among labels of similar products. This inconsistency, coupled with non-specific language on many existing labels, and the potential for varying interpretations by State authorities responsible for primary enforcement of the Act, has created some confusion and hampered uniform compliance and enforcement measures.

Moreover, many pesticide labels which have not been reviewed since 1972 are in need of updating to accommodate newly emerging technologies and trends in pesticide application, to improve and expand the information presented, and to delete obsolete or incorrect recommendations. The Labeling Guidelines, now being developed for proposal in the Federal Register, and their implementation through present registration procedures and the proposed registration standards program, will correct many of these

label problems for the future. However, even with full operation of both review programs, some pesticide labels will not be comprehensively reviewed until a considerable time in the future, possibly as long as 15 years.

II. Label Improvement Program

The Office of Pesticide Programs (OPP) is initiating a separate program designed to upgrade pesticide labels in certain areas that contribute to the protection of health and environmental safety and which are useful to the ability of the user and the enforcer to clearly delineate legal use. These areas are not adequately addressed in present labeling, and cannot await the development of registration standards. This program will also provide for needed uniformity in compliance and enforcement activities. We recognize that it may be impossible to achieve labeling consistency among products without consideration of the characteristics, effects, and uses of the individual pesticides themselves. Nonetheless, OPP believes that certain immediate label revisions are necessary.

OPP contemplates that the Label Improvement Program will be a continuing program to enable the Agency to respond rapidly to labeling needs identified within the Agency and by the industry, the users, and the public.

To that end, the Agency will require that registrants amend their registrations to modify their labels in certain ways within time frames to be established. The Office of Pesticide Programs will strive to establish reasonable deadlines for compliance and ample opportunity for disposal of current label stocks, commensurate with the nature of the required revision and the desire to achieve the benefits of improved labeling in the shortest time.

The Agency will issue a Notice of Intent to Cancel under FIFRA section 6(b) if an applicant fails to submit the application for amendment in a timely manner. FIFRA section 6(b) provides that the Agency may issue a Notice of Intent to Cancel if a product's labeling "**** does not comply with the provisions of the Act." With respect to labeling, the standard for compliance is found in the misbranding provisions of the Act. For the purposes of this Notice, sections 2(q)(1)(F) and (G) are the most important misbranding provisions. Those sections require that labels specify use directions and warning and precautionary statements, respectively, adequate to "protect health and the environment." The term "protect health and the environment" is defined by FIFRA section 2(x) to mean protection

from unreasonable adverse effects on the environment, and must therefore take into consideration the economic, social and environmental costs and benefits of use.

The Agency believes that a pesticide product's label is clearly inadequate to protect health and the environment if labeling changes would reduce significantly the risks of adverse effects from the pesticide's use without reducing significantly the benefits from use of the pesticide. This incremental risk/benefit determination does not supersede or negate the Agency's existing Rebuttable Presumption against Registration (RPAR) and registration standards processes, both of which address the total risks and benefits of a pesticide and its uses. Rather, the Agency will use the incremental risk/benefit principle in labeling improvement in instances when timeliness of action is a major consideration in effecting beneficial label changes, when a specific area for improvement has previously been identified (such as the reentry or storage and disposal requirements of the labeling regulations in 40 CFR 162.10), or when a revision can readily be foreseen as the likely outcome of the lengthier RPAR or registration standards evaluations.

The probability is high that either RPAR or a registration standard will result in additional label modifications based on its more comprehensive assessment of the risk and benefits of the pesticide and its uses. The possibility of future label revisions, however, is not a compelling reason for the Agency to delay implementation of labeling requirements that can achieve significant protection of health or the environment.

There are various areas where application of the incremental risk/benefit principle will permit the Agency to improve labeling. The Agency will identify specific label revisions in separate PR Notices or by individual notice to registrants. The remainder of this Notice describes the general procedures the Agency will use in carrying out the Label Improvement Program.

III. Procedures for Label Revision in Response to Label Improvement Notices

A. Submission of Applications

1. Each registrant of a product will be notified by individual certified letter or certified mail copy of a PR Notice that his product is subject to specific requirements for revision. For each affected product, the registrant is required to submit the following:

- a. An application for amended registration (EPA Form 8570-11).
- b. Five copies of draft labeling, incorporating the required changes. Final printed labeling may be submitted directly, but the registrant must assume responsibility for corrections if found deficient.
- c. In some cases, a Statement of Confidential Formula (EPA Form 8570-4).
2. Applications must normally be submitted within 60 days of receipt of certified mail notice. If a longer time frame is permitted for submission of applications, it will be clearly stated. Applications should be submitted to the appropriate Product Manager in the Registration Division at the following address: Product Manager (Name and Number), Registration Division (TS-767), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.
3. Any product for which an application has not been received within the allotted 60 days (or longer time if provided) will be subject to cancellation proceedings under FIFRA section 6(b). A Notice of Intent to Cancel will be issued for each such product, effective 30 days after receipt, unless within that time the registrant, or an interested party with the consent of the registrant, either makes the required corrections (by applying for amended registration) or requests a hearing.

B. Exemption from Compensation Requirements

1. In many cases, an application for amended registration to meet requirements under a Label Improvement Program Notice will not be subject to the requirements of FIFRA Section 3(c)(1)(D) with respect to compensation for use of data. Label Improvement requirements will be reviewed against the criteria of 40 CFR 162.9-1(b)(16), that Agency consideration of scientific data is not necessary to approve the amendment. When requirements meet that criteria, no Offer to Pay or Certification Statement will be required to be submitted, nor will approval of amended registrations in response to that Notice convert registrations to conditional status under FIFRA section 3(c)(7). Each notice will specify the compensation status of applications.

2. Any exemption from compensation requirements applies only to amendments limited solely to the changes specifically enumerated in that Label Improvement notice. For this reason, a registrant may not normally propose other changes in labeling in his application for amended registration in response to such notice.

C. Processing of Applications

Labels will be reviewed for compliance with the requirements of the Notice, as follows:

1. An applicant whose draft labeling is acceptable will be required to submit final printed labeling. The registration amendment is not complete until final printed labeling has been submitted and accepted by the Registration Division. A stamped copy of acceptable final printed labeling will be returned to the applicant.
2. An applicant whose draft labeling is not acceptable will be informed of the deficiencies by letter and provided 45 days in which to resubmit revised labeling. Resubmission of revised labeling must be limited to the changes required by that letter to maintain the exemption from compensation requirements.

D. Combined Application in Response to Multiple Label Improvement Notices

Although OPP will attempt to combine Label Improvement requirements in an orderly fashion, it is conceivable that a registrant may receive more than one such Notice, with different submission deadlines. The Agency intends to minimize this occurrence as much as possible, but cannot ensure that there will be no overlap. To mitigate this problem, an applicant who receives multiple Notices requiring labeling changes may combine his responses into one application for amended registration, provided he clearly references both Notices. However, applications that are non-compensable under FIFRA section 3(c)(1)(D) may not be combined with applications that are compensable. The submission deadline for a combined application is the later of the deadlines established by the Notices. Compliance time for making the revisions will be calculated from the date of approval of the combined application.

E. Time Frames for Compliance

1. Applications for amendment must normally be submitted within 60 days of receipt of a Notice. Longer time frames will be clearly stated.
2. No later than 180 days following approval of final printed labeling, all products released for shipment must bear the approved labeling. Registrants are responsible for ensuring compliance by their sub-registrants (distributors).
3. Product in channels of trade as of the 180-day deadline may continue to be distributed in commerce, sold, and used until supplies are exhausted.

Dated: May 29, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17054 Filed 8-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1508-1; OPTS-211000A]

Amendment to Granting of Citizen's Petition To Initiate Regulatory Proceedings to Control Asbestos-Cement Pipe

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA issued a notice in the Federal Register of October 18, 1979 (44 FR 60155) granting a citizen's petition to initiate a proceeding to control the manufacture and distribution of asbestos cement water pipes. Since that time the Ductile Iron Pipe Research Association has provided EPA with additional information regarding linings for cast iron pipe. The amendment reflects this information.

FOR FURTHER INFORMATION CONTACT:

Mr. John Ritch, Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, Toll Free: (800-424-9065), in Washington, D.C.: (554-1404).

SUPPLEMENTARY INFORMATION: EPA issued a notice granting the petition of Mr. Glenn Scott to initiate a proceeding to control the manufacture and distribution of asbestos-cement water pipes published in the Federal Register of October 18, 1979, (44 FR 60155). On page 60157 EPA made the statement:

"Development of an asbestos-cement pipe regulation will also involve an analysis of product substitutes for possible adverse health effects. For example, cast iron pipe, a potential substitute for use in drinking water systems is sometimes lined with coal tar pitch. Because coal tar pitch contains chemicals suspected of being carcinogenic, this substitute may be found to be unacceptable."

EPA has been advised that the Ductile Iron Pipe Research Association is not aware of any instances where coal tar pitch is being furnished for the lining of either cast or ductile iron pipe in potable water systems. The Association has further advised that in only very rare instances is pipe shipped without lining. The information submitted by the Association and the Agency's response is available in the public record established by the EPA for its decision on the citizen's petition.

EPA notes that the statement on cast iron pipe appearing in the Federal Register only reflects the Agency's intention to investigate the health risks that may be associated with substitutes for asbestos-containing products. The Agency did not express any definitive conclusions on the health effects of any particular product.

Dated: May 30, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-17052 Filed 8-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1441-1]

National Emission Standards for Hazardous Air Pollutants; Addition of Inorganic Arsenic to List of Hazardous Air Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Addition to the List of Hazardous Air Pollutants.

SUMMARY: This notice announces the Administrator's decision to list inorganic arsenic as a hazardous air pollutant under section 112 of the Clean Air Act. This decision responds to section 122 of the Clean Air Act which requires the Agency to make a regulatory decision with respect to arsenic. This decision is based on the Administrator's findings that (1) there is a high probability that exposure to inorganic arsenic causes cancer in humans, and (2) there is significant public exposure to inorganic arsenic that is emitted into the air by stationary sources. These findings meet the requirements for listing specified in EPA's proposed rule, "Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer," (44 FR 58642), October 10, 1979.

This notice also announces that, consistent with the proposed rule cited above, EPA will (1) determine which categories of stationary sources of inorganic arsenic pose significant risks to public health, and (2) assign priorities to such categories of stationary sources for the development of emissions standards. EPA's assignment of priorities will be announced in the Federal Register, and an opportunity for public comment will be provided.

ADDRESSES: Docket Number OAQPS 79-8, containing material relevant to this action, is located in EPA's Central Docket Section, Room WSM-2903B, 401 M Street, SW, Washington, D.C. The Docket may be inspected between 8 a.m.

and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Joseph Padgett, Director (MD-12), Strategies and Air Standards Division, (MD-12), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5204 or FTS 629-5204.

SUPPLEMENTARY INFORMATION: Arsenic occurs in the environment primarily in inorganic compounds but is also found in a variety of organic compounds. Both inorganic and organic arsenic have been found to be toxic to humans. For years, scientists have been concerned about the toxicity of arsenic compounds, but recently this concern has focused on inorganic arsenic because epidemiological evidence has shown that inorganic arsenic is a human carcinogen. (1) In 1969, the National Cancer Institute (2) pointed to arsenic as a substance for which human carcinogenicity had been demonstrated, although no animal model had yet been found to reproduce that effect. The National Academy of Sciences (NAS), (3) in 1977, concluded that there was strong epidemiologic evidence that inorganic arsenic caused skin and lung cancers in humans. In 1977, EPA's Carcinogen Assessment Group (CAG) (4) concluded that, while arsenic had not yet been convincingly shown to be carcinogenic in animals, the evidence of its carcinogenicity in humans was sufficient to warrant its being regarded as a carcinogen for regulatory purposes. In May 1978, the Occupational Safety and Health Administration (OSHA) (5) promulgated workplace standards to limit workers' exposure to airborne inorganic arsenic. This action was based on findings of excess cancer mortalities among worker populations exposed to airborne concentrations of various inorganic arsenic compounds. OSHA reviewed the substantial body of evidence relating to the carcinogenicity of inorganic arsenic and concluded that inorganic arsenic "is clearly a human carcinogen." (5)

Arsenic occurs in the atmosphere as a result of both natural and man-made processes. Arsenic compounds occurring naturally in soils find their way into the ambient air through natural phenomena such as volcanic activity, hot springs, decay of plant matter, and the weathering of soils. (6) Man-made sources of atmospheric arsenic fall into two general groups: (1) The processing of raw materials containing arsenic, and (2) the manufacture or use of products containing arsenic. Examples of man-

made sources of atmospheric arsenic include smelters (arsenic often occurs naturally in compounds with other metals), pesticide manufacture and use, the combustion of fossil fuels (arsenic occurs naturally in compounds with sulfur), glass manufacture, cotton ginning, and the lead alloy industry. EPA estimates that emissions of inorganic arsenic into the ambient air are more than 6,000 tons per year, with about 65% of the total coming from the operations of copper, lead, and zinc smelters. (6)

The possibility that a health problem associated with inorganic arsenic may extend to the communities surrounding industrial sources of arsenic emissions has been the subject of several studies. Increased lung cancer has been reported among male and female residents living near a copper smelter and a mine (both sources of arsenic emissions) in Anaconda and Butte, Montana. (1) The National Cancer Institute has released a study showing excess mortality from respiratory cancer in counties where copper, lead, and zinc smelters are located, but not in counties with other smelters. (7)

EPA initiated a study in 1977 of the populations exposed to various ambient air concentrations of arsenic. This study, in summarizing 1974 data collected by EPA's National Air Sampling Network (NASN), shows that the annual average concentration of arsenic for five urban areas within eighty kilometers of selected smelters was 10 times greater than the annual average for all of the sites (over 250) in the nationwide network. At a site in Tacoma, Washington, within sixteen kilometers of a smelter, the annual average was more than 25 times the national average. The study estimates that nearly three million people live within twenty kilometers of sources of airborne arsenic such as copper smelters, lead smelters, zinc smelters, cotton gins, pesticide manufacturing plants and glass manufacturing plants and are exposed to annual average arsenic concentrations greater than the national average concentration. The study also estimates that (1) more than 500,000 of these people are exposed to annual average concentrations that are 10 times or more the national average, and (2) more than 40,000 of these people are exposed to concentrations 100 times or more the national average.

In addition to the exposure study, EPA also produced documents (1,8) dealing with (1) the health effects of arsenic, and (2) the evidence of carcinogenicity, carcinogenic strength, and the estimated risks of cancer to the exposed

populations. In May 1978, EPA submitted drafts of the three documents to the Agency's Science Advisory Board (SAB) for review. Based on this review and public comments received by EPA, the documents were revised. The SAB was asked to review the revised documents, and did so in January 1979. In this second review of EPA's draft documents, the SAB (9) concluded that, "All the available data lead to a consensus that there is a real association between exposure to arsenic and the development of cancer, both lung and skin cancer." The SAB's conclusion supported the finding of EPA's Carcinogen Assessment Group that "there is substantial evidence that arsenic is a human carcinogen." The SAB also endorsed the basic adequacy of the exposure study. The SAB did not view the analysis presented in the documents as establishing conclusively the carcinogenicity of arsenic at low concentrations in the ambient air, but stated that it did not intend to express any view on the Agency's use of a no-threshold position (10) for regulatory purposes under section 112 of the Clean Air Act. This Agency position and the Agency's proposed policy for dealing with airborne carcinogens are discussed below.

The identification of substances as probable human carcinogens is generally based on studies of human or animal exposure to higher dosages of these substances than those usually found in the ambient air. There is considerable scientific debate as to whether such substances are human carcinogens at the lowest exposure level encountered in the ambient air, or whether there are threshold levels of exposure below which there is no risk of cancer. The Agency believes that it is scientifically infeasible to establish such levels for airborne carcinogens and has, as a matter of prudent health policy, taken the position that human carcinogens must be treated as posing some risk of cancer at any non-zero level of exposure; therefore, the absence of conclusive proof that substances shown to be carcinogenic at high exposure levels are also carcinogenic at lower exposure levels is not relevant to a decision to list the substance as a hazardous air pollutant under section 112. The policy proposed by the Agency for dealing with airborne carcinogen establishes two qualitative criteria for listing under section 112: (1) A finding that there is a high probability that the substance is carcinogenic to humans, and (2) a finding that there is significant public exposure to the substance.

In the judgement of the Administrator, there is a high probability that inorganic arsenic causes cancer in humans. This judgement is based on the documentation referenced herein and on the conclusion of the Carcinogen Assessment Group, supported by the Science Advisory Board, that there is substantial evidence that inorganic arsenic is a human carcinogen.

In the judgment of the Administrator, there is significant public exposure to airborne inorganic arsenic. This judgement is based on the results of EPA's exposure study, which the SAB found to be basically adequate. These results identified multiple stationary sources of arsenic, showed that large numbers of people are exposed to localized ambient concentrations of arsenic many times the national average concentration, and clearly related such concentrations to identifiable stationary sources.

Under the proposed policy, the listing as a hazardous air pollutant of an inorganic substance for which no generic standards have been developed will be followed by the assignment of priorities for the development of emission standards for significant categories of sources emitting the substance. The priority listing will be published in the *Federal Register*. While the source selection and priority assignment process is not complete, the Agency is pursuing the development of regulations for the control of arsenic emissions from selected smelting operations which use ores of high arsenic concentration. As required by section 112(b)(1)(B) of the Clean Air Act, public comment on the arsenic listing decision will be solicited concurrent with comment on the first standards proposed to control arsenic emissions.

Based on the judgements of the Administrator concerning the human carcinogenicity of inorganic arsenic and the significance of public exposure to airborne inorganic arsenic, and in view of the requirement under section 112 of the Clean Air Act to make a determination on arsenic, the Administrator has decided at this time to list inorganic arsenic as a hazardous air pollutant under section 112 of the Act.

Notice is hereby given that the Administrator, pursuant to section 112(b)(1)(A) of the Act amends the list of hazardous air pollutants to read as follows:

List of Hazardous Air Pollutants

- * * * * *
- 1. Asbestos
- 2. Beryllium
- 3. Mercury

4. Vinyl Chloride
5. Benzene
6. Radionuclides
7. Inorganic Arsenic.
Dated: May 27, 1980.

Douglas M. Costle,
Administrator.

References

1. U.S. EPA. *En Assessment of the Health Effects of Arsenic Germane to Low-Level Exposure*. Revised External Review Draft, Washington, D.C., October 1978.

2. Lee, A. M. and Fraumeni, J. F., Jr., "Arsenic and Respiratory Cancer in Man: An Occupational Study," *J. National Cancer Institute*, 42:1045-52, 1969.

3. Committee on Medical and Biologic Effects of Environmental Pollutants, *Arsenic*, National Academy of Sciences, Washington, D.C., 1977.

4. U.S. EPA. "Carcinogenicity of Arsenic," memorandum from Roy E. Elbert, CAG, to Joseph Padgett. SASD, April 29, 1977.

5. Occupational Safety and Health Administration, Department of Labor, "Occupational Exposure to Inorganic Arsenic," Final Standard, *Federal Register*, Vol. 43, No. 88, May 5, 1978, pp 19584-19631.

6. Benjamin E. Suta, *Human Exposures to Atmospheric Arsenic*. SRI International, Report to EPA under Contract #68-01-4314 and 68-02-2835. December 1979.

7. Blot, W. J. and Fraumeni, J. F., Jr., "Arsenical Air Pollution and Lung Cancer," *The Lancet*, pp 142-144, July 26, 1975.

8. U.S. EPA. Carcinogen Assessment Group's Preliminary Report on Population Risk to Arsenic Exposure, 18 April 1978.

9. U.S. EPA. Science Advisory Board, Subcommittee on Arsenic, Report of the Subcommittee's review of Arsenic as a Possible Hazardous Air Pollutant, May 22-23, 1978 and Jan. 10, 1979, 18 April 1979.

10. U.S. EPA, "Policy and Procedures for Identifying, Assessing and Regulating Airborne Substances Posing a Risk of Cancer," Proposed Rule, *Federal Register*, Vol. 44, No. 197, October 10, 1979.

[FR Doc. 80-17053 Filed 6-4-80; 8:45 am]

BILLING CODE 6560-01-M

designating applications for consolidated hearing on stated issues.

Adopted: May 16, 1980
Released: June 2, 1980.

By the Chief, Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, is the application of Southwest Mobile Systems, Inc., File No. 22574-CD-P-79, for a Construction Permit to establish a new one-way station to operate on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service at McComb, Mississippi, and the application of Radiofone, Inc., File No. 20509-CD-P-80, for a Construction Permit to establish a new one-way station to operate on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service at Tickfaw, Louisiana. These applications are electrically mutually exclusive; therefore, a comparative hearing must be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the above-referenced application of Southwest Mobile Systems, Inc., File No. 22574-CD-P-79, and the application of Radiofone, Inc., File No. 20509-CD-P-80, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,¹ and to determine the need for the proposed services in said areas; and (c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, That the hearing shall be held at a time and place

and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the *Federal Register*.

James K. Smith,

Acting Chief, Common Carrier Bureau.

[FR Doc. 80-17079 Filed 6-4-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Proposed Revision of Existing Systems of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed revision of existing systems of records.

SUMMARY: The Department of Housing and Urban Development published (44 FR 72303, 72304) notices of the Federal Crime Insurance and The National Flood Insurance Application and Related Documents Files systems of records. The purpose of this proposal is to give notice to the public that the above-referenced systems of records will become part of the Federal Emergency Management Agency systems of records; to identify administrative changes to these systems necessitated by the President's Reorganization Plan No. 3 of 1978; to clarify the language of several routine uses for these systems; and to add new routine uses to the systems that are compatible with the purposes for collecting and maintaining these records.

DATES: The above-referenced systems of records shall be effective as proposed without further notice July 7, 1980, unless comments are received on or before that date which would result in a contrary determination. The Office of Management and Budget has been requested to waive the 60-day advance notice requirement. If the waiver is not approved, the systems of records shall become effective August 4, 1980. Any interested party may submit written comments regarding these proposals.

¹ Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 150 MHz band. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80-241, File No. 22574-CD-P-79; CC Docket No. 80-242, File No. 20509-CD-P-80]

Southwest Mobile Systems Inc. and Radiofone, Inc.; Applications

In re applications of Southwest Mobile Systems, Inc. for a construction permit to establish one-way paging facilities to operate on frequency 152.24 MHz in the domestic public land mobile radio service at McComb, Mississippi; and Radiofone, Inc. for a construction permit to establish one-way paging facilities to operate on frequency 152.24 MHz in the domestic public land mobile radio service at Tickfaw, Louisiana; memorandum opinion and order.