

November 1, 1973, and the date on which the product was decontrolled. Because cost banks were not supplier specific, the calculation of these monthly weighted average gross profit margins should be based on the claimant's purchases of the product from all of its suppliers; and

(3) A monthly schedule of the firm's sales of the product between November 1, 1973, and the date on which the product was decontrolled.¹⁸

Second, a claimant must also provide evidence that market conditions forced it to absorb the alleged overcharges. See *National Helium Corp./Atlantic Richfield Co.*, 11 DOE ¶ 85,257 (1984), *aff'd sub nom. Atlantic Richfield Co. v. DOE*, 618 F.Supp. 1199 (D. Del. 1985). Such a showing could consist of a demonstration that the firm suffered a competitive disadvantage as a result of its purchases from Crown. *Id.*; see also *Allied Materials Corp./Great Plains Corp.*, 13 DOE ¶ 85,289 (1985). Generally, we will infer this to be true if the prices the applicant paid Crown were higher than average market prices for the same level of distribution.¹⁹ Accordingly, a claimant attempting to demonstrate injury should submit a monthly schedule of the weighted average prices that it paid Crown for each covered product that it purchased between August 20, 1973, and the date on which the product was decontrolled. See note 9, *supra*.

If a firm provides the above-mentioned cost bank and price data and subsequent analysis by this office shows that the firm is entitled to a smaller refund than it would have received under the small or medium-range claims injury presumptions, the firm cannot elect to receive a refund using either of those injury presumptions. If our analysis shows that the firm was not injured by any of its purchases, the firm will not be eligible to receive any refund.

IV. Applications for Refund

We will not accept Applications for Refund from purchasers of refined covered products sold by Crown during the period August 20, 1973, through January 27, 1981. All Applications for Refund must contain the following information:

(1) A conspicuous reference to the "Crown Central Corporation Refund Proceeding", the applicant's present name and address, and the name and address of the applicant during the refund period;

(2) The name, title, and telephone number of a person who may be contacted for additional information concerning the application;

(3) An explanation of how the claimant used the Crown products, *i.e.*, whether the applicant was a reseller, retailer, consignee, end user, public utility, cooperative, etc.;

(4) For each refined covered product, a monthly schedule of the number of gallons that it purchased from Crown during the August 20, 1973 through January 27, 1981 refund period.²⁰ If a claimant was an indirect purchaser of Crown refined covered products, it must also submit the name of its immediate supplier and indicate why it believes the products were originally sold by Crown;

(5) All relevant material necessary to support its claim in accordance with the injury presumptions and requirements outlined above in Section III, Part B;

(6) If the applicant was or is in any way affiliated with Crown, an explanation of the nature of that affiliation;

(7) A statement as to whether there was a change in ownership of the applicant's firm during or since the refund period. If there was such a change, the applicant must submit a detailed explanation of the transaction, as well as provide the names and addresses of the previous or subsequent owners;

(8) A statement as to whether the claimant is or has been involved in any DOE enforcement proceeding or private action filed under section 210 of the Economic Stabilization Act. If these actions have been concluded, the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its change in status. The applicant must inform OHA of any change in status while its Application for Refund is pending. See 10 CFR 205.9(d);

(9) A statement as to whether the applicant has received a refund, from any source, for the alleged overcharges identified in the ERA audits underlying this proceeding;

(10) A statement as to whether the claimant or a related firm has filed any other Application for Refund in this proceeding;

(11) A statement as to whether the claimant or a related firm has authorized any other firm or individual(s) to file an Application for Refund on the claimant's behalf in the Crown proceeding; and

(12) The following statement signed by the applicant or a responsible official of the business or organization claiming the refund: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." See 10 CFR 205.283(c).

All Applications for Refund should be sent to: Crown Central Corporation Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

All applications must be filed in duplicate. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any claimant that believes that its Application for Refund contains confidential information must submit two additional copies of the application from which the confidential information has been deleted, together with a statement specifying why the information is confidential.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by Crown Central Petroleum Company pursuant to the Consent Order finalized on April 29, 1986, may now be filed.

(2) All applications for Refund from the alleged Crown Central Petroleum Company refined product overcharge funds must be postmarked by July 31, 1989.

(3) This is a final order of the Department of Energy.

Date: December 5, 1988.

George B. Brenznay,
Director, Office of Hearings and Appeals.
[FR Doc 88-28526 Filed 12-9-88; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3489-8]

Carcinogen Risk Assessment Guideline Meeting

AGENCY: U.S. Environmental Protection Agency.

¹⁸ For motor gasoline, retailers and resellers have to submit the information detailed in subparagraphs (2) and (3) only through July 15, 1979 and April 30, 1980, respectively. See note 17, *supra*.

¹⁹ We generally obtain average market price information from Platt's Oil Price Handbook and Oilmanac (Platt's). If price data for a particular product is not available from Platt's, the burden of supplying alternative information will be on the claimant.

²⁰ Because we will not process claims for less than \$15 in principal, see note 11, *supra*, an applicant must have purchased at least 14,500 gallons of refined covered products from Crown during the refund period in order for us to consider its application. If an applicant submits estimated purchase volume figures, it must provide a detailed explanation of how it derived the estimates.

ACTION: Notice of meeting.

SUMMARY: This notice announces a scientific workshop, sponsored by the Environmental Protection Agency (EPA), for analysis and review of issues relating to EPA's Guidelines for Carcinogen Risk Assessment (51 FR 33992, September 24, 1986). The meeting will be held at the Virginia Beach Hotel and Conference Center in Virginia Beach, Virginia.

DATES: The Workshop will be held on January 11, 12, and 13, 1989, beginning on Wednesday, January 11 at 8:30 a.m. and ending Friday, January 13 at approximately 12:00 noon. Members of the public may attend as observers.

ADDRESSES: Eastern Research Group, Inc., an EPA contractor, is providing logistical support for the Workshop. To attend the Workshop as an observer, contact Ms. Trish Hasch, Eastern Research Group, Inc., 6 Whittemore Street, Arlington, Massachusetts 02174, Tel. (617) 648-7811/7800 by December 19, 1988. Space is limited.

FOR FURTHER INFORMATION CONTACT: Linda C. Tuxen, U.S. Environmental Protection Agency, RD-689, 401 M Street SW., Washington, DC 20460, Tel. (202) 475-6743 (FTS: 475-6743).

SUPPLEMENTARY INFORMATION: In 1984, EPA proposed, and Agency scientists began to apply, risk assessment guidelines for carcinogenicity, mutagenicity, suspect developmental toxicants, chemical mixtures, and exposure assessment. This guidance was developed with the understanding that risk assessment is an evolving scientific process and that continued study would lead to changes. As expected, there is new information and thinking in several areas of carcinogen risk assessment and the Agency has decided that review of EPA's Guidelines for Carcinogen Risk Assessment is appropriate at this time.

EPA is now assembling a panel of scientifically and technically qualified persons to discuss these guidelines at the workshop. Workshop panelists will address technical issues such as qualitative criteria for identifying carcinogenic hazards to humans and quantitative methods for extrapolating animal tumor data to expected levels of human exposure. Panelists will study and exchange information on the technical basis for the carcinogen risk assessment guidelines, and discuss any need for possible amendments. Approximately forty experts in toxicology, pharmacology, statistics, and related disciplines, are expected to participate as panelists.

EPA will use the workshop discussions as part of its information gathering efforts to assess the advisability of revising the Agency's carcinogen risk assessment guidelines. If the Agency proposes any changes in those guidelines, ample opportunity will be provided for public review and submission of written comments.

Dated: December 6, 1988.

Erich Bretthauer,

Acting Assistant Administrator for Research and Development.

[FR Doc. 88-28649 Filed 12-9-88; 8:45 am]

BILLING CODE 5560-50-M

[FRL-3469-3]

Sole Source Aquifer Designation for the Head of the Neponset Aquifer Area, Massachusetts

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In response to a petition from the Town of Walpole, Massachusetts, notice is hereby given that the Regional Administrator, Region I, of the U.S. Environmental Protection Agency (EPA) has determined that the Head of the Neponset Aquifer (HNA) satisfies all determination criteria for designation as a sole source aquifer, pursuant to section 1424(e) of the Safe Drinking Water Act. The designation criteria include the following: The Head of the Neponset Aquifer area is the principal source of drinking water for the residents of that area; there are no viable alternative sources which can completely replace the drinking water supplied by the aquifer; the boundaries of the designated area and project review area have been reviewed and approved by EPA; and if contamination were to occur, it would pose a significant public health hazard to the area's residents. As a result of this action, all federal financially assisted projects proposed for construction or modification within the HNA area can be reviewed by EPA to reduce the risk of ground water contamination from these projects.

DATES: This determination shall be promulgated for purposes of judicial review at 1:00 p.m. Eastern time December 27, 1988.

ADDRESSES: The data upon which these findings are based are available to the public and may be inspected during normal business hours at the U.S. Environmental Protection Agency, Region I, JFK Federal Building, Water Management Division, WGP-2113, Boston, MA 02203. The designation

petition submitted may also be inspected at the Walpole Town Library in Walpole, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Robert E. Mendoza, Chief of the Ground Water Management Section, EPA Region I, JFK Federal Building, WGP-2113, Boston, MA 02203, 617-565-3600.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300f, 300h-3(e), Pub. L. 93-523) states:

If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On May 10, 1988, EPA received a petition from the Town of Walpole, Massachusetts requesting designation of the Head of the Neponset Aquifer area as a sole source aquifer. EPA determined that the petition, after receipt and review of additional requested information fully satisfied the Completeness Determination Checklist. A public hearing was then scheduled and held on September 8, 1988, in Walpole, Massachusetts, in accordance with all applicable notification and procedural requirements. A four week public comment period followed the hearing.

II. Basis for Determination

Among the factors considered by the Regional Administrator as part of the detailed review and technical verification process for designating an area under section 1424(e) were:

(1) Whether the aquifer is the sole or principal source (more than 50%) of drinking water for the defined aquifer service area, and that the volume of water from an alternative source is insufficient to replace the petitioned aquifer;

(2) whether contamination of the aquifer would create a significant hazard to public health; and

(3) whether the boundaries of the designated area; the project review area;

the aquifer service area; and the steamflow source area are appropriate. On the basis of technical information available to EPA at this time, the Regional Administrator has made the following findings in favor of designating the HNA area as a sole source aquifer:

1. The HNA is the principal source of drinking water to the residents within the service area.

2. There exists no reasonable alternative drinking water source or combination of sources of sufficient quantity to replace the amount supplied to the designated service area.

3. EPA has found that the Town of Walpole has appropriately delineated the boundaries of the designated area, project review area, aquifer service area and streamflow source area.

4. Although the quality of the area's ground water is rated as good to excellent, it is highly vulnerable to contamination due to the area's geological characteristics. Because of this, contaminants can be rapidly introduced into the aquifer system from a number of sources with minimal assimilation. This may include contamination from chemical spills, highway, urban and rural runoff, septic systems, leaking storage tanks, both above and underground, road salting operations, saltwater intrusion, and landfill leachate. Since more residents are dependent upon the aquifer for their drinking water, a serious contamination incident could pose a significant public health hazard to the service area's residents.

III. Description of the Head of the Neponset Aquifer Area, Aquifer Service Area, and Project Review Area

The HNA area covers over 30 square miles in eastern Massachusetts, south of Boston. It encompasses most of Walpole, and portions of Dover, Foxboro, Medfield, Norwood, Sharon, and Westwood. The area petitioned is the eastern portion of the Neponset River Watershed Basin. This area is the headwaters of the Neponset River; from here the river flows northward out of the basin and discharges into the Massachusetts Bay. The aquifer material consists of extensive deposits of stratified drift.

The designated area is defined as the surface area above the aquifer system and its recharge area. The northern, western, and southern boundaries of the area were delineated according to the USGS Hydrologic Investigations Atlas HA-484 (1973). The eastern boundary is based upon surface topography. This eastern boundary represents the surface water divide which separates those

areas contributing to eastern portions of the Neponset Basin from those areas contributing to the western portion of the Basin. However, where the Neponset River flows out of the HNA area, the boundary was not based upon topography. Here the boundary was located at the border of the stratified drift and till deposits.

The project review area is defined as the area within which federal financially assisted projects can be reviewed by EPA. For the HNA, the boundary of the designated area coincides with the boundary of the project review area. This area includes the recharge area to the HNA. There is no separate streamflow source area.

The aquifer service area is the areal extent above the HNA and those lands where the entire population served by the aquifer live. For the HNA, this includes all of the towns of Foxboro, Medfield and Walpole, and portions of Dover, Norwood, Sharon and Westwood. Most residents of the service area depend on the ten public wells located in the HNA for their drinking water supply. There are also private wells located in the HNA. The population of the aquifer service area is 45,110 people. The petitioner determined that 88% of the drinking water for the aquifer service area is supplied by the HNA.

The petitioner also demonstrated that there were no reasonably available alternative sources of drinking water for the HNA area. Eight alternatives were investigated for this petition. Six of the alternatives were eliminated as possibilities for several reasons. The remaining alternative sources could potentially supply an amount that is significantly below the amount currently supplied by the HNA. There were no alternative sources that could completely replace the HNA.

IV. Information Utilized in Determination

The information utilized in this determination includes: The petition submitted to EPA Region I by the Town of Walpole; additional information requested from and supplied by the petitioner; written and verbal comments submitted by the public, and the technical papers and maps submitted with the petition. This information is available to the public and may be inspected at the address listed above.

V. Project Review

EPA Region I is working with the federal agencies most likely to provide financial assistance to projects in the project review area. Interagency

procedures and Memoranda of Understanding have been developed through which EPA will be notified of proposed commitments by federal agencies to projects which could contaminate the HNA area. EPA will evaluate such projects and, where necessary, conduct an in-depth review, including soliciting public comments when appropriate. Should the Regional Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for federal financial assistance may be entered into. However, a commitment for federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to ensure that it will not contaminate the aquifer. Included in the review of any federal financially assisted project will be the coordination with state and local agencies and the project's developers. Their comments will be given full consideration, and EPA's review will attempt to complement and support state and local ground water protection measures. Although the project review process cannot be delegated, EPA will rely to the maximum extent possible on any existing or future state or local control measures to protect the quality of ground water in the HNA area.

VI. Summary and Discussion of Public Comments

The majority of comments received from the public supported designation of the HNA as a sole source aquifer. Over twenty comments were received from the public. None of these comments expressed opposition to the designation. A few comments raised questions about the implications of the designation and the status of the petition review. These questions were all answered completely. Notable letters of support were received from federal and local governments, as well as from residents. Reasons given for support include the following: (1) The dependence of the residents on the HNA for their drinking water supply; (2) there are no reasonably available alternative sources that can replace the amount of drinking water supplied by the HNA; (3) the growth and development in the HNA area which threaten the continued purity of the resource; and (4) the hope that the HNA's designation as a sole source aquifer will heighten public awareness of the vulnerability of the resource, and encourage further protective efforts.

Date: November 30, 1988.
 Michael R. Deland,
Regional Administrator.
 [FR Doc. 88-28459 Filed 12-9-88; 8:45 am]
 BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-817-DR]

Amendment to Notice of a Major Disaster Declaration; Arkansas

AGENCY: Federal Emergency
 Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA-817-DR), dated November 23, 1988, and related determinations.

DATED: December 5, 1988.

FOR FURTHER INFORMATION CONTACT:
 Neva K. Elliott, Disaster Assistance
 Programs, Federal Emergency
 Management Agency, Washington, DC
 20472 (202) 646-3614.

Notice: Notice is hereby given that the incident period for this disaster is closed effective November 20, 1988.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

*Associate Director, State and Local Programs
 and Support, Federal Emergency
 Management Agency.*

[FR Doc. 88-28444 Filed 12-9-88; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-818-DR]

Notice of Major Disaster and Related Determinations; North Carolina

AGENCY: Federal Emergency
 Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Carolina (FEMA-818-Dr), dated December 2, 1988, and related determinations.

DATED: December 2, 1988.

FOR FURTHER INFORMATION CONTACT:
 Neva K. Elliott, Disaster Assistance
 Programs, Federal Emergency
 Management Agency, Washington, DC
 20472 (202) 646-3614.

Notice: Notice is hereby given that, in a letter dated December 2, 1988, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*,

Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of North Carolina resulting from tornadoes and severe storms on November 28, 1988, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288, as amended by Pub. L. 100-707. I, therefore, declare that such a major disaster exists in the State of North Carolina.

You are authorized to provide Individual Assistance in the affected areas. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of North Carolina to have been affected adversely by this declared major disaster: Currituck, Dare, Franklin, Halifax, Hyde, Nash, Northampton, Pamlico, and Wake Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

*Director, Federal Emergency Management
 Agency.*

[FR Doc. 88-28445 Filed 12-9-88; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; North Carolina State Ports

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200096-002

Title: North Carolina State Ports
 Authority Terminal Agreement.

Parties:

North Carolina State Ports Authority
 Senator Linie.

Synopsis: The agreement adds a new paragraph (20) which clarifies that the term "Tariff Rate" whenever it appears in the agreement shall mean the tariff rate which was in effect at the beginning of any contract year as defined in paragraph 2 of the agreement.

By order of the Federal Maritime
 Commission.

Joseph C. Polking,
Secretary.

Dated: December 7, 1988.

[FR Doc. 88-28479 Filed 12-9-88; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed; American President Lines, Ltd., et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-000150-093

Title: Trans-Pacific Freight
 Conference of Japan.

Parties:

American President Lines, Ltd.,
 Barber Blue Sea,
 Kawasaki Kisen Kaisha, Ltd.,
 Mitsui O.S.K. Lines, Ltd.,
 A.P. Moller-Maersk Line,
 Neptune Orient Lines Limited,
 Nippon Liner System, Ltd.,
 Nippon Yusen Kaisha,
 Orient Overseas Container Line, Inc.,
 Sea-Land Service, Inc.

Synopsis: The proposed modification would prohibit any member from entering into a loyalty contract, individually or jointly with another carrier, in the Agreement trades. It