

561.1 Information Required.

561.1a Name of Publication and Publication Number.

The publication number includes an alpha prefix and is to be placed within parentheses immediately following or below the name of the publication, for example, *The Weekly Journal* (ISSN 9876-543X) or *The Civic Bulletin* (USPS 876-690). The publication number will be furnished to the publisher by the Office of Mail Classification and must be included in the publication within 90 days of the notification. The publication number may be omitted if it appears on the front/cover page.

g. Controlled Circulation Imprint. If the publication is authorized to be mailed at only one office, the imprint must read "Controlled Circulation Postage Paid at (insert name and ZIP Code of Office)." If the publication is authorized to mail at two or more post offices, the imprint must read "Controlled Circulation Paid at (insert name and ZIP Code of original entry office) and at Additional Mailing Offices." A notice of pending application must be imprinted to read "Application to mail at Controlled Circulation Postage Rates is Pending at (insert name and ZIP Code of original entry office) (and at Additional Mailing Offices)."

561.2 Sample Format.

The following is an example of a correctly prepared identification statement format:

"MANAGEMENT WIDGETS (ISSN 7132-698X) is published daily except Sundays and holidays for \$28 per year by Business Ideas Co., 44 South Street, Hyattsville, MD 20784. Controlled Circulation Postage Paid at Hyattsville, MD 20784 and at Additional Mailing Offices.

"POSTMASTER: Send address changes to MANAGING WIDGETS, Post Office Box 4, Boulder, CO 80302."

Part 570—Mailing

Revise 570 to read as follows:

571 Who May Mail.

Only publishers of publications authorized controlled circulation mail privileges may mail at controlled circulation postage rates. Postage at the applicable first-, third-, or fourth-class rate according to weight must be paid on all copies mailed by the general public.

572 Place of Mailing.

A publisher may mail at the controlled circulation postage rates only at the post

office(s) where an authorization for original entry or additional entry has been obtained. Mailings must be made between the times and at the locations designated by the postmaster of the office of mailing.

Part 583—Marked Copy

Revise 583 to read as follows:

583 Marked Copy.

The publisher of the controlled circulation publication must submit a copy of each issue to the postmaster at the original entry office. In addition, the publisher must submit a copy of the issue being mailed with each mailing statement at each office of additional entry. All copies submitted must be marked by the publisher to show the nonadvertising content so that advertising content can be verified.

Part 584—Statistical Statement

Revise 584 to read as follows:

584 Statistical Statement.

Publishers authorized controlled circulation mail privileges must complete a Form 8-C, *Pieces by Destination—Controlled Circulation Publication*, and submit it along with the mailing statement to the postmaster at each post office of mailing for the first mailing of each Postal Service fiscal year. A Form 8-C must be submitted with the mailing statement for the first mailing at each new office of entry after the controlled circulation authorization has been received by the publisher. Forms 3541-A and 8-C are distributed to publishers by the postmaster at the office of mailing. If the publisher fails to submit a Form 8-C, the Postal Service will not accept the publisher's mailing at the controlled circulation postage rates.

Revise 585 to read as follows:

585 Publisher's Records.

The publisher must maintain records to verify the number and weight of copies reported on Forms 3541-A at the office of publication. These records are subject to periodic review and audit by the Postal Service.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the Federal Register as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-4016 Filed 2-3-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 401

[WH FRL 1722-7]

Removal of Bis-(Chloromethyl) Ether (BCME) From the Toxic Pollutant List Under Section 307(a)(1) of the Clean Water Act

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is deleting bis-(chloromethyl) ether (BCME) from the toxic pollutant list established under section 307(a)(1) of the Clean Water Act. EPA has determined that deleting this compound will not compromise adequate control over its discharge into the aquatic environment and EPA anticipates no adverse effects on the aquatic environment or on human health as a result of this action.

EFFECTIVE DATE: February 4, 1981.

FOR FURTHER INFORMATION CONTACT: Alan Rubin, Criteria and Standards Division (WH-585), Office of Water Regulations and Standards, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202-245-3030).

SUPPLEMENTARY INFORMATION:

Background

Section 307(a)(1) of the Clean Water Act requires EPA to publish a list of toxic pollutants. This section also authorizes the Administrator to add or remove substances from this list and provides that:

The Administrator in publishing any revised list, including the addition or removal of any pollutant from such list, shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the toxic pollutant on such organisms.

The legislative history of the Clean Water Act of 1977 indicates Congress' clear intent that the Administrator have "the widest latitude" in designating pollutants as toxic and that "no pollutant listed in Committee Print Numbered 95-30 should be deleted without a clear finding that delisting will

not compromise adequate control over the discharge of toxic pollutants" (Cong. Rec. Daily ed. S. 19649).

On September 15, 1980, the EPA proposed the removal of bis-(chloromethyl) ether (BCME) from the toxic pollutant list, (45 FR 60942). This proposal was based on data which indicate that BCME does not pose a risk to human health or the environment by exposure from water. A 60 day comment period was granted on this proposal. EPA has received three comments, all of which support the EPA recommendation.

Final Action

As a result of its review, EPA concludes that available data support the deletion of bis-(chloromethyl) ether (BCME) for the following reasons:

1. It is not persistent in the aquatic environment and degrades immediately upon contact with water. The half-life associated with hydrolysis of BCME in water is approximately 38 sec. at 20°C and neutral pH. This rate of hydrolysis is far greater than the rate of volatilization of BCME from water so that the air burden of this pollutant will not increase if it is released into water. BCME's aquatic fate does not permit significant potential for human or aquatic organism exposure.

In water, BCME decomposes initially to formaldehyde and hydrogen chloride.¹ While these decomposition products exhibit some toxicity to aquatic organisms and humans, their persistence in the aquatic environment is judged to be very low. The miniscule amount of hydrogen chloride initially produced by a BCME discharge into the aquatic environment would immediately be neutralized by the buffering capacity of the water. Likewise, the initial concentration of formaldehyde would quickly be reduced to negligible levels by either volatilization, biodegradation in the presence of certain microorganisms, or more likely by its rapid oxidation to formic acid. Because formic acid will not normally be reduced back to formaldehyde, the rapid consumption of formaldehyde as a BCME hydrolysis end product will drive the overall hydrolysis reaction of BCME irreversibly in the forward direction. Thus the possibility of reformation of BCME from its initial degradation products, hydrogen chloride and formaldehyde, is negligible. In conclusion, any BCME introduced into the aquatic environment will, with high

certainty, be nearly completely hydrolyzed to relatively harmless substances.²

2. Based on the estimated octanol/water partition coefficient, BCME shows little or no propensity to adsorb on solid particles or bioaccumulate in organisms.

3. BCME has never been detected in industrial effluent samples, ambient water, finished drinking water, or biological tissues.

4. A survey of companies which formerly manufactured or used BCME and other industrial production and use data sources indicates that BCME is probably not in production or in significant use in this country today.

5. EPA recognizes that BCME is a potent mutagen and laboratory animal and human carcinogen. However, these toxic properties of BCME have never been demonstrated in an organism exposed to BCME through direct ingestion of water or through ingestion of aquatic organisms in its diet. The carcinogenic threat of BCME towards humans is confined to inhalation or concentrated dermal exposure and in those contexts primarily in the work environment. Worker exposure to BCME will continue to be regulated through requirements established by the Occupational Safety and Health Administration (OSHA) (29 CFR 1910.1008). Detailed discussions of these reasons for delisting BCME and the literature citations used to support these arguments are found in the proposed rule for delisting (45 FR 60942) and are incorporated herein by reference. EPA has not received any additional information during the comment period which contradicts the data identified in the proposal.

Conclusion

Although the carcinogenic potential of BCME through air exposure is well documented, EPA believes that BCME does not present a risk to human health or the environment by exposure from water. This conclusion is based on the instability of the substance in water, its lack of potential for bioaccumulation, and the lack of point source discharge.

Removal of BCME from the 307(a)(1) list would have no adverse impact on the aquatic environment due to the extremely low stability of BCME in water and its failure to persist in the aquatic environment except for very short periods of time. Because hydrolysis of BCME occurs before its volatilization to the air, BCME

concentration in the atmosphere is not expected to increase because of this action. Therefore, an intermedia impact is not expected. The environmental and human health hazard due to the formation of formaldehyde and hydrogen chloride resulting from the decomposition of BCME in water is judged to be negligible. This judgement is based on the miniscule amount of BCME discharged to the environment and the extremely low persistence of formaldehyde and hydrogen chloride in the aquatic environment. Both decomposition products are quickly converted into harmless substances by neutralization, oxidation, or biodegradation by environmental processes. This removal action does not affect the validity of BCME's water quality criterion which has recently been published.

Dated: January 27, 1981.

Walter C. Barber, Jr.
Acting Administrator.

In 40 CFR Subchapter N, Part 401, § 401.15 is amended by revising item 16 to read as follows:

§ 401.15 Toxic pollutants.

* * * * *

16. Chloroalkyl ethers (chloroethyl and mixed ethers)

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(FR Doc. 81-4062 Filed 2-3-81; 8:43 am)

BILLING CODE 6560-29-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

(BC Docket No. 80-160; RM-3144)

Radio Broadcast Services, FM Broadcast Stations in Alameda and Albuquerque, New Mexico; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action assigns FM Channel 277 to Albuquerque, New Mexico, as that city's eighth FM assignment, at the request of D. Garry Munson and John Charles Larsh.

DATE: Effective March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: January 30, 1981.

¹ Van Duuren, B. L. et al. 1972. Carcinogenicity of haloethers. II. Structure-activity relationships of analogs of bis(chloromethyl) ether. *Jour. Nat. Cancer Inst.* 48:1431.

² U.S. EPA. 1979. Risk assessments of priority pollutants: bis-chloromethyl ether. Contract No. 68-01-3857. Monitoring and Data Support Division, U.S. Environ. Prot. Agency, Washington, D.C.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 28778 published April 30, 1980, proposing three alternative FM channel assignment plans involving Alameda and Albuquerque, New Mexico, at the request of D. Garry Munson and John Charles Larsh ("petitioners"). The three alternative assignments proposed for comment in the *Notice* are as follows:

- Alternative I. Assign Channel 277 to Albuquerque, New Mexico, as that city's eighth FM assignment.
Alternative II. Assign FM Channel 292A to Alameda, New Mexico, as that community's first FM assignment.
Alternative III. Assign Channel 277 to Alameda, New Mexico, as that community's first FM assignment.

Petitioner originally requested the assignment of Channel 277 for Alameda. However, after noting Alameda's size (1970 population, 10,366) and proximity to Albuquerque (7 miles north of Albuquerque), we questioned whether Alameda was the type of city to which we normally assign high power Class C stations. For that reason, we suggested the alternatives of assigning the Class C station to Albuquerque, or assigning a Class A station to Alameda.

2. In its comments, petitioner supports Alternative I, which would assign Channel 277 to Albuquerque. Petitioner states that it had originally intended to serve a large white area to the northwest of Albuquerque with the Class C assignment at Alameda. However, given the Commission's stated concern with assigning a Class C channel to Alameda, petitioner now favors assigning the channel to the larger city of Albuquerque. Petitioner states that Albuquerque has grown in population from 243,751 in 1970 to 295,300 in January, 1980. According to petitioner, this demonstrates that Albuquerque is entitled to up to ten channels under the Commission's current population guidelines. Petitioner also notes that of the seven operating FM stations in Albuquerque, six are co-owned with AM stations serving the same market. Petitioner opines that making another channel available will therefore give the community the opportunity for a new and independent source of information. Petitioner states that if Channel 277 is assigned to Albuquerque, it will promptly apply for authorization to build and operate a station.

3. A partial opposition to the proposed rule making was filed by Philip H. Green ("Green"). Green opposed the assignment plan (Alternative II) which proposed to assign Channel 292A to

Alameda and submitted a counterproposal to assign Channel 290 or 294 to Santa Fe, New Mexico.¹ Either of those assignments to Santa Fe would preclude the assignment of Channel 292A to Alameda consistent with the Commission's minimum spacing requirements. Green alleges that insufficient information has been presented to the Commission to demonstrate that Alameda qualifies as a community for assignment purposes. Green also alleges that the Class A assignment to Alameda would have serious preclusive consequences by precluding the use of six Class C channels in both Albuquerque and Santa Fe. In reply comments, Green notes that no party has expressed an interest in the Alameda assignment. In the absence of such interest, Green argues that the assignment should not be made.

4. We believe that Alternative I, which proposes the assignment of Channel 277 to Albuquerque, should be adopted. According to recently submitted information, the city currently has a population greater than 250,000. Therefore, the Commission's population guidelines present no obstacle to the assignment of an additional channel to Albuquerque. Furthermore, an interest has been expressed in the use of the channel at Albuquerque while no such interest has been expressed for use of a channel at Alameda. The preclusive impact of the assignment is insubstantial. Petitioner states that seven communities currently without local aural service would sustain preclusion on one or more channels as a result of the assignment of Channel 277 to Albuquerque. Petitioner's studies show that at least two Class A FM channels are available for assignment to each of the precluded communities. We finally note that anyone wishing to apply for use of the channel at Alameda could do so under Section 73.203(b) of the Commission's Rules, the 15-mile rule.

5. Accordingly, it is ordered, That effective March 23, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Albuquerque, New Mexico	222, 227, 231, 242, 258, 262, 277, 300

6. Authority for the action taken herein is contained in Sections 4(i),

¹ Green's counterproposal is being considered in BC Docket No. 80-196 as part of a separate proceeding.

5(d)(1) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

8. It is further ordered, That this proceeding is terminated.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-4088 Filed 2-3-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-131; RM 3439]

Radio Broadcast Services, FM Broadcast Station in Allendale, South Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns a Class A FM channel to Allendale, South Carolina, in response to a petition filed by Good Radio Broadcasting Company. The assigned channel could provide Allendale with its first FM and fulltime local aural broadcast service.

DATE: Effective March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: January 22, 1981.

Released: January 30, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 FR 24213, published April 9, 1980, proposing the assignment of FM Channel 228A to Allendale, South Carolina, as its first FM assignment in response to a petition filed by Good Radio Broadcasting Company ("petitioner"). Supporting comments were filed by the petitioner, in which it reaffirmed its intent to file for the channel, if assigned.

2. Allendale (pop. 3,620),¹ in Allendale County (pop. 9,692) is located approximately 129 kilometers (80 miles) west of Charleston, South Carolina. It is

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