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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

NOTE: As of August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.
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**FEDERAL REGISTER, VOL. 43, NO. 194 THURSDAY, OCTOBER 5, 1978**
Title 3—The President

Proclamation 4604  
October 2, 1978

Termination of Increased Rates of Duty on Certain Ceramic Tableware

By the President of the United States of America

A Proclamation

1. By Proclamation No. 4125 of April 22, 1972, the President proclaimed increased duties on certain types of ceramic tableware that are defined in items 923.01 through 923.15 of the Tariff Schedules of the United States (TSUS). These increased duties were to be effective from May 1, 1972, through April 30, 1976, unless modified or terminated earlier. This action was taken under the following legal provisions: section 350(a)(1)(B) of the Tariff Act of 1930, as amended (19 U.S.C. 1351(a)(1)(B)); and sections 201(a)(2), 302(a)(2) and (3), and 351(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2), 19 U.S.C. 1902(a)(2) and (3), and 19 U.S.C. 1981(a)).

2. By Proclamation No. 4436 of April 30, 1976, the President proclaimed the extension and modification of the increased rates of duty then in effect on imports of some of the articles of ceramic tableware provided for in items 923.01, 923.07, 923.13, and 923.15 of the TSUS. This was done under section 203(h)(3) of the Trade Act of 1974 (19 U.S.C. 2253(h)(3)).

3. I have determined, pursuant to section 203(h)(4) of the Trade Act of 1974 (19 U.S.C. 2253(h)(4)) and section 351(c)(1)(A) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(c)(1)(A)), after taking into account the advice of the U.S. International Trade Commission and after seeking the advice of the Secretaries of Commerce and Labor as required by those sections, that it is in the national interest to terminate the increased rates of duty currently in effect on imports of the articles of ceramic tableware now provided for in items 923.01, 923.07, 923.13 and 923.15 of the TSUS.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 203(h)(4) of the Trade Act of 1974 (19 U.S.C. 2253(h)(4)) and section 351(c)(1)(A) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(c)(1)(A)), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT), do proclaim that—

(1) The modifications of tariff concessions on ceramic tableware provided for in items 533.28, 533.38, 533.73, and 533.75 in Part I of Schedule XX to the GATT made by Proclamations Nos. 4125 and 4436 are terminated;

(2) Subpart A, part 2 of the Appendix to the TSUS is modified by deleting items 923.01, 923.07, 923.13, and 923.15, including the superior headings thereto;

(3) The modifications of Part I of Schedule XX to the GATT and of the Appendix to the TSUS made by paragraphs (1) and (2) hereof shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after the date of publication of this Proclamation in the Federal Register.

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
IN WITNESS WHEREOF, I have hereunto set my hand this second day of October in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

[Signature]

[FR Doc. 78-28333 Filed 10-4-78; 10:18 am]
CHAPTER I—AGRICULTURAL MARKETING SERVICE (GRADING, CERTIFICATION, AND STANDARDS), DEPARTMENT OF AGRICULTURE

PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS), DEPARTMENT OF AGRICULTURE

ACTION: Final rule.

AGENCY: Agricultural Marketing Service, USDA.

SUMMARY: These regulations are being changed to reflect an increase in fees for the grading and certification of livestock accepted for futures trading. Salaries paid to Federal employees have been increased under the provisions of Pub. L. 92-210. Therefore, it has been determined that notice and other procedures with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the Federal Register. Accordingly, the provisions of 7 CFR 53.18(a) prescribing fees for Federal livestock grading services are hereby amended by changing the phrases "$19.00 per hour," "$23.00 per hour," "$23.00 per hour," and "$40.00 per hour," respectively.

(Agricultural Marketing Act of 1946, sec. 203, 205, 60 Stat. 1087, 1090 (7 U.S.C. 1622, 1624).)

Done at Washington, D.C., on this 22d day of September 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 78-28102 Filed 10-4-78; 8:45 am]

PART 948—IRISH POTATOES GROWN IN COLORADO

Handling Regulation; Area No. 2

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment 1 to the handling regulation requires fresh market shipments of potatoes grown in Colorado, area No. 2 to be inspected and meet minimum grade, size, and maturity requirements. The regulation will promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: October 8, 1978.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the Federal Register. Accordingly, the provisions of 7 CFR 53.18(a) prescribing fees for Federal livestock grading services are hereby amended by changing the phrases "$19.00 per hour," "$23.00 per hour," "$23.00 per hour," and "$40.00 per hour," respectively.

(Agricultural Marketing Act of 1946, sec. 203, 205, 60 Stat. 1087, 1090 (7 U.S.C. 1622, 1624).)

Done at Washington, D.C., on this 22d day of September 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 78-28102 Filed 10-4-78; 8:45 am]
the proposal set forth in the notice which was recommended by the Colorado area No. 2 potato committee, established pursuant to said marketing agreement and order, it is hereby found that the amendment No. 1 to the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after set forth, will tend to effectuate the declared policy of the act.

The amendment is as follows:

In §498.380 (43 FR 37982) the introductory paragraph and paragraphs (a), (b), and (h) are amended to read as follows:

§498.380 Handling regulation.

During the effective period herein through October 31, 1979, no person shall handle any lot of potatoes grown in area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) Minimum grade and size requirements.

(1) Round varieties. U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) Russet Burbank. U.S. No. 2, or better grade, 1 1/2 inches minimum diameter.

(3) All other long varieties except Russet Burbank. U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(4) All varieties. Size B, if U.S. No. 1, or better grade.

(5) All varieties for export. 1 1/4 inches minimum diameter.

(b) Maturity (skinning) requirements.

During September and October minimum maturity requirements shall be:

(1) For U.S. No. 2 grade. Not more than "moderately skinned."

(2) All other grades. Not more than "slightly skinned."

was published a notice of proposed rulemaking amending §1822.11(b) to subpart A of part 1822, subchapter B of chapter XVIII, title 7 in the Code of Federal Regulations. Advance notice of the proposed rule was published April 5, 1978. Interested persons were given the opportunity to submit not later than September 5, 1978, comments and suggestions or objections regarding the proposed revision. Several comments were received and given due consideration. Certain comments received concerning the determination of what constitutes good credit history will be incorporated into part 1916, subpart A to subchapter B to chapter XVIII. Comments were incorporated herein to more clearly show how the consideration of the payment of previous housing cost will be considered, and to indicate that repayment ability will be based on the fact that planned income is equal to or greater than planned expenses. The Farmers Home Administration will determine the eligibility of applicants based on these criteria and other provisions of section 502 of title V of the Housing Act of 1949.

Accordingly, §1822.11(b) reads as follows:

§1822.11 Processing applications and county committee certification.

§1822.11 Processing applications and county committee certification.

(b) Determining eligibility of RH applicants. The county committee will determine eligibility of RH applicants who are also applying for a farmer program loan, or who are already indebted for a farmer program loan. The county supervisor will determine eligibility for all other RH applicants.

(1) County supervisors will work closely with applicants so as to better understand all sources of income and cash substitutes. Determination of repayment ability will be based on the following:

(i) If the applicant can verify payment of a comparable or greater amount for housing cost for the previous 12 months, the applicant will be presumed to have repayment ability for the requested loan unless:

(A) Projected annual income is less than current or past income.

(B) Planned expenses are greater than current expenses, or

(C) The applicant has increased debts, or failed to pay existing debts in order to maintain the present standard of living.

(ii) The short budget on form FmHA 410-4 will be used to determine obvious eligibility. Ineligibility can be determined from this form in cases where projected income is clearly not sufficient to pay annual payment on debts including the requested loan, living expenses, real estate taxes, and to indicate that repayment ability will be based on the fact that planned income is equal to or greater than planned expenses. The Farmers Home Administration will determine the eligibility of applicants based on these criteria and other provisions of section 502 of title V of the Housing Act of 1949.
property insurance, utilities, and maintenance.

(ii) Form FmHA 431-3. “Family Budget,” will be completed by the applicant and county supervisor if eligibility cannot be determined from the short budget. In preparing form FmHA 431-3 the following will be considered.

(A) Noncash items (e.g. food stamps, scholarships, free clothing, or transportation which help reduce the applicant’s budgeted expenses) will be properly documented and budgeted expenses will be reduced accordingly.

(B) Income from all sources not used to determine adjusted annual income, such as earnings from employment of minors or full-time students, foster care payments, and similar income items, will be considered to the extent it is used to offset budgeted expenses even though such income will not be included in “annual income.”

(2) Eligibility will be based on the circumstances surrounding the individual case, and under no condition will arbitrary guidelines or “rules of thumb” be used in determining eligibility. Repayment ability will be based on a determination that planned income is equal to or greater than planned expenses.

(3) When the county supervisor determines that the applicant does not have sufficient income to repay the requested loan, the county supervisor will suggest other alternatives such as reducing the amount of loan needed by making a larger downpayment, reducing amenities in the dwelling, selecting a less expensive dwelling or site, obtaining a cosigner, or when appropriate, building the dwelling by the self-help or borrower method of construction.

SECURITY PERSONNEL QUALIFICATION
Training and Equipment Requirements
ACTION: U.S. Nuclear Regulatory Commission.
ACTION: Approval of reporting and recordkeeping requirements by Comptroller General.
SUMMARY: On August 23, 1978, the Nuclear Regulatory Commission published in the Federal Register a notice of rulemaking, effective October 23, 1978, amending its regulation “Physical Protection of Plants and Materials” to impose upgraded guard qualification, training and equipment requirements for security personnel protecting against theft of special nuclear materials and industrial sabotage of nuclear facilities or nuclear shipments.

The notice included the following note:

Note.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for review of its reporting requirements under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting requirement of the rule becomes effective, unless advised to the contrary, includes a 45-day period which that statute allows for Comptroller General review (44 U.S.C. 3512(e)(2).

Notice is hereby given that the reporting requirements set out in the rule have been approved by the U.S. General Accounting Office.


The reporting requirements set out in the notice of rulemaking amending 10 CFR Part 73 which was published in the Federal Register on August 23, 1978 (43 FR 37421) have been approved by the U.S. General Accounting Office under No. B-180225(R0039).

FOR FURTHER INFORMATION CONTACT:

Dated at Bethesda, Md. this 27th day of September 1978.

FOR THE NUCLEAR REGULATORY COMMISSION.

WILLIAM J. DIREKS,
Deputy Executive Director for Operations.

[FR Doc. 78-38614 Filed 10-4-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-GL-6; Amtd. 33-312]

PART 39—AIRWORTHINESS DIRECTIVES

Firestone Aircraft Tires

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all Firestone tires, size 18x6.5, Mach I, 10 ply rating, P/N 00490, serial Nos. having the first four numbers 0677, by airmail letter dated September 6, 1978. The AD requires replacement by Firestone tire part No. 00518, or other approved tire, to prevent tread separation.

DATE: Effective October 5, 1978, except with respect to certain persons specified in the body of the AD. Compliance schedule—as prescribed in the body of the AD.


FOR FURTHER INFORMATION CONTACT:
Alfred A. Mails, Engineering and Manufacturing Branch, Flight Standards Division, AGI-212, 2300 East Devon Avenue, Des Plaines, Ill. 60018, 312-694-4500, extension 424.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following airworthiness directive applicable to all Firestone tires, size 18x6.5, Mach I, 10 ply rating, P/N 00490, serial numbers having the first four numbers 0677, and is effective upon the receipt of this AD.

Tire tread separations have been recently experienced on certain aircraft which could occur in other tires of this same part number and result in loss of hydraulic pressure, brake and flap damage, and faulty steering. FAA has determined that this could occur in similar tires of the same series and date of manufacture (0677). Accord-
ing this airworthiness directive is considered an initial action pending further investigation.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known Firestone tires having the first four numbers 0677. These conditions still exist and the AD is hereby published in the Federal Register.

**A DOPATION OF AMENDMENT**

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

**FIRESTONE Aircraft Tires.** Applies to all Firestone size 18x5.5, Mach I, 10 ply rating part number 06490, serial numbers having the first four numbers 0677, to be replaced on, but not limited to, Lear jet models 23, 24, 25; Beech models 99 series, B100, 200; Swearingen SA 226-TC and Cessna models 336/337 or T-337 series aircraft.

(a) Inspect for serial numbers having the first four numbers 0677 P/N 00490. (b) Replace with Firestone tires having serial numbers outside of this subject group or with Firestone tire P/N 00518 or with any other tire approved for these aircraft.

Obliterate TSO markings on tires identified in this AD to prevent future use on aircraft.

This amendment is effective October 5, 1978, as to all persons except those persons to whom it has already been made effective by telegram from the FAA dated September 9, 1978. Compliance: As required in the body of the AD.

**ADDITIONS:** Beechcraft liberal service letter No. 78-4, applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corp., Commercial Service Department, 9709 East Central, Wichita, Kans. 67201. A copy of the service letter cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106, and at Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

For further information contact:

E. L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3146.

**SUPPLEMENTARY INFORMATION:**

The FAA has determined that the problem described in the summary is an unsafe condition which is likely to exist or develop in other airplanes of the same type design. Since the agency also determined that an emergency situation existed and that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest. Accordingly, all known registered owners/operators of the affected airplanes were notified of the AD by telegram from the FAA dated September 9, 1978. The AD became effective as to those individuals upon receipt of the notification telegram. Since the unsafe condition as described in the summary may still exist on other Beech Model 76 airplanes, the AD is being published in the Federal Register as an amendment to part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective as to all persons who did not receive the telegram notification.

**ADOPTION OF THE AMENDMENT**

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

**BECH Aircraft Tires.** Applies to Model 76 (serial Nos. ME-1 through ME-62 and ME-86) airplanes.

To preclude failure of the rudder and elevator trim tab push rods, prior to further flight:

(A) If not previously accomplished, replace Beech part No. 105-520045-9 rudder trim tab push rod and reblance the rudder control surface, where necessary, in accordance with Beechcraft liberal service letter No. 78-4, dated September 14, 1978, or later approved revisions.

(B) If not previously accomplished, replace Beech part No. 105-520045-5 rudder trim tab push rod with new Beech part No. 105-520045-9 rudder trim tab push rod and reblance the rudder control surface, where necessary, in accordance with Beechcraft liberal service letter No. 78-4, dated September 14, 1978, or later approved revisions.

(C) Aircraft may not be flown in accordance with FAR 21.197 to a base to accomplish this AD, unless authorized by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.


**W A Y N E J. B A R L O W ,  Acting Director, Great Lakes Region.**

[Federal Register Doc. 78-27971 Filed 10-4-78; 8:45 a.m.]
SUMMARY: This amendment adopts a new airworthiness directive (AD) for McDonnell Douglas model DC-10 series airplanes, requiring installation of three check valves and, when applicable, new hydraulic piping. There have been reports of incidents in which tire debris has damaged hydraulic systems, and the FAA believes that sufficient evidence exists in the public interest in aviation safety to adopt the proposed rule with a clarifying note, as a Final Rule.

ADOPITION OF THE AMENDMENT

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


Compliance required within the next 1,800 hours time in service after the effective date of this AD, unless already accomplished.

To prevent the loss of related powered flight controls due to loss of fluid through brake return line failure accomplish the following:

(a) Revise hydraulic systems 1 and 3 by installing three check valves and, when applicable, new hydraulic piping, in accordance with McDonnell Douglas DC-10 Service Bulletin No. A29-113, revision 2, dated April 4, 1978.

NOTE.—Service Bulletin A29-113, revision 2, dated April 4, 1978, is the only version of this service bulletin suitable for compliance with paragraph (a) of this AD.

(b) Equivalent modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the inspections required by this AD.

This amendment becomes effective December 6, 1978.

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
SUMMARY: The nature of the action being taken is to designate a transition area at Castrovile, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing instrument approach procedures to the Castrovile Municipal Airport. The circumstance which created the need for the action was the establishment of a nondirectional radio beacon (NDB) on the airport to provide capability for flight under instrument flight rules (IFR) procedures to the airport.


FOR FURTHER INFORMATION CONTACT:
John A. Jarrell, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1089, Fort Worth, Tex. 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History
On July 27, 1978, a notice of proposed rulemaking was published in the Federal Register (43 FR 32453), stating that the Federal Aviation Administration proposed to designate the Castrovile, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. We received no objections to the proposal. Except for editorial changes, this amendment is that proposed in the notice.

The Rule
This amendment to subpart G of part 71 of the Federal Aviation Regulations (14 CFR 71), designates the Castrovile, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing the newly established instrument approach procedure to the Castrovile Municipal Airport.
the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

**DISCUSSION OF COMMENTS**

On pages 28200 and 28210 of the Federal Register, dated June 29, 1978, the Federal Aviation Administration published a notice of proposed rulemaking which would amend §71.181 of part 71 of the Federal Aviation Regulations so as to designate a transition area at Warrensburg, Mo. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking.

Accordingly, subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440) is amended effective 0901 GMT December 28, 1978, by adding the following new transition area:

**Warrensburg, Mo.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Skyhaven Airport, Warrensburg, Mo. (lat. 38°47' N., long. 93°46' W.), and within 2.5 miles either side of the Napoleon, Mo. VORTAC 140° radial, extending from the 5.5-mile radius to 7 miles north-west of the airport.

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

**SUPPLEMENTARY INFORMATION:**

**History**

On July 24, 1978, a notice of proposed rulemaking was published in the Federal Register (43 FR 31942) stating that the Federal Aviation Administration proposed to alter the Beeville, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. We received no objections to the proposal. Except for editorial changes, this amendment is that proposed in the notice.

**THE RULE**

This amendment to subpart G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Beeville, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing the newly established instrument procedure to the Beeville Municipal Airport.

**ADOPTION OF THE AMENDMENT**

Accordingly, pursuant to the authority delegated to me by the Administrator, subpart G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.M.T., December 28, 1978, as follows:

In subpart G, §71.181 (43 FR 440), the following transition area is altered to read:

**Beeville, Tex.**

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of NAS Chase Field (lat. 28°21'50" N., long. 97°39'40" W.; within 2 miles each side of the NAS Chase TACAN 129° and 321° radials extending from the 5.5-mile radius area to 10 miles northeast and southeast of the NAS Chase, 2 miles each side of the 339° bearing from the NAS Chase RBN extending from the 5.5-mile radius area to 12 miles north of the RBN; within a 5.5-mile radius of Beeville Municipal Airport (lat. 28°22'00" N., long. 97°48'00" W.); within 3.5 miles each side of the 135° bearing from the Beeville NDB (lat. 28°22'03" N., long. 97°47'38" W.) extending from the 5.5-mile radius area to 11.5 miles northeast of the NDB.

(49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

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

Issued in Fort Worth, Tex., on September 22, 1978.

**FURTHER INFORMATION CONTACT:***

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

**SUPPLEMENTARY INFORMATION:**

**PART 95—IFR ALTITUDES**

**Miscellaneous Amendments**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

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

**EFFECTIVE DATE:** November 2, 1978.

**FOR FURTHER INFORMATION CONTACT:***


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

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

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective: November 2, 1978.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 25 FR 6489 and paragraph 802 of order FSP 1100.1, as amended March 9, 1973.)

Note.—The Federal Aviation Administration has determined that this amendment does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-101.

Issued in Washington, D.C., on September 27, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.
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**Rules and Regulations**

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
§95.7119 JET ROUTE NO. 119 is amended to delete:
FROM  TO  MEA  MAA
Miami, Fla.  VORTAC  St. Petersburg, Fla.  VORTAC  18000  45000

§95.6130 JET ROUTE NO. 130 is amended to read in part:
FROM  TO  MEA  MAA
Grand Junction, Cola.  VORTAC  Bacca INT, Colo.  18000  45000
Bacca INT, Colo.  Int. 075 M rad Grand Junction  VORTAC  26000  45000

§95.7157 JET ROUTE NO. 157 is amended to read in part:
FROM  TO  MEA  MAA
Keaan INT, Colo.  Smity INT, Colo.  23000  45000
Smity INT, Colo.  Scottsbluff, Neb.  VORTAC  18000  45000

§95.7163 JET ROUTE NO. 163 is amended to delete:
FROM  TO  MEA  MAA
Hayden, Colo.  VORTAC  Kiowa, Colo.  VORTAC  18000  45000
Kiowa, Colo.  VORTAC  Hugo, Colo.  VORTAC  18000  45000
Hugo, Colo.  VORTAC  Lamar, Colo.  VORTAC  18000  45000

§95.7168 JET ROUTE NO. 168 is amended by adding:
FROM  TO  MEA  MAA
Lamar, Colo.  VORTAC  Hugo, Colo.  VORTAC  18000  45000
Hugo, Colo.  VORTAC  Kiowa, Colo.  VORTAC  18000  45000

§95.7170 JET ROUTE NO. 170 is amended to delete:
FROM  TO  MEA  MAA
Medicine Bow, Wyo.  VORTAC  Drako INT, Colo.  18000  45000

§95.7170 JET ROUTE NO. 170 is amended by adding:
FROM  TO  MEA  MAA
Medicine Bow, Wyo.  VORTAC  Denver, Colo.  VORTAC  18000  45000

§95.7172 JET ROUTE NO. 172 is amended to read:
FROM  TO  MEA  MAA
Keaan INT, Colo.  Int. 046 M rad Denver  VORTAC  18000  45000
Int. 046 M rad Denver  VORTAC & 176 M rad Sidney  VORTAC  18000  45000

§95.7501 JET ROUTE NO. 501 is amended to delete:
FROM  TO  MEA  MAA
Hoquiam, Wash.  VORTAC  Neah Bay, Wash.  NBN  18000  45000
Neah Bay, Wash.  NDB  U.S. Canadian Border  18000  45000

§95.7501 JET ROUTE NO. 501 is amended by adding:
FROM  TO  MEA  MAA
Hoquiam, Wash.  VORTAC  Tatoosh, Wash.  VORTAC  18000  45000
Tatoosh, Wash.  VORTAC  U.S. Canadian Border  18000  45000

§95.7534 JET ROUTE NO. 534 is added to read:
FROM  TO  MEA  MAA
Bellingham, Wash.  VOR  U.S. Canadian Border  18000  45000

**Summary:** This amendment revises comments. Action: Final rules and request for comment. Summary: This order amends, revises, and redesignates certain Department of Justice regulations pertaining to the Freedom of Information Act (5 U.S.C. 552), and pertaining to the Privacy Act (5 U.S.C. 552a), to establish the Office of Information Law and Policy to be headed by a Director who will report directly to the Associate Attorney General. The purposes of the office will be to advise this Department and other departments and agencies on all questions of policy, interpretation, and application of the Freedom of Information Act and to advise the Department on questions of policy interpretation and application of the Privacy Act; to coordinate Freedom of Information Act policy among the executive agencies; to coordinate the Department's response to requests for information under the Freedom of Information Act and the Privacy Act; and to undertake training, research, and informational programs concerning both acts.

**Effective Date:** October 1, 1978.
§ 0.28 Organization.

The Office of Information Law and Policy shall be headed by a Director, appointed by the Attorney General. The Director shall be subject to the general supervision and direction of the Associate Attorney General.

§ 0.29 Functions.

The Director of the Office of Information Law and Policy shall:

(a) Coordinate the Department's response to requests for production or disclosure of information under the Freedom of Information Act (5 U.S.C. 552), see part 16(A) in this chapter, and the Privacy Act (5 U.S.C. 552a), see part 16(D) in this chapter, and provide assistance in furnishing information to the public under the acts.

(b) Advise executive agencies and organizational units of the Department on questions relating to interpretation and application of the Freedom of Information Act and advise the Department on questions relating to interpretation and application of the Privacy Act.

(c) Coordinate the development and implementation of and compliance with Freedom of Information Act policy within the executive agencies and all organizational units of the Department and Privacy Act policy within all organizational units of the Department.

(d) Undertake, arrange, or support training and informational programs concerning the Freedom of Information Act, the Privacy Act, and the Freedom of Information Act through the Office of Information Law and Policy.

(e) Undertake such other responsibilities as may be assigned by the Associate Attorney General.

§ 0.29a Freedom of Information Committee.

(a) The Freedom of Information Committee is established within the Office of Information Law and Policy to encourage compliance with the Freedom of Information Act throughout the executive branch. The Committee consists of Justice Department attorneys who were members of the Committee on the effective date of this provision and Justice Department attorneys designated by the Director, Office of Information Law and Policy:

Provided, That attorneys in other organizational units of the Department shall be so designated only with the consent of the head of the other organizational unit. The Committee through the Office of Information Law and Policy shall provide assistance and encouragement to Federal agencies in complying with the letter and spirit of the Freedom of Information Act through training of Federal personnel and consultation with agencies on particular matters arising under the Freedom of Information Act. In consulting with agencies preparing to issue final denials under the Act, the Committee through the Office of Information Law and Policy shall, in addition to advising the agency with respect to legal issues, invite the attention of the agency to the range of public policies reflected in the Act, including the central policy of fullest responsible disclosure. The Office of Information Law and Policy may also undertake studies and make recommendations to carry out the intent of this subsection.

(b) All Federal agencies which intend to deny requests for records under the Freedom of Information Act should consult with the Freedom of Information Committee through the Director of the Office of Information Law and Policy, to the fullest extent practicable, before litigation ensues. After litigation begins, contacts regarding the matter should be primarily with the Civil Division or other component of the Department of Justice responsible for conducting the defense of the suit.

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart A [Amended]

5. Subpart A of part 16 is amended by substituting "Associate Attorney General" for "Deputy Attorney General" each place where it appears in subpart A.

§ 16.1(b) [Amended]

6. Section 16.1(b) of subpart A, part 16, is amended by substituting "Office of Information Law and Policy" for "Office of Legal Counsel".

Subpart D [Amended]

7. Subpart D of part 16, is amended by substituting "Associate Attorney General" for "Deputy Attorney General" each place where it appears in subpart D.

PART 50—STATEMENTS OF POLICY

§ 50.9 [Redesignated]

8. Section 50.9 of part 50 is revised in part and redesignated as § 0.29a in the new subpart E-2, part 0, as set out above.


GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-28105 Filed 10-4-78; 8:45 am]
PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart E—Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is amending 28 CFR 16.85 to permit the U.S. Parole Commission to revise its alternate means of access under the Privacy Act of 1974 in order to bring its rules relating to disclosure under the Privacy Act into conformity with the prehearing disclosure provisions of the Parole Commission and Reorganization Act of 1976. The authorization specifically permits the Commission to apply the same substantive exemptions of the Parole Commission to make its rules relating to disclosure under the Privacy Act into conformity with the prehearing disclosure provisions of the Parole Commission and Reorganization Act of 1976. The authority specifically permits the Commission to apply the same substantive exemptions to all disclosure requests by prisoners which will avoid the possibility of inconsistent disclosure decisions relating to the same information.

DATE: This rule will be effective October 5, 1978.

ADDRESS: Legal and Legislative Group, Office of Management and Finance, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT:

Bronson E. Clayton, 202-739-4165.

SUPPLEMENTARY INFORMATION: No comments were received regarding the proposed regulations. Pursuant to the authority vested in me by 5 U.S.C. 552a and 553, 28 CFR 16.85(c), is revised as set forth below.


KEVIN D. ROONEY, 
Assistant Attorney General for Administration.

§ 16.85 Exemption of Parole Commission system—limited access.

(c) Consistent with the legislative purpose of the Privacy Act of 1974 the U.S. Parole Commission will initiate a procedure whereby present and former prisoners and parolees may obtain copies of material in files relating to them that are maintained by the U.S. Parole Commission. Disclosure of the contents will be affected by providing copies of documents to requesters through the mails. Disclosure will be made to the same extent as would be made under the substantive exemptions of the Parole Commission and Reorganization Act of 1976 (18 U.S.C. § 4208) and rule 32 of the Federal Rules of Criminal Procedure. The procedures relating to disclosure of documents may be changed generally in the interest of improving the Commission’s system of disclosure or when required by pending or future decisions and directions of the Department of Justice.

[FPR Doc. 78-28106 Filed 10-4-78; 8:45 am]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking responds to comments and makes necessary amendments to the designations of attainment status relative to the national ambient air quality standards (NAAQS) for Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.


FOR FURTHER INFORMATION CONTACT:

Thomas Mateer, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2354.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 (the 1977 Amendments), Pub. L. 95-95, added section 107(d) to the Clean Air Act (the Act) which directed each State to submit to the Administrator a list of the NAAQS attainment status of all areas within the State. The Administrator was required under section 107(d)(2) to promulgate the State lists, with any necessary modifications. For each standard, areas are classified as either not meeting the standard (nonattainment areas), meeting the standard (attainment areas), or lacking sufficient data to be classified (unclassifiable areas). The U.S. Environmental Protection Agency (EPA or the Agency) published these lists in the Federal Register on March 3, 1978 (43 FR 8962), and invited the public to submit comments to the Agency by May 2, 1978.

Certain issues raised in these comments were similar to those raised by others throughout the nation. These issues are addressed in the national EPA promulgations. Additional issues which are specific to the States in EPA region V are addressed in this action. Several of the comments have caused EPA to modify earlier designations. In some cases, the designation has been changed by redefining the boundaries of the area; in others, the designation itself has been changed but no new nonattainment areas have been designated in counties which were previously attainment or unclassifiable.

For good cause, the amendments to designations made prior today are being made effective immediately. As discussed in the national EPA rulemaking, the only effect of these designations is to identify problem areas for which State planning must be completed by a statutory deadline. These designations impose no obligation on any source. There would therefore be no point in deferring the effective date. The issues raised in the comments are discussed below by State.

ILLINOIS

One commenter stated that no opportunity was provided for public participation in the designation process implemented by the Illinois Environmental Protection Agency (IEPA). While the Clean Air Act does not require the States to provide opportunity for public participation in the designation process, IEPA held two public meetings in November 1977 in order to discuss the criteria to be utilized in the designation process. Written comments were accepted by IEPA until the end of that month.

TOTAL SUSPENDED PARTICULATES (TSP)

One commenter questioned the criteria used by the State of Illinois in determining the nonattainment boundaries, monitor siting, and monitoring data used to support the nonattainment designations for Bremen, Orland, and Palos Townships in AQCR 67 (Cook County). The nonattainment designations for these townships are supported by monitored violations. The State of Illinois chose to designate an area surrounding monitored violations which included the surrounding townships. EPA review of the monitoring data and site locations reaffirms that the TSP primary and secondary nonattainment status of Bremen and Orland Townships is sup-
ported by the data. This review also demonstrates the need to redesignate Palos Township from attainment of the primary standard and nonattainments of the secondary standard to nonattainment for both the primary and secondary standards.

One commenter questioned the monitoring data used to support the nonattainment designations for Hyde Park, Hennepin, and Mount Vernon Townships. Upon review of the monitoring data from these townships, EPA reaffirms the nonattainment designations. However, in the case of Hennepin Township, if 1978 monitoring data continues to indicate improved air quality, a redesignation may be justified.

One commenter questioned the siting of a monitoring station and air quality data used to support the nonattainment designation for Capital Township, Sangamon County. The designation of Capital Township was based on air quality data from third quarter 1975 through second quarter 1977. Upon review of monitored data and information regarding site location, EPA reaffirms the nonattainment designation.

One commenter recommended that the geographic areas for the TSP nonattainment designations be made smaller than entire townships within major metropolitan areas such as the city of Chicago. The commenter recommended the utilization of specific street boundaries for smaller areas of nonattainment. The commenter did not provide sufficient support for revising the nonattainment boundaries as suggested. Therefore, EPA reaffirms the nonattainment designations within the city of Chicago.

One commenter noted that seven townships within Chicago are listed as exceeding the primary TSP standard when there are many monitoring sites located in south Chicago which meet the primary TSP standards. Upon review of the 1977 monitoring data from the monitoring sites mentioned by the commenter, EPA reaffirms the nonattainment designations.

SULFUR DIOXIDE (SO₂)

One commenter indicated that a copy of a preliminary air quality modeling study was not available for review and that comment on the nonattainment designation for the Peoria major metropolitan area was thereby hindered. The commenter also questioned the modeling results used to support this designation, specifically the emission inventory used in the modeling. The above-mentioned draft report was made available to the commenter by the State EPA in May. However, the necessary emissions inventory information was not forthed information available for commenting on the designation status of Peoria. EPA approved the State's recommended designation after review of the emission inventory used in the modeling which supported the designation. Therefore, EPA reaffirms the nonattainment designation for the Peoria metropolitan area is supported by the evidence.

Upon the finalization of a detailed modeling study for the Peoria area and obtaining additional monitoring results, the State may request a redesignation to attainment status, if justified.

One commenter questioned the unclassifiable designation for Capital Township, Sangamon County, in view of the fact that sulfur dioxide has been monitored for four years without a violation of the NAAQS. The unclassifiable designation for Capital Township is justified in that dispersion modeling shows the potential for violations of the NAAQS in several townships within Sangamon County, while the State of Illinois determined that there was not enough evidence to support a nonattainment designation. Therefore, EPA reaffirms the current unclassifiable designation.

The State of Illinois commented that Leepertown Township, Bureau County, should be designated attainment for primary and secondary SO₂, NAAQS and Shelby Township, Bureau County, should be designated unclassifiable due to error in the location of a monitoring site. EPA supports the State of Illinois designation changes. Therefore, Leepertown Township is designated attainment and Shelby Township is designated unclassifiable.

CARBON MONOXIDE (CO)

One commenter questioned the unclassifiable designation for Capital Township, Sangamon County, in view of the fact that carbon monoxide has been monitored without a violation of the NAAQS. The unclassifiable designation for Capital Township is justified since transporation data indicated the potential for violations of the NAAQS within portions of the township, while the State of Illinois determined that there was not enough evidence to support a nonattainment designation. Therefore, EPA reaffirms the current unclassifiable designation.

One commenter questioned the designation of the nonattainment area boundaries within the Chicago major metropolitan area. The commenter recommended specific alternative boundaries, but provided no support for the redesignation. Repeated violations of the NAAQS at several locations within the designated nonattainment area support the current nonattainment designation. Traffic data and dispersion studies support the current nonattainment designations for expressway areas located within the Chicago major metropolitan area. Therefore, EPA must retain the current nonattainment designation.

NITROGEN DIOXIDE (NO₂)

One commenter questioned the siting of the continuous air monitoring program (CAMP) monitoring station located in downtown Chicago and recommended specific alternative street boundaries for the nonattainment area. Upon review, EPA determined that the CAMP monitoring station is correctly sited. Further, the commenter did not provide sufficient technical data to support a redesignation. There were two monitoring sites located within the Chicago central business district which recorded violations of the NAAQS in 1977. Therefore, EPA confirms the current designation boundaries.

PHOTOCHEMICAL OXIDANTS (OZONE)

One commenter questioned the location of a monitoring station and air quality data used to support a nonattainment designation for Capital Township. Review of the monitoring site location and air quality data confirmed numerous violations of the NAAQS in 1977 despite a conservative site location. Therefore, EPA reaffirms the current designation.

INDIANA

The Agency received a total of 24 comments on designations in the State of Indiana. Also, the State of Indiana on June 12, 1978, petitioned the Agency under section 107(d)(5) of the Clean Air Act to revise the designations for several counties, in some cases revising its previous recommendations. Normally, the Agency's approval or disapproval of such a petition would be proposed as rulemaking and subsequently promulgated; however, since Indiana's petition was submitted in time to be reviewed along with all of the other comments on designations and since there is no prejudice to sources in areas where the designation is revised, the State's recommendations in the petition were reviewed and are discussed below in conjunction with all other comments on the same areas.

TOTAL SUSPENDED PARTICulates (TSP)

One commenter recommended that Vigo County be designated as an attainment area for suspended particulates. One commenter recommended revision of the geographic size of the TSP nonattainment area in Vigo County to include only the industrialized portions of the county. Similarly, the State of Indiana recommended that the primary TSP nonattainment areas be deleted from the following sites: French Creek, Fayette, Otter Creek, Lost
Since violations of the TSP NAAQS have been monitored in Vigo County, resulting point sources of particulate matter are not supported. However, the portion of the county recommended for nonattainment designation by the State of Indiana includes all areas of monitored violations as well as all significant point sources of particulate matter. EPA therefore concurs in the Indiana recommendations and has revised the geographic boundary of the TSP nonattainment area in Vigo County accordingly.

Two commenters, as well as the State of Indiana, recommended that the primary TSP nonattainment designation in St. Joseph County be reduced to secondary nonattainment and that the geographic boundary of the nonattainment area be changed to the industrialized portion of the county, including all areas of monitored violations. After reviewing the available technical data, USEPA concurs with these recommendations. The designation for St. Joseph County has been revised to secondary nonattainment for particulate matter for those areas of St. Joseph County east of Pine Road and north of Kern Road.

One commenter stated that fugitive dust may be a significant contributor to secondary particulate nonattainment in and around Kokomo, in Howard County and requested that USEPA reevaluate the area to determine the significance of the contribution of fugitive dust. An examination of the analysis of the high volume filters registering excursions of the secondary standard indicate that nonfugitive dust such as fly ash and carbonaceous material make up a significant portion of the particulate matter. Therefore, a revision of the designation for the secondary standard is not supported.

The State of Indiana recommended revising the boundaries of the secondary TSP nonattainment area for the Lake County nonattainment area. USEPA concurs and has redefined the boundaries of the nonattainment area accordingly.

Two commenters disputed the designation of Vanderburgh County as a secondary nonattainment area for TSP citing the transport of fugitive dust from outside the county as the primary source of nonattainment. A third commenter supported the nonattainment designation. The State of Indiana recommended revising the geographic boundary of the nonattainment area to Pidgeon Township only. An analysis of high volume filters from monitors in the Evansville area with use of a secondary particulate standard indicated that while fugitive dust was present, a significant portion of the particulate matter was man made in origin. Therefore, a change in the designation is not supported. Vanderburgh County contains the city of Evansville's significant industrial point sources of particulate matter. EPA concurs with the State's recommendation and has redefined the boundaries of the nonattainment area.

One commenter objected to the designation of Floyd County as unclassifiable for TSP and recommended a classification of attainment. Upon review, EPA finds that there is not enough evidence to determine an attainment or nonattainment classification. Therefore, the TSP designation for Floyd County will remain unclassifiable.

The State of Indiana recommended that the following full county designations of TSP primary nonattainment be changed to subcounty designations: Clark County (to Silver Creek, Charlestown, Utica, and Jeffersonville Townships only); Dearborn County (to Lawrence, Manchester, and Hagan Townships only); Lake County (to the area bounded by a line running east along U.S. 30 between the Illinois State line and I-65, north on I-65 to the intersection of I-94, east along I-94 to Lake-Porter County line, north along the county line to Lake Michigan, and west along the lake shore to the Illinois State line); Marion County (to the entire county with the exception of Washington Township west of Fall Creek, and Franklin Township south and east of Five Points Road and Thompson Road); and Wayne County (to Webster, Boston, Center, and Wayne Townships only).

The State also recommended that the description of the primary TSP nonattainment designation for Dubois County (an area within a 10-mile radius of the center of Jasper) be changed to Bainbridge, Marion, and Patoka Townships; and that the secondary nonattainment area for La Porte County (as area within a 10-mile radius of the city of La Porte sampling site) be changed to primary nonattainment in Center, Seipsic, Kanakakee, New Durham, and Pleasant Townships; and the area north and west of Interstate 94. USEPA concurs in these recommendations and has revised the designations accordingly.

SULFUR DIOXIDE (SO2)

Ten commenters requested revisions to the size of the sulfur dioxide (SO2) primary nonattainment area in Lake County. With the exception of the State of Indiana, each commenter recommended that the city where the community was located be excluded from the nonattainment area, for the following reasons: Relatively few monitors within the area registered violations of the SO2 national ambient air quality standards (NAAQS) and most of the violations were not responsible for the violations which were monitored. Commenters generally believed that sources unfairly placed within the nonattainment area would suffer potentially serious adverse economic impacts due to restrictions on economic growth and unnecessarily restrictive emission limitations.

The northern portion of Lake County, Ind., is heavily industrialized with a significant number of large SO2 emission sources and relatively few continuous SO2 monitors in operation. Despite the scarcity of the monitors, violations of the standard have been monitored. For this reason, the area must remain in nonattainment area for SO2. Also, the impact of the designation need not be adverse to emission sources not causing or contributing to violations of the standard as explained in more detail in the national EPA rulemaking.

The State of Indiana comment recommended redescription of the southern boundary of the Lake County nonattainment area (currently U.S. 30 between the Illinois State line and the Porter County line) to U.S. 30 east from the Illinois State line to the intersection of U.S. 30 and I-65, north along I-65 to the intersection of I-65 and I-94, and east along I-94 to the Porter County line. The area recommended by the State of Indiana encompasses all significant emission sources and is therefore acceptable. The southern boundary of the Lake County nonattainment area for SO2 is revised as noted above.

Two commenters recommended that the designation for Porter County be changed from partial nonattainment for SO2 to attainment for the full county. The State of Indiana recommended that the nonattainment area (the area bounded by Lake Michigan on the north, by the Lake-Porter County line on the west, by I-90-90 on the south, and by the La Porte-Porter County line on the east) be redesignated as unclassifiable. On June 12, 1978, the State of Indiana petitioned EPA under 107(d)(5) of the Clean Air Act, to revise the Porter County designation from attainment in part to attainment for the entire county. In all cases commenters noted that the original designation was based on computer dispersion modeling utilizing the urban version of the RAM model, rather than on monitored violations of the SO2 air quality standards. All commenters indicated that the rural version of the RAM model would be more appropriate for use in Porter County. Upon evaluation, EPA concurred in that assessment and the Indiana Division of Air Pollution Control remodeled Porter County utilizing the rural
version of RAM. While the results of the rural RAM model showed no predicted violations of the primary or secondary NAAQS for SO₂, EPA noted certain technical deficiencies in the dispersion modeling. The modeling performed by Indiana did not utilize maximum allowable emission rates in determining whether there would be attainment of the 3-hour and 24-hour SO₂ standards, and background concentrations of SO₂ were not adequately considered. For the above reasons, we cannot concur that the State's rural RAM modeling of Porter County demonstrates attainment of the SO₂ NAAQS, however, that portion of Porter County designated as nonattainment in the March 3 promulgation will be redesignated as unclassifiable. The remainder of Porter County will remain attainment.

One commenter recommended that the portion of La Porte County designated as primary and secondary nonattainment for sulfur dioxide be reclassified as attainment. The State of Indiana recommended that Center, Scipio, Kankakee, New Durham, and Pleasant Townships and the area north and west of I-94 be redesignated as unclassifiable. On June 12, 1978, the State of Indiana formally petitioned under 40CFR5(d)(5) of the Clean Air Act for a redesignation of La Porte County from nonattainment in part to attainment for the entire county. There have been measured violations of the SO₂ NAAQS in the nonattainment portion of La Porte County and additionally, the rural RAM analysis of northern Porter County conducted by the Indiana DAPC predicted nonattainment. For the above reasons revision of the designation is not supported at the present time.

One commenter recommended redesignation of Vigo County from primary nonattainment of the SO₂ standard to unclassifiable stating that during at least one excursion, the company's electrostatic precipitators were out of service. The State of Indiana recommended changing the boundaries of the nonattainment area from the full county, to Webster, Boston, Center, Franklin, and Wayne Townships only. The State's recommendation was formalized in the June 12, 1978, petition. Since electrostatic precipitators are control devices used primarily for particulate control, their breakdown would be expected to have a negligible effect on SO₂. Moreover, of the three monitored excursions of the SO₂ standard, only one occurred during a period of precipitator malfunction. Therefore, the evidence supports the nonattainment designation for Wayne County, however, the recommendation of the State of Indiana to revise the general area designation of Vigo County to unclassifiable is accepted since all major sources and their areas of major impact are included in the area designated.

Four commenters recommended redesignation of Marion County from secondary nonattainment for SO₂ standards to unclassifiable. Commenters challenged the validity of the monitored data which demonstrated violations of the 24-hour primary SO₂ standard and the accuracy and validity of dispersion models which predicted violations of the annual and short-term primary SO₂ standards. Upon evaluation, EPA finds that the monitored data is valid and the dispersion modeling done for Marion County used an accepted model (CDM), which predicted annual violations of the SO₂ standard. These results have been supplemented by urban RAM runs which predicted short-term violations of the SO₂ standard. The overwhelming weight of evidence supports primary SO₂ nonattainment in Marion County and that designation will remain unchanged. Since secondary violations have been neither monitored nor predicted by dispersion modeling, Marion County will remain nonattainment. The remainder of Porter County will remain unclassifiable for the secondary SO₂ standard.

One commenter recommended redesignation of Vigo County from primary SO₂ nonattainment to attainment. The State of Indiana submitted the same report with a recommendation that Vigo County be changed from primary nonattainment to unclassifiable. This recommendation was formalized in the State's June 12, 1978, petition. The modeling report disputed the appropriateness of the urban RAM model in Vigo County, recommending in its place a modified version of RAM. The Agency reviewed the modeling report and determined that it does not meet the Agency's modeling standards. Computer dispersion studies using acceptable modeling procedures have predicted primary SO₂ standard violations. Therefore, revision of the designation is not supported at this time.

One commenter recommended that the designation of Gibson County be revised from unclassifiable for SO₂ to attainment. The State of Indiana also requested redesignation of Gibson County from unclassifiable to attainment in its June 12, 1978, petition. The commenter submitted a modeling study of Gibson County, indicating attainment of SO₂ standards. However, a previous USEPA modeling analysis of air quality in Gibson County indicated a potential for violations of the SO₂ NAAQS. Due to the number of unanswered questions concerning air quality in Gibson County, the petitioner for Gibson County should remain unclassifiable.

On June 12, 1978, the State of Indiana also petitioned that Jefferson County be redesignated from unclassifiable for SO₂ to attainment. A dispersion modeling study submitted by the State to region V, USEPA, indicated violations of the secondary standard. Region V is currently preparing an analysis of Jefferson County to resolve the discrepancies between these two studies. Until that analysis is completed, the SO₂ designation for Jefferson County will remain unclassifiable for the primary standard, and will be revised to nonattainment for the secondary standard.

PHOTOCHEMICAL OXIDANTS (OZONE)

One commenter stated that the designation of Floyd County as nonattainment for the photochemical oxidant standard was based "solely on its proximity to probable nonattainment areas" and therefore is inappropriate. Since violations of the oxidant standard have been monitored in New Albany (located in Floyd County), this designation is clearly supported by the evidence and will not be revised.

Two commenters stated that designating Vanderburgh County as nonattainment for photochemical oxidants was arbitrary, would serve no practical purpose, was counter to congressional intent, and should not be undertaken until it is determined whether the national ambient air quality standard for oxidants will be revised. Air quality values in excess of the photochemical oxidant standard have been monitored in Vanderburgh County for the past 3 years. Even if USEPA revises the standard as proposed, Vanderburgh County would still experience violations of that standard. The Clean Air Act clearly states that the purpose of the designation process is to identify areas where public health related air pollution standards are being violated. Therefore, the designation of Vanderburgh County will remain as nonattainment for photochemical oxidants.

One commenter recommended that the oxidant nonattainment area designation for St. Joseph County be limited to the urbanized area. The county was classified as nonattainment because the South Bend urbanized area has a population greater than 200,000. Subsequent air quality measurements in South Bend has resulted in the monitoring of numerous violations of the oxidant standard. Limiting the designation to the urbanized area would not be consistent with the physical nature of oxidant formation and transport. Additionally, a large portion of the South Bend urbanized area is located in Elkhart County from the list of counties not attaining the oxidant standard
in the March 3, 1978, \textit{Federal Register} (43 FR 8962) was an error which has been corrected in this action. Therefore, St. Joseph and Elkhart Counties are designated as nonattainment.

One commenter stated that redesignating Porter County as nonattainment for oxidants was a misapplication of USEPA policy. The nonattainment designation of Porter County was based on the fact that portions of Porter County are part of the Chicago-northwest Indiana urbanized area. To declare solely the urbanized area as nonattainment would be inconsistent with the physical nature of ozone formation and transport. Therefore, nonattainment designation of Porter County will remain in effect.

One commenter stated that Marion County should be designated unclassifiable for oxidants until a number of questions concerning control strategies have been answered. The designation of Marion County was based on monitored violations of the air quality standard. Issues relating to the effectiveness of a control strategy are not relevant to the designation which is a description of air quality. Therefore Marion County should remain nonattainment for photochemical oxidants.

\textbf{Carbon Monoxide (CO)}

One commenter recommended that the portion of downtown Indianapolis designated as nonattainment for the carbon monoxide standard should be redesignated unclassifiable since the monitor in question is "unduly influenced" by exhaust from buses. This monitor has been sited according to national monitoring guidelines and has been quality assured. The data is therefore accurate and valid. Furthermore, the influence of the buses in generating high ambient levels of carbon monoxide should be considered in the development of a control strategy. Therefore, the designation is supported by the data and is not being revised.

\textbf{Michigan}

The Michigan Department of Natural Resources (MDNR) submitted a list to typographical errors found in the March 3, 1978 publication. These corrections are being made today.

\textbf{Total Suspended Particulates (TSP)}

\textbf{Branch County}

Originally, this area had been erroneously designated "nonattainment" for secondary particulate standards instead of "unclassifiable". MDNR submitted monitoring data which indicates that the particulate standards have been attained in the area. EPA has reviewed this new data and determined that redesignation to "attainment" for particulate standards is appropriate for Branch County.

\textbf{Sulfur Dioxide (SO\textsubscript{2})}

\textbf{Ingham County}

MDNR suggested that the nonattainment area for SO\textsubscript{2} be the county area defined in the State draft designation document. In view of the State's dispersion modeling and monitoring support, EPA will amend the designation to include only the county area proposed by the State.

\textbf{Midland County}

A subcounty designation by MDNR is being accepted by EPA for the same reason set forth in the Ingham County comment.

L. W. Pribila, on behalf of Dow Chemical U.S.A., objected to designation of any part of Midland County as nonattainment for sulfur dioxide standards primarily because current air monitoring data indicates all SO\textsubscript{2} standards are being achieved. Such achievement is attributed to utilization of a supplemental or intermittent control system (SCS) by Dow Chemical, the principal source of SO\textsubscript{2} in the Midland County area. The air quality report prepared by Michigan in 1974 showed 15 monitored violations of the sulfur dioxide 24-hour primary (health-related) standard at the Abbott Road site in Midland, Mich., near the Dow Chemical plant. The same site also recorded violations of the 3-hour secondary (welfare-related) standard.

In 1975, no violations were recorded at the Abbott Road site according to the air quality report published by Michigan. However, excursions (non-violation exceedences of standards) of both the 24-hour and 3-hour standards were recorded at the Dow Corning 10 site on Stadium Road. During 8 months of monitoring, two violations of the 24-hour standard in addition to an excursion of the 3-hour standard were recorded at the Dow Biocham building site on Austin Street.

In 1976, the Michigan air quality report showed an excursion of the 24-hour standard at both the Dow Corning and Abbott Road sites, and an excursion of the 3-hour standard at the Austin Street site. Subsequent air quality data reported to EPA indicate no violations of SO\textsubscript{2} standards occurring in the Midland area.

On May 7, 1974, Dow Chemical and the Michigan Air Pollution Control Commission entered into a consent order (No. 12-73-05) which exempted Dow from meeting SO\textsubscript{2} emission limitations in the applicable Michigan rule provided Dow installed an intermittent control system (ICS), a dispersion technique which limits emissions during times when violations of air quality standards would otherwise occur because of meteorological conditions. Dow's choice of permanent controls was a reliance on a nuclear powerplant to be constructed by the Consumers Power Co. of Michigan and operated by Dow. However, the IRS at Dow was operational (state enforcement conference, Feb. 4, 1977, p. 13 transcript) and, as indicated above, can be considered successful in preventing violations of the standards.

The Clean Air Act requires use of continuous emission reduction technology to attain and maintain national standards. A dispersion technique may not be used to reduce the amount of constant emission controls required to attain and maintain standards, unless the dispersion technique was implemented prior to December 31, 1970. Accordingly, in view of the air quality violations in 1974 and 1975 and the admission by the principal source of SO\textsubscript{2} in the area (Dow Chemical Co.) that an intermittent control system was being utilized to prevent current violations of sulfur dioxide standards, EPA concluded that the county of Midland was required to be designated nonattainment for the sulfur dioxide standard.

Neither the comment by Dow nor any of the air quality data analyzed prior to the implementation of the Dow ICS indicate that SO\textsubscript{2} standards are being achieved in Midland County solely by constant emission controls. In fact, there is no evidence of any constant SO\textsubscript{2} emission control at the Dow plant. Therefore, no new information has been presented which would provide a basis for changing the nonattainment designation. It is retained for the subcounty area in which Dow is located.

\textbf{Minnesota}

\textbf{Mesabi Iron Range—Itasca and St. Louis Counties}

Several commenters objected to designation of the 100-mile strip constituting the Mesabi Iron Range (portions of Itasca and St. Louis Counties) as a nonattainment area for secondary particulate standards because the monitored air quality data relied on in making the designation represented conditions in a very limited portion of this vast area.

In designating certain townships and ranges nonattainment, Minnesota Pollution Control Agency (MPCA) analyzed data from 3 State monitoring sites and 36 industrial sites. Taking the most conservative position in

\textbf{FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978}
The nonattainment designations in these counties were based on monitored violations therein. If the State would submit attainment determinations for subcounty areas along with adequate justification, EPA would evaluate such a submission. Until such time as the nonattainment designations are retained. The ramifications of the nonattainment designation are discussed more fully in the supplementary information section of the EPA national promulgation.

Ohio

The Agency received a total of 20 comments on designations in the State of Ohio, most regarding more than one geographic location and pollutant.

Sulfur Dioxide Designations

Some comments requested an attainment designation for SO2 everywhere in Ohio, despite the fact that the standard is now violated in several areas, because the current EPA-proposed SIP provides for emission reductions that are projected to result in attainment by the attainment date in the SIP. However, the Act requires a nonattainment designation for all areas that violate a standard, regardless of whether implementation of the existing SIP is projected to result in attainment before the attainment date in the SIP.

As explained more fully in the EPA national promulgation, projected future attainment may not provide the basis for an attainment designation in currently clean areas. However, the reverse is not true: Projected future attainment may not provide the basis for a nonattainment designation in currently dirty areas. The reasoning is that sections 172 and 107(c)(1)(A) through (C) establish two alternative criteria for designating an area as nonattainment. Any area that currently violates the standard is to be designated as nonattainment, and any area where in the State's judgment the primary standard for SO2 or TSP may not be maintained may also be designated as nonattainment. Regardless of whether the standard may be attained in the future, an area that currently violates the standard satisfies the first statutory criterion and must therefore be designated as nonattainment. The attainment designation will continue to apply until the State demonstrates that the air quality standards are no longer violated.

Applying a nonattainment designation regardless of projected future attainment is required by both the legislative history and the purposes of the Act. Both the House and Senate bills considered in 1977 would have applied nonattainment requirements to all areas with violations, regardless of projected future attainment. When the nonattainment provisions of these bills were amalgamated to form the bill eventually enacted, the application of nonattainment designation to all areas that violate the standards was retained.

Furthermore applying a nonattainment designation to dirty areas where future attainment is projected will further the purposes of the Act. Even if emission reductions under the current SIP would be sufficient, if fully implemented, to provide for attainment, a nonattainment designation is essential, to satisfy the requirements in sections 171-173 of the Act insuring that the necessary emission reductions are actually achieved, calling for reasonable further progress prior to attainment, and imposing stringent conditions on new construction. And even aside from these regulatory requirements, a nonattainment designation should apply to identify for the public every area with an existing air quality problem in violation of the standards. MPCA has recommended certain changes in the designation of the central portion of the Mesabi Range. EPA has reviewed the recommendations and concurs as appropriate tool for setting source specific emission limitations as the result of litigation on the regulations. Section 171 of the Clean Air Act defines nonattainment area as an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator to be reliable) to exceed any national ambient air quality standard for such pollutant. Thus air quality modeling is specifically authorized as a major tool in determining whether an area is attaining the standards. The Agency has determined that where air quality modeling results are available, such results will be used to determine the designation, taking precedence over air quality monitoring data which is usually not sufficiently comprehensive to cover any given area. Therefore, EPA designated most of the SO2 nonattainment areas in Ohio based upon its modeling analyses. Several commenters suggested that the boundaries of the SO2 nonattainment areas be revised to restrict the nonattainment designation to an area smaller than the entire county. EPA

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The nonattainment designations in these counties were based on monitored violations therein. If the State would submit attainment determinations for subcounty areas along with adequate justification, EPA would evaluate such a submission. Until such time as the nonattainment designations are retained. The ramifications of the nonattainment designation are discussed more fully in the supplementary information section of the EPA national promulgation.

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RULES AND REGULATIONS

has reviewed the designations and re­
duced the size of the nonattainment
areas where supportable along easily
recognizable political and geographical
lines.

COMMENTS

One commenter, Cincinnati Gas &
Electric Co. (CGE), objected to the
SO\(_2\) and TSP nonattainment designa­
tions for Clermont and Hamilton
Counties. Specifically, CGE comment­
ed as follows:

1. Pierce Township, Clermont County,
should be designated attainment for the
TSP secondary standard.
2. Miami Township, Hamilton County,
should be designated attainment for the
TSP secondary standard.
3. Clermont and Hamilton Counties
should be designated attainment for the
SO\(_2\) primary standard.

CLERMONT COUNTY TSP

Based upon monitoring data, EPA
must reaffirm its nonattainment designa­
tion for Pierce Township, Clermont County, for the TSP secondary stand­
ard. Also, based upon the location of the monitor showing violations of the
secondary 24-hour TSP standard, EPA
must additionally designate Batavia Township as nonattainment for the
TSP secondary standard. A monitor
site (SAROAD site 007) located at 297
Main Street, Hamilton, Ohio, regis­
tered four exceedances of the second­
y TSP standard in 1977. This moni­
tor is located near the border of Bata­
via and Pierce Townships.

HAMILTON COUNTY TSP

Based upon monitoring data, EPA
must reaffirm its secondary TSP nonat­
tainment designation of Miami Township, Hamilton County. The moni­
toring data submitted by CGE clearly shows violations of the second­
y TSP standard at sites C and D and Dugan Gap.

CLERMONT AND HAMILTON SO\(_2\)

EPA must reaffirm the nonattainment
designations for the SO\(_2\) primary
standard for Clermont and Hamilton
Counties, based on EPA's modeling. However, the boundaries of the nonat­
tainment areas have been revised. Re­
viewing CGE's own monitoring data
for site B, Clermont County, shows
one excursion of the short-term stan­
dard and violations of the primary SO\(_2\)
standard at both sites C and D. Hort­
mon County, during 1977.

COMMENT

One commenter, U.S. Steel (US),
made several comments regarding the
SO\(_2\) designation for Lorain County.
Specifically, US comments:

1. Lorain County should be designated at­
tainment for SO\(_2\), based upon the monitor­
ing and modeling done by Ohio EPA.
2. Subcounty designations should be made
for SO\(_2\).
3. The data base in EPA's SO\(_2\) modeling
analysis was in error. US is remodeling
Lorain County and so far it indicates attain­
ment.

The SO\(_2\) nonattainment designation
for Lorain County is based upon the
modeling analysis performed by EPA
in the development of the federally
promulgated SO\(_2\) regulations in Ohio.
EPA must reaffirm the nonattainment
designation for SO\(_2\) in Lorain-County
but has reduced the size of the nonat­
tainment area. The nonattainment
area as listed in the Ohio SO\(_2\) attain­
tment status table below now includes
Lorain County north of Route 80 and
the city of Elyria.

US raised several significant errors
in EPA's data base which US alleges
caused inaccurate modeling results.
EPA has agreed to a procedure to re­
solve the data questions including the
remodeling of Lorain County by US.
EPA must reaffirm the nonattainment
status of the SO\(_2\) in Lorain County. The
SO\(_2\) standard at both sites C and D, Hamil­
ton County, during 1977.

The nonattainment SO\(_2\) designations
for Montgomery County is supported
by the modeling analysis as it is defined by the RAM model in the State of Ohio.

4. Erie County should be designated
attainment for the primary TSP
standard.

CLERMONT COUNTY TSP

Based upon monitoring data, EPA
must reaffirm its second TSP nonat­
tainment designation of Miami Township, Hamilton County. The moni­
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y TSP standard at sites C and D and Dugan Gap.

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The nonattainment SO\(_2\) designations
for Montgomery County is supported
by the modeling analysis as it is defined by the RAM model in the State of Ohio.

4. Erie County should be designated
attainment for the primary TSP
standard.

DEFIANCE COUNTY

Based upon monitoring data, EPA
must reaffirm its designation of Defi­
ance County as primary TSP nonat­
tainment area. However, based upon
further data submitted by Ohio EPA,
the nonattainment area for the prima­
y TSP standard has been redesigned as
Richland Township not within the city of Defi­
ance and the city of Defi­
ance has been redesignated as nonat­
tainment for the secondary TSP
standard only. There is no support to
show that violations indicated by on­
site monitors are due to nonindustrial
fugitive dust. Furthermore, onsite
monitoring data is utilized by EPA if
the data is quality assured, such as in
this case.

MONTGOMERY COUNTY

Based upon monitoring data and fur­
ter information submitted by the
Dayton Regional Air Pollution Con­
rol Agency, EPA has redifined the
boundaries of the nonattainment
areas for the TSP primary and sec­
dary standard. The General Motors,
Delco Products Division in Kettering
is now in an attainment area.
Richland County

EPA must reaffirm its nonattainment designation for Richland County for the primary TSP standard. GM submitted monitoring data in support of their contention that the area surrounding their Fisher Body-Mansfield plant is attainment. However, the data submitted is not quality assured and therefore cannot be used in making the designation. Moreover, four of five Mansfield monitoring sites within the period of 1975-1977 showed violations of the primary annual TSP standard. The monitoring network in Richland County is not extensive enough to make subcounty designations.

Erie County

EPA designated Erie County as nonattainment for the primary TSP standard. This appears to have been a clerical error. EPA has redesignated Erie County as nonattainment for the TSP secondary standard.

Comment

One commenter, Ohio Edison Co. (OEC), objected to the nonattainment designations made for Clark, Columbiana, and Trumbull Counties for TSP and for Columbiana, Lorain, Summit, and Trumbull Counties for SO*

Specifically, OEC commented as follows:

1. The secondary TSP nonattainment designation for Clark County, Springfield, west of Limestone Street should be attainment.

2. The secondary TSP nonattainment designation for the unincorporated areas of Weathersfield Township, Trumbull County should be attainment.

3. The primary TSP nonattainment designation for East Palestine, Columbiana County should be nonattainment for the secondary TSP standard only.

4. The primary SO* nonattainment designations for East Palestine in Columbiana County; Lorain County north of the Norfolk and Western Railroad tracks; Summit County north of Route 18; and the unincorporated areas of Weathersfield Township in Trumbull County should be attainment.

Clark County TSP

Based upon monitoring data, EPA must reaffirm the nonattainment designation for the TSP secondary standard in Clark County. However, the nonattainment area has been redefined and the city of Springfield has been added. Pennsylvania OEC submitted monitoring data to support their contention that the area west of Limestone Street is attainment. However, the data submitted was unsupported. No information was submitted as to the quality assurance procedures used and the data did not cover a full year. Additionally, key sampling days are missing for the Attic and Snyder Park sites which would have been likely to predict most violations. Therefore, EPA shall reaffirm the nonattainment designation for the secondary TSP standard.

Trumbull County TSP

Based upon monitoring data, EPA must reaffirm the nonattainment designation for Weathersfield Township, Trumbull County for the secondary TSP standard. OEC submitted monitoring data to support their contention that the unincorporated area of Weathersfield Township, Trumbull County is attainment. However, this monitoring data supports the nonattainment designation for the secondary TSP standard. Ohio EPA concurs with this designation.

Columbiana County TSP

Based upon monitoring data, EPA must reaffirm the nonattainment designation for the primary TSP standard for East Palestine, Columbiana County. The air quality monitor located in East Palestine shows a violation of the annual primary TSP standard in 1976. Therefore, the proper designation for East Palestine, Columbiana County is nonattainment for the primary TSP standard.

Columbiana, Lorain, Summit, and Trumbull Counties SO*

Based upon the modeling analysis performed by EPA in the development of the federally promulgated SO* regulations in Ohio, EPA must reaffirm the nonattainment designations for the primary SO* standard for Columbiana, Lorain, and Trumbull Counties. However, these nonattainment areas have been redefined on a subcounty basis.

Comment

One commenter, Republic Steel, made two separate comments during the public comment period. The first objected to the procedures followed by EPA in the promulgation of the nonattainment designations and the fact that no economic assessment was made. The second objected to the basis for the SO* designations, specifically objecting to EPA's overruling of Ohio EPA's recommendations which were based on monitoring data. Republic Steel therefore recommended that Cuyahoga, Stark, and Trumbull Counties be redesignated based upon monitoring data.

As to Republic Steel's comment that EPA failed to perform an environmental or economic assessment of these designations, there is no economic or environmental impact associated with the promulgation of the list of nonattainment areas. Therefore, there is no need at this time to conduct such an assessment. Environmental and economic impact will only result after the State for Cuyahoga and Stark Counties based upon EPA's modeling analysis. The nonattainment area in Trumbull County was based on violations in the Youngstown-Campbell area. EPA has redefined these nonattainment areas on a subcounty basis.

Comment

One commenter, the Columbus and Southern Ohio Electric Co. (CSOE), objected to the designation of Coshocton County as nonattainment for the secondary TSP standard and to the designation of Athens, Coshocton, and Pickaway Counties based upon EPA's modeling analysis. The nonattainment area in Trumbull County was based on monitored violations in the Youngstown-Campbell area. EPA has redefined these nonattainment areas on a subcounty basis.

One commenter, the Columbus and Southern Ohio Electric Co. (CSOE), objected to the designation of Coshocton County as nonattainment for the secondary TSP standard and to the designation of Athens, Coshocton, and Pickaway Counties based upon EPA's modeling analysis.

CSOE recommends that all these counties be designated as attainment based upon the following:

1. Monitoring data collected by CSOE indicates that the primary SO* standard has been attained in Athens, Coshocton, and Pickaway Counties; the secondary SO* standard has been attained in Coshocton and Pickaway Counties; and the secondary SO* standard is exceeded in Athens County but modeling performed after the recent installation of a new 500-foot stack at the Poston Generating Station indicates that no violation of the secondary SO* standard is expected to occur in the future.

2. Based upon additional monitoring data submitted by the Ohio EPA on April 12, 1978, EPA will reclassify Coshocton County as attainment for the TSP standard. However, based upon EPA's SO* modeling analysis, EPA must reaffirm the nonattainment designation of Athens, Coshocton, and Pickaway Counties for the primary SO* standard but has redefined the nonattainment areas as including only York Township in Athens County, Franklin Township in Coshocton County and Harrison Township in Pickaway County. CSOE contended that modeling performed since the new 500-foot stack at the Poston Generating Station in Athens County has been operational indicates no violation of the secondary SO* standard in the near future, even though previous monitoring results indicated exceed-
dances of the secondary standard. No support was submitted to justify finding that this new stack is consistent with section 123 of the Clean Air Act which prohibits the use of any dispersion enhancement techniques to achieve attainment except in those cases where it can be demonstrated that downwash would occur. Therefore, the previous designation must remain.

**COMMENT**

Two commenters, the Goodyear Tire & Rubber Co. and the B. F. Goodrich Co., filed comments after the close of the comment period in response to the Agency's request for comments on the County's challenging the designations under section 307 of the Clean Air Act. The Agency made the request in order to clarify the issues and assess the potential for administrative resolution prior to continuing its action. Both commenters challenge the Agency's use of its RAM modeling to support the primary SO, nonattainment designation for Summit County, Ohio. Specifically, the commenters contend as follows:

1. That since the Agency is remodeling Summit County, the old modeling results should not have been used to designate the area; (2) that the RAM modeling is not reliable; (3) that monitoring data alone should be used to support a designation; (4) that the RAM modeling does not reflect actual air quality because it uses the maximum operating assumption; (5) that since commenters are participating in studies which evaluate RAM modeling, the assumption has not been fully analyzed; however, it basically makes procedural and SO2 modeling points treated elsewhere in this package.

**Additional Comments on Total Suspended Particulates (TSP)**

One commenter requested the TSP nonattainment designation for Coshocton County be revised to attainment for the primary standard. Based upon further information submitted by Ohio EPA, as discussed in EPA's response to the Columbus & Southern Ohio Electric Co. comments above, Coshocton County will be redesignated as attainment.

One commenter stated that the boundary description for the Clark County nonattainment designation for the TSP secondary standard was incorrect. EPA has made these corrections. Additionally, upon further review of air monitoring data, EPA has determined that the nonattainment area for the secondary TSP standard in Clark County must also include the city of Springfield.

Two commenters pointed out that the EPA designation of Darke County as a TSP primary standard nonattainment area was a clerical error and should be secondary standard nonattainment on the same subcounty basis. Upon additional review of the monitoring data, EPA has redesignated Darke County as nonattainment for the TSP secondary standard. Minor wording changes for the purpose of clarification and spelling corrections were also made.

One commenter indicated Erie County should be nonattainment for the secondary TSP standards rather than the primary standard. This issue is addressed above in the discussion of the General Motors public comment. Erie County will be redesignated as nonattainment for the secondary TSP standard.

One commenter requested redefinition of the subcounty boundaries for the Greene County nonattainment designation for the secondary TSP standard. Upon further review, EPA has redefined the boundaries of Greene County nonattainment area.

One commenter objected to the Hart-Parr Ohio Electric Co.'s request for designation for TSP primary standard for areas other than Carthage, Corryville, City Center, Fairmount, Lockland, and St. Bernard. Upon further review of air quality data, EPA must reaffirm the primary TSP nonattainment designation for Hamilton County as it appeared in the March 3, 1978, Federal Register.

One commenter indicated certain areas in Lucas County were designated as attainment incorrectly for TSP based on air quality data. Specifically, the commenter argues:

1. Ottawa Hills should be designated as attainment for the primary and secondary TSP standards.

Upon further review of monitoring data, EPA has redesignated Ottawa Hills and the city of Oregon as attainment areas. EPA has reaffirmed the primary and secondary air quality standards.

One commenter objected to the designation of Madison County as nonattainment for the secondary standards for TSP. Based upon further information submitted by the Ohio EPA, EPA will redesignate Madison County as attainment.

One commenter objected to the designation of Medina County as nonattainment for the TSP primary standards based upon air quality data submitted. Upon further review of data, the commenter believed the county should be nonattainment for secondary standard. The air quality data submitted supports the position that Medina County is nonattainment with respect to secondary TSP standard. Therefore, EPA will redesignate Medina County nonattainment for the secondary TSP standard.

One commenter objected to the city of Piqua in Miami County being designated as nonattainment for the primary TSP standard rather than the sec-
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ONDARY STANDARD. Upon further review, EPA reaffirms that the city of Piqua is nonattainment for the primary TSP standard.

One commenter requested a redefinition of the TSP primary and secondary nonattainment area boundaries for Montgomery County. Upon further review, EPA has redefined the boundaries of the TSP nonattainment areas.

One commenter submitted clarification of the nonattainment area boundaries for the TSP secondary standard in Preble County. EPA has corrected the designation in this publication.

One commenter objected to the Ross County nonattainment designation for the primary TSP standards. Based upon monitoring data, EPA reaffirms the nonattainment designation for the primary TSP standard.

ADDITIONAL COMMENTS ON SULFUR DIOXIDE (SO2)

Five commenters objected to the manner in which the SO2 designations were made in Ohio for Greene, Mahoning, Montgomery, Stark, Summit, and Trumbull Counties. The support for the SO2 designations is discussed above. The seven counties mentioned remain nonattainment based on EPA's modeling analysis and any available monitoring data. As a result of the public comments, EPA has redefined the SO2 nonattainment areas on a subcounty basis.

COMMENTS ON CARBON MONOXIDE (CO)

One commenter indicated that Lucas County should be designated attainment for CO based on monitoring data. EPA reaffirms that the Lucas County area was properly designated as nonattainment with respect to CO, based on monitored violations occurring between October 1975 and January 1977 in Toledo at the 3927 Monroe Street monitoring site.

WISCONSIN

MADISON

John E. Knight of Boardman, Suhr, Curry, and Field, on behalf of Oscar Mayer & Co., Inc. objected to designation of a subcity area of Madison, Wis, as nonattainment for primary sulfur dioxide standards because: (1) The EPA did not follow the Wisconsin Department of Natural Resources' (DNR) determination that the area was unclassifiable; (2) air quality data relied on EPA modeling analysis and the DNR report was not used; (3) the designation occurred more than 180 days after enactment of the 1977 Clean Air Act Amendments so the area should be unclassified; and (4) notice and opportunity to comment were not available to the public prior to final rulemaking contrary to EPA requirements.

The Administrator has determined that none of the objections presented provide an adequate basis for altering the impact assessment. (1) EPA may change State designations; (2) EPA has determined the air quality data used is adequate for classification of the area as nonattainment; (3) the short delay in promulgation does not preclude nonattainment/attainment designations; and (4) the public has been adequately involved subsequent to the rulemaking and no one has suffered any harm by the designation. For more complete discussion of this response see background document for Wisconsin Part 107 designations available in the region V office.

Other issues raised by commenters in response to the Madison designation included a concern that additional control needs, if any, be determined in an expeditious fashion. Any necessary new regulations are required to be submitted by January 1, 1979. Another commenter alleged that the SO2 monitoring instruments were old and worn out so that they produced invalid data. The instruments used meet the minimum requirements of 40 CFR 51.17a, and the State found that the instruments were working properly at the time the two excursions were monitored.

The EPA has determined that the monitored air quality violations are adequate to provide a basis for overriding the State's designation of unclassifiable and designating the subcity of Madison as nonattainment for SO2 under 107(d) of the Clean Air Act (42 U.S.C. 7407(d)). Accordingly, the designation made on March 3, 1978, is retained.

GREEN BAY

A general comment related to use of more than one year of air quality data in making the designations. Because of meteorological variations from year to year, EPA guidance to the states recommends analysis of two years' data to determine attainment of standards.

Comments received in response to the nonattainment for particulate designation included suggestions that the monitoring network was unreliable, that construction or a drought condition contributed to high TSP concentrations and that the designated area should be expanded to include a major particulate source. An EPA evaluation of the four Green Bay monitoring sites revealed that the sites were acceptable, conformed to siting guidelines and provided valid air quality data. The causes of nonattainment of standards will be appropriately addressed in the revised control strategy by the State agency, regardless of location or duration.

One commenter objected to the unclassifiable designation of the area for SO2 standards inasmuch as violations of the SO2 standards were recorded. Subsequent to the recorded violations, a major source of SO2 emissions substantially reduced its emissions at the same time. The unclassifiable designation simply permits the State to continue its monitoring for an additional period of time to determine whether the emission reductions permitted attainment of the standards.

Objection to the nonattainment designation of the area for oxidants was made because the causes of violations are unknown. The causes will be addressed in the revised control strategy.

The EPA has determined that the original designations based on State recommendations were properly made and, therefore, the nonattainment designations for particulate and oxidants and the unclassifiable designation for SO2 made on March 3, 1978, are retained.

NEENAH

Objection to designation of a subcity portion for nonattainment of secondary particulate standards is based on contentions that the violations were caused by fugitive dust rather than point sources. Also, the location of the monitor recording the 1977 violations is questioned.

As discussed above, the causes of nonattainment whether they be fugitive or stationary will be addressed in development of the revised control strategy.

The EPA has determined that the original designation of a subcity portion of Neenah as nonattainment for secondary particulate standards based on the State recommendation was properly made and that the designation made March 3, 1978, should be retained.

BIRON

Consolidated Papers, Inc., objected to the unclassifiable designation of this area for primary and secondary standards of SO2. After the violations were recorded in March of 1976, Consolidated Paper raised its stack height from 170' to 233' and increased the stack exit velocity. Because of these changes, Consolidated contends that the area should be designated attainment.

Section 123 of the Clean Air Act precludes EPA from designating an area as attainment unless no violations of the standards occur because proper control techniques have been used on major point sources which otherwise contribute to a violation. It may be that the stack height increase at Consolidated meets good engineering practice and is an acceptable means of meeting the standard. Until this determination is made, however, EPA must
retain the unclassifiable designation made on March 3, 1978.

**MANITOWOC**

The subcity area should have been designated nonattainment for secondary particulate standards based on the State's recommendation. This is a technical correction to the March 3, 1978, designations.

**MILWAUKEE**

One commenter objected to designation of the Mitchell Field area as attainment for particulates since there were recorded violations of the secondary standard. EPA is revising the designation to nonattainment for secondary particulate standards for an area defined by the Wisconsin Bureau of Air Management.

The same commenter thought a recorded violation of the primary standard at 5132 West Lincoln should cause a nonattainment designation for primary standards. The State has advised that a major emitting source has ceased operations in the area since the violation was recorded. However, the area remains nonattainment for secondary standards which will insure that an appropriate analysis of the area's problems will be made.

The commenter also complained about the siting of the boundary between primary and secondary particulate nonattainment areas in the Menominee River Valley. Because these designations require further analysis of the problem areas, the exact boundaries are not significant. Present boundaries together with designation of the Mitchell Field area as nonattainment will insure analysis adequate to detect any trouble spots.

**WAUWATOSA**

One commenter objected to the attainment designation for particulate standards in this area because of recorded violations of the secondary standard. Because of the monitor's proximity to a now-completed construction project, the State concluded that the violation was a one-time occurrence and thus, the area should be designated attainment. Continued monitoring in this area should reveal whether this analysis is correct. Accordingly, EPA is retaining the attainment designation until further data has been collected.

**MARINETTE**

A commenter objected to the unclassifiable designation for particulate standards because of monitored violations of the secondary standard in this area. Because the monitor was improperly sited and because construction activities may have contributed to a temporary violation, the State determined that more air quality data was needed before a designation could be made. EPA concurred in this analysis and retains the unclassifiable designation until further data is available.

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**RULES AND REGULATIONS**

**PART 81 OF CHAPTER I, TITLE 40 OF THE CODE OF FEDERAL REGULATIONS**

**Subpart C—Section 107 Attainment Status Designations**

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### Subpart C—Section 107 Attainment Status Designations

#### § 81.314 Illinois

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**FEDERAL REGISTER, VOL 43, NO. 194—THURSDAY, OCTOBER 5, 1978**
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</tr>
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FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
### Illinois - AQCR 71 (Continued)

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<th>Cannot Be Classified Better Than National Standards</th>
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<tbody>
<tr>
<td>All Other Madison TVPs.</td>
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<tr>
<td>St. Clair County</td>
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<td>Washington County</td>
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<td>All Other Bureau TVPs.</td>
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<td>All Other Cook County TVPs.</td>
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### Illinois - AQCR 72 (Continued)

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<tr>
<td>All Other Scott County TVPs.</td>
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<tr>
<td>All Other Tazewell County TVPs.</td>
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<tr>
<td>All Other Union County TVPs.</td>
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<tr>
<td>All Other Washington County TVPs.</td>
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### Illinois - AQCR 73 (Continued)

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<th>Does Not Meet Secondary Standards</th>
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<td>All Other Jasper County TVPs.</td>
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<td>All Other Marion County TVPs.</td>
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<td>All Other Perry County TVPs.</td>
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<tr>
<td>All Other Pope County TVPs.</td>
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<td>All Other Saline County TVPs.</td>
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<td>All Other Warren County TVPs.</td>
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### Illinois - AQCR 74 (Continued)

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<td>All Other DuPage County TVPs.</td>
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<td>All Other Lee County TVPs.</td>
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<tr>
<td>All Other McHenry County TVPs.</td>
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<td>x</td>
</tr>
<tr>
<td>All Other Rock Island County TVPs.</td>
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<td>x</td>
<td>x</td>
</tr>
<tr>
<td>All Other Scott County TVPs.</td>
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<td>x</td>
<td>x</td>
</tr>
<tr>
<td>All Other Tazewell County TVPs.</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>All Other Union County TVPs.</td>
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### Illinois - AQCR 75 (Continued)

<table>
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<th>Does Not Meet Secondary Standards</th>
<th>Cannot Be Classified Better Than National Standards</th>
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<td>All Other Benton County TVPs.</td>
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<td>All Other Champaign County TVPs.</td>
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<td>All Other Cook County TVPs.</td>
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<td>All Other Graver County TVPs.</td>
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<tr>
<td>All Other Jackson County TVPs.</td>
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<td>All Other Lake County TVPs.</td>
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<td>x</td>
</tr>
<tr>
<td>All Other McHenry County TVPs.</td>
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<td>x</td>
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<tr>
<td>All Other Wood county TVPs.</td>
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**FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978**
## Illinois - S02 (Continued)

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<tbody>
<tr>
<td>Macoupin County</td>
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<td>Jersey County</td>
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<td>Y</td>
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<tr>
<td>Montgomery County</td>
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<tr>
<td>Morgan County</td>
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<tr>
<td>Pike County</td>
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<tr>
<td>Schuyler County</td>
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<td>St. Clair County</td>
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### Indiana - TSP (continued)

<table>
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</thead>
<tbody>
<tr>
<td>Vanderburgh County</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>The area included in the City of Evansville &amp; Pidgeon Township</td>
<td>x</td>
<td>x</td>
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</tr>
<tr>
<td>The remainder of Vanderburgh County</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Vigo County</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>The area included within Harrison, Honey Creek, Fayette, Lost Creek, Otter Creek &amp; Sugar Creek Townships</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>The remainder of Vigo County</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Wayne County</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>The area included within Boston, Centers, Wayne and Webster Townships</td>
<td>x</td>
<td>x</td>
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</tr>
<tr>
<td>The remainder of Wayne County</td>
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### §81.315 Indiana.

<table>
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</tr>
<tr>
<td>The area included in Charlestown, Jeffersonville, Silver Creek &amp; Union Townships</td>
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</tr>
<tr>
<td>The remainder of Clark County</td>
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</tr>
<tr>
<td>Dearborn County</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>The area included in Center, Hogan, Lawrenceburg &amp; Manchester Townships</td>
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<tr>
<td>The remainder of Dearborn County</td>
<td>x</td>
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<tr>
<td>Dubois County</td>
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<tr>
<td>The area included in Bainbridge, Marion &amp; Patoka Townships</td>
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<tr>
<td>The remainder of Dubois County</td>
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</tr>
<tr>
<td>Floyd County</td>
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</tr>
<tr>
<td>Howard County</td>
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<td>The area included within Center &amp; Howard Townships</td>
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<tr>
<td>The remainder of Howard County</td>
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</tr>
<tr>
<td>Lake County</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>An area bounded on the north by Lake Michigan, on the west by U.S. 20, by Illinois State line, on the south by U.S. 30 from the State line to the intersection of I-65 then following I-65 to the intersection of I-94 then following I-94 to the Lake-Porter County line</td>
<td>x</td>
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<tr>
<td>The remainder of Lake County</td>
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</tr>
<tr>
<td>LaPorte County</td>
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<td>Y</td>
</tr>
<tr>
<td>The remainder of Lake County</td>
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<td>Marion County</td>
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<tr>
<td>The remainder of Marion County</td>
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<tr>
<td>Porter County</td>
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<tr>
<td>The remainder of Porter County</td>
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<tr>
<td>St. Joseph County</td>
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<tr>
<td>The area north of Kern Rd. &amp; east of Pine Rd.</td>
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<td>Tippecanoe County</td>
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### Indiana - TSP (continued)

<table>
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<tbody>
<tr>
<td>Vanderburgh County</td>
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<td>Y</td>
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<tr>
<td>The area included within the City of Evansville &amp; Pidgeon Township</td>
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<tr>
<td>The remainder of Vanderburgh County</td>
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<tr>
<td>Vigo County</td>
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<td>Y</td>
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<tr>
<td>The area included within Harrison, Honey Creek, Fayette, Lost Creek, Otter Creek &amp; Sugar Creek Townships</td>
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<tr>
<td>The remainder of Vigo County</td>
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<tr>
<td>Wayne County</td>
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</tr>
<tr>
<td>The area included within Boston, Centers, Wayne and Webster Townships</td>
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<tr>
<td>The remainder of Wayne County</td>
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*EPA designation replaces state designation
### Indiana - SQ

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</tr>
<tr>
<td>The remainder of Porter Co.</td>
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</tr>
<tr>
<td>The remainder of Wayne County</td>
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<tr>
<td>The remainder of LaPorte County</td>
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<td>The remainder of Lake County</td>
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<td>The remainder of LaPorte County</td>
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</table>

*EPA designation replaces State designation

### Michigan - SQ

<table>
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<tr>
<th>Designated Area</th>
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<th>Does Not Meet Secondary Standards</th>
<th>Cannot Be Classified Better Than National Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rock 81 (Michigan Portion)</td>
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*EPA designation replaces State designation

### § 81.323 Michigan

#### Michigan - SQ

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<td>St. Joseph Township</td>
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<tr>
<td>All portions of all other Indiana counties</td>
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</table>

*EPA designation replaces State designation

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**FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978**
### Michigan - TSP (continued)

#### Designated Areas

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**FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978**
### Michigan - Stg.

<table>
<thead>
<tr>
<th>Designated Area</th>
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<th>Does Not Meet Secondary Standards</th>
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<tr>
<td>AQR 82 (Michigan portion)</td>
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<tr>
<td>AQR 122</td>
<td>Except subarea defined: 1. Midland County, K7, T11W, Sections 1, 4, K7, T11S, Sections 1-30</td>
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<td>AQR 123</td>
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<tr>
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<td>Except subarea defined: 1. Ionia County, K7, T10S, Sections 1-13, 14-18, 21, and 24-35</td>
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*EPA designation replaces State designation

### Michigan - Co.

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<td>AQR 123</td>
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*EPA designation replaces State designation

### § 81.324 Minnesota.

<table>
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<td>City of Red Wing</td>
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*AEP designation replaces State designation

### Federal Register, Vol. 43, No. 194—Thursday, October 5, 1978
§ 81.336 Ohio.

### Ohio - TSP

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<tbody>
<tr>
<td>Allen</td>
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<tr>
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<td>Cities of New spying. Bristol &amp; Valley</td>
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<td>The remainder of</td>
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<td>icy . Field. &amp; York Township of Cleveland. Washington including primary nonattainment area</td>
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<tr>
<td>Cities of Monroe, TN &amp; Miami &amp; Fairfield, and that portion of the city of Hamilton within the</td>
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<tr>
<td>Fairfield Townships &amp; also the Townships of Cincinnati, Lebanon, St. Clair, Liberty, Fairfield &amp; Union, the remainder of</td>
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<tr>
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<td>X</td>
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<tr>
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<td>X</td>
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<tr>
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<td>The area south and east of the line determined by</td>
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<tr>
<td>The remainder of</td>
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<td>X</td>
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<td>X</td>
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<tr>
<td>The remainder of</td>
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<tr>
<td>Williams County</td>
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*EPA designation replaces State designation.
### Ohio - TSP (continued)

<table>
<thead>
<tr>
<th>Designated Area</th>
<th>Does Not Meet Primary Standards</th>
<th>Does Not Meet Secondary Standards</th>
<th>Cannot Be Classified Better Than National Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>east to Tequesta-South Ridgeway north to Delilah-Furnace Road, east to Cape-Black County Line (where road becomes Foster Road)</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The remainder of Darke County</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Defiance</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Richland Township not within the City of Defiance</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>City of Defiance</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Etna</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Franklin</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Includes an area encompassed by Alum Creek on the east, Livingston Ave., Loveland Road, Thomann Ave., and Greenlawn Ave. on the north, on the west by I-71 &amp; S.R. 315, &amp; on the north by Lake Ave.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The remainder of Darke County</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The remainder of Defiance County</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Galion</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gahanna</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greene</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Includes those areas west of the line determined by the following:</td>
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### Ohio - TSP (continued)

<table>
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<tr>
<th>Designated Area</th>
<th>Does Not Meet Primary Standards</th>
<th>Does Not Meet Secondary Standards</th>
<th>Cannot Be Classified Better Than National Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meredith Rd. south from the Greene-Clark County Line, converges to S.R. 310 south on Brown Park Rd., south to S.R. 519, southeast to Citra Rd., southwest to Rte. 64, south to Rte. 231, northwest to Hilltop Rd., southwest to Fairground Rd., west to Beaver Valley Rd., north to County Rd., west to Fairfield Rd., northeast to Swiga Rd., southwest to Little Sugar Creek Rd., south on Little Sugar Creek Rd., to Fowl Lake Rd., east to Fowl Lake Rd., north to Mill Creek Rd., northeast to Upper Mill Creek Rd., east to Lower Mill Creek Rd., southwest to Lower Mill Creek Rd., northeast to Upper Mill Creek Rd., southeasterly bound by the S.R. 23, follow S.R. 231, west to S.R. 231, follow S.R. 231 east to the residential area of Spring Valley and take road which becomes Spring Valley-Fairgrove Rd.</td>
<td>X</td>
<td></td>
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<tr>
<td>The remainder of Greene County</td>
<td>X</td>
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</table>

### Ohio - TSP (continued)

<table>
<thead>
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<th>Designated Area</th>
<th>Does Not Meet Primary Standards</th>
<th>Does Not Meet Secondary Standards</th>
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</thead>
<tbody>
<tr>
<td>Akron</td>
<td>X</td>
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</tr>
<tr>
<td>Canton</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleveland</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Columbus</td>
<td>X</td>
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</tr>
<tr>
<td>Dayton</td>
<td>X</td>
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<td>Toledo</td>
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<tr>
<td>Youngstown</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warren</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lucas</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lucas County</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Cities of Toledo &amp; Maumee</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townships of Watervliet, Monclova &amp; Washington</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The remainder of Lucas County</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hudson</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Hudson Township</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Cities of Canton, Canton &amp; South Point &amp; the Townships of Springfield &amp; Perry</td>
<td>X</td>
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</tr>
<tr>
<td>The City of Lorain to the north of S.R. 26</td>
<td>X</td>
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<tr>
<td>The City of Lorain west of S.R. 26, a Sheffield Township, excluding primary non-attainment areas</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Remainder of Lorain County</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Cities of Toledo &amp; Maumee</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townships of Watervliet, Monclova &amp; Washington</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The remainder of Lucas County</td>
<td>X</td>
<td></td>
<td></td>
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</tbody>
</table>

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FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
Ohio - TSP (continued)

**Table**

<table>
<thead>
<tr>
<th>Designated Area</th>
<th>Does Not Meet</th>
<th>Does Not Meet</th>
<th>Cannot Be Classified</th>
<th>Better Than National Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montgomery Co.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Miami Co.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meigs Co.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medina Co.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Monroe Co.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portage Co.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preble Co.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Butler Co.</td>
<td></td>
<td></td>
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<tr>
<td>Stark Co.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Trumbull Co.</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Summit Co.</td>
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<tr>
<td>Wayne Co.</td>
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</table>

**Footnotes**

- Does Not Meet
- Does Not Meet
- Cannot Be Classified
- Better Than National Standards

**Designated Areas**

- Montgomery Co.
- Miami Co.
- Meigs Co.
- Medina Co.
- Monroe Co.
- Portage Co.
- Preble Co.
- Butler Co.
- Stark Co.
- Trumbull Co.
- Summit Co.
- Wayne Co.

**Excluding Primary Nonattainment Areas**

- Montgomery Co.
- Miami Co.
- Meigs Co.
- Medina Co.
- Monroe Co.
- Portage Co.
- Preble Co.
- Butler Co.
- Stark Co.
- Trumbull Co.
- Summit Co.
- Wayne Co.

**Does Not Meet**

- National
- Better

**Does Not Meet**

- National
- Better

**Cannot Be Classified**

- National
- Better

**Better Than National Standards**

- National
- Better

**Federal Register, Vol. 43, No. 194—Thursday, October 5, 1978
### Ohio - TSP (continued)

<table>
<thead>
<tr>
<th>Designated Area</th>
<th>Does Not Meet Primary Standards</th>
<th>Does Not Meet Secondary Standards</th>
<th>Cannot Be Better Than National Standards</th>
<th>Better Than National Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trumbull</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>The area encompassed on the north by S.R. 82, on the west by S.R. 88, 189 &amp; 304, 4 S.R. 62, on the south by Trumbull County line 6 on the west by the Mahoning River. The Townships of Warren, Southington, Liberty &amp; Mahoning.; 6 of Vienna Township the area south of the north boundary of Vienna Township to S.R. 193 &amp; the area of Brookfield Township south of S.R. 82 excluding primary nonattainment areas. The remainder of Trumbull County.</td>
<td>x</td>
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### Ohio - Sulfur Dioxide (continued)

<table>
<thead>
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<th>Designated Area</th>
<th>Does Not Meet Primary Standards</th>
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<th>Cannot Be Better Than National Standards</th>
<th>Better Than National Standards</th>
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<tbody>
<tr>
<td>Allen</td>
<td>x</td>
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<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Townships of Bath &amp; American, City of Lima</td>
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<td>x</td>
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<tr>
<td>The remainder of Allen County.</td>
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### Ohio - Buckeye District

<table>
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<tr>
<th>Designated Area</th>
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<th>Cannot Be Better Than National Standards</th>
<th>Better Than National Standards</th>
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<tbody>
<tr>
<td>Marion</td>
<td>x</td>
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<td>The entire area northwest of the following line: U.S. 80 &amp; the City of Elyria</td>
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### Ohio - Sulfur Dioxide (continued)

<table>
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<th>Designated Area</th>
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<th>Better Than National Standards</th>
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<tr>
<td>Erie</td>
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<tr>
<td>The remainder of Erie County.</td>
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### Ohio - Buckeye District

<table>
<thead>
<tr>
<th>Designated Area</th>
<th>Does Not Meet Primary Standards</th>
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<th>Better Than National Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lucas</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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<tr>
<td>The area east of U.S. 15 &amp; west of eastern boundary of Oregon Township.</td>
<td>x</td>
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### Ohio - Sulfur Dioxide (continued)

<table>
<thead>
<tr>
<th>Designated Area</th>
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<th>Better Than National Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Cities of Steubenville &amp; Mingo Junction, Townships of Steubenville, Island Creek, Cross Creek, Items.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

*EPA designation replaces state designation.*
### Ohio - Sulfur Dioxide (continued)

<table>
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*EPA designation replaces State designation

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### Ohio - Photochemical Oxidants

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<td>The remainder of Muskingum County</td>
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<td>The remainder of Pickaway County</td>
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<tr>
<td>Seneca</td>
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<td>x</td>
</tr>
<tr>
<td>The City of Frederick (east side; north of Norfolk and Western R.R.)</td>
<td>X*</td>
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<tr>
<td>The remainder of Seneca County</td>
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<tr>
<td>Stark</td>
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<td>x</td>
</tr>
<tr>
<td>Cities of Alliance, Hartville, Louisville, North Canton, Canton &amp; Fairhope, Township of Lexington, Lake, Minerva, Plain, Canton, and Perry.</td>
<td>X*</td>
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<tr>
<td>The remainder of Stark County</td>
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<tr>
<td>Summit</td>
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<td>Entire area northeast of the following line: Rte 80 north to county line and the entire area between the following lines: 1) Rte 100 east to Rte 75, Rte 75 north to Rte 11, Rte 11 north to Rte 80, Rte 80 north to county line and the entire area between the following lines: 2) Rte 80 east to Rte 11, Rte 11 north to Rte 75, Rte 75 north to county line.</td>
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<tr>
<td>The remainder of Summit County</td>
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*EPA designation replaces State designation
## Ohio - Photochemical Oxidants (continued)

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## Ohio - Nitrogen Dioxide

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<tr>
<td>Stark</td>
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<tr>
<td>Union</td>
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<tr>
<td>Van Wert</td>
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<td>Vinton</td>
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<td>Williams</td>
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<td>Wood</td>
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## Wisconsin - Nitrogen Dioxide

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<tr>
<td>Rock County</td>
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### Alternate Designations

- **Sub-city area**: defined as follows: North: Wood-ward Ave. from 3rd St. and Portland east to Park Avenue. West: Corner of 3rd St., Portland and Woodward South on 3rd St. to Second St. Southeast on Second St. to Grand Avenue. Then southwest on Grand to State St. and south on State to the Illinois-Wisconsin border along Illinois-Wisconsin border. South: Illinois-Wisconsin border east to Washburn St. and north on Wisconsin to Chicago Northwestern Railroad tracks. Remainder of Rock County.

## Ohio - Carbon Monoxide

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<tr>
<td>Summit</td>
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All portions of all other counties in State of Ohio.

## Wisconsin - Carbon Monoxide

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<th>Does Not Meet Secondary Standards</th>
<th>Unclassifiable and/or Attainment</th>
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<tbody>
<tr>
<td>Grant County</td>
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</tr>
<tr>
<td>Rock County</td>
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### Alternate Designations

- **Sub-city area**: defined as follows: North: From Washburn and Wisconsin Ave. east to the intersection of Chicago Northwestern Railroad tracks and Lenawee Creek. Then east to Lenawee Creek and Smith on RR tracks to the Illinois-Wisconsin border. South: Illinois-Wisconsin border east to Washburn St. and north on Wisconsin to Chicago Northwestern Railroad tracks.

Remainder of Rock County.
**Wisconsin - TSP (continued)**

<table>
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<tr>
<th>Designated Area</th>
<th>Does Not Meet Primary Standards</th>
<th>Does Not Meet Secondary Standards</th>
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<td>Winnebago County</td>
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**Wisconsin - TSP (continued)**

**Does Not Meet Primary Standards**

**Does Not Meet Secondary Standards**

**Cannot Be Classified Better Than National Standards**

**FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978**
### Wisconsin - TSP (continued)

<table>
<thead>
<tr>
<th>Designated Area</th>
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### Wisconsin - TSP (continued)

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<tr>
<td>Pierce Street to 6th St.</td>
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<td>6th St. to Lake Michigan</td>
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<td>Sub-city area defined as follows:</td>
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<td>Area 1</td>
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<td>North: Center Street east from 6th Street to Lake Michigan</td>
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<td>Area 2</td>
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<td>North: 6th Street north from 55th Street to Milwaukee River</td>
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<td>East: 55th Street east from North Avenue to College Avenue</td>
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<td>West: College Avenue west from 6th Street to 55th Street</td>
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<tbody>
<tr>
<td>Racine County</td>
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<td>Waukesha County</td>
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<td>Ozaukee County</td>
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<tr>
<td>Designated Area</td>
<td>Does Not Meet Primary Standards</td>
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<tr>
<td><strong>Wisconsin - TSP (continued)</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>West on Moreland Blvd. to Waukesha Ave., north on Waukesha Ave. to intersection of railroad tracks and N 67th St., south along railroad tracks to Ardonia Avenue. Remainder of Waukesha Co.</td>
<td></td>
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</tr>
<tr>
<td><strong>Columbia County</strong></td>
<td><strong>Pacific Township</strong></td>
<td>Sub-ownership area defined as follows:</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Pacific Township: From Section 22, T.12 N.-R.9 E.</td>
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<td></td>
<td></td>
<td>North: Northern border of Section 22 east to section 23.</td>
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<td></td>
<td></td>
<td>West: C.M. St. P&amp;P Railroad south from northern border of section 22 on southern border of section 23.</td>
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<tr>
<td></td>
<td></td>
<td>South: Southern border of section 22 east from C.M. St. P&amp;P Railroad to section 23.</td>
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<td></td>
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<td>East: Eastern border of section 22.</td>
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<td>Sub-ownership area defined as follows:</td>
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<tr>
<td></td>
<td></td>
<td>Sections 22, 23, 26 and 27 of T.12 N.-R.9 E. Remainder of Columbia Co.</td>
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<td>Holland</td>
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<td>Sub-ownership area defined as follows:</td>
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<td></td>
<td>North Corner of Schlimgen Ave. and Packers Ave., west to Lochwood Blvd.</td>
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<td>Northeast Corner of Lithewood St. and Rich Mar Drive south to Lake Mendota. Continue along</td>
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<td><strong>eastern shoreline of Lake Mendota to Charter St.</strong></td>
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<td>West: Charter St. north from River St. to Lake Mendota</td>
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<td></td>
<td><strong>South Southeastern</strong></td>
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<td>Villas St. west from Charter St. to west Washington Ave., continue southwest to Lake Monona, continue along west shoreline of Lake Monona north to Starkweather Creek.</td>
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<td></td>
<td><strong>South Northwest</strong></td>
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<td></td>
<td>Eastern branch of Starkweather Creek northwest to Falls Creek Ave., then north along River St. to Milwaukee St. Continue west to Oak St. Then north to Abing St. Continue northwest to Packers Ave., then north to Schlimgen Ave.</td>
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<td></td>
<td></td>
<td><strong>Remainder of Dane County</strong></td>
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<td>Dodge County</td>
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PART 422—PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

Notice of Revocation

AGENCY: Environmental Protection Agency.

ACTION: Revocation.

SUMMARY: EPA is today revoking its new source pretreatment standards for phosphorus consuming, and phosphorus categories: Phosphorus production, phosphorus consuming, and phosphate.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

On February 20, 1974 (34 FR 6582), EPA Promulgated effluent guidelines and new source performance and new source pretreatment standards for subparts A (phosphorus production), B (phosphorus consuming), and C (phosphate) of the phosphate manufacturing point source category. Because the new source pretreatment standards for subparts A, B, and C were subsequently challenged by industry, and in 1976, the U.S. Court of Appeals for the Second Circuit remanded EPA’s definition of “process waste water” and portions of the challenged regulations to EPA for further study and clarification. Hooker Chemical & Plastics Corp. v. Train, 537 F.2d 620 (2d Cir. 1976); Hooker Chemical & Plastics Corp. v. Train, 537 F.2d 639 (2d Cir. 1976).

Because the new source pretreatment standards for subparts A, B, and C were based on the new source performance standards or the “process waste water” definition (or both) which were remanded by the Second Circuit, EPA is revoking those standards to avoid confusion concerning their applicability to new sources which discharge into publicly owned treatment works.

Pretreatment standards for new sources covered by subparts A, B, and C are currently being studied as part of EPA’s ongoing phosphate manufacturing point source category remand study, and will be repromulgated when that study is completed.

For the foregoing reasons, 40 CFR 422.16 (Pretreatment standards for new sources, phosphorus production subcategory), 40 CFR 422.26 (Pretreatment standards for new sources, phosphorus consuming subcategory), and 40 CFR 422.26 (Pretreatment standards for new sources, phosphate subcategory) are hereby revoked.


Douglas M. Costle, Administrator.

[FR Doc. 78-28059 Filed 10-4-78; 8:45 am]

PART 105—COMMISSIONER’S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

Final Regulations; Correction

AGENCY: Office of Education, HEW.

ACTION: Correction, final regulations.

SUMMARY: In the regulations published in the Federal Register on October 3, 1977, pages 53822-53891, a technical correction needs to be made. The document is corrected as follows: On page 53861, first column, paragraph “(b) Institutional capability and commitment,” should be changed to paragraph “(b) Institutional capability and commitment.”

FOR FURTHER INFORMATION CONTACT:

Michael Brustein, telephone 202-245-8892.


L. David Taylor, Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 78-28030 Filed 10-4-78; 8:45 am]

PART 180—DESEGREGATION OF PUBLIC EDUCATION

Final Rule; Correction

AGENCY: Office of Education, HEW.

ACTION: Correction, final regulations.

SUMMARY: In the regulations published in the Federal Register on July 26, 1978, pages 32372-32387, certain technical corrections need to be made. The document is corrected as follows:

(1) On page 32381, third column, § 180.13(b), the reference to § 180.12(b) should be changed to § 180.12(c).

(2) On page 32384, first column, § 180.32(a)(2), the reference to § 180.32(b) should be changed to § 180.32(c).

(3) On page 32386, second column, § 180.57(a), “ranking” should be changed to “rankings.”

FOR FURTHER INFORMATION CONTACT:

Elton Ridge, telephone 202-245-8484.

(Catalog of Federal Domestic Assistance No. 13.405, Desegregation of Public Education.)

L. David Taylor,
Deputy Assistant Secretary for Management Analysis and Systems.
[FR Doc. 78-28016 Filed 10-4-78; 8:45 am]

[1505-01]
PART 180—DESEGREGATION OF PUBLIC EDUCATION

Correction

In FR Doc. 78-20565 appearing at page 32372 in the issue for Wednesday, July 26, 1978, make the following corrections:

(1) In § 180.03, at the top of the third column of page 32380, “State role stereotype” should have read “Sex role stereotype”.

(2) At the bottom of the third column of page 32380, the section heading now designated “§ 180.06” should have been “§ 180.05”.

(3) On page 32383, paragraph (b) of § 180.20 should have read as follows:

(b) Amount of award. (1) The Commissioner sets the amount of an award on the basis of the magnitude of the expected needs of responsible governmental agencies for race, sex, or national origin desegregation assistance (as applicable), and the cost of providing assistance to meet those needs, in the State for which an application is approved, compared with the magnitude of the expected needs for that assistance, and the cost of providing it, in all States for which applications are approved. In setting the amount of an award to provide race desegregation assistance, the Commissioner gives the greatest weight to the expected needs of responsible governmental agencies that have recently adopted race desegregation plans.

(2) In assessing the magnitude of expected needs, the Commissioner considers the needs described in the applications submitted under this subpart and such other information concerning those needs as may be relevant.

(4) At the top of the middle column of page 32385, the section heading now reading “§ 180.39 Funding procedures” should have read “§ 180.38 Funding procedures.”

(5) On page 32386, the following sentence should be added to the end of the text of § 180.63: “That notice describes the information to be included in the application.”

RULES AND REGULATIONS

[6050-01]
Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1201—STANDARDS OF CONDUCT

Conflict of Interests; Final Rule

AGENCY: ACTION.

ACTION: Final rule.

SUMMARY: ACTION is revising its standards of conduct to include seven new rules on conflict of interests. These rules were drafted by a special Agency Task Force on Conflict of Interests and on April 4 published for comment in the Federal Register. The final, revised rules are now being incorporated into the Agency standards of conduct and can be found at § 1201.735-101(b), 102, 302-305, and 402. The remaining standards, which contain provisions based on Executive Order 11222, are also published.

The list of employees required to submit statements of employment and financial interests has also been expanded to include certain positions below the GS-13 or FSR 5 level which involve activities which could place employees in possible conflict-of-interest situations.


FOR FURTHER INFORMATION CONTACT:
Harry MacLean, General Counsel, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20025, 202-254-3116.

SUPPLEMENTARY INFORMATION: On April 4, 1978, a notice of proposed rulemaking was published in the Federal Register (43 FR 14072) proposing to amend ACTION’s standards of conduct by the adoption of seven new rules dealing with conflict of interests. Interested persons were given thirty days to submit comments and views on the new rules. The proposed amendments were also submitted for comment to approximately 20 Federal, State, and public interest agencies and organizations.

No comments were received from the public as a result of the Federal Register notice. Approximately 10 responses were received from the Federal, State, and public interest agencies and organizations that had received copies of the new rules with the result that several revisions, discussed below, have been made in the proposed regulations. Following is a summary of the principal comments and the major revisions to the regulation.

1. Several comments questioned the distinction made in the rule 1(a) and 1(b) between the ACTION Director and his top assistants and all other ACTION employees’ participating in decisions involving organizations with which they have been associated. The latter past association (1(a)) was limited to the last 2 years, but the Director and his assistants’ disqualification (1(b)) was without time limit. The Committee on Conflict of Interests agreed that a dual standard was not warranted and that the 2-year time limit for everyone was a sufficient cooling-off period. The final rule reflects this revision.

2. One commentator suggested that the scope of rule 1(a) was too broad and that, by including within its scope “any person subject to the supervisory control of the employee who had the association,” the Agency would be excluding from the decisionmaking process numerous employees whose participation might be necessary even though no real or apparent conflict existed on the part of those employees. After careful consideration of this point, the Committee on Conflict of Interests decided that “persons subject to the supervisory control of the employee” should remain under the rule to prevent the “potential for” a conflict of interest in the form of pressure, whether real or imagined, by a supervisor on his or her subordinates.

3. Several comments suggested that proposed rules 3(a)(2) and 3(b)(2) were unnecessarily harsh in suspending from consideration for a grant or contract any organization which a present ACTION employee, prior to his or her employment at ACTION, had aided in developing a proposal. In the words of one commentator: “In an organization that has invested time and effort in a grant or contract proposal should not be suspended simply because its employee later obtains a job with ACTION, unless that employee, as an ACTION employee, would necessarily be involved with the particular grant or contract. It would be more effective to prevent the employee from becoming involved in a situation that creates the conflict, rather than to punish the potential conflict of interest.” The Committee agreed with this reasoning and changed the rule to prohibit such employees from participating in any aspect of the decision process regarding the grant or contract or in any oversight or management capacity in relation to that grant or contract. The organization itself, however, is no longer precluded from being considered for award of the grant or contract.

One commentator urged the amendment of rule 4 to permit design-
5 There was a suggestion from one commentator that rule 5 was too broad in prohibiting a person who participated "personally" in a program while employed at ACTION from working for 1 year in any activity supported by ACTION funds received from that program. It was suggested that the language be changed to "personal participation in a significant decision-making or advisory capacity while at ACTION" because in many instances an employee who "personally participates" is not in a position to influence the awarding of a contract or grant. While the Committee agreed that there would probably be examples of "personal participation" which were so significant as to warrant exclusion from the rule, it felt that the new Committee on Conflict of Interests should consider those cases on an individual basis and grant the necessary relief under its authority to grant specific relief from the provisions of rules 3, 5, and 6.

Accordingly, 45 CFR Part 1201 is revised to read as follows:

Subpart A—General

Sec. 1201.735–101 Introduction.
1201.735–102 Definitions.

Subpart B—General Conduct and Responsibilities of Employees
1201.735–201 Prescribed actions—Executive Order 11222.
1201.735–202 General conduct prejudicial to the Government.
1201.735–203 Criminal statutory prohibitions—Conflict of interest.

Subpart C—Outside Employment, Activities, and Associations
1201.735–301 In general.
1201.735–302 Association with potential grantee or contractor prior to ACTION employment.
1201.735–303 Association with ACTION grantee, contractor, or potential grantee or contractor while ACTION employee.
1201.735–304 Employment after leaving ACTION.
1201.735–305 Employment with ACTION grantee or contractor.
1201.735–306 Association with non-ACTION grantee or contractor while an ACTION employee.
1201.735–307 Gift, entertainment, and favors.
1201.735–308 Economic and financial activities of employers abroad.
1201.735–309 Information.
1201.735–310 Speeches; participation in conferences.

RULES AND REGULATIONS

1201.735–311 Partisan political activities.
1201.735–312 Use of Government property.
1201.735–313 Indebtedness.
1201.735–314 Gambling, betting, and lotteries.
1201.735–315 Discrimination.
1201.735–316 Related statutes and regulations.

Subpart D—Procedures for Submission by Employees and Review of Statements of Employment and Financial Interests
1201.735–401 Submission of statements.


§ 1201.735–101 Introduction.

(a) Executive Order No. 11222 directs the Civil Service Commission to require each agency head to review and reissue his or her agency’s regulations regarding the ethical conduct and other responsibilities of all its employees. One of the main purposes of the regulations in this part is to encourage individuals faced with questions involving subjective judgment to seek counsel and guidance. The general counsel is designated to be the counselor for ACTION with respect to these matters. Associate and assistant general counsels are designated to be deputy counselors. They will provide authoritative advice and guidance in this area to any ACTION employee who seeks it.

(b) The ACTION Committee on Conflict of Interests will review and monitor the agency’s policies and procedures on conflict of interests. The committee shall consist of the general counsel, the Assistant Director of Administration and Finance, the Assistant Director of the Office of Compliance, the Director of Contracts and Grants Management Division, a Deputy Associate Director of Domestic Operations, a Deputy Assistant Director for the Office of Policy and Planning, and the Director’s designee, who shall be a nonvoting member. The committee shall have the authority to:

(1) Adopt the procedures necessary to insure the implementation of and compliance with the conflict of interest regulations found at §§ 1201.735–301 through 1201.735–305.

(2) Issue interpretive opinions or clarifying statements on actual or hypothetical situations involving the provisions of §§ 1201.735–301 through 1201.735–305.

(3) Accept and review reports filed under § 1201.735–302(b).

(4) Grant specific relief from the provisions of §§ 1201.735–301 through 1201.735–305 by a majority vote of the committee, if, after due consideration, the committee finds that:

(i) No actual conflict of interest exists, and

(ii) The purpose of the rule would not be served by its strict application, and

(iii) A substantial inequity would otherwise occur. In each such case the committee shall issue a written decision setting forth its findings as required above. The committee may make any exception subject to such conditions and restrictions as it deems appropriate.

(c) Any violation of the regulations in this part may be cause for disciplinary action. Violation of those provisions of the regulations in this part which reflect legal prohibitions may also entail penalties provided by law.

(d) This part applies to all employees of ACTION. “Employee” as used in this part includes regular employees, Presidential appointees, “special Government employees,” experts, and consultants whether employed on a full-time or intermittent basis.

§ 1201.735–102 Definitions.

(a) “Special Government employee” as used herein means a person appointed or employed to perform temporary duties for ACTION with or without compensation, on a full-time or intermittent basis, for not to exceed 180 days during any period of 365 days.

(b) “Regular Government employee” as used herein means any officer or employee other than a special Government employee.

(c) “Organization” as used herein includes profit and nonprofit corporations, associations, partnerships, trusts, sole proprietorships, foundations, and State and local government units.

(d) “Grantee” as used herein means any organization that receives financial assistance from ACTION including the assignment of volunteers.

(e) “Potential Grantee or Contractor” means any organization that has submitted a proposal, application, or otherwise indicated in writing its intent to apply for or seek a specific grant or contract.

(f) “Associated with” means:

(1) That the person is a director of the organization or is a member of a board or committee which exercises a recommending or supervisory function in connection with an ACTION project;

(2) That the person or his or her spouse, minor child or other member of his or her immediate household, serves as an employee, officer, owner, trustee, partner, consultant, or paid adviser (general membership in an or-
organization is not included within the
definition of "associated with";
(3) That the person, his or her
spouse, minor child, or other member
of his or her immediate household,
owns, individually or collectively, 1
percent or more of the voting shares
of an organization;
(4) That the person, his or her
spouse, minor child, or other member
of his or her immediate household,
owns, individually or collectively,
either beneficially or as trustee, a fi
nancial interest in an organization
through stock, stock options, bonds,
or other securities, or obligations,
valued at $50,000 or more; or
(5) That a person has a continuing
financial interest in an organization,
such as a bona fide pension plan,
valued at $50,000 or more, through an
arrangement resulting from prior em
ployment or business or professional
association.

The term "associated" does not in
clude an indirect interest, such as own
ership of shares in a mutual fund,
bank or insurance company, which in
turn owns an interest in an organiza
tion which has, or is seeking or under
consideration for a grant or contract.
Such and "indirect" interest, as well as
financial interests of amounts less
than those stated in subparagraphs (3)
through (5) of paragraph (f) of this
section, are hereby determined pursua
nt to 18 U.S.C. 208(b)(2) to be too
remote to affect the integrity of the
employee's services.

Subpart B—Conduct

§ 1201.735-201 Proscribed actions—Executive
Order 11222.
As provided by the President in Ex
ecutive Order No. 11222, whether spe
cifically prohibited by law or in the
regulations in this part, no U.S. reg
ular or special Government employees
shall take any action which might result
in, or create the appearance of:
(a) Using public office or employ
ment for private gain, whether for
themselves or for another person, par
ticularly one with whom they have
family, business, or financial ties.
(b) Giving preferential treatment to
any person.
(c) Impeding Government efficiency
or economy.
(d) Losing complete independence or
impartiality.
(e) Making a Government decision
outside official channels.
(f) Affecting adversely the confi
dence of the public in the integrity of
the Government.
(g) Using Government office or em
ployment to coerce a person to provide
financial benefit to themselves or to
other persons, particularly anyone
with whom they have family, business
or financial ties.
§ 1201.735-202 General conduct prejudi
cial to the Government.
An employee may not engage in
criminal, infamous, dishonest, immoral,
unethical, or notoriously disgraceful
conduct prejudicial to the Government.

§ 1201.735-203 Criminal statutory prohibi
tions: Conflict of interest.
(a) Regular Government employees.
Regular employees of the Government
are subject to the following major crimi
nal prohibitions:
(1) They may not, except in the dis
charge of their official duties, repre
sent anyone else before a court or
Government agency in a matter in
which the United States is a party or
has an interest. This prohibition ap
plies to both paid and unpaid repre
(2) They may not, after Government
employment has ended, represent
anyone other than the United States
in connection with a matter in which
the United States is a party or has an
interest and in which they participat
ed personally a matter substantially for
(3) They may not for 1 year after
their Government employment has ended,
represent anyone other than the United States
in a matter in which the United States is
a party or has an interest and which was
within the boundaries of their official
responsibility during their last year of
Government service. This temporary
restriction gives way to the permanent
restriction described in subparagraph
(4) of this paragraph if the matter is
one in which they participated per
sonally and substantially (18 U.S.C. 207).

(b) Special Government employees.
Special Government employees are
subject to the following major crimi
nal prohibitions:
(1) They may not, except in the dis
charge of official duties, represent
anyone else before a court or Govern
ment agency in a matter in which the
United States is a party or has an in
terest and in which they have at any
time participated personally and sub
stantially for the Government (18 U.S.C.
205).
(2) They may not, except in the dis
charge of official duties, represent
anyone else before a court or Govern
ment agency in a matter in which the
United States is a party or has an in
terest and in which they have at any
time participated personally and sub
stantially for the Government (18 U.S.C.
205).

§ 1201.735-301 In general.
(a) There is no general prohibition
against ACTIONs holding outside employment, including teach
ing, lecturing, or writing. But no em
ployee may engage in outside employ
ment or associatons if they might result in
a conflict or an appearance of conflict between the private interests
of the employee and his or her official
responsibility.
(b) An employee shall not receive any salary or anything of monetary
value from a private source as compen
sation for services to the Gov

Subpart C—Outside Employment
Activities and Associations
§ 1201.735-301 In general.
(a) An employee shall not have a direct or indirect financial interest
that conflicts substantially or appears
to conflict substantially with his or
her Government duties and responsi
bilities. Nor may an employee engage in
outside employment that is a result of or primarily
rely on information obtained through his or her Government
employment.
§ 1201.735-302 Association with a potential grantee or contractor prior to ACTION employment.

(a) No employee, or any person subject to his or her supervision, may participate in the decision to award a grant or a contract to an organization with which that employee has been associated in the past 2 years. When an employee becomes aware that such an organization is under consideration for or has applied for a grant or a contract with the Agency, the employee shall notify his or her immediate supervisor in writing. The supervisor shall take whatever steps are necessary to exclude the employee from all aspects of the decision processes regarding the grant or contract.

(b) When the Director, Deputy Director, or an Associate or Assistant Director, becomes aware that an organization with which he or she has been associated in the past 2 years is under consideration for or has applied for a grant or contract with the Agency, he or she shall refrain from participating in the decision process and immediately notify the Assistant Director of the Office of Compliance, who shall select an independent third party, not in any way connected or associated with the concerned official. The third party shall participate in and review the decision process to the extent he or she deems necessary to insure objectivity and the absence of favoritism. Said third party shall preferably be a person experienced in the area of government contracts and grants. The third party shall file a report in writing with the Committee on Conflict of Interest stating his or her conclusions, observations, or objections, if any, to the decision process concerning the grant or contract, which document shall be attached to and become a part of the official file.

§ 1201.735-303 Association with ACTION grantee or contractor while an ACTION employee.

(a) No regular employee may be associated with any ACTION grantee, contractor, or potential grantee or contractor. Any organization that is associated with a regular employee shall be suspended from consideration as a grantee or contractor.

(b) No regular or special employee, except in his or her official capacity as an ACTION employee, shall either participate in any way on behalf of any organization in the preparation or development of a grant or contract proposal involving ACTION or represent another organization in a matter pending before ACTION, that organization shall be suspended from consideration for the grant or contract.

(c) No regular or special employee who, while employed at ACTION, participated in the development of a grant or contract proposal on behalf of another organization, shall participate as an ACTION employee, in any aspect of the decision processes regarding that grant or contract, or, if the grant or contract is awarded, in any oversight or management capacity in relation to that grant or contract. In addition, any such grant or contract shall only be awarded through a competitive process. In the event a regular or special employee who participated in the development of the grant or contract proposal prior to being employed at ACTION does participate as an ACTION employee in any aspect of the decision processes for such grant or contract, the organization shall be suspended from consideration.

(d) If a special employee participates as an employee of ACTION in any aspect of the development of a proposal or project, whether or not such participation is minimal or substantial, any organization with which he or she is associated shall be suspended from consideration for the grant or contract.

(e) If an organization with which a special employee is associated submits a proposal for a grant or contract, and the special employee did not participate either as an employee of ACTION or an associate of the organization in any aspect of the project or proposal or the application therefor, the matter shall be referred to the Committee on Conflict of Interests for determination. The Committee shall consider the following factors and any others it deems relevant:

(1) The nature, length, and origin of the special employee's relationship with the Agency, the nature and scope of the employee's duties and responsibilities, the division or office to which the employee is assigned, and whether the employee's duties are in any way related to the proposed grant or contract.

(2) The nature, length, and type of the employee's relationship with the organization, whether the employee's position involves policymaking or supervision of other employees and the relationship of the position with the organization to the work to be performed under the proposed grant or contract.

(f) If a special employee wishes to become or remain associated with an ACTION grantee or contractor while he or she is an employee of ACTION, subject to the restrictions (b) through (e) of § 1201.735-303, the matter shall be referred to the Committee on Conflict of Interests for determination. The Committee shall consider the following factors and any others it deems relevant:

(1) The nature, length, and origin of the special employee's relationship with the Agency, the nature and scope of the employee's duties and responsibilities, the division or office to which the employee is assigned, and whether the employee's duties are in any way related to the grant or contract.

(2) The nature, length, and type of the employee's relationship with the organization, whether the employee's position involves policymaking or supervision of other employees and the relationship of the position with the organization to the work to be performed under the proposed grant or contract.

(3) Whether such a relationship would result in the appearance of or the potential for a conflict of interest.

(g) Any suspension involving proposed contracts under this rule shall be in accordance with procedures set forth in 41 CFR 1.600 et seq.

§ 1201.735-304 Employment after leaving ACTION.

(a) Employees may negotiate for prospective employment with non-Government organizations only when they have no duties as ACTION employees which could affect that organization's interest, or after they have disqualified themselves, on the written permission of their supervisor, from such duties.

(b) For 1 year after leaving ACTION, no regular or special employee may serve pursuant to a personal or nonpersonal services contract or accept employment with an ACTION grantee or contractor for a position in which he or she would be working in any activity supported in whole or in part by ACTION funds received under an ACTION program which was within the boundaries of the employee's official responsibility or in which he or she participated personally while employed at ACTION.

(c) If, within 1 year after leaving ACTION, an individual accepts employment in violation of this rule, ACTION will disallow the costs allocated under the grant or contract for that position. In addition, a letter describing the violation will be placed in the employee's personnel file.
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\textsection{§ 1201.735-305 Employment with ACTION grantee or contractor.}

An employee of an ACTION grantee or contractor who is compensated directly or indirectly from ACTION funds will be ineligible to be compensated under any personal or nonpersonal services contract with this Agency which will result in the employee being paid twice for the same time or product.

\textsection{§ 1201.735-306 Association with non-ACTION grantee or contractor while an ACTION employee.}

(a) An employee shall not engage in outside employment which tends to impair the employee's mental or physical capacity to perform his or her official responsibility in an acceptable manner.

(b) Teaching, lecturing, and writing—(1) Use of information. An employee shall not, either for or without compensation, teach, lecture, or write that is dependent on information obtained as a result of his or her Government employment, except when that information has been or on request will be made available to the general public or when the agency head gives advance written authorization for the use of nonpublic information on the basis that the proposed use is in the public interest.

(2) Compensation. No employee may accept compensation or anything of value for any lecture, discussion, writing, or appearance that is dependent on information which is devoted substantially to the body of public information.

(3) Clearance of publications. No employee may submit for publication any writing, other than recruiting information, the contents of which are devoted substantially to the ACTION programs or which draws substantially on official data or ideas which have not become part of the body of public information.

(4) Reimbursement for expenses. No employee may solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, or loan or any other thing of value, from any individual or organization which:

(i) Has, or is seeking to obtain, contractual or other business or financial relations with ACTION;

(ii) Has interests that may be substantially affected by the performance or nonperformance of the employee's official responsibility;

(iii) Is in any way attempting to affect the employee's exercise of his or her official responsibility; or

(iv) Conducts operations or activities that are regulated by ACTION.

(2) Subparagraph (1) of this paragraph does not prohibit, even if the donor has dealings with ACTION:

(i) Acceptance of things of value from parents, children, or spouse if those relationships rather than the business of the donor is the motivating factor for the gift;

(ii) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of breakfast, luncheon, or dinner meeting or other meetings;

(iii) Solicitation and acceptance of loans from banks or other financial institutions to finance proper and usual activities of employees, such as home mortgage loans, solicited and accepted on customary terms;

(iv) Acceptance on behalf of minor dependents of fellowships, scholarships, or grants awarded on the basis of merit and/or need;

(v) Acceptance of awards for meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization;

(3) Regular or special employees need not return unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other things of nominal intrinsic value.

(b) From other ACTION employees. No employees in superior official positions may accept gifts presented as contributions from employees receiving less salary than themselves. No employees shall solicit contributions from other employees for a gift to an employee in a superior official position, nor shall any employees make a donation to an employee in a superior official position. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(c) From foreign governments. No regular employee may solicit or, without the consent of the Congress, receive any present, decoration, emolument, pecuniary favor, office, title, or other gift from any foreign government. See 5 U.S.C. 7342; Executive Order 11320; and 22 CFR Part 3 (as added, 32 FR 6469).

(d) Gifts to ACTION. Gifts to the United States or to ACTION may be accepted in accordance with ACTION regulations.

(e) Reimbursement for expenses. Neither this section nor § 1201.735-310(a) precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part and for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to receive non-Government reimbursement of travel expenses for travel on official business under ACTION orders; but rather, such reimbursement, if any, should be made to ACTION and amounts received should be credited to its appropriation. If an employee receives accommodations, goods, or services in kind from a non-Government source, this item or items will be treated as a donation to ACTION and an appropriate reduction will be made in per diem or other travel expenses payable.

\textsection{§ 1201.735-308 Economic and financial activities of employees abroad.}

(a) Prohibitions in any foreign country. A U.S. citizen employee abroad is specifically prohibited from engaging in the activities listed below in any foreign country:

(1) Speculation in currency exchange;

(2) Transactions at exchange rates differing from local legally available rates, unless such transactions are duly authorized in advance by the agency;

(3) Sales to unauthorized persons (whether at cost or for a profit) of currency acquired at preferential rates through diplomatic or other restricted arrangements;

(4) Transactions which entail the use, without official sanction, of the diplomatic pouch;

(5) Transfers of funds on behalf of third parties, including nationals, or otherwise in violation of U.S. foreign funds and assets control;

(6) Independent and unsanctioned private transactions which involve an
employee as an individual in violation of applicable control regulations of foreign governments;

(7) Acting as an intermediary in the transfer of private funds from persons in one country to persons in another country or from the United States to another country.

(8) Permitting use of one’s official title in any private business transactions or in advertisements for business purposes.

(b) Prohibitions in country of assignment. (1) A U.S. citizen employee shall not transact or be interested in any business or engage for profit in any profession or undertake other gainful employment in any country or countries to which he or she is assigned or detailed in his or her own name or through the agency of any other person.

(2) A U.S. citizen employee shall not invest in real estate or mortgages on properties located in his or her country of assignment. The purchase of a house and land for personal occupancy is not considered a violation of this subparagraph.

(3) A U.S. citizen employee shall not invest money in bonds, shares, or stocks of commercial concerns headquarterd in any country or country of assignment or conducting a substantial portion of business in such country. Such investments, if made prior to knowledge of assignment or detail to such country or countries, may be retained during such assignment or detail.

(4) A U.S. citizen employee shall not sell or dispose of personal property, including automobiles, at prices producing profits which result primarily from import privileges derived from his or her official status as an employee of the U.S. Government.

 § 1201.735-309 Information.

(a) Release of information to press. (1) Regular or special employees shall not withhold information from the press or public unless that information is classified or administratively controlled (limited official use). All responses to requests for information from the press should be referred to the Office of Communications or regional communications officers as appropriate who will be responsible for all releases. Regular and special employees should be certain that information given to the press and public is accurate and complete.

(2) Any questions as to the classification or administrative control of information should be referred to the general counsel.

(3) No regular or special employee may record by electronic or other device any telephone or other communication. No regular or special employee may listen in on any telephone convers-

(s)ation without the consent of all parties thereto.

(b) Disclose and misuse of inside information. No employee may, directly or indirectly, disclose or use for his or her own benefit or the private benefit of another, inside information as described in paragraph (c) of this section. The use of such information by an employee is restricted to the proper performance of his or her official duties. The disclosure of such information is restricted to official ACTION channels unless disclosure is authorized by the Director, the Deputy Director, an Associate Director, or a Regional Director of ACTION. In particular, no employee may:

(1) Engage in, directly or indirectly, a financial transaction as a result of or primarily relying on such information; or

(2) Publish any book or article, or deliver any speech or lecture, based on or using such information.

(c) Definition: The term “inside information” as used in this section means, generally, information obtained under authority which is not known by the general public and which could affect the rights or interests of the Government or of a non-Government organization or person. Such information includes information obtained during a person’s official employment or administration, and personnel which could influence someone dealing with ACTION.

(d) This section is not intended to discourage the disclosure through proper channels of information which has been or should be made public, or which is by law to be made available to the public. Also, employees are encouraged to teach, lecture, and write, provided they do so in accordance with the provisions of this section and §§ 1201.735-301, and 1201.735-306.

§ 1201.735-310 Speeches; participation in conferences.

(a) Fees and expenses. (1) Although an employee may not accept a fee for his or her own use or benefit for making a speech, delivering a lecture, or participating in a discussion if the subject is ACTION or ACTION programs or if such services are part of the employee’s official ACTION duties, the employee may suggest that the amount otherwise payable as a fee or honorarium be contributed to ACTION.

(2) When a meeting, discussion, etc., to which subparagraph (1) of this paragraph refers takes place at a substantial distance from the employee’s home he or she may accept reimbursement for the actual cost of transportation and necessary subsistence, or expenses, but In no case shall he or she receive any amount for personal bene-

fit. Such reimbursements shall be reported by the employee to his or her immediate supervisor.

(3) An employee may accept fees for speaking or lecturing with subjects other than ACTION or ACTION programs when no official funds have been used in connection with his or her appearance and such activities do not interfere with the efficient performance of his or her duties.

(b) Racial segregation. No employee may participate for ACTION in conferences or speak for ACTION before audiences where any racial group has been segregated or excluded from the meeting, from any of the facilities or conferences, or from membership in the organization sponsoring the conference or meeting.

(1) When a request for ACTION speakers or participation is received under circumstances where segregation may be practiced, the Director of the Office of Communications shall make specific inquiry as to the practices of the organization before the request is filled.

(2) If the inviting organization shows a willingness to modify its practices for the occasion, ACTION will cooperate in such efforts.

(3) Exceptions to this paragraph may be made only by the Director, ACTION and in his or her discretion.

§ 1201.735-311 Partisan political activity.

(a) Prohibited activities: No employee may:

(1) Use his or her official authority or influence for the purpose of interfering with an election or affecting the result thereof; or

(2) Take any active part in partisan political management or in political campaigns, except as may be provided by or pursuant to statute 5 U.S.C. 7324.

(b) Intermittent employees: Persons employed on an irregular or occasional basis are subject to paragraph (a) of this section only while in active duty status and for the 24 hours of any day of actual employment.

(c) Excepted activities: Paragraph (a) of this section does not apply to:

(1) Nonpartisan campaigns and elections in which none of the candidates is to be nominated by or elected as representing a national or State political party, such as most school board elections; or

(2) Political activities connected with questions of public interest which are not specifically identified with national or State political parties, such as constitutional amendments, referenda, and the like (5 U.S.C. 7326).

(d) Excepted communities: Paragraph (a) of this section does not apply to employees who are residents of certain communities. These communities, which have been designated by
the Civil Service Commission (5 CFR 733.301), consist of a number of communities in suburban Washington, D.C., and a few communities elsewhere in which a majority of the voters are Government employees. Employees who are residents of the designated communities may be candidates for or campaign for others who are candidates for, local office if they or the candidates for whom they are campaigning are running as independent candidates. An employee may hold local office only in accordance with §§1201.735-301 through 1201.735-306 relating to outside employment and associations.

(c) Special Government employees are subject to the statute for the 24 hours of each day on which they do any work for the Government.

(f) While regular employees may explain and support governmental programs that have been enacted into law, exercising their official responsibilities they should not publicly support or oppose pending legislation, except in testimony required by the Congress.

(g) The Foreign Service Act generally prohibits any Foreign Service employee from: (1) Corresponding in regard to the public affairs of any foreign government, except with the proper officers of the United States; and (2) recommending any person for employment in any position of trust or confidence they should not publicly support or oppose pending legislation, except in testimony required by the Congress.

§§1201.735-310 through 1201.735-306 relating to outside employment and associations.

§1201.735-312 Use of Government property.

A regular or special employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government for other than official purposes; or otherwise use, or allow the use of, Government property, including equipment, supplies, and other property entrusted or issued to them.

§1201.735-313 Indebtedness.

ACTION considers the indebtedness of its employees to be a matter of their own concern and will not function as a collection agency. Nevertheless, a regular employee shall not pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State or local taxes, and “in a proper and timely manner” means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his or her employer.

In the event of a dispute between an employee and an alleged creditor, this section does not require ACTION to determine the validity or amount of the disputed debt.

§1201.735-314 Gambling, betting, and lotteries.

A regular or special employee shall not participate, while on Government owned or leased property or while on duty for the Government in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§1201.735-315 Discrimination.

No regular or special employee may make inquiry concerning the race, political affiliation, or religious beliefs of any employee or applicant in connection with employment; or otherwise act and may not practice, threaten, or promise any action against or in favor of an employee or applicant for employment because of race, color, religion, sex, or national origin and in the competitive service on the basis of politics, marital status, or physical handicap.

§1201.735-316 Related statutes and regulations.

Each employee should be aware of the following related statutes and regulations:

(a) House Concurrent Resolution 175, 8th Congress, second session, 72A Stat. B12, the “Code of Ethics for Government Service.”

(b) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).


(d) The prohibitions against accepting honorariums of more than $200 per speech, appearance or article or aggregating more than $25,000 in any calendar year (2 U.S.C. 4411).

(e) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 788, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(f) The provisions relating to the habitual use of narcotics to excess (5 U.S.C. 7352).

(g) The prohibition against the misuse of a Government vehicle (31 U.S.C. 633(a)(c)).

(h) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(i) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).


(k) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(l) The prohibition against counterfeiting and forging transportation receipts (18 U.S.C. 593).

(m) The prohibitions against: (1) Embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his or her employment (18 U.S.C. 654).

(n) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(o) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.


(q) Chapter 11 if title 18, United States Code, relating to bribery, graft, and conflicts of interest, which is specifically applicable to special Government employees as well as to regular employees.

(r) The prohibitions against: (1) Accepting gifts from foreign governments; (2) engaging in business abroad; (3) corresponding on the affairs of foreign governments; and (4) discrimination on political, racial, or religious grounds contained in sections 1002 through 1005 of the Foreign Agents Registration Act of 1946, as amended.

§1201.735-400 Subpart D—Procedures for Submission by Employees and Review of Statements of Employment and Financial Interests.

(a) (1) Regulations of the Civil Service Commission (5 CFR Part 735) require ACTION to adopt regulations providing for the submission of statements of employment and financial interests from certain regular ACTION employees and all special ACTION employees.

(b) All special employees and those regular employees designated in paragraph (b) of this section shall com-
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plete statements of employment and financial interests and submit them to the Office of General Counsel not later than 5 days after their entrance on duty. The Director of Personnel Management shall be responsible for supplying all new employees with the necessary forms either prior to or on the first day of their employment.

(3) The statement of employment and financial interests shall include information on organizations with which the employee was associated during the 2 years prior to his or her employment by ACTION, as well as information about current associations. Special employees shall also indicate to the best of their knowledge which organizations listed currently on their form have contracts with or grants from ACTION, or are applying for ACTION contracts or grants. If any information required to be included on the statement, including holdings placed in trust, is not known to an employee or another person to submit information on his or her behalf, a negative report is required. Notwithstanding the filing of the annual report required by this paragraph, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a conflict of interest and a violation of the conflict-of-interest provisions of section 208 of Title 18, United States Code, or the conflict-of-interest provisions of this part.

(5) In the case of temporary summer employees hired at FSR-7 or equivalent and below to perform duties other than those of an expert or consultant, the reporting requirement will be waived. It may also be waived by the Director of Personnel Management with respect to other appointments, except as experts or consultants, upon a finding that the duties of the position held by the special Government employee are of a nature and at such a level of responsibility that the reporting of employment and financial interests is not necessary to protect the integrity of the Government.

(6) Regular or special employees are not required to submit in a statement of employment and financial interests or supplementary statements any information about their connection with or interest in a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization not conducted as a business enterprise. For this purpose, any organizations, doing work involving or potentially involving grants of money from or contracts with the Government, are considered business enterprises and are required to be included in a regular or special employee's statement of employment and financial interests.

(7) The statements of employment and financial interests and supplementary statements required are in addition, and not in substitution for or in designation of, any similar requirement imposed by law, order, or regulation. The submission of a statement of supplementary statement by an employee does not permit him or her or any other person to participate in a matter in which his or her or other persons' participation is prohibited by law, order, or regulations.

(8) A regular employee who believes that his or her position has been improperly included under ACTION regulations as one requiring the submission of a statement of employment and financial interests shall be given an opportunity for review through ACTION's grievance procedures to determine whether the position has been improperly included.

(b) Statements shall be submitted by the following employees:

(1) Office of the Director:
   (i) Director.
   (ii) Deputy Director.
   (iii) Executive Officer.
   (iv) Special Assistants to Director and Deputy.
   (v) Executive Assistants to Director and Deputy.

(2) Office of Domestic and Anti-Poverty Operations:
   (i) Associate Director.
   (ii) Deputy Associate Directors.
   (iii) Special Assistants to Associate Director and to Deputy Associate Directors.
   (iv) Supervisory program specialists.
   (v) Program specialists and analysts.
   (vi) Regional Directors.
   (vii) Deputy Regional Directors.
   (viii) Regional training chiefs.
   (ix) Regional staff members with contracting and disbursing authority.
   (x) Regional program operations officers.
   (xi) State program directors.
   (xii) State program officers.
   (xiii) Deputy Directors, VISTA, and OAVP.

(3) Office of Administration and Management:
   (i) Assistant Director.
   (ii) Deputy Assistant Director.
   (iii) Director, Management and Organization.
   (iv) Director, Administrative Services.
   (v) Chief, Paperwork and Management.
   (vi) Chief, Transportation.
   (vii) Chief, Communications and Property.
   (viii) Director, Accounting Division.
   (ix) Chief, Fiscal Services.
   (x) Chief, Accounting Operations.
   (xi) Cashier.
   (xii) Director, Personnel Management.
   (xiii) Deputy Director, Personnel Management.
   (xiv) Director, Health Services.
   (xv) Director, Contracts and Grants Management.
   (xvi) Chief, Procurement Division.
   (xvii) Director, Contract specialists, negotiators, and administrators.
   (xviii) Purchasing agents.
   (xix) Chief, Grants Division.
   (xx) Senior Grants Administrator.
   (xxi) Grants Administrator.
   (xxii) Director, Computer Services.
   (xxiii) Director, Staff Training and Development.

(4) Office of Recruitment and Communications:
   (i) Assistant Director.
   (ii) Deputy Assistant Director.
   (iii) Special Assistant to Assistant Director.
   (iv) Director, Planning and Evaluation.
   (v) Director, Recruitment Resources.
   (vi) Director, Office of Communications.
   (vii) Director, Public Affairs.
   (viii) Director, Creative Services.

(5) Office of Voluntary Citizen Participation:
   (i) Assistant Director.
   (ii) Director program operations.
   (iii) Director, International and Special Assistance.
   (iv) Program specialists.
   (v) Director, School Partnership program.
   (vi) Office of the General Counsel:
      (i) General Counsel.
      (ii) Deputy General Counsel.
      (iii) Associate General Counsels.
   (v) Director, School Partnership program.
   (vi) Director, Policy Development.
   (vii) Director, Budget Division.
   (viii) Director, Policy Development.
   (ix) Director, Evaluation.
   (x) Office of Legislative and Governmental Affairs:
      (i) Assistant Director.
      (ii) Office of Compliance.
      (i) Assistant Director.
      (ii) Inspector General.
(i) Auditors, inspectors, program operations analysts.
(ii) Deputy Associate Directors.
(iii) Director, Programing and Training.
(iv) Director, Multilateral and Special Programs.
(v) Director, Special Services.
(vi) Director, Office of Management.
(vii) Director, Office of Peace Corps Volunteer Placement.
(viii) Regional Directors.
(ix) Country Directors and those overseas staff members to whom contracting or procurement authority has been duly delegated by the Country Director.

§ 1201.735-402 Review of statements.

(a) The Office of General Counsel shall review all statements and forward the names of all listed organizations to the Director of Contracts and Grants Management. In addition, if the information provided in the statement indicates on its face a real, apparent, or potential conflict of interest under § 1201.735-301 through 305 of these standards, the General Counsel will review the situation with the particular employee. If the General Counsel and the employee are unable to resolve the conflict to the General Counsel's satisfaction, or if the employee wishes to request an exception to any of the above enumerated rules, the case will be referred to the Committee on Conflict of Interests. The Committee is authorized to recommend appropriate remedial action to the Director, who is authorized to take such action as may include, but is not limited to, changing assigned duties, requiring the employee or special employee to divest himself of a conflicting interest, taking disciplinary action, or disqualifying or accepting the self-disqualification of the employee or special employee for a particular assignment.

(b) The Office of Contracts and Grants Management shall maintain a list of all the organizations with which employees are or have been associated, as well as a list of all current grantees of and contractors with the Agency. When names of organizations with which new employees are or have been associated are submitted to the Grants office, they shall be checked against the list of current grantees or contractors. Similarly, before any new grants or contracts are awarded, the names of the potential grantees and contractors will be checked against the master list of organizations with which employees are or have been associated. Any real, apparent, or potential conflicts which come to light as a result of these cross checks will be referred to the Office of General Counsel for review. The General Counsel will proceed as in paragraph (a) of this section, referring the matter to the Committee on Conflict of Interests if necessary.

(c) Whenever an organization submits a proposal or application or otherwise indicates in writing its intent to apply for or seek a specific grant or contract, ACTION shall immediately forward a copy of the Agency standards of conduct to that organization and shall note which particular rules apply to potential grantees and contractors.

(d) Whenever a regular or special employee terminates his or her employment with ACTION, the Office of Personnel Management shall provide that employee with a copy of the rule which restricts a person's employment for a period of 1 year after leaving ACTION. Personnel shall also notify the Office of General Counsel when an employee terminates. One year after the date of termination, General Counsel will instruct the Office of grants and management to remove from the master list any organizations with which the terminated employee was associated. Three years after the date of termination, General Counsel will destroy the statement of employment and financial interests.

SAM BROWN
Director, ACTION.

[FR Doc. 78-28206 Filed 10-4-78; 8:45 am]

(4310-55)
Title 50—Wildlife and Fisheries
CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR
PART 32—HUNTING
Opening of the Great Swamp National Wildlife Refuge, N.J., to Hunting
AGENCY: Fish and Wildlife Service, Interior.
ACTION: Special regulation.
SUMMARY: The Director has determined that the opening to hunting of Great Swamp National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.
FOR FURTHER INFORMATION CONTACT:
John L. Fillo, Great Swamp Nation-
Notes.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

HOWARD N. LARSEN, Regional Director, Fish and Wildlife Service.


(FR Doc. 78-28103 Filed 10-4-78; 8:45 am)

PART 32—HUNTING

Opening of Certain National Wildlife Refuges in Arizona, California, New Mexico, Oklahoma, and Texas

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain National Wildlife Refuges in the States of Arizona, California, New Mexico, Oklahoma, and Texas, is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public.


FOR FURTHER INFORMATION CONTACT:

The refuge manager at the address or telephone number listed below in the body of these special regulations.

GENERAL CONDITIONS

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to migratory game bird hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on hunting leaflets available at the individual refuge headquarters. Vehicular travel is restricted to designated roads and trails.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Listed migratory game bird species may be hunted on the following refuges:

ARIZONA AND CALIFORNIA

Cibola National Wildlife Refuge, P.O. Box AP, Blythe, Calif. 92225, telephone 714-922-4433.

Ducks, geese, coots, and gallinules.

Special conditions: (1) All hunting equipment, including decoys, may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt. (2) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt. (3) Hunting is prohibited within one-fourth (¼) mile of any occupied dwelling or within 250 yards of any farmworker. (4) Up to two (2) dogs per hunter are permitted for the purpose of hunting and retrieving game. (5) Neither hunters nor dogs may enter areas closed to hunting to retrieve game. (6) Vehicular entry and parking is prohibited. (7) Hunting is prohibited within one-fourth (¼) mile of any occupied dwelling or concession operation.

Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Ariz. 85364, telephone 602-783-2400.

Ducks, geese, coots, and gallinules.

Special conditions: (1) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt. (2) Up to two (2) dogs per hunter are permitted for the purpose of hunting and retrieving game. (3) Neither hunters nor dogs may enter areas closed to hunting to retrieve game.

NEW MEXICO

Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, N. Mex. 88201, telephone 505-622-6785.

Ducks, geese, coots, common (Wilson's) snipe, and lesser sandhill cranes.

Special conditions: (1) Steel (iron) shot shotgun ammunition only may be used for taking ducks, geese, coots, snipe, or sandhill cranes on the south refuge unit (area C). Further, it is not permissible to have shotgun ammunition other than steel shotshells in possession in area C during the waterfowl season. (2) Up to two (2) dogs per hunter are permitted for the purpose of hunting and retrieving game. (3) Neither hunters nor dogs may enter areas closed to hunting to retrieve game. (4) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt.

Sevilleta National Wildlife Refuge, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801, telephone 505-835-1828.

Ducks, geese, and coots.

Special conditions: (1) Hunting days and hours are: Tuesdays, Thursdays, and Saturdays, from thirty (30) minutes before sunrise until 1 p.m. local time. (2) Vehicular entry and parking will be restricted to areas as posted and designated on a hunting map which is available from the refuge. (3) Hunter are permitted on the refuge into the hunting area will be no earlier than two (2) hours before sunrise. (5) All hunters must be out of the hunting area by one-half hour after shooting hours. (6) Up to two (2) dogs per hunter are permitted for the purpose of hunting and retrieving. (7) Neither...
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Oklahoma

Sequoyah National Wildlife Refuge, P.O. Box 298, Sallisaw, Okla., 74955, telephone 918-775-6223. Ducks, geese, coots, common (Wilson’s) snipe, and woodcock.

Special conditions: (1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel, where shotguns may be used. (2) Contractors may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Okla., 73460, telephone 405-371-2402. Ducks, geese, and coots.

Special conditions: (1) All waterfowl hunting on the wildlife management unit of the Tishomingo National Wildlife Refuge will be by use of 12 gage shotguns using steel (iron) shot shotshells. (2) Hunters using retrieving dogs must have permission which may be obtained from the refuge office. (3) Hunters must apply in writing to the refuge manager at the above address for blind reservations. Reservation requests for 5 days may be submitted. Hunting applications for specific dates will be accepted, except to place or adjust decoys and to retrieve birds. (4) All hunters in all zones must be prepared to be transported out of the hunt area. (5) Any available hunting blinds in the SPWH area will be filled by hunters without reservations on a standby basis immediately prior to each day's hunt. (6) Special permit waterfowl hunt and no other duck decoys may be used in this segment of the hunt.

Texas

Brazoria National Wildlife Refuge, Box 1088, Angleton, Tex., 77515, telephone 713-849-6062. Ducks, geese, and coots.

Special conditions: (1) Access to the hunting areas must be entirely over public water routes. Travel across the refuge mainlands to and from the area will be permitted. (2) Ducks and coots may be hunted only in management unit zones 1 and 2. Duck and coot hunting is restricted to the period of one-half hour before sunrise to 11:45 a.m., local time, on Tuesdays, Thursdays, Saturdays, Sundays, and national holidays. (3) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt.


Special conditions: (1) The waterfowl hunting area on this refuge is divided into two parts: Special permit waterfowl hunting area (SPWH area) and free waterfowl hunting areas (also locally known as the Cedar Lakes and the Smith Marsh tract). (2) A refuge permit will be required for participation in the SPWH area. Permit applications are available at the Refuge Office, 1014 North Velasco Street, Angleton, Tex., and must be returned to the refuge office by October 20, 1978, to be eligible for drawing for additional reservations. (3) Due to a special on-refuge transportation problem, no dogs will be permitted in the SPWH area. (4) Hunters participating in the special permit waterfowl hunt are required to be present at the check station by 4:30 a.m., local time. (5) The refuge will furnish duck decoys for the special permit waterfowl hunt and no other duck decoys may be used in this segment of the hunt. Goose decoys are permitted but will not be furnished. (6) Hunters participating in the special permit waterfowl hunt may not leave their blinds except to retrieve dead or wounded waterfowl or to rearrange their decoys. (7) Hunting days for the SPWH area will be Saturdays, Sundays, and Wednesdays. (8) Hunters using retrieving dogs must adhere to safety and coexistence at the Smith Marsh tract. (9) A"special hunter service recreation fee" of $3 will be collected from each hunter for each hunting trip on the SPWH area. Holders of "Golden Age Passports" will be charged $1. (11) Transfers from the check station to the SPWH area will be provided. (12) In the SPWH area guns may not be loaded until hunters reach their assigned blinds. (13) Upon returning to the check station from the SPWH area, hunters may be required to answer questions regarding the hunt to further the management of the hunt. (14) No guest or observers are permitted in the blinds, only properly selected hunters. (15) Access to the blind area will be restricted to permitted hunting days. (16) On the free waterfowl hunting areas permits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt.

Laguna Atascosa National Wildlife Refuge, P.O. Box 2683, Harlingen, Tex., 78550, telephone 512-423-8328.

Special condition: The hunting of migratory game birds on the Laguna Atascosa National Wildlife Refuge is suspended for the 1978-79 hunting
season. It has been determined that the entire refuge is required for resource protection, especially in that the redheaded, a bird in short supply is a major wintering species.

Notes.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

The primary author of this document is Joshua J. Harman, Albuquerque Regional Office, telephone 505-766-2036.

W. O. Nelson, Jr.  
Regional Director, Albuquerque, N. Mex.


[FR Doc. 78-28146 Filed 10-4-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of DeSoto National Wildlife Refuge, Iowa, to Migratory Bird Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to migratory bird hunting of the DeSoto National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: November 1, 1978, through December 9, 1978, both dates inclusive.

FOR FURTHER INFORMATION CONTACT:

George Gage, Refuge Manager, DeSoto National Wildlife Refuge, Route 1, Box 114, Missouri Valley, Iowa 51555, telephone area code 712-642-4121.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game bird hunting is permitted on the DeSoto National Wildlife Refuge, Iowa, only on the area designated as open to hunting. This area, comprising 355 acres, is delineated on maps available at the refuge headquarters and from the office of the area manager, Kansas City area office, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Mo. 64116, telephone area code 816-374-5981. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Only waterfowl species (ducks, geese, coots) may be taken;
2. Shooting hours will be from one-half hour before sunrise to 12 noon each day;
3. All hunting will be by refuge permit only. Advanced reservations for a specific date will be accepted, by mail, or in person, at refuge headquarters between the hours of 8 a.m.-5 p.m., Monday through Friday, through Saturday, September 30, 1978. A drawing to determine successful applicants will be held on Monday, October 2, 1978. Should openings remain following the drawing, reservations will be accepted on a first-come-first-serve basis on and after October 6, 1978. Reservations will not be accepted by telephone;
4. Individuals will be allowed only one reservation at any one time. When this reservation is used, the individual may apply for an unfilled date;
5. Applicants for reservations must be at least 16 years of age or older. A $3 fee must accompany each request for a reservation and this must be in the form of a check or money order made payable to “U.S. Fish and Wildlife Service.” Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the three-man blinds. Each person will be charged a $1 blind-use fee when he registers to hunt;
6. Reservations are nontransferable and fees will not be refunded. No provision shall be made for “standby” hunters;
7. All hunters must hunt from refuge-constructed three-man blinds only. Blinds will be assigned on a drawing basis each day of the hunt. All hunting will be from assigned blinds only with the exception that wounded birds may be pursued and shot within the shooting zone (within 40 yards of blind, as posted). Wounded birds may be pursued beyond this point to the retrieval zone line (within 100 yards of blind, as posted), but guns must remain within the shooting zone;
8. Hunters will be required to check in and out at the refuge check station on each hunting day;
9. Permit holders must park in assigned parking lots within the hunting area. Nonrefuge hunters may not use the refuge parking areas as access to private lands;
10. Hunters are allowed the use of decoys (personal or rented at check station) and retrieving dogs (one per hunter). Goose decoys, up to 3 dozen per blind, may be rented at the refuge check station at a charge of $1 per dozen. Hunters will be responsible for any decoys lost or damaged;

11. Only shotguns capable of holding three shells or less will be permitted. 12. Only steel shot loads will be allowed in the hunting area;

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Notes.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.


George E. Gage,  
Refuge Manager.

[FR Doc. 78-28146 Filed 10-4-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Valentine National Wildlife Refuge, Nebr., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of Valentine National Wildlife Refuge is compatible with objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks on Valentine National Wildlife Refuge, Nebr., is permitted during the regular State seasons except on areas designated by signs as closed. This open area is shown on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West Sixth Avenue, Lakewood, Colo. 80215. Hunting shall be in accordance with all State and Federal regulations covering the hunting of ducks.
The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in title 50, Code of Federal Regulations, part 32. The public is invited to offer suggestions and comments at any time.

NOTE: The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

ROBERT M. ELLIS, Refug.J Manager.

[FR Doc. 78-28002 Filed 10-4-78; 8:45 am]

CHAPTER VI—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

Part 652—Surf Clam and Ocean Quahog Fisheries

Amendment to Increase Fishing Time and Reallocation of Quota

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendment to final regulations.

SUMMARY: This amendment increases the hours during which surf clams may be harvested in the fourth quarter of 1978. The current 24-hour weekly fishing period is extended to 36 hours. The longer hours are permitted because of a projected surplus of surf clams from the surf clam quota for the third quarter of 1978, and the expected high incidence of adverse fishing conditions during the winter months.

It is expected that the additional hours will permit fishermen to harvest and not exceed the total adjusted surf clam quota during the fourth quarter.

EFFECTIVE DATE: 12:01 a.m., October 1, 1978, through 12 midnight, December 31, 1978.

FOR FURTHER INFORMATION:
Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: Pursuant to section 302 of the Fishery Conservation and Management Act of 1976, 18 U.S.C. 1801 et seq., as amended (Act), a fishery management plan (FMP) for the surf clam and ocean quahog fisheries was prepared by the Mid-Atlantic Fishery Management Council. The FMP was approved in accordance with section 304 of the Act and published on November 26, 1977 (42 FR 69436). Regulations implementing the FMP were published on February 17, 1978 (43 FR 6952), and codified at 50 CFR Part 652.

Section 652.7 of the initial regulations implementing the FMP provides for a 4-day fishing week, Monday through Thursday, subject to adjustment by the Regional Director of the National Marine Fisheries Service to permit the continued catch of surf clams throughout an entire quarter, and to protect the integrity of the quarterly quotas on the harvest of surf clams. Based upon determinations by the Regional Director § 652.7 was amended on October 1, 1978 (43 FR 7206), March 31, 1978 (43 FR 13581), May 5, 1978 (43 FR 19397), and June 26, 1978 (43 FR 27549). These amendments were necessary to prevent the quarterly quota from being exceeded, and to permit the continued harvest of surf clams throughout the entire quarter.

Section 652.7(a)(2) requires the Regional Director, prior to the beginning of each quarter, to determine the level of effort which will permit the continued harvest of surf clams throughout the entire quarter. There is a projected surplus of 50,000 bushels of surf clams from the quota for the third quarter which expires on September 30, 1978. In addition, adverse weather conditions occur during the winter months. Consequently, in accordance with § 652.6(e)(1), the Regional Director has added the surplus of 50,000 bushels of surf clams to the fourth quarter quota of 350,000 bushels for a total of 400,000. The Regional Director also has determined that a thirty-six (36) hour weekly fishing period will permit the harvest of the total adjusted surf clam quota of 400,000 bushels throughout the fourth quarter.

This change from the present 24-hour weekly fishing period will relieve the present reductions in the fishery. Because of this, the extensive discussion of the fishing effort restrictions in § 652.7 during a series of public hearings held earlier this year and because of the closeness of the fourth quarter, the Assistant Administrator for Fisheries further finds it is unnecessary, impractical, and contrary to the public interest to delay implementation of these amendments. Consequently, the new fishing hours are effective at 12:01 a.m., October 1, 1978.

The Assistant Administrator has determined that this action does not constitute a significant action requiring the preparation of a regulatory impact analysis under Executive Order 12044.


WINFRED H. MIRBOM, Acting Executive Director, National Marine Fisheries Service.

50 CFR 652.7(a)(1) is revised as follows:

§ 652.7 Effort restrictions.

(a) Surf Clams. (1) Fishing for surf clams shall be permitted during 4 days per week, from 12:01 a.m. (0001 hours) Monday to 12 midnight (2400 hours) Thursday. However, no fishing vessels shall engage in fishing for surf clams for more than 36 hours in any week. For the period from October 1, 1978 to December 31, 1978, inclusive, the authorized fishing periods for surf clams for each vessel shall be periods designated on the letter of authorization from the Regional Director. The letter shall be kept aboard the vessel at all times and shall state those periods in which the vessel is authorized to fish for surf clams. Such periods shall be 12, 18, 24, or 36 hours in duration and cumulatively cannot exceed 36 hours total in one week. No changes in authorized fishing periods will be permitted once a quarter has commenced. All requests for changes for subsequent quarters must be received by the Regional Director 15 days prior to the beginning of the next quarter. Fishing for any part of an authorized period shall be counted as one period of fishing. In this paragraph "fishing" means the actual or attempted catching of fish, but not activities in preparation for fishing, such as traveling to or from the fishing grounds.

50 CFR 652.6(a) is amended as follows:

§ 652.6 Catch quotas.

(a) * * *

Oct. 1, 1978 through Dec. 31, 1978........ 400,000

(Sec. 302 of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended (Act.).)

[FR Doc. 78-28064 Filed 10-4-78; 8:45 am]
proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

(14 CFR Parts 25 and 121)

(Docket No. 16854; Notice No. 78-15)

AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

Airplane Cabin Ozone Contamination

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking (NPRM) proposes to establish specific airplane cabin ozone concentration standards for the issuance of type certificates for transport category airplanes. Cabin ozone standards are also proposed for the operation of transport category airplanes by all air carriers and commercial operators. The circumstances which created the need for this action were complaints of crewmembers and passengers of physical discomfort, due to ozone gas, on high-altitude flights. This action is intended to alleviate problems due to high-altitude ozone. The proposed rulemaking addresses the need for this action.

DATE: Comments must be received on or before January 5, 1979.

ADDRESS: Send comments on the proposal in duplicate to Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, Docket No. 16854, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before January 5, 1979, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

AVAILABILITY OF NPRM'S

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-439, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should notify the notice number and be submitted in duplicate to Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before January 5, 1979, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

DISCUSSION OF THE PROPOSED RULE

A. BACKGROUND

During the winter of 1976, the FAA received several crewmember and passenger complaints of physical discomfort on high-altitude flights. On March 17, 1977, information from FAA air carrier inspectors, air carriers, and aircraft manufacturers led the FAA to believe that ozone gas (O3) was the probable cause of many of the crewmember and passenger complaints.

The FAA Flight Standards Service published on July 21, 1977, Advisory Circular No. 00-52, Ozone Irritation During High Altitude Flight, which defined ozone irritation, discussed its causes and symptoms, and described a means of dealing with the problem should it occur in flight.

The FAA initiated a research project on May 26, 1977, to study the health effects of exposure to ozone in the aviation environment. Respiratory, hematologic, visual, and performance parameters are being assessed. In support of this research, an extensive scientific literature search and a review of flight crewmember complaints have been undertaken.

An advance notice of proposed rulemaking (ANPRM) No. 77-22 was issued on September 29, 1977 (42 FR 54427, Oct. 6, 1977), to seek information concerning ozone contamination from air carriers, aircraft manufacturers, crewmember organizations, high-altitude research organizations, health organizations, and other interested persons. The closing date for receiving comments on the ANPRM was December 8, 1977.

B. DISCUSSION OF COMMENTS

The FAA received 42 comments in response to this ANPRM. A synopsis of the comments received and each question asked in the ANPRM follows.

Question one, regarding statistics of ozone contamination of aircraft cabins, drew 17 comments. The comments ranged from in-flight measurements of ambient and aircraft cabin ozone concentrations to a log containing 111 flights with reported crewmember and passenger complaints.

High-altitude ambient ozone concentration levels were reported by several commenters. One comment included data from the National Aeronautics and Space Administration, global atmospheric sampling program (GASP). These reports show, for example, an average ambient ozone concentration at 37,000 feet above New York City to be 0.16 parts per million by volume (ppmv) with peaks to 0.58 ppmv during the high ozone season of March, April, and May. These average and peak values rise with increases in altitude and latitude. Measurements over Anchorage, Alaska, for the same period and conditions show a mean of 0.48 ppmv with peaks to 0.66 ppmv. In addition, GASP measurements in the cabin of a B-747SP airplane without ozone filters showed ozone concentrations which ranged from 0.05 to 0.65 ppmv due to differences in altitude, latitude, season, and weather patterns. Similar cabin data for a B-747-100 ranged from 0.04 to 0.40 ppmv. One commenter completed a cabin monitoring study and reported hourly averages below 0.3 ppmv with peaks of 1.035 ppmv for 2 to 3 minutes. Three commenters stated that they have no
knowledge of ozone contamination in aircraft cabins and thus feel no action beyond a program of continuing research is necessary.

Ozone contamination symptoms were primarily reported on long flights and were usually associated with the B-747 airplane (symptoms were also reported on B-707, DC-8, and DC-10 airplanes).

One commenter reported no problems with corporate jet airplanes at altitudes up to 51,000 feet.

The second question, regarding the health effects of ozone contamination, drew 17 comments. Several commenters submitted extensive summaries of previous research done in the area of ozone toxicology. All but one commenter agreed that there is a potential health problem associated with present cabin ozone concentration levels at jet operating altitudes. An extensive review of ozone research on humans is contained in the report of the Director of the Environmental Protection Agency (EPA), cited convincing evidence showing that pronounced effects on the mechanical functions of the lungs occur at ozone exposures of 0.27 to 0.78 ppmv for 2 hours under conditions of intermittent moderate exercise. On the basis of other evidence, this review also concluded that changes in mechanical lung function may occur in some persons at ozone concentrations less than 0.25 ppmv for 2 hours, and that there may be some risk of inducing functional changes at levels in the range of 0.15 to 0.25 ppmv.

The risk of harmful effects on a person's respiratory system increases with the concentration of ozone experienced, the frequency of exposure, and the intensity of exercise of the exposed person. The EPA concluded that there is not a sharp dividing line between protective responses and potential for pathological consequences. However, the biochemical effects induced by ozone concentration levels of 0.1 to 0.2 ppmv appear to be largely adaptive while effects caused by levels of 0.5 and greater have definite toxic potential. Other comments pointed out the increased effects ozone contamination can produce on young children and persons with respiratory disease.

Comments to the third and seventh questions dealing with possible aircraft design changes and the best solution to the aircraft cabin ozone contamination problem are grouped together, as virtually all commenters believe that the solution to the ozone problem is a mechanical fix rather than an operational or forecasting solution. Two basic ozone reduction design concepts were submitted: Charcoal filters and catalytic converters. Some commenters reported that available charcoal filter designs have unacceptable weight and fuel penalties. A few commenters reported new catalytic converter designs which they consider effective and economically feasible. Furthermore, comments were also received suggesting ozone monitors and backup systems such as the use of high-pressure bleed air at a temperature sufficient to disassociate ozone and a readily available supply of auxiliary oxygen for passenger use.

Question four, regarding the feasibility and availability of ozone meters, drew 20 comments from various interested commenters. Some of these commenters reported systems which they felt were operationally feasible and functional, or expressed confidence that such units would be available as soon as a demand is created. Five commenters recommended requiring ozone meters on aircraft and one recommended that the FAA or another independent agency monitor ozone. These commenters indicated that an ozone meter for use by flightcrews is inexpensive and unnecessary.

Forecasting of atmospheric ozone concentration, a matter in question five, received eight direct comments. The consensus was that forecasting may be of some general value but that forecasting techniques were not available to predict ozone concentrations for a given flight, date, and altitude.

Question six, concerning the use of operational procedures to reduce ozone contamination, received 11 comments. Nine commenters suggested procedures such as switching on high-pressure bleed air to disassociate the ozone or reducing flight altitude to seek a lower ozone concentration. Two commenters reported that changing operational procedures would not be practical or economical, especially considering the high-altitude ozone concentration can vary dramatically in the time it would take to get clearance to change altitude or the aircraft's flightpath.

The last question, number eight, asked whether each certificate holder should warn passengers on high-altitude flights of the possibility of exposure to high levels of ozone and the ensuing health effects. This query received 19 comments with 11 commenters against and 8 for the proposal. The majority of those opposed to warning the passengers cited: (1) The numerous other physiological problems and health risks associated with flying for which no warning is given, (2) the expense of written warnings, and (3) the alternative of fixing the problem and avoiding undue alarm to the public. Three commenters expressed the view that there is not enough evidence of a health hazard to justify a written warning to the passengers. Those in favor of the warning felt that the passengers should be warned of the hazards to allow sensitive persons to avoid the irritation and adverse health effects.

C. ANALYSIS

Based on a review of comments received in response to ANPRM No. 77-22, the FAA has concluded that specific airplane cabin ozone concentration standards should be established in parts 25 and 121 of the Federal Aviation regulations (14 CFR Parts 25 and 121). The FAA believes that it is not necessary to establish cabin ozone concentration standards for aircraft certified under part 25 or operated solely under part 91 or 135 (14 CFR Parts 23, 91, and 135). This belief is based upon a review of the comments to the ANPRM which indicated that there was no problem justifying the institution of rulemaking procedures for these types of pollution control regulations. However, additional comments may be submitted by interested persons with respect to the desirability of extending the coverage of this proposal to encompass these areas.

The second question noted that the FAA would establish a limitation for in-cabin high-altitude ozone of 0.3 ppmv for all new transport category airplane design specifications. It would also establish a 2-hour-time-weighted average limit of 0.1 ppmv. Consistent with this, the part 121 amendment would require certificate holders to demonstrate, for transport category airplanes, by analysis or tests, that in-cabin high-altitude ozone levels will not exceed 0.3 ppmv during any portion of flight. The FAA has concluded that 0.1 ppmv is a reasonable concentration standard for all new transport category airplanes, by analysis or tests, that in-cabin high-altitude ozone levels will not exceed 0.3 ppmv during any portion of flight. The FAA has concluded that this standard is adequate for the purpose of controlling in-cabin ozone concentrations and that it is consistent with the recommendations of the National Academy of Sciences and the International Civil Aviation Organization.

For the purpose of this notice, high-altitude ozone is the natural ozone produced by the sun in the atmosphere above 18,000 feet (FL 180). Flight level 180 has been selected as a place to start controlling airplane cabin ozone because it is implicit in a review of atmospheric statistics that some division is needed to separate the upper atmosphere-controlled ozone region from that region where a significant portion of the pollution is derived from human activities, especially near large urban areas.

The 0.1 ppmv time-weighted average is the primary controlling standard, and eliminates the possibility that relatively long-duration flights will expose passengers and crewmembers to ozone levels which might prove symptomatic or unhealthy. This standard is adopted from Occupational Safety and Health Administration (OSHA) regulations.
PROPOSED RULES

(OSHA) standards instead of the U.S. ambient air quality standard because the OSHA standards more accurately reflect the nature of the exposure aboard airplanes than does the U.S. ambient air quality standard. The OSHA standard 1910.1000 of chapter XVII, Occupational Safety and Health Regulations (29 CFR 1910.1000), provides that an employee’s exposure to ozone in any 8-hour work shift of a 40-hour workweek shall not exceed the 8-hour time-weighted average limit of 0.1 ppmv.

The limit of 0.3 ppmv is taken from standards adopted by government and industrial hygiene specialists. A 0.3 ppmv exposure is allowable under the OSHA 0.1 ppmv 8-hour time-weighted average limitation which would permit a 2-hour exposure to ozone of 0.3 ppmv. The intent of incorporating this limit for aviation is to eliminate the possibility of exposures to relatively high ozone levels for brief periods of time.

Compliance with the proposed parts 25 and 121 ozone concentration standards must be demonstrated by analysis or tests of atmospheric and cabin ozone concentration for each airplane type. This will be accomplished by showing that the airplane’s systems are capable of destroying enough atmospheric ozone prior to its entering the cabin the meet the cabin ozone standards or that the airplane will not penetrate atmospheric ozone concentrations above the standards. It is expected that many short-range transport category airplanes will be able to demonstrate compliance without a hardware modification. Demonstrations that cabin ozone concentrations are in compliance with the proposed standards may be based on specific routes, altitudes flown, and atmospheric ozone statistics acceptable to the Administrator. One such set of statistics is contained in appendix A of Department of Transportation Report No. FAA-EQ-78-03. Guidelines for Flight Planning During Periods of High Ozone Occurrence. To demonstrate compliance, a statistical analysis must show, at a statistical confidence of 94 percent, that the applicable standards are met.

While the 0.3 ppmv in-cabin ozone limit applies to all flight segments, above flight level 180, of transport category airplanes under part 121 operations, the 0.1 ppmv time-weighted average has been applied only to those flight segments that exceed a scheduled flight time of 3 hours. An airplane on a flight segment with a scheduled flight time of 3 hours could only be flying in high concentrations of high-altitude ozone (above FL 180) for approximately 2 hours, based on conservative times for start, taxi, takeoff, climb, descent, approach, and landing. Thus, the total high-altitude ozone exposure on a flight of 3 hours or less could not exceed that exposure permitted by OSHA for an 8-hour work shift.

This notice is specifically requesting comments on ozone concentration levels proposed. The FAA will also consider any other levels, that are based upon proper scientific data, which commenters propose.

The FAA believes that a 6-month period should be sufficient for parts 25 and 121 certificate holders to comply with this proposal. This is in part based on GASP data which shows that modifying the air conditioning system of one airplane type and adding a currently available ozone filter have reduced the cabin ambient ozone concentration ratio from 80 percent to 5 percent. The FAA does, however, solicit comments regarding the problems involved in compliance and the scope of the proposed amendment.

REGULATORY EVALUATION

Under the regulatory reform policies of the Secretary of Transportation and the FAA Administrator, a draft regulatory evaluation of this proposed rule has been completed and is available in the FAA rules docket at the address above, in docket No. 16854, for public review and comment.

This notice proposes requirements which would provide an increase in health and safety to crewmembers and passengers on flights above FL 180. The FAA has decided to set airplane cabin ozone concentration standards, for transport category airplanes, as a means of solving the cabin ozone contamination problem rather than to prescribe a specific corrective action or to warn passengers. This regulatory approach will insure a safe solution to the problem without imposing overly burdensome requirements. By not requiring a specific corrective action, the FAA is encouraging development of ozone disassociation technology and providing part 121 certificate holders and transport category airplane manufacturers the flexibility to comply with the proposed amendment in a manner best suited to their specific airplanes or operations. They may show compliance with the ozone concentration standards by presenting to the Administrator an analysis which demonstrates that the standards will not be exceeded in their airplanes in specific flight operations. If a flight operation cannot meet the standards, the certificate holder has the option of selecting an alternate route of flight, shortening its flight operations, or modifying its airplane to insure that the standards are met.

The FAA has elected not to warn passengers of the ozone contamination problem because it believes that the public interest can best be served by correcting the problem. With the adoption of this amendment, the problem of in-cabin high-altitude ozone should be solved and therefore there is no reason for a warning. Setting ozone concentration standards is the most effective way to protect all passengers in a much more effective way than does a requirement to warn passengers of a potential problem.

Due to the lack of economic data received in response to the ANPRM, comments are solicited from all interested parties on the economic effect of this proposed amendment. These comments will be considered prior to final rulemaking and should specify capital investment, operating, maintenance, and other costs.

DRAFTING INFORMATION

The principal authors of this document are Charles H. Huettner, Flight Standards, Service, and Howard A. Bartnick, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend parts 25 and 121 of the Federal Aviation Regulations (14 CFR Parts 25 and 121) as follows:

1. By the addition of a new section to part 25 to read as follows:

§ 25.832 Cabin ozone concentration.

The airplane cabin ozone concentration during flight above flight level 180 must be shown not to exceed—

(a) 0.3 parts per million by volume; and

(b) 0.1 parts per million by volume time-weighted average during any 2-hour interval. Compliance with this section must be shown by analysis or tests based on airplane operational procedures and performance limitations.

2. By the addition of a new section to part 121 to read as follows:

§ 121.578 Transport category airplane: Cabin ozone concentration.

After (6 months after effective date) no certificate holder may operate a transport category airplane above flight level 180 unless it has successfully demonstrated to the Administrator that the concentration of ozone inside the cabin will not exceed—

(a) 0.3 parts per million by volume; and

(b) For each flight segment that exceeds 3 hours, 0.1 parts per million by volume time-weighted average over that flight segment.

For the purpose of this section “flight segment” means the scheduled nonstop flight time between any two airports. Compliance with this section must be shown by analysis or tests

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PROPOSED RULES

46037

FOR FURTHER INFORMATION CONTACT:

Jerry Presha, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, Calif. 90009, telephone 213-535-8361.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on a proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each FAA-public contact, with the substance of the proposed AD, will be filed in the rules docket.

Inspection of 22 airplanes have revealed instances of wire damage caused by wires chafing in the empennage area of DC-10 series airplanes. The wire chafing causes wire-to-wire faults in the empennage location near the No. 2 engine. Most of the chafing wires are associated with the flight guidance system and some are critical to the autopilot "land" mode, (automatic landing system performance outside the certification limits. The critical wire-to-wire faults are detectable through the use of the electric inspections specified herein.

Since this condition is likely to exist or develop on other airplanes of the same type design with an activated autopilot "land" mode, the proposed AD would require the following to be accomplished:

Deactivation of the autopilot "land" mode, unless specified inspections of certain wire bundles are made. While the inspections will prolong the use of the "land" mode, eventual deactivation is required unless the specified wire bundles are replaced. If the wire bundles are replaced, the replacement wire bundles are also subject to inspection considering the age of the wire plane. The manufacturer plans to develop wire bundles which, when available, will provide for intrinsic detection of the wire-to-wire faults and operation of the autopilot "land" mode without the inspections defined herein.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend §39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

McDonnell Douglas: Applies to DC-10-10, -10F, -30, -30F and -40 series airplanes certificated in all categories.

Compliance is required as indicated. To reduce the probability of an autopilot "land" mode failure that could cause automatic landing system performance outside the certification limits, accomplish the following, unless already accomplished:

1. Deactivate the autopilot "land" mode in accordance with paragraph (d) of this AD; or

2. Replace wire bundles with like serviceable parts and comply with the inspection schedule of paragraph (b) of this AD.

The total time in service on the wire bundles identified in paragraph (a) and as specified in the following table:

<table>
<thead>
<tr>
<th>Total hours' time in service on wire bundles</th>
<th>Initial inspection</th>
<th>Repetitive inspections</th>
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<tr>
<td>10,000 to 12,999</td>
<td>Within 3,000 hours' time in serv-3,000 hours' time in service</td>
<td>Within 3,000 hours' time in service</td>
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<td>13,000 to 14,999</td>
<td>Prior to accumulation of 16,000 hours</td>
<td>Within 3,000 hours' time in service</td>
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<tr>
<td>15,000 to 24,999</td>
<td>Within 3,000 hours' time in service</td>
<td>Within 3,000 hours' time in service</td>
</tr>
<tr>
<td>25,000 to 29,999</td>
<td>Within 1,500 hours' time in service</td>
<td>Within 3,000 hours' time in service</td>
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1. Perform the initial and repetitive inspections indicated in paragraph 2 of Mc-

Donnell Douglas Alert Service Bulletin A24-99, dated June 19, 1978; or

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2. Deactivate the autopilot “land” mode in accordance with paragraph (d) of this AD.

Note.—Service Bulletin A24-99, dated June 19, 1978, is the only version of the service bulletin suitable for compliance with paragraphs (a) and (b) of this AD.

c. If wire-to-wire faults are found during the inspection of (b)(1), before further flight:

1. Deactivate the autopilot “land” mode in accordance with paragraph (d) of this AD;

2. Replace wire bundles with like serviceable parts and comply with the inspection schedule of paragraph (b) of this AD.

3. Deactivation of the autopilot “land” mode shall be accomplished as follows:

   a. Coil and stow wires 1C512B24 and 2C512B24 or 1C512M24 and 2C512M24 as applicable.

   b. Placed the autopilot “land” mode inoperative.

   c. For autopilot wiring defined in paragraph (a) with 10,000 or more hours’ time in service, prior to reactivation of autopilot “land” mode following deactivation for any reason, the initial inspection of paragraph (b)(1) of this AD must be accomplished.

   d. Upon request of an operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the initial and repetitive inspections at intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

   e. Equivalent inspection procedures and repairs may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

   f. On request of an operator, in accordance with FAR’s 21.197 and 21.199 to authorize operation of aircraft to a base where the modification required by this AD may be performed.

   (Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (41 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 46038)

   Note.—The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044 and set forth in the Interagency Transportation guidelines.

   Issued in Los Angeles, Calif., on September 22, 1978.

   M. C. BEARD,
   Acting Director,
   FAA Western Region.

   [PR Doc. 78-28781 Pld. 10-4-78; 8:45 am]

   (4910-13)

   [14 CFR Part 71]

   (Airspace Docket No. 78-ASW-45)]

   TRANSITION AREA

   Proposed Alteration: Killeen, Tex.

   AGENCY: Federal Aviation Administration (FAA), DOT.

   ACTION: Notice of proposed rulemaking.

   SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Killeen, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Killeen Municipal Airport. The circumstance which created the need for the action was the establishment of a nondirectional radio beacon (NDB) south of the airport.

   DATES: Comments must be received on or before November 6, 1978.

   ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

   The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. 76101.

   For further information contact:

   David Gonzalez, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

   SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (43 FR 440) of FAR part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of IFR operators. Alteration of the transition area at Killeen, Tex., will necessitate an amendment to this subpart.

   Comments invited

   Interested persons may submit written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before November 6, 1978, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conference with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

   AVAILABILITY OF NPRM

   Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, South west Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM’s should contact the office listed above.

   THE PROPOSAL

   The FAA is considering an amendment to subpart G of part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Killeen, Tex. The FAA believes this action will enhance IFR operations at the Killeen Municipal Airport by providing additional controlled airspace for aircraft executing proposed instrument approach procedures using the newly established NDB located south of the airport. Subpart G of part 71 was republished in the Federal Register on January 3, 1978 (43 FR 440).

   THE PROPOSED AMENDMENT

   Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) by altering the Killeen, Tex., transition area to read as follows:

   KILLEEN, TEX.

   That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (lat. 31°08'15" N., long. 97°42'50" W.); within a 7-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49'45" W.); within 9.5 miles west and 5 miles east of the Hood VOR 352 and 172 radials extending from 2 miles north of the VOR to 12 miles south of the VOR; within 5 miles southeast and 9.5 miles northwest of the Hood VOR 219 (219T-C210M) radial extending from the VOR, 3.5 miles east of the VOR; within 3.5 miles each side of the 337° bearing from STARN RBN (lat. 31°10'03" N., long. 97°52'41" W.); extending from the 7-mile southwest and 7-mile northeast of the RBN; within a 5-mile radius of Killeen Municipal Airport (lat. 31°05'19" N., long. 97°41'06" W.), within 3.5 miles each side of the 197° bearing from the proposed NDB (lat. 31°01'26" N., long. 97°42'28" W.), extending from the 8-mile radius to 11.5 miles southwest of the proposed NDB.
COMMODITY FUTURES TRADING COMMISSION

PROPOSED RULES

REGISTERED FUTURES ASSOCIATIONS

Proposed Standards Governing Commission Review of Applications for Registration as a Futures Association; Form of Registration Statement

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission is proposing to adopt standards to be applied by the Commission in determining whether to register an applicant futures association under section 17 of the Commodity Exchange Act. In order for a futures association to be registered by the Commission, section 17(b) requires that "the Commission finds, under standards established by the Commission" that an applicant association is in the public interest and that it will be able to comply with the provisions of and to carry out the purposes of section 17. The proposed standards reflect the Commission's preliminary views on the more general requirements imposed on futures associations in section 17 as well as the Commission's perception of the nature of activities in which association, as well as the types of rules, an association should be able to develop and implement in order to effectuate the purposes of that section. In addition, the Commission is requesting comments on the proposed form of the registration statement to be filed with the Commission by an applicant futures association as well as the information that should be contained in that statement.

DATE: Comments must be received on or before November 8, 1978.

ADDRESS: Written comments should be sent to Office of the Secretariat, Commodity Futures Trading Commission, 2053 K Street NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT:

Mark D. Young, telephone 202-254-5716.

SUPPLEMENTARY INFORMATION:

Prior to the enactment of the Commodity Futures Trading Commission Act of 1974, only commodity exchanges that had been designated as contract markets were specifically authorized under the Commodity Exchange Act to exercise self-regulatory authority by monitoring certain aspects of futures trading. However, title III of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-405, § 301, 88 Stat. 1406 (1974), added section 17 to the Commodity Exchange Act and contemplated the creation of new self-regulatory organizations—futures associations—of persons engaged in commodity futures trading and related activities. Title III provided the Commission with discretionary authority to register futures associations, should the Commission find that an applicant association is in the public interest and could satisfy the requirements of section 17.

The Commodity Exchange Act sets forth certain specific functions that registered futures associations may perform. For example, futures associations might adopt and administer written proficiency examinations for persons wishing to register with the Commission as futures commission merchants, associated persons and floor brokers. In addition, associations might promulgate and assure adherence to association rules designed to combat unethical behavior, thereby assisting the Commission in detecting and punishing fraudulent, manipulative, or other unlawful conduct by persons subject to the Commission's jurisdiction.

Once an association is registered by the Commission, section 17 further contemplates that the Commission will perform a continuing and extensive oversight role concerning the activities of the association. For example, the Commission is empowered to review and approve all association rule changes, to abrogate any rule of an association if it appears to the Commission that such action "is necessary or appropriate to assure fair dealing by the members of such association, to assure a fair representation of its members in the administration of its affairs or effectuate the purposes of this title," and to supplement or alter association rules in the public interest or for other purposes. In addition, any person disciplined by or denied membership in an association may seek review by the Commission of the association's action or the Commission, on its own motion, may review the action. The Commission is also authorized to order the registration of a futures association, to expel or suspend the membership of any person in such an association, and to remove from office any director or officer of a registered association for willfully failing to enforce association rules or for willfully abusing his or her authority.

LEGISLATIVE HISTORY OF TITLE III

During the congressional deliberations which culminated in the Commodity Futures Trading Commission Act of 1974, one of the most consistent themes of the hearings and debates was concern that the self-regulatory emphasis of Federal futures regulation no longer adequately served the broad public interests involved in the Nation's rapidly expanding futures markets. As a result, the Commodity Futures Trading Commission was created and was armed with new and enhanced oversight and enforcement powers for regulating contract markets. In addition, the 1974 amendments brought three classes of commodity professionals under regulation by the Federal Government for the first time: Commodity trading advisors, commodity pool operators and associated persons of futures commission merchants. Unlike floor brokers and futures commission merchants who are members of commodity exchanges and who were previously regulated under the Act, these three newly-regulated categories of persons are not directly subject to the self-regulation that exchanges provide. Furthermore, the Commission believes that a growing number of futures commission merchants have relinquished their exchange memberships with the advent of negotiated commission rates. To deal with this phenomenon, the Act specifically empowers the Commission to impose regulatory requirements on those persons who are not members of contract markets.
The House Committee on Agriculture reported out a bill, H.R. 13113, which authorized the creation of registered futures associations. The committee explained that its legislation

\* \* \* provides enabling authority at the discretion of the Commission for persons registered under the Act and in the commodity trading business to establish a voluntary futures association or associations which would have authority to regulate the practices of its members in the public interest. Such an association would register with the Commission and establish a uniform code of professional conduct for those in the commodities business and have disciplinary authority over its members. \* \* \* An association activity would serve solely as a complement rather than a displacement to the authority of the new Commission.

There would be two stated inducements for belonging to a registered futures association: Each member of a registered association would (1) be required to pay such fees and charges as the CFTC would establish to defray any costs of additional regulatory duties imposed or performed by the (CFTC) because such persons is not a member of a registered futures association, and (2) be subject not only to the obligations and requirements of the Act imposed on other persons but such other requirements and obligations as the CFTC found necessary to be imposed in order to promote just and equitable principles of trade.

The committee reiterated that the authority for the recognition of an association by the CFTC would be an agreement of discretion for registration to the Commission, to be exercised by the Commission under the terms and conditions provided in this title, and orders and regulations, as a specific market. The CFTC would be required to register particular applicants. In addition, section 17 vested in the Commission authority over its members. As stated by the House Committee's report on H.R. 13113, a registered association would be subject to the authority of the new Commission.

The Senate Committee on Agriculture and Forestry was uncertain of the need for legislation that would result in the immediate creation of a new self-regulatory association. Consequently, that Committee's report on H.R. 13113 authorized the "Committee to investigate and report findings for the registration of futures associations \* \* \* (and) to report its findings to Congress within two years." The Senate adopted the approach taken by the Committee on Agriculture and Forestry.

The Conference Committee generally accepted the House provisions concerning futures associations and required the new Commission to inform Congress annually of the development of regulations relating to registered futures associations. These provisions subsequently were enacted and signed into law as title III to the Commodity Futures Trading Commission Act of 1974.

**COMMISSION EXPERIENCE TO DATE**

Title III of the Commodity Futures Trading Commission Act of 1974 envisioned that the members of the futures industry would generate and create proposals for the formation of futures associations. The Commission would assist this process by establishing appropriate standards and the procedural framework required by the Act in order that organizations could apply for registration and the Commission could determine whether to register particular applicants. In addition, section 17 vested in the Commission authority over its members. As stated by the House Committee's report on title III, such fees and regulations could provide a possible incentive for the creation of futures associations.


9 See, October House Hearings at 94, January House Hearings at 262 and 328-329; Senate Hearings at 427 and 751; 120 Cong. Rec. 10737 (Apr. 11, 1974) (statement of Representative Poage); 120 Cong. Rec. 10749 (Apr. 11, 1974) (statement of Representative Thorne).

10 There are two significant limitations on the value of any analogy drawn between registered futures associations as contemplated by section 17 of the Act and the NASD, which has been registered as a securities association under the Securities Exchange Act of 1934. First, the NASD, was established in order to regulate directly a specific, single market. Since futures associations, as contemplated by section 17 of the Act and the commodity trading business to establish a voluntary futures association or associations which would have authority to regulate the practices of its members in the public interest. Such an association would register with the Commission and establish a uniform code of professional conduct for those in the commodities business and have disciplinary authority over its members. An association activity would serve solely as a complement rather than a displacement to the authority of the new Commission.

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7 120 Cong. Rec. 10709 (Apr. 11, 1974).


9 120 Cong. Rec. 30488 (Sept. 9, 1974).


11 U.S.C. 21 (e) and (f) (1976).
And, as noted above, section 8a(8) of the Act grants broad rulemaking authority to the Commission with respect to contract markets. The date the Commission has not utilized these statutory provisions. Instead, the Commission has undertaken to study the concept and practice of self-regulation in the futures industry. This analysis, it was hoped, would provide the Commission with a realistic understanding of the contribution futures associations might make to the existing scheme of regulation of commodity professionals. Accordingly, on August 5, 1976, the Commission created the Advisory Committee on the Regulation of Contract Markets and Self-Regulatory Associations, chaired by Commissioner Read P. Dunn, Jr. 2

In his final report on the activities of his Advisory Committee, Commissioner Dunn explained:

The Committee members expressed interest in discussing specific items in the areas of Commission-industry interface and industry self-regulation, but did not seem ready to make an immediate formal proposal, unless it was applicable to these areas. Lacking such principles, the Committee did not appear to be ready to decide whether a separate organization is necessary or even desirable.

Considering this atmosphere, the Chairman believed that further Committee discussions in this area would not be fruitful. Rather, he believed that better purpose would be served if industry members gave such questions further consideration. It was recognized that there had been ongoing discussions among the exchanges and among certain FCMs.

As this report is being finalized in December 1976, active industry discussions are ongoing. Moving toward the formulation of a proposal to the Commission for an industry-wide self-regulatory association under title III of the Act.25

Certain of the industry discussions referred to by Commissioner Dunn in his report are reflected in correspondence received by the Commission. In August 1976, Mr. Clagett, president of the Futures Industry Association, Inc. ("FIA"), proposed that the organization "apply initially (for registration as a futures association) for registration of associated persons. Membership in the NFA was to be limited to three categories or classes: (1) contract markets, (2) futures commission merchants with contract market membership privileges, and (3) all other commodity professionals. NFA proposed to begin by concentrating on the performance of four functions: (a) adoption of comprehensive standards of surveillance and discipline of its members, (b) financial rules for members not subject to the Commission's financial requirements or those of contract markets, (c) a nationwide customer grievance procedure, and (d) standards of operation and registration of associated persons.

Subsequently, the board of directors of the FIA reviewed the organizational documents of the NFA and determined to defer further development of its plans to apply for registration as a futures association.27 The FIA stated that in view of the public interest could be better served if the NFA were organized so that the commodity exchanges, if they so desire, could avail themselves of certain audit and investigative services provided by the NFA.

At the same time another group was considering applying to the Commission for registration as a futures association. The Commodity Options Dealers Association, Inc. ("CODA") informed the Commission that the organization's principal purpose was to register as a title III association under section 17 of the Act.28 Counsel for CODA recognized that the Commission had not established the procedural requirements necessary for entering into arrangements for the registration of an independent self-regulatory organization designed to regulate its members, futures commission merchants or other persons registered with the Commission who engage in commodity options transactions. Counsel for CODA explained his organization's rationale for proposing the registration of an association of option dealers to be independent from a proposed national futures association:

We are aware that the National Futures Association ("NFA") has also been organized for the purpose of registering as a "Title III" organization and that it is dealing with some of the issues and problems inherent in the commodity options business may be sufficiently separate and distinct from the issues and problems of the futures industry at large that a separate organization, such as CODA, would be appropriate. In our opinion, if CODA or a similar organization is required in the public interest,29

Shortly thereafter the Commission was informed of the further activities of the organizers of CODA. In a letter from counsel to CODA it was stated that it is appropriate in the public interest to proceed with the continued organization of CODA on a track which parallels the Commission's promulgation of tentative option regulations.30 We intend to shortly resolicit the 25 to 30 firms with which CODA has previously communicated, together with ICCH (International Commodity Clearing House, Ltd., London) in an attempt to bring such firms together to more actively participate in more formally structuring CODA and with an eye toward registering CODA as a title III organization with the Commission.

However, the Commission never has been officially informed of the results of CODA's resolicitation efforts. Therefore, the Commission assumes that the organization's development has faltered or has been held in abeyance.

On January 31, 1977, the organizing committee of the NFA submitted to the Commission draft articles of incorporation, a document entitled "Points of Agreement—With Committee Intent" and a memorandum to the organizing committee from its counsel. This informal proposal was placed before the Commission in order to facilitate and encourage discussion of certain issues involved in the registration of futures associations. The NFA proposal included a new aspect which
was explained by counsel for NFA as "the difficult problem of how to assure that all companies handling customer business in the futures or options industry will join the NFA."

The organizing committee proposes that the NFA take the initiative in the following way:

(1) The NFA would prohibit its own members from handling customer business in futures or options and any firm that is not a member of NFA; and

(2) Independently, contract markets would require their member firms doing customer business to join the NFA.

This approach, in effect, would make NFA membership a prerequisite for futures commission merchants and commodity professionals to conduct a customer's business in futures contracts or commodity options.

The NFA proposal also envisioned a 15-member board of directors, with 5 members representing each of the classes of membership contemplated by NFA: Class 1 to represent the exchanges, 2 directors representing the largest exchanges and 3 representing the remaining exchanges; class 2 to be comprised of futures commission merchant members who were also members of contract markets; and class 3 to represent all other segments of the industry as well as the public.

Subsequent to this submission, the Commission held a public meeting to discuss title III issues and agreed to the following statement of guidance issued on February 10, 1977:

The organizing committee of the National Futures Association has presented, in outline form, its concept of a title III association and has asked for some preliminary Commission reaction before proceeding with more organizational work.

The Commodity Exchange Act envisages that the orderly functioning of the futures markets is the joint responsibility of the exchanges and the CFTC and also envisages an industry-wide responsibility under title III of the Act. The CFTC endorses this concept of cooperative regulation and considers the NFA proposal to be a valuable first step toward implementing the purposes of title III.

There are certain aspects of the NFA proposal which need further study and perhaps modification, such as those involving incentives to membership, fair representation and fair implementation. The Commission wishes, however, to emphasize that it stands ready to work with the representatives of NFA to establish a viable title III association. While the Commission cannot and will not ignore responsibilities under the Act, it can and will help to find solutions to problems and to seek alternatives where required.

During the ensuing months, Commission staff and representatives of the NFA corresponded and met to discuss a number of the staff's concerns regarding the NFA's proposals, including the structure of the board of directors and the question of compulsory membership. At a meeting on June 7, 1977, the Commission, recognizing that a formal registration application had not been filed, agreed to the following statement:

The Commission, as a matter of policy, approves the concept of a "uniform required member merchant" as proposed by the NFA organizing committee. This approval is stated "in the abstract," would be applicable to any title III proposal made as the basis for the proposed NFA structure, subject of course to all of the continuing powers and processes of the Commission in the further structuring and implementation of the NFA proposal or any other title III proposal.

On July 20, 1977, a revised version of the NFA articles of incorporation was submitted to the Commission along with revised "points of agreement" setting forth the organizing committee's intent. While the compulsory membership aspect of the NFA's proposal was not amended from the January version, a modified scheme of selecting an expanded board of directors was proposed in an apparent effort to respond to expressed concerns. The board was to be expanded to 17 directors. Five directors would represent employer membership and would be selected so that two would represent the exchanges with the largest and second largest contract volume, two would represent contract market members headquartered in New York (unless one or both of these contract markets qualifies as the largest or second largest) and one director selected by those contract markets not represented by the other four directors. There would be five representatives of futures commission merchant members on the board, elected by all futures commission merchants whether or not they were members of exchanges. One director would represent futures commission merchants having 15 or less offices; one would represent futures commission merchants having more than 15 and no more than 50 offices and three would represent futures commission merchants having more than 50 offices.

Five directors would represent and be directly elected by the third category of members, "other participants" in the industry: (1) Persons engaged in manufacturing, processing, refining, or merchandising a commodity traded for future delivery on a contract market, (2) commodity pool operators, (3) commodity trading advisors, (4) broker-dealers in commodity options or leverage contracts, and (5) commercial bankers. To be elected as a director representing one of these classifications, one would not be required to be a member of NFA. Finally, the NFA proposed to select two public directors from among those persons nominated by the Commission or by NFA members.

Additionally, the NFA's modified proposal included an exemption for contract markets against enforcement of association rules, an arbitration or settlement procedure allowing NFA members to bring claims against customers and commodity professionals to bring claims against members and the authorization for the assumption by the NFA of the Commission's trial function in repair cases (see NFA articles of incorporation July 20, 1977, article III, section 1(c), (d), (e), (f)).

A number of reservations about this modified proposal were expressed. Of particular concern was whether NFA's compulsory membership provision was the least anticompetitive means available to the Commission to establish the Act's regulatory objectives and, therefore, was consistent with section 15 of the Act. Also, there was concern whether the proposed composition of NFA's board of directors comports with the "fair representation" standard of section 17(b)(6) of the Act. Similar and additional concerns have been expressed by the Antitrust Division of the Department of Justice.

Although the Commission does not necessarily share the views of the Department and is, of course, not obliged to accede to them, the Commission determined, on October 19, 1977, that due to the widespread dissemination of the Department of Justice's comments and the vigor with which they were put forth, the NFA should be afforded an adequate opportunity to respond to these views before proceeding with a formal registration application or any other title III proposal before the end of the year.
ample, the House subcommittee was informed that

(With the complete elimination of minimum commissions on March 7, 1978, some futures commissions merchants who are now members of one or more of the commodity exchanges will no longer find it advantageous to retain their exchange membership. In such case they will not be subject to the rules or regulations of any exchange.

An association formed under the provision of title III of the Act could provide such uniform rules and regulations as well as audits and investigations of their unscrupulous and unfair business practice.

The Senate subcommittee was told that

(If the industry has worked to develop a regulatory organization which would apply the CFTC for approval * * *. This title III organization is designed to regulate all FCMM's taking over the responsibility in this area formerly carried out by the exchanges, whereby the exchanges will regulate all activities at the exchange level, such as floor trading practices, contract details, financial integrity of clearinghouse members, etc.

Thus, the industry would be regulated through the operation of a contract market requiring compulsory arbitration proceedings from $5,000 to $15,000, and (4) Commission approval of rules of futures association or contract market requiring compulsory membership in such futures association.

Subsequently, the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry recommended the adoption of legislation concerning the powers and scope of futures associations.

The Senate committee reported favorably S. 2391, a bill which, among other things, provided authority for (1) the Commission to delegate certain aspects of the registration of associated persons to futures associations, (2) futures associations to adopt procedures to have customers seek reparations from members of the association, (3) increasing the limit on the amount in controversy in a futures association arbitration proceeding from $5,000 to $15,000, and (4) Commission approval of rules of futures association or contract market requiring compulsory membership.

In its report to accompany S. 2391, the Senate committee explained that it had adopted an amendment to section 17 of the Act to make it clear that the Commission has authority to approve mandatory membership rules of a title III association or of a contract market of persons eligible for membership. The committee believes that the Commission should approve any such rules only after public hearings to determine whether such rules are necessary or appropriate to achieve the purposes and objectives of the Act. The amendments adopted by the committee permit, but do not require, the formation of a title III association or associations in which membership would be mandatory for futures professionals registered under the Act.

During the senate floor debate on this legislation, Senator Patrick J. Leahy stated that the proposed amendments concerning futures associations were being offered in order to speed the establishment of these associations and to allow them to assume some of the duties currently being conducted by the Commission. These associations could free Commission personnel to engage in other activities.

On July 12, 1978, the Senate passed S. 2391 without amending any of the committee's provisions affecting futures associations.

The House Committee on Agriculture reported favorably H.R. 10285, a bill containing one modification of the Act's provisions concerning membership in future associations. This amendment expressly allows the Commission to approve rules of futures associations that make membership in at least one futures association mandatory for persons eligible for membership. The committee commented that

...
PROPOSED RULES

The Commission is in basic agreement with the views expressed by Justice William O. Douglas, then Chairman of the Securities and Exchange Commission, in 1938 when that Commission was considering the formation of a national securities association.

Self-discipline is always more welcome than discipline imposed from above. Self-regulation of this kind can be pervasive and subtle in its conditioning influence over business practices and business morality. By and large, government can operate satisfactorily only by prescription. That leaves untouched large areas of conduct and activity, some of it susceptible of government regulation but in fact too minute for satisfactory control, beyond the reach of many of the sanctions of law in the realm of ethics and morality.

The Commission would like to apply, and believes there is a need to apply, this concept to the formation of registered futures associations. During the past 3 years, the Commission has received and reviewed the comments of many interested persons concerning futures associations. In that time, the Commission has also studied and considered the essential elements of a self-regulatory program and has acquired a better understanding of the professionals and the industry it regulates. The Commission believes that its experience during the past 3 years has served to crystallize some of the major issues of law and policy involved in the registration of futures associations.

The Commission has received many suggestions concerning the possible activities of prospective futures associations. Indeed, the Commission is hopeful that consistent with the requirements of section 17(b)(2) of the Act, futures associations could also perform effectively the following regulatory functions: (1) Developing proficiency standards for commodity trading professionals and related training and testing programs, (2) establishment of safeguards with respect to the financial responsibility of its members, (3) adoption of standards for handling customer orders and funds and related recordkeeping requirements, (4) promulgation of standards for soliciting customer business and preserving the integrity of the marketplace, including advertising and promotion, and (5) educating the public as to the economic benefits of futures trading. The Commission believes that performance of these functions could be an appropriate means for accomplishing the self-regulatory goals outlined in 1938 by Justice Douglas and for shifting part of the burden and cost of regulation and enforcement to market participants. The Commission believes it more appropriate for persons who directly participate in the futures markets to assume a greater portion of the cost of regulation of those markets than to have general tax revenues pay for the entire cost of regulation.

Of course, even if a futures association is created and registered under the Act, the Commission wishes to make clear that it will not abandon any of its statutory responsibilities and intends to pay particular attention to monitoring and evaluating the actions of futures associations. It should also be pointed out that the Commission has not made, at this time, any final determination concerning the best mechanism for encouraging the development of futures associations under the Act. Accordingly, the Commission is soliciting public comment not only on the standards it is proposing to apply to registration applications, but also with respect to the following policy questions.

1. Whether there exists a need for futures association to assist in regulating the futures industry and other enterprises regulated by the Commission? What functions should such an association perform?

2. Should futures associations be structured to allow for self-regulation by particular classes of commodity professionals, contract market advisers regulating commodity trading advisers, rather than to encompass all professionals on an industry-wide basis?

3. What are the benefits and detriments of a national rather than regional futures association?

4. The Act provides that contract markets may be members of futures associations. What role, if any, should contract markets play in a futures association?

5. How can a futures association best be structured to assure fair representation of members and otherwise to combat any anticompetitive implications or impact upon its members with respect to its membership policy, financing structure, and professional activities?

6. Is some compulsory membership aspect of a futures association in the public interest? What public interest would be served by requiring a person to join an association with those with whom he is in competition and to become subject to the full range of the association's disciplinary powers, including expulsion from the association and, therefore, from the commodity industry?

7. If compulsory membership is desirable, should it be accomplished directly by the rules of associations or through Commission regulations requiring membership in some futures association or indirectly through the imposition by the commission of fees to defray regulatory costs or of other regulatory requirements providing a strong incentive to membership?

8. In the alternative, should compulsory membership be so structured as to require all commodity professionals to be members either of a futures association or a contract market? Should there be any exceptions?

9. If permitted by law in the registration of futures associations, should the Commission delegate to futures associations the responsibility for performing certain functions the Commission presently performs, e.g., registration of associated persons?

10. Should public hearings be held on the issues surrounding futures associations?

Interested persons are invited to submit comments on these questions and on any other aspect of futures associations discussed in this release or on which they wish to express a view.

PROCEDURAL REQUIREMENTS OF SECTION 17 AND THE COMMISSION'S PROPOSED STANDARDS

Section 17 of the Act provides certain procedural steps for the Commission to take prior to its consideration of an application for registration as a futures association. Section 17(b) of the Act provides that in making a determination to register an applicant, the Commission must find, "under standards established by the Commission that the applicant association (A) "is in the public interest" and will be able to comply with and carry out the provisions and purposes of section 17 and (B) meets the specific requirements set forth in section 17(b)(2)." In accordance with this authority and its general rulemaking authority under sections 8a(5) and (8) of the Act, 7 U.S.C. 12a(5) and (8), the Commission is proposing these standards as the initial step in the registration procedure. Establishing standards would not only meet this statutory requirement, but should also facilitate the registration process by affording any applicant association an opportunity to develop and to present its qualifications in a manner consistent with the Commi-
Many of the requirements of subsections 17(b) (1) through (10) of the Act are very specific and need little, if any, elaboration. Other requirements, enumerated in section 17(b), however, are more general in nature, and it is toward these that the Commission believes it should direct its efforts to establish appropriate "standards." As indicated above, section 17(b)(6) provides that an association must have "fair representation" for its members. In addition, section 17 requires associations to provide for "equitable allocation of dues among its members" and to establish a "fair and orderly procedure" for disciplining its members. The Commission is proposing these standards as an expression of its views on these general requirements embodied in section 17. Of course, any standards the Commission adopts will merely supplement the requirement of section 17(b)(1) that an association demonstrate "that it will be able to comply with the provisions" of section 17 of the Act.

The standards also are designed to reflect the Commission's preliminary judgment concerning those activities in which a futures association should engage consistent with the "public interest" and to ensure that the association can "carry out" the purposes of section 17. A primary purpose of section 17, expressed by the Conference Committee in 1974, is that futures associations be established to regulate the practices of its members. Accordingly, proposed new § 170.1 of the Commission's regulations requires that an association should be able to demonstrate its ability to require its members to adhere to regulatory requirements governing their business practices at least as stringent as those imposed by the Commission. As an example, § 170.1 provides that an association must be able to establish and maintain a financial compliance program for its members who are futures commission merchants.

The Commission understands that associations may wish to phase in certain of the functions contemplated by the Act. We are, however, soliciting comment on what other functions a futures association should be required to perform as a condition of registration. We suggest, for purposes of comment, that associations might be required under new § 170.1 (1) to develop and administer training programs and proficiency exams for all members, (2) to develop and enforce minimum financial standards for members who are not futures commission merchants, or (3) to establish and enforce standards for advertising and disclosure by its members.

The Commission recognizes that the standards it adopts may have a substantial impact upon the types of futures associations that will apply for registration, as well as the registration process itself. Accordingly, any standards that may be adopted by the Commission will be the result of an extensive Commission analysis of the self-regulatory policies to be fulfilled by a futures association.

In conjunction with the Commission's adoption in the future of final standards under section 17(b), the Commission also plans to set forth its requirements for an application for registration for futures associations. Section 17(a)(1) of the Act provides that an applicant for registration as a futures association may file with the Commission for review and approval a "registration statement" in such form as the Commission may prescribe, setting forth

***(1) Data as to its organization, membership, and rules of procedure, and such other information as the Commission may by rules and regulations require as necessary or appropriate in the public interest

Under section 17(a)(2), an applicant must accompany the registration statement with its "rules of the association," i.e., copies of its charter, with all amendments thereto, and its bylaws. Accordingly, the commission is now soliciting comments regarding the form an applicant's registration statement should take and specifying the additional information the registration statement should contain as "necessary or appropriate in the public interest." In the Commission's view the registration statement need not be complicated, and might take the form of a transmittal letter containing the information specified in section 17(a)(1) and the additional information prescribed by the Commission. Comments are requested on this point. To the extent that the "rules of the association" contain the information required by the registration statement, it has been suggested that the applicant be permitted to incorporate the information by reference.

Additional information necessary or appropriate in the public interest might include such matters as the method by which the association is to be funded and the number of employees the association intends to hire in its first year of operation in order to discharge its responsibilities.

Once an application for registration of a futures association is filed with the Commission in compliance with the Commission's requirements, the Commission intends to establish the following procedure for consideration of that application. First, the Commission will publish the application in the Federal Register and request comment from the public. Second, the Commission will request comment from the NASD and those Government agencies whose expertise might assist the Commission in its deliberations. Third, the Commission may hold a public hearing in order that all interested persons will be allowed to communicate their views on the application to the Commission and that the Commission and its staff may question the applicant association in order to clarify any questions and ascertain the association's rational for offering certain aspects of its proposal. The Commission intends to solicit meaningful public participation in the registration process and would appreciate receiving any additional suggestions of appropriate procedures for considering applications from futures associations under section 17 of the Act.

The Commission will proceed deliberately in determining the proper manner of implementing the discretionary authority vested in the Commission in section 17 of the Act. In the view of the Commission, the issues surrounding the evolution of futures associations are among the most significant presently facing both the Commission and those persons regulated by the Commission. Accordingly, the Commission hereby proposes to adopt a new part 170 of 17 CFR chapter I, as follows:

PART 170—REGISTERED FUTURES ASSOCIATIONS

Sec.
170.1 Demonstration of purposes (section 17(b)(1) of the Act).
170.2 Membership restrictions (section 17(b)(2) of the Act).
170.3 Fair and equitable representation of members (section 17(b)(5) of the Act).
170.4 Allocation of dues (section 17(b)(8) of the Act).
170.5 Prevention of fraudulent and manipulative practices (section 17(b)(7) of the Act).
170.6 Disciplinary proceedings (sections 17(b)(8) and (b)(9) of the Act).
170.7 Membership denial (section 17(b)(9) of the Act).

**Secs. 17(b)(6) and 17(b)(8) 7 U.S.C. 21(b)(6) and 21(b)(8) (1976).**


**In this connection, the Commission notes that it has recently adopted § 1.52(b) of its regulations, effective June 30, 1978, requiring that associations including futures associations that may be registered by the Commission, to have in effect minimum financial and related reporting with respect to futures commission merchants which are members of the organization. 49 FR 39981-39982 (Sept. 8, 1978).**
A futures association must demonstrate its capability to foster a professional atmosphere among its members, including an acceptance of and adherence to the ethical standards, and to monitor and enforce compliance with the customer protection program and rules.

§ 170.5 Prevention of fraudulent and manipulative practices (section 17(b)(7) of the Act).

A futures association must establish and maintain a customer protection program, including the adoption of rules to protect customers and customer funds and to promote fair dealings with the public. These rules shall set forth the ethical standards for members of the association in their business dealings with the public. An applicant association must also demonstrate its capability to foster a professional atmosphere among its members, including an acceptance of and adherence to the ethical standards, and to monitor and enforce compliance with the customer protection program and rules.

§ 170.6 Disciplinary proceedings (sections 17(b)(8) and (b)(9) of the Act).

A futures association must provide a fair and orderly procedure with respect to disciplinary actions brought against association members or persons associated with members. These rules governing such disciplinary actions shall contain, at a minimum, the procedural safeguards contained in section 17(b)(9) of the Act. In addition, an association, in disciplining its members should demonstrate that it will (a) take vigorous action against those who engage in activities in violation of association rules; (b) conduct proceedings in a manner consistent with the fundamental elements of due process; and (c) impose discipline which is fair and has a reasonable basis in fact.

§ 170.7 Membership denial (section 17(b)(9) of the Act).

A futures association must provide a fair and orderly procedure for processing membership applications and for affording any person denied membership an oral hearing to respond to the grounds for denial stated by the association. The procedures governing denials of membership in the association shall contain, at a minimum, the procedural safeguards contained in section 17(b)(9) of the Act.

§ 170.8 Settlement of customer disputes (section 17(b)(10) of the Act).

A futures association must be able to demonstrate its capability to promulgate rules and to conduct proceedings which provide a fair and equitable procedure, through arbitration or otherwise, for the voluntary settlement of a customer's claim or grievance of less than $15,000 brought against any member of the association or any employee of a member of the association. Such rules shall conform to and be consistent with section 17(b)(10) of the Act and be consistent with part 180 of the Commission's regulations governing contract market arbitration and dispute settlement procedures.

Issued by the Commodity Futures Trading Commission in Washington, D.C., on October 2, 1978.

William T. Bagley,
Chairman,
Commodity Futures Trading Commission.

[FR Doc. 78-28142 Filed 10-4-78; 8:45 am]
FOR FURTHER INFORMATION CONTACT:

Paul M. Tessier, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, 2706 North Fourth Street, Suite E-1, Flagstaff, Ariz. 86001, Telephone 602-779-3311, extension 1512 or 1513, FTS: 261-1512.

SUPPLEMENTARY INFORMATION:

This notice is published for reason that the Commission, after reviewing its regulations concerning resale of property, became aware that the regulations were in conflict with tribal law concerning land use and may have been in conflict with tribal sovereignty.

The following sections of 25 CFR Part 706, §700.12 are proposed to be revised as follows:

§ 700.12 Resale of property.

The Commission is authorized to dispose of dwellings and other improvements acquired pursuant to the Act in the following manner: Resale of such dwellings and improvements to members of the tribe exercising jurisdiction over the area at prices no higher than the acquisition cost, as best effects section 8 of the Act and the order of the district court pursuant to section 3 or 4 of the Act. All resale of said property shall proceed as follows:

(a) The tribe acquiring jurisdiction of the partitioned area shall have the first opportunity to purchase the acquired property at the fair market value at the time of the sale.

(b) If the tribe does not purchase any of said improvements on the property, the improvements may be sold to persons designated by the tribe for the fair market value of the property at the time of the sale.

(c) If neither tribe nor the designated persons purchase said property, the Commission may dispose of it by giving it to tribal government having jurisdiction over said property or by giving it to any Federal agency, designated by the tribe having jurisdiction of the area, which has programs that can make use of said improvements. In the event the Commission determines that any habitation or other improvements purchased from any relocatee are unsafe or in any manner dangerous to the health and welfare of any persons or animals that may be in the area, the Commission may contract to destroy and/or remove said improvements from the property.

(d) Notices for any such sales shall be mailed to the tribal government and the tribal government shall exercise its option to purchase said property within sixty (60) days of said notice unless the Commission extends the option purchase date. If the tribal government does not purchase said property and an individual is designated by the tribe to purchase said property, said individual shall have sixty (60) days from the date of notice of his option in which to exercise his option to purchase the improvements, unless such period of time is extended by the Commission.

Interested persons may submit written comments regarding the proposed rule change to the Chairman, Navajo and Hopi Indian Relocation Commission, 2706 North Fourth Street, Suite E-1, Flagstaff, Ariz. 86001, on or before November 6, 1978.

Robert E. Lewis, Chairman, Navajo and Hopi Indian Relocation Commission.

[PR Doc. 78-27792 Filed 10-4-78; 8:45 am]

[7600-01]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

[29 CFR Parts 2200 and 2201]

RULES OF PROCEDURE

Informal Hearing on Proposed Rulemaking

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of informal hearing on proposed rules of procedure.

SUMMARY: The Occupational Safety and Health Review Commission will hold an informal hearing on its proposal, published on August 18, 1978 (43 FR 36854), to amend certain of its present Rules of Procedure, as well as the adoption of certain additional rules.


Persons who wish to present testimony at the informal hearing must notify the Commission in writing by October 20, 1978. The notice should indicate an estimate of the amount of time needed for the testimony presentation, as well as the witness' business telephone number.

ADDRESSES: The hearing will be conducted at the Commission's Chicago field office at 1 p.m. on October 30, 1978, in Room 1530, 55 East Monroe Street, Chicago, Ill.

All communications should be addressed to Robert C. Gombar, Counsel for Appellate and Administrative Legal Services, 1825 K Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gombar, Counsel for Appellate and Administrative Legal Services, 202-634-4015.

SUPPLEMENTARY INFORMATION: On August 18, 1978, the Occupational Safety and Health Review Commission
proposed the amendment of several of its Rules of Procedure as well as the adoption of certain additional Rules of Procedure (43 FR 38654). One of the more significant proposals was a new set of rules of simplified proceedings, designed to reduce both paperwork and expense to the parties as well as to make Commission adjudications less complex and time consuming. The Commission also proposed a new rule on interlocutory appeals, the elimination of the 20-day reconsideration period between the mailing of the judge’s initial decision to the parties and the filing of his report with the Commission, the reinstitution of a 25-day deadline for the filing of petitions for discretionary review, a new rule on briefs, and a rule on settlements designed to give better notice of settlement proposals to affected employees.

The Commission considers it desirable to encourage public debate on these proposals and to hear oral comments of interested persons at places and times convenient both to the interested persons and to the Commission. Thus, in addition to the opportunity to submit written comments on its rulemaking proposal, the Commission has decided to hold an informal hearing that all interested persons are invited to attend. Any person who wishes to testify at the hearing must notify the Commission in writing by October 20, 1978. This notice must state the witness’ business telephone number as well as the amount of time the testimony is expected to consume. The Commission will contact each witness concerning the schedule of testimony. Timothy F. Cleary, Chairman of the Commission, will preside at the hearing.

Signed at Washington, D.C., this 29th day of September 1978.

ROBERT C. GOMBAR,
Counsel for Appellate and Administrative Legal Services.

[FR Doc. 78-28203 Filed 10-4-78; 8:45 am]

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

[SURFACE COAL MINING RECLAMATION AND RECLAMATION OPERATIONS

AGENCY: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

ACTION: Corrections.


ADDRESS: Regional Director, Office of Surface Mining Reclamation and Enforcement, Region V, 1823 Stout Street, Denver, Colo. 80202.

FOR FURTHER INFORMATION CONTACT:

John Hardaway, Office of Surface Mining and Enforcement, Region V, 1823 Stout Street, Denver, Colo. 80202, 303-837-5511. Additional copies may be obtained from Mr. Hardaway.

WALTER N. HEINE,
Director.

The following corrections are made: 1. On page 38036, “Introduction”, quotation of the 1st paragraph, line 16 of the quotation “granting areas would be removed from use”, is corrected to read “grazing areas would be removed from use.”

2. On page 38036, “Introduction”, 6th paragraph, which begins “Relevant sections of the law include:” and in particular, line 3 of subparagraph (5), “No permit or revision application affirma.” is corrected to read “No permit or revision application shall be approved unless the application affirma.” The corrected line is the 20th line from the bottom of page 38036 in the third column.

3. On page 38040, section I.A. Geomorphic Characteristics—Relationship of surface landform (terrace) to underlying material (valley fill”), first full paragraph in the second column, line 2, “are found in flatlying of terraces.” is corrected to read “are found in flatlying valley fills and there is no development of terraces.”

4. On page 38040, section I.A. Geomorphic Characteristics—Relationship of surface landform (terrace) to underlying material (valley fill”), first full paragraph in the second column, line 17 (last line), “stream side area alluvial valley floor.”, is corrected to read, “stream side area shall not be mapped as an alluvial valley floor.


[PR Doc. 78-28238 Filed 10-4-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[RADIO BROADCAST SERVICES

Children’s Programing and Advertising Practices

AGENCY: Federal Communications Commission.

ACTION: Extension of deadlines for filing comments and reply comments in the Second Notice of Inquiry, GEN Docket No. 19142.

SUMMARY: On August 21, 1978 (43 FR 37136), the Commission published in the Federal Register its Second Notice of Inquiry regarding children’s programming and advertising practices. By Second Notice of Inquiry, we have extended the extension of filing dates as contained herein.

DATES: Initial comments must be received on or before January 15, 1979. Reply comments must be received on or before March 1, 1979.


FOR FURTHER INFORMATION CONTACT:

Susan C. Greene, Children’s Television Task Force, 202-632-6312.

SUPPLEMENTARY INFORMATION:


Released: September 27, 1978.

In the matter of the Second Notice of Inquiry Regarding Children’s Programming and Advertising Practices; in order to extend time for filing comments and reply comments.

By the Commission.


2. Since the adoption of the Second Notice of Inquiry, we have received several informal expressions of concern from members of interested parties suggesting that the original deadlines preclude sufficient time for formulating effective comments. We also note that the Federal Trade Commission has recently postponed its filing and hearing dates which we were scheduled in its initial notice of proposed rulemaking regarding children’s advertising. 43 FR 37203 (1978). In
view of overlapping issues and the participation of many of the same parties in both our inquiry and the FTC proceedings, we are of the opinion that an extension of the deadlines originally announced in our Second Notice of Inquiry is in the public interest.

3. We desire to conduct these proceedings in a timely fashion. However, we recognize that additional time may result in the submission of useful information. No further extension beyond this time period is anticipated.

4. Accordingly, it is ordered, That the date for filing comments is extended to January 15, 1979, and the date for filing reply comments is extended to March 1, 1979.

5. This action is taken pursuant to authority found in section 4(i) of the Communications Act of 1934, as amended.

FEDERAL COMMUNICATIONS COMMISSION, WILLIAM J. TRIGARICO, Secretary.

[FR Docket No. 78-28814 Filed 10-4-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

(BC Docket No. 78-313; RM-3082)

TELEVISION BROADCAST STATION IN SAN DIEGO, CALIF.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of UHF television station BPCT-3842 to San Diego, Calif., as follows:

Channel No. City Present Proposed

San Diego.............. 8,10,*15. 8,10,*15. 39,51

7. Authority to institute rulemaking proceedings, showings required, cutoff procedures, and filing requirements are contained below and are incorporated by reference herein.

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

8. Interested parties may file comments on or before November 21, 1978, and reply comments on or before December 12, 1978.

FEDERAL COMMUNICATIONS COMMISSION, WALLACE E. JOHNSON, Chief, Broadcast Bureau.

APPENDIX

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

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

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

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, or before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

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

4. Comments and reply comments: service. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of

1. Petition for rulemaking (¶ 1200(d) of Commission rules.)

2. With respect to petitions for rulemaking which conflict with the proposals made in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

3. Comments and reply comments: service. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission’s rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of
DEPARTMENT OF TRANSPORTATION
Materials Transportation Bureau

(COLOR CODING OF COMPRESSED GAS PACKAGES)

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Termination of Docket HM-141.

SUMMARY: Docket HM-141 is closed without issuance of a final rule. The advance notice of proposed rulemaking, establishing docket HM-141, requested information from the public to develop a system of color coding for compressed gas packages and to substantiate whether any such color coding system would significantly enhance safety. Upon additional analysis and consideration of comments received, the Materials Transportation Bureau has concluded that further consideration of color-coding of compressed gas packages is not justified.

EFFECTIVE DATE: Docket HM-141 is terminated on October 5, 1978.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

An advance notice of proposed rulemaking (41 FR 43188, Sept. 30, 1978) was published by the Materials Transportation Bureau (MTB) in response to requests and to bills considered by both Houses of Congress in the past several years seeking the establishment of a system of color codes for compressed gas packages. The purpose of a color code would be to provide safety for anyone within the sphere of hazard surrounding a compressed gas package, whether the package is in transportation, use, or storage, by facilitating ready identification of the gas contained in the package.

Most commenters objected to the concept of a color code system because:

1. Some degree of color blindness affects a significant segment of the population (variously described as 10 percent to 15 percent of the working population).

2. The great multiplicity of gases and the almost infinite number of mixtures (sometimes including up to five different gases) would require a complex color code system.

3. The complexity of such a system would require a reference source that would be unwieldy in size and possibly of limited usefulness.

4. The continual development of new mixtures would require frequent updating of the reference source.

5. The variable appearance of color pigments under different light sources, and the possible fading of pigments, might result in substantial confusion.

6. The many years of transition, while older compressed gas packages of varying color combinations are emptied and returned to a source for filling and application of a new color code, would be a major source of confusion.

7. Labels, placards and/or markings already provide identification of each gas by means of color, symbol and text.

Comments from organizations and individuals associated with the delivery of health care services questioned the value of modifying existing medical gas color codes even though medical gases constitute only a small part of the total number of gases and gas mixtures in use at the present time. The American Association for Respiratory Therapy addressed color coding as being probably the least important mechanism for safe handling of compressed gases.

The National Society for the Prevention of Blindness, Inc., strongly disagreed with the premise that any color code system would enhance safety for personnel involved in loading, handling, or storage. This society viewed color codes as impractical and possibly dangerous.

Various military organizations suggested use of a number of standards dependent on the intended use of compressed gas packages, such as diving, medical, or general application. These commenters did not address fire fighting or emergency response uses of compressed gases. However, MTB notes that more recently people have been present to identify fire extinguishers that may contain any of a number of different gases, such as carbon dioxide, nitrogen, or various refrigerant gases.

Two comments were received from persons concerned with fire protection. The Fire Equipment Manufacturers' Association, Inc., requested to be excluded from any color code system that might be established. The association was concerned with the aesthetic acceptance of portable fire extinguishers in both the workplace and the home. Further, the association remarked that for industrial use, a color coding system already is employed to identify certain agents for special fire applications. This system was not explained further.

The Florida State Fire Marshal's Office limited comment to liquefied petroleum gas transportation safety and suggested that requiring the color of packagings used to transport this material could lead to confusion with resultant danger to the public. Similarly, the California Division of Industrial Safety suggested that extending the use of a color code system to shipping containers would confuse people accustomed to differing color code systems in use within their workplace. The Safety Department of the University of Wisconsin further supported this view by stating that color markings would be more detrimental than advantageous and cannot be substituted in any conceivable way for a label.

The docket also includes a letter from the Deputy Assistant Secretary of the Department of Labor (DOL) to a Member of the House of Representatives relating to color code legislation. The letter explains that with the advent of many sophisticated mixtures of exotic gases, color coding alone became too complex to assure the necessary recognition of hazards. A vendor's catalog is cited as containing a list of over 200 gas mixtures, including a mixture of carbon monoxide, helium, oxygen, argon, and nitrogen. The letter also states that the Occupational Safety and Health Administration is working with the Department of Transportation and a number of other Federal agencies in an attempt to standardize labeling requirements, including the use of color, symbol and legend. (The MTB published new standards for labeling requirements including the use of color, symbol and legend on April 15, 1976 (41 FR 15982), docket HM-103/112. The DOL currently has this and other standards under consideration.)
The MTB wrote the DOL, on October 15, 1978, requesting statistics on deaths or injuries involving compressed gas cylinders where the cause of death or injury was the leakage of a gas from the cylinder. The DOL injury data system is based on investigations where one fatality, or five hospital admissions occur. In subsequent communication, MTB was informed that no such deaths or injuries had been reported.

The single accident situation cited by the primary and virtually single proponent of the color coding concept occurred on his company's premises in 1955 and involved a compressor test in which oxygen was inadvertently used rather than an inert gas. In his statement, he suggests the infrequency of such accidents by saying, "The amazing thing to us is that we can find no case so far where this type of accident has occurred."

In response, the MTB has not found one case that has occurred since. While the proponent has stated that "we know of no safety precautions we could have taken, except an actual analysis of all gases, which could have prevented this disaster," the facts as presented by the proponent indicate that insufficient planning had led to an exhaustion of suitable supplies of gases to be used for the tests. To hasten delivery of the needed gas the company made an unusual pickup rather than waiting for delivery by fully trained personnel. This can be considered the primary causal factor in the unfortunate incident. The proponent stated September 14, 1955, that "we (the company) are taking every possible step to make certain that such substitution cannot occur again." The MTB notes that the precautions taken by the proponent's company have been successful in the subsequent years, which suggests that color coding is not necessary to prevent death and injury.

The proponent of the color code system maintains that only six colors are specified by MIL-STD-161B. However, the DOT lists 118 various color combinations of four or more colors, representing only a small number of the gas mixtures possible. The coding of cylinders in the six basic colors referred to may adequately prevent the particular kind of accident referred to by the proponent, but it would not prevent the inadvertent mixture of gases within a grouping that could lead to adverse reactions in a laboratory or industrial environment. As pointed out earlier in this document, commenters indicate that even the military does not have only one color code system, but several systems patterned for specific uses.

The staff conclusions of the MTB on the major economic and public safety issues involved in the adoption of a uniform, nationwide color code system for compressed gas cylinders are quoted below:

A uniform, nationwide system of color coding compressed gas cylinders as a means of preventing serious cylinder accidents in the normal, routine environment characteristically does not have only one color code system, but several systems patterned for specific uses. The MTB notes that the DOD injury data system is based on investigations where one fatality, or five hospital admissions occur. In subsequent communication, MTB was informed that no such deaths or injuries had been reported.

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Comment closing date is 30 days from the existing closing date (October 6, 1978) and the comment period is hereby extended to November 6, 1978. Late filed comments will be considered as far as practicable.


MELVIN A. JUDAH
Acting Associate Director for
Pipeline Safety Regulation.

[FR Doc. 78-28329 Filed 10-4-78; 9:36 am]

PROPOSED RULES

SPECIAL SAFETY INQUIRY

Association of American Railroads Requirement for Lifting Lugs; Notice of Safety Inquiry

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice of safety inquiry.

SUMMARY: The Federal Railroad Administration (FRA) is initiating a special safety inquiry to examine a requirement of the Association of American Railroads (AAR) that each new freight car used in interchange service be equipped with appliances (lugs) permitting the car body to be lifted by means of hooks in case of derailment. The inquiry is intended to be responsive to a petition filed by four tank car builders and a lessor of tank cars questioning the safety of these devices as applied to tank cars carrying hazardous materials. The safety inquiry will provide FRA with adequate information to determine whether regulatory action is appropriate with respect to the application of lugs to freight cars, generally, or to particular types of cars.

DATE: The public hearing in this inquiry will begin at 10 a.m. on October 31, 1978. Written comments should be submitted by that date.

ADDRESSES: The public hearing will be held in room 3201, Trans Point Building, 2100 Second Street SW., Washington, D.C. Written comments should be submitted to the Docket Clerk, Office of Chief Counsel (RCC-1), 2100 Second Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:
Rolf Mowatt-Larssen, 202-426-0924, or Grady Cothen, Jr., 202-426-8220.

SUPPLEMENTARY INFORMATION:
The Association of American Railroads (AAR) has adopted a requirement for all new and rebuilt cars used in interchange service which are ordered after July 1, 1978. AAR believes that this requirement should be examined in a public safety proceeding prior to the construction of cars subject to its terms.

AAR Mechanical Division Circular D.V. 1897 specifies that new or rebuilt freight cars, as well as cars used in interchange service which are ordered after July 1, 1978, must be equipped with lifting lugs "to provide a means to vertically lift a loaded upright car." Such a provision for lifting is known as a lifting "lug." The purpose of the requirement is "to improve the method of handling derailed cars." The Circular further states that lugs shall be provided "at four places, preferably in or near the body bolster at the side sill."

On September 18, 1978, FRA received a petition from four major tank car builders and a major lessor of cars requesting an emergency exemption of tank cars from the AAR Circular. The petition recited efforts to dissuade the AAR from issuance of the circular and the general or special safety inquiry at 10 a.m. on October 31, 1978, in room 3201, Trans Point Building, 2100 Second Street SW., Washington, D.C. Representatives of the railroad industry, car builders and owners, wreck clearance contractors, and other interested persons are invited to attend the hearing and to make written comments. An FRA board of inquiry will direct questions to each witness for the purpose of developing a full factual background to inform FRA decisions. Written comments are also solicited and should be submitted to the address indicated above not later than the date of the hearing.

Commenters are encouraged to provide information concerning all issues relevant to the topic under examination. Comment is specifically solicited on the following issues:

1. Under the design specification of Circular D.V. 1897, each lifting lug must be able to support 40 percent of the gross weight of a loaded car when the car is essentially upright and is lifted from a position within 15 degrees of the vertical. In view of the fact that many cars do not come to rest in an upright position, would lifting lugs designed to the minimum requirements of the Circular present an unreasonable possibility of misuse and consequent injury to persons at the scene of a derailment? What are the specific possibilities of misuse which bear on safety? Should the AAR Circular be changed to require adequate strength to allow for lifting at angles greater than 15 degrees from the vertical? What should that angle be? Would the presence of a warning stencil at each lug reduce the possibilities of abuse?

2. What design specifications for lifting lugs are actually planned for application on general purpose box cars, hopper cars, tank cars, and other freight cars? Does the standard box car, for example, permit the application of a lifting lug which would
PROPOSED RULES

INTERSTATE COMMERCE COMMISSION

(49 CFR Part 1062)

TRANSPORTATION OF GOVERNMENT TRAFFIC

Extension of Time for Filing Public Comments

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing public comments in this proceeding.

SUMMARY: By an interim decision served July 21, 1978, and printed at 129 MCC 623, the Commission (Commissioners Murphy and Stafford dissenting), reached certain tentative conclusions as to the major issues presented and the resolution of those issues through a comprehensive plan of motor carrier licensing for the transportation of government traffic. Appropriate rules and regulations embodying those provisional findings were proposed. All parties and other interested persons were invited to file comments respecting those tentative conclusions and the effectuating rules and regulations proposed. September 25, 1978, was designated as the date on or before which such comments would be received. At the request of several interested parties, and in order to insure a full opportunity to prepare their comments a 30-day extension of time for filing comments is being given.

DATES: Comments regarding the tentative conclusions and the effectuating rules and regulations proposed to be adopted in this proceeding should now be submitted to the Commission on or before October 25, 1978.

ADDRESS: Copies of the Commission's interim decision can be obtained from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, 202-275-7292.


By the Commission, Robert J. Brooks, Director, Office of Proceedings.

H. G. H.,
Acting Secretary.

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978

46053
TALFF's will be published in the Notice of the incremental apportionments, appropriate distribution of reserves, and appropriate increases in TALFF's.

U.S. fisheries, periodically re-evaluate U.S. needs. The NMFS will continually monitor the stated U.S. capacities are surplus to U.S. of the reserves are required by the United will be required to determine what portions which in § 2.3.1.1 stated that:

ey of eastern Bering Sea and north­
tral fisheries and herring gillnet fish­

The Director of the Alaska regional office has reassessed the U.S. capacity to harvest sablefish and Pacific cod and has determined that domestic fishermen will harvest only 200 mt of sablefish and 1,000 mt of cod in the Bering Sea and northwest Pacific fisheries. In keeping with the Intent of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et. seq.), as amended (FCMA), the resulting surpluses of U.S. capacity estimates should be made available to foreign nations desiring additional fishery allocations.

The Assistant Administrator for Fisheries (Assistant Administrator), for good cause, has determined: (1) That the U.S. capacity estimate of sablefish in the Bering Sea and northeast Pacific is reduced from 600 mt to 200 mt, and the resulting surplus of 400 mt of the sablefish reserve is added to the TALFF, and; (2) that the U.S. capacity estimate of Pacific cod in the Bering Sea and northeast Pacific is reduced from 1,500 mt to 1,000 mt, and the resulting surplus of 500 mt of the Pacific cod reserve is added to the TALFF.

Accordingly, the PMP is (further) amended as follows:

1. The original sablefish TALFF of 5,000 mt which appeared in table 18 (42 FR 9225), on February 15, 1977, for areas I, II, and III combined, was reduced to 2,400 mt with a 600 mt reserve in the supplemental environmental impact statement (42 FR 60945) on November 30, 1977. That 600 mt reserve is hereby reduced to 200 mt and the TALFF for sablefish in areas I, II, and III combined, is increased to 2,800 mt.

2. The original cod TALFF of 58,000 mt which also appeared in table 18 was reduced to 56,500 mt with a 1,500 mt reserve on November 30, 1977. That 1,500 mt reserve is hereby reduced to 1,000 mt and the TALFF for cod is increased to 57,500 mt.

This amendment does not modify the optimum yield for those species established in the PMP, nor does it adversely affect the conservation of the resource.

The Assistant Administrator finds that a 15-day notice of proposed rulemaking is not adequate because this amendment involves only a very small number of people, all of whom have had prior notice of this proposed action.

Signed in Washington, D.C., this 29 day of September 1978.

WINFRED H. MEIBOHN,
Acting Executive Director,
National Marine Fisheries Service.

§ 611.93 [Amended]

Amend 50 CFR 611.93(b) by revising table 1 as follows:

1. In column one, bottom line, add words “and revised” between the words “initial” and “TALFF.”

2. In column seven headed “Sable­
fish, Areas I-III” strike “2,400,” substi­
tute “2,800.”

In column nine headed “Pacific Cod,” strike “56,500,” substitute “57,000.”

[F R Doc. 78-23267 Filed 10-4-78; 8:45 am]
DEPARTMENT OF AGRICULTURE
Forest Service
NEZ PERCE (NEE-MEE-POO) NATIONAL HISTORIC TRAIL STUDY IN OREGON, IDAHO, WYOMING AND MONTANA

Intent to Prepare an Environmental Statement

Pursuant to paragraph 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, in cooperation with the National Park Service, Department of Interior, will prepare an environmental statement for the Nez Perce (Nee-Mee-Poo) National Historic Trail study which will involve 1,350 miles of the route traveled by the nontreaty Nez Perce Indians from the vicinity of Wallowa Lake, Oreg., to Bear Paw Mountain, Mont.

By enactment of Pub. L. 94-527, October 17, 1976, Congress amended the National Trails System Act of 1968 to authorize a study to determine the feasibility of designating the Nez Perce (Nee-Mee-Poo) Trail as a component of the National Trails System.

Key issues evolve from the complex nature of landownership and land use. This trail enters 4 States and 21 counties within these States. It crosses portions of four Forest Service regions (1, 2, 4, and 6), 10 national forests, and three national parks. Also involved are four State offices of the Bureau of Land Management. Several RARE II roadless areas, the North Absaroka Wilderness, and the Snake, Salmon, Clark Fork of the Yellowstone and Missouri Rivers, all designated as wild or scenic rivers are crossed by this trail.

There are several national and State historic sites along the route. The trail also passes through a portion of critical grizzly bear habitat in Yellowstone and the Shoshone National Forest.

The responsible official is Forest Service Chief John McGuire, Robert Torheim, who has initiated this cooperative study, is the Regional Forester of the Northern Region in Missoula. Ray Thompson is the study leader working with Gene Balaz of the National Park Service.

The draft feasibility report/environmental statement is scheduled for completion by December 1978, with a 60-day review period. The final report/ES is scheduled for submission to Congress in June 1979.

Comments on the notice of intent or on the trail study should be sent to the Regional Forester, Attention: Director, Recreation and Lands, Forest Service, Federal Building, Missoula, Mont. 59807.


JAMES E. REID, Acting Regional Forester, Northern Region.

[3410-11]

[3410-16]

DARRS CREEK WATERSHED, TEXAS

Intent To Not File an Environmental Impact Statement for Deauthorization of Funding of the Darrs Creek Watershed

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service; Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for deauthorization of funding of the Darrs Creek Watershed, Bell County, Tex.

The environmental assessment of this action indicates that deauthorization of funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project plan provided for accelerated technical assistance for application of land treatment measures and the installation of four floodwater retarding structures.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, P.O. Box 648, 101 South Main Street, Temple, Tex. 76501; 817-774-1214. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on the proposal will be taken until December 4, 1978.

JOSEPH W. HAAS, Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 78-28315 Filed 10-4-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
NOTICES


The environmental assessment of this federally assisted action indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Chester F. Bellard, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for this project.

The measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, debris basins, fencing, concrete and grass flumes, grassed waterways, and tree planting.

The notice of intent not to prepare environmental impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, P.O. Box 610, Jackson, Miss. 39205, telephone 601-969-4235.

The notice of intent not to prepare environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until November 6, 1978.


EDWARD E. THOMAS, 
Assistant Administrator for 
Land Resources Soil Conservation Service.

[NORTHWEST MISSISSIPPI R.C. & D. AREA CRITICAL AREA, TREATMENT R.C. & D. MEASURES, MISSISSIPPI]

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Southest Mississippi Resource Conservation and Development Area Critical Area Treatment Measures in Attala, Bolivar, Carroll, Coahoma, De Soto, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Washington, Yalobusha, and Yazoo Counties, Miss.

The environmental assessment of this federally assisted action indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Chester F. Bellard, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for this project.

The measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, debris basins, fencing, concrete and grass flumes, grassed waterways, and tree planting.

The notice of intent not to prepare environmental impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, P.O. Box 610, Jackson, Miss. 39205, telephone 601-969-4235.

The notice of intent not to prepare environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until November 6, 1978.


EDWARD E. THOMAS, 
Assistant Administrator for 
Land Resources Soil Conservation Service.

[NORTHWEST MISSISSIPPI R.C. & D. AREA CRITICAL AREA, TREATMENT R.C. & D. MEASURES, MISSISSIPPI]
Notices

RECREATION R.C. & D. MEASURE, ARKANSAS

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 850); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Arkansas Critical Area Treatment R.C. & D. Measure, Bradley County, Ark.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Chester F. Bellard, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water-based recreation. The planned works of improvement include the installation of a 10' x 30' fishing pier along the south shoreline of Silver Lake in Milan, Dei County. The pier will be located near the intersection of Maple and Lakeview Avenues at the eastern end of the lake.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, P.O. Box 610, Jackson, Miss. 39205, telephone 601-969-4335. An environmental impact statement has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until November 6, 1978. (Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)


EDWARD E. THOMAS,
Assistant Administrator for Land Resources Soil Conservation Service.

[FR Doc. 78-28119 Filed 10-4-78; 8:45 am]

[3410-16]

SOUTHWEST MISSISSIPPI R.C. & D. AREA, CRITICAL AREA TREATMENT R.C. & D. MEASURES, MISSISSIPPI

Intent Not to Prepare Environmental Impact Statements


The environmental assessment of this federally assisted action indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Chester F. Bellard, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for this project.

The measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, debris basins, fences, concrete and grass slimes, grassed waterways, and tree planting.

The notice of intent not to prepare environmental impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, P.O. Box 610, Jackson, Miss. 39205, telephone 601-969-4335. An environmental impact statement has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until November 6, 1978. (Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)


EDWARD E. THOMAS,
Assistant Administrator for Land Resources Soil Conservation Service.

[FR Doc. 78-28120 Filed 10-4-78; 8:45 am]

[3410-16]

HERMITAGE PUBLIC SCHOOL CRITICAL AREA TREATMENT R.C. & D. MEASURE, ARKANSAS

Intent Not To Prepare an Environmental Impact Statement


The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. M. J. Spears, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water-based recreation. The planned works of improvement include the establishment of a 10' x 30' fishing pier along the south shoreline of Silver Lake in Milan, Dei County. The pier will be located near the intersection of Maple and Lakeview Avenues at the eastern end of the lake.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. M. J. Spears, State Conservationist, Soil Conservation Service, Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark. 72203, telephone 501-378-5445. An environmental impact statement has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until November 6, 1978. (Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)


EDWARD E. THOMAS,
Assistant Administrator for Land Resources Soil Conservation Service.

[FR Doc. 78-28056 Filed 10-4-78; 8:45 am]

[3410-16]

MISPILLION PROJECT WATER-BASED RECREATION R.C. & D. MEASURE, DELAWARE

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 850); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mispillion Project Water-Based Recreation R.C. & D. Measure, Sussex County, Del.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Otis D. Fincher, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water-based recreation. The planned works of improvement include the installation of a 10' x 30' fishing pier along the south shoreline of Silver Lake in Milton, Del. The pier will be located near the intersection of Maple and Lakeview Avenues at the eastern end of the lake.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Otis D.
and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 60 days from the time congressional committees are notified.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)


EDWARD E. THOMAS, Assistant Administrator for Land Resources, Soil Conservation Service.

(FR Doc. 78-28070 Filed 10-4-78; 8:45 am)

MITCHELL SWAMP-PLEASANT MEADOW BRANCH WATERSHED PROJECT, SOUTH CAROLINA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the proposed action in Mitchell Swamp-Pleasant Meadow Branch Watershed, Horry County, S.C.

The watershed project was planned in 1964 and authorized by congressional committees in 1965. None of the planned structural measures have been installed.

The proposed action is to deauthorize the planned project. The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George E. Huey, State Conservationist, Soil Conservation Service, One Greystone West, 240 Stoneridge Drive, Columbia, S.C. 29210; 803-765-5581. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties.

No administrative action on implementation of the proposal will be taken until November 6, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)


EDWARD E. THOMAS, Assistant Administrator for Land Resources, Soil Conservation Service.

(FR Doc. 78-28070 Filed 10-4-78; 8:45 am)

MooRE UNITED GAS GULLY CRITICAL AREA TREATMENT R. C. & D. MEASURE, FLORIDA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Moore United Gas Gully Critical Area Treatment R. C. & D. Measure, Escambia County, Fla.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. William E. Austin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for gully stabilization. The planned works of improvement include a grade stabilization structure and 1.5 acres of vegetative cover.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. William E. Austin, State Conservationist, Soil Conservation Service, 401 SE. First Avenue, Gainesville, Fla. 32601, telephone 904-377-8732. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until November 6, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)


EDWARD E. THOMAS, Assistant Administrator for Land Resources, Soil Conservation Service.

(FR Doc. 78-28070 Filed 10-4-78; 8:45 am)
NOTICES

46059

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I, (the Act) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on October 12, 1978, from 7 a.m. to 7 p.m. at Strategic Air Command Headquarters, Offutt Air Force Base, Omaha, Nebr., and on October 13, 1978, from 8 a.m. to 12 noon at Ellsworth Air Force Base, Rapid City, S.D.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 11652 dated March 10, 1972.

The meeting will be closed to the public in accordance with the determination of September 5, 1978, made by the Director of the U.S. Arms Control and Disarmament Agency pursuant to section 10(d) of the Act and paragraph 8d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(6).

This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.


SIDNEY D. ANDERSON,
Advisory Committee Management Officer.

[FR Doc. 78-22824 Filed 10-4-78; 8:45 am]

IVL AERONAUTICS BOARD

[Docket 24048]

BRANIFF AIRWAYS, INC. AND BRANIFF INTERNATIONAL CORP.

Notice of Proposed Approval

Notice is hereby given, pursuant to statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the Civil Aeronautics Board intends to issue the attached order. Interested persons are hereby afforded until October 16, 1978, to file or request a hearing on the action proposed in the order.


PHYLLIS T. KAYLOR,
Secretary.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. By Order 73-9-17, March 14, 1973, the Board authorized, Braniff Airways, Inc. to establish and acquire control of A-B Aircraft, Inc. (Aircraft, Inc.) as a wholly owned subsidiary for the special purpose of immediately converting into cash some portion of the value of certain conditional sales contracts for 11 BAC-111's, spare parts, and related equipment delivered to Allegheny Air Charter, Inc.1 Also, the Board authorized Braniff to lease the aircraft and related equipment from Aircraft, Inc. if the latter repossesses such aircraft on termination.2 Further the Board's authorizations were made effective only so long as the activities of Aircraft, Inc. are limited to the legal or beneficial ownership and leasing of the aircraft and to the winding up of its corporate affairs as a special-purpose corporation.3

Braniff and Braniff International Corporation (BIC) now request that the Board approve, under section 408 of the Federal Aviation Act of 1958, as amended, and authorize, under the conditions of Orders 73-11-8, October 23, 1973, the acquisition of control of Aircraft, Inc. by BIC through an interaffiliate transaction.4

Braniff proposes to sell its interest in Aircraft, Inc. to BIC by exchanging the capital stock for cash in the amount of the net book value of the stock at the end of the month preceding the transfer. According to the applicants, the aggregate book value of Aircraft, Inc. as of April 30, 1978, was approximately $17,090,000 and the purchase price is to be paid in cash at the date of the transfer.5

In support of their request, the applicants state that Braniff’s financial statements carry the amount of the stockholders’ equity on the books of Aircraft, Inc. as the book value of Braniff’s investment in it; that the net effect of the proposed sale will be to substitute cash on Braniff’s balance sheet for the book value of its nonairline investment, asset in Aircraft, Inc.; that this transfer will improve Braniff’s attractiveness to creditors and simplify its corporate structure. The applicants further state that they have selected book value as the most reasonable selling price in the absence of a readily acceptable alternative means of valuing the Aircraft, Inc. stock.

The Board has approved this method of valuation in authorizing the transfer of other Braniff subsidiaries to BIC.6

Applicants further assert that no one will be adversely affected by the transaction and that the transaction is subject to Board approval under section 408 of the Act and under the conditions of Order 73-11-8 supra.7 We further conclude, however, that the transaction does not affect any of the parties to the lease and financing agreements would be affected and the two financing banks have consented to the present transaction.

No one has filed any objections to this application or requested a hearing.

We have concluded that BIC is a person controlling an air carrier, that Aircraft, Inc. is a person engaged in a phase of Aeronautics, and that the transaction is subject to Board approval under section 408 of the Act and under the conditions of Order 73-11-8 supra.8 We further conclude, however, that the transaction does not affect any of the parties to the lease and financing agreements would be affected and the two financing banks have consented to the present transaction.

1Applicants state that as of April 30, 1978, the remaining balance due Aircraft, Inc. from Allegheny was $3,690,748, with the final payment scheduled in August, 1980. As of the same date, the remaining balance owed by Aircraft, Inc., on the loan to the banks was $1,166,000 with the final payment due in August, 1978.


3See Order 78-4-49, supra, n. 5 above; Braniff Airways, Inc., and Braniff International Corporation, Orders 75-1-13, January 7, 1978, and 76-3-56, February 13, 1978, at n. 1 (also involving Guardian Services, Inc.)
NOTICES

[3510-2] NEW ENGLAND FISHERY MANAGEMENT COUNCIL

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss: (1) Foreign fishing regulations for 1979; (2) Foreign fee schedules for 1979; (3) Gear conflicts committee report; (4) Groundfish trip limits analysis and new plan development; and (5) Other business.

DATES: The meeting will convene on Monday, October 23, 1978, at approximately 10 a.m. and adjourn on Tuesday, October 24, 1978, at approximately 5 p.m. This meeting is open to the public.

ADDRESS: The meeting will take place at the Sheraton Inn, 291 Jones Road, Palmouth, Mass.

FOR FURTHER INFORMATION CONTACT:
Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960.

SUPPLEMENTARY INFORMATION:
For information on seating arrangements, changes to the agenda, and/or written comments, contact the Executive Director.


WINFRED H. METSOHN, Associate Director, National Marine Fisheries Service.

[FEDERAL REGISTER. VOL 43, NO. 194—THURSDAY, OCTOBER 5, 1978]
ACTION: Controlling certain shoe soles and uppers of wool felt in Category 459 (only T.S.U.S.A. numbers 700.7510 through 700.7560) from the Republic of Korea at 2,850,000 pounds during the 12-month period which began on January 1, 1978.


SUMMARY: Under the terms of paragraph 18 of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, the Government of the United States has decided to control imports of wool textile products in Category 459 (only T.S.U.S.A. numbers 700.7510 through 700.7560), produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period which began on January 1, 1978.

Effective Date: October 2, 1978.

For Further Information Contact:

Supplementary Information: On December 30, 1977, there was published in the Federal Register (42 FR 82284) a letter dated December 27, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs concerning imports of wool textile products, produced or manufactured in the Republic of Korea, in excess of 2,850,000 pounds.

Wool textile products in Category 459 (only T.S.U.S.A. numbers 700.7510 through 700.7560) which have been exported to the United States prior to January 1, 1978 shall not be subject to this directive.

Wool textile products in Category 459 (only T.S.U.S.A. numbers 700.7510 through 700.7560) which have been exported to the United States prior to January 1, 1978 shall not be subject to this directive.
NOTICES

Cotton, wool, and man-made fiber textile products in the foregoing categories that have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448 (b) before the effective date of this directive shall not be denied entry under this directive.


This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist in the implementation of certain of its provisions.

EFFECTIVE DATE: October 2, 1978.

FOR FURTHER INFORMATION CONTACT:


R. E. Shepherd, Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

Pursuant to the terms of T.S.U.S.A. numbers was published in the letter published below the Federal Register.

This letter will be published in the Federal Register.

Sincerely,

Robert E. Shepherd,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

NEW MULTIFIBER AGREEMENT

Announcing Import Restraint Levels With Columbia


AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool, and man-made fiber textile products from Columbia during the 12-month period beginning on July 1, 1978, pursuant to a new bilateral agreement.

SUMMARY: On August 3, 1978, the Governments of the United States and Columbia exchanged notes establishing a new Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement for the 4-year period beginning on July 1, 1978 and extending through June 30, 1982. Within the applicable group limits, the agreement establishes specific limits for Categories 313, 443, 633, and 641 during the 12-month period beginning on July 1, 1978. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit imports for consumption, or withdrawals from warehouse for consumption, of cotton, wool, and man-made fiber textile products in Categories 313 (cotton sheeting), 443 (men's and boys' wool suits), 633 (men's and boys' suit-type coats of man-made fibers), and 641 (man-made fiber blouses, not knit) to the designated amounts, pursuant to the new agreement. The levels of restraint in the letter have not been adjusted to account for imports during the period beginning on July 1, 1978 and extending through the effective date of this action. Imports during this period will be charged to the new levels.

(Detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 3844), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773) and September 5, 1978 (43 FR 39406)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist in the implementation of certain of its provisions.

EFFECTIVE DATE: October 2, 1978.

FOR FURTHER INFORMATION CONTACT:


R. E. Shepherd, Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

Pursuant to the terms of T.S.U.S.A. numbers was published in the letter published below the Federal Register.

This letter will be published in the Federal Register.

Sincerely,

Robert E. Shepherd,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

The actions taken with respect to the Governments of Columbia and with respect to imports of cotton, wool, and man-made fiber textile products from Columbia have been determined by the Committee for the Implementation of Textile Agreements, to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Robert E. Shepherd,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-28108 Filed 10-4-78; 8:45 am]

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will meet in open session on Tuesday, October 24, 1978, at 10 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006, to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

This notice confirms notice of December 27, 1977, published at 42 FR 64651.


Charles H. Atherton, Secretary.
Department of the Air Force

PRIVACY ACT OF 1974

New System of Records

AGENCY: Department of the Air Force.

ACTION: Notification of a new system of records.

SUMMARY: The Department of the Air Force proposes a new system of records identified as \[\text{F03001 SAC A}\], entitled: “Drug Rehabilitation Action Management Information System.”

DATES: This system shall become effective as proposed without further notice on November 6, 1978, unless comments are received on or before November 6, 1978, which would result in a contrary determination requiring republication for further comments.

ADDRESS: Send comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

The Department of the Air Force systems of records notices, as prescribed by the Privacy Act have been published in the Federal Register as follows:

FR Doc. 77-28355 (42 FR 50784), September 28, 1977.

The Department of the Air Force has submitted a new system report on August 28, 1978, pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a(o)).

MAURICE W. ROCHE
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

October 2, 1978.

[3910-01]

F03001 SAC A

System name:
Drug Rehabilitation Action Management Information System.

System location:
At servicing Air Force (AF) installation Social Actions Offices, Consolidated Base Personnel Offices, Strategic Air Command Headquarters, SAC Drug Rehabilitation Center and Air Force Manpower and Personnel Center. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force’s systems notice.

Categories of individuals covered by the system:
Air Force active duty military personnel who are identified as drug abusers.

Categories of records in the system:
As a minimum, the system contains computerized data and manual files related to drug abuse identification, category of abuse, acceptance of treatment, and subsequent personnel actions.

Authority for maintenance of the system:
5 U.S.C. 301, Departmental regulations; and 10 U.S.C. 8074, Commands: territorial organization.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
To identify and track a person’s acceptance/declination and progress in the Strategic Air Command drug rehabilitation program and ultimate disposition (retained on active duty, separated, demoted, etc.). Those authorized to have access to the files are base and command level social actions staffs, drug rehabilitation instructors, and selected command staff personnel. The files are used to maintain information on drug abusers, to measure the success of program objectives, to substantiate personnel actions, provide analysis reports to concerned managers, and to support separation actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposition of records in the system:

Storage:
Computer disk/tape files and manual file folders.

Retrievability:
Filed by name, by other identification number, or system identifier.

Safeguards:
Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. The computer file is secured on-computer disk/tape by computer operations personnel. Manual file folders are stored in security file containers/cabinet safes.

Retention and disposal:
All categories of records are cleared for need-to-know. The computer file is secured on-computer disk/tape by computer operations personnel. Manual file folders are stored in security file containers/cabinet safes.

None.

[3910-01]

ENVIRONMENTAL IMPACT ANALYSIS PROCESS

Proposed Closure of Chanute AFB, Ill.

September 26, 1978.

The Air Force has begun the formal environmental impact analysis process for the proposed closure of Chanute Air Force Base (AFB), Ill.

Since the late sixties, there has been a significant downward trend in the number of Air Force installations, down 38 percent; aircraft, down 40 percent; and manpower, down 33 percent. These reductions in overall activity have resulted in a decrease in technical training requirements and a study as to whether reductions could be made in the Air Force base structure supporting technical training.

There are five technical training centers (TTC’s) located at the follow-
NOTICES

ADVANCED TANKER/CARGO AIRCRAFT PROCUREMENT

Environmental Determination


The Air Force is contemplating the procurement of approximately 20 modified DC-10-30CF wide-bodied freighter aircraft for use as tankers with cargo-carrying capability. A limited pre-delivery test program would begin in April 1980 and operational aircraft delivery to the Strategic Air Command would begin in October 1980. In accordance with the National Environmental Policy Act, the Air Force has prepared a Candidate Environmental Impact Statement (EIS) for the proposed procurement. After careful review of the Candidate EIS, it was determined that the proposed action was not a major Federal action significantly affecting the quality of the human environment nor was it likely to be highly controversial with regard to its environmental impacts. This conclusion is based upon the following:

a. The KC-10 is a derivative of the DC-10-30CF wide-bodied convertible freighter aircraft currently flying in commercial service with several commercial U.S. and foreign airlines. Minimum modifications to the aircraft would be made.

b. It is estimated that the KC-10 fleet would fly about 1900 hours/year in the stratosphere based on current projected typical missions. This would have a minimal climatic impact. The injection of oxides of nitrogen into the atmosphere by the proposed KC-10 fleet has been investigated by the Air Force Geophysics Laboratory and they have determined that the effects on the ozone layer would be negligible (less than .01% change in ozone).

c. The KC-10 fleet would consume approximately 22 million gallons of fuel per year. The KC-10 uses fuel more efficiently than most other current Air Force aircraft in terms of ratio of fuel transferred to fuel burned. The propulsion systems would operate with JP-4, JP-5, and JP-8 fuel, all of which are low in sulfur and metal content.

d. The KC-10 would utilize the General Electric CF6-50C1 engine. These engines will comply with the Environmental Protection Agency air pollutant emission standards applicable to commercial engines at the time of procurement.

e. The KC-10 is quieter than the turbo jet, turbofan tanker/cargo aircraft presently in the Air Force inventory and meets Federal Aviation Regulation (FAR) Part 36 noise standards.

f. Existing avionics equipment would be used to the greatest extent possible.

The process will consider the impact on the area surrounding Chanute Air Force Base of the departure of approximately 2,850 assigned military personnel, plus an average student load of approximately 5,000 students, and an estimated change in civilian jobs as follows:

- Loss of approximately 1,450 Department of the Air Force Civil service jobs.
- Loss of other jobs (base exchange, concessionaire, nonappropriated fund), approximately 1,100 full and part-time.

The process will also consider the impact of the increase of personnel at Keesler Air Force Base by approximately 1,600 permanent party and students, at Lackland Air Force Base by approximately 1,090 permanent party and students, and at Sheppard Air Force Base by approximately 4,890 permanent party and students.

The environmental impact analysis process will consider the impact on the area surrounding Keesler Air Force Base of the departure of approximately 3,700 assigned military personnel, plus an average student load of approximately 4,100 students, and an estimated change in civilian jobs as follows:

- Loss of approximately 1,270 Department of the Air Force civil service jobs.
- Loss of other jobs (base exchange, concessions, nonappropriated fund), approximately 1,400 full and part-time.

The analysis of the alternative will also consider the impact of an increase of personnel at Keesler AFB by approximately 2,120 permanent party and students, at Chanute AFB by approximately 3,610 permanent party and students, and at Sheppard AFB by approximately 1,560 permanent party. Approximately 3,470 permanent party manpower authorizations and 100 base operating support contract man-years would remain at Lowry Air Force Base and 280 manpower authorizations and 160 man-years at the Pentagon. The environmental impact analysis process will lead to a formal environmental assessment which will be used to determine if a draft environmental impact statement (EIS) should be prepared or if a finding of no significant impact is appropriate.

If the formal environmental assessment indicates there is significant impact on the quality of the human environment, the Air Force will file a Draft EIS with the Environmental Protection Agency and release it to the public.

In such impact is not found, a finding of no significant impact will be prepared and released.

Any comments or questions should be directed to the Deputy for Environment and Safety, Office of the Secretary of the Air Force, Room 4C885, the Pentagon, Washington, D.C. 20330, telephone 202-697-0800.

Carol M. Rose
Air Force, Alternate Federal Register Liaison Officer.

[FR Doc. 78-28138 Filed 10-4-78; 8:45 am]

[3910-01]

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
the Indonesian supplier (Perusahaan Pertambangan Minyak Dan Gas Bumi Negara, hereinafter “Pertamina”). The DOE disapproved Pac Indonesia’s proposal that its tariff provide for automatic flow-through of any price increases under those clauses. Opinion No. 1 did indicate, however, that DOE would consider revisions to the escalation and currency adjustment provisions.

Following procedures described below, Pac Indonesia has filed an amendment to its contract with Pertamina, which contains revised escalation provisions, and has requested that flow-through of the cost increases resulting from the new escalator provisions and the currency adjustor provision as originally proposed be approved.

After considering the applications for rehearing, the revisions filed by Pac Indonesia, and the comments filed thereon, the DOE finds that the amended contract escalation clause would not be inconsistent with the public interest in the special circumstances of this proceeding. Moreover, the DOE now withdraws its objections to the currency adjustment clause, and conditionally sanctions the operation of that clause, as explained below. The DOE will shortly address remaining matters raised by the applications for rehearing of Opinion No. 1 and then issue the justiciable order under section 19(b) of the Natural Gas Act.

B. PROCEDURAL BACKGROUND

In reviewing the pricing clauses in the Pertamina-Pac Indonesia contract, we take note of the special history of these proceedings. The first application for permission to import the LNG, dated December 30, 1973, with the Federal Power Commission (FPC), reflected Pertamina’s September 6, 1973, contract to sell LNG for 63 cents per million Btu (MMBtu) with escalation at 2 percent per year. On January 28, 1974, upon the request of the Indonesian government to approve a contract containing an escalator which did not reflect world energy prices, Pertamina and Pac Indonesia’s predecessor revised the contract, as follows:

To set a base price of $1.25 per MMBtu for LNG FOB the tanker at the loading dock in Sumatra.

To escalate the base price by a formula based on two energy price indicators: (a) 50 percent on changes in the actual average price of exported Indonesian crude oil, and (b) 50 percent on changes in the U.S. Department of Labor, Bureau of Labor Statistics, (BLS) Code 05 Wholesale Price Index for Fuels and Related Products.

On October 28, 1975, the parties again revised the contract to fix a minimum pricing provision designed to cover the amortization of interest on Pertamina’s debt as well as its operating costs.

The Administrative Law Judge conditionally approved the import on July 22, 1977. On October 1, 1977, the FPC ceased to exist and its gas import jurisdiction vested in the Secretary of Energy.

The DOE issued Opinion No. 1 on December 30, 1977. Pac Indonesia and others submitted applications for rehearing within the 30 day period allowed by section 19(a) of the Natural Gas Act. On February 22, 1978, the Administrator of the DOE’s Economic Regulatory Administration held a conference to consider the applications for rehearing. An Order Granting Rehearing for the Purpose of Further Consideration was issued on February 28, 1978.

The Order allowed Pac Indonesia until May 1, 1978, to submit a contract amendment containing revised escalation provisions, and all parties were given 15 days to comment on any submissions. After four extensions of time, Pac Indonesia filed the revised provisions on July 28, 1978. Comments were filed by the staff of the Federal Energy Regulatory Commission (FERC staff) on August 7, 1978, by Hollister Ranch Owners’ Association and the Santa Barbara Citizens for Environmental Defense (Hollister) on August 10, 1978, and by San Diego Gas & Electric Co. (San Diego) on August 11, 1978. Pac Indonesia filed a limited response to Hollister on August 21, 1978.

C. ECONOMIC BACKGROUND

Opinion No. 1 explicitly recognized that some escalation provisions might be appropriate in the present LNG contracts. We recognize Pertamina’s concerns with respect to revenues over the life of a long-term contract which will not terminate until the next century, 20 years after initial delivery. The necessity for a long-term contract reflects the large capital outlays involved in an LNG venture, including the liquefaction plant, the cryogenic tankers, and the receiving, storage and regasification terminal. Such projects must wed a substantial, dedicated gas supply (over 4 trillion cubic feet of non-associated gas in this project) to a large, assured market.

These factors support our favorable consideration of appropriate escalation provisions. However, the approval of price provisions in LNG import contracts must also be based upon a careful assessment of the impact the provisions would have on national energy goals as well as a determination of the extent to which the resulting prices in particular projects are justified in terms of national and regional needs for gas.
Domestic natural gas consumption will continue to draw primarily on the conventional supplies obtainable in the contiguous United States. Such natural gas resources are within the reach of the existing domestic pipeline system and on the continental shelf—at locations near the established pipeline infrastructures. National energy policy recognizes the primacy of these proximate supplies of conventional gas, as well as the importance of increased exploration and cooperation between U.S. and foreign governments in order to provide for a more broadly-based means of adjusting prices over the life of the contract.

The applicant submitted an amendment on July 28, 1978, reflecting a revised escalator provision. The revised escalator escalator now reflects a broad-based U.S.A. economic index, the BLS Index of Wholesale Prices, All Commodities (WPI-AC).

In commenting on the filing of the revised escalator, Hollister and the FERC staff objected to the use of any indicator based on Indonesian prices for crude oil. Hollister further requested formal hearings to explore the operation of the escalator and to develop an evidentiary record. Objections to Hollister's request were filed by Pac Indonesia. San Diego stated that the revised escalator should be approved.

DOE finds that the revised escalator accepts the objections raised in Opinion No. 1, and we will, therefore, approve the flow-through of costs associated therewith. It must be stressed that our conclusion is based on the specific circumstances of this case, including the fact that the Domestic Natural Gas Act of 1975 (DNGA) contract have now been revised twice in an effort to reach terms acceptable to both governments. Our approval in the circumstances of this protracted case, however, should not necessarily be viewed as a precedent for approval of similar contract pricing provisions in proposed import cases involving different circumstances with respect to supply alternatives, market requirements or other salient factors.

While DOE continues to have grave reservations concerning the acceptability of any LNG supply contract which substantially or totally links the price of gas to cartel-influenced oil prices, there are also features of this contract which tend to mitigate the inclusion of a crude oil-based element in the escalation clause. We note, for example, that the contract generally establishes a fair and symmetrical basis for the relationship between buyer and seller. The contract sets terms for a fixed 20-year period with no option to reopen. It includes a “most favored nation” clause under which Pac Indonesia would be entitled to a price for LNG no higher, on an FOB equivalent basis, than that paid any other purchaser. The contract also provides for the adjustment of prices in the event of Pertamina in existence as of January 9, 1975. The escalator provisions do not apply to the full cost of the LNG as imported and delivered to the United States, but only to the price of the LNG from Sumatra near the point of production.

Further, the contract's terms provide symmetrical and countervailing responsibilities and penalties for buyer and seller. Each may terminate the contract if the other fails to meet its obligations. Quantities underlifted by Pac Indonesia will be made up at the contract sales price in effect at the time of actual delivery. Quantities under-delivered by Pertamina will be made up at the contract price, at the time of Pertamina's failure to deliver. In addition, if Pertamina fails to deliver at least 90 percent of contract requirements and fails to make up those quantities, Pac Indonesia may terminate the contract or require Pertamina to deliver a quantity equivalent to that not delivered previously, at a 10 percent discount from the contract sales price (Article 7.7).

The base price of the LNG is not arbitrarily inflated. Most of the initial FOB price of $1.25 per MMBtu consists of the extensive capitalization expenses necessary for the liquefaction plant. The portion of the base price remaining for production and pipeline transmission to the liquefaction plant is estimated to be in the range of $0.20–$0.60 per MMBtu. The wellhead portion of the base price, after deducting the pipeline transmission costs, will be somewhat less.

In summary, the contract generally establishes a reasonable base price for the gas and terms which are fair to buyer and seller alike. These generally equitable provisions, when balanced against the provisions of the escalator clause, tend to weigh in favor of acceptance of provisions which otherwise might be found to be unacceptable.

We find the revised escalator formula to be a substantial improvement over the original provision. The escalator provision disapproved in Opinion No. 1 was linked entirely to energy price movements. The revision limits the direct tie to energy prices, thereby providing greater protection from future increases in world oil prices.

In addition, the 15 percent annual limitation provides some protection against the consequences to gas consumers of a drastic rise in world oil prices. Although any such increases will eventually be reflected in this
component, the limitation effectively spreads their impact over time, and would tend to mitigate partially the economic dislocation that could occur in the event of any significant price increases for Indonesian crude oil. Although a lower ceiling may well be essential in other circumstances, we are persuaded that this limitation provides sufficient protection to the consumer when viewed in the context of all the facts in this case.

We also note that the Indonesian crude oil portion of the formula continues to compute increases in actual sales prices paid for Indonesian exports (as opposed to posted prices), and as such represents a broad and accurate mechanism for measuring changes in actual energy prices. Moreover, the more volatile spot market prices paid for Indonesian crude are excluded from the calculations. The use of such a price quotation mechanism, which appears to reflect the market for the bulk of Indonesian exports, provides further stability and clarity in this component than would be provided if it were based on commodities with a more volatile and limited market.

We will also approve the use of the WPi-AC for the other 50 percent of the escalator provision in order to provide a broader basis for price adjustments, as called for in Opinion No. 1. We note that the contract amendment specifies a procedure for development of an alternative index in the event that BLS ceases to compile and publish the WPI-AC. Indeed, we have been advised by the Department of Labor that its current series of indices is undergoing significant revisions with possible abolishment of some.

DOE will direct, therefore, that the applicants submit for approval any new index adopted pursuant to these contract provisions. We suggest that the GNP-deflator published by the United States Department of Commerce would be an acceptable alternative, since it is also a broad-based domestic indicator which avoids any significant self-compounding effect in relation to this project.

Hollister requested further hearings in which to explore the operation of the revised contract provisions. However, the revised escalator formula is clearly defined by the Applicants' filing and information regarding operation of the WPI-AC is readily available to all parties. Therefore, the opportunity given all the parties to comment on the proposal provided an adequate airing of views concerning this issue. Moreover, Hollister has not met its burden of showing that hearings on the subject of this limitation would provide us with additional material information. We note finally that Hollister's intervention in this proceeding was granted for the limited purpose of participation in the siting and environmental aspects of the project, and as such has been established for further hearings, and Hollister's request will be denied.

B. THE CURRENCY REVALUATION FACTOR

In Opinion No. One, DOE disapproved the automatic flow-through of currency fluctuations associated with the currency revaluation factor contained in the sales contract, based upon a finding that the factor did not afford "equitable distribution of currency fluctuation risk between buyer and seller." On rehearing, the applicants argue that DOE's finding is in error, because it is based on conclusions (a) that the contract sales price would never be adjusted downwards in the event of an appreciation of the dollar, and (b) that the 25-percent limitation on adjustments due to dollar depreciation applies quarterly and therefore has no ceiling. Applicants state that neither conclusion is correct, and therefore request that DOE approve the currency revaluation factor as negotiated.

Hollister and the FERC staff oppose the applicants' request. Hollister suggests that DOE should take notice of recent announcements by the Organization of Petroleum Exporting Countries that it intends to adopt a mechanism which will provide for automatic adjustments in crude oil prices to reflect changes in the value of the U.S. dollar. They argue that if DOE accepts an escalator clause which is tied to Indonesian crude oil prices, the adoption of such a mechanism, in conjunction with the currency adjustor, would provide a double adjustment for fluctuation in the value of the dollar. The FERC staff opposes the currency revaluation factor "because its proposed use is satisfied by use of the escalator based on the United States Wholesale Price Index."

DOE has reexamined the currency adjustment provision in light of Pac Indonesia's explanations and finds that its objections in Opinion No. 1 were based upon a misconstruction of its operation. Paragraph 9.6 of the amended contract does provide an absolute limit of 25 percent on the amount of adjustment called for by this clause, and further provides for downward adjustment in the event of appreciation of the dollar (although such downward adjustment cannot carry the price below the price on the date of first initial delivery in any quarter when the Calculated Contract Sales Price exceeds the price on the date of initial delivery). Properly understood, the currency revaluation factor, while not perfectly symmetric in its operation, is reasonable in this long-term contract; flow-through of costs associated therewith will thus be approved.

The FERC staff's argument that use of the WPI satisfies the need for a currency adjustor is not persuasive. As stated in Opinion No. 1, we do not object to the concept of a currency revaluation factor, per se, as a means by which Indonesia may assure itself of stability of real revenues under this long-term contract.

Hollister's objection would have serious merit if Pertamina were to adopt a mechanism that adjusted Indonesian crude oil prices to reflect changes in the value of the dollar. However, Pertamina has not taken any such action. Our order will require that if such a mechanism is adopted in the future, appropriate action be taken to remove the potential for duplicative adjustment of the LNG price.

III. CONCLUSION

The DOE finds that good cause exists to modify Opinion No. 1, as described in the body of this Opinion. Upon completion of the DOE's consideration of other matters raised in the applications for rehearing, an appropriate Order shall be issued, reflecting the DOE's findings with respect to such matters as well as those set forth herein.


DAVID J. BARDIN, Administrator Economic Regulatory Administration.

(FR Doc. 78-38093 Filed 10-4-78; 8:45 am)
NOTICES

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

(FR Doc. 78-28100 Filed 10-4-78; 8:45 am)

[6740-02]

[Docket No. CP78-525]
COLUMBIA GULF TRANSMISSION CO. AND TEXAS GAS TRANSMISSION CORP.

Application


Take notice that on September 15, 1978, Columbia Gulf Transmission Co. (Columbia), 3895 West Alabama Avenue, Houston, Tex. 77027, and Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, Ky. 42301, filed in Docket No. CP78-525 a joint application, pursuant to section 7(a)(1) of the Natural Gas Act, for a certificate of public convenience and necessity for authority to transport and exchange gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In the instant proposal Columbia proposes to transport for Texas Gas natural gas through existing facilities, pursuant to an agreement of July 6, 1978. Columbia proposes to receive up to 3,000 Mcf of gas per day at its existing facilities at the terminus of Exxon Corp.'s Garden City gas plant in St. Mary Parish, La., and to transport it to Columbia's Rayne, La., compressor station, at which point Columbia would retain the subject gas as exchange gas.

Columbia and Texas Gas further seek authority to exchange gas, as provided in their July 6, 1978, agreement. Columbia proposes to deliver gas to Texas Gas at existing facilities of Columbia connecting with Texas Gas' pipeline near Egan, La., the thermal equivalent of the gas received by Columbia at the terminus of Exxon Corp.'s Garden City plant, less a pro rata share of the volume of gas unaccounted for and 1 percent used as fuel in the facilities through which the gas is transported at the Rayne Exchange Point.

It is asserted that Texas Gas agreed to pay Columbia for the transportation portion of the service a monthly demand charge of 71 cents per Mcf (at 14.73 psia) of gas. The transportation service and the exchange of gas is proposed to commence upon the date of first delivery of gas and would continue for a term of 3 years and thereafter as provided in the agreement.

It is asserted that the reason for the proposed transportation and exchange is that purchases Texas Gas have made from Texas Gas Exploration Corp. (Exploration) have become unavailable absent the addition of compression facilities. It is indicated that Exploration has accordingly arranged for the delivery of the gas which Texas Gas purchases from Exploration to Exxon Corp.'s Garden City gas plant where Columbia has facilities and Texas Gas does not. Columbia would transport the volumes received for the account of Texas Gas at the Garden City plant and deliver, by exchange, such volumes to Texas Gas at a point near Egan, La.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene.

Kenneth F. Plumb,
Secretary.

(FR Doc. 78-28162 Filed 10-4-78; 8:45 am)

Take notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

(FR Doc. 78-28100 Filed 10-4-78; 8:45 am)
Northern would cause to be delivered to Petitioner at the wellhead. It is stated that Northern may cause the delivery of up to 500 Mcf of Natural gas per day to Petitioner from the No. 1 W. H. Wright Unit well, and that Petitioner would receive such gas from said well and subsequently transport and re-deliver it to Northern as part of the total exchange volume now authorized and established and now operates as part of the delivery of up to 500 Mcf of Natural gas per day to Petitioner from the No. 1 W. H. Wright Unit well, and that Petitioner would receive such gas from said well and subsequently transport and re-deliver it to Northern.

Pursuant to the order of January 11, 1965, Petitioner was authorized to construct and operate certain facilities and deliver natural gas on an exchange basis to Northern at certain designated points. Petitioner's facilities in Ochiltree County, Texas are constructed and now operate as part of the agreement to exchange natural gas provided pursuant to the 1963 service agreement, dated August 17, 1962, as amended, between Petitioner and Northern on file with the Commission as special Rate Schedule Z-1 to Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, it is stated.

It is indicated that Northern has acquired additional quantities of natural gas attributable to its 9,788 percent purchase interest in the No. 1 W. H. Wright Unit well in Roger Mills County, Okla., as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the order of January 11, 1965, Petitioner was authorized to construct and operate certain facilities and deliver natural gas on an exchange basis to Northern at certain designated points. Petitioner's facilities in Ochiltree County, Texas are constructed and now operate as part of the agreement to exchange natural gas provided pursuant to the 1963 service agreement, dated August 17, 1962, as amended, between Petitioner and Northern on file with the Commission as special Rate Schedule Z-1 to Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, it is stated.

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It is indicated that Northern has acquired additional quantities of natural gas attributable to its 9,788 percent purchase interest in the No. 1 W. H. Wright Unit well in Roger Mills County, Okla., as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the order of January 11, 1965, Petitioner was authorized to construct and operate certain facilities and deliver natural gas on an exchange basis to Northern at certain designated points. Petitioner's facilities in Ochiltree County, Texas are constructed and now operate as part of the agreement to exchange natural gas provided pursuant to the 1963 service agreement, dated August 17, 1962, as amended, between Petitioner and Northern on file with the Commission as special Rate Schedule Z-1 to Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, it is stated.

It is indicated that Northern has acquired additional quantities of natural gas attributable to its 9,788 percent purchase interest in the No. 1 W. H. Wright Unit well in Roger Mills County, Okla., as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the order of January 11, 1965, Petitioner was authorized to construct and operate certain facilities and deliver natural gas on an exchange basis to Northern at certain designated points. Petitioner's facilities in Ochiltree County, Texas are constructed and now operate as part of the agreement to exchange natural gas provided pursuant to the 1963 service agreement, dated August 17, 1962, as amended, between Petitioner and Northern on file with the Commission as special Rate Schedule Z-1 to Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, it is stated.

It is indicated that Northern has acquired additional quantities of natural gas attributable to its 9,788 percent purchase interest in the No. 1 W. H. Wright Unit well in Roger Mills County, Okla., as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the order of January 11, 1965, Petitioner was authorized to construct and operate certain facilities and deliver natural gas on an exchange basis to Northern at certain designated points. Petitioner's facilities in Ochiltree County, Texas are constructed and now operate as part of the agreement to exchange natural gas provided pursuant to the 1963 service agreement, dated August 17, 1962, as amended, between Petitioner and Northern on file with the Commission as special Rate Schedule Z-1 to Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, it is stated.

It is indicated that Northern has acquired additional quantities of natural gas attributable to its 9,788 percent purchase interest in the No. 1 W. H. Wright Unit well in Roger Mills County, Okla., as more fully set forth in the petition to amend on file with the Commission and open to public inspection.
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(18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.
[FR Doc. 78-28165 Filed 10-4-78; 8:45 am]

[6740-02]
[Docket No. ER78-103]
INDIANA & MICHIGAN ELECTRIC CO.
Extension of Time

September 27, 1978.
On September 26, 1978, Staff Counsel filed a motion on behalf of all parties to this proceeding requesting a postponement of the initial conference set by the Commission order of January 6, 1978 and extended by the Notice of March 29, 1978 and April 14, 1978. The motion states that counsel for Indiana & Michigan Electric Co. has a scheduling conflict and that the company and intervenors are engaged in settlement negotiations.

Upon consideration, notice is hereby given that the initial conference is rescheduled for November 23, 1978 at 10 a.m.

KENNETH F. PLUMB,
Secretary.
[FR Doc. 78-28166 Filed 10-4-78; 8:45 am]

[6740-02]
[Docket No. ER78-526]
NATURAL GAS PIPELINE CO. OF AMERICA AND TRANSCONTINENTAL GAS PIPE LINE CORP.
Pipeline Application

Take notice that on September 18, 1978, Natural Gas Pipeline Co. of America, 122 South Michigan Avenue, Chicago, Ill. 60603 and Transcontinental Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Tex. 77056 (applicants), filed in Docket No. CP78-526 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of joint offshore gas gathering facilities in the Ship Shoal area, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they have the right to purchase natural gas reserves located in Ship Shoal Block 272. Applicants propose to construct jointly a gathering line from a production platform in Block 272 to a production platform in Block 269 for further trans-
tional Gas Pipe Line Corp, existing offshore facilities. Applicants estimate the total cost of the proposed facilities will be $3,816,900. Applicants state that their respective shares of said costs will be financed initially through revolving credit arrangements, short-term loans and from funds on hand. Permanent financing will be undertaken in the future as a part of applicant's respective long-term financing programs at later dates.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 25, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriateness of action to be taken, but will not serve to make the protestant's parties to the proceeding. Any person wishing to become a party to the proceeding, or to participate as a party in any hearing thereon, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. If the Commission, on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, if a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.

Compliance Filing

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 25, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, Secretary.

Oglethorpe Electric Membership Corp. v. Georgia Power Co.
Complaint and Motion for Summary Disposition and Rejection of Illegal Practice and Order Directing Immediate Refund

Take notice that on September 23, 1978, Oglethorpe Electric Membership Corp. (OEMC) tendered for filing a Complaint and Motion for Summary Disposition and Rejection of Illegal Practice and Order Directing Immediate Refund. OEMC states that by this filing it complains strongly about the recently attempted Georgia Power Co. (GPC) practice of additionally including variable operation and maintenance (variable O. & M.) expenses within the energy charge component of its PR-3 rate for partial requirements wholesale electric service to OEMC and the other PR-3 customers in contravention of GPC's filed PR-3 rate and tariff.

OEMC further states that this practice by GPC of recovering variable O. & M. costs as part of its energy charge to its partial requirements customers constitutes a blatant violation of the filed rate doctrine because it patently fails to comport with GPC's present PR-3 rate or file with the Commission.

KENNETH F. PLUMB, Secretary.

Take notice that on September 19, 1978, Owen H. Lewis, (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions: Vice President, Kentucky Utilities Co., Public Utility; Vice President, Old Dominion Power Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, Secretary.
NOTICES

[FR Doc. 78-28173 Filed 10-4-78; 8:45 am]

PETITION TO AMEND CERTIFICATE OF PUBLIC

Convenience and Necessity

September 27, 1978.

Take notice that on September 13, 1978, Transcontinental Gas Pipe Line Corp. (Transco), filed in Docket No. CP77-417 a petition to amend the permanent certificate of public convenience and necessity issued on July 19, 1977, as previously modified on September 16, 1977, by vacating Ordering Paragraphs (C) of the former and (A) of the latter Order to the extent such provisions require adjustments depending on the outcome of the rate proceedings in Docket No. RP77-106.

Any person desiring to be heard or to intervene, or any protest with reference to said application, on or before October 17, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All protests filed and with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person desiring to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules of Practice and Procedure.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own motion finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be dully given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28173 Filed 10-4-78; 8:45 am]

[6740-02]

[Federal Register, Vol. 43, No. 194—Thursday, October 5, 1978]

TEXAS GULF COAST AREA RATE PROCEEDING, ET AL.

Filing of Refund Distribution Plan


In the matter of Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2, et al.; Other Southwest Area Rate Proceeding, Docket Nos. AR67-1, et al.; South Louisiana Area Rate Proceeding, Docket Nos. AR61-2 and AR69-1, et al.

Take notice that on September 22, 1978 Florida Gas Transmission Co. (Florida Gas) P.O. Box 44, Winter Park, Fla. 32790, filed a report of distribution of additional refunds in the above-captioned docket. Of the $822,715.99 refunds received, Florida Gas has determined that $265,966.66 pertaining to jurisdictional sales. Florida Gas states that the method employed to allocate the refunds between jurisdictional and nonjurisdictional sales of Florida Gas is the same as that employed in its plan for distribution of supplier refunds previously received in the above-captioned docket which was accepted by the Commission September 1, 1978.

Any person desiring to be heard or to file a protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28173 Filed 10-4-78; 8:45 am]
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KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28176 Filed 10-4-78; 8:45 am]

[6740-02]

CIMARRON TRANSMISSION CO.

Order Approving Rate Increase Application, Accepting Certain Gas Rate Supplements, and Rejecting Other Gas Rate Supplements


On August 16, 1978, Cimarron Transmission Co. (Cimarron) filed in Docket No. RP78-66 a proposed minor rate increase and proposed supplements to its FERC Gas Rate Schedule No. 1. The rate increase application would increase jurisdictional revenues by $34,067 annually, based on costs and sales volumes for the 12 months ended April 30, 1978, as adjusted. Cimarron requests that the proposed rate increase and supplements to its gas rate schedule become effective on September 18, 1978. For the reasons stated below, the Commission shall approve the proposed rate increase and allow it to become effective on September 18, 1978, without suspension, and shall accept in part the various proposed supplements to Cimarron's gas schedule.

Public notice of Cimarron's filing was issued on August 25, 1978, providing for the filing of protests or petitions to intervene on or before September 15, 1978.

Cimarron operates under a cost of service tariff which is a fixed allowance for rate of return and for depreciation. According to Cimarron, the $34,067 annual increase is due solely to an increase in 6.5 percent to 6.0 percent in the annual depreciation rate to reflect a decrease in its reserve estimates and declining field pressures and an increase in overall rate of return from 7.0 percent to 11.0 percent on net investment rate base which will yield a return of 12.51 percent on common equity. As discussed hereafter, Cimarron also filed a proposed "Fourth Supplement" to its Gas Rate Schedule No. 1 which would remove the rate ceiling of 3.5 cents per Mcf contained in its First Supplement to Gas Rate Schedule No. 1 and allow Cimarron to charge any higher rate authorized by the Commission.

Based on a review of Cimarron's filing, the Commission finds that the rate increase proposed therein is just and reasonable. Accordingly, the Commission shall approve Cimarron's rate increase application, and allow the proposed rate increase to become effective on September 18, 1978, without suspension. The Commission shall also accept for filing and approve Fourth Supplement to become effective as of September 18, 1978. We note, however, that Cimarron shall receive its total costs including the depreciation expense at the rate approved by this Commission plus a return allowance equal to that approved by this Commission.

Simultaneous with its rate increase application, Cimarron filed three supplements to its Gas Rate Schedule No. 1. Those supplements, which are amendments to the sales contract between Cimarron and its sole customer, Natural Gas Pipeline Co. of America (Natural), are as follows:

(1) Second Supplement to Gas Rate Schedule No. 1 is an amendment dated March 2, 1964, which revises the daily average quantity of gas to be sold.

(2) Third Supplement is an amendment dated October 31, 1976, which increases the rate limitation under the contract from 3.5 to 3.65 cents per Mcf, and

(3) The Fourth Supplement is an amendment dated April 11, 1978, which removes the rate limitation under the contract and allows Cimarron to charge any higher rate authorized by the Commission.

Since the Second Supplement was previously filed with and accepted by the Federal Power Commission, it is currently an effective provision of Cimarron's gas rate schedule and requires no further action by the Commission at this time. As discussed above, we shall accept the Fourth Supplement to become effective September 18, 1978. The Third Supplement, however, presents a different problem. As noted above, it is dated October 31, 1976, and would raise the 3.5 cents per Mcf ceiling contained in Supplement No. 1 to 3.65 cents per Mcf. In light of the fact that we have previously accepted Fourth Supplement which removes the 3.5 cents per Mcf overall ceiling as of September 18, 1978, there would be no purpose in accepting the Third Supplement as of September 18, 1978. Accordingly, we shall reject Third Supplement as being moot.

Examination of Cimarron's Form No. 2 reveals that for both 1976 and 1977, Cimarron charged average annual rates in excess of the maximum rate limitation of 3.5 cents per Mcf allowed under its effective rate schedule. Cimarron's average rates for 1976 and 1977 were 3.89 and 4.6 cents per Mcf respectively, despite the 3.5 cents per Mcf maximum rate limitation in its rate schedule. Such excessive rates constitute an apparent violation of the Natural Gas Act and of our regulations because, prior to the instant filing, Cimarron never filed a request for rate change pursuant to section 4 of the Natural Gas Act and § 15422 of the
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Regulations to modify the 3.5 cents per Mcf rate ceiling. Furthermore, to charge rates in excess of the filed rate violates § 154.21 of the Regulations. By separate letters we shall require Cimarron and Natural to explain why these rates have been collected. Upon receipt of the responses the Commission shall take such further action as it may deem appropriate.

The Commission orders:

(A) Cimarron’s August 18, 1978 rate increase application is accepted and approved, and may become effective on September 18, 1978, without suspension.

(B) Cimarron’s proposed Third Supplement to its Gas Rate Schedule No. 1 is rejected.

(C) Cimarron’s proposed Fourth Supplement is accepted for filing as the 24th Supplement to its Gas Rate Schedule No. 1, and shall become effective September 18, 1978, without suspension.

(D) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28177 Filed 10-4-78; 8:45 am]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Petition for Declaratory Order

Take notice that on August 17, 1978, Independent Oil & Gas Association of West Virginia filed a petition for a declaratory order pursuant to § 1.7(c) of the Commission’s rules of practice and procedure requesting that the Commission remove an uncertainty with respect to the pricing provisions governing sales of gas made by its producer members and other similarly situated small producers in West Virginia to Equitable Gas Co. and other interstate pipelines operating in West Virginia. Specifically, petitioner asks that the Commission confirm that the personal property tax imposed by section 11-5-1 of the West Virginia Code is “a production, severance, or similar tax” which would subject the rate received by petitioner to upward adjustment pursuant to § 2.56a(b) of the Commission’s General Policy and Interpretations.

Any person desiring to be heard or to make any protest with reference to said petition should file a petition to intervene in accordance with the Commission’s rules.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28178 Filed 10-4-78; 8:45 am]

Amended Petition for Special Relief


Take notice that on June 23, 1977, as amended May 2, 1978, John P. Booth & Associates (Petitioner), 209 Philtower Building, Tulsa, Okla. 74103 filed a petition for special relief, joined in by Sun Oil Co. (Sun) as owner of an undivided 0.185631 working interest in the leases covered by the application (original Sun filing noticed in Docket No. RI78-48) for natural gas sales to Northern Natural Gas Co. (Northern) from the Sitka Unit, Hugoton-Anadarko Area, Clark County, Kans. Petitioner seeks an increase from a rate of 35 cents per Mcf to a rate of 58 cents per Mcf plus applicable ad valorem tax, as agreed to by Northern. Petitioner states that the applicable four wells are currently being operated at a loss and that the requested rate increase is necessary to prevent abandonment of these wells.

Take further notice that Atlantic Richfield Co. (Atlantic), North American Producing Division, Natural Gas Department, Post Office Box 2819, Dallas, Tex. 75221, filed on May 1, 1978, as amended May 2, 1978, a petition for special relief pursuant to 18 CFR 2.76 requesting a base rate of 55.0 cents per Mcf at 14.65 psia plus 100 percent State tax reimbursement and subject to Btu adjustment for the sale of its gas from Bick, Well No. 1; Miminzy, Well No. 1; E. Miminzy, Well No. 1; and Swayze, Well No. 1, Sitka Field, Clark County, Kans., to Northern Natural Gas Co. The sale is currently being made pursuant to contracts dated August 18, 1961, and June 12, 1963, with the appropriate action to be taken but will not serve to make the parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission’s rules.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28179 Filed 10-4-78; 8:45 am]

MID-LOUISIANA GAS CO.

Notice Granting Extension of Time


On September 18, 1978, Commission staff counsel filed a motion for extension of time within which to file top sheets in the above captioned proceeding pursuant to the Commission order of July 31, 1978. The motion noted that Mid-Louisiana Gas Co. supported the extension. Upon consideration, notice is hereby given that an extension of time is granted to and including October 12, 1978, for staff to file top sheets in this proceeding.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28179 Filed 10-4-78; 8:45 am]

NATURAL GAS PIPELINE CO. OF AMERICA

Application


Take notice that on September 15, 1978, Natural Gas Pipeline Co. of America (applicant), 122 South Michi-
gan Ave., Chicago, Ill. 60603, filed in Docket No. CP78-524, an application pursuant to section 7(c) of the Natural Gas Act for authorization to construct and operate 31.03 miles of 36-inch loop pipeline on its gulf coast pipeline system. All such petitions, if the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate a 36-inch loop pipeline to close the existing loops between its compressor stations 302 and 304. The proposed loop lines, applicant states, would be located in the counties of Liberty, San Jacinto, Rush, and Panola, Tex. The current annual average capacity of applicant’s lines flowing north from its compressor station 304, applicant states, to be approximately 1,589,000 Mcf of gas per day. Applicant’s supply available for its gulf coast system is in excess of its line capacity. Applicant estimates that the cost of the proposed facilities would be $15,477,000, which would be financed through interim and permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with §§1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission’s rules of practice and procedure, a hearing will be held without further notice before the Commission, or its designee, on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28180 Filed 10-4-78; 8:45 am]

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FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978

NATURAL GAS PIPELINE CO. OF AMERICA
Purchased Gas Cost Adjustment to Rates and Charges


Take notice that on September 11, 1978, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its PRC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to be effective as indicated:

Revised Substitute Thirty-

To be effective:

First Revised Sheet No. 5.
Sept. 1, 1978

Second Substitute Thirty-

Sept. 2, 1978

Fourth Revised Sheet No. 5.

The tariff sheets reflect base rates in effect subject to refund in Docket No. RPT7-98.

Natural states that the purpose of this submittal is to file a revised tariff sheet to become effective September 1, 1978, reflecting increased purchased gas costs other than increased costs associated with emergency purchases from Oklahoma Natural Gas (ONG) in excess of the appropriate nationwide rate. Natural further states that the tariff sheet to be effective September 2, 1978 reflects the inclusion of the increased costs associated with emergency purchases from ONG in excess of the appropriate nationwide rate. These rates were permitted to become effective September 2, 1978, subject to refund, per Commission order issued August 31, 1978. Both tariff sheets also reflect the elimination of purchased gas costs associated with the subsequent reduction in rates by United Gas Pipe Line, as required by the Commission order.

Copies of the filing have been mailed to Natural’s jurisdictional customers and to interested State regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28181 Filed 10-4-78; 8:45 am]

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PUBLIC SERVICE CO. OF COLORADO
Filing


Take notice that Public Service Co. of Colorado (PSCO) on September 20, 1978, tendered for filing as a rate schedule a Power Purchase Agreement (Agreement) with the Town of Julesburg, Colo. (Town).

PSCO states that the Agreement provides for PSCO to sell and deliver to the Town and the Town agrees to receive and purchase from PSCO all purchased electric power and energy required by the Town for distribution and use in and adjacent to the Town. PSCO proposes an effective date of October 20, 1978.

According to PSCO copies of this filing were served upon parties to the Agreement and affected State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests or petitions should be filed on or before October 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, Secretary.

[FR Doc. 78-28182 Filed 10-4-78; 8:45 am]
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In its offer of settlement, the Applicant proposes to adopt and to enforce a land use plan whereby certain portions of the project lands would be set aside as natural areas, public recreation areas, residential areas, and forestry management areas. The Applicant also agrees to accept a 30-year license under section 15 of the Federal Power Act which would contain the standard license conditions as well as certain special conditions providing for the protection of water quality and for various studies to be undertaken by the Applicant with respect to the ecological values of the project.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any protest or petition to intervene must be filed on or before October 20, 1978. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, Secretary.

Take notice that on September 19, 1978, the Applicant filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant treasurer, Old Dominion Power Co.—Public utility
Assistant treasurer, Kentucky Utilities Co.—Public utility

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, Secretary.

Take notice that on September 19, 1978, William N. English, Applicant, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant treasurer, Kentucky Utilities Co.—Public utility
Assistant treasurer, Old Dominion Power Co.—Public utility

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, Secretary.

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
American Cyanamid Co., Agricultural Division, P.O. Box 400, Princeton, N.J. 08540, submitted a pesticide petition (PP 8G2054) to the Environmental Protection Agency (EPA). This petition requested that temporary tolerances be established for residues of the nematocide cyclic methylene (diethoxyphosphinyl) dithioimidocarbonate in or on the raw agricultural commodities corn (except popcorn), field corn fodder (except popcorn), sweet corn (kernels plus cob with husk removed), and sweet corn fodder at 0.05 part per million (ppm). These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerances were adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerances would protect the public health. The temporary tolerances have been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.
2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire September 12, 1979. Residues not in excess of 0.05 ppm remaining in or on corn grain (except popcorn), field corn fodder (except popcorn), sweet corn (kernels plus cob with husk removed), and sweet corn fodder after this expiration date will not be considered actionable if the pesticide is legally applied during the term of an in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Dr. Eugene Wilson, Product Manager 21, Registration Division (TS-767), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460, 202-426-2456.

(See 40FR or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348c(i)).)

HERBERT S. HARRISON, Acting Director, Registration Division.

[FR Doc. 78-28058 Filed 10-4-78; 8:45 am]

NOTICES

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires November 30, 1979. Residues not in excess of 0.2 ppm remaining in or on potatoes after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. George LaRocca, Acting Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460, 202-755-1397.

(See 40FR or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348c(i)).)

HERBERT S. HARRISON, Acting Director, Registration Division.

[FR Doc. 78-28058 Filed 10-4-78; 8:45 am]

NOTICES

This temporary tolerance expires November 30, 1979. Residues not in excess of 0.2 ppm remaining in or on potatoes after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. George LaRocca, Acting Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460, 202-755-1397.

(See 40FR or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348c(i)).)

HERBERT S. HARRISON, Acting Director, Registration Division.

[FR Doc. 78-28058 Filed 10-4-78; 8:45 am]
NOTICES

[6560-01] [FRL 983-1; OPP-31018A]

PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Entailing a Changed Use Pattern; Correction

In FR Doc. 78-23109 appearing at page 36684 in the issue of August 18, 1978, first column, change the second sentence of the first paragraph to read, "The application received from Chempar Chemical Co. proposes that the use pattern of this pesticide be changed from use in and around buildings to control the Norway rat, roof rat, and house mouse to include use in orchards to control the meadow mouse."


HERBERT S. HARRISON,
Acting Director,
Registration Division.

(FR Doc. 78-28057 Filed 10-4-78; 8:45 am)

[6572-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1144]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED


Docket or RM No. Rule No. Subject Date received

20846 Pts. 89, 91, 92, and 95. Amendment of pts. 89, 91, and 95 (General Mobile Radio Service, only) of the Commission's rules to prescribe policies and regulations to govern interconnection of private land mobile radio systems with the public, switched, telephone network.

Filed by Larry Bird.


Filed by Richard G. Somers, president for California Mobile Radio Association.


Filed by Kenneth E. Hardman, attorney for Telescor Network of America.


Filed by James M. Hubbard, president and Charles M. Meehan, attorney for Utilities Telecommunications Council.

Do.

Filed by Wayne V. Black and Larry S. Solomon, attorneys for Central Committee on Telecommunications of the American Petroleum Institute.

Do.

Filed by David E. Weisman, attorney for National Association of Business and Educational Radio, Inc.

Do.

Filed by Kenneth Shelton, Capitol Communications Inc.


Note.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after filing opposition has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRIGARECO, Secretary.

(FR Doc. 78-28144 Filed 10-4-78; 8:45 am)

[6712-01] [FCC 78-698]

Emergency Broadcast System

CLOSED CIRCUIT TEST


A test of the Emergency Broadcast System (EBS) has been scheduled for Wednesday, October 12, 1978 between 2:00 P.M. and 2:09 P.M. in the following areas:

Network affiliates will receive the test program via their network. AP and UPI wire service clients will receive activation and termination messages of the closed circuit test. Television networks are not participating in the test.

Network affiliates will be notified of the test procedures via their network. AP and UPI wire service clients will receive activation and termination messages of the closed circuit test. Television networks are not participating in the test.
insure wide dissemination of the test announcement and schedule. A final evaluation report will be made by the end of November 1978. THIS IS A CLOSED CIRCUIT TEST AND WILL NOT BE BROADCAST OVER THE AIR.


FEDERAL COMMUNICATIONS COMMISSION
WILLIAM J. TRICARICO, Secretary.

[FR Doc. 78-28143 Filed 10-4-78; 8:45 am]

[6730-01]
FEDERAL MARITIME COMMISSION
(Independent Ocean Freight Forwarder License No. 537)
D’AMATO FREIGHT FORWARDING CO.
Order of Revocation

It is ordered, That Independent Ocean Freight Forwarder License No. 537 issued to D’Amato Freight Forwarding Co. be and is hereby revoked effective September 28, 1978, without prejudice to reapplication in the future.

It is further ordered, That a copy of this Order be published in the Federal Register and served upon D’Amato Freight Forwarding Co.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.
[FR Doc. 78-28140 Filed 10-4-78; 8:45 am]

[6820-96]
GENERAL SERVICES ADMINISTRATION
Temporary Reg. H-201
SECRETARY OF THE INTERIOR
Delegation of Authority
September 8, 1978.

SUBJECT: Delegation of authority
1. Purpose. This regulation delegates authority to the Secretary of the Interior to outlease oil and gas deposits underlying Ellington Air Force Base, Houston, Tex. (GS A Control No. D-Tex-420-AU).
2. Effective date. This delegation of authority is effective immediately.
3. Background. The Department of the Interior by letter dated March 10, 1978, advised that Ellington Air Force Base has oil and gas deposits in significant quantities. The Secretary of the Interior recommends that because of the short supply of such minerals the deposits be outleased to control development in a timely manner, and the Bureau of Land Management, Department of the Interior, act as the Federal leasing agent. It is considered that the best interest of the Government would be served by GSA’s delegating authority to the Department of the Interior to outlease the oil and gas deposits underlying Ellington Air Force Base since the Department of the Interior has expertise and organizational support for leasing and controlling the development of these deposits.
4. Delegation. a. Pursuant to the authority vested by sections 203 and 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484, 486(d)), authority is delegated to the Secretary of the Interior to outlease the oil and gas deposits in Ellington Air Force Base, Houston, Tex. When the Department of the Interior has completed the disposal of all the oil and gas that is commercially salable, it shall notify GSA that the project has been completed.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

c. This authority shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. In this regard, the Department of the Interior, as the disposal agency, shall be responsible for (1) securing, in accordance with FPMR 101-47,303-4, any appraisals deemed necessary by the Secretary; (2) complying with the provisions of the National Environmental Policy Act of 1969; (3) complying with section 106 of the National Historic Preservation Act of 1966, if appropriate; (4) coordinating with all present and subsequent occupants, Federal or otherwise, so as not to impede use of the facilities or impair the integrity of utilization; and (5) insuring that lands that are disturbed or damaged are restored after removal of the oil and gas deposits are completed.

d. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration, Federal Property Resources Service, Office of Real Property (DR), Washington, D.C. 20405.

JAY SOLOMON, Administrator of General Services.

[FR Doc. 78-38066 Filed 10-4-78; 8:45 am]

[4110-86] DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Center for Disease Control
SAFETY AND OCCUPATIONAL HEALTH STUDY SECTION
Reestablishment

Authority for this study section will expire June 30, 1980, unless the Secretary formally determines that continuance is in the public interest.

WILLIAM H. FOERST, Director, Center for Disease Control.
[FR Doc. 78-38113 Filed 10-4-78; 8:45 am]

[4110-84] Health Services Administration
ADVISORY COMMITTEE
Notice of Meeting
In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1978:

Name: National Advisory Council on Migrant Health.

Date and Time: October 23-25, 1978—9 a.m.

Place: Conference Room G, Park Lawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Open for entire meeting.

Purpose: The Committee is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 319 of the Public Health Service Act.

Agenda: Agenda items include: (1) Orientation of new Council members; (2) general review of Council legisla-
tion regulations; (3) report of the number of migrants being served in Migrant Health Centers and Projects, Rural Health Initiative Projects and Community Health Center Projects; (4) report of the revision of the National Migrant Referral System; and (5) updates on the Adolescence Health and Improved Pregnancy Outcome Program; Migrant Assurance Program; Immunization Programs; ADAMHA training of BCHS Primary Project Providers on mental health problems of migrant and other poor people; eligibility of migrants for Medicaid coverage; and Interagency Agreement with the Departments of Agriculture and Labor.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact Mr. Jaime Manzano, Bureau of Community Health Services, Room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-1153.

Agendas items are subject to change as priorities dictate.


WILLIAM H. ASPDEN, JR., Associate Administrator for Management.

(FR Doc. 78-28129 Filed 10-4-78; 8:45 am)

**[4310-84]**

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 318863]

**MONTANA**

Centennial Mountains Primitive Area

Modification


The designation of the Centennial Mountains Primitive Area published in the Federal Register, August 5, 1975 (p. 32848 FR vol. 40, No. 151), described lands not intended to be managed as primitive. The Centennial Mountains Primitive Area is hereby modified to delete the following described lands:

PRINCIPAL MERIDIAN, MONTANA

T. 14 S., R. 1 E.; Sec. 21, Lots 4, 5, 6, 7, and 8; Sec. 22, Lots 3 and 4, and NW¼SE¼; and Sec. 23, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; and Sec. 26, Lots 1, 2, 3, 5, and 6, SW¼SE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

T. 14 S., R. 2 W.; Sec. 31, Lot 5.

T. 14 S., R. 2 W.; Sec. 15, SE¼NE¼ and E¼SE¼; Sec. 19, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; and Sec. 26, Lots 1, 2, 3, 5, and 6, SW¼SE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

T. 14 S., R. 3 W.; Sec. 23, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and NW¼SE¼; and Sec. 26, Lts 1 and SE¼NE¼.

T. 14 S., R. 4 W.; Sec. 11, NW¼; and Sec. 15, Lots 2, 3, and 4.

The above-described lands are to be managed as access points with campsites, parking areas, and other facilities supporting the use of the adjoining Centennial Mountains Primitive Area.

**KANNON RICHARDS, Acting State Director.**

(FR Doc. 78-28124 Filed 10-4-78; 8:45 am)

**[4310-84]**

NEW MEXICO

Notice of Application


Notice is hereby given that pursuant to section 26 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah, filed an application for a right-of-way to construct a 4½-inch o.d. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 112 W., Sec. 30, lot 4.

The pipeline will transport natural gas produced from the Wilson Ranch No. 1 well located in the SW¼SE¼, sec. 25, T. 20 N., R. 113 W., to a point of connection with an existing gathering system in lot 4 sec. 30, T. 20 N., R. 112 W., in Lincoln County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

**MARLA B. BOHL, Acting Chief, Branch of Lands and Minerals Operations.**

(FR Doc. 78-28126 Filed 10-4-78; 8:45 am)

**[4310-84]**

WYOMING

Notice of Application


Notice is hereby given that pursuant to section 26 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185) Colorado Interstate Gas Co. filed an application for a 4½-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 14 N., R. 92 W., Sec. 8, 16, 17, 21, 22, and 27.

The proposed pipeline will transport natural gas produced from an existing well located in NE¼ of sec. 27, T. 14 N., R. 92 W., Carbon County, Wyo., into existing natural gas pipeline fa-
The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management,
NOTICES

1973 (87 Stat. 576), Northwest Pipeline Corp. has applied for one 4 1/2-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO
T. 29 N., R. 12 W., Sec. 7, W\%4SE\% and SW\%4SE\%.

This pipeline will convey natural gas across 0.235 of a mile of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

SRELIA V. GONZALEZ,
Acting Chief, Branch of Lands, and Minerals Operations.

[FR Doc. 78-28076 Filed 10-4-78; 8:45 am]

[4310-84]

NORTH DAKOTA
Coal Lease Offering by Sealed Bid and Oral Auction


U.S. Department of the Interior, Bureau of Land Management, Montana State Office, Granite Tower, 222 North 32d Street, P.O. Box 30157, Billings Mont. 59107.

Notice is hereby given that the coal resources in the lands described below, located in Mercer County, N. Dak., near the communities of Beulah and Zap, and being offered for lease to the qualified bidder of the highest cash amount per acre or fraction thereof:

T 143 N., R. 89 W., 5th P.M., Sec. 2; Lots 1, 2, S\%4W\%, SW\%4, NW\%4W\%.

Containing 440.96 acres.

The coal resources offered are limited to the Beulah-Zap bed. The Conservation Division, Geological Survey, has reported that the tract contains 2,610,000 short tons of lignite coal recoverable by surface mining methods. The average coal thickness projected over the entire proposed leasehold is about 9 feet. The heating value of the noncooking coal is about 7,080 Btu's per pound with a sulfur content of about 0.7 percent. The coal resources are within the Knife River Known Recoverable Coal Resources Area. The offer is made as a result of an application filed by the North American Coal Co.

The lands are being offered for lease by sealed bid followed by oral auction starting at the level of the highest sealed bid received. The minimum bonus bid is $25 per acre figured on 441 acres. The sale will be held at 2 p.m., October 25, 1978, in the Conference Room on the 6th Floor of the Granite Tower Building. At that time all sealed bids will be opened and read and oral bids, beginning at the level of the highest sealed bid, will be received. The successful high bidder will be notified in writing if his bid is acceptable. Any bids received after 2 p.m. October 25, 1978, will be considered. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time, and place of opening of such bids. The successful bidder is obligated to pay for the newspaper publications of this notice.

Public comments: The public is invited to submit written comments to the Bureau of Land Management on the fair market value of the tract to be sold. Public comments should be sent to the State Director, Bureau of Land Management, at the address given above, to arrive no later than October 20, 1978.

Notice of availability: Copies of the detailed statement, including bidding instructions and proposed coal lease are available at the office listed above. All case file documents and written comments submitted by the public on fair market value or royalty rates, except those portions identified as proprietary by the commenter, and meeting exemptions stated in the Freedom of Information Act of 1974, will be available for public inspection at the Bureau of Land Management Office, at the address given above.

EDGAR D. STARK,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28076 Filed 10-4-78; 8:45 am]

[4310-84]

WYOMING
Application


Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct a 4 1/2-inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYO.
T. 36 N., R. 93 W., Sec. 20, E\%4W\%.

The proposed pipeline will transport natural gas produced from the No. 12-30 Federal Fuller Well located in the SW\%4 of section 19, in a generally northerly direction into their existing natural gas pipeline facilities also located in the SW\%4 of section 19, T. 36 N., R. 93 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

MARG H. BOHL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28077 Filed 10-4-78; 8:45 am]

[Wyoming 64965]

WYOMING
Application


Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co.'s existing pipeline located in the NE\%4W\% sec. 25, T. 36 N., R. 94 W., in Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management.
NOTICES

[7020-02]

INTERNATIONAL TRADE COMMISSION

(303-TA-3)

CERTAIN FISH FROM CANADA

Determination of No Injury or Likelihood Thereof

On the basis of information developed during the course of investigation No. 303-TA-3, undertaken by the U.S. International Trade Commission under section 303(b) of the Tariff Act of 1930, as amended, the Commission determines unanimously that an industry in the United States is not being injured, is not likely to be injured, and is not prevented from being established, by reason of the importation of certain duty-free fish from Canada, provided for in items 110.1585, 110.1589, 110.4710, 110.4726, 110.7033, 110.7039, 111.2200, 111.6400, and 111.6800 of the Tariff Schedules of the United States Annotated (1978) (TSUS), upon which the Department of the Treasury has determined that a bounty or grant is being paid within the meaning of section 303 of the Tariff Act of 1930, as amended.

On June 27, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury that a bounty or grant is being paid with respect to certain duty-free fish imported from Canada that are entered under TSUS items 110.1585, 110.1589, 110.4710, 110.4726, 110.7033, 110.7039, 111.2200, 111.6400, and 111.6800. Accordingly, the Commission, on July 13, 1978, instituted investigation No. 303-TA-3, under section 303(b) of the Tariff Act of 1930, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

On the basis of information obtained in the investigation, we determine that an industry in the United States is not being injured, is not likely to be injured, and is not prevented from being established, by reason of the importation of certain duty-free fish from Canada, provided for in items 110.1585, 110.1589, 110.4710, 110.4726, 110.7033, 110.7039, 111.2200, 111.6400, and 111.6800 of the Tariff Schedules of the United States Annotated (1978) (TSUS), upon which the Department of the Treasury has determined that a bounty or grant is being paid within the meaning of section 303 of the Tariff Act of 1930, as amended.

THE PRODUCTS UNDER INVESTIGATION AND THE RELEVANT U.S. INDUSTRY

The imported articles that are the subject of this investigation are: Whole cod, fresh, chilled, or frozen; salted, pickled, smoked, or kippers; cod, haddock, and pollock; cod and flatfish (except turbot); meat frozen in blocks of 10 pounds or more each; flatfish fillets, fresh or chilled (except halibut); and flatfish frozen whole fish (except turbot). The principal imported flatfish products included in the investigation are fillets and frozen blocks of turbot. The Commission determined that a bounty or grant is being paid within the meaning of section 303 of the Tariff Act of 1930, as amended.


JOHN H. DAVIS,
Acting Regional Director, Western Region.

[FR Doc. 78-28689 Filed 10-4-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
flounder. Whole cod and frozen cod blocks are also important in terms of imports. Together, the cod, eusk, hake, pollock, and flatfish covered herein are referred to as groundfish.

In this determination we consider the relevant U.S. industry to consist of those facilities, including fishing boats, devoted to the catching or processing of cod, eusk, haddock, pollock, and flatfish. The groundfish that are the subject of this investigation are landed by an estimated 700 east coast and 300 west coast fishing vessels and are processed by about 100 east coast and 25-30 west coast processing plants.

**NOTICE**

In making its determination the Commission has construed the statutory criteria of section 303(d) of the Tariff Act of 1930, as amended.

In its report, the Commission stated its intention to waive countervailing duties under section 303(d) of the Tariff Act of 1930, as amended.

The relevant language regarding injury determinations by the Tariff Commission was derived verbatim from the Antidumping Act, 1921, and is intended to have the same meaning.3

After considering these criteria we have determined that the information obtained in this investigation does not establish that the domestic industry is being or is likely to be injured within the meaning of the statute.

While total U.S. imports from Canada of groundfish and groundfish products subject to countervailable bounties and grants accounted for an increasing percentage of U.S. consumption from 1975 to 1977 and in 1978, the remaining bounties and grants accounted for only 0.85 percent of the value of all of U.S. imports from Canada of groundfish and groundfish products.

**NO LIKELIHOOD OF INJURY**

The bounties and grants found by the Commission to have been granted or provided to groundfish and groundfish products has probably risen in line with the recent increases in groundfish landings and in the production of groundfish and groundfish products.

Specific profit-and-loss data for U.S. producers were also requested through Commission questionnaires but most respondents indicated that they could not provide such data. The absence of data, however, for most categories of groundfish and groundfish products coupled with increases in production indicate that the financial situation for U.S. producers may be improving.

Price comparisons for domestic and imported groundfish can be made only at principal markets. Nearly half of the constructed monthly prices compared for whole cod at Boston (the major east coast groundfish market) during the period January 1976 through June 1978, showed Canadian cod selling for much higher prices than U.S. cod. Since March 1978, there have been no months when the average constructed price of Canadian whole cod was below the price of the U.S. product in the Boston market. In the west coast market, Canadian and United States whole cod bring virtually the same price. While east coast prices for whole cod may have dropped recently, west coast prices have increased. In 1977, cod accounted for 26 percent of the total U.S. consumption of the subject groundfish; over 80 percent of the groundfish covered by this investigation are caught by the Atlantic fleet. Most other sales of Canadian groundfish and groundfish products appear to have been at approximately the same prices as the U.S. products. In addition, it appears that the most rapid drop in the U.S. prices for groundfish, occurring in the Boston Market for whole cod, occurred during April-June 1978, at a time that Canadian subsidies were in the process of being considerably reduced.

**NO LIKELIHOOD OF INJURY**

The bounties and grants found by the Commission to have been granted or provided to groundfish and groundfish products are scheduled to be virtually eliminated, effective October 1, 1978. The remaining bounties and grants, estimated by Treasury to be equivalent to 1.22 percent of the value of all of the imports from Canada of groundfish and groundfish products, are scheduled to be virtually eliminated, effective October 1, 1978. The remaining bounties and grants will be equivalent to only 0.85 percent of the value of the imports. Based on the actions by the Canadian Government to eliminate virtually all of the bounties and grants by October 1, 1978, and the other statutory criteria for granting a waiver, Treasury has stated its intention to waive countervailing duties under section 303(d) of the Tariff Act of 1930, as amended.

In its report, the Commission stated its intention to waive countervailing duties under section 303(d) of the Tariff Act of 1930, as amended.

NOTICES

(4) Projected demand as indicated by procurement quota applications which were filed pursuant to § 1303.12 of Title 21 of the Code of Federal Regulations.

Pursuant to Title 21 Code of Federal Regulations § 1303.23(c), the Administrator of the Drug Enforcement Administration will in early 1979 adjust individual manufacturing quotas allocated for the year based upon end of year inventory and actual 1978 disposition data for each basic class of Schedule I and II controlled substance which will be provided by quota applicants.

Based upon consideration of the above factors, the Administrator of the Drug Enforcement Administration hereby proposes that aggregate production quotas for 1979 for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

<table>
<thead>
<tr>
<th>Basic class</th>
<th>Proposed 1979 quota</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,5-Dimethoxyamphetamine</td>
<td>36,300,000</td>
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<tr>
<td>Schedules I and II</td>
<td></td>
</tr>
<tr>
<td>Alphaprodine</td>
<td>50,000</td>
</tr>
<tr>
<td>Amobarbital</td>
<td>7,484,000</td>
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<td>Amphetamine</td>
<td>32,145,000</td>
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<td>Antididrone</td>
<td>25,150</td>
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<tr>
<td>Cocaine</td>
<td>1,462,000</td>
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<tr>
<td>Codeine (for sale)</td>
<td>50,473,000</td>
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<tr>
<td>Codeine (for conversion)</td>
<td>2,962,000</td>
</tr>
<tr>
<td>Dexoxyephedrine (2,213,000 grams for the production of levodesoxyephedrine for use in a non-controlled, non-prescription product, and 399,000 grams for the production of methamphetamine)</td>
<td>2,372,000</td>
</tr>
<tr>
<td>Dihydrocodeine</td>
<td>9,023,000</td>
</tr>
<tr>
<td>Diphenoxylate</td>
<td>1,330,000</td>
</tr>
<tr>
<td>Ergonovine (for conversion)</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Ethylmorphine</td>
<td>25,000</td>
</tr>
<tr>
<td>Fenpropoxyphene</td>
<td>2,600</td>
</tr>
<tr>
<td>Hydrocodeone</td>
<td>1,163,000</td>
</tr>
<tr>
<td>Hydrocodone</td>
<td>122,000</td>
</tr>
<tr>
<td>Levorphanol</td>
<td>8,000</td>
</tr>
<tr>
<td>Meperidine</td>
<td>11,383,000</td>
</tr>
<tr>
<td>Meperidine Intermediate (4-cyano-2-methylamino-4,4-diphenylbutane)</td>
<td>2,468,000</td>
</tr>
<tr>
<td>Methadone</td>
<td>11,383,000</td>
</tr>
<tr>
<td>Methadone Intermediate (4-cyano-2-methylamino-4,4-diphenylbutane)</td>
<td>1,970,000</td>
</tr>
<tr>
<td>Methaqualone</td>
<td>16,023,000</td>
</tr>
<tr>
<td>Methyldiphenylacetate</td>
<td>1,632,000</td>
</tr>
<tr>
<td>Mixed Alkaloids of Opium</td>
<td>30,000</td>
</tr>
<tr>
<td>Morphin (for sale)</td>
<td>815,600</td>
</tr>
<tr>
<td>Morphin (for conversion)</td>
<td>56,571,000</td>
</tr>
<tr>
<td>Opium (tinctures, extracts, etc. expressed in terms of powdered opium)</td>
<td>3,324,000</td>
</tr>
<tr>
<td>Oxycodone (for sale)</td>
<td>1,828,600</td>
</tr>
<tr>
<td>Oxycodone (for conversion)</td>
<td>8,600</td>
</tr>
<tr>
<td>Oxymorphone</td>
<td>4,600</td>
</tr>
<tr>
<td>Pentazocine</td>
<td>13,984,000</td>
</tr>
<tr>
<td>Phenmetrazine</td>
<td>2,084,000</td>
</tr>
<tr>
<td>Secobarbital</td>
<td>4,596,000</td>
</tr>
<tr>
<td>Thebaine (for sale)</td>
<td>2,960,000</td>
</tr>
<tr>
<td>Thebaine (for conversion)</td>
<td>1,417,000</td>
</tr>
</tbody>
</table>

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the proposals relating to any one or more of the above mentioned substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, U.S. Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by November 3, 1978. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrant a full adversary-type hearing, the Administrator shall order a public hearing in the Federal Register summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of the order).


PETER B. BENSNING, Administrator, Drug Enforcement Administration.

[FR Doc. 78-58098 Filed 10-4-78; 8:45 am]

TEN OAKS TOWER PHARMACY, TIMOTHY HAYES, R.P.H., HOUSTON, TEX.

Hearing

Notice is hereby given that on May 25, 1978, the Drug Enforcement Administration, Department of Justice, issued to Twelve Oaks Tower Pharmacy, Timothy A. Hayes, R.Ph., Houston, Tex., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke Respondent's DEA Certificate of Registration, AT0658906, and deny Respondent's pending application for registration executed October 11, 1977.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Monday, October 16, 1978, in the U.S. Tax Court Courtroom, Room 7006, Federal Building and Courthouse, 515 Rusk Avenue, Houston, Tex.


PETER B. BENSNING, Administrator, Drug Enforcement Administration.

[FR Doc. 78-58099 Filed 10-4-78; 8:45 am]
NOTICES

Mr. John Eade, Administrative Office- er, telephone 202-632-5200.

JOHN EADE, Administrative Officer.

[FR Doc. 78-28248 Filed 10-3-78; 1:37 pm]

46086

[4410-18]
Law Enforcement Assistance Administration

ADVISORY COMMITTEE OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Notice of Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on October 24, 1978, from 9 a.m. to 12 p.m. at the Marriott Dulles Hotel, Dulles Airport, 331 West Service Road, Chantilly, Va.

The major topic of discussion will concern long-range planning for Institute-sponsored research in the field of corrections.

The meeting will be open to the public.

For further information, please contact Blair G. Ewing, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 653 Indiana Avenue NW., Washington, D.C. 20531 202-366-3066.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 78-28130 Filed 10-4-78; 8:45 am]

[3610-05]
NATIONAL COMMUNICATIONS SYSTEM

TELECOMMUNICATIONS: DIGITAL COMMUNICATION PERFORMANCE PARAMETERS

Proposed Federal Standard 1033; Extension of Comment Period

AGENCY: National Communications System.

ACTION: Extension of comment period.

SUMMARY: This extension is necessary because delay in the printing of the proposed Federal Standard 1033 (described in 43 FR 11314, September 15, 1978) has, in turn, caused delays in making it immediately available to requesters. This extension will allow interested parties the full 60 days to respond.

DATE: Comments must be received on or before December 29, 1978.


FOR FURTHER INFORMATION CONTACT:

Mr. Dennis Bodson, 202-692-2124.

MAURICE W. ROCHS,
Director Correspondence and Directives, Washington Headquarters Services, Department of Defense.


[FR Doc. 78-28091 Filed 10-4-78; 8:45 am]

[7532-01]
NATIONAL COMMISSION ON NEIGHBORHOODS

MEETING

ACTION: Notice of meeting under emergency circumstances.

SUMMARY: This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I), announces a public meeting.

TIME AND DATE: Friday, October 6, 1978; 12 a.m.-4 p.m.

PLACE: General Services Administration Departmental Auditorium, Conference Room A, Main Lobby Entrance, Constitution Avenue between 12th and 14th Street NW., Washington, D.C.

AGENDA: (1) Consideration of old business; (2) report on financial situation; (3) reorganization of Commission; (4) report from the Drafting Committee; (5) consideration of internal personnel adjustments.

STATUS: Open to the public.

CONTACT PERSON:

[FR Doc. 78-28139 Filed 10-4-78; 8:45 am]

[7590-01]
NUCLEAR REGULATORY COMMISSION

[TENNESSEE VALLEY AUTHORITY—SEQUOYAH NUCLEAR PLANT, UNITS 1 AND 2]

Order Extending Construction Completion Dates

Tennessee Valley Authority (TVA) is the holder of Provisional Construction Permit No. 4. CPPR-72 and CPPR-73, issued by the Atomic Energy Commission, on May 27, 1970 for construction of the Sequoyah Nuclear Plant, Units 1 and 2, presently under construction at the licensee’s site in Hamilton County, Tenn.

On February 14, 1978, TVA filed a request, superseding their previous request of July 29, 1977, for an extension of the completion dates because construction has been delayed due to:

1. Delays in delivery of critically needed equipment and materials;
2. Additions to the plant fire protection systems;
3. Interference problems in the installation of seismic and pipe rupture restraints;
4. Modification of the feedwater design to include all volatile treatment for water chemistry, and addition of the requirement for acid cleaning of the secondary system prior to hot functional testing; and
5. Indirect effect of additional construction activities associated with additions to the scope of the project.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated September 28, 1978.

A negative declaration and an Environmental Impact Appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission’s Public Document Room, 1717 7th Street NW., Washington, D.C. 20555, and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tenn. 37402.

It is hereby ordered That, the latest completion dates for Provisional Construction Permit No. 4. CPPR-72 and CPPR-73 be extended from September 1, 1977 and May 1, 1978 to August 1, 1979 and April 1, 1980 for Units 1 and 2, respectively.


For the Nuclear Regulatory Commission.

ROGER S. BOYD, Director, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 78-28134 Filed 10-4-78; 8:45 am]

[7590-01]

[FR Doc. 78-28139 Filed 10-4-78; 8:45 am]
NOTICES

46087

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978

METROPOLITAN EDISON CO., ET AL.
Issue of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised the license and its dates

[7590-01] [Docket No. 59-239]

 Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised the license for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

This amendment adds a license condition relating to the completion of facility modifications for fire protection. The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 23, 1978, as supplemented by letter dated August 7, 1978, (2) Amendment No. 45 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of Items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised the license and its dates

[7590-01] [Docket No. 59-239]

 Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised the license for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

This amendment adds a license condition relating to the completion of facility modifications for fire protection. The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 23, 1978, as supplemented by letter dated August 7, 1978, (2) Amendment No. 45 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of Items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of September 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch
Division of Operating Reactors.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised the license and its dates

[7590-01] [Docket No. 59-239]

 Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised the license for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

This amendment adds a license condition relating to the completion of facility modifications for fire protection. The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 23, 1978, as supplemented by letter dated August 7, 1978, (2) Amendment No. 45 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of Items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of September 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch
Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of September 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch
Division of Operating Reactors.

Dated at Bethesda, Md., this 22nd day of September 1978.
the Commission. ROBERT W. REID, Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-28133 Filed 10-4-78; 8:45 am]

For the Nuclear Regulatory Commission.

[7590-01] (Docket Nos. 50-280 and 50-281) VIRGINIA ELECTRIC AND POWER CO. Issuance of Amendments to Facility Operating Licenses The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 44 and 43 to Facility Operating License Nos. DPR-32 and DPR-37, issued to Virginia Electric and Power Co. (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facilities) located in Surry County, Va. The amendments are effective within 30 days of the date of issuance.

These changes to the Technical Specifications, (1) reduce the allowable pressurizer heatup rate from 200°F/hr to 100°F/hr, (2) reflect a new title of “Resident Quality Control Engineer” to replace “Quality Control Engineer,” and (3) correct a typographical error on page TS 3.18-2 which was issued on May 10, 1978.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s rules and regulations. The amendment has made appropriate findings as required by the Act and the Commission’s rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 55.1(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 19, 1977, (2) Amendment Nos. 44 and 43 to License Nos. DPR-32 and DPR-37, and (3) the Commission’s related Safety Evaluation. All of these items are available for public inspection at the Commission’s Public Document Room, 1717 H Street NW, Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Va.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md, this 27th day of September 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER, Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-28135 Filed 10-4-78; 8:45 am]

[7590-01] (Docket No. 50-305) WISCONSIN PUBLIC SERVICE CORP. ET AL. Issuance of Amendment to Facility Operating License The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. (the licensees) which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wis. The amendment is effective as of the date of issuance.

The amendment reduces the allowable pressurizer heatup rate from 200°F per hour to 100°F per hour and changes the frequency of the tests for permissives P8 and P10 and the 25 percent reactor trip.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s rules and regulations. The amendment has made appropriate findings as required by the Act and the Commission’s rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 20, 1978, (2) Amendment No. 22 to Facility Operating License No. DPR-43, and (3) the Commission’s related Safety Evaluation.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 20, 1978, (2) Amendment No. 22 to Facility Operating License No. DPR-43, and (3) the Commission’s related Safety Evaluation.

All of these items are available for public inspection at the Commission’s Public Document Room, 1717 H Street NW, Washington, D.C. 20555, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54228. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md, this 26th day of September 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER, Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-28136 Filed 10-4-78; 8:45 am]

[7590-01] (Docket No. 40-8502) WYOMING MINERAL CORP. Availability of Final Environmental Statement for Irrigary Uranium Solution Mining Project Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission’s regulations in 10 CFR part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission’s Office of Nuclear Material Safety and Safeguards, related to the proposed Irrigary uranium solution mining project to be located in Johnson County, Wyoming, is available for inspection by the public in the Commission’s Public Document Room at 1717 H Street NW, Washington, D.C.

The Final Environmental Statement is also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo. 82001.

The notice of availability of the Draft Environmental Statement for the Irrigary uranium solution mining project and requests for comments from interested persons was published in the Federal Register on May 5, 1978 (43 FR 19488). The comments received from Federal agencies, State, and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0481) may be purchased on or about October 13, 1978 from the National Technical Information Service, Springfield, Va. 22161. (Printed copy: $10.75; Microfiche: $3.)

Dated at Silver Spring, Md., this 26th day of September, 1978.

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
NOTICES

[4910-58] NATIONAL TRANSPORTATION SAFETY BOARD

ANNUAL REPORT: RESPONSES TO SAFETY RECOMMENDATIONS

AIRCRAFT ACCIDENT REPORT

The formal report of investigation into the April 28, 1977, crash of a corporate jet at McLean, Va., has been released by the National Transportation Safety Board. The report, No. NTSB-AAR-78011, shows that the twin-jet Beech-Hawker 125 plunged into a populated residential area of Fairfax County less than 4 minutes after takeoff from Washington National Airport. The Southern Company Services, Inc., plane was returning to its headquarters in Birmingham, Ala.

After a flightcrew member reported that the aircraft was climbing through 9,300 feet, monitoring radar stations lost continuous reception of the aircraft's primary and secondary radar target information. Shortly thereafter, ground witnesses saw an explosion in the sky followed by wreckage of the aircraft falling to the ground. The sky was overcast and light rain was falling. The four passengers aboard were killed and the aircraft was destroyed. One residence and two automobiles were destroyed by impact and fire, and several other homes were damaged by falling debris.

The Safety Board has determined that the probable cause of the accident was a failure or malfunction of an undetermined nature in the pilot's attitude indicating system which led to a loss of control and over stress of the aircraft structure.

The McLean crash was one of five cited by the Safety Board last April 13 in recommending Federal Aviation Administration action on four recurring as well as current safety matters to the attention of general aviation pilots. The August 1978 issue (copy attached to FAA's response letter) features safety aspects of mountain flying. Other affirmative actions taken by FAA in response to Board recommendations issued last September 11 are in response to Safety Board recommendations issued last August 10 concerning two of the recommendations taken by FAA in response to Board recommendations issued last September 11.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,

Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-28137 Filed 10-4-78; 8:45 am]

[7590-01]

[DOCKET NO. 78-28131 FILED 10-4-78; 8:45 am]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS & ELECTRIC CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 FR 28716) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS & ELECTRIC CO.

[Docket Nos. 56-237, 56-249, 50-254, 50-265]

(Dresden Nuclear Power Station, units 2 and 3.) (Quad Cities Nuclear Power Station, units 1 and 2.)

This action is in reference to a notice published by the Commission on August 22, 1978, in the Federal Register (43 FR 37245) entitled "Proposed Issuance of Amendments to Facility Operating Licenses."

The Chairman of this Board and his address is as follows:

Gary L. Milhollin, Esq., 1815 Jefferson Street, Madison, Wis. 53711.

The other members of the Board and their addresses are as follows:

Mrs. Elizabeth B. Johnson, Union Carbide Corp., Nuclear Division, P.O. Box X, Oak Ridge, Tenn. 37830.

Dr. Quentin J. Stober, Fisheries Research Institute, University of Washington, Seattle, Wash. 98195.

Dated at Bethesda, Md., this 28th day of September 1978.

JAMES R. YORE,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 78-28131 Filed 10-4-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
FAA acknowledges that NASA's recorder research projects should be useful in helping FAA accomplish its regulatory goals in developing crash recorder requirements. In this respect, FAA is now completing final action on major amendments to 14 CFR Part 135 to require that cockpit voice recorders be installed on turbojet aircraft with 10 or more passenger seats.

A-78-42.—Also on September 11, FAA responded to the recommendation issued following investigation of the crash of a Douglas DC-TPB after takeoff from the Yakutat (Alaska) Airport.

In response to this recommendation, which asked FAA to revise 14 CFR Part 91, Subpart D, to assure that an adequate level of safety is provided wherever these rules are applicable, FAA states that its flight Standards Service has recently conducted two extensive reviews of certain regulations, both of which included Part 91. FAA also notes that the Airworthiness and Operations Review Programs generally initiated many proposals still being considered in its rulemaking process. Further, FAA has recently initiated a comprehensive regulatory project to review Part 91, including Subpart D.

FAA states that its review of the 65 accidents cited by the Board as occurring between 1972 and 1976 indicates a 25-percent maintenance involvement that could be identified as a cause or factor, rather than the 46-percent cause factor given in the Board's recommendation letter. FAA states, "We do not find that the supporting data identifies specific deficiencies in 14 CFR 91, rather than the support proposals to relate to accidents caused by noncompliance with the current rule."

FAA is aware of the increasing number of surplus airline and military aircraft being operated under Part 91—approximately 5 percent of the total number of large aircraft. FAA has placed a high priority on the surveillance of operators using these aircraft and has so indicated in FAA Order 1800.12D, Flight Standards Program Guidelines, a copy of which is attached to FAA's response.

A-78-47 and 48.—Recommendations resulting from the crash of an Aero Commander 560E near Queen, Pa., last November 17 were answered by FAA on September 11.

Recommendation A-78-47 asked FAA to direct accident prevention specialists, flight instructors, and flight examiners, as part of their training or biennial review programs, to inform all aircraft owners and pilots of aircraft which use injection-type, pressure carburetors of the aircrafts' susceptibility to ice in the induction system. FAA reports that in keeping with established policy in its Accident Prevention Program and flight instructor guidelines, FAA will continue to stress to pilots the need to know the contents of aircraft owners' manuals and pilot operating handbooks. Copies of this recommendation have been forwarded to FAA accident prevention coordinators with the request that the information be used in meetings with pilots.

Recommendation A-78-48 asked FAA to require manufacturers of aircraft equipped with injection-type, single-barrel, low-pressure carburetors to publish and provide to all owners the necessary information to reduce the hazard of impacting ice in the induction system and how to cope with it in flight. FAA notes that this information is required by FAR 23.1581(e) and 23.1585(a), and that the General Aviation Manufacturers Association Specification for Pilots Operating Irrigating of Injection-type Carburetors, Section 5, Paragraphs 7.25(a), also contains a requirement for the information concerning air induction system ice protection. FAA says that future pilot handbooks will be prepared by the airplane manufacturers in compliance with the specification in this handbook, a copy of the pertinent part of which is attached to FAA's response. FAA is requesting its regions with type certification responsibility for airplanes equipped with the Stromberg PS Series carburetors to review the manufacturers' operating instructions for induction systems and take any necessary corrective action; this project will be completed by the end of February 1979.

A-78-49.—The FAA, also on September 11, responded to the recommendation issued following an incident last July 14 in which the pilot of a Bell 212 helicopter, conducting water-drop operations under contract for the Department of Interior near Vernal, Utah, made a precautionary landing after hearing a noise and excessive vibration emanating from the main transmission input spiral bevel gear (PN 204-940-701-3).

The recommendation urged FAA to determine immediately the potential risks of operating the Bell 212 helicopter with the main transmission input spiral bevel gear PN 204-940-701-3 installed and act to minimize those risks. FAA states that an Airworthiness Directive, No. 78-17-03, was issued August 17 and effective on August 21; a copy is provided. FAA believes that this action will minimize the probability of failure of the main transmission input spiral bevel gear PN 204-040-701-3.

The recommendation urged FAA to determine immediately the potential risks of operating the Bell 212 helicopter with the main transmission input spiral bevel gear PN 204-940-701-3 installed and act to minimize those risks. FAA states that an Airworthiness Directive, No. 78-17-03, was issued August 17 and effective on August 21; a copy is provided. FAA believes that this action will minimize the probability of failure of the main transmission input spiral bevel gear PN 204-040-701-3.
Highways

H-77-38 and 39.—Letter of September 6 from the Ohio Department of Transportation responds to the Safety Board's inquiry of August 7 regarding recommendations developed as result of investigation of the truck collision with 10 automobiles in Valley View, Ohio, August 10, 1976. Reference is made in the Board's inquiry to ODOT's initial response of June 15 wherein ODOT committed in accompanying recommendation H-77-38 to upgrade the traffic control of State Route 17 at the accident site.

Recommendation H-77-39 asked that the State of Ohio consider amending State laws to allow the Director of Transportation to place and maintain traffic control devices that conform to its manual and specifications upon all extensions of State highways through local jurisdictions. The Safety Engineer, in inquiry noting that the problem of local jurisdictional lack of capability in traffic engineering is one of national concern, quotes from the Federal Highway Administration's Highway Safety Program Standard No. 13, "Traffic Engineering," which calls for: "A comprehensive manpower development plan to provide the necessary traffic engineering capability, including provision for supplying traffic engineering assistance to those jurisdictions unable to justify a full-time traffic engineering staff." The Board believes that an acceptable alternative to its recommendation, concerning a change in the State code to provide direct State responsibility for traffic control devices on State roads, would be a high degree of involvement with this section of Standard No. 13. The Board asked for a description of ODOT's activities in working with this standard for providing traffic engineering capability to local jurisdictions.

ODOT's September 6 letter notes that each of its 12 districts has been assigned an assistant District Traffic Engineer for Safety, 40 percent of whose time is spent in providing technical assistance to all non-State governmental units within his district. This assistance includes instructions on proper methods of identification and surveillance of high accident locations, signing, pavement marking, and traffic signal control. Among other local assistance programs for traffic engineering, ODOT distributed last December 31 standard signs, primarily stop signs, to replace nonstandard regulatory signs. ODOT has, through the pavement marking demonstration program, provided thermoplastic pavement markings at signalized intersections and school zones within numerous municipalities throughout the State.

Further, ODOT reports, for many years it has furnished, free of charge, copies of the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways to local jurisdictions; revisions to this manual are regularly distributed to localities. Copies of ODOT Traffic Control Application Standards, which are essentially departmental policy guidelines or problem treatments, have been sent to all Ohio county engineers and other selected local officials within updates distributed periodically. Other publications in late stages of development for local distribution include a "Recommended Walking Route to School" program manual and a Pavement Marking Handbook. Training in traffic engineering and related subjects is sponsored and funded by ODOT, including attendance at Northwestern University and Georgia Institute of Technology short courses.

H-78-12.—Letter of August 29 from the Federal Highway Administration responds to a recommendation issued following investigation of the March 8, 1977, collision of a tractor-semi-trailer with a school bus near Rustburg, Va. The recommendation asked FHWA's Bureau of Motor Carrier Safety to request from the Interstate Commerce Commission the identity and categories of all current ICC-registered carriers operating in interstate commerce and of future registrants as soon as possible following their registration.

FHWA's response provides a great deal of data about the ICC as related to agricultural cooperatives and their operations. FHWA states that there is a notification procedure through which BMCS is provided with records of new operating authority given to common or contract motor carriers. The exempt agricultural cooperatives are not handled in the same manner as common or contract carriers and thus 339 cooperative firms that had filed intent to haul for nonmembers had not been given to BMCS. These cooperative carriers are not required to notify ICC when they discontinue this service, and FHWA notes that 150 of these names were not listed with BMCS. BMCS has initiated a field investigation of these 150 firms to determine status.

FAA notes that rules governing agricultural cooperatives (49 CFR 1047.20-23) have been amended, effective July 21, 1978. The most notable change is a new requirement that notifications of intent to haul for nonmembers be filed with the ICC annually. Carriers failing to renew their notification will be dropped from the active record and cannot legally perform transportation under this provision. The amendments also contain additional recordkeeping requirements and prohibit the use of one-way signs in nonmember transportation. Arrangements have been made for ICC to furnish BMCS with copies of the new carrier notification forms as they are received. The BMCS records in this connection will then correspond with those of the ICC and will be kept current.

Pipeline

P-78-53 through 55.—Letter of September 6 from the Oklahoma Natural Gas Company (ONG) in response to the three Class I (urgent action) recommendations issued August 28 following investigation of the death of four ONG workers in Oklahoma City, Okla., last April 24. The men were overcome by gas while working in a regulator vault to restore customer service. (See 43 FR 39871, September 7, 1978.)

ONG reports, in line with the Board's recommendations, that its modified policy requires employees to wear gas masks or rubber gloves and cover all exposed skin before disconnecting and re-connecting active gas lines in confined space. Further, ONG's current training for both new and long-term employees emphasizes the need to have safety equipment available while performing certain hazardous work in confined spaces as well as the importance of testing the atmosphere, the use of safety devices, and the use of safe procedures. ONG also states that its operating procedure now includes instruction on where and how to use all safety equipment presently available and that instructions and procurement of additional safety equipment are being expedited.

Railroad

R-77-40.—Letter of September 11 from Amtrak responds to the Board inquiry of August 18 regarding a recommendation which resulted from investigation of the Marland, Okla., train crossing collision of December 15, 1976. The recommendation asked the National Railroad Passenger Corporation (Amtrak) to strengthen and improve its locomotive units' operating compartments to that they effectively resist impact forces and deter entry of flammable liquids into locomotive cabs.

The Board's August 18 letter states that while Amtrak's retrofitting program to seal and weld the hinged nose door openings appears to be an effective method to deter entry of flammable liquids into locomotive cabs, there is concern that the schedule of retrofitting will result in many of Amtrak's SDP-45F locomotives continuing operation with the same design as the locomotive involved in the cited accident for an unacceptable long period of time. The Safety Board asked for further review of this matter, and advice as to whether the retrofitting timetable might be shortened and whether
During fiscal year 1979, Amtrak plans to retrofit 31 SDP40F units. During fiscal year 1980, 19 or more SDP40F units are scheduled for retrofitting. Nose doors will be sealed by welding, thus eliminating entire safety implications of securing these doors. Amtrak is continuing to develop an improved latching device for nose doors of its few remaining units which have these doors.

Notice: The above notice summarizes Safety Board documents recently released so equipped are latched securely before locomotives are dispatched. These personnel have been advised of the safety implications of securing these doors. Amtrak is continuing to develop an improved latching device for nose doors of its few remaining units which have these doors.

The proposed rule change is similar to a rule change of the Chicago Board Options Exchange, Inc. (CBOE), approved by the Commission in Securities Exchange Act Release No. 14677 (April 18, 1978), which extended to all nonmember broker-dealers the rules governing execution priorities applicable to CBOE members. As in the case of the earlier CBOE rule, the proposed Amex rule appears reasonably calculated to further the protection of investors and to enhance the ability of investors' orders to meet without participation by a dealer and the Commission concludes that furtherance of these statutory goals, in this circumstance, outweighs any burden on competition which may be imposed upon nonmember broker-dealers.

The Commission therefore finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges. In particular, the proposed rule change is consistent with the investor protection purposes of section 6 and furthers the purpose of section 11A(a)(1)(A)(v) by enhancing the ability of investors' orders to meet without participation by a dealer. It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITTSIMMONS,
Secretary.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-15054, August 10, 1978) and by publication in the Federal Register (43 FR 36726, August 18, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. §552) were made available to the public at the Commission's public reference room.

The Amex proposed rule change is similar to a rule change of the Chicago Board Options Exchange, Inc. (CBOE), approved by the Commission in Securities Exchange Act Release No. 14677 (April 18, 1978), which extended to all nonmember broker-dealers the rules governing execution priorities applicable to CBOE members. As in the case of the earlier CBOE rule, the proposed Amex rule appears reasonably calculated to further the protection of investors and to enhance the ability of investors' orders to meet without participation by a dealer and the Commission concludes that furtherance of these statutory goals, in this circumstance, outweighs any burden on competition which may be imposed upon nonmember broker-dealers.

Comments are invited on whether the rule change is consistent with the requirements of the Act, the rules and regulations thereunder applicable to national securities exchanges. In particular, the proposed rule change is consistent with the investor protection purposes of section 6 and furthers the purpose of section 11A(a)(1)(A)(v) by enhancing the ability of investors' orders to meet without participation by a dealer.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITTSIMMONS,
Secretary.

[FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978]
NOTICES

[Release No. 1510; SR-OCC-78-1]

THE OPTIONS CLEARING CORP. ("OCC")

Order Approving Proposed Rule Change


Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-14798, May 24, 1978) and by publication in the Federal Register (43 FR 23775, June 1, 1978). No written comments were received by the Commission. By letter dated July 18, 1978, OCC submitted the results of a test which, among other things, determined the effect of the proposal on clearing members' margin obligations.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies, and in particular, the requirements of section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 78-23207 Filed 10-4-78; 8:45 am]

I. BACKGROUND

Absent reasonable justification or excuse, Section 19(b)(1) of the Act (15 U.S.C. 78s(b)(1)) obligates every self-regulatory organization ("SRO") (as defined in Section 3(a)(26) of the Act, 15 U.S.C. 78c(a)(26)) to examine for and enforce compliance with its own rules and the Act and rules and regulations thereunder by each of its members and persons associated with its members (as defined in Section 3(a)(18) of the Act, 15 U.S.C. 78c(a)(18)).

1

Accordingly, for the period of temporary approval, the NASD shall assume, in addition to the regulatory responsibilities it already has under the Act, regulatory responsibilities allocated to it by the Plans, subject to the terms and conditions set forth in this Order, with respect to certain brokers and dealers which belong to both the NASD and one or more of the participating exchanges. At the same time, the BSE, CSE, MSE, and PSE shall be relieved of the regulatory responsibilities thus allocated to the NASD. The Commission expects temporary approval of the Plans to give it the opportunity to review and evaluate the findings of the Special Study of the Options Markets (the "options Study") before taking further action on the Plans.

In addition, the Commission has determined not to give further consideration to the Plans unless the parties submit, within 180 days of the date of this Order or later if the Commission deems appropriate, amendments which would allocate regulatory responsibilities not covered by the Plans as filed and supplementary information which would facilitate Commission oversight of broker-dealer examination programs under the Plans.

The responsibility which Section 19(b)(1) imposes is subject to Sections 17(d) and 19(b)(2) of the Act, 15 U.S.C. 78q(d) and 78s(g)(2).

2

The rule provides that, with respect to a member or participant of more than one SRO, the SRO shall name a single SRO as designated examining authority ("DEA") to examine the firm for compliance with all financial responsibility rules which apply, including those promulgated by the Commission. Once an SRO has been named a DEA, it will be responsible for and enforce compliance with all financial responsibility rules which apply, including those promulgated by the Commission.

3

The responsibility which Section 19(b)(1) imposes is subject to Sections 17(d) and 19(b)(2) of the Act, 15 U.S.C. 78q(d) and 78s(g)(2).

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4

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5

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6

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7

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The rule provides that, with respect to a member or participant of more than one SRO, the SRO shall name a single SRO as designated examining authority ("DEA") to examine the firm for compliance with all financial responsibility rules which apply, including those promulgated by the Commission. Once an SRO has been named a DEA, it will be responsible for and enforce compliance with all financial responsibility rules which apply, including those promulgated by the Commission.

8

The responsibility which Section 19(b)(1) imposes is subject to Sections 17(d) and 19(b)(2) of the Act, 15 U.S.C. 78q(d) and 78s(g)(2).
dual member's DEA, all other SROs to which the dual member belongs are relieved of the responsibility to examine the firm for compliance with financial responsibility rules.

On its face, section 240.17d-1 deals with financial responsibility compliance and no other aspect of an SRO's responsibilities. Thus, every SRO continues to be obligated, whether or not it is the DEA, to conduct dual member for compliance with its own rules and provisions of the Act and rules and regulations thereunder governing matters other than financial responsibility. Such matters include sales practices, standardized options transactions and marketmaking and trading activities and practices.

On October 28, 1976, the Commission adopted section 240.17d-2. That section is significantly broader in scope than section 240.17d-1. It permits SROs to submit to the Commission joint plans proposing allocations of their regulatory responsibilities with respect to dual members. It also permits the Commission to relieve an SRO of any regulatory responsibilities imposed on the SRO with respect to a dual member, including the responsibility to examine the dual member for compliance with the Act, rules and regulations thereunder, and the SRO's own rules, and, in effect, to allocate such responsibility to another SRO.

On October 28, 1977, the Commission published notice of filing of the NASD's Plans with the BSE, CSE, MSE, and PSE, as required by section 240.17d-2(c). No comments were received.

II. DISCUSSION

A. DESCRIPTION OF THE OPERATION OF THE PLANS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THIS ORDER

1. Examinations

The NASD is allocated responsibility for monitoring the financial and operational condition, and for conducting on-site examinations, of each dual member for which it is the DEA under section 240.17d-1. The NASD's on-site examining responsibility shall require it to conduct both routine and special examinations for compliance with the provisions of the Act, rules and regulations thereunder, its own rules, and exchange rules which are comparable to any of these. The NASD shall also examine a dual member whose DEA it is under Rule 17d-1 for compliance with “unique exchange rules,” i.e., those exchange rules (1) with which compliance cannot be monitored through marketplace surveillance and (2) to which neither provisions of the Act and rules and regulations thereunder nor NASD rules are comparable, if such unique exchange rules are regulatory, as opposed to purely administrative or housekeeping, in nature. Under the MSE and PSE plans all MSE and PSE rules are comparable to any of these. Such matters include the exchange's trading facilities (“marketplace surveillance”) and (2) to which

In addition, the NASD shall examine a dual member for which it is DEA under Rule 17d-1 for compliance with unique exchange rules (including unique CSE rules) which are regulatory in nature, the CSE plan and this order shall not require the NASD to assume responsibility for compliance with any unique CSE rules governing trading in the CSE multiple dealer trading system, whether or not they are regulatory in nature.

The NASD shall also be responsible in general for examining compliance with unique exchange rules (including unique CSE rules) which are regulatory in nature.

The NASD shall be decision-maker as well as recordkeeper with respect to persons requiring NASD and exchange approval to become associated, or to change the nature of their association, with dual members covered by the Plans. The NASD shall also be responsible as recordkeeper with respect to persons requesting to open, close, or relocate branch offices. The NASD shall be responsible for performing this function, it shall forward dual members' applications for opening branch offices to the appropriate exchanges for approval, because the NASD's rules do not require its members to obtain prior approval of branch office openings. In its examinations of dual members under the Plans the NASD shall, however, ascertain whether they obtained exchange approval, if required, for the opening of branch offices.

The NASD shall be decision-maker as well as recordkeeper with respect to persons requiring NASD and exchange approval to become associated, or to change the nature of their association, with dual members covered by the Plans. A dual member shall submit such requests to the NASD, and the NASD shall maintain such information and advise the exchanges monthly of openings, closings, and address changes of branch and main offices and of the names of branch office managers. Although the NASD shall be responsible for performing this function, it shall forward dual members' applications for opening branch offices to the appropriate exchanges for approval, because the NASD's rules do not require its members to obtain prior approval of branch office openings. In its examinations of dual members under the Plans the NASD shall, however, ascertain whether they obtained exchange approval, if required, for the opening of branch offices.

Footnotes continued from last page
for processing and either approving or disapproving the application. If it bars a person from becoming associated with a dual member based on failure to pass a required examination or to comply with qualification standards or administrative requirements, the NASD shall provide the necessary due process, and if its action becomes final, the NASD shall file the appropriate notice with the Commission under 17 CFR 240.19d-1 ("Section 240.19d-1").

The NASD shall forward to each interested exchange for its review the application of a person seeking association of a type not requiring NASD approval, e.g., as a shareholder associate or approved person.

If the NASD discovers, as a result of processing submissions, that a dual member or person associated, or seeking to become associated, with a dual member is subject to a statutory disqualification, the NASD shall decide whether the person is, or continues to be, acceptable under Sections 15A(g) and 6(c) of the Act (15 U.S.C. 78o-3(g) and 78f(e)). The NASD shall notify the interested exchanges of the commencement of any proceeding to determine the acceptability of the person and keep the exchanges apprised of the pertinent facts. The NASD shall consider any supplementary information the exchanges might furnish, but the NASD's National Business Conduct Committee, or, if appropriate, its Board of Governors, shall make the final decision.

Once the NASD renders its decision, matters shall proceed as they would have proceeded prior to approval of the Plans. The Plans shall not preclude an exchange from taking different action than the NASD. If it disagrees with the NASD, an exchange may file notice separately either under Section 240.19h-1, or 17 CFR 240.19h-1 ("Section 240.19h-1"). The Commission would settle a dispute by reviewing, as it would a dispute, the Section 240.19h-1 notice filed by either the exchange or the NASD.

The Plans apply only to brokers and dealers which are members of both the NASD and the given exchange. Accordingly, a broker or dealer not yet a member of either the NASD or the given exchange, or both, must still submit separate membership applications to the NASD and/or the exchange. Each SRO shall independently decide whether to admit the applicant to membership. Both the NASD and the exchanges shall maintain their own membership records for dual, as well as sole, members.

The NASD shall advise the exchanges monthly of changes in the status of persons associated with the dual members covered by the Plans.

3. Disciplinary Proceedings

The NASD shall advise an interested exchange with which it has a Plan of any apparent violations of NASD rules, the Act and rules and regulations thereunder or the exchange's rules which the NASD discovers while discharging its responsibilities under the given Plan. The NASD, however, shall have the responsibility to conduct disciplinary proceedings ("enforcement responsibility") for apparent violations of NASD rules and/or provisions of the Act and rules and regulations thereunder.

The NASD shall refer to the BSE, MSE, or PSE, for such disciplinary action as may be necessary, any exchange deems necessary or appropriate, any apparent violation of unique exchange rules which the NASD discovers in the performance of its regulatory responsibilities under the Plans. On a case-by-case basis, the BSE, MSE, or PSE may assume jurisdiction for any such disciplinary proceedings. In addition, the BSE, MSE, or PSE may intervene and assume jurisdiction if a dual member is the subject of an NASD investigation relating to a transaction on the given exchange. The BSE or PSE may assert jurisdiction, as provided in their Plans, over an investigation of a dual member commenced by the NASD and related to a transaction in connection with which an extension of time under 12 CFR 220.1-3 ("Regulation T") was requested of, or granted by, the exchange.

The NASD shall conduct all disciplinary proceedings for apparent violations of its own rules, provisions of the Act, rules or regulations thereunder or CSE rules which it discovers in the performance of its responsibilities under the CSE Plan. The CSE, however, may assume jurisdiction and responsibility for conducting disciplinary proceedings for apparent violations related to transactions on the CSE affecting CSE-listed securities or any other activities having a unique reference to the CSE.

4. Extension Requests Under Regulations T and 17 CFR 240.15c3-3 ("Section 240.15c3-3")

Under the Plans and pursuant to this Order, the NASD as well as the BSE, CSE, MSE, and PSE shall continue to process requests which they receive for extensions of time under Regulation T and section 240.15c3-3. The Commission understands that all parties shall retain both the responsibility and the authority to process these requests, whether or not specifically provided by, the Plans, because the Plans do not make any allocation of the responsibility to a single SRO.

The NASD shall have examining responsibility for compliance with Regulation T and section 240.15c3-3, and the NASD shall have exclusive responsibility with respect to related enforcement activities, except in instances where the BSE or PSE asserts jurisdiction concurrently with the NASD. To permit the parties to fulfill their responsibilities for handling extension requests and related examining and enforcement responsibilities, each party shall keep the other informed of its activities in this area.

5. Collection and Sharing of Information

The NASD shall be obligated to make any information it obtains in the performance of its responsibilities under the Plans available to the BSE, CSE, MSE, or PSE, in response to a particular request. In addition to, but not in limitation of that obligation, the NASD shall be responsible for reporting to the BSE, CSE, MSE, or PSE any adverse information which the NASD discovers about a dual member's financial condition which should be known by the exchange or, in the case of the MSE or PSE, by its subsidiaries. The NASD shall also furnish the results of examinations it conducts under the Plans to a participating exchange on a routine basis if, after its Plan becomes effective, the exchange requests the NASD to do so.
The BSE, MSE, and PSE undertake explicitly to maintain the confidentiality of information they receive from the NASD.5

Similarly, the exchanges shall provide the NASD with any information relevant to the NASD's examining and enforcement responsibilities under the Plans. In particular, they shall make known to the NASD all customer complaints about dual members for which the NASD has examining responsibilities under the Plans.

Both parties disclaim all warranties regarding performance of their respective responsibilities. This disclaimer provision shall have no impact on the rights of third parties under Federal law.24

7. Cancellation and Fees

For 3 years the NASD shall not charge the BSE or PSE any fees for performing regulatory responsibilities under the plans. If after 3 years the NASD chooses to impose charges, it shall give prior notice to the BSE and PSE which then may unilaterally terminate their agreements with the NASD subject to Commission approval.30 In addition, the BSE may terminate its agreement without reason, subject to Commission approval, if it gives the NASD 30 days' notice and an opportunity to be heard.31 The PSE may, subject to Commission approval, terminate its agreement for cause if it gives 30 days' notice to the NASD and an opportunity to the NASD to be heard.32

The NASD shall charge the MSE no fee for performing regulatory responsibilities under the MSE Plan during the period of temporary approval. The NASD or the MSE may cancel their agreement without cause with 1 year's written notice and Commission approval. If at any time the NASD imposes charges for performing regulatory responsibilities under the MSE Plan, the CSE may unilaterally terminate the agreement subject to Commission approval.33

The Commission may amend, modify, or terminate any of the Plans in a manner consistent with the provisions of the Act and Section 240.17d-2.

8. Limitation of Liability

The civil liability of one party to a plan and its officers, directors, govern-

ors, and employees (personnel) shall be limited to actual damages suffered by the other party and attributable to the willful or reckless acts of the first party or its personnel in fulfilling its regulatory responsibilities under the Plans.

B. STATUTORY CRITERIA

In deciding to approve the proposed allocation plans on a temporary basis the Commission has considered the regulatory capabilities and procedures of the self-regulatory organizations, availability of staff, convenience of location, unnecessary regulatory duplication, and such other factors as the Commission may consider germane to the protection of investors, cooperation and coordination among self-regulatory organizations, development of a national market system and a national system for the clearance and settlement of securities transactions... as required by section 17(d)(1) of the Act and § 240.17d-2.

I. Regulatory Capabilities and Procedures

By comparing the examination checklists of the BSE, MSE, and PSE with those of the NASD, the parties isolated those items which were designed for ascertaining compliance by a member with unique exchange rules, including rules governing standardized options transactions, with which the exchanges monitor compliance by on-site examination.34 The NASD has added new items for reporting compliance with these unique exchange rules to its own examination checklists and has adopted examination procedures for ascertaining the extent of compliance with such rules. In addition, the NASD has conducted training seminars to introduce the new items on its examination checklists to its examiners and to advise them concerning related examination procedures.

The Commission is at present unable to determine whether the comparison of examination checklists which the NASD conducted with each of the BSE, CSE, MSE, and PSE identified all of those exchanges' unique rules. The Commission has therefore recommended further consideration of the procedures of the BSE, CSE, MSE, and PSE Plans on submission by the respective parties within 180 days of the date of this Order of a side-by-side comparison of the items of the NASD's examination checklist which cannot be monitored by marketplace surveillance. Unique exchange rules shall be identified and then categorized as either regulatory rules or administrative and housekeeping rules. In addition, all parties must submit as a condition for further consideration of their plans an index correlating the rules and regulations under the Act and the NASD and exchange rules with which compliance cannot be monitored by marketplace surveillance with the items under which compliance is to be reported in existing examination checklists of the NASD, BSE, CSE, MSE, and PSE. These exercises will further clarify the parties' respective responsibilities under the plans and enable the Commission's staff to upgrade its oversight of the NASD's and exchanges examining programs for both dual and sole members.

Although the parties have not persuaded the Commission that they have isolated every unique exchange rule with which the NASD must examine for compliance both under the plans and in accordance with the terms and conditions set forth in this Order, the Commission does not find that the NASD's examination program as contemplated is inadequate. To the contrary, the Commission has determined that while the NASD's checklists and procedures may require amendment or revision, they nevertheless constitute an acceptable mechanism for monitoring compliance with applicable statutes, rules, and regulations. The Options Study and other Division staff are currently reviewing the NASD's proposed standardized options compliance procedures and, after the conclusion of the Options Study, the Division staff will continue to monitor, as a matter of course, the

28Since the CSE has indicated that it intends to file extensive revisions to its existing rules, those rule changes should be used as the basis for the CSE's comparison, classification, and correlation. If the Commission does not approve the rule change proposal in sufficient time to permit the parties to prepare the rules comparison, classification, and correlation within 180 days of the date of this Order, the Commission may direct the CSE to extend the time within which such submissions must be made or to direct the parties to use the CSE's current examination checklist if the CSE becomes the examining authority for any dual or sole member. It will be required to submit promptly an examination checklist and a comparison of its rules to its examination checklist.
ficiency of all examination procedures established by the NASD. Division staff will also continue to conduct oversight examinations of the NASD and the exchanges to determine whether they are conscientiously discharging their regulatory responsibilities under both the Act and the plans.

2. Availability of Staff

Shortly after the plans were signed and disclosure of their terms was made, the Division staff redesignated to the NASD, pursuant to delegated authority, nearly 180 dual members for which either the BSE, MSE, or PSE had been the DEA under §240.17d-1, substantially decreasing the examining staff requirements of those exchanges.

The NASD, on the other hand, has assimilated its regular surveillance and annual examination programs for NASD-designated firms those dual members redesignated to the NASD from the BSE, MSE, and PSE, and redesignated one examination of the NASD to be conducted annually by the NASD has increased, however, by only half as many as the number of dual members redesignated to the NASD, because the firms were formerly staggered on a two-year examination cycle.

The Commission's staff is reviewing the NASD's proposed budget for the fiscal year beginning September 1, 1978, which was submitted in connection with a proposed rule change recently filed by the NASD under section 19(b)(3) of the Act (15 U.S.C. 78s(b)(3)) to amend its schedule of member assessments. The NASD based its proposed examining staff authorizations on a review of its current manpower requirements.

Commission staff will continue to monitor the NASD's performance under the plans and the Commission may consider alternative allocations of regulatory responsibilities if its review of the NASD's regulatory capabilities and procedures and its staffing, among other factors, indicates that it is unable to fulfill adequately its responsibilities under the Act and Plans, or if the allocation of responsibilities in these Plans becomes inconsistent with the purposes of the Act.

3. Convenience of Location

The NASD has district offices in fourteen cities throughout the country, including four of the five cities in which the BSE, MSE, and PSE have trading floors. The Commission believes that the allocation of the NASD of regulatory responsibility with respect to dual members is consistent with considerations of convenience of location.

4. Unnecessary Regulatory Duplication

The designation of the NASD as examining authority for dual members under §240.17d-1 relieved the exchanges only of their responsibility to monitor such firms for financial responsibility compliance. The BSE, CSE, MSE, and PSE retained their responsibility with respect to such dual members to conduct on-site examinations for compliance with other than financial responsibility rules. The Plans eliminate unnecessary regulatory duplication by consolidating the on-site examining responsibilities which the NASD and the exchanges otherwise would continue to have and then allocating it to a single SRO, i.e., the NASD.

The Plans, however, will subject approximately 20 dual members to duplicative standardized options compliance examinations by both the NASD and the American Stock Exchange, Inc. ("Amex"), Chicago Board Options Exchange, Inc. ("CBOE"), or Philadelphia Stock Exchange, Inc. ("Phlx"). The Commission has decided, however, not to object to this apparent overlap in examining responsibility at least until it has had an opportunity to review the findings and recommendations of the Options Study regarding surveillance of brokers and dealers transacting business in standardized options.

The Commission has also determined that centralization of membership services reduces unnecessary regulatory duplication with respect to dual members subject to the applicable portions of the Plans. The Plans consolidate the processing of requests concerning branch office openings, closings, and address changes as well as the review of Form U-4 and other submissions regarding persons associated, and others associated with those firms, with certain dual members, and the Plans allocate responsibility for these functions to the NASD. The Commission believes that this allocation of responsibility will reduce the aggregate cost of self-regulation and, by eliminating the exchanges' individual filing requirements, will reduce the cost of compliance to dual members subject to the membership services provisions of the Plans.

In addition, as contemplated by the Commission in adopting §§240.19h-1 and 240.19h-1, the Plans establish procedures for coordinating the parties' notice filings with respect to persons denied association with such dual members admitted or continued despite a statutory disqualification.

The Commission has determined that the allocation Plans also reduce inessential regulatory duplication by consolidating and allocating to a single SRO the responsibility for performing investigatory and disciplinary functions which might otherwise be performed both by the NASD and one or more of the exchanges. The NASD is allocated enforcement responsibility unless an exchange has a peculiar interest in a proceeding, and the Commission finds this allocation to be reasonable because on-site examinations would make the surrounding facts more readily accessible to the NASD than to the exchanges. In both cases, a single SRO shall be responsible for filing notice under section 19(d)(1) if the exchange results in a final disposition of charges.

C. STATUTORY PURPOSES

Motivated in part by concern that significant segments of the securities industry had been unresponsive to economic change and technological innovation, Congress enacted the 1975 Amendments which gave the Commission "broad authority" to oversee the implementation, operation and regulation of a national market system. . . . "14 Major goals of the 1975 Amendments are to promote efficiency in the nation's capital markets and to provide protection to investors by reducing unnecessary regulatory costs to the dual members. The Plans provide for the centralized filing of requests and the consolidation of similar submissions for the benefit of dual members.

While the Commission anticipates that the regulatory pattern will undergo changes as a national market system emerges, the Commission believes that these Plans may facilitate the development of a rational regulatory pattern for the national market system. The Plans promote efficiency by reducing costs to both the dual members subject to the Plans and the exchanges which have been granted relief from responsibility under the Act.
In addition, the Plans promote investor protection by reallocating the respective responsibilities of the parties so that the locus of the parties' examining and enforcement responsibilities is in one SRO with established interfaces with the other parties.

The Plans and the preparations for them reflect in which the parties have made are achievements in cooperation. By coordinating their regulatory functions in accordance with the Plans, the BSE, CSE, MSE, NASD, and PSE will reduce unnecessary regulatory duplication.

**D. CONDITIONS**

1. **Conditions of Approval**

This Order gives effect to the Plans subject to the terms and conditions set forth herein. This Order therefore gives no effect to any provision of such Plans as proposed by the parties which is either inconsistent or incompatible with the parties' respective responsibilities under the Plans as described in this Order. Furthermore, any responsibility performed in accordance with such description shall be deemed by all persons to be a responsibility performed under the Plans, whether or not such responsibility is consistent with the proposed allocation of responsibility under the Plans as filed by the parties. The parties shall notify any dual member affected by the Plans of its rights and obligations thereunder.

2. **Conditions of Further Consideration**

The Commission has determined, upon due consideration of the factors which it must consider in taking action on an allocation plan filed pursuant to §240.17d-2, that the Plans between the NASD and each of the BSE, CSE, MSE, and PSE are necessary and appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among SROs, and to remove impediments to and foster the development of a national market system. In addition, the Commission has determined that temporary approval of the Plans is not inconsistent with the requirements of sections 6(b)(1) and 15A(b)(2) of the Act (15 U.S.C. 78f(d) and 78q-1(a)(3)(B)) that, for a period of 270 days from the date of this Order, unless such period is otherwise extended by the Commission, that the Plans, between the NASD and BSE, the NASD and CSE, the NASD and MSE, and the NASD and PSE filed pursuant to §240.17d-2 are approved subject to the terms and conditions set forth in this Order.

It is therefore ordered, pursuant to sections 17(d) and 11(a)(3)(B) of the Act (15 U.S.C. 78q(d) and 78k-1(a)(3)(B)) that, for a period of 270 days from the date of this Order, unless such period is otherwise extended by the Commission, that the Plans, between the NASD and BSE, the NASD and CSE, the NASD and MSE, and the NASD and PSE filed pursuant to §240.17d-2 are approved subject to the terms and conditions set forth in this Order.

It is further ordered that the BSE, CSE, MSE, and PSE be relieved of those responsibilities allocated to the NASD by such Plans as approved subject to the terms and conditions set forth in this Order.

By the Commission.

Shirley E. Hollis, Assistant Secretary.

(FR Doc. 78-28191 Filed 10-4-78; 8:45 am)
or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS, Assistant Secretary.

[FR Doc. 78-28192 Filed 10-4-78; 8:45 am]

NOTICES


Notice is hereby given that Fall River Electric Light Co. ("Fall River") 10 North Main Street, Fall River, Mass. 02722, and Montaup Electric Co. ("Montaup"), P.O. Box 391, Fall River, Mass. 02722, both electric utility subsidiary companies of Eastern Utilities Associates, a registered holding company, have filed a post-effective amendment to their application-declaration previously filed and amended in this matter pursuant to sections 6(a)(1), 7 and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42(b)(2) and 50(a)(2) promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 22, 1977 (HCAR No. 20355), Fall River and Montaup were authorized to make borrowings from banks through December 26, 1978, in the amounts of $5,650,000 and $21,600,000, respectively. By post-effective amendment Montaup requests that its borrowing authorization be increased to $32,300,000 through December 26, 1978. It is stated that such increase is necessary due to an increase in Montaup's estimated construction expenditures and the need for protection of previously committed long-term financing of Montaup.

With respect to such notes to banks for which compensating balances of 20 percent are required, the notes will bear interest at not in excess of the prime or base rate in effect on the date of issuance of from time to time. With respect to such notes to banks for which no compensating balances are required, the notes will bear interest at not in excess of an effective rate derived from the prime or base rate in effect on the date of issuance, or from time to time, together with an assumed compensating balance of 20 percent. All notes will provide for prepayment in part without penalty. Based on a prime rate of 9 9/10 percent, the effective cost of money would be 11.9 percent. Proceeds from the borrowings will be used for construction expenditures, for maintaining compensating balance requirements of lending banks, and to pay short-term debt at or before maturity through December 26, 1978. Construction expenditures for Fall River and Montaup for the 12-month period ending December 26, 1978, are estimated at $2,426,000 and $19,062,000, respectively. It is stated that the proposed issuance of notes is exempted from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(2).

There are no additional fees or expenses to be incurred in connection with the proposed transaction. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 19, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said request. Such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS, Assistant Secretary.

[FR Doc. 78-28193 Filed 10-4-78; 8:45 am]

FINANCIAL MUNICIPAL BOND FUND, INC.

Notice of Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That the Company Has Ceased to be an Investment Company


Notice is hereby given that Financial Municipal Bond Fund, Inc. ("Applicant") P.O. Box 2040, 1050 South Broadway, Denver, Colo. 80201, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on August 21, 1978, and an amendment thereto on September 15, 1978, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a corporation organized under the laws of the State of Colorado, registered under the Act on November 15, 1976, and concurrently filed a registration statement on Form S-5 under the Securities Act of 1933 for the public offer and sale of shares of its common stock. Applicant states that this registration statement was never declared effective and has caused such registration statement to be withdrawn.

Applicant represents that it currently has no assets, no outstanding debts, and no security holders, and that it is not a party to any pending litigation or administrative proceeding. Applicant states that it is not currently engaged, and does not propose to engage.
NOTICES

INVESTORS MUNICIPAL-YIELD TRUST, SERIES 1
AND SUBSEQUENT SERIES
AND VAN KAMPEN SAUERMAN INC.

Notice of Filing of Application for an Order Granting Exemptions


NOTICE is hereby given that Investors' Municipal-Yield Trust, Series 1 (and Subsequent Series) ("Trust") 208

South LaSalle Street, Chicago, Ill.

60604, a unit investment trust registered under the Investment Company Act of 1940, and Van Kampen Sauerman Inc. ("Sponsor") (hereinafter the Sponsor and the Trust are referred to collectively as "Applicants"), have filed an application on September 8, 1978, and an amendment thereof on September 22, 1978, for an order of the Commission (a) pursuant to Section 6(c) of the Act exempting the Applicants from the provisions of Sections 14(a) and 22(d) of the Act, and Rules 15b-1 and 22e-1 under the Act, and (b) pursuant to Section 11 of the Act permitting the Trust to offer its Units at net asset value plus a fixed dollar sales charge pursuant to a conversion option. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Series 1 of the Trust is a unit investment trust, and is the first of a series of similar but separate trusts which the Sponsor intends to form (hereinafter all such subsequent Series are collectively referred to as the "Series"). The Series will be created under the laws of the Commonwealth of Massachusetts pursuant to separate trust agreements, such agreements containing certain standard terms and conditions of trust common to all the Series. The Applicants represent that the investment objective of each Series is to follow a similar strategy of accumulating Trust Securities for each subsequent Series. Each Series will receive fractional undivided interests in the Trust Securities for each subsequent Series.

The Sponsor has filed a Form S-6 Registration Statement under the Securities Act of 1933 ("1933 Act") covering fractional undivided interests in Series 1 to be offered to investors at a public offering price set forth in the prospectus included in the S-6 Registration Statement. The 1933 Act Registration Statement has not yet become effective. The Sponsor has also filed a Form N-8A Notification of Registration and a Form N-8B-2 Registration Statement under the Act relating to Series 1.

Each Series of the Trust will be governed by the provisions of a trust indenture and agreement ("Indenture") to be entered into by the Sponsor and a corporation organized and doing business under the laws of the United States or a State thereof, which is authorized under such laws to exercise corporate powers, and having at all times an aggregate capital, surplus, and undivided profits of not less than $2,500,000 ("Trustee"). It is contemplated that the Bradford Trust Co. will serve as Trustee for Series 1. Standard & Poor's Corp. will serve as Evaluator for Series 1. A separate Indenture will be entered into each time a Series is created and activated and the Trust Securities which comprise its portfolio (or delivery statements relating to contracts for the purchase of such Trust Securities together with funds represented by cash or an irrevocable letter of credit issued by a major commercial bank in the amount required for (their purchase) are deposited with the Trustee. Each Series will be substantially identical except as to size, number of Units and the individual Trust Securities in the portfolio.

When a Series of the Trust is created, the Sponsor and the Trustee will enter into an Indenture and the Trust Securities to constitute such Series of the Trust (or delivery statements relating thereto and funds for the purchase thereof as set forth above) will be delivered to and deposited with the Trustee by the Sponsor. Substantially concurrently, the Trustee will issue in the name of the Sponsor, or such other name as the Sponsor may direct, one or more certificates evidencing the ownership of all of the undivided interests in such Series of the Trust. These Units will be separately offered for sale to the public at prices based upon their then respective current net asset values, after the registration statement filed in respect thereto under the 1933 Act has become effective.

Applicants state that Trust Securities will not be pledged or be in any other way subjected to any debt at any time after they are deposited with the Trustee. The Sponsor has been accumulating Trust Securities for the purpose of deposit in Series 1 and will follow a similar procedure of accumulating Trust Securities for each subsequent Series.

The assets of the Trust may consist of Bonds initially deposited, such Bonds as may continue to be held from time to time in exchange for or substitution of any of the Bonds, accrued and undistributed interest, undistributed cash and Units of previously issued Series of the Trust. On the date of deposit, the maximum number of Units in the Trust of a Series and the Bonds which will comprise the respective portfolios are determined. No additional Units can be issued, although the number of Units outstanding may be reduced by redemptions. No additional Bonds can be deposited.
in the Trust except that under certain circumstances, refunding bonds issued in exchange and substituted for outstanding Bonds may be deposited with the Trustee. The Trustee may dispose of Bonds when events occur which may affect their investment stability and distribute the proceeds thereof in partial liquidation to Unitholders; and the Trustee must sell Bonds necessary for the payment of the redemption price of Units tendered for redemption. The proceeds from such dispositions will be distributed to the holders of Units of the Trust ("Unitholders"), and not reinvested.

Each Unit of the Trust will represent a fractional undivided interest, the numerator of the fractional interest represented will be 1 and the denominator will be the number of Units issued and outstanding in any particular Series. Units are redeemable, and in the event that any Units are redeemed, the fractional undivided interest represented by each Unit will be increased accordingly. Units will remain outstanding until redeemed or until the termination of the Indenture. The Indenture may be terminated by 100 percent agreement of the Unitholders or, in the event that the value of Trust Securities shall fall below an amount specified, either upon direction of the Sponsor to the Trustee or by the Trustee without such direction. There is no provision in the Indenture for the issuance of any Units after the initial issuance and such activity will not take place (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of Units under the Act).

The Sponsor and/or certain of the Underwriters, while under no obligation to do so, intend to maintain a market for whole Units of the Trust and offer to purchase such Units at prices in excess of the redemption price as set forth in the Indenture. In the absence of such a market, Unitholders may only be able to dispose of their Units by redemption.

SECTION 14(a)

Section 14(a) of the act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which Bonds may be a part of the offering, unless: (1) The company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from non-money capital contributions within 90 days, or the entire proceeds received, including sales charge, will be refunded.

Applicants seek an exemption from the provisions of section 14(a) in order to permit the Trust to distribute to Unitholders the proceeds of the Trust as described above. In connection with the requested exemption from section 14(a) the Sponsor agrees: (1) To refund, on demand and without deduction, all sales charges to purchasers of Units if, within 90 days from the time that a registration statement for a Series becomes effective under the Securities Act of 1933, the net worth of the Series shall be reduced to less than $100,000; (2) to instruct the Trustee on the date Trust Securities are deposited in each Series that in the event that redemption by the Sponsor of Units constituting a part of the unsold Units shall result in such Series having a net worth of less than 40 percent of the principal amount of Trust Securities originally deposited for such Series, the Trustee shall terminate the Series in the manner provided in the Indenture for the issuance of Trust Securities or other assets deposited with the Trustee pursuant to the Indenture as provided therein; and (3) in the event of termination for the reasons described in (2) above, to refund any sales charges to any Unitholder on the next distribution date; (2) if Units are redeemed by the Trustee and Trust Securities from the portfolio are sold to provide the funds necessary for such redemption, each Unitholder will receive his pro-rata portion of the proceeds from the Trust Securities sold over the amount required to satisfy such redemption distribution; (2) if Bonds held in the portfolio are sold to maintain the investment stability of a Series of the Trust, the sums received by the Trust may be distributed on a pro-rata basis to each Unitholder; (3) if Units are redeemed by the Sponsor after the initial issuance under the Act).

In support of the requested exemption, Applicants state that the dangers which might trigger capital gains, e.g., the tendering of Trust Units for redemption and the prepayment of portfolio bonds by the issuing authorities. In addition, it is alleged that any capital gains distribution will be clearly indicated as capital gains in the accom-
Applicants state that Rule 22c-1 has two purposes: (1) To eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies who might be sold below their redemption or repurchase of such securities at prices other than their current net asset values; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of the Sponsor and/or the Underwriters and the manner for the acquisition by investors of new Units, may be deemed to violate Rule 22c-1 because of the absence of an offer to purchase whole Units in the secondary market at prices based on the offering side evaluation of the Trust Securities in any Series, determined on the last business day of each week, effective for all sales made during the following week.

Applicants also state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimate evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. The Sponsor agrees that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is not more than one-half point ($5 on a Unit representing $1,000 principal amount of underlying Trust Securities) greater than the current offering price, a full evaluation will be ordered. Under these circumstances, the Applicants contend that the provisions of Rule 22c-1 will in no way affect the operations of the Trust and will benefit the Unitholders by providing a repurchase price for their Units which is in excess of the current net asset value of such Units as computed for redemption purposes.

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants propose to offer the right to participate in an automatic reinvestment option ("ARO Plan") to Unitholders of record in each of its Series who have selected the semiannual investment option ("ARO Plan") to Unitholders of record in each of its Series. Applicants state that Rule 22c-1 has two purposes: (1) To eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies who might be sold below their redemption or repurchase of such securities at prices other than their current net asset values; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of the Sponsor and/or the Underwriters and the manner for the acquisition by investors of new Units, may be deemed to violate Rule 22c-1 because of the absence of an offer to purchase whole Units in the secondary market at prices based on the offering side evaluation of the Trust Securities in any Series, determined on the last business day of each week, effective for all sales made during the following week.

Applicants also state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimate evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. The Sponsor agrees that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is not more than one-half point ($5 on a Unit representing $1,000 principal amount of underlying Trust Securities) greater than the current offering price, a full evaluation will be ordered. Under these circumstances, the Applicants contend that the provisions of Rule 22c-1 will in no way affect the operations of the Trust and will benefit the Unitholders by providing a repurchase price for their Units which is in excess of the current net asset value of such Units as computed for redemption purposes.

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.
to participate in the ARO Plan will be voided, and after filing of a registration statement under the 1933 Act for such Reinvestment Series, ARO Plan participants will be provided with a prospectus meeting the requirements of section 10 of the 1933 Act for such Reinvestment Series, a notice of the material change and an Authorization Form which would have to be returned to the Trustee before a Unitholder would again be able to participate in the ARO Plan.

In order that distributions may be reinvested on the next succeeding Distribution Date, the Authorization Form must be received by the Trustee no later than the 15th day of the month preceding such Distribution Date. Any Authorization Form received after such date will result in the commencement of reinvestment on the second Distribution Date thereafter. Once delivered to the Trustee, an Authorization Form will not be accepted after the following, constitute a valid election to participate in the ARO Plan for each subsequent distribution as long as the Unitholder continues to participate in the ARO Plan.

Unless a Unitholder notifies the Trustee in writing to the contrary, any Unitholder who has acquired Units through the ARO Plan will be deemed to have elected the semiannual plan of distribution and to participate in the ARO Plan for each subsequent distribution made in connection with Units so purchased under the ARO Plan. A Unitholder may withdraw from the ARO Plan with respect to distributions related to Units purchased under the ARO Plan and remain in the ARO Plan with respect to Units acquired other than through the ARO Plan. All distributions made with respect to Units purchased under the ARO Plan will be accumulated with distributions generated from the sale of Units of other Series of the Trust used to purchase such additional ARO Plan Units, but no distributions generated from Units of other Series of the Trust will be automatically distributed by the Trustee on the Distribution Date. Confirmations of sales relating to Units purchased under the ARO Plan will be provided in the name of the ARO Plan participant in the normal course of business. However, certificates representing Trust Units purchased under the ARO Plan will not be sent to participants, except upon request. Both the Sponsor and the Trustee reserve the right to suspend, modify or terminate the ARO Plan at any time. All participants will receive notice of any such suspension, modification or termination.

Funds reinvested in the ARO Plan will be at a public offering price of approximately $1,050 per Unit plus accrued interest. However, as noted above, it is the Sponsor's intention to permit purchases under the ARO Plan of fractional Units in the denomination of tenths rather than require purchases of full Units. The purpose of allowing purchases of fractional Units is to allow a minimum purchase requirement in the primary distribution of Trust Units, but at the same time permit maximum use of distributions for purchases through the reinvestment program.

Applicants propose to offer Reinvestment Series Units under the ARO Plan at a public offering price reflecting a sales charge of 3 1/2 percent of the underlying net asset value of the Trust Securities in such Series rather than the customary 4% percent sales charge which applies to all primary and secondary sales of Units in the various Series of the Trust (including primary and secondary sales of Reinvestment Series Units purchased other than through the ARO Plan).

Section 22(d) of the act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person, except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Rule 22d-1 permits certain variations in sales load, none of which is alleged to be applicable to the proposed ARO Plan.

In support of the request, Applicants assert that applying a sales charge of less than the customary 4% percent sales charge in the case of ARO Plan purchases is beneficial to ARO Plan participants, and also warranted in light of the related cost savings. Applicants state that approximately 3 1/2 percent of the customary 4% percent sales charge is attributable to brokerage efforts to make the initial customer solicitation, to ascertain the customer's financial requirements and to counsel him on the Sponsor's specific product. Applicants represent that each Reinvestment Series will be substantially similar to the Series of the Trust which the ARO Plan participant originally purchased with the exception of the make-up of the Series portfolio and certain portfolio related information. Consequently, the support for that portion of the sales charge attributable to counseling the participant on the Sponsor's product is reduced, as is the selling effect relating to initial solicitations. It is the Applicants' belief that cost savings related thereto should be passed on to ARO Plan participants.

However, with respect to any particular Reinvestment Series, Applicants believe a participant may seek professional advice and, thus, a reduced sales charge for such financial services is warranted. It is the Applicants' belief that a charge of 1 1/2 percent of the net asset value of the underlying Trust Securities in each Reinvestment Series (or assuming a net asset value of approximately $1,000 per Unit, a sales charge of $15 per Unit) is a reasonable and justifiable expense to be allocated to the soliciting broker for his professional assistance in connection with each Reinvestment Series.

Applicants further assert that implementation and continuation of the ARO Plan will create special out-of-pocket costs which should properly be borne by the ARO Plan participants. It is the Sponsor's belief that the special out-of-pocket expenses related to the ARO Plan (including such items as (a) Maintaining Trustee records on participants, (b) mailing, shipping, and miscellaneous delivery charges, (c) maintaining a toll-free telephone number with knowledgeable operators, and (d) separate printing charges) will amount to $10 per unit (assuming the above net asset value, 1 percent of such value). Finally, prior experience indicates that the normal out-of-pocket costs for establishing each Series of the Trust approximate 1 percent of the underlying net asset value of the Trust's portfolio. Applicants represent that all such costs will be covered in the proposed 3 1/2 percent sales charge. Thus, Applicants conclude that the proposed 3 1/2 percent sales charge for ARO Plan purchases not only passes through certain cost savings to ARO Plan participants but also charges such persons for reasonable expenses related to the creation of the ARO Plan, and for fees relating to periodic, professional, financial advice.

B. CONVERSION PLAN

Applicants propose to introduce a conversion option program (the "Conversion Plan") to Unitholders of the various series of Insured Municipal Income Trust (the "Municipal Fund"), Investors' Corporate Income Trust (the "Corporate Fund") and Investors' Government-Guaranteed Income Trust (the "Government Fund") (Such Funds are collectively called
herein the "Conversion Funds"). The Municipal Fund is comprised of a series of unit investment trusts, the portfolios of which are made up of tax-free municipal obligations (all of which are insured as to the timely payment of principal and interest by an independent insurance company or companies); the Corporate Fund is comprised of a series of unit investment trusts, the portfolios of which are made up of taxable corporate debt obligations. The Government Fund is comprised of a series of unit investment trusts, the portfolios of which are made up primarily of mortgage-backed securities of the modified pass-through type fully guaranteed as to principal and interest by the Government National Mortgage Association. The Conversion Funds are sponsored by Van Kampen Sauerman Inc. Under the Conversion Plan, as proposed, a Unitholder wishing to dispose of his Units in the Government Fund for which a secondary market is being maintained will have the option to convert his Units into Units of any Series of the Trust for which Units are available for sale. Applicants state that the purpose of the Conversion Plan is to provide investors in the Conversion Funds a convenient and less costly means of transferring interests as their investment requirements change. Applicants state that the Sponsor and/or certain of the Underwriters have indicated that they intend to maintain a market for the Units of each Series of the Conversion Funds and the Trust; however, there is no obligation to maintain such a market. Consequently, the Sponsor reserves the right to modify, suspend or terminate the Conversion Plan at any time without further notice to Unitholders.

Assuming a secondary market exists and Units of the Trust are available, a Unitholder who notifies the Sponsor of his desire to exercise his conversion option will be mailed a current prospectus for each Series in which the Unitholder indicates interest. The Unitholder then may select the Series into which he desires his investment to be converted. The conversion transaction will operate in a manner essentially identical to any secondary market transaction, except that Applicants propose to allow a reduced sales charge for all transactions effected under the Conversion Plan. Units of the Trust will be repurchased by the Sponsor and other Underwriters of them at the aggregate offering price per Unit of the underlying securities in the Trust and will be resold at that price per Unit plus a sales charge of 4% percent of such offering price. Applicants propose (subject to the limitations set forth in the next paragraph with respect to conversions of Units of the Government Fund) to resell Units under the Conversion Plan at the Unit offering price of the underlying securities of the Trust plus a fixed charge of $15 per Unit (or about 1.5 percent of such offering price at current market value). The Applicants would receive payment for any excess funds remaining in his account after the proceeds from his investment in the Conversion Funds are converted into full Units of the Trust.

Conversion transactions will only be effected in whole Units. To illustrate: Under the Conversion Plan a holder of three Units of a Series in the Municipal Fund with an offering price of $1,020 might seek conversion into Units of a Series of the Trust with an offering price of $800. In this example, the Unitholder's Units will total $3,060, which amount may be invested in Units of the Trust Series. Should three Units in a Series of the Trust be invested, the Applicant would receive $2,653.60 for the Units and a $45 sales charge. The remaining $375 would be returned to the Unitholder in cash.

In connection with any conversion of Government Fund Units into Trust Units, certain limitations on the reduced sales charge are proposed, however, since certain inequities could arise in such conversions. Under the Conversion Plan, as it applies to Corporate Fund and Municipal Fund Unitholders, Applicants propose that such Unitholders be allowed to convert their Units into Units of the Trust for a special sales charge of $15 per Unit. Applicants assert that this procedure is equitable to holders of all Funds involved since the sales charge relating to original purchases of Units in all such Funds amounts to 4% percent of the net asset value of the portfolio underlying such Units (4.712 percent of the Government Fund units for at least an 8-month period of time. Applicants propose that Unitholders of the Government Fund who have held their Units for a period of at least 8-months be allowed to acquire Trust Units under the Conversion Plan at net asset value plus a sales charge of $15 per Unit. Furthermore, Applicants propose that Government Fund Unitholders who wish to convert their Units into Units of the Trust prior to the expiration of the 8-month period be allowed to exchange such Units at net asset value plus a sales charge based on the greater of $15 per Unit or an amount which together with the initial sales charge paid in connection with the acquisition of the Units being converted equals 4% percent of the net asset value of the Units of the Trust, determined as of the date of conversion.

Section 11(c) of the act provides among other things, that exchange offers involving registered unit investment trusts may not be made unless the terms of the offer have first been submitted to and approved by the Commission. Applicants state that, although it is unlikely, and thus argue that the possibility of an offer to the holder of a security of such company to make, or cause to be made, an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the Trust or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. As noted above, section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in

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the prospectus. The sales charge for effecting regular secondary market purchases and sales of Units of the Trust will be greater than the sales charge which would be applicable to transactions under the Conversion Plan. Applicants may waive under the Act and permits certain variations in sales charges, none of which it is alleged will be applicable to transactions under the Plan.

Applicants assert that applying a sales charge gross of less than the customary 4½ percent in the case of Conversion Plan transactions is both beneficial to investors and warranted in light of the related cost savings. Applicants state that a large portion of the customary 4½ percent sales charge is attributable to brokerage efforts to make the initial customer solicitation, and the remainder is primarily attributable to the ascertainment of the customer’s financial requirements and to counselling on their specific products. Applicants represent that under the Conversion Plan the selling effort relating to initial solicitations will be eliminated, and thus Applicants argue that the cost savings related thereto should be passed on to the participating investors.

Applicants contend, however, that some investor charge is clearly warranted at the time of conversion since a broker may well need to review his customer’s financial objectives and likely will have to counsel the customer on the particular investment vehicle involved. Applicants have concluded that the proposed $15 per Unit sales charge for Plan conversions will not only pass through cost savings to investors but also will charge such persons a reasonable fee which is related to the periodic, professional, financial advice that it is anticipated will be furnished to them.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally, exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 16, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission’s own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS, Assistant Secretary.

[FR Doc. 78-28195 Filed 10-4-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE
Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. I) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held October 24 through October 27, 1978, from 9 a.m. e.d.t. to 4 p.m. daily, except for the last day which will terminate at 1 p.m., in conference rooms 8A and B at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on September 22, 1978.

F. L. CUNNINGHAM, Executive Director, ATPAC.

[FR Doc. 78-28195 Filed 10-4-78; 8:45 am]

[4910-13]

NOTICES

REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES FOR THE NATIONAL AIRPORT AND AIRWAY SYSTEM

Request for Recommendations from Users

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request for recommendations.

SUMMARY: This notice requests, and is intended to elicit, recommendations from the users of the national airport and airway system on methods of reducing nonessential Federal expenditures for aviation. Congressional legislation requires annual consultation with the users of this system.

DATE: Recommendations must be received on or before January 25, 1979.


FURTHER INFORMATION CONTACT:

Leonard B. Bell, Chief, Management Analysis Division (AMS-500), Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8060.

SUPPLEMENTARY INFORMATION:

Recommendations Invited

Interested users of the national airport and airway system are invited to submit such recommendations as they may desire in response to this notice. Communications should identify the docket number and be submitted in duplicate to: Federal Aviation Administration, Office of Management Systems, AMS-500, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before January 25, 1979, will be considered by the Administrator.

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NOTICES

AVAILABILITY OF NOTICE OF REQUEST FOR RECOMMENDATIONS

Any person may obtain a copy of this notice of request for recommendations by submitting a request to the Federal Aviation Administration, Office of Public Affairs, attention: Public Information Center, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058.

DISCUSSION

Section 25 of the Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1704) provides as follows:

The Secretary of Transportation shall, in accordance with this section, attempt to reduce, to the maximum extent practicable, consistent with the highest degree of aviation safety, the capital, operating, maintenance costs of the national airport and airway system. The Secretary shall, at least annually, consult with and give due consideration to the views of users of such system on methods of reducing nonessential Federal Expenditures for aviation. The Secretary shall give particular attention to any recommendations which could reduce, without adverse effects on safety, future Federal manpower requirements and costs which are required to be recouped from charges on such users.

By § 1.47(f)(3) of the regulations of the Office of the Secretary of Transportation, the authority of the Secretary of Transportation in section 25 is delegated to the Administrator of the Federal Aviation Administration.

The first request for user views pursuant to section 25 was published in the Federal Register on August 1, 1977 (42 FR 38853). That notice drew 103 suggestions from 42 users, including the major organized user groups. The areas of principal interest shown by these users were: The way the air traffic control system operates, the amount of certification authority the FAA should turn over to State and aviation groups, and methods for controlling and reducing costs by reducing staffing, making organization changes, and improving administration.

The Administrator gave due consideration to all views and also advised users that the FAA has many significant activities under way that bear directly on the suggestions the users made. These include:

1. Implementation of the first two phases of a Flight Service Automation Plan.
3. Proposals now in the rulemaking process to (a) develop new criteria for tower closings, and (b) revise Part 135 of the Federal Aviation Regulations which relates to air taxi operators and commercial operators of small aircraft.
4. Elimination of approximately 320 internal headquarters reports, as the result of a special effort to reduce nonessential reporting requirements.
5. Reduction of personnel, through hiring limitations, in many staff and support positions has resulted in considerable monetary savings.
6. Development of Discrete Address Beacon Systems, Intermittent Positive Control, and other third generation projects, which will electronically provide the pilot with additional cockpit information.
7. Consolidation of parts of the Airman's Information Manual into regional parts.

The principal authors of this document are James R. Askew, Office of Management Systems, and Howard A. Bartnick, Office of the Chief Counsel. Accordingly, views and recommendations of users of the national airport and airway system are solicited on methods of reducing nonessential Federal expenditures for aviation and, in particular, on reducing, without adverse effects on safety, future Federal manpower requirements and costs which are required to be recouped from users.

That: 1. The requirements of AAR Mechanical Division Circular D.V. 1897, entitled “Provisions for Lifting Freight Car,” on the safety of wreck operations in the railroad industry, in light of the considerations set forth in the notice of special safety inquiry, IT IS ORDERED, That:

1. The requirements of AAR Mechanical Division Circular D.V. 1897 are hereby temporarily stayed;
2. The AAR may not deny issuance of a certificate of construction based on nonconformity to Circular D.V. 1897; and
3. This order shall remain in effect pending review by the FRA of the potential impact of Circular D.V. 1897 on the safety of railroad wreck clearance operations.

This order is effective on October 5, 1978, since the purpose of the stay is to permit car builders to construct cars without the lifting provisions required by the Circular pending review of the industry standard.

Issued in Washington, D.C., on September 25, 1978.

BROOKS C. GOLDMAN, Director, Office of Management Systems.

(PFR Doc. 78-27880 Filed 10-4-78; 8:45 am)

[4910-06]

Federal Railroad Administration

(Docket No. RSH-78-6; Notice No. 2)

ASSOCIATION OF AMERICAN RAILROADS REQUIREMENT FOR LIFTING LUGS

Temporary Stay

AGENCY: Federal Railroad Administration, DOT.

ACTION: Order temporarily staying effectiveness of industry standard.

SUMMARY: The Federal Railroad Administration (FRA) has determined that requirement of the Association of American Railroads (AAR) imposed with respect to all new freight cars ordered after July 1, 1978, should be temporarily stayed pending inquiry into the consequences of the requirement for railroad safety. The AAR action requires that lugs which could be used to lift and separate freight cars be provided at four locations on the car body.

DATES: The order is effective October 5, 1978.

FOR FURTHER INFORMATION:

Rolf Mowatt-Larssen, 202-426-0924, or Grady Cothen, Jr., 202-426-8220.

SUPPLEMENTARY INFORMATION: The FRA has published in the Proposed Rules portion of today's Federal Register a notice of special safety inquiry soliciting comment on the impact of lifting lugs required by AAR Mechanical Division Circular D.V. 1897, entitled “Provisions for Lifting Freight Car,” on the safety of wreck operations in the railroad industry. In light of the considerations set forth in the notice of special safety inquiry, IT IS ORDERED, That:

1. The requirements of AAR Mechanical Division Circular D.V. 1897 are hereby temporarily stayed;
2. The AAR may not deny issuance of a certificate of construction based on nonconformity to Circular D.V. 1897; and
3. This order shall remain in effect pending review by the FRA of the potential impact of Circular D.V. 1897 on the safety of railroad wreck clearance operations.

This order is effective on October 5, 1978, since the purpose of the stay is to permit car builders to construct cars without the lifting provisions required by the Circular pending review of the industry standard.

Issued in Washington, D.C., on October 2, 1978.

JOHN M. SULLIVAN, Administrator.

(PFR Doc. 78-28246 Filed 10-4-78; 8:45 am)

[4910-59]

National Highway Traffic Safety Administration

(Docket No. LVM-77-07; Notice 1)

OFFICE ALFIERI MASERATI S.P.A.

Petition for Exemption from Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice of receipt of a petition for exemption from average fuel economy standards.

SUMMARY: This notice announces the receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition submitted by Officine Alfieri Maserati S.p.A. (Maserati). The petition requests that the NHTSA exempt market year 1978-1980 passenger automobiles manufactured by Maserati from the generally applicable passenger automobile average fuel economy standards for those years.
model years, and establish lower, alternative standards for those vehicles. In accordance with agency procedures, this notice summarizes the petition, describes the options available to the NHTSA in responding to the petition, and passes written public comment thereon.


ADDRESS: Comments on the Maserati petition should refer to Docket No. LVM 77-07 and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:
Part A of Title III of the Energy Policy and Conservation Act (Pub. L. 94-163) amended the Motor Vehicle Information and Cost Savings Act (hereinafter referred to as "the Act") by adding a new Title V. That title requires the Secretary of Transportation to implement and administer a program for improving the fuel economy of new automobiles sold in the United States. Authority to administer the program was delegated by the Secretary to the Administrator of the NHTSA; 41 FR 25015, June 22, 1976.

Section 502(a)(1) of the Act establishes average fuel economy standards for passenger automobiles at 18.0 miles per gallon (mpg) for 1978, 19.0 mpg for 1979, and 20.0 mpg for 1980. They then steadily rise to a level of 27.5 mpg for 1985 and thereafter. Under 49 CFR Part 523, Vehicle Classification, published at 42 FR 29356, July 28, 1977, passenger automobiles include station wagons, sedans, coupes, and sport cars.

Section 502(a) of the Act provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards if those standards are more stringent than the maximum feasible average fuel economy achievable by the low volume manufacturer, and if the NHTSA establishes alternative standards for the low volume manufacturer at the manufacturer's maximum feasible level. A low volume manufacturer under the Act is one which manufactures (within or without the United States) fewer than 10,000 passenger automobiles in the model year for which the exemption is sought (hereinafter "the affected model year"), and which manufactured fewer than 10,000 passenger automobiles in the second model year preceding the affected model year. In its determination of the maximum feasible average fuel economy, the NHTSA is required by the Act to consider—

1. Technological feasibility;
2. Economic practicability;
3. The effect of other Federal motor vehicle standards on fuel economy; and
4. The need of the Nation to conserve energy.

Part 525 of Title 49, Code of Federal Regulation, establishes the format and content requirements for petitions requesting exemption from the generally passenger automobile average fuel economy standards and describes the procedures that the NHTSA follows in acting on these petitions. Section 525.8 of that rule states that the NHTSA will publish a notice announcing receipt of a petition. This notice is published in response to that section.

Publication of this notice of receipt of a petition does not represent any agency decision or other exercise of judgment concerning the merits of Maserati's petition.

Maserati's Petition

Maserati is an independent producer of "high performance automobiles". Maserati states that its "success in the passenger car market is largely based on its reputation for building high performance winning race cars and subsequently providing that same high performance know-how in commercial passenger cars." Annual sales in the United States are estimated as between 250 and 400 automobiles in the 1978 model year, and between 900 and 1600 automobiles in each of the 1979 and 1980 model years. To permit this increase in production, Maserati indicates that it will combine plant expansion with the use of outside contractors to produce components and subassemblies currently manufactured by Maserati.

At the present and through the end of model year 1980, this company will sell three vehicle configurations in the United States. A vehicle configuration is a classification of automobiles that includes all automobiles produced by the same manufacturer with the same inertia weight and which are equipped with the same engine, emission control system, transmission type (e.g., manual, automatic, or semi-automatic) and axle ratio. This is a simplification of the Environmental Protection Agency's definition of the term, which can be found at 40 CFR §600.022-77(a)(24).

The V-8 Maserati for the 1978 model year achieves a combined fuel economy of 12.1 miles per gallon (mpg). The combined fuel economy for both the two- and four-door V-8 models for the 1978 model year is said to be 10.5 mpg. Maserati projects that 50 to 60 percent of its U.S. sales will be the V-8 model, 20 to 25 percent will be the two-door V-8, and 20 to 25 percent will be four door V-8 models. Based on this projected sales mix, Maserati indicated that its 1978 average fuel economy will be 11.3 mpg to 11.5 mpg.

For the 1979 and 1980 model years, Maserati projects that it will sell between 22 and 25 percent V-6 models, 11 to 19 percent two-door V-8s and 56 to 67 percent four-door V-8s. This mix shift will reduce Maserati's possible fuel economy for the 1979 model year. However, Maserati indicates in its petition that it will increase the combined fuel economy of its V-6 model by 0.5 mpg in the 1979 model year by producing a new more fuel efficient V-6 engine. No change is projected in the fuel economy to be achieved by Maserati's V-8 models in the 1979 model year. The net result of these changes will be an overall lower Maserati's average fuel economy for the 1979 model year to a level of 11.0 mpg.

For the 1980 model year, Maserati hopes to further refine the new V-6 engine, so that the fuel economy of V-6 models will increase 0.5 mpg. Maserati hopes to increase its 1978 levels to a combined fuel economy of 13.1 mpg. Additionally, Maserati's petition indicates that it plans to offer a small block V-8 engine in its V-8 models for the 1980 model year, and intends that the use of this smaller engine will increase the fuel economy of V-8 models by 0.5 mpg above the 1979 level to a combined fuel economy of 11.0 mpg. The result of these engine improvements will be to raise Maserati's 1980 average fuel economy to a level of 11.4-11.5 mpg.

Maserati urges that its projected average fuel economy in each model year be found to be its maximum feasible average fuel economy in that model year. The company emphasizes in the petition that it produces high performance vehicles for a select group of customers. The petition states that when comparing power to fuel economy for other production engines of similar size, Maserati is always in the top bracket, and that this is especially true when compared to similar U.S. vehicles.

Maserati uses "rich-burn thermal reactors" as its emission control approach, and states that this gives it very low levels of exhaust emissions. Maserati states, however, that this emission control approach does not lend itself to optimization of fuel economy. The petition states that when the approach was selected in 1974, Maserati did not anticipate the need to satisfy fuel economy standards since fuel economy had never been a serious motivation for prospective Maserati purchasers.
The petition indicates Maserati's opinion that the company's resources should be applied to the development of new fuel efficient high performance engines rather than to the improvement of existing engines, and that Maserati is currently engaged in that development. This opinion is based upon Maserati's conclusion that the existing engines could be recalibrated only to achieve a 10 percent fuel economy improvement, and this still leaves the fuel economy far below the requirements of the standards. Maserati also states that its financial position will not allow it to make any major investments or explore alternative avenues for improving fuel economy. According to the petition, Maserati's plant was shut down for over a year because of the company's financial problems, which culminated in a reorganization. The company showed a net loss for the 1977 model year and expects a loss for the 1978 model year. With the increased sales projected for the 1979 and 1980 model years, Maserati hopes to show profits. The revenue could then be used by the company, according to the petition, to some degree to enable it to improve its fuel economy, while maintaining its high performance image.

The petition further indicates that Maserati intends to use a more advanced emission control technology on its automobiles for the 1981 and 1982 model years. Application of these technologies is expected to result in large fuel economy gains on Maserati automobiles. Maserati is also exploring the possibility of weight reduction and decreases in straight line acceleration for those model years.

Federal emission standards have impacted the fuel economy capabilities of Maserati's automobiles in the manner explained above. With respect to the Federal safety standards, Maserati states that the effects of these standards on fuel economy has not been measured by the company, but the company believes that the effect would be in direct proportion to the added weight requirements, and states that it believes the effects to be insignificant. However, the engineering and testing necessary to comply with the safety standards is said by Maserati to be inordinately expensive considering the few automobiles it sells in the U.S. each year, and any diversion of funds from fuel economy research for Maserati detracts from potential economy. Because of all the foregoing factors, Maserati states that its currently planned average fuel economy levels of 11.0, 11.2, and 11.5 mpg for the 1978, 1979, and 1980 model years, respectively, are the maximum feasible average fuel economy levels for the company in those model years. However, the petition requests that the NHTSA exempt Maserati from the otherwise applicable average fuel economy standards for those model years, and establish alternative average fuel economy standards for Maserati of 11.0, 11.2, and 11.5 mpg for each respective model year. No reason was given for this discrepancy.

NHTSA Options
The NHTSA will carefully evaluate the Maserati petition and all comments received thereon. Following this evaluation, the NHTSA could find that Maserati plans to use all reasonably available means and strategies for improving its average fuel economy and that its projected average fuel economy for each affected model year is its maximum feasible average fuel economy for that model year. Alternatively, the NHTSA could find that Maserati has some additional means and strategies available to it to improve its average fuel economy above the projected level for one or all of the affected model years, and make a determination of the maximum feasible average fuel economy that could be achieved for each affected model year if those means and strategies were implemented.

If Maserati's maximum feasible average fuel economy for any affected model year is determined by this agency to be equal to or greater than the generally applicable standard, the petition will be denied for that model year. If Maserati's maximum feasible average fuel economy for any affected model year is determined to be less than the generally applicable standard, the petition may be granted for that model year.

If the petition is granted for any affected model year, the NHTSA will establish an alternative average fuel economy standard applicable to Maserati during that model year. The Act permits the NHTSA to establish that standard in one of three ways: (1) a standard may be established specifically for Maserati (2) classes, based on design, size, price, or other factors, may be established for the automobiles of exempted manufacturers, with a separate average fuel economy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

Copies of the Maserati petition as well as supporting materials, other information, and any comments received, are available for public inspection in the docket section between 8 a.m. and 4 p.m., Monday through Friday. Comments on the Maserati petition are invited from the public. These comments must be in writing, and must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion. It is requested, but not required, that five copies of the comments be submitted.

All comments received before the close of business on the comment closing date indicated above will be considered. Comments received after the closing date will be considered to the extent practicable. Comments received too late for consideration in developing a proposed decision on this petition will be considered in reaching a final decision.


MICHAEL M. FINKELSTEIN, Associate Administrator for Rulemaking.

[FR Doc. 78-28110 Filed 10-4-78; 8:45 am]

DEPARTMENT OF THE TREASURY
Customs Service

AMERICAN MANUFACTURER'S PETITION
Further Extension of Time for Comments Concerning an American Manufacturer's Petition to Reclassify Cotton Denim Trouser Known as "Blue Jeans"

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

ACTION: Notice of further extension of time for comments.

SUMMARY: This notice further extends the period of time permitted for the submission of comments in response to a recent American manufacturer's petition to reclassify certain cotton denim trousers for men and women, commonly referred to as "blue jeans." This extension will permit the preparation and submission of more detailed comments by interested members of the public.

DATE: Comments must be received on or before November 3, 1978.

ADDRESS: Comments, preferably in triplicate, should be addressed to the Commissioner of Customs, attention: Regulations and Legal Publications Division, U.S. Customs Service, Room 2335, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:
Philip Robins, Classification and Value Division, U.S. Customs Serv...
SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 3, 1978, the Customs Service published in the Federal Register (43 FR 34236) a notice of receipt of an American manufacturer's petition, filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), requesting the reclassification of certain imported men's and women's cotton denim trousers known as "blue jeans". The petitioner contends that, under headnote 3, Schedule 3, Tariff Schedules of the United States (TSUS), the blue jeans are properly classified under item 382.00, TSUS, if for use by either sex or by women, girls, or infants.

Comments concerning the American manufacturer's petition were to have been received on or before September 5, 1978. The Customs Service was requested to extend the period of time for submission of comments in order to allow additional time for the preparation of responses to the American manufacturer's petition. Accordingly, a notice extending the period of time for submission of comments to October 4, 1978 was published in the Federal Register on September 6, 1978 (43 FR 39624).

COMMENTS

The Customs Service has again been requested to extend the period of time for submission of comments in order to allow additional time for the preparation of responses to the American manufacturer's petition. On the basis of the interest which has been expressed by the public, as demonstrated by the substantial volume of comments received, the Customs Service has decided to extend the period of time for submission of comments to November 3, 1978. No further extensions of time will be granted.

LEONARD LEHMAN, Assistant Commissioner, Regulations and Rulings.


[FR Doc. 78-28088 Filed 10-4-78; 8:45 am]
mestone products, in dump vehicles, from Maple Grove, OH, to points in IL, IN, KY, MI, NY, PA, and WV. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 17051 (Sub-197), filed August 4, 1978. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, NJ 07202. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wearing apparel, on hangers, and equipment, materials, and supplies used in the manufacture and distribution of wearing apparel, (1) between the facilities of Ideal Outerwear, Inc., and Almark Sportswear, at (a) Carteret, Newark, NJ, (b) New York, NY, on the one hand, and, on the other, points in NJ, and, (2) between the facilities of M & M/Mars, Division of Ideal Outerwear, Inc., at New York, NY, the on one hand, and, on the other, points in CA, MS, and TN, (3) between the facilities of Bugabo Manufacturing Inc., at New York, NY, the on one hand, and, on the other, points in AL, MO, and WI, and (4) between the facilities of Wendy Watts, Inc., at New York, NY, on the one hand, and, on the other, points in TN. (Hearing site: New York, NY, or Newark, NJ.)

MC 25798 (Sub-333P), filed August 25, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Corn products and blends of corn products (except commodities in bulk), from Hammond, IN, to points in GA, TN, and NC, and SC. (Hearing site: Chicago, IL.)

MC 25798 (Sub-334P), filed August 25, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper and paper products (except commodities in bulk, in tank vehicles), (1) from East Pepperell, MA, to points in CA, FL, GA, KY, LA, SC, and VA, (2) from Richmond, VA, to points in CA, CO, IA, NE, NV, NM, OR, and UT. (Hearing site: Washington, DC.)

MC 41104 (Sub-149), filed July 27, 1978. Applicant: ALCO-ARGO-COLLIER TRUCK LINES CORP., P.O. Box 440, Martin, TN 38237. Representative: Mark L. Horne (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of M & M/Mars, Division of Mars, Inc., at or near Cleveland, TN, to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, SC, OH, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC, or Chicago, IL.)

MC 47142 (Sub-115P), filed July 28, 1978. Applicant: C. I. WHITTEN TRANSFER CO., a DE corporation, P.O. Box 1833, Huntington, WV 25759. Representative: J. G. Dali, Jr., P.O. Box 967, McLean, VA 22101. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pelletized agricultural limestone and gypsum, in bags, from Irvington, KY, to those points in the United States and Canada at Buffalo, NY, and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 50935 (Sub-23F), filed August 21, 1978. Applicant: WOLVERINE TRANSPORT R CO., a corporation, 1020 Doris Road, Pontiac, MI 48057. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, in bags, from Buffalo, NY, and the port of entry on the international boundary line between the United States and Canada at Buffalo, NY; over city streets, serving no intermediate points, to points in AR, CO, IL, IN, IA, KS, MI, MN, MO, NE, NM, ND, OH, OK, and SD, restricted to the transportation of goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Warrenton, MO, and East St. Louis, IL. (Hearing site: Kansas City or St. Louis, MO.)

MC 58367 (Sub-124P), filed July 24, 1978. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foodstuffs (except in bulk), from the facilities of Termicold Corp., at or near Plover, WI, to points in AR, CO, IL, IN, IA, KS, MI, MN, MO, NE, NM, ND, OH, OK, and SD, restricted to the transportation of the commodities in bulk and destined to the indicated destinations. (Hearing site: Portland, OR, or Milwaukee, WI.)

MC 103926 (Sub-74F), filed July 26, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, GA 30039. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Metal tanks, (2) aircraft re/ueler units, and (3) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, between the facilities of General Steel Tank Co., at Birmingham, AL, on the one hand, and the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC. (Hearing site: Birmingham, AL, or Atlanta, GA.)
MC 105566 (Sub-177F), filed July 26, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Irvin Tull, 600 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22160. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals (except in bulk), from the fa­cilities of Consolidated Pipe & Supply Co., at or near Carey, MO, to points in AL, AZ, CA, CT, DE, FL, GA, ID, MA, MD, ME, NC, NJ, NY, OH, OR, PA, SC, TX, UT, and VA. (Hearing site: Washington, D.C.)

MC 106398 (Sub-823F), filed August 23, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail home improvement centers, furnishing, and lumber stores, (except commodities in bulk), between points in AL, AR, FL, GA, KS, KY, LA, MS, MO, NC, OK, SC, TN, TX, and VA. (Hearing site: Saginaw, MI.)

Note.—In view of the findings in MC 106398 (Sub-741) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expir­ing 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for the extension of said cer­tificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commis­sion regulations.

MC 106398 (Sub-832F), filed August 28, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Reclaimed solvent, in bulk, in tank vehicles, from Jackson, MS, to points in CT, DE, IA, KS, MD, ME, MA, ME, NE, NJ, NY, PA, VA, and VT. (Hearing site: Jackson, MS.)

Note.—In view of the findings in MC 106398 (Sub-741) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expir­ing 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for the extension of said cer­tificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commis­sion regulations.

MC 107002 (Sub-532F), filed July 28, 1978. Applicant: MILLER TRANS­PORTERS, INC., P.O. Box 1123, Jackson­son, MS 39205. Representative: John J. Borth (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Processed clay, in bulk, in tank vehicles, from Jackson, MS, to points in CT, DE, IA, KS, MD, ME, MA, ME, NE, NJ, NY, PA, VA, and VT. (Hearing site: Jackson, MS.)

MC 107002 (Sub-533F), filed July 28, 1978. Applicant: MILLER TRANS­PORTERS, INC., P.O. Box 1123, Jackson­son, MS 39205. Representative: John J. Borth (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Reclaimed solvent, in bulk, in tank vehicles, from Corinth, MS, to New Albany, IN. (Hearing site: Jackson, MS or Louisville, KY.)

MC 109124 (Sub-47F), filed July 31, 1978. Applicant: SEXTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43616. Representative: James M. Hurst, Hurst Lines, Inc., 1020 Bayview Drive, Suite 1800, Columbus, OH 43215. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: lime, limestone, and limestone products, from the facilities of the National Lime & Stone Co., at or near Carey, OH, to points in IN, KY, NJ, PA, TN, WV, WI, and MO. (Hearing site: Columbus, OH.)

MC 110325 (Sub—88F), filed August 21, 1978. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90425. Representative: Wentworth D. Buttram, Midland Transport Co., 1212 Baltimore Avenue, Kansas City, MO 64105. To operate as a common carrier, by motor vehicle, over regular routes, transporting: general commod­ities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Dallas, TX, and Shreveport, LA, over Interstate Hwy 20, (2) between Junction Interstate Hwy 20 and U.S. Hwy 80, near Terrell, TX, and Junction Interstate Hwy 20 and U.S. Hwy 80, near Waskom, TX, from junction Interstate Hwy 20 and U.S. Hwy 80, near Terrell, over U.S. Hwy 69 to Junction Interstate Hwy 20 and U.S. Hwy 80, near Waskom, and return over the same route, serving in routes (1) and (2) above, all intermediate points and all off-route points in Rockwall, Kauf­man, Hunt, Van Zandt, Hopkins, Wood, Rains, Henderson, Smith, Upshur, Gregg, Rusk, Cass, Marion, Harrison, and Panola Counties, TX, (3) between Dallas and Port Arthur, TX, from Dallas over U.S. Hwy 175 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Port Arthur, and return over the same route, serving all inter­mediate points and all off-route points in Kaufman, Van Zandt, Henderson, Smith, Anderson, Cherokee, Houston, Nacogdoches, Angelina, Polk, Tyler, Jasper, Hardin, Orange, and Jefferson Counties, TX, (4) between Dallas and Houston, TX, over U.S. Hwy 75, serv­ing all intermediate points, (5) be­tween Houston and Orange, TX, over Interstate Hwy 10, (6) between Junction Interstate Hwy 69 and Interstate Hwy 73 and Orange, TX, from Junction Interstate Hwy 10 and TX Hwy 73, over TX Hwy 73 to Junction TX Hwy 87, then over TX Hwy 87 to Orange, and return over the same route, serving in routes (5) and (6) all intermediate points, and all off-route points in Jefferson, Orange, Hardin, Polk, Tyler, and Jasper Counties, TX, (7) between Houston and Junction TX Hwy 35 and 288, over TX Hwy 35, serving all inter­mediate points, (8) between Houston and Freeport, TX, over TX Hwy 288, serving all intermediate points, (9) be­tween Houston and Corpus Christi, TX, from Houston over U.S. Hwy 59 to TX Hwy 77, over TX Hwy 77 to Corpus Christi, and return over the same route, serving all inter­mediate points, and all off-route points in San Patricio, Nueces, Jack­son, Victoria, and Refugio Counties, TX, (10) between Waco and Browns-
ville, TX, from Waco over Interstate Hwy 35 to junction U.S. Hwy 83, then over U.S. Hwy 83 to Brownsville, and return over the same route, serving all intermediate points, and the off-route points in San Patricio, Hill, McMullen, Bell, Falls, Caldwell, Milam, Williamson, San Patricio, Nueces, Travis, Hays, Comal, Guadalupe, Bexar, Hidalgo, Willacy, and Cameron Counties, TX, (11) between San Antonio and Brownsville, TX, over U.S. Hwy 281, serving all intermediate points, and the off-route return over the same route, serving all intermediate points, (12) between junction U.S. Hwy 281 and 59, and Brownsville, from junction U.S. Hwy 281 and 59, over U.S. Hwy 59 to junction Interstate Hwy 37, then over Interstate Hwy 37 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Brownsville, and return over the same route, serving all intermediate points, (13) between Waco and Corpus Christi, TX, over U.S. Hwy 77, serving all intermediate points, and the off-route points in San Patricio, Hill, McMullen, Bell, Falls, Caldwell, Milam, Williamson, Falls, Caldwell, Travis, Hays, Comal, Guadalupe, and Nueces Counties, TX, (14) between Victoria and San Antonio, TX, over U.S. Hwy 87, and between San Antonio, TX, and junction Interstate Hwys 10 and 20, near Kent, TX, over Interstate Hwy 10, serving no intermediate points, (15) between Houston and San Antonio, TX, over Interstate Hwys 10 and 20, serving no intermediate points, (16) between Houston and San Antonio, TX, over Interstate Hwys 10 and 20, serving no intermediate points, (17) between San Antonio and Corpus Christi, TX, over U.S. Hwy 181, serving all intermediate points, and all off-route points in Bexar, Comal, Guadalupe, San Patricio, and Nueces Counties, TX, (18) between Angleton, TX, and junction TX Hwys 35 and U.S. Hwy 181 near Corpus Christi, TX, over TX Hwy 35, serving all intermediate points, and all off-route points in Matagorda, Victoria, Refugio, Aransas, San Patricio, and Nueces Counties, TX, (19) between Orange, TX, and Lake Charles, LA, over Interstate Hwy 10, (20) between junction Interstate Hwys 10 and U.S. Hwy 90, near Orange, TX, and Lake Charles, LA, over U.S. Hwy 90, serving in routes (19) and (20), all intermediate points, and all off-route points in Orange and Jefferson County, TX, and (21) between Marshall, TX, and Memphis, TN, from Marshall over U.S. Hwy 59 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route, serving no intermediate points. (Hearing site: Corpus Christi or Dallas, TX)

MC 113434 (Sub-105P), filed July 31, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Whelminia Boeerman, P.O. Box 4, First National Bank Building, Detroit, MI 48226. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Foodstuffs, (except commodities in bulk), from Napoleon OH, to points in MI, IN, and PA, (2) commodities in bulk, by grocery and food business houses, (except commodities in bulk), from the facilities of Fostoria Distribution Service Co., at or near Fostoria, OH, to points in MI. (Hearing site: Detroit, MI, or Columbus, OH.)

MC 113678 (Sub-761F), filed August 31, 1978. Applicant: CURTIS, INC., a Delaware corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except commodities in bulk), from Tampa, FL, to points in AR, LA, OK, and TX. (Hearing site: Orlando; FL.)

Note.—In view of the findings in No. MC 113678 (Sub-No. 857) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 113658 (Sub-443F), filed August 18, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road SE, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First Federal Building, Detroit, MI 48226. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber and lumber mill products, between St. Joseph, MO, on the one hand, and, on the other, points in the United States (including AK, but excluding HI and MO). (Hearing site: Kansas City, MO.)

MC 115496 (Sub-98F), filed July 26, 1978. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1567 Phoenix Boulevard, Atlanta, GA 30349. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from the facilities of Wheeling-Pittsburgh Steel Corp., at (a) Canfield, Mingo Junction, Marshall, WV, (b) Etna, Steubenville, OH, (c) Beech bottom, Benwood, Martins Ferry, Steubenville, and Yorkville, PA, (d) Bellbrook, Benwood, Follansbee, and Wheeling, WV, and (e) Allenport and Monessen, PA, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, and VA. (Hearing site: Cochran, GA, or Pittsburgh, PA.)

MC 115654 (Sub-102P), filed July 28, 1978. Applicant: TENNESSEE CARAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th & Pennsylvania Avenue NW, Washington, DC 20004. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Carage Co., at or near Chattanooga, TN, to points in AL, AR, GA, IL, IN, KY, LA, MI, MS, MO, and
MC 115904 (Sub-111P), filed July 20, 1978. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, ID 83401. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a commercial carrier, by motor vehicle, over irregular routes, transporting: (1) Adhesives, gypsum, gypsum products, and building materials, and (2) Materials used in the manufacture, distribution, and installation of therein (1) above (except commodities in bulk), (1) between the facilities of United States Gypsum Co., at or near Sigurd, UT, on the one hand, and, on the other, points in MT, WY, CO, and NM (except AK and HI), and (2) between the facilities of United States Gypsum Co., at or near Heath, MT, on the one hand, and, on the other, points in CO. (Hearing site: Washington, DC, or Salt Lake City, UT.)

MC 116254 (Sub-212P), filed July 28, 1978. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35630. Representative: Randy C. Luffin (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal tar products in tank vehicles, from Detroit, MI, to points in AL. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 117765 (Sub-245P), filed August 21, 1978. Applicant: HAHN TRUCKING, INC., 1100 South MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, in containers, (1) from the distribution facilities of Molson, Inc., in Minneapolis, MN, to points in CO, OH, and Monroe, WI, to points in OK, and (2) from Peoria, IL, to Marysville, KS. (Hearing site: Oklahoma City, OK.)

MC 117786 (Sub-28P), filed July 25, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85069. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a common carrier, by motor vehicle, over irregular routes, transporting such commodities as are dealt in or manufactured by, or for, or on behalf of, or from the facilities of Avon Products, Inc., at Springfield, OH, to Kansas City, MO. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 117786 (Sub-229P), filed July 25, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85069. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. To operate as a common carrier, by motor vehicle, over irregular routes, transporting such commodities as are dealt in or manufactured by, or for, or on behalf of, or from the facilities of Avon Products, Inc., at Springfield, OH, to Kansas City, MO. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 118535 (Sub-125P), filed July 28, 1978. Applicant: TIONA TRUCK LINE, INC., P.O. Box 890, Prospect, Butler, PA 15943. Representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Salt and salt products, and (2) such commodities as are used by agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when moving in mixed loads with salt and salt products, from Grand Saline, TX, to points in AR, LA, NM, and OK. (Hearing site: Kansas City, MO.)

MC 119435 (Sub-4F), filed August 7, 1978. Applicant: WADDELL TRANSFER, INC., P.O. Box 168, Atkins, VA 24201. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Such commodities as are manufactured by, or are a product of, a manufacturer and distributor of (a) clay and clay products, (b) concrete and concrete products, (c) shale and shale products, and (d) mortar mixes (except commodities in bulk, in tank vehicles), (2) Materials and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), (a) between the facilities of General Shale Products Corp., at or near Groseclose, MD, and (b) between the facilities of General Shale Products Corp., at or near (b) Aultman, OH, and (ii) Chattanooga, TN, on the one hand, and, on the other, points, in the United States in and east of ND, SD, NE, KS, OK and TX, and (c) between the facilities of General Shale Products Corp., at or near Elizabethon, Johnson City, Kingsport, and Knoxville, TN, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX (except KY, NC, VA, and WV), under a tolling contract with General Shale Products Corp., of Johnson City, TN. (Hearing site: Washington, DC.)

MC 119654 (Sub-55F), filed July 27, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Foodstuffs (except frozen), from the facilities of Campbell Soup Co., at Napoleon, OH, to points in IL, IN, KY, MI, and those points in PA on and west of a line beginning at the NY-PA State line and extending along U.S. Hwy 219 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the PA-MD State line, and (2) materials, equipment, and supplies used in the processing and distribution of the commodities in (1) above (except commodities in bulk), from the destination territory of (1) above, to the facilities of Campbell Soup Co., at Napoleon, OH. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119665 (Sub-42P), filed July 21, 1978. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46952. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46269. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Railway car parts, from the facilities of Evans Products Co., at Woodstock, IL, to the facilities of U.S. Railway Equipment Co., at Washington, IN. (Hearing site: Chicago, IL.)

MC 119700 (Sub-42P), filed August 24, 1978. Applicant: STEEL HAULERS, INC., 308 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from the facilities of Nucor Steel, at or near Jewett, TX, to points in AR, IL, IN, LA, MS, MO, and OH. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 119726 (Sub-137P), filed July 21, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: B. J. Ramsey, 1200 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. To operate...
ate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers, corrugated boxes, and container closures, from the facilities of Kerr Glass Manufacturing Corp., at or near Dunkirk, IN, to points in CT, DE, FL, KY, KS, MA, MD, ME, MO, NE, NH, NJ, NY, OH, PA, VA, VT, WV, and DC. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119988 (Sub-187F), filed August 24, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Gas and electrical appliances, and (2) materials, supplies, and equipment, used in the manufacture, distribution, and repair of the commodities in (1) above, between the facilities of Continental Freezers of Illinois, at Chicago, IL, to points in IN, KY, MI, and OH, restricted to the transportation of traffic moving in or used by manufacturers of motor vehicle parts, accessories, and attachments, between points in the United States (including AK, but excluding HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 124692 (Sub-215F), filed July 27, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59804. Representative: J. David Douglas (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs and pet foods, from the facilities of Continental Freezers of Illinois, at Chicago, IL, to points in IN, KY, MI, and OH, restricted to the transportation of traffic moving in or used by manufacturers of motor vehicle parts, accessories, and attachments, between points in the United States (including AK, but excluding HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 125358 (Sub-25F), filed June 19, 1978, and previously noticed in the Federal Register issue of August 8, 1978. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Pife Street, Winnipeg, MB, Canada. Representative: James E. Ballenthin, 630 Osborne Building, St. Paul, MN 55102. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are used in the manufacture, assembly, and repair of automotive buses, from points in IN, MI, and OH, to Pembina, ND, under continuing contract(s) with Motor Coach Industries, of Winnipeg, MB, Canada. (Hearing site: St. Paul, MN.)

Notes.—(1) Dual operations are involved in this proceeding. (2) The purpose of this publication is to determine evidence relating to the transportation of traffic moving in foreign commerce only.

MC 126118 (Sub-91F), filed August 22, 1978. Applicant: CRETÉ CARRI­ER CORP., P.O. Box 61228, Lincoln, NE 68501. Representative: Diane W. Ackle (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in or used by manufacturers of motor vehicle parts, accessories, and attachments, between points in the United States (including AK, but excluding HI). (Hearing site: Chicago, IL, or Lincoln, NE.)

Note.—Dual operations are involved in this proceeding.

MC 126574 (Sub-6F), filed July 17, 1978. Applicant: M. I. HATCHER PICKUP AND DELIVERY SERVICE, INC., 3818 Patterson Street, Greensboro, NC 27407. Representative: Peter R. Gilbert, 1725 K Street,

(1) Self-propelled vehicles, lawn mowers, turf spikers, chemical injectors, rakes, seeders, spreaders, sod cutters, and trailers, and (b) accessories, attachments, and parts for the above commodities named in (1) (a) and (b) above, from the facilities of OMC—Lincoln, Division of Outboard Marine Corp., at Lincoln, NE, to points in the United States (except AK, HI, and NE), and (2) equipment, materials, and supplies used in the manufacture and distribution of paper products, from points in ME, MA, MN, NH, and VT, points in NY on, north, and east of a line beginning at the MA-NY State line on U.S. Hwy 20, then along U.S. Hwy 20 to junction U.S. Hwy 11, then along U.S. Hwy 11 to Pulsaski, and then along U.S. Hwy 13 to Lake Ontario, to the facilities of Moore Business Forms, Inc., at (a) Green Bay and Monroe, WI, (b) Charleston and Chicago, IL, (c) Angola, and Rochester, IN, (d) Fremont, OH, and (e) Iowa City, IA, restricted to the transportation of traffic destined to the named destinations. (Hearing site: St. Paul, MN.)

MC 133689 (Sub-219F), filed September 1, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street, SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Paper and paper products, and (2) equipment, materials, and supplies used in the manufacture and distribution of paper products, from points in ME, MA, MN, NH, and VT, points in NY on, north, and east of a line beginning at the MA-NY State line on U.S. Hwy 20, then along U.S. Hwy 29 to junction U.S. Hwy 11, then along U.S. Hwy 11 to Pulsaski, and then along U.S. Hwy 13 to Lake Ontario, to the facilities of Moore Business Forms, Inc., at (a) Green Bay and Monroe, WI, (b) Charleston and Chicago, IL, (c) Angola, and Rochester, IN, (d) Fremont, OH, and (e) Iowa City, IA, restricted to the transportation of traffic destined to the named destinations. (Hearing site: St. Paul, MN.)

MC 133689 (Sub-221F), filed September 5, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except commodities in bulk), from Minneapolis, MN, to points in IL, IN, KY, MI, and OH. (Hearing site: St. Paul, MN.)
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TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representa­
Malt beverages, points in IA, IL, MO, and WI. (Hearing partnership, d.b.a. M. B. CUTHER-
plies and distribution of prefabricated transporting: (1)
and (2)
from Toledo, IA, to points in IL, MO, 
ND, SD, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 138641 (Sub-7F), filed July 31, 1978. Applicant: M. B. CUTHBERT-
SON and B. G. CUTHBERTSON, a partnership, d.b.a. M. B. CUTHER-
BERTSON & SON., RR No. 2, P.O. Box 37, Toledo, IA 52342. Representa­tive:
Kenneth F. Dudley, 611 Church Street, P.O. 279, Ottumwa, IA 52501.
To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Prefabricated house, and (2) materials, equipment, and supplies (used in the manufacture and installation of prefabricated houses (except commodities in bulk); from Toledo, IA, to points in IL, MO, ND, SD, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 136318 (Sub-54F), filed August 30, 1978. Applicant: COYOTE TRUCK LINE, INC., A DE corporation, 302 Cedar Lodge Road, P.O. Box 556, Thom­
masville, NC 27360. Representative: David R. Parker, 1600 Broadway, Suite 2310, Denver, CO 80202. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: New furniture and new furnishings, from points in GA, MS, NC, SC, TN, and VA, to points in IL, under continuing contracts) with John M. Smyth Co., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 136818 (Sub-37P), filed August 28, 1978. Applicant: SWIFT TRANS­
PORTATION CO., INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, AZ 85008. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from points in Los Angeles County, CA, to points in ID and UT. (Hearing site: Los Angeles, CA.)

Dual operations are at issue in this proceeding.

MC 138304 (Sub-15P), filed July 14, 1978. Applicant: NATIONAL PACK­
ERS EXPRESS, INC., an IL corporation, 3445 Patterson Plank Road, North Bergen, NJ 07047. Representa­tion: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Edible grain flour, dry beverage prep-
arrations, breadcobs, non-medicated syrup, and bread cubes, and (2) materials used in the manufacture of the commodities in (1) above, from points in Queens County, NY, to points in KY, OH, IN, PA, MI, and WV. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 138882 (Sub-99P), filed June 20, 1978. Applicant: WILEY SANDERS,
INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07834. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Charcoal, charcoal briquets, hickory chips, vermiculite, charcoal lighter fluid, and fireplace logs (except commodities in bulk), and (2) materials and equipment used in the distribution of the commodities named in (1) above (except commodities in bulk), between Jacksonville and Dallas, TX, on the one hand, and, on the other, points in NM, AZ, CA, LA, MS, OK, CO, UT, and NV. (Hearing site: Dallas, TX, or Montgomery, AL.)

MC 138982 (Sub-125P), filed July 28, 1978. Applicant: WILEY SANDERS
TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07834. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum resins (except in bulk), from the facilities of Southern Resins, at or near Moundsville, AL, to Chicago, IL, Lancaster, PA, Gulfport and Jackson, MS, Columbus and Coshocton, OH, Windsor, VT, Dallas, TX, South Kearny, NJ, Monrovia, CA, Holland, MI, Clarksville, TN, and Simpsonville, SC. (Hearing site: Birmingham or Montgomery, AL.)

MC 139858 (Sub-23P), filed August 21, 1978. Applicant: AMSTAN TRUCKING INC, a Delaware corpo­ration, 1255 Corwin Avenue, Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in, by manufacturers or converters of paper and paper products, (except commodities in bulk), from Chilli­cote, OH, to points in PA, MD, DE, NJ, NY, CT, MA, RI, NH, VT, ME, and DC. (Hearing site: Columbus, OH or Washington, DC.)

MERCIAL CORP., P.O. Box 1709, Wil­lington, DE 19899. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in, by manufacturers or converters of paper and paper products, (except commodities in bulk), from Chilli­cote, OH, to points in PA, MD, DE, NJ, NY, CT, MA, RI, NH, VT, ME, and DC. (Hearing site: Columbus, OH or Washington, DC.)

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L. Van Orman, 1729 H Street NW, Washington, DC 20006. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Steel doors, and (2) equipment, materials, and supplies used in the installation of steel doors (except commodities which because of size or weight require the use of special equipment), from Cincinnati, OH, to points in the United States (except AK and HI), and to continuing contract(s) with American Standard Inc, of New Brunswick, NJ. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 140829 (Sub-135P), filed August 28, 1978. Applicant: CARGO CON­TRACT CARRIER CORP., P.O. Box 208, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ground clay, floor sweeping materials, equipment, and supplies, used in the manufacture of paper and paper products (except commodities in bulk), from the facilities of Oil-Dri Corp. of America, at or near Cincinnati, OH, to points in AL, AR, CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NH, NY, OH, OR, PA, RI, SC, SD, TN, TX, UT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

Dual operations are at issue in this proceeding.

MC 141124 (Sub-23P), filed July 27, 1978. Applicant: EVANGELIST COM­MERCIAL CORP., P.O. Box 1709, Wil­lington, DE 19899. Representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in, by manufacturers or converters of paper and paper products, (except commodities in bulk), from Chilli­cote, OH, to points in PA, MD, DE, NJ, NY, CT, MA, RI, NH, VT, ME, and DC. (Hearing site: Columbus, OH or Washington, DC.)

1. Such commodities are dealt in by manufacturers or converters of paper and paper products (except commodities in bulk), between Indianapolis, IN, Philadelphia, PA, and Newark, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA, or Columbus, OH.)
MC 142416 (Sub-3F), filed July 24, 1978. Applicant: HAMILTON TRANSFER, STORAGE & FEEDS, INC., Box H, Hwy 28 West, Torrington, WY 82240. Representative: John H. Lewis, 1650 Grant Street Building, Denver, CO 80203. To operate as a common carrier, by motor vehicle, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Torrington, WY and Scottsbluff, NE, over U.S. Hwy 28, serving all intermediate points in WY. (Hearing site: Scottsbluff, NE, or Casper, WY.)

MC 142518 (Sub-16F), filed July 26, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Sealing tape, from Linden, NJ, to points in the United States (except AK and HI), under continuing contract(s) with Gentech Industries, Inc., Linden, NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 142559 (Sub-42P), filed September 5, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Materials and supplies for automobiles, from Oakland, CA, Schenectady, NY, Flemington, NJ, Winnisboro, SC, and points in Kings County, NY, to the facilities of Standard Products Co., at Dearborn, MI. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations are at issue in this proceeding.

MC 142559 (Sub-44F), filed August 28, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Plumbing fixtures and plumbing supplies, and (2) such commodities as are used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) between Knoxville, TN, Abingdon and Robinson, IL, on the one hand, and, on the other, points in AZ and CA and points in the United States in and east of MN, IA, MO, KS, OK, and TX. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations are at issue in this proceeding.

MC 142559 (Sub-45F), filed August 27, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fireplace logs and charcoal briquettes, from Marion, OH, to points in SC, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, PA, RI, VT, VA, WI, WV, and DC. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations are at issue in this proceeding.

MC 142559 (Sub-46P), filed August 28, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Fertilizer and marble chips, (1) from Lancaster, PA, and Newton, NJ, to points in IL, IN, MD, MI, NC, OH, SC, VA, and WI, and (2) from Crestline, OH, to points in IL, IN, KY, MI, NC, PA, SC, TN, VA, and WI. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations are at issue in this proceeding.

MC 142559 (Sub-47P), filed August 28, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Paper and paper products and (2) equipment, materials, and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk), between Pittman and Mentor, OH, on the one hand, and, on the other, Kansas City, KS, and those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations are at issue in this proceeding.

MC 142945 (Sub-5P), filed August 4, 1978. Applicant: DONALD H. FREYMILLER, RALPH HUNTINGTON, AND THOMAS P. MCARDLE, a partnership, d.b.a. FH&M TRUCKING CO., P.O. Box 98, Shullsburg, WI 53586. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum articles, cleaning com- pounds, electrical appliances, gaskets, glassware, handles, household utensils, plastic articles, and timing devices, from the facilities of Mirro Aluminum Co., at or near Manitowoc, WI, to San Francisco, CA. (Hearing site: Madison, WI.)

MC 142665 (Sub-1P), filed August 16, 1978. Applicant: MERCURY FREIGHT, INC., 15 South Kaiser Avenue, Taylor, PA 18517. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) (a) Steel articles, tools, tools parts, blades, and metal powder, and (b) materials, supplies, and equipment used in the manufacture and distribution of the commodities in (1) above, between Fairlawn, NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Sandvik, Inc., of Fairlawn, NJ, and (2) such commodities as are dealt in by manufacturers of hand industrial cutting and power tools and blades, and (b) materials, supplies, and equipment used in the manufacture and distribution of the commodities in (2) above (except commodities in bulk), between the facilities of Diston, Inc., near Danville, VA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Diston, Inc., of Danville, VA. (Hearing site: New York, NY.)

MC 142888 (Sub-5P), filed August 31, 1978. Applicant: COX TRANSFER, INC., Box 168, Eureka, IL 61530. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Glass containers, from the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., at Streator, IL, to St. Louis, MO; and (2) (a) glass containers, and (b) accessories for glass containers, from the facilities of Kerr Glass Manufacturing Corp., at Plainfield, IL, to St. Louis, MO, and Milwaukee, WI, restricted in (1) and (2) above to the transportation of traffic originating at the named origin. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 142948 (Sub-12P), filed August 11, 1978. Applicant: THE GRADER LINE, INC., 434 Atlas Drive, Nashville, TN 37211. Representative: Edward C. Blank II, Middle Tennessee Bank Bldg., P.O. Box 1004, Columbia, TN 38401. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Cosmetics, hair and body care products, and (2) supplies, used in the distribution of the commodities in (1) above, from the

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facilities of W. H. Feronce Co., at Philadelphia, PA, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the named destinations.

(Hearing site: Nashville, TN, or Philadelphia, PA.)

Note.—Dual operations are at issue in this proceeding.

MC 142948 (Sub-13F), filed August 14, 1978. Applicant: THE GRADER LINE, INC., 434 Atlas Drive, Nashville, TN 37211. Representative: Edward C. Blank II, Middle Tennessee Bank Bldg., 464 Victory Blvd., Nashville, TN 37244. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Shoes, (2) supplies, used in the manufacture and distribution of shoes, and (3) clothing, from the facilities of W. H. Feronce Co., at (a) Nashville, TN, and (b) Huntsville, AL, to points in AZ, CA, and UT, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Nashville, TN, or Huntsville, AL.)

Note.—Dual operations are at issue in this proceeding.

MC 145064 (Sub-3F), filed July 31, 1978. Applicant: HUNTER TRUCKING, INC., a Nebraska corporation, 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Shoes, (2) supplies, used in the manufacture and distribution of shoes, and (3) clothing, from Portland Hardwoods, Inc., of Portland, OR, to parts in the United States in and east of MN, IA, MO, AR, and LA, to points in MN, IA, MO, AR, and LA, under continuing contract(s) with Portland Hardwoods, Inc., of Portland, OR. (Hearing site: Portland, OR.)

MC 145076F, filed July 21, 1978. Applicant: JOHN MANS, INC., 475054, Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Construction, excavating, and mining equipment, the transportation of which requires, by reason of their size and weight, the use of special equipment, and (2) supplies used in the conduct of construction, excavating, and mining business, between those points in IL, on and south of U.S. Hwy 24, in and south of U.S. Hwy 40, and points in KY west of U.S. Hwy 31E. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 145095 (Sub-2F), filed August 21, 1978. Applicant: POWER FUELS, INC., P.O. Box 908, Minot, ND 58701. Representative: F. J. Smith, Suite 307, 420 North Fourth Street, Bismarck, ND 58501. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid molten sulfur, between points in Billings, MT, and in the Counties of MT, ND, restricted to the transportation of traffic having a subsequent movement by rail. (Hearing site: Bismarck or Dickinson, ND.)

MC 145108 (Sub-1F), filed August 31, 1978. Applicant: BULLET EXPRESS, INC., 919 Third Avenue, New York, NY 10022. Representative: Jacob P. Billig, 2033 K Street NW, Washington, DC 20006. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, fabric, from Fort Worth, TX, and Jacksonville and Miami, FL, under continuing contract(s) with S. Gumpert, Inc., of Jersey City, NJ. (Hearing site: Washington, DC.)

MC 145114F, filed July 26, 1978. Applicant: PICO TRANSPORTATION CO., INC., 5700 Avalon Boulevard, Los Angeles, CA 90011. Representative: Fred H. Mackensen, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: New furniture and parts for new furniture, between points in CA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Gillespie Furniture Co., of Los Angeles, CA, and Sleyter Chair, Inc., of Tacoma, WA. (Hearing site: Los Angeles, CA.)

MC 145186 (Sub-1F), filed August 31, 1978. Applicant: PENN TRANSFER, INC., 131 North Summit Street, P.O. Box 809, Columbus, OH 43215. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Plastic and plastic materials (except paper products), including contract(s) with Hinds Co., Inc., of Akron, OH. (Hearing site: Columbus, OH.)

MC 145286F, filed August 31, 1978. Applicant: J. R. BUTLER, INC., 1031 Reeves Street, P.O. Box 155, Dunmore, PA 18512. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Such Commodities as are dealt in by mail order houses and retail chain department stores (except commodities in bulk), and (2) equipment, materials, and supplies used in the conduct of such businesses (except commodities in bulk), between those points in DE, MD, NY, NJ, and PA, under continuing contract(s) with Hess's Inc., of Allen town, PA. (Hearing site: Allentown, PA, or Washington, DC.)

MC 1815 (Sub-249P), filed August 4, 1978. Applicant: GREYHOUND LINES, INC., a California corporation, Greyhound Tower, Phoenix, AZ 85077. Representative: W. L. McCracken (same address as applicant). To operate as a Common carrier, by motor vehicle, transporting: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, between Terre Haute, IN and junction U.S. Hwy 41 and U.S. Hwy 52, from Terre Haute over IN Hwy 63 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction U.S. Hwy 52, and return over the same route, serving all intermediate points. (Hearing site: Terre Haute, IN.)

[7035-01]

(Decisions Volume No. 36)

DECISION-NOTE


The following applications are governed by special rule 247 of the Commission's rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before November 6, 1978. Failure to file a protest on or before November 6, 1978, will be considered as a waiver of the protest, and a protest under these rules shall comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of the protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rule may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of
section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after October 5, 1978. Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find: With the exceptions of those applications involving duly noted problems (e.g., unresolved control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision is not a major Federal action significantly affecting the quality of the human environment.

It is ordered, In the absence of legally sufficient protests, filed on or before November 29, 1978 (or the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

By the Commission, Review Board No. 3, Members Parker, Porter, and Hill.

H. G. Homme, Jr., Acting Secretary.

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MC 24856 (Sub-143P), filed September 5, 1978. Applicant: NOLITE BROS. TRUCK LINE, INC., an IA corporation, P.0. Box 68107,des. Representative: J. F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a common carrier by motor vehicle, over irregular routes, transporting: Such commodities as are used or distributed by grocery and food business houses (except commodities in bulk, in tank vehicles), from the facilities of Lever Brothers Co., at or near St. Louis, MO, to Denver, Co, and points in IA and NE, (Hearing site: Chicago, IL.)

MC 28088 (Sub-38F), filed September 11, 1978. Applicant: NORTH & SOUTH LINES, INC., 2710 South Main Street, Harrisonburg, VA 22801. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW, Washington, DC 20543. To operate as a common carrier by motor vehicle, over irregular routes, transporting: Frozen Italian ice, from Gaithersburg, MD, to St. Louis, MO; Bonner Springs, KS; New Orleans, LA; and those points in the United States in and east of WI, IL, KY, TN, and MS, Dual operations may be in issue. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 31389 (Sub-259F), filed September 1, 1978. Applicant: McLean Trucking Co., a corporation, P.O. Box 213, Winston-Salem, NC 27102. Representative: David F. Eshelman (same address as applicant). To operate as a common carrier, by motor vehicle, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Louis ville and Bear Wallow, KY, from Louisville over U.S. Hwy 31E to junction KY Hwy 470, then over KY Hwy 470 to junction U.S. Hwy 31E, then over U.S. Hwy 31E to Bear Wallow, and return over the same route, serving all intermediate points, (2) between Louisville and Cloverport, KY, from Louisville over U.S. Hwy 60 to junction KY Hwy 144, then over KY Hwy 144 to junction KY Hwy 448, then over KY Hwy 448 to Bradenburg, then over KY Hwy 79 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Cloverport, and return over the same route, serving all intermediate points, and (3) between Louisville and Elizabethtown, KY, over U.S. Hwy 31W, serving all intermediate points and the off-route point of Vine Grove, KY. (Hearing site: Louisville, KY, or Washington, DC.)

MC 31389 (Sub-260F), filed September 5, 1978. Applicant: McLEAN TRUCKING CO., a corporation, P.O. Box 213, Winston-Salem, NC 27102. Representative: David F. Eshelman (same address as applicant). To operate as a common carrier by motor vehicle, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Nolan Co., at or near
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Bowerston, OH, as an off-route point, in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Washington, DC, or Columbus, OH.)

MC 35807 (Sub-84P), filed August 4, 1978. Applicant: WELLIS FARGO ARMORED SERVICE CORP., a Delaware corporation, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Printed matter, and supplies used in the manufacture and distribution of printed matter, (except commodities in bulk), between points in CT, DE, FL, GA, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VA, VT, WV, and DC. (Hearing site: New York, NY, or Washington, DC.)

MC 61977 (Sub-12F), filed August 7, 1978. Applicant: ZERKLE TRUCKING CO., an OH corporation, 2400 Eighth Avenue, Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25528. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers and container closures, between the facilities of Kerr Glass Mfg. Corp., Atoka, Coal, Choctaw, Pushmataha, and McCurtain Counties, OK, and those in LA in and north of Concordia, Catahoula, La Salle, Grant, Natchitoches, and Sabine Parishes, under jurisdiction Interstate Hwy 83 to junction Interstate Hwy 81 to Oregon, and (4) from Hagerstown, MD, to Harrisburg, PA, (a) from Hagerstown over MD Hwy 77 to Thurmont, MD, and (b) from Hagerstown over Interstate Hwy 81 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 83, then over Interstate Hwy 83 to Harrisburg, serving the intermediate point of Thurmont, MD, and (b) from Hagerstown over Interstate Hwy 81 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 83, then over Interstate Hwy 83 to Harrisburg, serving no intermediate points, (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 82539, (Sub-506P), filed September 5, 1978. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 2760, Dallas, TX. Representative: Thomas E. James (same address as applicant). To operate as a common carrier, by motor vehicle, transporting: Water and sewage treatment equipment and parts for water and sewage treatment equipment, from points in Benton County, OR, to points in the United States (except AK and HI). (Hearing site: Portland, OR, or Dallas, TX.)

MC 89733 (Sub-4P), filed August 4, 1978. Applicant: PAUL E. REED d.b.a. PUNCHERS TRUCK LINE, 200 West First Street, Topeka, KS 66601. Representative: E. Richard Brewster, 400 Croix, P.O. Box 5185, Topeka, KS 66605. To operate as a common carrier, by motor vehicle, (a) over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Topeka, Ottawa, Lawrence, and Baldwin City, KS, restricted against the transportation of traffic between Topeka and Lawrence, KS; and (b) over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Topeka and Michigan Valley, KS, from Topeka over U.S. Hwy 75 to unnumbered county road approximately 8 miles east of Topeka, to Richland, then over unnumbered county road to Overbrook, then over unnumbered county road to

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Michigan Valley, and return over the same route, serving the intermediate points between the named facilities. (Hearing site: Detroit, MI.)

TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Tractors and trailer chassis, in initial movements, from the facilities of the Fruehauf Corp., in Fresno County, CA, to points in CA, excluding AK, but excluding HI; and (2) trailers and trailer chassis, in secondary movements, between points in the United States (including AK, but excluding HI). (Hearing site: St. Augustine, FL.)

NOTE.—In view of the findings in MC 106398 (Sub-No. 741) of which official notice was given, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date, unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106398 (Sub-834F), filed September 6, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Tractors and trailer chassis, in initial movements, from the facilities of the Fruehauf Corp., in Fresno County, CA, to points in CA, excluding AK, but excluding HI; and (2) trailers and trailer chassis, in secondary movements, between points in the United States (including AK, but excluding HI). (Hearing site: St. Augustine, FL.)

NOTE.—In view of the findings in MC 106398 (Sub-No. 741) of which official notice was given, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date, unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106398 (Sub-834F), filed September 6, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Tractors and trailer chassis, in initial movements, from the facilities of the Fruehauf Corp., in Fresno County, CA, to points in CA, excluding AK, but excluding HI; and (2) trailers and trailer chassis, in secondary movements, between points in the United States (including AK, but excluding HI). (Hearing site: St. Augustine, FL.)

NOTE.—In view of the findings in MC 106398 (Sub-No. 741) of which official notice was given, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date, unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106398 (Sub-834F), filed September 6, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Tractors and trailer chassis, in initial movements, from the facilities of the Fruehauf Corp., in Fresno County, CA, to points in CA, excluding AK, but excluding HI; and (2) trailers and trailer chassis, in secondary movements, between points in the United States (including AK, but excluding HI). (Hearing site: St. Augustine, FL.)

NOTE.—In view of the findings in MC 106398 (Sub-No. 741) of which official notice was given, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date, unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106398 (Sub-834F), filed September 6, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Tractors and trailer chassis, in initial movements, from the facilities of the Fruehauf Corp., in Fresno County, CA, to points in CA, excluding AK, but excluding HI; and (2) trailers and trailer chassis, in secondary movements, between points in the United States (including AK, but excluding HI). (Hearing site: St. Augustine, FL.)

NOTE.—In view of the findings in MC 106398 (Sub-No. 741) of which official notice was given, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date, unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106398 (Sub-834F), filed September 6, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Tractors and trailer chassis, in initial movements, from the facilities of the Fruehauf Corp., in Fresno County, CA, to points in CA, excluding AK, but excluding HI; and (2) trailers and trailer chassis, in secondary movements, between points in the United States (including AK, but excluding HI). (Hearing site: St. Augustine, FL.)

NOTE.—In view of the findings in MC 106398 (Sub-No. 741) of which official notice was given, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date, unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106398 (Sub-834F), filed September 6, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Tractors and trailer chassis, in initial movements, from the facilities of the Fruehauf Corp., in Fresno County, CA, to points in CA, excluding AK, but excluding HI; and (2) trailers and trailer chassis, in secondary movements, between points in the United States (including AK, but excluding HI). (Hearing site: St. Augustine, FL.)

NOTE.—In view of the findings in MC 106398 (Sub-No. 741) of which official notice was given, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date, unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 106398 (Sub-834F), filed September 6, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Tractors and trailer chassis, in initial movements, from the facilities of the Fruehauf Corp., in Fresno County, CA, to points in CA, excluding AK, but excluding HI; and (2) trailers and trailer chassis, in secondary movements, between points in the United States (including AK, but excluding HI). (Hearing site: St. Augustine, FL.)
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Representative: Elizabeth L. Henoch
Ottumwa, IA, and (4) Austin, MN, to
points in VA, restricted (1) against the
States in and east of MN, IA, MO, OK,
and TX, restricted to the transporta-
dation of traffic originating at the
named origins and destined to the in-
dicated destinations. (Hearing site:
Washington, DC.)

MC 113855 (Sub-445P), filed August
24, 1978. Applicant: INTERNATIONAL-
AL TRANSPORT, INC., a ND corpo-
rative: Kenneth L. Core (same address
(1) above, (except commodities in
bulk, in tank vehicles), from points in
MI, and those in IL on and north of
 Interstate Hwy 70, to the facilities of
Oconomowoc Canning Co., at Sun
Prairie, Poynette, Waunakee, Defor-
est, Cobb, and Oconomowoc, WI.
(Hearing site: Chicago, IL.)

MC 116763 (Sub-429F), filed August
TRUCKING, INC., North West Street,
Versailles, OH 45380. Representative:
H. M. Richters, (same address as appli-
cant). To operate as a common carrier,
by motor vehicle, over irregular
routes, transporting: (1) Foodstuffs;
and (2) materials, equipment, and sup-
plies used in the manufacture and dis-
tribution of foodstuffs, from points in
MI, and those in IL on and north of
 Interstate Hwy 70, to the facilities of
Oconomowoc Canning Co., at Sun
Prairie, Poynette, Waunakee, Defor-
est, Cobb, and Oconomowoc, WI.
(Hearing site: Chicago, IL.)

MC 116763 (Sub-433P), filed August
17, 1978. Applicant: CARL SUBLER
TRUCKING, INC., North West Street,
Versailles, OH 45380. Representative:
H. M. Richters, (same address as appli-
cant). To operate as a common carrier,
by motor vehicle, over irregular
routes, transporting: (1) Foodstuffs
(except in bulk, in tank vehicles), from
Elwood, Galveston, Hobbs, Orestes,
Plumtree, Point Isabel, and Swayzee,
in, to those points in the United
States in and east of MN, IA, MO, OK,
and TX, restricted to the transporta-
tion of traffic originating at the
named origins and destined to the in-
dicated destinations. (Hearing site:
Chicago, IL.)


Ottumwa, IA, and (4) Austin, MN, to
points in CT, MA, NJ, NY, and PA, re-
stricted in (1) and (2) above to the
transportation of traffic originating in
the facilities of Penn-Dixie Steel Corp.
(Hearing site: Chicago, IL, or Washington,
DC.)

MC 111729 (Sub-743F), filed September
1, 1978. Applicant: PUROLATOR
COURIER CORP., 3333 New Hyde
Park Road, New Hyde Park, NY 11040.
Representative: Elizabeth L. Henoch
(same address as applicant). To oper-
ate as a common carrier, by motor ve-
hicle, over irregular routes, transpor-
ting: General commodities (except arti-
cles of unusual value, classes A and B
explosives, hazardous materials as defined
by the Commission, commodities in
bulk, and those requiring special equip-
ment), between points in NJ, on the
one hand, and, on the other, points in VA,
restricted (1) against the transportation of
packages or articles weighing more than
50 pounds, and (2) against the transporta-
tion of packages or articles weighing in the aggregate
more than 100 pounds from one consign-
signor at one location, to one consignee at one location, in any one day.
(Hearing site: Washington, DC.)

NOTE.—Dual operations may be at issue in
this proceeding.

MC 112817 (Sub-464F), filed August
7, 1978. Applicant: LIQUID TRANS-
PORTERS, INC., 1202 Pear Valley
Road, P.O. Box 21395, Louisville, KY
40221. Representative: Leonard A. Jas-
kiewicz, 1700 M Street NW, Suite 501,
Washington, DC 20036. To operate as a
common carrier, by motor vehicle,
over irregular routes, transporting:
Liquefied petroleum gases, in bulk, in
tank vehicles, from the facilities of
Ashland Oil, Inc., at or near Catletts-
burg, KY, to the facilities of Ashland
Chemical Co., at Canton, OH. (Hearing
site: Louisville, KY, or Washington, DC.)

NOTE.—The certificate to be issued here
shall be limited in points of time to a period
of 5 years from the effective date thereof.

MC 112889 (Sub-78F), filed September
5, 1978. Applicant: WEST COAST
TRUCK LINES, INC., 85647 Hwy 99
South, Eugene, OR 97405. Repre-
sentative: John W. White, Jr. (same address
as applicant). To operate as a common
carrier, by motor vehicle, over irregular
routes, transporting: (1) Paint and
paint products, and (2) materials,
equipment and supplies used in the
manufacture and distribution of paint
and paint products, between the facili-
ties used by Inmont Corp., in CA, on the
one hand, and, on the other, points in OR, WA, and ID. (Hearing
site: Los Angeles or San Francisco,
CA.)

MC 113434 (Sub-106F), filed August
TRUCK LINE, INC., 679 Lincoln
Avenue, Holland, MI 49423. Repre-
sentative: Wilhelmina Boersma, 1600
First Federal Building, Detroit, MI
48226. To operate as a common carri-
er, by motor vehicle, over irregular
routes, transporting: Glass containers,
from Vienna, WV, to points in IL, IN,
KY, MI, OH, PA, and that part of NY
west of Interstate Hwy 81, re-
stricted in (1) above, in the reverse direc-
tion originating at the named origin and
destined to the indicated destinations.
(Hearing site: Chicago, IL, or Washington,
DC.)

MC 116457 (Sub-36F), filed August 4,
1978. Applicant: GENERAL TRANS-
PORTATION, INC., 1804 South 27th
Avenue, P.O. Box 6484, Phoenix, AZ
85005. Representative: D. Parker
Crosby (same address as applicant). To op-
erate as a common carrier, by motor
vehicle, over irregular routes, transpor-
ting: (1) Gypsum wallboard, gypsum lath, gypsum wallboard sys-
tems, gypsum products, and plaster,
(except commodities in bulk, in tank
vehicles), from points in AZ, to points in
CO, ID, MT, NM, NV, OR, TX, UT,
WA, and WY; and (2) materials, sup-
plies, and equipment used in the in-
stallation of the commodities named
in (1) above, (except commodities in
bulk, in tank vehicles), from points in
Contra Costa County, CA, to points in
OR and WA. (Hearing site: Phoenix,
AZ.)

MC 116763 (Sub-429F), filed August
TRUCKING, INC., North West Street,
Versailles, OH 45380. Representative:
H. M. Richters, (same address as appli-
cant). To operate as a common carrier,
by motor vehicle, over irregular
routes, transporting: (1) Foodstuffs;
and (2) materials, equipment, and sup-
plies used in the manufacture and dis-
tribution of foodstuffs, from points in
MI, and those in IL on and north of
 Interstate Hwy 70, to the facilities of
Oconomowoc Canning Co., at Sun
Prairie, Poynette, Waunakee, Defor-
est, Cobb, and Oconomowoc, WI.
(Hearing site: Chicago, IL.)
to the indicated destinations. (Hearing site: Detroit, MI.)

MC 123255 (Sub-175F), filed August 23, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43056. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by manufacturers of glass and glass products, (except commodities in bulk), between the facilities of or used by Anchor Hocking Corp., at points in CA, FL, IL, IN, MD, MN, NJ, OH, PA, TX, and WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 123272 (Sub-20F), filed July 31, 1978. Applicant: FAST FREIGHT, INC., 9651 South Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal feed, feed ingredients, and additives, materials, and supplies used in the manufacture and distribution of animal feeds (except commodities in bulk), in the reverse direction. (Hearing site: Columbus, OH.)

MC 123285 (Sub-56F), filed August 24, 1978. Applicant: BULKMATIC TRANSPORT CO., a corporation, 12000 South Doty Avenue, Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Flour, in bulk, from Chicago, IL, to points in OR and WA. (Hearing site: Chicago, IL.)

MC 123280 (Sub-275F), filed August 24, 1978. Applicant: MIDWESTERN DISTRIBUTING, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Talc (except in bulk, in tank vehicles), from Three Forks, MT, to points in the United States (except AK, HI, and MT). (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 123827 (Sub-121F), filed August 4, 1978. Applicant: MAY TRUCKING CO., a corporation, P.O. Box 400, Fayette, ID 83616. Representative: Michael Alexander, 136 Wynnewood Professional Building, Dallas, TX 75224. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Such commodities as are dealt in by grocery and food business houses, and (2) equipment, materials, and supplies used in the conduct of such business, between

Animal and poultry feeds, and animal and poultry feed ingredients (except commodities in bulk, in tank vehicles, from points in WI, to points in IA, IL, IN, MN, and MO. (Hearing site: Minneapolis, MN.)

MC 127539 (Sub-70F), filed September 1, 1978. Applicant: PARKER REFRIGERATED TRANSPORT INC., 1106 54th Avenue East, Tacoma, WA 98424. Representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Avenue, Seattle, WA 98104. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, in vehicles equipped with mechanical refrigeration, from points in CA, to points in OR and WA. (Hearing site: San Francisco, CA, or Seattle, WA.)

MC 128205 (Sub-56P), filed August 24, 1978. Applicant: BULKMATIC TRANSPORT CO., a corporation, 12000 South Doty Avenue, Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, in bulk, from Manistee, MI, to points in OH, IA, and KY. (Hearing site: Chicago, IL.)

MC 128273 (Sub-315F), filed August 22, 1978. Applicant: MIDWESTERN DISTRIBUTING, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Talc (except in bulk, in tank vehicles), from Three Forks, MT, to points in the United States (except AK, HI, and MT). (Hearing site: Los Angeles, CA, or Washington, DC.)
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points in CA, ID, MT, NV, OR, UT, and WA. (Hearing site: Boise, ID.)

MC 134477 (Sub-265F), filed August 7, 1978. Applicant: SCHANKO TRANSPORTATION, INC., 5 West Mendota Road, Wfg St. Paul, MN 55118. Representative: Robert P. Stuck, P.O. Box 6010, West St. Paul, MN 55118. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Such commodities as are dealt in by grocery and food business houses (except commodities in bulk), and (2) equipment, materials, and supplies used in the conduct of such businesses (except commodities in bulk), from points in CA, CT, DE, HI, IN, MD, MA, NJ, NY, OH, PA, and RI, to St. Paul, MN, restricted to the transportation of traffic originating at the indicated origins and destined to the facilities of Gourmet Foods, Inc., at St. Paul, MN. (Hearing site: St. Paul, MN.)

MC 134574 (Sub-30F), filed August 3, 1978. Applicant: FIGOL DISTRIBUTING, LTD., 1009 1st Avenue South, Edmonton, AB, Canada T5M 1Y2. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. To operate as a common carrier, by motor vehicle over irregular routes, transporting: Iron Bond, from the port of entry on the international boundary line between the United States and Canada, at or near Sweetgrass, MT, to Willows, CA, restricted to the transportation of traffic originating in the Province of Alberta, Canada. Condition: Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Great Falls, MT.)

Note.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled "Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and From Points in Canada" published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate officials of Canada regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect. Dual operations may be involved in this proceeding.

MC 135152 (Sub-24F), filed June 20, 1978, and previously published in the FEDERAL REGISTER issue of August 15, 1978, Applicant: CASKET DISTRIBUTORS CO., P.O. Box 327, West Harrison, IN 46030. Representative: Jack B. Josselson, 700 Atria Bank Building, Cincinnati, OH 45202. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Duraflame, Inc., at (a) Stockton, CA, (b) Fairless Hills, PA, and (c) Trenton, NJ, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

Note.—This republication states the correct origin.

MC 135797 (Sub-137F), filed August 7, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sawdust fireplace logs (except in bulk), from the facilities of Duraflame, Inc., at (a) Stockton, CA, (b) Fairless Hills, PA, and (c) Trenton, NJ, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

MC 135797 (Sub-140F), filed August 7, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic articles, from Humboldt, KS and points in MO, to points in the United States (except AK and HI). (Hearing site: Kansas City, MO.)

MC 135895 (Sub-22F), filed May 8, 1978, previously noticed in the FEDERAL REGISTER on July 6, 1978, Applicant: B & R DRA YAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39294. Representative: Douglas C. Wynn, P.O. Box 1895, Greenville, MS 38701. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Sand, sand products, and mineral fillers (except commodities in bulk), between the facilities of Radcliff Material, Inc., at or near Mobile, AL, and points in LA and MS. (Hearing site: Mobile, AL.)

Note.—This republication is to reflect a nonradial between movement.

MC 136315 (Sub-34F), filed August 21, 1978. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39330. Representative: Fred W. Johnson, Jr., 1500 Denver St., Hattiesburg, MS 39401. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (a) Pipe, fittings, valve boxes, water boxes, and castings, and (b) accessories, described in (1)(a) above, from the facilities of the Central Foundry Co., Inc., at or near Hoit, AL, to points in AR, IL, IN, IA, KS, LA, MS, MO, OK, and TX, and (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Jackson, MS, or Birmingham, AL.)

Note.—Dual operations may be at issue in this proceeding.

MC 136608 (Sub-66F), filed July 31, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59804. Representative: Allen P. Pelton (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Asphalt composition roofing, shingles, rolled roofing, and asphalt impregnated sheathing board, from the ports of entry on the international boundary line between the United States and Canada, at points in ID and MT, to points in WA, OR, ID, and MT, restricted to the transportation of traffic originating at points in the Province of Alberta, Canada. Condition: Prior receipt from applicant of an affidavit setting forth its appropriate complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Billings, MT, or Spokane, WA.)

Note.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled "Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and From Points in Canada" published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 136897 (Sub-26F), filed August 7, 1978. Applicant: SWIFT TRANSPORTATION CO., INC, 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fern, Suite 320, 4040 East McDowell Road, Phoenix, AZ 85008. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Automatic machinery used for storing or retrieving merchandise, between the facilities of Eaton-Kenway Corp., at (a) Bountiful, UT, and (b) Wichita Falls, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract with Eaton-Kenway Corp., at Bountiful, UT. (Hearing site: Salt Lake City, UT, or Phoenix, AZ.)
Note.—Dual operations are at issue in the proceeding.

MC 138223 (Sub-6F), filed August 16, 1978. Applicant: DANA TRUCKING CORP., Round Lake, MN 55667. Representative: Michael J. Oehorn, P.O. Box 82028, Lincoln, NE 68501. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Cookies, from the facilities of Interbake Foods, Inc., at or near Bancroft, IA, to points in AL, AZ, AR, CA, CO, GA, IL, IN, IA, KS, KY, LA, MD, MS, MO, MT, NE, NM, ND, OH, OK, PA, SC, TN, TX, WI, and WV, and (2) materials, equipment, and supplies used in the manufacture and distribution of cookies (except commodities in bulk), in the reverse direction, under a continuing contract with Interbake Foods, Inc., of Richmond, VA. (Hearing site: Richmond, VA.)

MC 138313 (Sub-41F), filed August 21, 1978. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW, Great Falls, MT 59404. Representative: Irvon W. Warr, 430 Judge Fenwick Lane, Silver Spring, MD 20910. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Insulation, from ports of entry on the international boundary line between the United States and Canada in MT and ID, to points in WA, WY, UT, ID, MT, ND, and SD, restricted to the transportation of traffic originating in foreign commerce. (Hearing site: Portland, OR, or Washington, DC.)

MC 138882 (Sub-124F), filed July 31, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 797, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Suite 200, P.O. Box 1240, Arlington, VA 22210. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pipes, fittings, valves, hydrants, and materials and supplies used in the installation thereof (except commodities in bulk), from the facilities of Clow Corp., at or near Lincoln, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Birmingham, AL.)

MC 138684 (Sub-5F), filed August 1, 1978. Applicant: CONDOR CORP., P.O. Box 630, Dixfield, ME 04224. Representative: John C. Lightbody, 30 P.O. Box 630, Dixfield, ME 04224. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Glued wood furniture panels, from the facilities of Andover Wood Products, at Andover, ME, to points in TN, IN, AR, and VA, under a continuing contract with Andover Wood Products, Inc., of Andover, ME. (Hearing site: Portland, ME, or Boston, MA.)

MC 139235 (Sub-3F), filed August 24, 1978. Applicant: MAYNARD NADLER, 113 West Corning, Peotone, IL 60468. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Iron containers, steel containers, and plastic containers, and (b) closures and handles for the commodities in (1) above, from the facilities of Bennett Industries, Division of Growth International Industries Corp., at Peotone, IL, to Des Moines, IA, and points in AL, CT, KY, MI, MN, MD, MA, NJ, NY, PA, TN, VA, WV, and WI, and (2) dies and die molds, between Lithuania, GA, and Peotone, IL, under continuing contracts in (1) and (2) above, with Bennett Industries, Division of Growth International Industries Corp., of Peotone, IL. (Hearing site: Chicago, IL.)

MC 139349 (Sub-8F), filed August 23, 1978. Applicant: E Z FREIGHT LINES, a corporation, 348 Ocean Avenue, Jersey City, NJ 07305. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Water softeners and equipment, from Linden, NJ, to points in FL, GA, IL, IN, MI, NC, OH, PA, SC, TX, and WV, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under a continuing contract in (1) and (2) above, with Epicor, Inc., of Linden, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 139482 (Sub-63F), filed July 31, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail and drug stores (except commodities in bulk), from Cheshire and Stamford, CT, Lakewood and Saddlebrook, NJ, and Garden City and Long Island, NY, to points in IL, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI, restricted to the transportation of traffic originating at the named origins. (Hearing site: Minneapolis or St. Paul, MN.)

MC 139495 (Sub-380F), filed August 23, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Rubin, 1320 Fenwick Lane, Silver Drum, MD 20612. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Synthetic fibers and synthetic yarns, fiber waste, plastic materials, and resin (except commodities in bulk, in tank vehicles), from points in AR, CA, CT, IN, IL, IA, MA, E, MD, MI, MO, NH, NJ, NY, OH, OK, PA, RI, TX, VT, and WI. (Hearing site: Washington, DC.)

MC 140024 (Sub-122F), filed August 2, 1978. Applicant: J. B. MONTGOMERY, INC. (a DE corporation), 5565 East 55th Avenue, Commerce City, CO 80022. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles from the facilities of Norfolk Iron & Metal Co. at or near Norfolk, NE, to points in CO, IL, IN, IA, MI, MN, MO, and WI. (Hearing site: Omaha, NE.)

MC 140033 (Sub-65F), filed August 17, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10696 Goodnight Lane, Dallas, TX 75230. Representative: D. Paul Stafford, Suite 1125, Exchange Park, P.O. Box 45558, Dallas, TX 75538. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Copper magnet wire and aluminum magnet wire, from Abingdon, VA, to El Paso, Beaumont, Dallas, and Houston, TX. (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Dual operations may be at issue in this proceeding.

MC 140273 (Sub-7F), filed August 14, 1978. Applicant: BUESING BROS. TRUCKING, INC., North 520 Tamarack Avenue, Long Lake, MN 55356. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Park equipment, playground equipment, benches, tables, planters, litter receptacles, and finished redwood products, from Delano, MN, to points in the United States (including AK, but excluding HI). (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be at issue in this proceeding.

MC 140273 (Sub-9F), filed August 21, 1978. Applicant: BUESING BROS. TRUCKING, INC., North 520 Tamarack Avenue, Long Lake, MN 55356. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pelletized agricultural limestone and gypsum, from points in Marion County, AR, to points in AR, MN, MT, WI, NE, WI, and CO. (Hearing site: Minneapolis, MN.)
Note.—Dual operations may be at issue in this proceeding.

MC 140563 (Sub-15F), filed August 16, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30097. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Feed and feed products (except in bulk), from the facilities of Boawater Southern Paper Corp., at or near Calhoun, TN, to points in NY, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be at issue in this proceeding.

MC 141033 (Sub-4P), filed August 16, 1978. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15046 East Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91748. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a common carrier, by motor vehicle, transporting: Charcoal, charcoal briquettes, sawdust, fireplaces, charcoal lighter fluid in containers, hickory chips, and vermiculite (except crude vermiculite), from Burns, KY, to points in IN, OH, IL, WI, and MI. (Hearing site: Louisville, KY, or Washington, DC.)

Note.—Dual operations may be at issue in this proceeding.

MC 141033 (Sub-42P), filed August 16, 1978. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Charcoal, charcoal briquettes, sawdust, fireplaces, charcoal lighter fluid in containers, hickory chips, and vermiculite (except crude vermiculite), from Point San Luis, CA, to points in AZ and CA. (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Dual operations may be at issue in this proceeding.

MC 143055 (Sub-5P), filed August 15, 1978. Applicant: B & B TRANSPORT INC., P.O. Box 5310, Kent, WA 98031. Representative: Henry C. Winters, 235 Pennsylvania Avenue, P.O. Box 1417, Delaware, PA, or Omaha, NE. To operate as a group carrier, by motor vehicle, over irregular routes, transporting: Fertilizers and materials and gardening supplies, (1) between Kent, WA, and Portland, OR; (2) from Kent, WA, to Boise, ID, and Salt Lake City, UT; and (3) from Chicago, IL, and points in Humboldt, Los Angeles, Mendocino, Orange, Riverside, and San Diego Counties, CA, to Kent and Spokane, WA, Boise, ID, Portland, OR, and Salt Lake City, UT, under a continuing contract with Cole's Plant Soils, Inc., of Kent, WA. (Hearing site: Seattle, WA.)

Note.—Dual operations are involved in this proceeding.

MC 14303 (Sub-4F), filed August 17, 1978. Applicant: Key Milling Co., Inc., of Clay Center, KS. (Hearing site: Wichita, KS, or Washington, DC.)

Key Milling Co., Inc., of Clay Center, KS. (Hearing site: Wichita, KS, or Washington, DC.)

Note.—Dual operations may be at issue in this proceeding.

MC 145250 (Sub-25F), filed September 1, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except in bulk), from Philadelphia, PA, to points in CO, IL, KS, MN, MO, NE, ND, and SD. (Hearing site: Philadelphia, PA, or Omaha, NE.)

Note.—Dual operations are involved in this proceeding.

MC 144910 (Sub-4P), filed May 10, 1978, previously noticed in the FEDERAL REGISTER issue of July 6, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, NH 03108. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Foodstuffs and materials, equipment, and supplies used in the manufacture and distribution of foodstuffs (except commodities named in (1) above), (2) from the facilities of Bowater Southern Paper Corp., of Kent, WA, under a continuing contract with McCormick & Co., Inc., of Baltimore, MD. (Hearing site: Washington, DC.)

Note.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 143560. The purpose of this republication is to show the addition of part (2) above.

MC 144407 (Sub-2F), filed August 3, 1978. Applicant: DECKER TRANSPORT CO., INC., 412 Route 23, Pompton Plains, NJ 07444. Representative: George A. Olsen, P.O. Box 337, Gladstone, NJ 07934. To operate as a common carrier, over irregular routes, transporting: (1) Such commodities as are dealt in by-do-it-yourself home delivery operations may be at issue in this proceeding.
centers, (except foodstuffs and commodities in bulk), and (2) materials, equipment, and supplies used in the conduct of such business, (except foodstuffs and commodities in bulk), between Macedonia, Kent, and Cleveland, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—Dual operations are at issue in this proceeding.

MC 144437 (Sub-4F), filed August 7, 1978. Applicant: WALTERS ENTERPRISES, INC., 16835 Hummel Road, Brookpark, OH 44142. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, between points in OH, on the one hand, and, on the other, points in KY and those in IN on and south of U.S. Hwy 24. (Hearing site: Cleveland or Columbus, OH.)

Note.—The person or persons it appears may be engaged in common control must either file an application under section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 144827 (Sub-2F), filed August 7, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). To operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Such commodities as are dealt in by department stores, and (2) advertising materials, from New York, NY, to Blytheville, Fort Smith, and Little Rock, AR, Evansville and Terre Haute, IN, Lexington and Louisville, KY, Springfield, MO, Cincinnati, OH, Oklahoma City and Tulsa, OK, and Cookeville, Jackson, Kingsport, Knoxville, Memphis, and Nashville, TN. (Hearing site: Nashville, TN.)

MC 144858 (Sub-4F), filed September 1, 1978. Applicant: DENVER SOUTHWEST EXPRESS, INC., a Nebraska corporation, P.O. Box 9950, 1310 Stagecoach Road, Little Rock, AR 72203. Representative: John T. Wirth, 3214 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. To operate as a common carrier, by motor vehicle, over irregular routes, transporting: Carbonated soft drink beverages (except in bulk, in tank vehicles), from Camden, AR, to Anniston, AL, and Indiana, MS. (Hearing site: Little Rock, AR, or St. Paul, MN.)

Note.—Dual operations are involved in this proceeding.

MC 145005 (Sub-1F), filed August 4, 1978. Applicant: U & I INC., d.b.a. U & I INC, TRUCKING DIVISION, P.O. Box 2656, Paseo, WA 97302. Representative, same address as applicant). To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Such commodities as are dealt in by grocery and food business houses, (except commodities in bulk), from the facilities of Gourmet Food Products, Inc., at or near Boardman and Metolius, OR, to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, and those in IL, IN, MI, and WI, and (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction, between points in IL, IN, MI, WI, OH, or Salt Lake City, UT.)

Note.—In view of the Geraci and Tolo policies (See e.g., 43 FR 33945 (8-2-78), applicant must satisfy the Commission that its operations are not subject to objectionable private and public consequences.

MC 145233F, filed August 10, 1978. Applicant: MORGAN TRUCKING CORP., P.O. Box 367, Gaston, IN 47342. Representative: Donald W. Smith, P.O. Box 40559, Indianapolis, IN 46250. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Dairy products (except in bulk), in vehicles equipped with mechanical refrigeration, (a) from the facilities of Dairy Farm Products Co., at Muncie, IN, to those points in the United States in and south of MS, OH, and WI, and (b) from Orville, Dayton, and Greenville, OH, to the facilities of Dairy Farm Products Co., at Muncie, IN, and (2) materials, equipment, and supplies used in the manufacture and distribution of dairy products, in the reverse direction, under a continuing contract with Dairy Farm Products Co., of Strongsville, OH. (Hearing site: Indianapolis, IN.)

MC 145427 (Sub-2F), filed July 31, 1978. Applicant: WINSTON LIMOUSINE SERVICE, INC., 41 Pembroke Drive, Stony Brook, NY 11790. Representative: Sidney J. Leshin, 675 Madison Avenue, New York, NY 10022. To operate as a common carrier, by motor vehicle, over irregular routes, transporting Passengers and their baggage, in the same vehicle with passengers, in one-way and round-trip specials operating, in nonscheduled door-to-door service, between New York, NY, Newark, NJ, and points in Fairfield, New Haven, and Middlesex Counties, CT, restricted to the transportation of (1) not more than eleven (11) passengers in any one vehicle, and (2) passengers having an immediately prior or subsequent movement by air. (Hearing site: Stanford or New Haven, CT.)

Note.—The person or persons who appear to be engaged in common control must either file an application under section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

FRR Doc. 78-28025 Filed 10-4-78; 8:45 am

[7035-01]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPEALS

Pettions for modification, interpretation or reinstatement of operating rights authority

September 27, 1978.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1F, M2F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with special rule 247(e) of the Commission’s General Rules of Practice (49 CFR 1100.247) and shall include traverse statement of protestant’s interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner’s representative, or petitioner if no representative is named.

MC 8744 (M1F) (notice of filing of petition to modify certificate), filed July 19, 1978. Petitioner: CONSOLIDATED MOTOR EXPRESS, INC., P.O. Box 1160, Bluefield, WV 24701. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Petitioner holds a motor common carrier certificate in MC 8744 issued April 27, 1954, authorizing transportation, over irregular routes,
as pertinent of, (a) General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) From Richlands, Tazewell, Scott, Russell, Wise, and, on the other, points in between North Tazewell, VA, on the one hand, and, on the other, points in those parts of VA and WV located within 50 miles of North Tazewell, and (2) From Richlands, Tazewell, St. Paul, Norton, Pennington, Gap, Old Hayesl, VA, to points in Tazewell, Buchanan, Lee, Scott, Russell, Wise, and Dickenson Counties, VA.

By the instant petition, petitioner seeks an interpretation by the Commission that the 50 mile radius of North Tazewell, VA includes the points of Bristol and Radford, VA. In the alternative, petitioner seeks to modify the authority in (1) above to include Bristol and Radford, VA as radial points.

MC 41406 (Sub-52,53) (M1P) (notice of filing of petition to modify certificates to add commodities), filed August 8, 1978. Petitioner: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: E. S. Heisley, 805 McLachlen Bank Building, 666 11th Street NW, Washington, DC 20001. Petitioner holds motor common carrier certificates in MC 41406 (Sub-52 and 53), issued March 4, 1976 and March 15, 1978, respectively, authorizing transportation, over irregular routes, as follows: (1) Steel, steel products, and machinery, (a) from Pittsburgh, PA, and Youngstown, OH, and points within 50 miles of each, Cleveland, Lorain, Zanesville, Cambridge, Mansfield, Cincinnati, Middletown, and Portsmouth, OH, Buffalo, NY, Monroe and Detroit, MI, and those points within 50 miles of each, Laackawanna and Hamburg Townships, Erie County, NY, points in KY within 5 miles of the Ohio River, (c) from points in IL, IN, and St. Louis, MO, to points in KY within 5 miles of the Ohio River, and (2) from Pittsburgh, PA, Youngstown, OH, and points within 50 miles of each, Laackawanna and Hamburg Townships, Erie County, NY, points in KY within 5 miles of the Ohio River, Cleveland, Lorain, Zanesville, Cambridge, Mansfield, Cincinnati, Middletown, and Portsmouth, OH, Monroe and Detroit, MI, and Buffalo, NY, to points in IL, IN, and WI.

Restriction: That portion of the operations authorized in part (2) involving traffic to points in MO, WI, and points in IA (except those points in IA on and east of a line beginning at Keokuk, IA, and extending along U.S. Hwy 218 to Cedar Rapids, then along U.S. Hwy 151 to junction IA Hwy 13, then along IA Hwy 13 to Marquette), is restricted to the transportation of traffic destined to those points. By the instant petition, petitioner seeks to modify the above certificates as follows: (A) Substitute “Iron and steel, iron and steel articles and products, pig iron, and machinery” for “Steel and steel products,” (Sub-52 part (1)). (B) Substitute “Iron and steel, iron and steel articles and products and pig iron” and “Steel and steel products” in (Sub-52 part (2) and (Sub-53).

MC 82735 (Sub-3) (M1P) (Correction) (Notice of filing of petition to modify certificates), filed July 17, 1978, previously noticed in the FEDERAL REGISTER issue of September 7, 1978. Petitioner: HUDSON BERGEN TRUCKING CO., a corporation, 200 Central Avenue, Teterboro, NJ 07608, Representative: Charles D. Greatorex, 201 Fifth Street, Scotch Plains, NJ 07076. Petitioner holds a contract carrier permit in MC 82735 (Sub-3), issued October 22, 1971, authorizing transportation over irregular routes, of Such merchandise as is dealt in by wholesale and retail grocery stores, from the facilities of Marshall Warehouse Co. at Teterboro, NJ, to points in NY, NJ, PA, CT, RI, and MA, under a continuative contract with Marshall Warehouse Co. of Teterboro, NJ. By the instant petition, petitioner seeks to delete the word “grocery”, from the commodity description, and to modify the territorial description to read: Between the facilities of Marshall Warehouse Co. at Teterboro and South Hackensack, NJ, on the one hand, and, on the other, points in NY, NJ, PA, CT, RI, and MA.

Note.—The purpose of this correction is to indicate the modification of the territorial description as a basis for the decision of the petition to modify certificate, filed August 7, 1978. Petitioner: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, MI 49829. Representative: John L. Brummer, 121 West Doty Street, Madison, WI 53703. Petitioner holds a motor common carrier certificate in MC 108859, issued April 4, 1969, authorizing transportation, over regular routes, as pertinent of: (a) Iron and steel, iron and steel articles and products and pig iron and machinery, and (b) Steel and steel products and pig iron, and machinery (usual exceptions), between St. Ignace, MI and Cheboygan, MI, serving no intermediate points: From St. Ignace over Interstate Hwy 75 to junction U.S. Hwy 23, thence over U.S. Hwy 23 to Cheboygan, and return over the same route. Restriction: The operations granted above are subject to the following conditions: (1) Said operations are restricted to the transportation of traffic having prior or subsequent movement by carrier from or to points which it is authorized to serve in the Upper Peninsula of Michigan west of Interstate Hwy 75 and in Wisconsin north of U.S. Hwy 18; (2) Said operations are restricted against the transportation of traffic originating in the Upper Peninsula of Michigan and said area of Wisconsin which did not originate at, or which is not destined to, points in the Upper Peninsula of Michigan and said area of Wisconsin (except points on the Traverse City side of Lake Michigan). Said operations are restricted against the transportation of traffic originating at or destined to St. Ignace, MI or Cheboygan, MI. By this petition, petitioner seeks to amend the first restriction above noted to read as follows: Said operations are restricted to the transportation of traffic having a prior or subsequent movement by carrier from or to points which it is authorized to serve, except those in the Upper Peninsula of Michigan on east of Interstate Hwy 75; and to delete the second restriction.

NOTICES

46129

111307 (Sub-4), issued February 4, 1965, authorizing transportation, over regular routes, as pertinent, of General commodities (except commodities defined by the Commission, commodities in bulk, and those requiring special equipment), between Detroit, MI, and the port of entry at Port Huron, MI, serving no intermediate points from Detroit over U.S. Hwy 25 to Port Huron, and return over the same route. Restriction: The authority granted herein is restricted to the transportation of traffic moving from or to points in Canada and against the transportation of shipments originating at or destined to Sarnia, ON, Canada. By the instant petition, petitioner seeks to modify the above authority by deleting the above restriction.

MC 113678 (Sub-533) (MIF) (Notice of filing of petition to modify certificate), filed August 21, 1978. Petitioner: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (Same address as petitioner). Petitioner holds a motor common carrier certificate in MC 113678 (Sub-533), issued September 8, 1977, authorizing transportation, over irregular routes, of General commodities (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act, from the facilities of ABC-Trans National Transport at New York, NY, Boston, MA, Newark, NJ, and Chicago, IL, to Denver, CO. By the instant petition, petitioner seeks to modify the above authority by deleting the facility references in the territorial description.

MC 125910 (MIF) (Notice of filing of petition to modify certificate), filed August 14, 1978. Petitioner: CUSTOM TRANSPORT, INC., P.O. Box 310, Lincolnton, 28092. Representative: S. Harrison Kahn, 1511 K Street NW., Washington, D.C. 20005. Petitioner holds a motor common carrier certificate in MC 125910, issued August 4, 1975, authorizing transportation, over irregular routes, of (1) Textile waste materials and used bagging, and textile waste materials, and cotton, which are within the exemption of section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicle with the commodities specified herein, and (2) synthetic fibers. Petitioner: DENIS & ROBERT TRANSPORT, INC., 787 Denison Quest, Granby, PQ, Canada J2G 8C6. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Petitioner holds a motor contract carrier permit in No. MC 138351 (Sub-1), issued December 2, 1976, authorizing transportation, over irregular routes, of Paper and paper products, materials used for packing, parts and supplies used in the manufacture, processing, and distribution of textiles and textile products and chemicals (except commodities in bulk), between Grandville, SC, on the one hand, and, on the other, points in the United States (except AK and HI). MC 139206 (Sub-2) authorizes the transportation of textiles, textile products, chemicals, and materials, equipment, and supplies used in the sale, manufacture, processing, production, and distribution of textiles and textile products and chemicals (except commodities in bulk), between New Orleans and Houma, LA, on the one hand, and, on the other, points in the United States (except AK and HI). MC 139206 (Sub-3) authorizes the transportation of textiles, textile products, chemicals, and materials, equipment, and supplies used in the sale, manufacture, processing, and distribution of textiles, textile products, and chemicals (except commodities in bulk), between St. Louis, MO, on the one hand, and, on the other, points in the United States (except AK and HI). MC 139206 (Sub-4) authorizes the transportation of textiles, textile products, chemicals, and materials, equipment, and supplies used in the sale, manufacture, processing, production, and distribution of textiles and textile products and chemicals (except commodities in bulk), between Pensacola, FL, and Charleston, TN, on the one hand, and, on the other, points in the United States (except AK and HI). All of the above permits are restricted to a transportation service to be performed under a continuing contract(s) with Chromalloy American Corp. By the instant petition, petitioner seeks to modify the above permits as follows: Add as additional contracting shippers in all of the above permits (1) Acron Chemical Distributors Houston/San Antonio, Inc. and (2) Acron Chemical Distributors Dallas/Pt. Worth, Inc., in order to reflect a change in the corporate structure of petitioner's contracting shipper, Chromalloy American Corp.

MC 141289 (MIF) (Notice of filing of petition to modify certificate), filed August 22, 1978. Petitioner: CHAS. B. MORGAN, INC., 18574 South High-
way 99 East, Oregon City, OR 97045. Representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Petitioner holds a motor contract carrier permit in MC 14156, issued January 23, 1978, for transporting, over irregular routes, transporting: (1) **Malt beverages**, in bottles, (a) from the facilities of Pabst Brewing Co., at or near Los Angeles, CA, to the facilities of Morgan Distributing, Inc., at or near Oregon City, OR, and (b) from the facilities of Anheuser-Busch, Inc., at or near Los Angeles and Gibson Winery, at or near Oregon City, OR, and (2) **Malt beverages**, in bottles, from the facilities of Browne Vintners, at or near San Francisco, CA, United Vintners, at or near Modesto, CA, Franzia Winery, at or near Lodi, CA, and Gibson Winery, at or near Elk Grove, CA, to the facilities of M.C. Distributing Co., at or near Oregon City, OR. Restriction: The authority granted under (1)(a) above are limited to a transportation service to be performed, under a continuing contract(s), or contracts, with Morgan Distributing, Inc., of Oregon City, OR, and (1) (b) and (2) above are limited to a transportation service to be performed, under a continuing contract, or contracts, with M.C. Distributing Co., of Oregon City, OR. By the instant petition, petitioner seeks to modify the above authority by (1) substituting "in containers" for "in bottles" in the commodity description in (1) above, (II) substitute Morgan Distributing Inc., for M.C. Distributing Co., of Oregon City, OR, and (1) (b) and (2) above are limited to a transportation service to be performed, under a continuing contract, or contracts, with M.C. Distributing Co., of Oregon City, OR. Petitioner holds a motor contract carrier permit in MC 14156, issued January 23, 1978, and republished this issue. Applicant: **ECKLEY TRUCKING, INC.,** P.O. Box 201, Mead, NE 68041. Representative: J.C. Larson, 311 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. A Decision of the Commission, Review Board No. 1, decided August 30, 1978, and served September 18, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a **common carrier**, by motor vehicle, over irregular routes, in the transportation of: (1) **Solar heating units, collectors, and duct work**, from Alamosa and Denver, Co, Manhattan, KS, and Janesville, WI, to points in the United States (except AK and HI); and (2) **equipment, materials and supplies** used in the manufacture, distribution, and installation of the commodities in (1) above, in the reverse direction, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description. MC 5227 (Sub-35) (republication), filed January 23, 1978, published in the Federal Register issue of March 2, 1978, and republished this issue. Applicant: **M.C. DISTRIBUTING CO.,** at or near Oregon City, OR. Restriction: The authority granted under (IXa) above are limited to a transportation service to be performed, under a continuing contract(s) with Morgan Distributing, Inc., of Oregon City, OR, and in (2) above is limited to a transportation service to be performed, under a continuing contract, or contracts, with M.C. Distributing Co., of Oregon City, OR. By the instant petition, petitioner seeks to modify the above authority by (1) substituting "in containers" for "in bottles" in the commodity description in (1) above, (II) substitute Morgan Distributing Inc., for M.C. Distributing Co., of Oregon City, OR, and (1) (b) and (2) above are limited to a transportation service to be performed, under a continuing contract, or contracts, with M.C. Distributing Co., of Oregon City, OR. By the instant petition, petitioner seeks to modify the above authority by (1) substituting "in containers" for "in bottles" in the commodity description in (1) above, (II) substitute Morgan Distributing Inc., for M.C. Distributing Co., of Oregon City, OR, and (1) (b) and (2) above are limited to a transportation service to be performed, under a continuing contract, or contracts, with M.C. Distributing Co., of Oregon City, OR. The following grants of operating authority are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register. An original and one copy of a petition for leave to intervene in the proceeding must be served on the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 24(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issues indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the pecuniary interest in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named. MC 5227 (Sub-35) (republication), filed January 23, 1978, published in the Federal Register issue of March 2, 1978, and republished this issue. Applicant: **ECKLEY TRUCKING, INC.,** P.O. Box 201, Mead, NE 68041. Representative: J.C. Larson, 311 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. A Decision of the Commission, Review Board No. 1, decided August 30, 1978, and served September 18, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of: (1) Solar heating units, collectors, and duct work, from Alamosa and Denver, Co, Manhattan, KS, and Janesville, WI, to points in the United States (except AK and HI); and (2) equipment, materials and supplies used in the manufacture, distribution, and installation of the commodities in (1) above, in the reverse direction, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description. MC 19193 (Sub-14F) (republication), filed March 13, 1978, published in the Federal Register issue of April 27, 1978, and republished this issue. Applicant: **ARKANSAS BEST FREIGHT SYSTEM, INC.,** 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72901. A Decision of the Commission, Review Board No. 1, decided August 30, 1978, and served September 7, 1978, finds that the present and future public convenience and necessity require operations by applicant in the transportation of: Prefabricated buildings, equipment, supplies, and building materials, from the facilities of Carolina Log Buildings, Inc., in Surry County, NC, to those points in the United States in and east of MT, WY, CO, and NM; and (2) from the plant site of Carolina Log Buildings, Inc., at the Interstate Tyler, Upshur, VA, PA, SC, NC, VA, WV, MD, DE, NJ, PA, NY, CT, MA, RI, VT, NH, ME, and DC, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.
The purpose of this republication is to indicate the origin point in (1) above, as Surry County, NC, in lieu of Yadkin County, NC.

MC 41635 (Sub-49), (2d republication), filed October 5, 1977, published in the Federal Register issue of December 8, 1977, and July 20, 1978, and republished this issue. Applicant: DEALERS TRANSPORT CO., a corporation, P.O. Box 482, Memphis, TN 38101. Representative: Richard D. Gleave, 631 Stahlman Building, Nashville, TN 37201. A decision of the Commission, Review Board No. 3, decided June 12, 1978, and served August 28, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of: New motor vehicles, in secondary movements, in truckaway service, from Baton Rouge, LA, to points in Angelina, Brazoria, Chambers, Fort Bend, Galveston, Hardin, Harris, Jasper, Jefferson, Liberty, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, Shelby, San Jacinto, San Augustine, and Tyler Counties, TX, restricted to the transportation of shipments manufactured, assembled, imported, and distributed by Ford Motor Co., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description, and add a restriction.

MC 51146 (Sub-569), (republication), filed January 18, 1978, published in the Federal Register issue of March 2, 1978, published in the March 29, 1978 issue. Applicant: SCHNEIDER TRANSPORT INC., P.O. Box 2296, Green Bay, WI 54306. Representative: Wayne Downing (same address as applicant). A decision of the Commission, Review Board Number 3, decided August 21, 1978, and served September 21, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of: (1) Paper and paper products, from Monroe, MI, to (a) points in NY west of a line beginning at the international boundary line between the United States and Canada and extending along U.S. Hwy 9 to its junction with NY Hwy 7, then along NY Hwy 7 to its junction with U.S. Hwy 11, and then along U.S. Hwy 11 to the NY-PA State line, and (b) points in the beginning at the PA-MD State line and extending along MD Hwy 45 to its junction with MD Hwy 2, then along MD Hwy 2 to the Chesapeake Bay and then north along the Chesapeake Bay and the Susquehanna River to the PA-MD State line in IL, and then north on and within an area bordered on the north by Interstate Hwy 64, on the west by the Mississippi River, on the south by IL Hwy 146, and on the east by the Wabash River; (2) materials, and (3) wood products, from New Freedom, PA, to points in IL, IN, MI, MN, and WI, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description in part 1(c); delete IA and add IN as a destination point in part 3 above.

MC 103993 (Sub-903) (republication), filed September 29, 1977, published in the Federal Register issue of December 8, 1977, and republished this issue. Applicant: CONDOR CORPORATION, 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). A decision of the Commission, Review Board Number 3, decided August 15, 1978, and served September 12, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of: Motor homes, in driveway service, from Elkhart, Goshen, Middlebury, Nappanee, and Wakarusa, IN, to points in the United States (including AK, but excluding HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description.

MC 130477 (republication), filed February 3, 1978, published in the Federal Register issue of March 2, 1978, and republished this issue. Applicant: JEFFERY J. WELCH AND CODY F. WELCH, a partnership, d.b.a. ALPENA TRAVEL SERVICE, 118 West Washington, Alpena, MI 49707. Representative: Karl L. Godtting, 1200 Bank of Lansing Building, Lansing, MI 48933. A decision of the Commission, Review Board Number 1, decided August 31, 1978, and served September 12, 1978, finds that the present and future public convenience and necessity require operations by applicant to operate as a broker, at Alpena, MI, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of personal effects and their baggage, in round-trip tours, in special or charter operations, between points in the United States (including AK, but excluding HI), restricted to the transportation of passengers in tour service originating at and destined to points in the Counties of Presque Isle, Montmorency, Alpena, Otsego, Oscoda, Alcona, Roscommon, Ogemaw, and Iosco Counties, MI, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description and add a restriction.

MC 134183 (Sub-5) (republication), filed December 22, 1977, published in the Federal Register issue of February 16, 1978, and republished this issue. Applicant: C. E. ZUMSTEIN, d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 43538. Representative: E. Stephen Hesley, 805 McClellan Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. A decision of the Commission, Review Board Number 2, decided August 22, 1978, and served September 7, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a contract carrier, by motor vehicle, over irregular routes, in the transportation of: (1) Pipe fittings; and (2) materials, equipment and supplies used in the manufacture and distribution of pipe fittings (except commodities In bulk), between the facilities used by Parker-Hannifan Corp., at or near Eaton, and Lewistown, OH, on the one hand, and, on the other, points in the United States (except AK, OH, and HI), under a continuing contract(s) with North Parker-Hannifan Corp., will be consistent with the public interest and the national transportation and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description and indicate the applicant's actual grant of authority.


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82028, Lincoln, NE 68501. A Decision of the Commission, Review Board Number 2, decided August 29, 1978, and served September 18, 1978, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a contract carrier, by motor vehicle, over irregular routes, in the transportation of Infant feeding equipment, from Tionesta and Oil City, PA, and Ravenna, OH, to points in AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, KY, LA, MD, ME, MI, MN, MO, MS, WV, WY, and TX (except AK and HI), under continuing contract(s) with Questor Corp., of Toledo, OH, will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the addressee of Ravenna, OH, as the representative.

MC 136134 (Sub-97) (republication), filed February 24, 1978, published in the FEDERAL REGISTER issue of April 6, 1978, and republished this issue. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main Street, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, 611 Church Street, Ottumwa, IA 52501. A decision of the Commission, Review Board Number 3, decided August 28, 1978, and republished this issue. Applicant: THE BLUE DIAMOND CO., a corporation, 1300 Main Street, Keokuk, IA, to points in AL, AR, AZ, FL, GA, KY, LA, MS, NM, OK, TN, and TX, under a continuing contract or contracts with Midwest Carbide Corporation of Keokuk, IA, will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the addressee of KEOKUK, IA, as the representative.

MC 144025 (Sub-1) (republication), filed January 16, 1978, published in the FEDERAL REGISTER issue of March 2, 1978, and republished this issue. Applicant: THE BLUE DIAMOND CO., a corporation, 1300 Main Street, Keokuk, IA 52632. Representative: Chester A. Zyblut, 366 Exeter Avenue, Baltimore, MD 21224. A decision of the Commission, Review Board Number 2, decided August 25, 1978, and served August 25, 1978, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of common carrier cargo, from the facilities of Union Camp Corporation, at Trenton, NJ, to points in NY, PA, MD, and DE, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the representative of common carrier authority in lieu of contract carrier authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Section 247(f) of the Commission's Rules of Practice (49 CFR §1100.347). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonable file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(f)(3) of the rules of practice which requires that it set forth in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or, if applicant has no representative, on applicant. All pleadings and documents must clearly specify the "P" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(f)(4) of the special rules, and shall indicate the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party to record. Proceedings will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 4810 (Sub-5F), filed September 11, 1978. Applicant: ROCKY MOUNTAIN TRUCKING CO., a corporation, P.O. Box 2131, Casper, WY 82601. Representative: Edward T. Lyons, Jr., 1660 Lincoln Center Building, 1680 23rd Street, Denver, CO 80224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Machinery, equipment, materials and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and (2) Machinery, equipment, materials and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (a) Between points in ID, KS, NV, NM, OK, OR, TX, UT, and WA; (b) between points in NE, on the one hand, and, on the other, points in ID, KS, NV, NM, OK, OR, TX, UT, and WA; (c) between points in ND and SD; (d) between points in SD (except points west of the Missouri River and on and north of U.S. Hwy 14), on the one hand, and, on the other, points in that part of SD west of the Missouri River and on and north of U.S. Hwy 14, and points in CO, MT, ND, and WY; and (d) between points in ID, KS, NV, NM, OK, OR, TX, UT, and WA. (Hearing: November 28, 1978 (3 weeks), Denver, CO, hearing room to be designated.)

MC 3941 (Sub-261F), filed February 21, 1978. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

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Meats, meat products and byproducts, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions of Commodities in Motor Carrier Certificates, sought to operate as a common carrier, or over irregular routes, transporting: Such commodities as are dealt in, or used by agricultural equipment and industrial equipment dealers, and manufacturers (except commodities in bulk, motor vehicles as defined in section 203(A)(13) of the Interstate Commerce Act, Foodstuffs, Paper and Paper Products, and Petroleum Products from Bradford, Emleton, Farmers Valley, Freedom, Reno, Rouseeville, Karns City and Petrolia, PA to IL and MI and from Cincinnati, OH to IL and IN, and truck cabs from Louisville, KY between points in the United States (except AK and HI). Restriction: The above authority is restricted to movements from, to, or between the facilities of Ford Motor Co. (Tractor Operations) and its dealers and further restricted as follows: (A) On movements from the facilities of Ford Motor Co. (Tractor Operations) and its dealers to traffic originating at said facilities or dealers, (B) On movements to the facilities of Ford Motor Co. (Tractor Operations) or its dealers to traffic destined to said facilities or dealers, (C) On movements between the facilities of Ford Motor Co. (Tractor Operations) or its dealers to traffic originating at said facilities or dealers, (D) On all movements to traffic originating at and destined to points in the United States (except AK and HI), except on traffic moving in foreign commerce. (Hearing: October 30, 1978, at 9:30 a.m. local time at the Offices of the Interstate Commerce Commission, Washington, DC, for a prehearing conference.)

MC 119641 (Sub-150P), filed August 30, 1978. Applicant: RINGLE EXPORT CORPORATION, a corporation, Box C, St. Clair, MO 63077. Representative: Aiki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a common carrier, over irregular routes, transporting: Such commodities as are dealt in, or used by agricultural equipment and industrial equipment dealers, and manufactuers (except commodities in bulk, motor vehicles as defined in section 203(A)(13) of the Interstate Commerce Act, Foodstuffs, Paper and Paper Products, and Petroleum Products from Bradford, Emleton, Farmers Valley, Freedom, Reno, Rouseeville, Karns City and Petrolia, PA to IL and MI and from Cincinnati, OH to IL and IN, and truck cabs from Louisville, KY between points in the United States (except AK and HI). Restriction: The above authority is restricted to movements from, to, or between the facilities of Ford Motor Co. (Tractor Operations) and its dealers and further restricted as follows: (A) On movements from the facilities of Ford Motor Co. (Tractor Operations) and its dealers to traffic originating at said facilities or dealers, (B) On movements to the facilities of Ford Motor Co. (Tractor Operations) or its dealers to traffic destined to said facilities or dealers, (C) On movements between the facilities of Ford Motor Co. (Tractor Operations) or its dealers to traffic originating at said facilities and/or dealers, (D) On all movements to traffic originating at and destined to points in the United States (except AK and HI), except on traffic moving in foreign commerce. (Hearing: October 30, 1978, at 9:30 a.m. local time at the Offices of the Interstate Commerce Commission, Washington, DC, for a prehearing conference.)

MC 120181 (Sub-11F), filed August 8, 1978. Applicant: MAIN LINE HAULING CO., INC., a corporation, P.O. Box C, St. Clair, MO 63077. Representative: William H. Shaw, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tanker vehicles, between Memphis, TN and Parkway Village, MO. (Hearing: October 30, 1978, at 9:30 a.m. local time at the Offices of the Interstate Commerce Commission, Washington, DC, for a prehearing conference.)

MC 144961 (Sub-1F), filed September 11, 1978. Applicant: REED TRANSPORTATION, a corporation, 4051 Gannett, Casper, WY 82601. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of (1) Machinery, equipment, materials, and supplies, in or connection to, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products, electrical energy, ore, coal, geothermal and nuclear resources; and (2) machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance and disposal of pipelines, including the stringing and picking up thereof, between points in CO, ID, MT, NV, ND, SD, WY, and UT. (Hearing November 28, 1978 (3 weeks) at 9:30 a.m. local time, at Denver, CO, in a hearing room location to be later designated.)

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210(a)(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Specifications 240 of the Commission's General Rules of Practice (49 CFR 1100.240) and shall in-
purchase by TIAGO, INC., 7725 De
Palma, Downey, CA 90241, of the operating rights of Duqal, Ltd., 3308 Bandini Boulevard, Los Angeles, CA 90023. Represented: Lawrence, Christian, Knapp, Stevens, Grossman & Marsh, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Operating rights sought to be purchased: Livestock, as a common carrier, over irregular routes the points in Arizona to points in Los Angeles, Orange, Kern, Tulare, San Bernardino, Riverside, San Diego, and Imperial Counties, CA, with no transportation for compensation on return except as otherwise authorized. Transferee holds authority to transport: Dry manufactured fertilizer, in bulk, from points in that part of CA lying in and south of San Luis Obispo, Kern, and San Bernadino Counties, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Transferee holds authority to transport: Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized.

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MC-F-13706F. Authority sought for purchase by TIAGO, INC., 7725 De Palma, Downey, CA 90241, of the operating rights of Duqal, Ltd., 3308 Bandini Boulevard, Los Angeles, CA 90023. Represented: Lawrence, Christian, Knapp, Stevens, Grossman & Marsh, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Operating rights sought to be purchased: Livestock, as a common carrier, over irregular routes the points in Arizona to points in Los Angeles, Orange, Kern, Tulare, San Bernardino, Riverside, San Diego, and Imperial Counties, CA, with no transportation for compensation on return except as otherwise authorized. Transferee holds authority to transport: Dry manufactured fertilizer, in bulk, from points in that part of CA lying in and south of San Luis Obispo, Kern, and San Bernadino Counties, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Transferee holds authority to transport: Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Fertilizer, in bulk, from points in San Diego County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized.

MC-F-13706F. Transferor: S & C Transport Company, Inc., 1020 Sunshine Road, Kansas City, KS 66115. Transferee: Midwest Transport, Inc., 55 State Street (SH), Hutchinson, KS 67505 Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 141912, issued October 1, 1976; Sub Nos. 1, 2, 3, 4, 5, issued October 1, 1976; Sub No. 7, issued December 9, 1977; and Sub No. 8, issued February 13, 1978, respectively, as follows: Canned goods, as a common carrier over irregular routes from Nebraska City and Plattsmouth, NE, to points in KS, and from Kansas City, KS, to junction U.S. Hwy. 14, with no transportation for compensation on return except as otherwise authorized. From Hutchinson and Wichita, KS, to Ada, Tulsa, Blackwell, Enid, Sapulpa, and Oklahoma City, OK, with no transportation for compensation on return except as otherwise authorized. From Hutchinson, KS, to Lincoln, Superior, and Omaha, NE, and, salt, from Hutchinson, Lyons, and Kanopolis, KS, to points in OK, and points in that part of CO on and east of a line beginning at the WY-CO State line, and thence extending along U.S. Hwy 85 to junction unnumbered Hwy near Larkspur, CO, thence along unnumbered hwy, to junction CO Hwy 165 at or near Palmer Lake, CO, thence along CO Hwy 165 via Monument, CO, to junction U.S. Hwy 66, thence along U.S. Hwy 85, to junction CO Hwy 165 near Crow, CO, thence along U.S. Hwy 85 to junction unnumbered Hwy at or near Crow, CO, thence along unnumbered hwy to junction CO Hwy 165 near South Hutchinson, and Lyons, KS, and points within one mile of each, to points in MN, ND, SD, and WY, with no transportation for compensation on return except as otherwise authorized. From South Hutchinson, KS, to points in NE and OK, and in that part of CO as specified immediately above, with no transportation for compensation on return except as otherwise authorized. From Hutchinson, KS, to points in NE, with no transportation for compensation on return except as otherwise authorized. From South Hutchinson, and Lyons, KS, and points within one mile of each, to points in MN, ND, SD, and WY, with no transportation for compensation on return except as otherwise authorized. From Hutchinson and Lyons, KS, to points in NE, with no transportation for compensation on return except as otherwise authorized. From Hutchinson, KS, to points in NE, with no transportation for compensation on return except as otherwise authorized. From South Hutchinson, and Lyons, KS, and points within one mile of each, to points in MN, ND, SD, and WY, with no transportation for compensation on return except as otherwise authorized. 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thorized. Pepper, in packages, in mixed shipments with salt, from Hutchinson, KS, to points in MN, AR, NE, OK, ND, SD, WY, points in that part of CO on and east of U.S. Hwy 85, points in Curry, Lamb, Armstrong, Wichita, Lubbock, Colfax, Harding, Los Alamos, Taos, Quay, Guadalupe, Union, San Miguel, Torrance, and Rio Arriba Counties, NM, and points in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Garza, and Kent Counties, TX, with no transportation for compensation on return except as otherwise authorized. Foodstuffs, not frozen, except dairy products, from Hutchinson, KS, to points in AR, OK, and TX, with no transportation for compensation on return except as otherwise authorized. Stock, not frozen, from La Junta, CO, to Hutchinson, KS, with no transportation for compensation on return except as otherwise authorized. Foodstuffs, not frozen, except dairy products, from Hutchinson, KS, to points in AR, OK, and TX, with no transportation for compensation on return except as otherwise authorized.

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and Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60603. Operating rights sought for purchase by TRANSPORTATION CONSULTANTS, INC., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY 13057; of operating authority of De Witt Transportation Corp., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY 13057, through the acquisition of the stock of De Witt Transportation Corp. and control of such rights by Frederic J. Durkin and John C. Durkin, Jr., through the acquisition. Applicant’s representatives: Martin Werner, Esq. and Michael R. Werner, Esq. P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Motor contract carrier operating rights sought to be controlled: under MC-145029F (Pending). Irregular routes, color cathode ray tubes, television sets, and materials, equipment, and supplies used in the manufacture and distribution of television sets, between Syracuse, NY and Portsmouth, VA, under continuing contract(s) with General Television of America, Inc. of Syracuse, NY. Transportation Consultants, Inc. holds no authority from this Commission, however, it is in control of the following contract carriers: Food Haul, Inc. is authorized to operate as a contract carrier within PA. Application has been filed for temporary authority under section 210a(b) of the act.

MC-F-13742F. Authority sought for purchase by RIDER SERVICE, INC., P.O. Box 20225, Goddard Road, Taylor, MI 48180; of a portion of the operating rights of KEY LINE FREIGHT, INC., 15 Andre Street SE, Grand Rapids, MI 49507, and for acquisition by MC-145029F, to operate as a common carrier in MI, IN, IL, WI, IA, MO, PA, and WV. Applicant’s representative: Donald J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Operating rights sought to be purchased: iron and steel products, as a common carrier over irregular routes between Gibralter, MI, on the one hand, and, on the others, Evansville and Vincennes, IN, points in IN on and north of U.S. Hwy 40, those in IL on and north of a line beginning at the IN-IL State line and extending on U.S. Hwy 36 to Springfield, IL, then along IL Hwy 124 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction IL Hwy 103, then along IL Hwy 103 to junction U.S. Hwy 24 to the IL-MO State line, and those in WI on and south of a line beginning at the MN-WI State line and extending along U.S. Hwy 12 to junction WI Hwy 29, then along WI Hwy 29 to Green Bay, WI, and then along U.S. Hwy 141 to Manitowoc, WI. Vendee is authorized to operate as a common carrier in OH, MI, IN, IL, WI, IA, MO, PA, and WV. Application has been filed for temporary authority under section 210a(b) of the act.

MC-F-13743F. Authority sought for purchase by IDA\EL TRUCK LINE, INC., P.O. Box 330, Norton, KS 67654, of a portion of the operating rights of G & H Truck Line, Inc., 8050 Bink's Street, Denver, CO 80208, and for acquisition of control of such rights by R. E. Blickenstaff (same address as applicant), for control of such rights through the transaction. Applicant’s attorney: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha,
NE 68106. Operating rights to be purchased: General commodities, except those of unusual value, high explosives, livestock, household goods as defined by the Commission, commodities in bulk, except hides and commodities in bulk as defined by the Commission, as a common carrier, over irregular routes, between Denver, CO and Pueblo, CO, serving the intermediate points of Colorado Springs, CO, from Denver over U.S. Hwy 85 to Pueblo, and return over the same route. (Hearing site: Denver, CO.)

Note.—Vendee is authorized to conduct operations in IA, KS, MO, NE and CO. No dual operations involved. Application has been filed for temporary authority under section 210a(b).

MC-F-13748F. Authority sought for purchase by KSS TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08902, of the operating rights of K.N.K. Transco, Inc., 930 Brunswick, NJ 08902, of the operating rights of KSS TRANSPORTATION CORP., P.O. Box 11278, Alexandria, VA 22312. Operating rights sought to be purchased: (1) meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, as a common carrier over irregular routes, from the plantsites and storage facilities of Wilson-Sinclair Co. at Cedar Rapids, IA, with no transportation for compensation on return except as otherwise authorized. Restriction: The authorities granted herein are restricted to the transportation of traffic originating at the plant site or storage facilities utilized by Wilson-Sinclair Co. at Albert Lea, MN and destined to the above-named destination points; (2) meats, meat products, and meat byproducts, and articles distributed by meat packinghouses (except hides and commodities in bulk), as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, as a common carrier over irregular routes, from the plantsite and storage facilities of Wilson-Sinclair Co. at Cedar Rapids, IA, with no transportation for compensation on return except as otherwise authorized. Restriction: The authorities granted herein are restricted to the transportation of traffic originating at the plant site or storage facilities utilized by Wilson-Sinclair Co. at Albert Lea, MN and destined to the above-named destination points; (3) meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, except hides and commodities in bulk, as a common carrier over irregular routes, from the plantsites and storage facilities of Spencer Foods, Inc., located at or near Spencer, Hartley, and Cherokee, IA, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VT, WA, and VA. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the named origin facilities, and destined to points within the named destination states; (4) meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, except hides and commodities in bulk, as a common carrier over irregular routes, from the plantsites and storage facilities of Spencer Foods, Inc., located at or near Spencer, Hartley, and Cherokee, IA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, WA, and VA, with no transportation for compensation on return, except as otherwise authorized. Restriction: The authorities granted herein are restricted to the transportation of traffic originating at the above-named points and destined to the above-named destinations. Vendee is authorized to operate as a contract carrier from Metuchen, North Brunswick, Newark, and Linden, NJ, on the one hand, and, on the other, points within the United States (except AK and HI). Approval of this transaction will result in dual operations. Application has been filed for Temporary Authority under section 210a(b).

MC-F-13749F. Authority sought for purchase by EDSON EXPRESS, INC., 1290 Boston Avenue, Longmont, CO 80501, of a portion of the operating rights of RINGSBY TRUCK LINES, INC., P.O. Box 7240, Denver, CO 80207, and for acquisition by Jack E. Edson, Jack B. Edson, Marjorie J. Edson, Jack E. Edson, Jr., Michael P. Edson and R. Sage, Major, Sage & King, P.O. Box 11278, Alexandria, VA 22312. Operating rights sought to be purchased: A portion of Certificate MC 52709 authorizing the transportation of: General commodities, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over regular routes, between Fort Collins, CO and Ault, CO, serving no intermediate points; from Fort Collins, CO over CO Hwy 14 to Ault, CO, and return over the same route; between Greeley, CO and Loveland, CO, serving no intermediate points; from Greeley, CO over U.S. Hwy 34 to Ft. Collins, CO, and return over the same route; between Denver, CO and Cheyenne, WY, serving all intermediate points: from Denver, CO over U.S. Hwy 87 (formerly U.S. Hwy 50) to Loveland, CO, and return over the same route; between Fort Collins, CO and Cheyenne, WY, and return over the same route. Application has been filed for temporary authority under section 210a(b). Vendee is authorized to operate as a common carrier in Colorado.
authorized to transport passengers and their baggage in special operations between Milwaukee, WI and Wonder Lake, IL and between points in Milwaukee County, WI and points in Cook County, IL. On June 8, 1978, the Commissioner of BADGER COACHES, INC. authority to operate in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment) (1) between points in IL on and east of a line beginning at the WI-IL boundary, then along IL Hwy 26 to its junction with IL Hwy 71, then along IL Hwy 71 to its junction with IL Hwy 26, then along IL Hwy 71 to its junction with U.S. Hwy 51, then along U.S. Hwy 51 to its junction with IL Hwy 17, then along IL Hwy 17 to its junction with the IL-IN State line, and (2) between all points in (1) above, on the one hand, and, on the other, points in IL. (Hearing site: Chicago, IL.)

Note.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity. This matter is directly related to a section 5(2) finance proceeding docketed MC-P-13735F, published in a previous section of this Federal Register issue.

Motor Carrier Intrastate Application(s) Directly Related to Finance Proceedings

The following applications(s) for motor carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), and include other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket 58344, filed September 8, 1978. Applicant: PINO FREIGHTWAYS, INC., 125 Piedmont Ave, San Francisco, CA 94111. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General merchandise, (1) goods which are not otherwise subject to federal regulation, such as: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) liquids, compressed gases, commodities in semi-liquid form and commodities in suspended state in bulk, in tank trucks, tank trailers, tank semi-trailers and a combination of such highway vehicles; (d) commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) logs; (g) fresh fruits and vegetables; (h) articles of extraordinary value; (i) automobiles, trucks, busses, and trailer coaches and campers. Between all points and places in the San Francisco territory, as described in Note A, and between all points within 10 miles of any point therein. In performing the service, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of the service.

Note A

San Francisco territory includes all of the city of San Jose and that area embracing the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) liquids, compressed gases, commodities in semi-liquid form and commodities in suspended state in bulk, in tank trucks, tank trailers, tank semi-trailers and a combination of such highway vehicles; (d) commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) logs; (g) fresh fruits and vegetables; (h) articles of extraordinary value; (i) automobiles, trucks, busses, and trailer coaches and campers. Between all points and places in the San Francisco territory, as described in Note A, and between all points within 10 miles of any point therein. In performing the service, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of the service.
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land Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard to Warren Boulevard); northerly along Mission Boulevard and MacArthur Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Hwy 13); northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; westerly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly, and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Hwy 123); northerly along San Pablo Avenue to and including the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate, and foreign commerce authority sought. Hearing: date, time, and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, California State Building, 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Georgia Docket 9186-M, filed May 9, 1978. Applicant: ATLANTA DISPATCH AND DISTRIBUTION, INC., 4779 Fulton Boulevard, Atlanta, GA 30326. Representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE, Atlanta, GA 30326. Certificate of convenience and necessity sought to operate a freight service, over regular routes, as follows: Transportation of: General commodities (except class A and B); general merchandise; foodstuffs as defined by the Commission, commodities in bulk and commodities requiring special equipment or handling); (1) between all points in Maury County, TN, on the one hand, and, on the other, Nashville, TN, over U.S. Hwy 41; with alternate use of Interstate 65 for convenience, with closed doors between Maury County, TN, and Nashville, TN, and (2) between all points in Maury County, TN, and Nashville, TN, over U.S. Hwy 41; thence over U.S. Hwy 431 to junction of U.S. Hwy 64; thence over U.S. Hwy 64 to junction of Interstate 24; thence over Interstate 24 to junction of State Rte. 28; thence over State Rte. 28 to the junction of U.S. Hwys 41, 64, and 72; thence over U.S. Hwys 41, 64, and 72 to junction of Interstate 24; thence over Interstate 24 to Chattanooga, TN, and return over same route; with closed doors between Maury County, TN, and Chattanooga, TN; and co-extensive authority in interstate and foreign commerce pursuant to section 206(a)(6) of the Interstate Commerce Act; restricted against through service between Nashville, TN, and Chattanooga, TN. Intrastate, interstate, and foreign commerce authority sought. Hearing: October 13, 1978, at 9:30 a.m., C1-110 Cordell Hull Building, Nashville, TN. Requests for procedural information should be addressed to Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission. By the Commission.

H. G. HOMME, JR., Acting Secretary.

[FR Doc. 78-28026 filed 10-4-78; 8:45 am]

[7035-01]

[Notice No. 725]

ASSIGNMENT OF HEARINGS


Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, and interested parties should take appropriate steps to insure that they are notified of can-

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cellation or postponements of hearings in which they are interested.

No. 36867, Nevada Power Co. v. Union Pacific Railroad Co., et al., now assigned for hearing on October 10, 1978, at Las Vegas, Nev., is postponed to October 30, 1978 (4 days), at Las Vegas, Nev., in a hearing room to be later designated.

No. 36874, Notice of Initial File Divisions Complaint by Long Island Rail Road Co., now being assigned for continued prehearing conference on October 12, 1978, at the Office of the Interstate Commerce Commission, Washington, D.C.

No. MC 59531 (Sub-107P), Auto Convoy Co., now assigned for hearing on October 10, 1978, at Denver, Colo., is postponed indefinitely.

No. MC-P-13434, Central Transfer Co.—Purchase (Portion)—Robert Emanuel and Margaret Emanuel d.b.a. Emanuel's Express and No. MC 1403 (Sub-No. 4), now being assigned for continued hearing on October 4, 1978 (3 days), at Philadelphia, Pa., Room 2609, Courthouse, 600 Market Street.

H. G. Homme, Jr., Acting Secretary.

(FR Doc. 78-28155 Filed 10-4-78; 8:45 am)

[7035-01]

[Disaster Decision No. 14; Sub-No. 11]

SOUTHERN PACIFIC TRANSPORTATION CO. AND NORTHWESTERN PACIFIC RAILROAD CO.

Decided October 2, 1978.

An application has been filed jointly by the Southern Pacific Transportation Co. (SP) and the Northwestern Pacific Railroad Co. (NWP) seeking authority under section 22 of the Interstate Commerce Act to publish allowances in order to provide reduced rates to shippers or receivers in California. The application is filed pursuant to section 6 upon not less than one day's notice and authority to publish in blanket supplements with relief from Rule 9(e) of Tariff Circular 20 (49 CFR 1300.9) to publish in a separate non-counting supplement, all the authority granted herein to expire with December 12, 1978.

The class of persons entitled to such allowances are shippers or receivers via the NWP and the AMR who, because of the fire in a tunnel, assume that it will be difficult to transport freight by highway to or from the SP stations Girvan and Anderson, Calif.

During the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates established at some routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under authority of this order.

Any tariffs or tariff provisions published under this authority shall make reference to this decision by number and date.

Notice to the affected railroads and the general public shall be given by depositing a copy of this decision in the Office of the Acting Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register. Copies will be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga.; the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, Ill., and the Vice-President, Economics and Finance Department of the Association of American Railroads, Washington, D.C.

By the Commission, Betty Jo Christian, Vice Chairman.

H. G. Homme, Jr., Acting Secretary.

(FR Doc. 78-28156 Filed 10-4-78; 8:45 am)

[7035-01]

(Finance Docket No. 28862)

WILLAMINA AND GRAND RONDE RAILROAD CO.

Acquisition and Operation

Willamina and Grand Ronde Railroad Co., P.O. Box 5724, San Bernardino, CA, hereby give notice that on the 25th day of September, 1978, it filed with the Interstate Commerce Commission at Washington, DC an application under section 1(18) of the Interstate Commerce Act for a decision approving and authorizing the acquisition and operation of a line of railroad owned by the Longview, Portland and Northern Railroad Co., extending westward from the Southern Pacific Transportation Co. interchange trackage in Willamina, OR, to the end of trackage at Grand Ronde, OR, a distance of 9.89 miles in Polk and Yamhill Counties, OR, which application is assigned Finance Docket No. 28862.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation of National Environmental Policy Act, 1969, 352 I.C.C. 451(1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned application, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. Homme, Jr., Acting Secretary.

(FR Doc. 78-28158 Filed 10-4-78; 8:45 am)

[7035-01]

[Notice No. 111]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission by November 6, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with
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purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-142902, issued April 6, 1978, as follows: Household goods, between St. Charles, MO and Grinnell, IA; and empty malt-beverage containers, from St. Charles, MO to Grinnell, IA; and, on the other, points in IL. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77811, filed August 17, 1978.
Transferee: KERMIT CONTRACTORS, INC., 1047 South Poplar (Box 751), Kermit, TX 79745. Transferor: Charles Wright and C. Weldon Wright, a partnership, d.b.a. Charles Wright Lease Work & Construction, South Highway (Drawer V), Kermit, TX 79745. Representative: Robert Scogin, 211 North Oak, P.O. Box 920, Kermit, TX 79745. Authority sought for purchase of the operating rights of transferor as set forth in Certificate of Registration No. MC-89320 (Sub-1), issued January 26, 1976, as follows: Wrecked and disabled motor vehicles and replacement vehicles therefor, by use of wrecker equipment only, in truckaway service, over irregular routes, between points in VA on the one hand, and, on the other, points in DE, GA, MD (except points in the Baltimore, MD, commercial zone, as defined by the Commission), NJ, NY, NC, PA, SC, TN, VT, WV, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

Transferee: CTC VAN LINES INC., 134-41 Springfield Boulevard, Springfield Gardens, NY. Transferor: Columbus Moving & Shipping Co., Inc. 1029 East 167th Street, Bronx, NY 10459. Representative: Bruce J. Robbins, Esq., Robbins & Newman, 118-21 Queens Boulevard, Forest Hills, NY 11375. Authority sought for purchase of the operating rights set forth in Certificate No. MC-78928, issued November 27, 1974, as follows: Household goods, between New York, NY on the one hand, and, on the other, points in CT, NY, NJ, PA, and MA; between NY, NY on the one hand, and, on the other, points in DE, MD, VA, OH, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for section 210a(b) authority.

Transferee: EUGENE ALLEN KINCAID, 676A Main Street, Laconia, NH 03246. Transferor: Abraham Dadian, d.b.a. E. J. Pelletier & Son, 676A Main Street, Laconia, NH 03246. Representative: Eugene A. Kincaid, 108 Ridgefield Road, Wilton, CT 06897. Authority sought for purchase of transferor of the operating rights of transferor as set forth in Certificate No. MC-17814 issued November 27, 1974, as follows: Such merchandise as is dealt in by wholesale, retail, and chain grocery stores and food business houses, from railroad and rail sidings in Laconia, NH to Wells River, and White River Junction, VT, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized is subject to the condition that shipments transported by said carrier shall be confined to those having an immediately prior movement by railroad in carload lots. (2) Such merchandise as is dealt in by wholesale, retail, and chain grocery stores and food business houses, from Laconia, NH to points in Belknap, Carroll, Grafton, Merrimack, and Strafford Counties, NH, with no transportation for compensation on return except as otherwise authorized. (3) Household goods, between points in Belknap County, NH, on the one hand, and, on the other, points in VT, MA, RI, and CT. (4) Household goods, as defined by the Commission, between points in Belknap County, NH, on the one hand, and, on the other, points in ME and NY. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77830, filed September 18, 1978.
Transferee: HOWARD LARRIMORE, INC., Morgner Road, Chester­town, MD 21630. Transferor: Hollow Moving, Inc., Box 196A Earlville, MD 21819. Representative: Chester A. Zyblut, Esquire, 366 Executive Building, Washington, DC 20005. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-134116 and Sub-1, issued March 30, 1971, as follows: (1) Used household goods, between points in New Castle County, DE, Cecil and Harford Counties, MD, Chester, DE, Lancaster, Montgomery and Philadelphia Counties, PA, and Gloucester, Salem and Cumberland Counties, NJ; and (2) household goods between points in Carolina, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties, MD, on the one hand, and,
The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and are hereby given as provided in such rules.

The following applicants seek to operate as a common carrier, by motor vehicles, over irregular routes.

The following letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a common carrier, by motor vehicles, over irregular routes.
connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof, between points in TX and points in the States of IL, IN, OH, and KY; (b) between points in TX and points in MO on and east of a line beginning at MO Hwy 15, then south along MO Hwy 15 to junction MO Hwy 32 to junction MO Hwy 19, then south along MO Hwy 19 to junction MO Hwy 49, then southeast along MO Hwy 49 to junction MO Hwy 21, then south along MO Hwy 21 to the MO-AR State line, (c) between points in TX and points in IA on and east of U.S. Hwy 63, and (d) between points in TX and points in TN on and east of a line beginning at the TN-MS State line, and extending along U.S. Hwy 45 to the Junction TN Hwy 20, then southwest along TN Hwy 20 to the TN-MS State line. (Gateway eliminated: points in MO on and east of U.S. Hwy 61 and 67.)

MC 106844 (Sub-E59), filed February 10, 1975. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road NW., Atlanta, GA 30318, Representative: Guy H. Postell, Ste. 713, 3384 Peachtree Road NE., Atlanta, GA 30326. (1) Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith and (2) commodities, the transportation of which because of size or weight or shape require the use of special equipment or special handling, with operations in (1) and (2) above restricted against the transportation of pipe, pipeline machinery, equipment, and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof, between points in TX on and east of U.S. Hwy 63 and (d) between points in TX and points in TN on and east of a line beginning at the TN-MS State line, and extending along U.S. Hwy 45 to the Junction TN Hwy 20, then southwest along TN Hwy 20 to the TN-MS State line. (Gateway eliminated: points in MO on and east of U.S. Hwy 61 and 67.)
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bus, OH 43215. **Structural steel and iron and steel angles, bars, channels, conduit, lath, piping, pipe, posts, rails, rods, roofing, tubing and wire in coils, between points in Cambria County, PA, on the one hand, and, on the other, points in VA on and west of a line beginning at the WV-VA State line, and extending along U.S. Hwy 250, then east along U.S. Hwy 522, then junction U.S. Hwy 29, then south along U.S. Hwy 29 to the VA-NC State line. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.** (Gateway eliminated: Clarksburg, WV and 50 miles within Clarksburg, WV.)

MC 112304 (Sub-E620), filed July 11, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. **Structural steel and iron and steel angles, bars, channels, conduit, lath, piping, pipe, posts, rails, rods, roofing, tubing and wire in coils, between points in Blair County, PA, on the one hand, and, on the other, points in VA on and west of a line beginning at the WV-VA State line, and extending along U.S. Hwy 250, then south along U.S. Hwy 29 to the VA-NC State line. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.** (Gateway eliminated: Clarksburg, WV and 50 miles within Clarksburg, WV.)

MC 112304 (Sub-E621), filed July 11, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. **Structural steel and iron and steel angles, bars, channels, conduit, lath, piping, pipe, posts, rails, rods, roofing, tubing and wire in coils, between points in Armstrong County, PA, on the one hand, and, on the other, points in VA on and south of a line beginning at the WV-VA State line, and extending along U.S. Hwy 250, then south along U.S. Hwy 29 to the WV-NC State line. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.** (Gateway eliminated: Clarksburg, WV and 50 miles within Clarksburg, WV.)

MC 112304 (Sub-E622), filed July 11, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. **Guard rail and component parts, from points in Cuyahoga, Summit, Stark, Carroll, Harrison, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Lake, Geauga, and Portage Counties, OH, to points in IA. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.** (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E623), filed July 11, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. **Guard rail and component parts, from points in Cuyahoga, Summit, Stark, Carroll, Harrison, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Lake, Geauga, and Portage Counties, OH, to points in IA. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.** (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E624), filed July 11, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. **Guard rail and component parts, from points in Cuyahoga, Summit, Stark, Carroll, Harrison, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Lake, Geauga, and Portage Counties, OH, to points in IA. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.** (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E625), filed July 11, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. **Guard rail and component parts, from points in Cuyahoga, Summit, Stark, Carroll, Harrison, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Lake, Geauga, and Portage Counties, OH, to points in IA. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.** (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E626), filed July 11, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. **Guard rail and component parts, from points in Cuyahoga, Summit, Stark, Carroll, Harrison, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Lake, Geauga, and Portage Counties, OH, to points in IA. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.** (Gateway eliminated: Lima, OH.)

MC 112304 (Sub-E627), filed July 11, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. **Representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. **Guard rail and component parts, from points in Cuyahoga, Summit, Stark, Carroll, Harrison, Jefferson, Columbiana, Mahoning, Trumbull, Ashtabula, Lake, Geauga, and Portage Counties, OH, to points in IA. Limitation: The certificate in MC 112304 Sub-65 shall be of no further force and effect after August 9, 1980.** (Gateway eliminated: Lima, OH.)

MC 123407 (Sub-E448), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). **Gypsum products, building materials, and insulating materials, and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from the facilities of Georgia-Pacific Corp. at Taylorsville, MS, to points in WA, OR, ID, NV, CA; points in and north of Iowa and Kern and Ventura Counties, UT; points in WY; points in CO (except points in Costillo, Las Animas, Baca, Bent and Prowers Counties), points in MI, OH, PA, NY, VT, NH, ME, NJ, CT, MA, and RI. (Gateway eliminated: IL.)**

MC 123407 (Sub-E450), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). **Gypsum products, building materials, and insulating materials, and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Port Clinton, OH, to points in WA, OR, CA, NV, AZ, UT, WY, CO, NM, KS, MO, and ID. (Gateway eliminated: IL.)**

MC 123407 (Sub-E451), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). **Gypsum products, building materials, and insulating materials, and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Port Clinton, OH, to points in TX, OK, AR, LA, Memphis, TN, and Greenville, Vicksburg, and Natchez, MS. (Gateway eliminated: IL.)**
MCG 123407 (Sub-E452), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Prefabricated buildings, complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by rail, or by air, from points in AR, LA, WA, or OR, to points in NE-CO State line, and extending along U.S. Hwy 50 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to junction US 50, then north along U.S. Hwy 25 to Denver, then north along U.S. Hwy 6 to the NE-CO State line, to points in IN. (Gateway eliminated: Gateway: Lincoln, NE.)

MCG 123407 (Sub-E453), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Prefabricated buildings, complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by rail, or by air, from points in AZ, CA, CO, ID, NV, OR, UT, WA, and WY, restricted to the transportation of traffic originating at the facilities of National Gypsum Co. (Gateway eliminated: points in IL, except points in IL in the St. Louis, MO-East St. Louis, IL Commercial zone and the Chicago, IL Commercial zone as defined by the Commission).

MCG 123407 (Sub-E457), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Metal building materials, and parts, materials, and accessories incidental to the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by rail, or by air, from points in WA, to points in IN, MI, and OH. (Gateway eliminated: Litchfield, MN.)

MCG 123407 (Sub-E458), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition building board and composition ceiling tile, and supplies and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by rail, or by air, from points in CO, or north of a line beginning at the NM-CO State line, and extending along U.S. Hwy 550 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to junction U.S. Hwy 25, then north along U.S. Hwy 25 to Denver, then north along U.S. Hwy 6 to the NE-CO State line, to points in IN. (Gateway eliminated: Lincoln, NE.)

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as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in KS to those points in MO on and north of a line beginning at the IL-IN State line, extending along U.S. Hwy 150 to the NM-TX State line. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E469), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in KY to those points in OR on and north of I Hwy 15 to the IN-OH State line. (Gateway eliminated: Custer, SD.)

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MC 123407 (Sub-E468), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in KY to those points in OR on and north of I Hwy 15 to the IN-OH State line. (Gateway eliminated: Custer, SD.)

MC 123407 (Sub-E467), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in KY to those points in OR on and north of I Hwy 15 to the IN-OH State line. (Gateway eliminated: Custer, SD.)

MC 123407 (Sub-E466), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in KY to those points in OR on and north of I Hwy 15 to the IN-OH State line. (Gateway eliminated: Custer, SD.)

MC 123407 (Sub-E443), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in KY to those points in OR on and north of I Hwy 15 to the IN-OH State line. (Gateway eliminated: Custer, SD.)

MC 123407 (Sub-E444), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in KY to those points in OR on and north of I Hwy 15 to the IN-OH State line. (Gateway eliminated: Custer, SD.)

MC 123407 (Sub-E445), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in KY to those points in OR on and north of I Hwy 15 to the IN-OH State line. (Gateway eliminated: Custer, SD.)

MC 123407 (Sub-E446), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in AR to those points in IN on and north of U.S. Hwy 24. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E470), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in CO to those points in IN on and north of a line beginning at the IL-IN State line, and extending along U.S. Hwy 40 to junction IN Hwy 46, then along IN Hwy 46 to junction IN Hwy 31, then along IN Hwy 31 to junction U.S. Hwy 6150, then U.S. Hwy 150 to the IN-KY State line. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E471), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in NM on and west of a line beginning at the CO-NM State line, and extending along U.S. Hwy 285 to junction NM Hwy 14, then along NM Hwy 14 to junction U.S. Hwy 54, then along U.S. Hwy 54 to the NM-TX State line, to points in IN. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E472), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in NM on and north of I Hwy 40, to those points in IN on and north of U.S. Hwy 150. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E473), filed July 25, 1978. Applicant: SAWYER TRANS­PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Represent­ative: Richard L. Loftus (same as above). Roofing and roofing materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in NM on and north of I Hwy 40, to those points in IN on and north of U.S. Hwy 150. (Gateway eliminated: Wilmington, IL.)
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equipment and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in OH, to points in WY (except Laramie, Goshen, Platte, and Carbon Counties). (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E477), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition board and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having immediately prior or subsequent movement by water, or water-rail or by air, from the facilities of the Celotex Corp., at Marrero, LA, to points in CT, RI, MA, VT, NH, ME, WA, OR, ID, WY; those points in CO in and north of Mesa, Pitkin, Chaffee, Park, Teller, El Paso, Lincoln, and Kit Carson Counties; those points in UT in and north of Millard, Sevier, Carbon, and Vintah Counties; those points in NV in and North of Mineral, Eureka, and White Pine Counties; and those points in CA in and north of Monterey, Fresno, and Mono Counties. (Gateway eliminated: Points in IL.)

MC 123407 (Sub-E478), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Prefabricated buildings (except when special equipment is required) in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail, or by air, from Greenville, MS, to points in IN, MI, OH, KY, NY, PA, WV, VA, MD, DE, NJ, CT, RI, MA, VT, NH, ME, UT, ID, OR, WA, CA (except Imperial, San Diego, Riverside, Los Angeles, Ventura, San Bernardino, and Orange Counties), NV (except Nye County), CO (except Weld County), KS (except Sedgwick County), KS-Co State line, and extending east and south of a line beginning at the KS-Co State line, and extending along U.S. Hwy 36 to junction I Hwy 70, then along I Hwy 70 to the CO-UT State line. (Gateway eliminated: Points in IL.)

MC 123407 (Sub-E479), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Prefabricated buildings, complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from Baltimore, MD, to those points in CO in and west of Logan, Morgan, Adams, Arapahoe, Elbert, El Paso, Las Animas, Otero, Bernalillo, and Saguache Counties. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E480), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Prefabricated buildings, complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail, or by air, from Wilmington, DE, to points in CO (except Cheyenne, Kiowa, Crowley, Otero, Bent, Fowlers, Baca, and Las Animas Counties). (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E481), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plastic pipe and plastic products (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail, or by air, from Federalsburg, MD, to points in WA, OR, CA, ID, NV, UT, and AZ, restricted against the transportation of oilfield commodities as described in Mercer Extension—Oilfield Commodities, 74 MCC 450, and further restricted against the transportation of pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, (d) the injection of removal of commodities into or from holes or wells, from Hasting, NE, to points in MT, WY, CO, NM, ND, SD, NE, KS, OK, and TX. (Gateway eliminated: Points in IL.)

MC 123407 (Sub-E483), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Wallboard, pulpboard and hardboard (except commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or water-rail, or by air, from Wilmington, DE, to points in WA, OR, and ID, to points in

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W.I. (Gateway eliminated: Superior, WI.)

MC 123407 (Sub-E485), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Prefabricated buildings, complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from Philadelphia, PA, to points in CO (except Cheyenne, Kiowa, Prowers, Bent, and Baca Counties). (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E486), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Prefabricated buildings, complete, knocked down, or in sections, including all component parts, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from Cleveland, OH, to those points in CO in and west of Weld, Morgan, Adams, Arapahoe, Elbert, El Paso, Pueblo, Huerfano, and Costilla Counties. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E487), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition board and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from Cleveland, OH, to those points in CO in and west of Weld, Morgan, Adams, Arapahoe, Elbert, El Paso, Pueblo, Huerfano, and Costilla Counties. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E491), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition board and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from the facilities of the Abitibi Corp. at Roaring River, NC, to points in WA, OR, CA, ID, UT, AZ, WY, and NM. (Gateway eliminated: Points in IL.)

MC 123407 (Sub-E492), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition board and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from those points in CO in and north of the counties of Cheyenne, Lincoln, El Paso, Teller, Park, Lake, Pitkin, Delta, and Mesa, to points in MS. (Gateway eliminated: Facilities of Certain-Teed Products, East St. Louis, IL.)

MC 123407 (Sub-E499), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Charcoal briquettes, lignite char fireplace logs, lighter fluid, and barbecue grill base materials (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, to points in MI, IN, OH, KY, and MO. (Gateway eliminated: Facilities of Husky Briquetting, Inc., near Isanti, MN.)

MC 123407 (Sub-E500), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Charcoal briquettes, lignite char fireplace logs, lighter fluid, and barbecue grill base materials (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in OR and ID, to points in KS and OK. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E494), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition board and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in KS, OK, and CT, to points in KS, OK, and those points in MO on and north of U.S. Hwy 24. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E495), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition board and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in OH and IN on and north of I Hwy 80, to points in MI, IN, OH, KY, and MO. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E501), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Building materials and materials used in the installation and application of such commodities (except iron and steel, and commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in CO in and north of the counties of Cheyenne, Lincoln, El Paso, Teller, Park, Lake, Pitkin, Delta, and Mesa, to points in MS. (Gateway eliminated: Facilities of Certain-Teed Products, East St. Louis, IL.)

MC 123407 (Sub-E501), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Building materials and materials used in the installation and application of such commodities (except iron and steel, and commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in CO in and north of the counties of Cheyenne, Lincoln, El Paso, Teller, Park, Lake, Pitkin, Delta, and Mesa, to points in MS. (Gateway eliminated: Facilities of Certain-Teed Products, East St. Louis, IL.)

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by water-rail, or by air, from those points in NV north of a line beginning at the CA-NV State line, and extending along I Hwy 80 to junction U.S. Hwy Alt. 50, then along U.S. Hwy Alt. 50 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the NV-UT State line, to points in MS. (Gateway eliminated: Facilities of Certain-Teed Products, at East St. Louis, IL.)

MC 123407 (Sub-E502), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Roofing, building, and paving materials (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Brookville, IN, to those points in MO in and south of Cape Girardeau, Bolinger, Madison, Iron, Reynolds, Shannon, Texas, Wright, Greene, Lawrence, Webster, and Jasper Counties, AL. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E503), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Roofing, building, and paving materials (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Brookville, IN, to those points in MO in and south of Cape Girardeau, Bolinger, Madison, Iron, Reynolds, Shannon, Texas, Wright, Greene, Lawrence, Webster, and Jasper Counties. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E504), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Roofing, building, and paving materials (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Brookville, IN, to those points in KS in and south of Sherman, Thomas, Sheridan, Graham, Rooks, Russell, Ellsworth, Saline, Marion, Chase, Greenwood, Woodson, Allen, and Bourbon Counties. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E505), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Materials and supplies used in the manufacture, or roofing, building, and paving materials (except commodities in bulk, lumber, chemicals and commodities the transportation of which because of size or weight require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in and south of Sherman, Thomas, Sheridan, Graham, Rooks, Russell, Ellsworth, Saline, Marion, Chase, Greenwood, Woodson, Allen, and Bourbon Counties, KS, to Brookville, IN. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E506), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Roofing, building, and paving materials (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in MO in and south of the counties of Cape Girardeau, Bolinger, Madison, Iron, Reynolds, Shannon, Texas, Wright, Greene, Lawrence, Webster, and Jasper Counties, to Brookville, IN. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E507), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Precast concrete structures (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in Baldwin, Mobile, Union, and Baldwin Counties, AL. (Gateway eliminated: Cairo, IL.)

MC 123407 (Sub-E508), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Roofing, building, and paving materials (except commodities in bulk, lumber, chemicals and commodities the transportation of which because of size or weight require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from those points in CA in and north of I Hwy 8 and 202. (Gateway eliminated: Calumet City, IL.)

MC 123407 (Sub-E509), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Materials and supplies used in the manufacture or roofing, building, and paving materials (except commodities in bulk, lumber, chemicals and commodities the transportation of which because of size or weight require the use of special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, OR, CA, ID, NV, UT, AZ, WY, CO, NM, OK, TX, AR, LA, and MS, to Brookville, IN. (Gateway eliminated: Cairo, IL.)
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PORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in AR, OR, ID, CA, NV, UT, AZ, MO, KS, OK, WA, KY, and NM. (Gateway eliminated: IL.)

MC 123407 (Sub-E513), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in CO, OR, ID, CA, NV, UT, AZ, MO, KS, OK, WA, KY, and NM. (Gateway eliminated: IL.)

MC 123407 (Sub-E514), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in AR, on, and west of a line beginning at the MO-AR State line, and extending along U.S. Hwy 67 to the AR-TX State line. (Gateway eliminated: IL.)

MC 123407 (Sub-E515), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in AR, on, and west of a line beginning at the MO-AR State line, and extending along U.S. Hwy 67 to the AR-TX State line. (Gateway eliminated: IL.)

MC 123407 (Sub-E516), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in Fulton, Union, Webster, Calloway, Hickman, Graves, Marshall, McCracken, Ballard, Carlisle, Livingston, Crittenden Counties, KY. (Gateway eliminated: IL.)

MC 123407 (Sub-E517), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in TX on, north and west of a line beginning at Texarkana, TX, and extending along U.S. Hwy 67 to Dallas, then along I Hwy 35 to Laredo, TX. (Gateway eliminated: IL.)

MC 123407 (Sub-E518), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in TX on, north and west of a line beginning at Texarkana, TX, and extending along U.S. Hwy 67 to Dallas, then along I Hwy 35 to Laredo, TX. (Gateway eliminated: IL.)

MC 123407 (Sub-E519), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in TX on, north and west of a line beginning at Texarkana, TX, and extending along U.S. Hwy 67 to Dallas, then along I Hwy 35 to Laredo, TX. (Gateway eliminated: IL.)

MC 123407 (Sub-E520), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in TX on, north and west of a line beginning at Texarkana, TX, and extending along U.S. Hwy 67 to Dallas, then along I Hwy 35 to Laredo, TX. (Gateway eliminated: IL.)

MC 123407 (Sub-E521), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in TX on, north and west of a line beginning at Texarkana, TX, and extending along U.S. Hwy 67 to Dallas, then along I Hwy 35 to Laredo, TX. (Gateway eliminated: IL.)

MC 123407 (Sub-E522), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in TX on, north and west of a line beginning at Texarkana, TX, and extending along U.S. Hwy 67 to Dallas, then along I Hwy 35 to Laredo, TX. (Gateway eliminated: IL.)

MC 123407 (Sub-E523), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in TX on, north and west of a line beginning at Texarkana, TX, and extending along U.S. Hwy 67 to Dallas, then along I Hwy 35 to Laredo, TX. (Gateway eliminated: IL.)

MC 123407 (Sub-E524), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Plywood, composition board, and wood moldings (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Orangeburg, SC, to points in TX on, north and west of a line beginning at Texarkana, TX, and extending along U.S. Hwy 67 to Dallas, then along I Hwy 35 to Laredo, TX. (Gateway eliminated: IL.)

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quent movement by water, or by water-rail or by air, from points in WA, OR, CA, NV, ID, UT, AZ, WY, CO, and NM, to the facilities of Trus Joist Corp. at Wallingford, WA. (Gateway eliminated: Danville, IL.)

MC 123407 (Sub-E529), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition board and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in IN, OH, PA, KY, TN, MS, AL, and MI and points in LA in and east of Union, Lincoln, Jackson, Winn, Grant, Rapides, Evangeline, Acadia, and Vermilion Parishes. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E530), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Roofing and building materials used in the installation and application of such commodities (except iron and steel, commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in NH, VT, RI, MA, ID, WA, WY, and OR, to points in MS. (Gateway eliminated: facilities of Certain-Teed Products Corp., at East St. Louis, IL.)

MC 123407 (Sub-E531), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Flat glass, glass glazing units and automotive glass (except commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water or water-rail or by air, from points in NH, VT, RI, MA, ID, WA, WY, and OR, to points in MS. (Gateway eliminated: facilities of Certain-Teed Products Corp., at East St. Louis, IL.)

MC 123407 (Sub-E532), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Flat glass, glass glazing units and automotive glass (except commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water or water-rail or by air, from the facilities of FPG Industries, Inc., at Ford City, PA, to points in WA, OR, CA, NV, ID, UT, AZ, and those points in KS on and west of U.S. Hwy 54 and I Hwy 35; those points in west of I Hwy 35; and those points in MO on and north of U.S. Hwy 36. (Gateway eliminated: Jonesville, WI.)

MC 123407 (Sub-E534), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. loftus (same as above). Wallboard, pulpboard and hardboard (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in Crook, Weston, Campbell, Johnson, Sheridan, Big Horn, Teton, Washakie, Park, Hot Springs, Fremont and Sublette Counties, WY, to points in and south of Mason, Lake, Osceola, Clare, Midland, Bay, Tuscola and Huron Counties, MI (except points in south and west of U.S. Hwy 31-33 from St. Joseph to the MI-IN State line.) (Gateway eliminated: Superior, WI.)

MC 123407 (Sub-E535), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition board and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or trailers, having an immediately prior or subsequent movement by water, or water-rail or by air, from points in CA, NV, UT and WY, to points in IN, OH and PA, and the Lower Peninsula of MI. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E536), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Iron and steel articles (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, OR, CA, NV, ID, UT, WY, AZ, CO, NM, and those points in KS on and west of U.S. Hwy 83 and points in TX and Colorado Counties, OK. (Gateway eliminated: Beloit, WI.)

MC 123407 (Sub-E538), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Composition board and materials and accessories used in the installation thereof (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in WA, OR, CA, NV, ID, UT, AZ, CO, and NM, to points in CA and NV, to points in MI. (Gateway eliminated: Superior, WI.)

MC 123407 (Sub-E539), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Wallboard, pulpboard and hardboard (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from points in MI on and north of MI Hwy 55. (Gateway eliminated: Superior, WI.)

MC 123407 (Sub-E559), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Iron and steel; iron and steel articles (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from the facilities of Continental Steel Corp. at Kokomo, IN, to points in WA, OR, CA, ID, NV, UT, WY, AZ, CO, NM, and those points in NM, to points in NV, to points in CA and NV.
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MC 123407 (Sub-E569), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). Fabricated steel (except commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, by water-rail or by air, from the facilities of Henderson Steel Corp. at Lauderdale County, MS, to points in ME, RI, VT, NH, MA, CT, WA, OR, CA, ID, NV, UT, WY, CO, KS, points in NJ on and north of NJ Hwy 33; points in AZ on and north of Interstate Hwy 40 and points in NM on and north of U.S. Hwy 64. (Gateway eliminated: Cabo, IL.)

MC 123407 (Sub-E607), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Building materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from, to or between Alabama, CA, NV, UT, CO, AZ, NM, OK, TX, KS, OK, points in MO on and north of U.S. Hwy 24, and points in AR on and west of U.S. Hwy 71. (Gateway eliminated: Warren, IL.)

MC 123407 (Sub-E571), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Building materials (except commodities in bulk and commodities requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, between Burns Harbor, IN, on the one hand, and, on the other, points in WA, OR, ID, CA, NV, UT, CO, AZ, NM, OK, TX, and KS except Cherokee and Crawford Counties. (Gateway eliminated: Warren, IL.)

MC 123407 (Sub-E572), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (Same as above). Building materials (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subsequent movement by water, by water-rail or by air, between San Diego, CA, on the one hand, and, on the other, points in Albany, Laramie, Platte, Goshen, Niobrara, Converse, Weston, Campbell and Crook Counties, WY. (Gateway eliminated: Bushnell, NE.)
COMPETITIVE NATIONAL VISTA GRANTS

Proposed Procedures

AGENCY: ACTION.

ACTION: Proposed notice of competitive national VISTA grants.

SUMMARY: The following proposed notice sets out the competitive procedure under which applications for national VISTA grants will be accepted and reviewed in fiscal year 1979. The notice describes the program purpose, applicant eligibility, grant scope, selection criteria and application review procedures for national VISTA grants.

In accordance with ACTION's response to Executive Order 12044 ("Improving Government Regulations"), a working group met on August 25, 1978 and determined that a regulation was necessary to achieve the purposes of this notice, but that the alternative of a guideline was sufficient. In addition, because the group determined that the notice affects an important Agency program (VISTA) and imposes substantial compliance and reporting requirements, it was decided that the notice was significant and therefore should be published in proposed form for a 60-day period during which written comments would be accepted and regional meetings held for public discussion and input.

In order to allow sufficient time for an orderly and yet comprehensive review of all fiscal year 1979 applications, VISTA has set December 16, 1978 as the date by which all such applications must be submitted to ACTION. Under the 60-day comment period, however, this notice will not be finalized in time for that deadline.

The working group therefore approved the use of the proposed notice as an interim guideline so that the December 16 date could remain intact and the VISTA program not be disrupted. The final guideline, with any changes that have been incorporated as a result of the public comment, will be utilized in all future fiscal years and in the event a second round of applications is solicited in fiscal year 1979.

DATE: Written comments should be submitted no later than December 4, 1978, to Ms. Diana London, VISTA, 806 Connecticut Avenue NW., Washington, D.C. 20525. For information as to dates and locations of regional meetings, contact the appropriate Regional Office listed below.

ACTION—Region I: John W. McCormack Federal Bldg., Room 1420, Boston, Mass. 02116.


ACTION—Region V: 1 North Wacker Dr., Third Floor, Room 322, Chicago, Ill. 60606.

ACTION—Region VII: II Gateway Center, Suite 330, 4th and State, Kansas City, Mo. 64101.

ACTION—Region IX: 161 Main St., Room 353, San Francisco, Calif. 94105.

ACTION—Region II: 25 Federal Plaza, 16th Floor, Suite 1611, New York, N.Y. 10002.

ACTION—Region IV: 103 Main St., Suite 1600, 610 North St. Paul St., Dallas, Tex. 75201.

ACTION—Region VIII: Coleman Bldg., Room 201, 1845 Sherman St., Denver, Colo. 80202.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the provisions of sections 103, 108 and 402(12) of the Domestic Volunteer Service Act of 1973, as amended, Public L. 93-113, title I, part A (42 U.S.C. sections 4953, 4958, 5042(12)), applications will be accepted from eligible organizations wishing to compete for grants in fiscal year 1979 to operate VISTA volunteer programs on a national or multi-regional basis.

Applications are due by close of business on December 16, 1978 in order to be competitively reviewed. Grant awards will be announced on or about April 16, 1979, subject to the availability of fiscal year 1979 funding.

Applications from current national VISTA grantees for second and third year continuation grants are subject to the competitive procedures outlined below. Grantees applying for fourth year continuation grants will be required to follow the procedures outlined below.

Program Purpose

National VISTA grants are made for the purpose of providing full-time VISTA volunteers to sponsoring organizations which are working to alleviate poverty-related human, social and environmental problems on a multi-regional or national basis. VISTA Volunteers are assigned to local offices or project affiliates of the national grantees which are joined together by commonality of program purpose. VISTA will use national grants to impact on the basic human needs of the poor.

The national grantees are required to identify, develop and provide technical assistance to local groups which will serve as project sponsors of the volunteers. The grantees will also provide overall training, technical assistance and management support for the projects' operations.

Eligibility. Applicants for national VISTA grants must be public or private nonprofit incorporated organizations with ability to program full-time volunteers in antipoverty efforts. Applicants must have local offices or project affiliates in two or more of the ten federal domestic regions. Both the applicant organization and its affiliates must have goals that are in accord with VISTA's legislative mission, which is:

- To strengthen and supplement efforts to eliminate poverty and poverty-related human, social and environmental problems in the United States by encouraging and enabling persons from all walks of life and all age groups, including elderly and retired Americans, to perform meaningful and constructive volunteer service in agencies, insti-
NOTICES

Applicants must be able to demonstrate sufficient administrative and fiscal expertise to manage a national grant as well as the capability of providing adequate training, technical assistance, and supervision to the Volunteers and local project affiliates.

C. General criteria for grant selection. Grant applications will be reviewed and evaluated against the general criteria outlined below. Specific evaluation criteria are included in the application kit (see section F below).

1. The proposed project(s) operating at the local level must:
   a. Contribute to the creation of more self-reliant communities by developing in and among the poor the capability of leadership, problem-solving and active participation in the decisionmaking processes which affect their lives;
   b. Have as a method of attacking poverty-related problems (1) the organization of low-income community residents to bring long-term benefits to the community through their own collective efforts or the establishment of an advocacy system controlled and operated by those to be served; or (2) the support of efforts of low-income citizen participation or grassroots advocacy organization(s);
   c. Demonstrate that the goals, objectives, and volunteer tasks are attainable within the timeframe during which the volunteers will be working on the project and will produce a measurable result(s);
   d. To the maximum extent practicable, involve the low-income people to be served in the planning, development, and implementation of the project(s);
   e. Identify resources needed and make them available for volunteers to perform their tasks;
   f. Demonstrate sufficient administrative, supervisory, and fiscal expertise to manage a multiple-unit, geographically-dispersed grant and multi-State volunteer payroll system;
   g. Demonstrate ability to recruit full-time volunteers into the project as appropriate;
   h. Demonstrate ability to provide pre- and in-service training and technical assistance appropriate to VISTA Volunteer assignments.

D. Scope of grant. Subject to the availability of fiscal year 1978 funding, applications for new planning aid, or renewal of volunteer recruitment prior to the twelve (12) months of volunteer service.

A national VISTA grant will cover only the direct costs of operating the project which are: Volunteer recruitment, volunteer allowances and stipends, volunteer payroll administration, volunteer transportation, provision of training and technical assistance, project management and supervisory staff salaries, fringe benefits, staff travel, and postage and reproduction expenses. All other direct costs, as well as all indirect costs, must be borne by the grantee. Grant applications must demonstrate ability of applicant organization to provide these types of support.

Publication of this announcement does not obligate ACTION to award any specific number of grants, or to obligate the entire amount of funds available, or any part thereof, for national VISTA grants. Awards will be made only to the extent that the Director of VISTA deems national grants as the most effective way of using available VISTA funds.

E. Application review process. All eligible applications which have been submitted by the deadline date (see G below) will be reviewed and rated by an ACTION headquarters rating panel composed of a minimum of five (5) ACTION staff members having expertise in volunteer programs operating within low-income communities. No more than two members of the Board shall be members of the VISTA program office appointed by the VISTA Director. The remaining panel members shall be appointed by the Director of ACTION.

The panel shall establish a best qualified list which shall consist of the highest rated applicants in ranked order. The number of applicants on this list may be less than, but may not exceed, twice the number of grants anticipated. To determine that number, the panel will use $250,000 as the average grant size. The Director of VISTA shall select the grantees from the best qualified list.

Prior to making that final selection, the VISTA Director will transmit to the ten ACTION Regional Directors and appropriate State Directors copies of the best qualified list grant applications along with the evaluation criteria used by the panel. The ACTION Regional and State Directors (or their designees) will review and comment on the grant applications with State Directors assessing local project affiliates within their jurisdictions. Regionals, State or State Director(s) will submit written recommendations to the Director of VISTA. These recommendations will be considered by the Director of VISTA in making the final selection of grantees as well as in determining the size and actual composition of each national VISTA grant.

The final selection of National VISTA grantees will be made in accordance with the purposes of the Act, ACTION/VISTA policies and regulations, and within the limits of available funds.

The notice of grant award (NGA) will be made by the Chief of the Grants Branch, Contracts and Grants Management, ACTION. The NGA sets forth in writing the amount of funds granted, the terms and conditions of the grant, the award date, the effective date of the award, and the budget period for which support is given. It also incorporates the project narrative submitted by the grantee and all subsequent project narratives. Volunteer work plans related to local project sites as specified by the VISTA Grant Project Manager.

F. Availability of forms. To be eligible for consideration, an application must be prepared and submitted in accordance with this announcement and with forms, instructions, and program guidelines contained in the National VISTA grant application kit. The application kit may be obtained on October 16, 1978 or thereafter from the Chief, ACTION Grants Branch, Room P-315, 806 Connecticut Avenue NW, Washington, D.C. 20525. To expedite requests, please furnish a self-addressed gummed label, including “Request for Grant Application (RGA) No. 79-01” on the label. Telephone requests will not be honored.

G. Application submission and deadline. One signed original and two (2) copies of all completed applications must be submitted to the Chief, Grants Branch at the above address. Applications are due by close of business on December 11, 1978. All applications received by that date, or postmarked on or before December 8 by the U.S. Postal Service, will be considered.

Applications which do not conform to this announcement, or are received late, or are incomplete, will not be accepted for review.

SAM BROWN, Director, ACTION.

[FR Doc.78-28332 Filed 10-4-78; 11:06 am]
sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409, 5 U.S.C. 552b(e)(3)).

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[6351-01] 1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS:


CHANGES IN THE MEETING: The meeting has been postponed until
Wednesday, October 4, 1978, at 10 a.m.

[S-2016-78 Filed 10-3-78; 10:41 am]

[6714-01] 2

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:15 a.m. on September 29, 1978, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the liquidation of assets acquired by the Corporation from the Hamilton National Bank of Chattanooga, Chattanooga, Tenn. (Case No. 43,524-L).

In calling the meeting, the Board determined, on motion of Director William M. Isaac (Appointive), seconded by Action Chairman John G. Helmann, that Corporation business required its consideration of the matter on less than 7 days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and, that the matter was eligible for consideration in a closed meeting pursuant to subsections (c)(6) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(6) and (c)(9)(B)).


FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-2015-78 Filed 10-3-78; 9:01 am]  

[6570-06] 3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS:
S-1935-78 and S-1989-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Monday, October 2, 1978.

CHANGES IN THE MEETING: Litigation matters previously announced for consideration at the closed portion have been postponed and the entire meeting is open to the public.

The following items have been postponed:

- Freedom of Information Act Appeal Nos. 78-7-P01A-184, and
- Proposed procedures to implement Executive Order 12044, and
- Proposed EEO complaints appeals procedures for Federal employees.

The following item is added to the open portion:

- Proposed resolution commending the Dallas District Office.

A majority of the entire membership of the Commission has determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change.—Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; and Ethel Bent Walsh, Commissioner.

Opposed.—None.

CONTACT PERSON FOR MORE INFORMATION:
Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-534-6748.

This notice issued October 2, 1978.

[S-2012-78 Filed 10-3-78; 9:01 am]

[6715-01] 4

FEDERAL ELECTION COMMISSION.


PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, October 5, 1978, at 10 a.m.

CHANGE IN MEETING: The following item has been added to the open portion of the meeting:

Recordkeeping and reporting of particulars for expenditures—Presidential candidates and authorized committees.

PERSON TO CONTACT FOR INFORMATION:
Mr. David Fiske, Press Officer, telephone 202-523-4085.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-2018-78 Filed 10-3-78; 12:01 pm]

[6740-02] 5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., October 4, 1978.

CHANGE IN THE MEETING: The following items have been added:

- Item No., Docket No., and Company
- ER-3, ER76-39, ER76-340, and ER76-363, Kansas Power & Light Co.
- ER-9, ER76-304, ER76-317, and ER76-498, New England Power Co.
CHANGES IN THE MEETING: The following item has been added to the agenda for the open portion of the meeting:

Concurrent consideration of branch office applications: (1) Home Federal Savings & Loan Association of San Diego, San Diego, Calif.; and (2) Republic Federal Savings & Loan Association, Altadena, Calif.


RONALD A. SNIDER,
Assistant Secretary.
(S-2019-78 Filed 10-3-78, 3:27 pm)

FEDERAL RESERVE SYSTEM
(BOARD OF GOVERNORS)

TIME AND DATE: 11:30 a.m., Monday, October 2, 1978.


STATUS: Closed.

MATTER CONSIDERED:
1. Notice amendments to the grandfather provisions of the Bank Holding Company Act. (This matter was originally announced for a meeting on Friday, September 29, 1978.)
2. Special study—Safe Service Life for Liquid Petroleum Pipelines.
3. Discussion—Lack of national standard for minimum skid number value.

CONTACT PERSON FOR MORE INFORMATION:
Sharon Flemming, 202-472-6022.
(S-2014-78 Filed 10-3-78, 9:01 am)

SECURITIES AND EXCHANGE COMMISSION

“FEDERAL REGISTER” CITATION OF PREVIOUS ANNOUNCEMENT:

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

PREVIOUSLY ANNOUNCED DATE:
Tuesday, October 3, 1978.

CHANGES IN THE MEETING: Deletion of items to be considered.

The following items will not be considered by the Commission at the closed meeting scheduled for Tuesday, October 3, 1978, at 10 a.m.:

Institution of injunctive action. Personnel action.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

(S-2017-78 Filed 10-3-78, 11:05 am)
DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

OPERATIONS REVIEW
PROGRAM AMENDMENT
NO. 6

General Operating and Flight Rules and Related Airworthiness Standards and Crewmember Training
General Operating and Flight Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The purpose of these amendments is to update and improve operations review program, training programs, and airmen. These amendments are part of the operations review program.

DATES: Effective date December 4, 1978, except for section 121.417 which is September 29, 1978. Compliance dates for certain provisions are different than the effective date.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

These amendments are the sixth in a series of amendments to be issued as part of the operations review program. The following amendments of the series have previously been issued as part of the operations review program:

Title and FR Citation
Airspace, Air Traffic and General Operating Rules (to be issued at a later date).
Miscellaneous Amendments (43 FR 22636; May 25, 1978).

These amendments are made to §91.33. See the discussion for proposal 6-1.

Proposal 6-1. The proposed revision of §20.1413 would reflect, in the airworthiness standards, amendments made to §91.33. See the discussion for proposal 6-1.

Proposal 6-5. The proposed revision to §91.4 would have required a person who releases an aircraft for flight to ascertain that the pilot is the first person to determine that the pilot in command has current certificates and ratings as required in the regulations.

A large majority of the comments received were unfavorable. Many commenters objected to the proposal on the basis that current rules make the pilot responsible for being properly certificated and rated for the operation intended and the implementation of the rule would impose an economic burden on the industry. One commenter stated the added responsibility upon the "releaser" would involve third parties in possible litigation and the additional inspections would not bring about an increase in safety commensurate with the effort required.

Proposal 6-8. Current §91.4 requires the pilot in command to ensure that each person on board has been notified, before each takeoff and landing, that person's safety belt.

A number of commenters incorrectly concluded that the proposed rule would require the pilot in command to personally conduct the briefing. The proposed rule would only require the
pilot in command to insure that the passengers are briefed.

One commenter stated that the pilot in command could brief the passengers in the event of an emergency. The FAA believes that, when an emergency develops, the pilot in command would not have the time to brief passengers on how to buckle and unbuckle their safety belts.

A few commenters stated that anybody familiar with automobile seat belts should know how to fasten and unfasten airplane safety belts and, therefore, the briefing is unnecessary. The FAA does not agree. Certain aircraft safety belts are different from those used in automobiles and it cannot be assumed that all passengers are familiar with automobile safety belts.

Since the pilot in command is currently responsible to ensure that persons are notified to fasten their safety belts, the FAA believes that little additional effort will be involved for the pilot in command to also ensure that persons on board are briefed on how to fasten and unfasten their safety belts. Accordingly, § 91.14 is amended as proposed.

Proposal 6-7. Current § 91.21 prohibits a person from operating a civil aircraft for flight instruction unless that aircraft has fully functioning dual controls. The proposed rule would allow the use of a single, functioning, throwover control wheel for instrument flight, instrument flight instruction and simulated instrument flight. The FAA received a large number of favorable responses to this proposal and it is adopted without change.

Proposal 6-8. This proposal would move the 30 minute VFR day fuel reserve requirement, now prescribed in § 91.207 (which applies to large and turbojet-powered multiengine airplanes), to a new § 91.22 so that this requirement would apply to all airplanes. Additionally, fuel requirements would be added for night VFR flight and rotorcraft operation.

Although a number of commenters supported the proposed amendment, a larger number disagreed. Some of those who disagreed stated that the proposed amendment was an attempt to legislate safety in an area which has been governed by common sense. Judging from the increasing number of fuel exhaustion accidents which occur each year, the FAA believes there must be a more precise means to determine an adequate fuel reserve for VFR flight.

A few commenters stated that the fuel requirements are already contained in § 91.5 and that § 91.22 reduces, instead of adds, a requirement. Section 91.5 requires the pilot to be informed regarding "fuel requirements". It does not, however, contain a requirement for fuel reserves beyond the first point of intended landing.

Three commenters favored simplification of the proposed § 91.22 by making the fuel reserves the same for both day and night. One of the commenters favored 1 hour and two favored 30 minutes for both. The FAA believes that the distance between adequately lighted airports warrants the additional fuel reserves for night VFR operation.

One commenter recommended that § 91.22 be made consistent with § 91.23 by using the term "aircraft" instead of "airplane" in § 91.22. The FAA agrees and the term "aircraft" is used in the title to § 91.22.

One commenter suggested that the phrase "normal cruising speed" be used rather than "normal cruising fuel consumption" to make the nomenclature the same as in § 91.23(c). The FAA agrees and § 91.22, as adopted, is revised accordingly.

Proposal 6-9. The purpose of proposed § 91.23 was to simplify flight planning by eliminating the reference to minimum obstruction clearance altitude (MOCA) and minimum enroute IFR altitude (MEA). A number of commenters said that the proposed revision was somewhat simpler than the current rule but that it was still cumbersome. They suggested that it would be much simpler if criteria were established which would require the pilot to determine only that a certain ceiling and visibility would exist 1 hour before and 1 hour after the estimated time of arrival at the airport of first intended landing. Most commenters supported a ceiling of 2,000 feet above the airport elevation and 3 miles visibility. However, a number of commenters recommended ceilings of 2,500 and 3,000 feet and one commenter suggested a visibility of 4 miles. After further review, the FAA believes that, in the interest of simplicity, this proposal should be modified to require only a ceiling of 2,000 feet above the airport elevation and 3 miles visibility for the period 1 hour before and 1 hour after the estimated time of arrival at the first airport of intended landing.

Another commenter stated that the proposed rule would do little or nothing for safety and would be almost impossible to enforce. The FAA does not agree. The FAA believes that the amendment was designed to provide a simpler and less restrictive means for determining fuel requirements and that the amendment is enforceable.

Additionally, § 91.38(b) is amended to make the information required for a flight plan consistent with the ceiling and visibility requirements of § 91.23 as adopted. See proposal 6-16.

One commenter suggested that the word "applicable" used in § 91.23(b)(2)(ii) should be explained. Since § 91.23, as adopted, deletes the reference "applicable visibility minimums", this no longer presents a problem. Section 91.23, as adopted, is revised accordingly.

Proposal 6-10. Current § 91.25(a)(2) requires an operational check of the VOR equipment. This proposal would require an operational check of the VOR equipment within the preceding 10 hours of flight time and within 10 days before flight. Proposed § 91.25(a)(2) and (d) would delete the 10-day requirement and predicate the VOR equipment check requirement on 10 hours of flight time. Numerous commenters pointed out that it would be inconsistent to refer to flight time in § 91.25(a)(2) and to refer, in § 91.25(d), to "tachometer time" and "aircraft time". A number of commenters suggested that only days be used as the guide and a period of 30 days to 90 days would be feasible considering the improved reliability of VOR equipment and the need to reduce the aircraft operator's recordkeeping burden. The FAA agrees. Accordingly, proposed § 91.25(a)(2) is revised to require that the VOR equipment be checked at least every 30 days rather than after 10 hours of flight time.

Since § 91.25(a)(2), as adopted, no longer contains a reference to flight time, there is no longer a need to amend § 91.25(d) to require tachometer time or, in its absence, aircraft time to date. Accordingly, these references are deleted. The FAA believes, after further consideration, that there would be no useful purpose in retaining a permanent record of the VOR equipment check. Therefore, the word "permanent" is deleted in both places where it appears in § 91.25(d) as adopted.

Proposal 6-11. Proposed § 91.29 would require the pilot in command of a civil aircraft to enter in the aircraft log and maintenance record of the aircraft any mechanical discrepancy noted during flight. The majority of commenters opposed the proposed amendment. They stated that the log and maintenance records are permanent records which should not be cluttered with discrepancies attributable to the pilot. The term discrepancy is not defined and, as worded, the proposed amendment stipulates that the discrepancy must be entered in both the aircraft log and maintenance record. They also stated that the proposed rule is unenforceable, the proposed amendment would require the pilot/owners to write a note to themselves and persons operating under part 121, 123, 127, and 135 have established procedures for reporting mechanical irregularities.

After further review and careful consideration of all the comments, the FAA believes that the current regulations are adequate and proposed § 91.29 is withdrawn.

Proposal 6-12. This proposal would amend § 91.33(b)(12) to require safety
belts to have metal to metal latching devices. See the discussion for proposal 6-1. One commenter called our attention to the fact that current § 91.33(b)(12) states "**" approved seat belts for all occupants on the aircraft." Therefore, this amendment states "**" for each occupant **". Since it was not our intention to make this change, the proposal has been amended to use the wording of the current rule.

Proposal 6-13. This proposal would amend § 91.36(b) to require that the equipment be tested to the maximum operating altitude of the aircraft. Almost all of the comments received were favorable. One commenter asked what is meant by maximum operating altitude and stated that a definition is needed somewhere. The definition is contained in §§ 23.1527, 25.1527, 27.1527, and 29.1527 which describe maximum operating altitudes for these functions are also contained in the aircraft flight manual. The proposed amendment is adopted without change.

Proposal 6-14. Proposed § 91.43(a)(3)(ii) would allow a takeoff on a wet runway with one engine inoperative based solely on engineering findings. Several commenters objected to this proposal, contending that the initial approval must be based upon a demonstration under actual conditions. Other commenters stated that one engine inoperative takeoffs from a wet runway should not be allowed on the basis of analytical data alone. In view of these comments and after further review, this proposal is withdrawn.

Proposal 6-15. Proposed § 91.54(a)(2) would require a typed or printed name and address and the signature of the person responsible for operations control of large aircraft. Two commenters concurred with the proposal as written.

One commenter stated it was not necessary for the Government to regulate the manner in which a form is completed. The commenter further stated that, if the form is not completed in a manner acceptable to the FAA, it should be refused. The FAA believes that it should regulate the manner in which the form is completed and that the person making out the form should know in advance what is acceptable to the FAA. Accordingly, proposed § 91.54(a)(2) is adopted without substantive change.

Proposal 6-16. Proposed § 91.83(b), as amended, makes the information required for a flight plan consistent with the ceiling and visibility requirements of amended § 91.23. See the discussion for proposal 6-9.

Proposal 6-17. The proposed change to § 91.183 would require a hand fire extinguisher in the passenger compartment of each airplane accommodating less than 31 passengers.

The commenters who opposed the rule change stated that the fire extinguisher would add weight to the aircraft, would discharge all over the cabin when used, and would create a hazard if it became loose during turbulence. One commenter said that small airplanes which carry up to six passengers often operate at lower altitudes and can, therefore, be landed readily if an in-flight fire starts.

Another commenter had never heard of an in-flight fire except an engine fire, and that a fire extinguisher in the cabin would be of no help in such a situation. In view of the comments and after review, this proposal is withdrawn.

Proposal 6-18. Proposed § 91.201(b) would require a sideward restraint for under seat baggage. Commenters who opposed the proposed amendment cited the installation costs, extra weight, and out-of-service time for installation of such restraining devices. The FAA believes that the costs and added weight would be minimal and justified considering the improved safety provided. After further review, the FAA believes that the operator should be given additional time to install these restraint devices. Accordingly, this amendment provides a compliance date of 1 year from the effective date of this amendment. Since the operator has been given 1 year to make these installations, there is little or no disruption of flight operations. Commenters also contended that, since, in an emergency, most of the forces are forward, there is little tendency for the baggage to move sideward, and, in emergency evacuation demonstrations conducted by the airlines, items of mass placed in the aisle were found to create no delay. The FAA believes that these commenters limited their observations to crash landings where the motion to the associated exit is cycled.

However, since publication of amendment No. 121-144, it has come to the attention of the FAA that this amendment could be given an overly restrictive interpretation and that further clarification is necessary. Accordingly, this amendment revises § 121.417(c) to make it clear that the emergency drill requirements prescribed for crewmembers apply to both initial and recurrent training. Also, it more clearly specifies that each crewmember is not required to actually operate each item of equipage (required for the deployment and use of emergency evacuation slides). However, as stated in notice No. 77-12 (42 FR 37417), while flight attendants would be required to operate the associated escape chutes during initial and recurrent training, automatic and manual escape chutes need not be deployed each time that the associated exit is cycled.

Since this amendment is relaxatory in nature and does not impose a burden on the public, I find that notice and public procedure are unnecessary and this amendment may be made effective without notice.

AMENDMENT TO § 121.417

Amendment No. 121-144 (43 FR 22643; May 25, 1978) amended the crewmember emergency training provisions of § 121.417 by requiring each crewmember to actually operate each item of equipage (required for the deployment and use of emergency evacuation slides). However, as stated in notice No. 77-12 (42 FR 37417), while flight attendants would be required to operate the associated escape chutes during initial and recurrent training, automatic and manual escape chutes need not be deployed each time that the associated exit is cycled.

Finally, the phrase "or training device" has been inserted in §§ 121.417(c)(6)(v), (c)(6)(vi), and (c)(6)(vii) during emergency drills. Additionally, this amendment clarifies the fact that the evacuation slide need not be used only once during each training phase.

Amendment to § 121.437

Amendment No. 121-144 (43 FR 22643; May 25, 1978) amended § 121.437(b) to require pilots to hold a category and class ratings appropriate for the type of aircraft being used. After the amendment to § 121.437(b)
became effective, the FAA was informed by the Air Transportation Association (ATA) that this amendment would be relatively costly and very difficult for the airlines to comply within the specified time, as it would require the airlines to provide aircraft flight checks for more than 5,000 pilots to obtain the required category and class ratings. Consequently, the effective date of §121.437(b) was extended to July 1, 1980, by amendment No. 121-146 (43 FR 28403; June 29, 1978).

In addition, ATA stated the training provided to pilots, other than pilots in command, under the provisions of part 121 and the proficiency checks required of §121.441 are equivalent to the standards required for a commercial pilot to obtain an airplane category and class rating.

Accordingly, §121.437(b) is amended to allow pilots who are currently employed by a certificate holder and have satisfactorily completed the approved training program under subpart O, including the proficiency flight check required by §121.441, of this part, to be issued the appropriate category and class rating by present- ing proof of compliance with those requirements to an Air Carrier or Flight Standards District Office. The FAA believes that this amendment would provide an equivalent level of safety.

To delay this amendment would pose an undue burden to the certificate holders and pilots affected by the amendment. For this reason, the FAA has determined notice and public procedure hereon are impractical and contrary to the public interest.

**AMENDMENT TO §121.439**

Amendment No. 121-144 (43 FR 22643; May 25, 1978) amended §121.439(c)(2) to require pilots to be currently qualified in another airplane of the same group prior to that pilot receiving recency of experience training in a visual simulator.

After further review, the FAA believes that this requirement is too restrictive in that it would not allow certificate holders that operate only one type of airplane in the same group to allow their pilots to use a visual simulator to reestablish recency of experience requirements, as it would be impossible for their pilots to be dual qualified, or currently qualified in another airplane of the same group. This amendment deletes §121.439(c)(2) and allows use of the visual simulator to reestablish recency of experience requirements. As these changes are regulatory and clarifying in nature and do not impose a burden on the public, notice and public procedure are unnecessary and these changes are adopted as noted.

**PART 23—AIRWORTHINESS STANDARDS; NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES**

1. By amending §23.1413 by adding a new paragraph (c) to read as follows:

> § 23.1413 Safety belts and harnesses.

(c) Each safety belt must be equipped with a metal to metal latching device.

2. By amending §25.1413 by adding a new paragraph (d) to read as follows:

> § 25.1413 Safety belts.

(d) Each safety belt must be equipped with a metal to metal latching device.

**PART 25—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY AIRPLANES**

3. By amending §27.1413 by adding a new paragraph (e) to read as follows:

> § 27.1413 Safety belts.

(e) Each safety belt must be equipped with a metal to metal latching device.

**PART 29—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY ROTORCRAFT**

4. By amending §29.1413 by designating the current provision as paragraph (a) and by adding a new paragraph (b) to read as follows:

> § 29.1413 Safety belts: passenger warning device.

(b) Each safety belt must be equipped with a metal to metal latching device.

5. By amending §91.14 by amending the heading; by redesignating paragraphs (a)(1) and (a)(2) as paragraphs (a)(2) and (a)(3) respectively; by amending paragraph (b) by deleting "(a)(2)" and substituting "(a)(3)"; and by adding a new paragraph (a)(1) to read as follows:

> § 91.14 Use of safety belts.

(a) Unless otherwise authorized by the Administrator—

(1) No pilot may take off a U.S. registered civil aircraft (except a free balloon that incorporates a basket or gondola and an airship) unless the pilot in command of that aircraft ensures that each person on board is briefed on how to fasten and unfasten that person's safety belt.

6. By amending §91.21 (a) and (b)(3) to read as follows:

> § 91.21 Flight instruction; simulated instrument flight and certain flight tests.

(a) No person may operate a civil aircraft (except a manned free balloon) that is being used for flight instruction unless that aircraft has fully functioning, dual controls. However, instrument flight instruction may be given in a single-engine airplane equipped with a single, functioning throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when:

(1) The instructor has determined that the flight can be conducted safely; and

(2) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

(b) Except in the case of lighter-than-air aircraft, that aircraft is equipped with fully functioning dual controls. However, simulated instrument flight may be conducted in a single-engine airplane, equipped with a single, functioning, throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when—

(i) The safety pilot has determined that the flight can be conducted safely; and

(ii) The person manipulating the control has at least a private pilot certificate with appropriate category and class ratings.

7. By adding a new §91.22 to read as follows:

FEDERAL REGISTER, VOL 43, NO. 194—THURSDAY, OCTOBER 5, 1978
§ 91.22 Fuel requirements for flight under VFR.

(a) No person may begin a flight in an airplane under VFR unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed—

(1) During the day, to fly after that for at least 30 minutes; or

(2) At night, to fly after that for at least 30 minutes.

(b) No person may begin a flight in a rotorcraft under VFR unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 20 minutes.

§ 91.23 Fuel requirements for flight in IFR conditions.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft in IFR conditions unless it carries enough fuel (considering weather reports and forecasts, and weather conditions) to—

(1) Complete the flight to the first airport of intended landing;

(2) Fly from that airport to the alternate airport; and

(3) Fly after that, for 45 minutes at normal cruising speed.

(b) Paragraph (a)(2) of this section does not apply if—

(1) Part 97 of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing; and

(2) For at least 1 hour before and 1 hour after the estimated time of arrival at the airport, the weather reports or forecasts or any combination of them indicate—

(i) The ceiling will be at least 2,000 feet above the airport elevation; and

(ii) Visibility will be at least 3 miles.

§ 91.25 VOR equipment check for IFR operations.

(a) * * *

(2) Has been operationally checked within the preceding 30 days and was found to be within the limits of the permissible indicated bearing error set forth in paragraph (b) or (c) of this section.

(d) Each person making the VOR operational check as specified in paragraph (c)(2)(i) shall enter the date, place, bearing error, and sign the aircraft log or other record. In addition, if a test signal radiated by a repair station, as specified

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

(b) * * *

(12) Except as to airships, an approved safety belt for all occupants who have reached their second birthday, after December 4, 1980, each safety belt must be equipped with an approved metal to metal latching device. The rated strength of each safety belt shall not be less than that corresponding with the ultimate load factors specified in the current applicable aircraft airworthiness requirements concerning the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of each safety belt shall be replaced as required by the Administrator.

§ 91.36 [Amended]

11. By inserting the words "for altitudes from sea level to the maximum operating altitude of the aircraft" immediately before the semicolon and the word "or" at the end of § 91.36(b).

12. By revising § 91.54(a)(2) to read as follows:

§ 91.54 Truth in leasing clause requirements in leases and conditional sales contracts.

(a) * * *

(2) The name and address (printed or typed) and the signature of the person responsible for operational control of the aircraft under the lease or contract of conditional sale, and certification that each person understands that person's responsibilities for compliance with applicable Federal Aviation Regulations.

§ 91.83 Flight plan; information required.

(b) Exceptions to applicability of paragraph (a)(9) of this section. Paragraph (a)(9) of this section does not apply if part 97 of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing and, for at least one hour before and one hour after the estimated time of arrival, the weather reports or forecasts or any combination of them indicate—

(1) The ceiling will be at least 2,000 feet above the airport elevation; and

(2) Visibility will be at least 3 miles.

§ 91.201 Carry-on-baggage.

(b) Under a passenger seat in such a way that it will not slide forward under crash impacts severe enough to induce the ultimate inertial forces specified in § 25.561(b)(3) of this chapter, or the requirements of the regulations under which the airplane was type certificated. After December 4, 1979 restraining devices must also limit sideward motion of under-seat baggage and be designed to withstand crash impacts severe enough to induce sideward forces specified in § 25.561(b)(3) of this chapter.

§ 91.207 [Deleted]

§ 91.213 Second in command requirements.

(c) No person may designate a pilot to serve as second in command nor may any pilot serve as second in command of an airplane required under this section to have two pilots, unless that pilot meets the qualifications for second in command prescribed in § 61.55 of this chapter.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

17. By amending § 121.417 effective September 29, 1978 as follows:

1. By amending paragraph (c)(1) by deleting the words "and use of" and substituting the words "of the".

2. By amending paragraph (c)(4) by adding at the end the words "including the use of a slide."

3. By amending paragraphs (c)(6)(vi) by deleting the word "aircraft" and substituting the word "airplane."

4. By amending paragraphs (c)(6)(v) and (c)(6)(vii) by adding the phrase
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“(or training device)” after the word “airplane”.

5. By revising paragraph (c) to read as follows:

§ 121.417 Crewmember emergency training.

(c) Each crewmember must perform at least the following emergency drills and (except with respect to the equipment specified in paragraphs (c)(6)(v), (c)(6)(vi), and (c)(6)(vii) of this paragraph) actually operate the following emergency equipment during initial training and once each 24 calendar months during recurrent training on each type aircraft in which they are to serve. Each crewmember is only required to participate in one emergency evacuation using a slide during initial training and each 24 calendar months during recurrent training. (Alternate recurrent periods required by § 121.433(c) may be accomplished by approved pictorial presentation or demonstration).

18. By revising § 121.437(b) to read as follows:

§ 121.437 Pilot qualification: certificates required.

(b) After July 1, 1980, no certificate holder may use nor may any pilot act as a pilot in a capacity other than those specified in paragraph (a) of this section unless the pilot holds at least a commercial pilot certificate with appropriate category and class ratings for the aircraft concerned, and an instrument rating. Notwithstanding the requirements of §§ 61.63 (b) and (c), until July 1, 1980, a pilot who is currently employed by a certificate holder and meets applicable training requirements of subpart O, and the proficiency check requirements of § 121.441 of this part, may be issued the appropriate category and class ratings by presenting proof of compliance with those requirements to an Air Carrier or Flight Standards District Office.

§ 121.439 [Amended]

19. By amending § 121.439 as follows:

1. By deleting paragraph (c)(2).
2. By renumbering paragraph (c)(3) as (c)(2).
3. By inserting “(c)(2)” in place of “(c)(3)” in paragraph (d).

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on September 28, 1978.

Langhorne Bond,
Administrator.

[FR Doc. 78-27963 Filed 10-4-78; 8:45 am]
DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

TRANSPORT CATEGORY AIRPLANES
Fatigue Regulatory Review Program Amendments
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

Fatigue Regulatory Review Program Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to improve and update the structural fatigue evaluation requirements applicable to the type certification of transport category airplanes by revising the structural fatigue evaluation requirements. These revisions take into account state-of-the-art developments and accumulated service experience.

DATES: Effective date—December 1, 1978.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

During recent years, there have been significant state-of-the-art and industry-practice developments in the area of structural fatigue and fail-safe-strength evaluation of transport category airplanes. Recognizing that these developments could warrant some revision of existing fatigue requirements contained in §§ 25.571 and 25.573 of part 25 of the Federal aviation regulations, the FAA, on November 18, 1976, gave notice of its transport category airplane fatigue regulatory review program and invited interested persons to submit proposals to amend those requirements (see 41 FR 20591). Subsequently, the FAA convened a Transport Category Airplane Fatigue Regulatory Review Conference during March 15-17, 1977, in Arlington, Va., to obtain the views of all concerned on the proposals submitted for the review.

Participants in the Review Conference discussed the proposals submitted for this review, the comments and the related discussions formed the basis for the FAA’s belief that a comprehensive revision of the structural fatigue evaluation standards of §§ 25.571 and 25.573 was warranted. To that end, on August 8, 1978, the FAA issued notice 77-15 (43 FR 41236; Aug. 15, 1978) which proposed regulatory changes directed at upgrading and improving those standards. These amendments are based on that notice.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. The more significant comments received in response to notice 77-15 are discussed below. A number of editorial, and clarifying changes have been made to the proposed rules based on relevant comments received and on further review within the FAA. Except for minor editorial and clarifying changes and the changes discussed below, these amendments and the reasons for their adoption are the same as those contained in notice 77-15.

DISCUSSION OF GENERAL COMMENTS

Sixteen comments were received in response to notice 77-15. Several of the commenters were associations that presented the views of manufacturers and air carriers. In general the commenters concerned themselves with those areas of the proposal they believed could be improved and they raised no objection to the basic concept of the proposal.

Two commenters recommended that full-scale fatigue tests of the whole airplane structure be required, so as to insure reliable identification of those locations and detail design points at which a fatigue failure, if not detected in time, could cause catastrophic failure of the airplane. The FAA disagrees. Although full-scale testing can be useful in predicting possible locations of fatigue failures, the test results do not always correlate with service experience because of differences in the loading spectrum, varying environmental conditions for this purpose should be practical to produce actual fatigue cracks. Artificial crack simulation has gained satisfactory in the past.

A commenter recommended that the applicant be required to determine the “time to first failure” of critical structural components and to establish information on the frequency, extent, and methods of inspection, by repeating the fatigue test program on an appropriate number of identical samples of those components and by employing probabilistic evaluation and risk analysis. The FAA recognizes that this procedure may be necessary for some critical safe-life components but not for those evaluated by means of the damage-tolerance approach covered in this amendment. Fail-safe (fail-safe) evaluations take into account the possibility that structural damage can occur due to causes other than classical fatigue (for example: Corrosion, foreign-object impact, and maintenance errors) and recognizes that this damage can be detected before catastrophic failure by an adequate inspection procedure. The frequency, extent, and methods of inspection are determined by repeated load analyses and tests (including a fatigue analysis where necessary), by fractured mechanics analyses and tests, and by reference to service experience.

The same commenter, referring to damage-tolerance evaluation tests, suggested that such tests should be carried out to final failure to demonstrate the residual strength of the remaining structure and that the loading conditions for this purpose should take into account the effects of structural flexibility, the rate of loading, and the most unfavorable expected temperature in heavy gusts. This commenter also contended that simulation of cracks artificially should not be allowed since this method would preclude the location of failure and would in many cases indicate a greater residual strength than a genuine fatigue crack. The FAA does not agree with these comments. The nature and extent of tests on complete structure, or on portions of the primary structure, will depend upon applicable previous design, construction, tests, and service experience. If previous experience with similar structure is available, an analytical approach would render the tests sufficiently to show adequate residual strength. The applicant is required in either event to take into account the factors mentioned by the commenter. For example, § 25.571(a)(x)(i) of this amendment requires that each evaluation include the “typical loading spectra, temperatures, and humidities expected in service.” And § 25.571(b) of this amendment requires that “if significant changes in structural stiffness or geometry, or both, follow from a structural failure, the effect on damage-tolerance must be further investigated.” Concerning the matter of simulating cracks artificially, the FAA has found from past experience that it may not be practical to produce actual fatigue cracks. Artificial crack simulation has proven satisfactory in the past.

In addition, the commenter, referring to the proposed requirements for damage-tolerance (fail-safe) evaluation,
tion, contended that the pilot should be instantaneously warned of the occurrence of a failure of a single principal structural element, because no human intervention is required. The FAA questions whether the crack detection and monitoring system that would be needed for this purpose could be relied upon to detect all critical damage. In any event, the FAA believes such a warning system is unnecessary, for the following reasons. This amendment specifies a residual static strength level of 100 percent of limit load (up from the previously prescribed 80 percent) and requires residual repeated load strength consistent with crack growth analysis and with the anticipated inspection program, thereby raising the level of safety for structure in a "damaged" condition. Structure designed to these requirements remains capable of supporting static limit loads after partial failure until these loads are detected, since those loads are the maximum loads expected to occur in service. In addition, to account for the fatigue spectrum, the damage-tolerance evaluation must incorporate repeated load and static analyses supported by test evidence. On the basis of past experience, the FAA believes that these requirements provide an adequate level of safety when combined with a sound inspection program that insures detection of damage before catastrophic failure occurs.

Several commenters objected to the use of mandatory language in proposed appendix H contending that it was inconsistent with statements in the notice preamble, and in proposed § H25.1 of the appendix, that the appendix contained guidance material and that deviations from this guidance material may be necessary to take into account new design features and methods of fabrication, new evaluation approaches, and new configurations. The FAA agrees in principle with these comments. However, with the removal of the mandatory language objected to by the commenters, the proposed appendix would not be regulatory in nature. Placement in the Federal aviation regulations would therefore not be appropriate. In this connection, the FAA's advisory circular system is an effective vehicle for providing guidance information to the public relating to regulatory matters. Accordingly, proposed appendix H, with the changes addressed and with additional changes as discussed below, is being issued concurrently with this amendment in the form of a new advisory circular. A reference to the new advisory circular is included in the text of proposed § 25.571(a)(3) for the convenience of the reader.

Several commenters objected to the wording of the first sentence of proposed § 25.571(a), contending that it would impose an absolute requirement that would be impossible to comply with. The purpose of the proposal was to establish an evaluation requirement rather than an absolute requirement for the strength, detail design, and fabrication of the airframe structure. Based on the comments, the first and second sentences of proposed § 25.571(a), as adopted, are revised to make this clear.

A commenter suggested that the term "engine mounting" be added to the examples of structure listed (in parentheses) in the second sentence of proposed § 25.571(a) since it is an important structural element that should be considered. The FAA agrees, and this change is incorporated in the adopted rule. The word "including" inside the parentheses is changed to "such as" to make it clear that the structural elements listed are examples only.

A commenter objected to the sonic fatigue evaluation requirement in the third sentence of proposed § 25.571(a), contending that while such an evaluation is necessary for turbojet-powered airplanes there has been no service experience indicating that it is also necessary for turbopropeller-powered airplanes. The FAA agrees. Based on a reevaluation of the information available to the FAA, the term "turbine-engine-powered" in the third sentence of proposed § 25.571(a) since it is an important structural element that should be considered. The FAA agrees, and this change is incorporated in the adopted rule. The term "including" inside the parentheses is changed to "such as" to make it clear that the structural elements listed are examples only.

A commenter objected to the sonic fatigue evaluation requirement in the third sentence of proposed § 25.571(a), contending that while such an evaluation is necessary for turbojet-powered airplanes there has been no service experience indicating that it is also necessary for turbopropeller-powered airplanes. The FAA agrees. Based on a reevaluation of the information available to the FAA, the term "turbine-engine-powered" in the third sentence of proposed § 25.571(a) since it is an important structural element that should be considered. The FAA agrees, and this change is incorporated in the adopted rule. The term "including" inside the parentheses is changed to "such as" to make it clear that the structural elements listed are examples only.

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Several commenters objected to proposed § 25.571(a)(3) on the grounds that: (1) The required inspection or other procedures to prevent catastrophic failure are best developed after type certification by the combined efforts of the FAA, the manufacturers, and the operators, using the Maintenance Review Board (MRB) process described in advisory circular AC 121-22; and (2) if the inspection and other procedures were to be established as a certification requirement, operators would find it burdensome to have them adjusted in the light of operational experience after an airplane enters service. The FAA firmly believes that in this critical safety area (involving measures to prevent catastrophic failure) the initial set of inspection and other procedures must be established by the manufacturer under the certification requirements. Since the manufacturer conducts the evaluation tests and analyses upon which those procedures must be based, it is appropriate that he take prime responsibility for establishing them. However, there is nothing in proposed § 25.571(a)(3) that would prevent later adjustments of the established inspection, or other procedures, based on operational experience after type certification. See also the related discussion under proposed appendix § 125.201(b). Accordingly, proposed § 25.571(a)(3) is adopted without change.

§ 25.571(b)

A commenter noted that the parenthetical term "(fail-safe)" in the title of proposed § 25.571(b) is not a synonym for "damage-tolerance." The FAA used the term "(fail-safe)" in the title merely to indicate that this was the previously accepted evaluation method. Some fail-safe design features may still be incorporated in a damage-tolerance approach. The term "(fail-safe)" is therefore retained in the title.

The same commenter recommended that the phrase "test evidence and service experience" in the second sentence of proposed § 25.571(b) be changed to "test evidence or service experience," contending that the proposed language would prevent designers from doing anything new. The FAA's intent is to require that the analysis be supported by test evidence in every instance and (if available) by service experience. To make this intent clear, the parenthetical phrase "(if available)" is inserted before the term "service experience" in the adopted rule.

The commenter also objected to the third sentence of proposed § 25.571(b) on the ground that it limits the concept of "service experience." No change to the proposal is being made based on this comment since the FAA believes the proposed language adequately reflects the intent.

In addition, the commenter contended that the fourth and fifth sentences of proposed § 25.571(b) were not sufficiently specific and suggested a general revision of the proposed language. The FAA does not agree. The FAA believes that the proposed language is clear and expresses the intent accurately.

Another commenter suggested that the words "at Vc" in proposed § 25.571(b)(1) be changed to "up to Vc," so that maneuvers at speeds lower than Vc would also be covered. The FAA believes that the words "at Vc" provide for a realistic and adequate condition for residual strength evaluation that is consistent with a similar loading condition applied with the same confidence. This commenter also suggested that proposed § 25.571(b)(2) be revised to
insure that dynamic effects are covered for gust conditions. The FAA believes that the gust conditions in proposed § 25.571(b)(2), which are similar to those applied under the rule being amended, are adequate for residual strength evaluations.

In addition, the commenter noted that § 25.351(a), which is referenced in proposed § 25.571(b)(4), does not specify yaw maneuvers at speeds above Vₐ and suggested a revision to specify such maneuvers. The FAA, in airworthiness review notice No. 75-26 (40 FR 24802, June 10, 1975) has proposed changing the Vₐ in current § 25.351(a) to Vₐ. This issue will be considered as part of the airworthiness review program.

A commenter suggested that the term “normal operating pressure” used in proposed §§ 25.571(b)(5)(i) and (ii) be changed to “normal operating design pressure” because it is more precise and is used elsewhere in part 25. The FAA agrees, and this change is incorporated in §§ 25.571(b)(5)(i) and (ii) as adopted.

A commenter recommended that the 1.1 factor in proposed § 25.571(b)(5)(ii) be changed to 1.15 to be consistent with existing design practice based on the present Federal Aviation regulations, and to cover variations in strength due to material properties and such uncertainties. The FAA disagrees. The only purpose of the 1.1 factor is to take into account pressure relief valve tolerances. Material variations are covered elsewhere in the regulations. The FAA does not believe an increase to 1.15 is justifiable.

Two commenters suggested revisions to the flush paragraph at the end of proposed § 25.571(b) to make clear which effects are to be considered. The FAA believes that the proposed language adequately covers the range of effects to be considered.

§ 25.571(c)

Several commenters noted the typographical error in the title of proposed § 25.571(c). The parenthetical term “(safe-fail)” should be “(safe-life).” This error is corrected in the final rule.

A commenter objected to proposed § 25.571(e) on the ground that it would give the FAA new powers to overrule the manufacturer’s judgment as to whether it would be impractical, for a given structure, to comply with the damage-tolerance requirements of proposed § 25.571(b). Under the rules being amended, the commenter noted, the manufacturer has the option of selecting either the “safe-life” or “fail-safe” approach. The FAA has considered this comment; however, service experience has shown conclusively that the damage-tolerance (fail-safe) approach is more reliable than the safe-life approach, particularly since the safe-life approach does not take into account the probability of damage due to foreign-object impact, corrosion, or unusual maintenance. The FAA firmly believes that safety is best served by requiring the manufacturer to use the damage-tolerance approach unless he shows to the FAA’s satisfaction that it would be impractical to do so.

Several commenters pointed out that the third sentence of proposed § 25.571(c) would improperly allow cracking to occur. The FAA agrees. As noted by the commenters, the intent of the proposal was to require that the structure be able to withstand the repeated loads of variable magnitude expected during its service life without detectable cracks. Accordingly, in the adopted rule, the third sentence of proposed § 25.571(c) is deleted, and the words “without detectable cracks” are added to its second sentence for clarification. One of these commenters suggested that the last sentence of proposed § 25.571(c) also be deleted since it is superfluous as shown in the proposed appendix. The FAA believes that this sentence is necessary in the basic rule as well as in associated guidance material.

A commenter contended that proposed § 25.571(e) omitted a key requirement—that no reduction in strength be allowed. The FAA disagrees. Experience with transport airplane structure and materials has shown that there is no significant reduction in ultimate strength due to repeated load application unless detectable cracks have developed. Therefore, if it is shown that no detectable cracks will be initiated during the service life of the structure, the FAA considers that no reduction in ultimate strength will occur.

§ 25.571(d)

No adverse comments were received concerning proposed § 25.571(d). Accordingly, § 25.571(d) is adopted as proposed.

§ 25.571(e)

A commenter objected to proposed § 25.571(e), contending that it would be impossible to obtain a type certificate for a propeller-driven airplane under its provisions. This commenter stated that it is difficult to imagine designing airplanes strong enough to withstand a 200- to 300-pound propeller, or even a single propeller blade, coming loose and crashing through the fuselage. The FAA believes that a transport category airplane making use of structural design features such as slow crack growth, crack arrestment, and multiple-load-path construction, can be designed for discrete source damage, including propeller impact damage. This would require that the structure withstand the static loads expected during completion of the flight (on which the impact occurred). The extent of the damage would be determined on the basis of a rational assessment of operational experience and potential damage. The FAA has no reason to believe that designers of propeller-driven airplanes would not be able to comply with proposed § 25.571(e), as adopted.

Another commenter expressed concern lest interpretation of proposed § 25.571(e), insofar as it would apply to structural damage caused by propeller blade, engine, or other parts, might discourage the development of new advanced turboprop airplanes and, therefore, would not be in the public interest. The FAA anticipates no interpretation problem in administering § 25.571(e), as adopted, and has no reason to believe that designers of turboprop airplanes would not be able to comply with its provisions.

A commenter recommended that proposed § 25.571(e) be deleted on the grounds that each of the items listed in subparagraphs (1) through (4) necessitates special consideration of the circumstances under which the event arises and that they therefore warrant separate treatment in the regulations, as is done currently in part 25. Moreover, this commenter contended, no detailed justification has been provided for proposed § 25.571(e), which in general represents an increase in several already-overseen regulations. The FAA believes that it is appropriate to consider the items in subparagraphs (1) through (4) together since the concern in each instance is the probability of structural damage. The need for these requirements is dictated by service experience. Modern damage-tolerance (fail-safe) techniques, such as slow crack growth, crack arrestment, and multiple-load-path construction, make it possible to provide a capability of surviving discrete source damage.

A commenter suggested that proposed § 25.571(e) be transferred to subpart D of part 25 since it covers more than structural implications. The FAA disagrees. The intent is to cover only the structural implications of the listed impacts and failures, as the proposed language makes clear. The FAA is concerned here only with structural damage.

A commenter considered that the word “likely” in the lead-in of proposed § 25.571(e) was not necessary. The FAA disagrees. The word “likely” has a substantive probability connotation in this context.

Two commenters noted that the third sentence of proposed § 25.571(e)(1) is different from those in current §§ 25.631 and 25.775, and one commenter suggested they be made
consistent. The FAA believes there may be merit in this suggestion but does not have sufficient information, at this time, on which to base any revisions to §§25.571 and 25.775. The FAA believes, however, that proposed §25.571(e)(1) is a realistic condition for structural damage assessment in general. A commenter suggested that the sources of structural damage listed in proposed §25.571(e) include “faulty maintenance” and “faulty operation.” The FAA disagrees. Likely sources of this kind are considered during damage-tolerance (fail-safe) evaluation.

A commenter suggested that the word “static” in the first sentence of the flush paragraph at the end of proposed §25.571(e) is unnecessary and should be deleted. The FAA disagrees. Since the word “static” is necessary to describe the internal ultimate design loads expected to occur. Several commenters objected to the third sentence of the flush paragraph at the end of proposed §25.571(e), contending that dynamic effects are adequately taken into account when determining the likely structural damage caused by the listed discrete-source impacts and failures and the magnitude of the static loads that would subsequently occur in flight. The FAA agrees, and the flush paragraph in the adopted rule is revised to make this point clear.

Two commenters suggested revisions to the last sentence of the flush paragraph at the end of proposed §25.571(e) to make clear which effects are to be considered. The FAA believes the proposed language adequately covers the range of effects to be considered.

§ 25.573

There were no adverse comments on the proposal to delete § 25.573. Accordingly, §25.573 is deleted.

§ 25.629(d)(4)(v)

A commenter, noting that the proposed amendment to §25.629(d)(4)(v) referred only to proposed §25.571(e), suggested that it also refer to proposed §25.571(e), which could have an effect not only on flutter but also on handling characteristics. The FAA disagrees. The intent of proposed §25.571(e) is to insure that the airplane, after receiving discrete-source damage, has sufficient residual static strength capability to successfully complete the flight. Evaluating flutter and handling characteristics goes beyond that intent.

APPENDIX H

As discussed previously, proposed appendix H is being adopted in the form of a new advisory circular. In addition to removing the inappropriate mandatory language proposed in the appendix, a number of changes have been incorporated based on the comments received. A summary of the comments and changes are discussed below.

APPENDIX H, § H25.1

A commenter suggested that the first sentence of the second lead-in paragraph of proposed § H25.1 be revised to allow the consideration of “good design practice” in determining whether an effective damage-tolerant structure can be achieved. The FAA agrees and the suggested change is incorporated in the new advisory circular.

A commenter suggested that “engine mounts” be added to the examples given in the last sentence of the second lead-in paragraph of proposed § H25.1 since it is not only the attachments of these structures that difficulties may be experienced in achieving damage-tolerant designs. The FAA agrees, and this change is incorporated in the new advisory circular.

A commenter contended that the phrase “at critical regions in” used in the first sentence of proposed § H25.1(e) because if stresses are of low order, the regions could hardly be called “critical.” The FAA agrees, and in the new advisory circular the phrase “in specific regions of” is substituted for “at critical regions in.”

A commenter objected to the reference to “probability” in the first sentence of proposed § H25.1(e), contending that it has an unfavorable connotation. The FAA disagrees. The use of probability terminology is appropriate in this context. However, the language in this sentence is editorially revised in the new advisory circular without substantive change.

A commenter objected that the words “tensile area” (modifying “cutouts”) in the second sentence of proposed § H25.1(c) tend to restrict attention inappropriately since cutouts in shear and compression areas also warrant attention. The FAA agrees, and the words “tensile area” are deleted in the new advisory circular.

Two commenters contended that it was not always possible to complete the repeated load tests necessary to show compliance with the damage-tolerance evaluation requirements in proposed §25.571(b) within a reasonable time. This would lead, it was asserted, to a burdensome and costly delay in obtaining type certificates for airplanes. One of these commenters suggested that proposed § H25.1(c) be revised so that an applicant can obtain the type certificate without having completed those tests if the applicant is subjected to a 1 year test of experience. The other commenter suggested that a somewhat similar provision be added to proposed § H25.2(g). The FAA believes that the circumstances described by these commenters will occur only rarely and that the need for the suggested relief (and the proper extent of that relief) can only be judged on the merits of each individual case. For these reasons, the FAA believes that it would be inappropriate to incorporate the revision suggested. Instead, the FAA will consider requests for relief on an individual basis.

APPENDIX H, §§H25.2(a), (b), and (c)

A commenter asserted that proposed §§ H25.2(a)(1), (2), and (3) were essentially variations of the same proposal and should be combined in a single general statement. The FAA agrees, and proposed §§ H25.2(a)(1), (2), and (3) are revised accordingly and appear in a combined form in the new advisory circular.

A commenter stated that, in the lead-in sentence of proposed § H25.2(a)(6), the phrase “due to fatigue” rules out concern for corrosion damage, and the phrase “high life conditions” is not a useful concept. This commenter suggested that the lead-in be revised to read: “Provision to limit the probability of concurrent multiple damage, particularly after long service, which could conceivably contribute to a common fracture path. Examples of such multiple damage are...” The FAA agrees, and proposed § H25.2(a)(6), as contained in the new advisory circular, incorporates this change.

A commenter objected to proposed § H25.2(a)(6)(1), contending that the word “initial” implies the cracks were present when the structure was built, and that the phrase “each of which being less than the minimum detectable length” was unnecessarily restrictive, since cracks that small are not likely to cause major concern. The FAA believes that the circumstances described by these commenters will occur only rarely and that the need for the suggested relief (and the proper extent of that relief) can only be judged on the merits of each individual case. For these reasons, the FAA believes that it would be inappropriate to incorporate the revision suggested. Instead, the FAA will consider requests for relief on an individual basis.

The same commenter objected to proposed § H25.2(a)(6)(ii), contending that the word “initial” here implies the failure was built in and that the phrases “following an initial failure” and “due to redistribution of loading” should be in reverse order to avoid confusion. The FAA believes that the circumstances described by these commenters will occur only rarely and that the need for the suggested relief (and the proper extent of that relief) can only be judged on the merits of each individual case. For these reasons, the FAA believes that it would be inappropriate to incorporate the revision suggested. Instead, the FAA will consider requests for relief on an individual basis.

The FAA believes that the circumstances described by these commenters will occur only rarely and that the need for the suggested relief (and the proper extent of that relief) can only be judged on the merits of each individual case. For these reasons, the FAA believes that it would be inappropriate to incorporate the revision suggested. Instead, the FAA will consider requests for relief on an individual basis.

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agrees, and this language is used in the new advisory circular. This commenter also objected to proposed § H25.2(c), contending that it deals with several reasonably simple concepts in a complex, obscure way. A specific revision was suggested. The FAA believes that the intent of this paragraph is clear as proposed.

APPENDIX H, §§ H25.2(d), (e), and (f)
A commenter suggested that the last sentence of proposed § H25.2(d) be placed at the beginning of the paragraph and revised (to emphasize the preference for damage-tolerance evaluation to read: "Every reasonable effort should be made to ensure inspectability of all structural parts, and to qualify them under the damage-tolerance provisions." The FAA agreed, and the suggestion has been followed in the new advisory circular. This change also responds to another commenter who suggested several changes to proposed § H25.2(d) which were aimed at emphasizing the preferable of avoiding completely uninspectable areas.

A commenter noted that in proposed §H25.2(e) the words "damage" and "failure," which were apparently intended to be synonymous, convey separate concepts. The FAA agrees, and in the new advisory circular the sentence is clarified.

APPENDIX H, §§ H25.2(g) and (h)
A commenter recommended a general revision of the lead-in paragraph of proposed § H25.2(g), contending that: (1) The phrase "damage extent for residual strength" should convey a different idea than it does in proposed § H25.2(g); (2) the phrase "the time at which the damage becomes initially detectable" is not quite accurate since "initially detectable" implies a smaller dimension than is likely to be appropriate; and (3) the second sentence appears to be a rather academic requirement. The FAA disagrees. The intent of proposed § H25.2(g) is to identify damage-tolerance criteria (analytical and test) with respect to residual strength, damage growth rate, inspection programs, repeated loads, damage-tolerance characteristics, and discrete source damage. The FAA believes this intent is clear in the language as proposed, however, based in part on a comment concerning proposed §§ H25.2(g)(1), (2), and (3), the FAA believes that proposed § H25.2(g) (2) would be clearer if it read "By demonstrating that the damage would be detected before it reaches the value for residual strength evaluation." In addition, based on a review of proposed § H25.2(g)(3), the FAA believes that the previously verified design should also have a similar configuration.
account of differences in operating conditions and procedures, may be used in the evaluations required by this section.

(3) Based on the evaluations required by this section, inspections or other procedures must be established as necessary to prevent catastrophic failure, and must be included in the maintenance manual required by § 25.1529.

(b) Damage-tolerance (fail-safe) evaluation. The evaluation must include a determination of the probable locations and modes of damage due to fatigue, corrosion, or accidental damage. The determination must be by analysis supported by test evidence and (if available) service experience. Damage at multiple sites due to prior fatigue exposure must be included where the design is such that this type of damage can be expected to occur. The evaluation must incorporate repeated load and static analyses supported by test evidence. The extent of damage for residual strength evaluation at any time within the operational life must be consistent with the initial detectability and subsequent growth under repeated loads. The residual strength evaluation must show that the remaining structure is able to withstand loads (considered as static ultimate loads) corresponding to the following conditions:

(1) The limit symmetrical maneuvering conditions specified in § 25.337 at Vc and in § 25.345.
(2) The limit gust conditions specified in §§ 25.341 and 25.351(b) at the specified speeds up to Vc, and in § 25.346.
(3) The limit rolling conditions specified in § 25.349 and the limit symmetrical conditions specified in §§ 25.367 and 25.427, at speeds up to Vc.
(4) The limit yaw maneuvering conditions specified in § 25.351(a) at the specified speeds up to Vc.

(5) For pressurized cabins, the following conditions:

(i) The normal operating differential pressure combined with the expected external aerodynamic pressures applied simultaneously with the flight loading conditions specified in paragraphs (b)(1) through (4) of this section, if they have a significant effect.

(ii) The expected external aerodynamic pressures in 1 g flight combined with a cabin differential pressure equal to 1.1 times the normal operating differential pressure without any other load.

(6) For landing gear and directly-affected airframe structure, the limit ground loading conditions specified in §§ 25.473, 25.491, and 25.493.

If significant changes in structural stiffness or geometry, or both, follow from a structural failure, or partial failure, the effect on damage tolerance must be further investigated.

(c) Fatigue (safe-life) evaluation. Compliance with the damage-tolerance requirements of paragraph (b) of this section is not required if the applicant establishes that their application for particular structure is impractical. This structure must be shown by analysis, supported by test evidence, to be able to withstand the repeated loads of variable magnitude expected during its service life without detectable cracks. Appropriate safe-life scatter factors must be applied.

(d) Sonic fatigue strength. It must be shown by analysis, supported by test evidence, or by the service history of airplanes of similar structural design and sonic excitation environment, that—

(1) Sonic fatigue cracks are not probable in any part of the flight structure subject to sonic excitation; or

(2) Catastrophic failure caused by sonic cracks is not probable assuming that the loads prescribed in paragraph (b) of this section are applied to all areas affected by those cracks.

(e) Damage-tolerance (discrete source) evaluation. The airplane must be capable of successfully completing a flight during which likely structural damage occurs as a result of—

(1) Impact with a 4-pound bird at likely operational speeds at altitudes up to 8,000 feet;

(2) Propeller and uncontained fan blade impact;

(3) Uncontained engine failure; or

(4) Uncontained high energy rotating machinery failure.

The damaged structure must be able to withstand the static loads (considered as ultimate loads) which are reasonably expected to occur on the flight. Dynamic effects on these static loads need not be considered. Corrective action to be taken by the pilot following the incident, such as limiting maneuvers, avoiding turbulence, and reducing speed, must be considered. If significant changes in structural stiffness or geometry, or both, follow from a structural failure or partial failure, the effect on damage tolerance must be further investigated.

§ 25.573 [Reserved]

2. By deleting § 25.573 and marking it "(Reserved)."

§ 25.629 [Amended]

3. By amending § 25.629(d)(4)(v) by deleting "§ 25.571(c)" and inserting in its place "§ 25.571(b)."

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1855(e)).) Issued in Washington, D.C., on September 28, 1978.

LANGHORNE Bond,
Administrator.

[FR Doc. 78-27964 Filed 10-4-78; 8:45 am]
ENVIRONMENTAL PROTECTION AGENCY

NATIONAL AMBIENT AIR QUALITY STANDARD FOR LEAD

Final Rules and Proposed Rulemaking
PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

National Primary and Secondary Ambient Air Quality Standards for Lead

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is setting a national ambient air quality standard for lead at a level of 1.5 micrograms lead per cubic meter of air (µg Pb/m³), averaged over a calendar quarter. This final rulemaking follows a 1976 court order to list lead as a criteria pollutant for the development of an ambient standard, and the Agency's issuance of a proposed standard on December 14, 1977. In response to comments received on the proposed standard, EPA has changed the averaging period for the standard from a calendar month to a calendar quarter, and has clarified the health basis used in selecting the standard level.

In establishing the level of the final standard, EPA has determined that young children (age 1-5 years) should be regarded as a group within the general population that is particularly sensitive to lead exposure. The final standard for lead in air is based on preventing most children in the United States from exceeding a blood lead level of 50 micrograms lead per deciliter of blood (µg Pb/dl). Blood lead levels above 30 µg Pb/dl are associated with the impairment of hem synthesis in cells indicated by elevated erythrocyte protoporphyrin (EP), which EPA regards as adverse to the human body through ingestion and inhalation with consequent absorption into the bloodstream and distribution to all body tissues. Clinical, epidemiological, and toxicological studies have demonstrated that exposure to lead adversely affects human health.

EPA's initial approach to controlling lead in the air was to limit the lead emissions from sources that are the principal source of lead air emissions. Regulations for the phasedown of lead in the total gasoline pool were promulgated in 1973, and, following litigation, modified and put into effect in 1976. Other regulations requiring the availability of unleaded gasoline for catalyst-equipped cars. EPA also intended to control emissions from certain categories of industrial point sources under section 111 of the Clean Air Act.

In 1975, the Natural Resources Defense Council (NRDC) and others brought suit against EPA to list lead under section 108 of the Clean Air Act as a pollutant for which air quality criteria would be developed and a national ambient air quality standard established under section 109 of the Act. The Court ruled in favor of NRDC. (NRDC, Inc. et al. v. Train, 411 F. Supp. 864 (S.D.N.Y., 1976) aff'd 545 F. 2d 320 (2d Cir. 1976).) EPA listed lead on March 31, 1976, and proceeded to develop air quality criteria and the proposed standard.

On December 14, 1977, EPA proposed a standard of 1.5 µg Pb/m³, calendar month average, proposed the Federal reference method for monitoring air lead levels, issued the documents Air Quality Criteria for Lead and Control Techniques for Lead Air Emissions were issued at the time of proposal. The Control Techniques Document is available upon request from Mr. Joseph Padgett at the above address.

The documents Air Quality Criteria for Lead and Control Techniques for Lead Air Emissions were issued at the time of proposal. The Control Techniques Document is available upon request from Mr. Joseph Padgett at the above address.

Legislative Requirements for National Ambient Air Quality Standards

Sections 108 and 109 of the Clean Air Act govern the development of national ambient air quality standards. Section 108 instructs EPA to document the scientific basis for the standard:

Section 108(a)(2). The Administrator shall issue air quality criteria for an air pollutant within 12 months after he has included such pollutant in a list under paragraph (1). Air quality criteria for an air pollutant shall accurately reflect the best scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the environment.
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Ambient air, in varying quantities. The criteria for, to the extent practicable, shall include information on—

(a) Those variable factors (including atmospheric conditions) which of themselves or in combination with other factors may alter the effects on public health or welfare of such air pollutant;

(b) The types of air pollutants which, when present in the atmosphere, may interact with such pollutant to produce an adverse effect on public health or welfare; and

(c) Any known or anticipated adverse effects on welfare.

Section 109 addresses the actual setting of the standard:

Section 109(b)(1). National primary ambient air quality standards, prescribed under subsection (a), shall be ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health. Such primary standards may be revised in the same manner as promulgated.

(2) Any national secondary ambient air quality standard prescribed, under subsection (a), shall be the level of air quality the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. Such secondary standards may be revised in the same manner as promulgated.

In order to conform to the requirements of section 109, EPA has based the level of the lead air quality standard on information presented in the criteria document pertaining to the health and welfare implications of lead air pollution. This is in contrast to other sections of the Act under which EPA considers economic costs and technical availability of air pollution control systems in determining emissions limitations. It is clear from section 109 that the Agency should not attempt to place the standard at a level estimated to be at the threshold for adverse health effects, but should set the standard at a lower level in order to provide a margin of safety.

EPA believes that the extent of the margin of safety represents a judgment in which the Agency considers the severity of reported health effects, the probability that such effects may occur, and uncertainties as to the full biological significance of exposure to lead.

Comments resulting from external review of the air quality criteria and the proposed standard highlight disagreement concerning several critical aspects of the standard. However, the scientific data base provided in the document Air Quality Criteria for Lead is as extensive as that for other pollutants, and the criteria are not different from those for other pollutants. Also, at every stage of development of the air quality criteria and the standard, EPA has facilitated and received broad external participation.

EPA regards as inevitable the presence of scientific disagreement and uncertainty about key factors relevant to environmental standards. Provisions of the Act requiring timely promulgation of the standard, and requirements for periodic future review of air quality criteria standards are consistent with congressional intent that the Agency proceed even where scientific knowledge is not complete or full scientific consensus is absent.

Summary of General Findings From Air Quality Criteria for Lead

Following the listing of lead as a criteria pollutant, EPA developed the document, Air Quality Criteria for Lead. In the preparation of this document, EPA provided opportunities for external review and comment on three successive drafts. The document was reviewed at three meetings of the Subcommittee on Scientific Criteria for Environmental Lead of EPA’s Science Advisory Board. Each of these meetings was open to the public and the number of individuals presented both critical review and new information for EPA’s consideration. The final criteria document was issued on December 14, 1977.

From the scientific information in the criteria document, EPA draws conclusions in several key areas with particular relevance for the ambient air quality standard for lead.

1. There are multiple sources of lead exposure. In addition to air lead, these sources include: Lead in paint and ink, lead in drinking water, lead in pesticides, and lead in fresh and processed food.

2. Exposure to air lead can occur directly by inhalation, or indirectly by ingestion of lead contaminated food, water, or nonfood materials including dust and soil.

3. There is significant individual variability in response to lead exposure. Even within a particular population, individual response to lead exposure may vary widely from the average response for the same group. Certain subgroups within the general population are more susceptible to the effects of lead or have greater exposure potential. Of these, young children represent a population of foremost concern.

4. Three systems within the human body appear to be most sensitive to the effects of lead—the blood-forming or hematopoietic system, the nervous system, and the renal system. In addition, lead has been shown to affect the normal functions of the reproductive, endocrine, hepatic, cardiovascular, immunologic, and gastrointestinal systems.

5. The blood lead level thresholds for various biologic effects range from the risk of permanent, severe, neurological damage or death as blood lead approach and exceed 80 to 100 μg Pb/dl in children down to the inhibition of an enzymes system as low as 10 μg Pb/dl.

6. Lead is a stable compound, ubiquitously distributed, which persists and accumulates both in the environment and in the human body. In developing the proposed standard, EPA used these findings to arrive at a standard level of 1.5 μg Pb/m³, calendar month average. This level was derived from the Agency’s judgment that the maximum safe blood lead level (geometric mean) for a population of young children was 15 μg Pb/dl and, of this amount, 12 μg Pb/dl should be attributed to nonair sources. The difference of 3.0 μg Pb/dl was estimated to be the allowable safe contribution to mean population blood lead from lead in the air. With epidemiological data indicating a general relationship of 1:2 between air lead (μg Pb/m³) and blood lead (μg Pb/dl), it was determined that the level for the proposed standard should be 1.5 μg/m³.

Summary of Anticipated Impacts

While the level of the standard is based on health considerations, EPA has conducted economic and environmental studies to assess the potential impacts of the standard selected. EPA estimates that the existing regulations for the phase-down of lead in gasoline, combined with the increasing use of nonlead gasoline for catalyst-equipped cars, will result in attainment of the standard in urban areas where automobile exhaust is the dominant source of air lead. No additional pollution controls are anticipated for these areas.

EPA’s economic analysis does indicate that there may be significant problems in attainment of the standard in the vicinity of nonferrous smelters and other large industrial sources of lead emissions. This attainment is based, however, on studies using general emission factors and plant configurations, combined with dispersion modeling. In the development of State plans to implement the standard, EPA is encouraging affected industries and State agencies to gather plant-specific technical data, ambient air quality data, and assessments of alternative engineering controls. With this information, the Agency will be able to more accurately evaluate the impact of the standard and better consider approval of alternative approaches to emission control in the State plans.
The comments received by EPA did not challenge three aspects of the proposed standard:
1. The basic structure of the rationale used by the Agency in deriving the level of the proposed standard.
2. The selection of young children as a population particularly at risk to lead exposure.
3. The attribution of 12 µg Pb/dl out of the target mean population blood lead level of 15 µg Pb/dl to nonair sources of lead for the purposes of setting the air standard.

Significant comments were received, however, on the following key areas relating to the standard:
1. The elevation of erythrocyte protoporphyrin (EP) as the first adverse health effect with increasing lead exposure rather than the decline of hemoglobin levels.
2. The blood lead threshold level for elevated EP.
3. The incidence of health effects in populations residing in the vicinity of industrial sources of lead particulate emissions.
4. The relationship describing the response of lead in the blood to lead in the air.
5. The statistical form and averaging period for the standard.
6. The appropriate margin of safety.
7. The limitation of the standard to the respirable fraction of total air lead particles.
8. The economic impact of the standard.
9. The State implementation plan regulations.

The administrative procedures employed by EPA in the development of the standard and the provision for public participation.

A review of the comments received and their disposition has been placed in the rulemaking dockets (DOAP-77-13) for public inspection. The following paragraphs summarize the significant comments and present the Agency's findings.

THE HEALTH SIGNIFICANCE OF ERYTHROCYTE PROTOPORPHYRIN ELEVATION

Ten commenters disagreed with EPA's conclusion that the impairment of heme synthesis indicated by elevated erythrocyte protoporphyrin (EP) constituted an adverse health effect. Reasons for this disagreement included:
1. An elevated level of EP is not itself toxic to the cells in blood or other tissues.
2. EP elevation, while indicating a change in heme synthesis, does not indicate an insufficient production of heme, or hemoglobin.
3. EP elevation and the alteration of heme synthesis does not imply impair-

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**RULES AND REGULATIONS**

**Company**

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<thead>
<tr>
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| Secondary Lead Smelters Associa-
| tion                            |         |          |
| Shell Oil Co.                    | X       |          |
| St. Joe Minerals Corp.           | X       |          |
| Texaco, Inc.                     | X       |          |
| United Mine Management Group     |         |          |
| Vulcan Materials Co.             | X       |          |

*1.5 µg/m³; calendar month.
2.0 µg/m³; calendar quarter (or other averaging period).*

SUMMARY: Forty-five comments received from 29 corporations or their representatives; 25 of the 29 firms opposed the proposed standard of 1.5 µg/m³; calendar month average; 20 endorsed an alternative standard of 3.0 µg/m³; calendar quarter average (or other averaging period).
ment of other mitochondrial functions.

4. EP elevation is not associated with impairment of other heme proteins, particularly cytochrome P-450.

5. Elevated EP may be caused by conditions other than exposure to lead, particularly iron deficiency.

Five commenters agreed with EPA's conclusions about the health significance of elevated EP citing the following arguments:

1. The interference of lead in a fundamental cellular metabolic function to the extent that there is accumulation of a substrate is physiological impairment, even without the presence of clinical evidence of disease.

2. It is prudent medical practice to intervene where subclinical indicators of physiological impairment are present.

3. The impairment of heme synthesis resulting from genetic or dietary factors places a child at enhanced risk to lead exposure. Although it may be argued that certain the origin of the initial hematological effects may not be a disease state or be seen as a clinically detectable decline in performance. However, the criteria document points out (p. 1-13) that this impairment does increase progressively with lead dose.

The hematological effects described above are the earliest physiological impairments encountered as a function of increasing lead exposures as indexed by blood lead elevations; as such, those effects may be considered to represent critical effects of lead exposure. Although it may be argued that certain of the initial hematological effects (such as ALAD inhibition) are relatively mild, non-detectable symptoms of low blood lead levels, they nevertheless signal the onset of steadily intensifying adverse effects as blood lead elevations increase. Eventually, the hematological effects reach such magnitude that they are of clear-cut medical significance as indicators of undue lead exposure.

The fact that other conditions, such as iron deficiency may also impair heme synthesis, does not obviate concern that lead is interfering with an essential biological function. There is the possibility that a nutritional deficiency may add additional stress to the heme synthetic system which may increase the sensitivity of a child to the adverse effects of lead exposure.

EPA notes that there is general agreement that heme and heme-containing proteins play important roles in the oxygen fixation pathways in all cells. While the effects of low-level lead exposure on the heme synthetic pathway in erythroid tissue have been extensively studied in part because of the ease with which this tissue may be obtained, other cellular metabolic systems utilizing heme are less well understood. EPA does not have sufficient information to conclude that impairment of heme synthesis in other tissues resulting from low blood lead levels are reached greater than those associated with hematological effects. The air quality criteria document does point out that this effect has been established in other tissues and that other dose-response factors may apply.

The effect of lead on the formation of heme is not limited to the hematopoietic system. Experimental animal studies have shown a lead effect on the heme requiring protein, cytochrome P-450, an integral part of the hepatic mixed-function oxidase (chapter 11), the systemic function of which is detoxification of exogenous substances. Heme synthesis inhibition also takes place in neural tissue (P. 13-5).

In summary, the criteria document states:

Elevation in protoporphyrin is considered not only to be a biological indicator of impaired mitochondrial function of erythroid tissue but also an indicator of accumulation of substrate for the enzyme ferrochelatase. It therefore has the same pathophysiological meaning as increased urinary 5-ALA (vide supra). For these reasons, accumulation of protoporphyrin has been taken to indicate physiological impairment in humans, and this clinical consensus is expressed in the 1975 Statement of the Center for Disease Control (CDC), USPHS, The criterion used by CDC to indicate an effect of lead on heme function is an FEP level of 60 µg/dl in the presence of a blood lead level above 30 µg/dl whole blood.

More recent information relating to threshold of lead effects indicates that FEP levels should be taken as a value of 15 to 20 µg Pb/dl blood in children and women and, at a somewhat higher value, 20 to 25 µg Pb/dl blood in adult men (P. 13-5).

EPA concludes that the state of elevated EP must be regarded as potentially adverse to the health of young children. While the onset or a mild experience of this condition may be tolerated by an individual, as with other subclinical manifestations of impaired function, it is a prudent public health practice to exercise corrective action prior to the appearance of clinical symptoms. The criteria document reports that symptoms of anemia in children may occur at blood lead levels of 40 µg/dl. EPA has adopted 30 µg Pb/dl as a maximum safe blood lead level for individual children.

The Blood Lead Threshold for Elevated Erythrocyte Protoporphyrin

Comments provided by ten organizations challenged EPA's conclusion that the threshold for the elevation of EP occurs in children at a blood lead level of 15 µg/dl. Evidence offered for a higher threshold included:

1. The threshold accepted by EPA is based on a study in which an inappropriate statistical technique, probit analysis, was employed.

2. Application of a more appropriate technique, segmented line analysis, results in a higher threshold.

3. The study in question excluded data obtained with blood lead levels in excess of 30 µg/dl.

4. Other investigators have reported higher thresholds.

Comments in support of the 15 µg/dl threshold maintained:

1. It is proper to exclude values considered abnormal if the intent of the analysis is to determine an unbiased effect threshold.

2. Other studies have reported thresholds with error bands which include 15 µg/dl.

3. Probit analysis is an appropriate technique and differs only slightly from the results obtained from segmented line analysis.

AGENCY RESPONSE

EPA agrees that the segmented line technique provides a more accurate estimate of the correlation threshold of EP elevation with increasing blood lead, about 16.7 µg Pb/dl, and for this reason considered changing its judgment as to the maximum safe blood lead level for a population of children. However, as the target geometric mean for a population is increased, a greater percentage of children in the population will exceed the maximum safe individual level of 30 µg Pb/dl.

EPA estimates that at a population geometric mean of 15 µg Pb/dl, 99.5 percent of children will be below 30 µg Pb/dl. At 16.7 µg Pb this percentage is 99.9 percent. EPA regards the number of children predicted to be below 30 µg Pb/dl as the critical health consideration. For this reason, EPA has maintained its estimate of a geometric mean of 15 µg Pb/dl as the target for population blood lead.

The Incidence of Health Effects in Populations Residing in the Vicinity of Industrial Sources of Lead Particulate Emissions

Several comments cited situations in which proximity to significant point sources of airborne lead emissions appear to have little or no health impact on resident populations. This was taken to imply that the air standard was not necessary to protect public health.

AGENCY RESPONSE

EPA acknowledges the variability of the impact of exposure to air lead on the potential for adverse health consequences. It is clear that direct exposure to air lead is only one of the
routes through which human exposure occurs. It is for this reason that the Agency has accepted the concept that only a portion of the safe population mean blood lead level should be attributable to air lead exposure. The presence (or absence of health effects in exposed population is influenced by a variety of factors including: Meteorology, terrain characteristics, geological and anthropological history, personal and domestic hygiene, the occupations of the population members, and the food and nonfood materials with which they come into contact. Taking into account such variability, it remains the Agency's belief that airborne lead directly and indirectly contributes to the risk of adverse health consequences and that sufficient clinical and epidemiological evidence is available to form a judgment as to the extent of this contribution. This evidence includes epidemiological studies showing higher blood lead levels in urban areas where air lead levels were elevated in comparison to rural areas. There have also been a number of studies linking elevated blood lead levels to industrial sources of lead emissions. With regard to the 1972 study at El Paso, Tex., by the Center for Disease Control, the criteria document reports:

It was concluded that the primary factor associated with elevated blood lead levels in this group was ingestion or inhalation of dust containing lead. Data on dietary intake of lead were not obtained because the climate and proximity to the smelter prevented any farming in the area. It was unlikely that the dietary lead intakes of the children from near the smelter and farther away were significantly different. (P. 12-15.)

With regard to the report of Yankel et al. at Kellogg, Idaho, the criteria document states:

Five factors influenced, in a statistically significant manner, the probability of a child developing an excessive blood lead level:
1. Concentrations of lead in ambient air (µg/m³).
2. Concentration of lead in soil (ppm).
3. Age (years).
4. Cleanliness of the home (subjective evaluation coded 0, 1, and 2 with 2 signifying dirtiest).
5. General classification of the parents' occupation.

Although the strongest correlation found was between blood lead levels and air lead level, the authors concluded that it was unlikely that inhalation of contaminated dust alone could explain the elevated blood lead levels observed. (P. 12-16.)

THE APPROPRIATE RELATIONSHIP BETWEEN LEAD IN AIR AND LEAD IN BLOOD

Several commenters questioned the Agency's estimate that, for children, one microgram of lead per cubic meter air (µg Pb/m³) results in an increase of two micrograms lead per deciliter blood (µg Pb/dl).

AGENCY RESPONSE

EPA has reviewed the studies discussed in the criteria document which report changes in blood lead levels with different air lead levels. The Agency believes that one of the strongest epidemiological studies that are personal dosimeters were used to measure lead intake. This eliminated some of the uncertainty about the extent to which air quality observations accurately reflect actual exposure. From the Azar data, the relationship of lead in the air to lead in blood that evaluated at 1.5 µg Pb/m³ was 1:1.6. The Azar study was, however, limited to an adult population.

A clinical study of adults, Griffin et al., gives roughly the same conclusion for a group of adults confined to a chamber with controlled exposure to lead aerosol. This study was conducted over a three-month period with control over lead ingestion. As air lead levels in the chamber were increased from 0.15 µg Pb/m³ to 3.2 µg Pb/m³, the air lead to blood lead relationship was 1:1.7.

Because children are known to have greater net absorption and retention of lead, EPA believes it is reasonable to assume that the air lead to blood lead relationship for this sensitive population, exposed to lead air levels in the range of the proposed standard, is equal to or greater than for adults. EPA also believes that the air lead to blood lead relationship is nonlinear and may result in a higher ratio at lower air levels.

In an epidemiological study of children near a smelter, Yankel et al., the response of blood lead to air lead, averaged over the exposure range, was 1.9. EPA believes that these studies as well as others reported in the criteria document, support the criteria document's conclusion that:

Ratios between blood lead levels and air lead exposures were shown to range generally from 1:1 to 2.1. These were not, however, constant over the range or air lead concentrations encountered. There are suggestive data indicating that the ratios for children are in the upper end of the range and may even be slightly above it. There is also some slight suggestion that ratios for males are higher than those for females. (P. 12-38.)

THE STATISTICAL FORM AND PERIOD OF THE STANDARD

One commenter expressed the view that, due to the lognormal distribution of measured air lead, a not-to-be-exceeded standard of 1.5 µg/m³, calendar month average, would require sources of air lead to achieve control of their emissions to a geometric monthly mean of 0.41 µg/m³ in order to prevent the occurrence of a violation. Another comment expressed the opinion that, with the normal operation of a 6-day sampling schedule, the number of days over which air quality observations are made in the course of a calendar month would not provide a statistically valid estimate of the actual air lead quality for the period.

Several comments questioned the health basis for the selection of the calendar month averaging period.

AGENCY RESPONSE

EPA accepts the consensus of comments received on the scientific and technical difficulties presented by the selection of a calendar month averaging period. The Agency believes that the key criterion for the averaging period is the protection of health of the sensitive population. In proposing the 1.5 µg/m³ standard, EPA concluded that this air level as a ceiling would provide protection for infants and young children. The critical question in the determination of the averaging period is the health significance of possible elevations of air lead above 1.5 µg/m³ which could be sustained without violation of the average of 1.5 µg/m³. In the proposed standard, EPA chose a monthly averaging period on the basis of a study showing an adjustment period of blood lead levels with a change of exposure (Griffin et al.). Because of the scientific and technical difficulties of the monthly standard, EPA has reexamined this question and concludes that there is little reason to expect that the slightly greater possibility of elevated air lead levels within the quarterly period is significant for health. This conclusion is based on the following points:

(1) From actual ambient measurements, the distribution of air lead levels is such that where the quarterly standard is achieved, there is little possibility that there could be sustained periods greatly above the average value.

(2) While it is difficult to relate the extent to which a monitoring network actually represents the exposure situation for young children, it seems likely that where elevated air lead levels do occur, they will be close to point of mobile sources of lead air pollution. Typically, young children will not encounter such levels for the full 24-hour period reported by the monitor.

(3) There is medical evidence indicating that blood lead levels reequilibrate slowly to changes in air exposure. This serves to dampen the impact of a short-term period of exposure to elevated air lead.

(4) Direct exposure to air is only one of several causes of total exposure. This lessens the impact of a change in air lead on blood lead levels.
On balance, the Agency concludes that a requirement for the averaging of air quality data over calendar quarters will improve the validity of air quality data gathered without a significant reduction in the protective ness of the standard.

**THE APPROPRIATE MARGIN OF SAFETY**

Several comments received by the Agency criticized the proposed standard for incorporating an excessive margin of safety. This criticism was based either on the view that the critical health effect, impaired heme synthesis, was not of health significance or on the view that EPA had employed conservative estimates of the several factors used in calculating the standard which, when combined, resulted in an excessively stringent standard.

Other comments were received which expressed concern that the standard had little or no margin of safety, particularly for certain subgroups within the general population of young children.

**AGENCY RESPONSE**

EPA does not agree that the impairment of heme synthesis is a physiological response to lead exposure that is without health significance. While EPA does find that this impairment is necessarily serious to health at the point at which it first can be detected by the elevation of erythrocyte protoporphyrin, at a threshold in a range of 15-20 μg Pb/dl, the Agency does believe that above blood levels of 30 μg Pb/dl this effect has progressed to the extent that it should be regarded as an adverse health effect.

In determining the final ambient air standard for lead, EPA has used margin of safety in the sense of making careful judgments based on available data, but these judgments have not been at the precautionary extreme of the range of data available to the Agency. In the case of the geometric standard deviation (GSD), studies reviewed in the criteria document showed a range of 1.3 to 1.5. A standard based on a 1.5 GSD would be far more stringent than using 1.3. EPA took the 1.3, however, because of its concern that the total geometric standard deviation contains variation attributable to monitoring and analytical methodology. In estimating the relationship between air lead and blood lead to be 1:2, the Agency used an epidemiological study of children near a smelter, Yankel et al., where response of blood lead to air lead averaged over the exposure range was 1 to 1.9. In adopting 12 μg Pb/dl as the part of blood lead attributable to nonair sources, EPA is concerned that typical levels for this component may be much greater, and that regulatory actions by other public health programs may be necessary to achieve a 12 μg level.

Because of the variability between individuals in a population experiencing a given level of lead exposure, EPA finds it is impossible to provide the same amount of margin of safety for all members in the sensitive population, or to define the margin of safety in the standard as a simple percentage. EPA does believe that the factors it has used in designing the standard provide an adequate margin of safety for a large proportion of the sensitive population. The Agency does not believe that this margin is excessively large or on the other hand that the air standard can protect everyone from elevated blood lead levels.

**THE IMPORTANCE OF THE RESPIRABLE FRACTION OF TOTAL AIR LEAD LEVEL**

The Agency received a number of comments expressing concern that, because only a fraction of airborne particulate matter is respirable, an air standard based on total air lead is unnecessarily stringent.

**AGENCY RESPONSE**

EPA agrees that some lead particles are too small or too large to be deposited in the respiratory system. EPA cannot conclude, however, that particles outside the respirable range do not represent an exposure hazard. A significant component of exposure can be ingestion of materials contaminated by deposition of lead from the air. In addition to the indirect route of ingestion and absorption from the gastrointestinal tract, nonrespirable lead in the environment may, at some point, become respirable through weathering or mechanical action. EPA concludes, therefore, that total airborne lead, both respirable and nonrespirable fractions, should be addressed by the air standard.

**THE ECONOMIC IMPACT OF THE PROPOSED STANDARD**

A number of commenters were critical of the Agency's economic impact assessment, and argued that the forecast underestimated the severity of the economic impact to certain lead industries.

**AGENCY RESPONSE**

The comments critical of the draft impact statement did not include data which might allow EPA to estimate the possibility of more severe economic impacts on certain source categories including primary and secondary lead smelters which could have difficulty in limiting emissions sufficiently to assure attaining the standard in their immediate vicinity. Under the Clean Air Act, the primary responsibility for implementing the standard is assigned to the States and each State is required to submit a plan to EPA demonstrating how attainment is to be achieved. The actual economic impacts of implementation are difficult to estimate at this time since, following promulgation, States will have 9 months to develop and submit these plans to EPA. The plans must demonstrate attainment as soon as practicable, but no later than 3 years following the date of plan approval. However, under certain circumstances, States may request up to a 2-year extension of this deadline. Other sections of the Clean Air Act may be used with the Administrator's discretion to grant further extensions of compliance deadlines for impacted industrial facilities.

EPA cannot at this time accurately predict the impact of this standard, but with the timetable in the Act, sees no reason to expect imminent closure of any facility. The Agency is committed to developing accurate data for specific plants in cooperation with the industry and State agencies in order to avoid the imposition of unnecessary controls. EPA's principal concern, however, must be to follow the mandate of the Clean Air Act relating to the protection of the public health.

EPA believes that the economic impact assessment presented the probable forecast of the economic consequences of implementation of the standard.

**THE PROPOSED STATE IMPLEMENTATION PLAN (SIP) REGULATIONS**

A summary of comments and the Agency response is included in the preamble to the final regulations published elsewhere in this Federal Register.

**THE FEDERAL REFERENCE METHOD FOR MONITORING LEAD AIR QUALITY**

A summary of comments and the Agency's disposition is included in the preamble to the final method published elsewhere in this Federal Register.

**THE ADMINISTRATIVE PROCEDURES EMPLOYED BY EPA IN THE DEVELOPMENT OF THE PROPOSED STANDARD AND THE PROVISION FOR PUBLIC PARTICIPATION**

Two commenters requested that cross examination of witnesses be al-
lowed in the post-proposal public hearing on the proposed standard and implementation regulations. EPA also received a request post-pone the public hearing and to extend the comment period, citing the need to complete ongoing studies.

AGENCY RESPONSE

Both the request for cross-examination and the extension of the comment period were denied by the Agency. With regard to the request for cross-examination, the Agency determined that, in light of the extensive review already conducted, cross-examination was not likely to produce new information or results that would justify such a significant departure from the normal rulemaking process. Also the existence of the normal comment period was sufficient to allow interested members of the public to raise questions concerning the Agency’s determinations. Further, due to the extensive review opportunities available at all stages of the regulatory development, an extension of the comment period was not believed to be sufficiently necessary to further delay the schedule for preparation of the final rule.

CLARIFICATION OF ELEMENTS OF THE STANDARD

From reviewing the comments received, EPA wishes to clarify the following points in the presentation of the rationale for the final standard:

1. EPA is making a distinction between the blood lead level that is the threshold for detection of the biological effect, impaired heme synthesis, and the blood lead level at which this effect has progressed to an extent that it is regarded as adverse to health.

2. EPA is making a distinction between estimating a maximum safe blood lead level for an individual child, and establishing a population target geometric mean blood lead level for the sensitive population.

3. EPA is making a distinction between what the contribution to blood lead levels from nonair sources actually may be, and attributing a contribution from nonair sources for the purpose of standard setting.

DERIVATION OF THE NUMERICAL LEVEL OF THE FINAL STANDARD

EPA’s objective in setting the level of the standard is to estimate the concentration of lead in the air to which all groups within the general population can be exposed for protracted periods without an unacceptable risk to health.

This estimate is based on EPA’s judgment in four key areas:

1. Determining the “sensitive population” as that group within the general population which has the lowest threshold for adverse effects or greatest potential for exposure. EPA concludes that young children, aged 1 to 5 years, are the most sensitive population.

2. Determining the safe level of total lead exposure for the sensitive population, indicated by the concentration of lead in the blood. EPA concludes that the maximum safe level for blood lead for an individual child is 30 µg Pb/dl and that population blood lead, measured as the geometric mean, must be 15 µg Pb/dl in order to place 99.5 percent of children in the United States below 30 µg Pb/dl.

3. Attributing the contribution to blood lead from nonair pollution sources. EPA concludes that 12 µg Pb/dl of population blood lead for children should be attributed to nonair exposure.

4. Determining the air lead level which is consistent with maintaining the mean population blood lead level at 15 µg Pb/dl. Taking into account exposure from other sources (12 µg Pb/dl) EPA has designed the standard to limit air contribution after achieving the standard to 3 µg Pb/dl. On the basis of an estimated relationship of air lead to blood lead of 1 to 2, EPA concludes that the ambient air standard should be 1.5 µg Pb/dl.

Each of these four areas is discussed further in the following sections.

SENSITIVE POPULATION

EPA believes that the health of young children is at particular risk from lead exposure. This is because children have a greater physiological sensitivity to the effects of lead than do adults and may have greater exposure to environmental lead from playing in contaminated areas. Other sensitive populations identified by EPA include those occupationally exposed, pregnant women and their fetuses. Comments received on the proposed standard did not challenge EPA’s position that young children are the most sensitive population for establishing the standard. A number of comments did point out that within the general population of children there were subgroups with enhanced risk due to genetic factors, dietary deficiencies, or residence in urban areas. EPA acknowledges the higher risk status of such groups but does not have information either in the air quality criteria or in the comments received for estimating a threshold for adverse effects separate from that of all young children. Concern about these high risk subgroups has, however, influenced EPA’s determination of the percentage of the population of children (99.5 percent) to be maintained below 30 µg Pb/dl.

EPA continues to be concerned about the possible health risk of lead exposure for pregnant women and their fetuses. The stress of pregnancy may place pregnant women in a state more susceptible to the effects of lead, and transplacental transfer of lead may affect the prenatal development of the child. There is, however, insufficient scientific information for EPA to either confirm or dismiss this suggestion, or to establish that pregnant women and fetuses are more at risk than young children.

THE MAXIMUM SAFE EXPOSURE FOR CHILDREN

In determining the maximum safe exposure to lead for children, EPA has taken the measurement of blood lead as the indicator of total lead dose. There are other possible indicators of exposure, for example the level of zinc protoporphyrin (ZPP), but most health studies reported in the criteria document utilize blood lead levels as indices of the burden of lead. The criteria document reports the following table of effect thresholds for children with increasing blood lead levels.

SUMMARY OF LOWEST OBSERVED EFFECT LEVELS IN YOUNG CHILDREN

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<td>Anemia</td>
</tr>
<tr>
<td>40</td>
<td>Erythrocyte protoporphyrin elevation</td>
</tr>
<tr>
<td>40</td>
<td>Cognitive (CNS) deficits</td>
</tr>
<tr>
<td>40</td>
<td>Coproporphyrin elevation</td>
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The first physiological effect associated with increasing blood lead levels is the inhibition of the enzyme δ-aminolevulinic acid dehydratase (δ-ALAD), both in red blood cells (erythrocytes), and in cells in other tissues. This enzyme catalyzes the condensation of two molecules of δ-aminolevulinic acid (δ-ALA) to form porphobilinogen, one of the components involved in the cellular synthesis of heme. The criteria document reports that the threshold for δ-ALA inhibition in children is 10 µg Pb/dl.

At blood lead levels above 10 µg Pb/dl, the function of δ-ALA is increasingly inhibited by lead. The criteria document states that 40 µg Pb/dl is the threshold for elevation of δ-ALA recognized as δ-ALA in the urine or δ-ALA-U, an indication that δ-ALA has begun to accumulate in the body. The accumulation of δ-ALA above normal levels, indicated by δ-ALA-U, is regarded as adverse to health, both because of impaired heme synthesis, and
the possibility that 5-ALA accumulation is itself toxic to cells.

The criteria document reports that above a threshold of 15-20 μg Pb/dl there is an elevation of protoporphyrin in erythrocytes. Protoporphyrin is an organic chemical compound used by all cells in the production of hemoglobin. In the final stage of heme synthesis, erythrocyte protoporphyrin (EP) and iron are brought together in the cell mitochondria. In the presence of lead, this step is blocked, possibly by inhibition of the enzyme ferrochelatase or by interference in the transport of iron across the mitochondrial membrane. Without incorporation into heme, the levels of protoporphyrin in the cell become elevated.

From review of the information provided by the air quality criteria document as well as the evidence and arguments offered by medical professionals commenting on the proposed standard, EPA has concluded that the effects of lead on the cellular synthesis of heme, as indicated by elevated erythrocyte protoporphyrin, are potentially adverse to the health of young children. This appears, however, to be a question of the degree to which the effect has progressed. EPA does not believe that there is significant risk to health at the point where the elevation of EP can first be correlated with an increase in blood lead (15 to 20 μg Pb/dl). On the other hand, EPA regards as clearly adverse to health the impairment of heme synthesis, and other effects of lead which result in clinical symptoms of anemia above 40 μg Pb/dl. These effects are followed quickly by the risk of nervous system deficits for some children with blood lead levels of 50 μg Pb/dl.

EPA has concluded that the maximum safe blood lead level for an individual child is 30 μg Pb/dl. This is based on the following factors:

1. The maximum safe blood lead level should be somewhat lower than the threshold for a decline in hemoglobin levels (40 μg Pb/dl).
2. The maximum safe blood lead level should be at an even greater distance below the threshold for risks of nervous system deficits (50 μg Pb/dl).
3. The maximum safe blood lead level should be no higher than the blood lead range characterized as undue exposure by the Center for Disease Control of the Public Health Service, as endorsed by the American Academy of Pediatrics, because of elevation of erythrocyte protoporphyrin (above 30 μg Pb/dl).
4. The maximum safe blood lead level for an individual need not be as low as the detection point for the initial elevation of EP (15-20 μg Pb/dl).

The criteria document points out that data from epidemiological and studies show that the log values of measured individual blood lead values in a uniformly exposed population are normally distributed with a geometric standard deviation (GSD) of 1.3 to 1.5. Using standard statistical techniques, it is possible to use the geometric standard deviation to calculate the mean population blood lead level which would place a given percentage of the population below the level of an effects threshold. A GSD of 1.5 would result in a lower geometric mean, and a more stringent standard. However, because some of the variability in the GSD is from measurement systems, EPA has used a GSD of 1.3.

Recently, analysis of the data collected by New York City's Bureau of Lead Poisoning has shown that populations of children in the New York area consistently have distributions of blood lead values with a GSD of 1.4 to 1.5. With a geometric mean of 15.0 μg Pb/dl, a GSD of 1.4 results in about two percent of the population over levels of 30 μg Pb/dl. A GSD of 1.5 would place more than four percent over 30 μg Pb/dl. EPA is concerned that such results may imply that the standard is not as precautionary as it would be if the actual GSD was 1.3. However, the Agency's best estimate is that there are distributions of the GSD is from analytical and monitoring variance, and for this reason, EPA is using the 1.3 value in calculating the final standard.

In EPA's view, use of the 99.5 percent range is not excessive. From 1970 statistics, there are approximately 20 million children in the United States below the age of 5 years, 12 million in urban areas of large United States cities where lead exposure may be high. Again, knowledge that there are special high risk groups of children within the general population deters EPA from considering lower percentages.

CONTRIBUTION TO TOTAL LEAD EXPOSURE FROM NONAIR SOURCES

In the proposed standard, EPA argued that the air standard should take into account the contribution to blood lead levels from sources unrelated to air pollution. No comments were received challenging this argument. EPA continues to base its calculation of the ambient air standard on the assumptions that, to an extent, the lead contribution to blood lead from nonair sources should be subtracted from the estimate of safe mean population blood lead. Without this subtraction, the combined exposure to lead from air and nonair sources would result in a blood lead concentration exceeding the safe level.

EPA notes that the level of the standard is strongly influenced by judgments about nonair contribution to total exposure, and that there are uncertainties in attempting to estimate exposure from various lead sources. Studies reviewed in the criteria document do not provide detailed or widespread information about the relative contribution of various sources to children's blood lead levels. Estimates can only be made by inference from other empirical or theoretical studies, usually involving adults. Also, it can be expected that the contribution to blood lead levels from nonair sources can very widely, is probably not in constant proportion to air lead contributions, and in some cases may alone exceed the target mean population blood lead level.

In spite of these difficulties, EPA has attempted to assess available information in order to estimate the general contribution to population blood lead levels from air and nonair sources. This has been done with evaluation of evidence from general epidemiological studies showing decreases in blood lead levels with decrease in air lead, studies of blood lead levels in areas with low lead air levels, and isotope tracing studies.

Studies reviewed by the criteria document show that the geometric mean blood lead levels for populations of children are frequently above 15 μg Pb/dl. In studies reported, the range of mean population blood lead levels for children was from 16.5 μg Pb/dl to 46.4 μg Pb/dl with most studies showing mean levels greater than 25 μg Pb/dl (Pine, 1972; Landrigan, 1975; von Lindern, 1975). EPA believes that, for many of these populations, the contribution to blood lead levels from nonair sources may exceed the desired target mean population blood lead level.

In a number of studies, reduction in air lead levels resulted in a decline in children's blood lead levels. A study of blood lead levels in children in New York City showed that children's mean blood lead levels declined from 30.5 μg Pb/dl from 1970 to 1976, while during the same period air lead levels at a single monitoring site fell from 2.6 μg Pb/dl to 0.9 μg Pb/dl (Billck, 1977). Studies at Omaha, Nebr. (Angle, 1977) and Kellogg, Idaho (Yankel, von Lindern, 1977) also show a drop in mean blood lead levels with declines in air lead levels. As air lead levels decline there appears to be a rough limit to the drop in blood lead levels.

EPA has also examined epidemiological studies in the criteria to estimate where air lead exposure is low, and can be assumed to be a minor contributor to blood lead. These studies provide an indication of blood lead levels resulting from the situation where nonair sources of lead are predominan.
The range of mean blood lead levels in those studies is from 10.2 μg Pb/dl to 14.4 μg Pb/dl, with an average at 12.7 μg Pb/dl.

In addition to epidemiological investigations, EPA has reviewed studies that examine the source of blood lead by detecting characteristic lead isotopes. A study using isotopic tracing (Manton, 1977) suggests that for several adults in Houston, Texas, 7 to 41 percent of blood lead could be attributed to air lead sources. An earlier isotopic study (Rabinowitz, 1974) concluded that for two adult male subjects studied, approximately one-third of total daily intake of lead could be attributed to air exposure. The mean blood lead levels of 1–2 μg Pb/m³ were noted. While these results cannot be directly related to children, it is reasonable to assume that children may exhibit the same or higher percentages of air lead contribution to blood lead levels because of a greater potential for exposure to indirect air sources, soil, and dust.

From reviewing these areas of evidence, EPA concludes that:

1. In studies showing mean blood lead levels above 15 μg Pb/dl, it is probable that both air and nonair sources contribute significantly to blood lead with the possibility that contributions from nonair sources exceed 15 μg Pb/dl.
2. Studies showing a sustained drop in air lead levels show a corresponding drop in blood lead levels, down to an apparent limit in the range of 10.2 to 14.4 μg Pb/dl.
3. Isotopic tracing studies show air contribution to blood lead to be 7–41 percent in one study and about 33 percent in another study.

In considering this evidence, EPA notes that if, from the isotopic studies, approximately two-thirds of blood lead is typically derived from nonair sources, a mean blood lead target of 15 μg Pb/dl would attribute 10 μg Pb/dl to nonair sources. On the other hand, the average blood lead level from the limited studies available where air exposure was low is 12.4 μg Pb/dl. In the absence of more precise information, EPA is calculating the lead standard based on the assumption of equal Pb/dl of the blood lead level in children to lead sources unaffected by the lead air quality standard. EPA is aware that actual population blood lead levels, either individually or as a population mean, may exceed this benchmark. However, if EPA were to use a larger estimate of non-air contribution to blood lead, the result would be an exceptionally stringent standard, which would not address the principal source of lead exposure.

THE RELATIONSHIP BETWEEN AIR LEAD EXPOSURE AND RESULTING BLOOD LEAD LEVEL

EPA has reviewed the studies discussed in the criteria document which report changes in blood lead levels with different air lead levels. The Agency believes that one of the strongest epidemiological studies is that by Azar et al., which used personal dosimeters to measure lead intake. This eliminated some of the uncertainty about the extent to which air quality observations accurately reflect actual exposure. From the Azar data, the relationship of lead in the air lead to blood lead, evaluated at 1.5 μg Pb/m³, was 1:1.8. The Azar study was, however, limited to an adult population.

A clinical study of adults, Griffin et al., gives roughly the same conclusion for a group of adults confined to a chamber with controlled exposure to lead aerosol. This study was conducted over a three month period with control over lead ingestion. As air lead levels in the chamber were increased from 0.15 μg Pb/m³ to 3.2 μg Pb/m³, the air lead to blood lead relationship was 1:1.7.

Because children are known to have greater net absorption and retention of lead than adults, it is reasonable to assume that the air lead to blood lead relationship for this sensitive population, exposed to air lead levels in the range of the proposed standard, is equal to if not greater than for adults. EPA also notes that the air lead to blood lead relationship is nonlinear which will result in a higher ratio at lower air levels.

In an epidemiological study of children near a smelter, Yankel et al., the response of blood lead to air lead averaged over the exposure range was 1.85. This study provided information on the relationship of blood lead to air lead over a very large range of air lead values. The air lead values in the study are the result of a monitored air lead exposure. The relative error of the individual values, especially in the lower range is lower than in the Azar study.

The authors of the study, Yankel and von Lindern, chose a log-linear model which provided a good fit to the data and gave an estimated slope of about 1.2 at an air lead of 1.5. However, EPA sees a problem with a log-linear model in that it forces a lower slope at low air lead values and a steeper slope at higher lead values. This is in direct contradiction to the Azar and the Griffin studies, both of which indicate higher slopes at lower air lead values.

Because of the uncertainties in the low lead air values in the Idaho study, EPA felt that the calculation of an average slope or ratio over the entire range of data would be a moderate compromise. The calculation of an average slope gives a value of 1.93. EPA believes that these studies as well as others reported in the criteria document support the document's conclusion that:

ratios between blood lead levels and air lead exposures were shown to range generally from 1:1 to 2:1. These were not, however, constant over the range of air lead concentrations encountered. There is some suggestive data indicating that the ratios for children are in the upper end of the range and may exceed 1:1. There is also some slight suggestion that the ratios for males are higher than those for females. (pp. 12–38.)

CALCULATION OF THE AIR STANDARD

EPA has calculated the standard based on a conclusion reached in previous sections:

2. Health basis: Maximum safe blood lead level for individual children is 30 μg Pb/dl based on concern for impaired heme synthesis above 30 μg Pb/dl and margin of safety for anemia above 40 μg Pb/dl and nervous system deficits above 50 μg Pb/dl.
3. Maximum safe geometric mean blood lead concentrations have been placed on 99.5 percent of the sensitive population below 30 μg Pb/dl.
4. Estimate of blood lead level associated to non-air sources: 12 μg Pb/dl.
5. Allowable contribution of air lead to blood lead levels: Estimating a maximum standard: 15 μg Pb/dl.
6. Air lead concentration consistent with blood lead contribution from air sources: 3 μg Pb/dl μg Pb/dl air 1 μg Pb/m³ air/2 μg Pb/dl blood = 1.5 μg Pb/m³.
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IMPACT OF LEAD DUSTFALL ON BLOOD LEAD

In the preamble for the proposed air standard for lead, EPA pointed out that the significance of dust and soil lead as indirect routes of exposure has been of particular concern in the case of young children. Play habits and mouthing behavior between the ages of 1 and 5 have led to the conclusion that greater potential may exist in these children for ingestion and inhalation of the lead available in contaminated dust and soil. EPA is also concerned that the deposition of lead particles can lead to general contamination of the environment and increased

selection of the averaging period for the standard

Based on comments received and consideration by the Agency, the proposed averaging period of a calendar month is extended to a calendar quarter. This change will significantly improve the validity of air quality data gathered without a significant reduction in the protective ness of the standard.

MARGIN OF SAFETY

The Clean Air Act instructs EPA to set the level of an ambient air quality standard at a level which protects the public health with a margin of safety. One approach to using margin of safety is to estimate the air concentration of a pollutant below which is the threshold for the first adverse effect detected with increasing air levels, and then set the air standard at a somewhat lower level. The extent of the safety margin between the standard and the estimated threshold for adverse effects is influenced by such factors as the severity or irreversibility of effects, the degree of uncertainty about known or suspected health effects, the size of the population at risk, and possibly information on the potential potentiating health effects. While the margin of safety is based on available scientific information, this factor is judgmental in that the Administrator must weigh the acceptability of estimated risk.

Estimating an appropriate margin of safety for the air lead standard in complicated by the multiple sources and media for lead exposure. Because of the scientific and technical difficulties of the monthly standard, EPA has reexamined this question and concluded that there is little reason to expect that the slightly greater possibility of elevated air lead levels sustainable by the calendar quarter standard is significant for health. This conclusion is based on the following factors:

1. From actual ambient measurements, there is evidence that the distribution of air lead levels is such that if the quarterly average is achieved there is little possibility that there could be sustained periods greatly above the average values.

2. While it is difficult to relate the extent to which a monitoring network actually represents the exposure situation for young children, it seems likely that where elevated air lead levels do occur, they will be close to point or mobile sources. Typically, young children will not encounter such levels for the full 24-hour period reported by the monitor.

3. There is medical evidence indicating that blood lead levels reequilibrate slowly to changes in air exposure. This serves to dampen the impact of a short-term period of exposure on elevated air lead.

4. While exposure to lead from air is only one of several routes of total exposure. This lessens the impact of a change in air lead on blood lead levels.

On balance, the Agency concludes that a requirement for the averaging of air quality data over a calendar quarter will improve the validity of air quality data gathered without a significant reduction in the protective ness of the standard.

The significance for health of these thresholds of this distribution make it possible to calculate the percentage of the population which will fall below any given blood lead level. Individuals at each of these levels would have a different margin of safety below the maximum safe blood lead level. As a rough example, with a population of children with a geometric mean blood lead of 15 μg Pb/dl, 86 percent of the children would be below 20 μg Pb/dl, 97.5 percent would be below 25 μg Pb/dl, and 99.5 percent would be below 30 μg Pb/dl. Assuming a population of children in central urban areas where air lead was at the standard level, 693,000 children would be over 20 μg Pb/dl, 126,600 over 25 μg Pb/dl, and 20,600 above 30 μg Pb/dl.

In determining the appropriate margin of safety, the Agency has also included consideration of the following factors:

1. In addition to the health effects discussed, the "Air Quality Criteria for Lead" report multiple biological involvements of lead in practically all cell types, tissues, and organ systems. The significance for health of these has not been fully studied.

2. There are no beneficial effects of lead at current environmental levels.

3. EPA has incomplete data about the extent to which children are indirectly exposed to lead from air which moves to other environmental media, such as water, soil and dirt, and food.

4. Lead is chemically persistent and with continued uncontrolled emissions will continue to accumulate both in human tissue and in the environment. There is also lead exposure resulting in blood lead levels previously considered safe may in fact influence the neurological development and learning abilities of the young child. EPA does not have evidence, however, that provides more than a suggestion that this could occur at blood lead levels below 30 Pb/dl for individual children.
WELFARE EFFECTS

Comments received on the proposed lead air quality standard did not address the issue of welfare effects or the need for a secondary air quality standard more restrictive than the primary standard. EPA maintains its position that the primary air quality standard will adequately protect against known and anticipated adverse effects on public welfare. EPA does not have evidence that a more restrictive secondary standard would be justified.

Available evidence cited in the criteria document indicates that animals do not appear to be more susceptible to adverse effects from lead than man, nor do adverse effects in animals occur at lower levels of exposure than comparable effects in humans.

Lead is absorbed but not accumulated to any great extent by plants from soil. Lead in the air is filtered in the roots and only small amounts are transported to the above ground portions. Lead may be deposited on the leaves of plants and present a hazard to grazing animals. Algae, as shown previously, may be susceptible to lead in the natural environment, it is generally in a form that is largely nonavailable to them.

There is no evidence to indicate that ambient levels of lead result in significant damage to manmade materials. Effects of lead on visibility and climate are minimal.

Based on such data, EPA promulgates the secondary air quality standard for lead at 1.5 µg Pb/m³ calendar quarter average.

ECONOMIC IMPACT ASSESSMENT

As required by Executive Orders 11821 and 12044, EPA has conducted a general analysis of the economic impact which would result from the implementation of the lead regulations. This analysis was not intended for nor was it used in the development or promulgation of the standard, and was issued for informational purposes only.

The economic impact assessment points out that the categories of sources likely to be affected by control of lead emissions are primary lead and copper smelters, secondary lead smelters, gray iron foundries, gasoline lead additive manufacturers, and lead storage battery manufacturers. This analysis further indicates that some primary and secondary lead smelters and copper smelters may be severely strained economically in achieving emission reductions that may be required in implementing the proposed air quality standard.

There are, however, uncertainties associated with evaluating the impact of attaining the standard. For smelters and foundries, attaining the standard may require control of fugitive lead emissions, i.e., those emissions escaping from individual process operations, other than those emitted from smoke stacks. Fugitive emissions are difficult to estimate, measure, and control; and it is also difficult to predict their impact on air quality near the facility. From the information available to EPA, nonferrous smelters may have difficulty in achieving lead air quality levels consistent with the proposed standard in areas immediately adjacent to the smelter complex.

The change in averaging time from a monthly average to a calendar quarter average will affect the economic impacts associated with the lead standard because for a given level of the standard, a longer averaging period is theoretically less stringent than a shorter averaging period.

OTHER LEAD REGULATORY AND CONTROL PROGRAMS

EPA's ambient air quality standard is only one of a number of Federal, State, and local programs designed to limit exposure to lead.

In 1975, EPA promulgated the national interim primary drinking water regulation, setting a maximum contaminant level for lead. The standard, aimed at protecting children from undue lead exposure, was set at 50 µg Pb/liter. In 1977, the National Academy of Sciences concluded that a lead level at which adverse health effects are observed cannot be set with assurance at any value greater than 25 µg Pb/liter. The Office of Drinking Water is currently considering the need to revise the interim drinking water standard for lead.

Based on its toxicity, EPA has included lead on its list of priority water pollutants for which effluent guidelines are being developed under the Clean Water Act. Effluent guidelines are being developed for lead for nonferrous smelters, based on achievement of best available technology.

EPA's Office of Pesticide Programs has promulgated regulations based on the toxicity of lead which require the addition of coloring agents to the pesticide lead arsenate and specify disposal procedures for lead pesticides. Use of lead in pesticides is a small and decreasing proportion of total lead consumption in the United States.

The Resource Conservation and Recovery Act (RCRA) of 1976, through which EPA is to establish standards on how to treat, dispose, or store hazardous wastes, provides a means for specifying how used crankcase oil and other waste streams containing lead should be recycled or safely disposed of. Regulatory actions related to waste lead exposure are currently being developed under subtitle C of RCRA.

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EPA has regulations for reducing the average lead content in the total gasoline pool to 0.5 grams/gallon by October 1, 1979, and regulations provide that EPA action which result in the reduction of airborne lead levels include ambient standards and State implementation plans for other pollutants such as particulate matter and sulfur dioxide and new source performance standards limiting emissions of such pollutants. Existing and new sources of particulate matter emissions generally use control techniques which reduce lead emissions as one component of particulate matter.

The Occupational Safety and Health Administration proposed regulations in 1975 to limit occupational exposure to lead to 100 µg Pb/m³, 8-hour time-weighted average. The exposure limit was based on protecting against effects other than mild, subclinical, and mild symptoms which may occur below 80 µg Pb/dl, providing an adequate margin of safety. The level of 100 µg Pb/m³ is anticipated to limit blood lead levels in workers to a mean 40 µg Pb/dl and a maximum of 60 µg Pb/dl. OSHA is presently reviewing the latest information on lead exposure and health effects in preparation for promulgation of the workplace standard for lead.

The Department of Housing and Urban Development (HUD) has requirements for reducing human exposure to lead through the prevention of lead poisoning from ingestion of paint from buildings, especially residential ones. Their activities include (1) prohibiting the use of lead-based paints on structures constructed or rehabilitated through Federal funding and on all HUD-associated housing; (2) the elimination of the immediate hazard from lead-based paint; (3) notification of purchases of HUD-assoc­iated housing constructed prior to 1950 which may contain lead-based paint; and (4) research activities to develop improved methods of detection and elimination of lead-based paint hazards, and the nature and extent of lead poisoning.

The Consumer Product Safety Commission (CPSC) promulgated regulations in September 1977 which ban: (1) Paint and other surface coating mate­rials containing more than 0.06 percent lead; (2) toys and other articles intended for use by children bearing paint or other similar surface coating material containing more than 0.06 percent lead; and (3) furniture coated with materials containing more than 0.06 percent lead. These regulations are based on CPSC's conclusion that it is in the public interest to reduce the risk of lead poisoning to young children from ingestion of paint and other similar surface-coating materials.

The Food and Drug Administration (FDA) adopted in 1974 a proposed toler­ance for lead of 0.3 ppm in evaporated milk and evaporated skim milk. This tolerance is based on maintaining children's blood lead levels below 40 µg Pb/dl. FDA has also proposed an action level of 7 µg Pb/ml for leachable lead in pottery and enamelware, although the exact contribution of such exposure to total human dietary intake has not been established.

The Center for Disease Control (CDC) concluded in 1975 that undue or increased lead absorption exists when a child has confirmed blood lead levels of 30-70 µg Pb/dl or an EP elevation of 60-189 µg Pb/dl except where the elevated EP level is caused by iron deficiency.

In developing the lead air standard, EPA has estimated both individual and population blood lead levels which it regards as safe. Agencies believe that these targets do not necessarily serve as precedents for other regulatory programs. There are three reasons for this view:

(1) These targets were selected on the basis of a blood lead standard, but analogous information is not available for nonair sources.

(2) The scientific data provided by the air quality criteria allow comparison of air levels with blood lead levels, but analogous information is not available for other media. At this time, there does not appear to be the same extent of information about the impact of lead in food, water, and nonfood ingested items. Because of this, FDA, CPSC, and other EPA standards have been based on estimates of acceptable daily dose rather than on blood lead targets.

(3) Studies currently underway may provide new information relevant to estimating safe levels of lead exposure.

Comments by Other Federal Agencies

Comments on the proposed lead air quality standard were received from eight Federal Agencies. Five of the Agencies endorsed the air standard while three of the Agencies commented on specific issues and neither endorsed nor opposed the standard. The Center for Disease Control and the U.S. Public Health Service voiced support for the proposed standard of 1.5 µg Pb/m³ and urged basing the decision on the standard solely on consider­ations of public health. CDC is fully satisfied that EP elevation does indeed represent a subclinical manifestation of lead toxicity and that young children are the population most at risk from lead exposure, while some subgroups of children are at special risk to lead because of conditions such as malnutrition, genetic factors, or iron deficiency.

The Consumer Product Safety Commission endorsed the approach and some of the judgments made in arriving at the proposed air standard. CPSC concurred with the position that children are the population at enhanced risk to lead exposure, and that the goal of a mean population blood lead level for children of 15 µg Pb/dl is sufficiently low to be protective of the population at enhanced risk of exposure. CPSC views the selection of EP elevation as the adverse health effect of concern as open to challenge and suggests basing the standard on a more generally recognized severe health effect. CPSC concurs that the selection of nonair sources to limit body burden must be evaluated in setting the air standard and suggests that a larger nonair contribution, such as 13.5 µg Pb/dl used in the California standard, might be considered.

The Food and Drug Administration commended EPA's proposal of an ambient air quality standard for lead. FDA agrees that children aged 1-5 years old comprise the most critically sensitive population. FDA concurs that 15 µg Pb/dl is a reasonable maximum blood lead level to use as an average national goal for children aged 1 to 5, although FDA suggests that for young children the margin of safety is disturbingly narrow. The division of the 15 µg Pb/dl into 12 µg Pb/dl for nonair sources and 3 µg Pb/dl for air sources was not unreasonable in FDA's view.

The Occupational Safety and Health Administration endorsed EPA's proposal of a standard of 1.5 µg Pb/m³. Based on an analysis of the impact of the proposed standard on the highway program, DOT concluded that it is highly probable that transportation-related violations of the proposed standard would be limited to large urban areas.

In commenting on the proposed standard, the Department of the Interior (DOI) expressed concern that the burden for meeting the proposed standard would fall primarily on lead and copper smelters and battery manufacturers, and commented on the
impact of lead dustfall on ground water quality. The Tennessee Valley Authority provided specific comments on the proposed State implementation plan regulations and the proposed Federal reference method. The Department of Commerce offered comments on the potential impacts of the standard, pointing out that more consideration should be given to the potential impact of the standard on the petroleum industry.

**The Federal Reference Method**

The reference method for the determination of lead in suspended particulate matter collected from ambient air describes the appropriate techniques for determining the concentration of lead and its compounds as measured as elemental lead in the ambient air. A total of eight organizations submitted written comments on the method and two persons made comments at EPA's February public hearing on the proposed air quality standard. Since proposal of the Federal reference method for lead, EPA has completed additional testing of the method and added new information on the precision of the extraction analysis procedure.

Two of the commenters recommended the addition of a nitric plus hydrochloric acid extraction procedure. The extraction procedure of the proposed method contains only nitric acid. Use of a mixed acid procedure would permit the analyst to quantitatively extract more metals than just lead, thereby allowing him to analyze the same extract for more than one metal. The analysis for lead would not be affected.

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be significant only when sampling near a heavily traveled roadway. The proposed method recommends analyzing additional strips, when sampling near a roadway, to minimize this error. One's document states that the proposed sampling procedure does not collect gaseous (organic) lead compounds and recommended that EPA consider requiring the use of a method for monitoring gaseous lead. As the criteria document states, reported ambient levels of gaseous lead are very low and EPA has determined that the effort required to carry out the difficult task of monitoring for ambient gaseous lead is not justified in view of the extremely low concentration.

It was pointed out in the preamble to the proposed method that other analytical principles would probably be handled by provision for approval of the measurement methods (40 CFR Part 53) proposed elsewhere in this Federal Register. Two organizations submitted their request that alternate methods (X-ray fluorescence and anodic stripping voltametry) for lead analysis be approved by EPA. These requests will be considered when the procedures for determining equivalency are promulgated.

The final Federal reference method is based on measuring the lead content of suspended particulate matter on glass fiber filters using high volume sampling. The lead is then extracted from the particulate matter with nitric acid facilitated by heat or by a mixture of nitric acid and hydrochloric acid facilitated by ultrasonication.

Finally, the lead content is measured by atomic absorption spectrometry.

The reference method specified for lead sampling is for a single sampling period by extraction of a portion of a high-volume glass fiber filter used to collect particulate matter over a 24-hour period. Some agencies may prefer to composite filter strips from a number of sampling periods and extract and analyze it for lead. This procedure is acceptable provided the Agency shows that the compositing procedure results in the same average lead value as would be obtained from averaging individual values.


DOUGLAS M. COSTE, Administrator.

**References**


40 CFR Part 50 is amended by adding a new §50.12 and a new appendix G as follows:

§50.12 National primary and secondary ambient air quality standards for lead.

National primary and secondary ambient air quality standards for lead and its compounds, measured as elemental lead by a reference method based on appendix G to this part, or by an equivalent method, are:

Air micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter.

(42 U.S.C. 7409, 7601(a)).

**Appendix G—Reference Method for the Determination of Lead in Suspended Particulate Matter Collected From Ambient Air**

1. Principle and applicability.

1.1 Ambient air suspended particulate matter is collected on a glass-fiber filter for 24 hours using a high volume air sampler.

1.2 Lead in the particulate matter is solubilized by extraction with nitric acid (HNO3), facilitated by heat or by a mixture...
of HNO₃ and hydrochloric acid (HCl) facilitated by ultracentrifugation.

1.3 The lead content of the sample is analyzed by atomic absorption spectrometry using an air-acetylene flame, the 283.3 or 217.0 nm line. Ultracentrifugation is used to separate dissolvable metals other than lead from ambient particulate matter.

2 Range, sensitivity, and lower detectable limit. The values given below are typical of the method's capabilities. Absolute values will vary for individual situations depending on the type of instrument used, the lead line, and operating conditions.

2.1 Range. The typical range of the method is 0.07 to 7.5 μg Pb/m³ assuming an upper linear range of analysis of 15 μg/ml and an air volume of 2,400 m³.

2.2 Sensitivity. Typical sensitivities for a 1 percent change in absorption (0.0044 absorbance units) are 0.2 and 0.5 μg Pb/ml for the 217.0 and 283.3 nm lines, respectively.

2.3 Lower detectable limit (LDL). A typical LDL is 0.07 μg Pb/ml. The above value was calculated by doubling the between-laboratory relative standard deviation obtained for the lowest measurable lead concentration in a collaborative test of the method.(15) An air volume of 2,400 m³ was assumed.

3 Interferences are possible: chemical and light scattering.

3.1 Chemical. Reports on the absence (1, 2, 3, 5) of chemical interferences far outweigh those reporting their presence, (6) therefore, no correction for chemical interferences is given here. If the analyst suspects that the sample matrix is causing a chemical interference, the interference can be verified and corrected for by carrying out the analysis with and without the method of standard additions.(7)

3.2 Light scattering. Nonatomic absorption or light scattering, produced by high concentrations of dissolved solids in the sample, can produce a significant interference, especially at low lead concentrations. (2) The interference is greater at the 217.0 nm line than at the 283.3 nm line. No interference was observed using the 283.3 nm line with a similar method.(1)

Light scattering interferences can, however, be corrected for instrumentally. Since the dissolved solids can vary depending on the origin of the sample, the correction may be necessary, especially when using the 217.0 nm line. Dual beam instruments with a continuum source give the most accurate correction. A less accurate correction can be obtained by using a nonabsorbing lead line that is near the lead analytical line. Information on use of these correction techniques can be obtained from instrument manufacturers’ manuals.

4 Precision and bias.

4.1 The high-volume sampling procedure used to collect ambient air particulate matter in the laboratory relative standard deviation of 3.7 percent over the range 80 to 125 μg/m³.(9) The combined extractions analysis procedure has an average within-laboratory relative standard deviation of 5 to 6 percent over the range 1.5 to 15 μg Pb/ml, and an average between laborato-
where:

\[ y = \text{ml of concentrated HCl required} \]
\[ x = \text{molarity of HCl in 6.2.6} \]
\[ 0.15 = \text{dilution factor in 7.2.2} \]

6.2.8 Lead nitrate, Pb(NO\(_3\)). ACS reagent grade, paraformaldehyde, 2% solution for 4 hours at 120° C and cool in a desiccator.

6.3 Calibration standards.

6.3.1 Master standard, 1000 μg Pb/ml in HNO\(_3\). Dilute standards in 0.45 M HNO\(_3\), contained in a 1 L volumetric flask and dilute to volume with 0.45 M HNO\(_3\).

6.3.2 Master standard, 1000 μg Pb/ml in HNO\(_3\)/HCl. Prepare as in 6.3.1 except use D.I. water. Mix thoroughly.

7. Procedure.

7.1 Sampling. Collect samples for 24 hours using the procedure described in reference 10 with glass fiber filters. The filters are processed using the specifications in 6.1.1. Transport collected samples to the laboratory taking care to minimize contamination and loss of sample (11).

7.2 Sample preparation.

7.2.1 Hot extraction procedure.

7.2.1.1 Cut a ¼″ x 8″ strip from the exposed filter using a template and a pizza cutter as described in figures 1 and 2. Other cutting procedures may be used.

7.2.1.2 Fold the strip in half twice and place in a 30 ml beaker. Add 15 ml of the HNO\(_3\)/HCl solution in 6.2.6. The acid should completely cover the sample. Cover the beaker with paraffin.

7.2.1.3 The paraffin should be placed over the filter to ensure that none of the parafilm is in contact with water in the ultrasonic bath. Otherwise, rinsing of the paraffin (section 7.2.2.1.5) may contaminate the sample. Use paraffin and record the equilibrium absorbance.

7.2.2 Quantitatively transfer the sample as follows:

7.2.2.1 Rinse paraffin and sides of beaker with D.I. water.

7.2.2.2 Decant extract and rinsings into a 100 ml volumetric flask.

7.2.2.3 Add 20 ml D.I. water to cover the filter strip, cover with paraffin, and set aside for a minimum of 30 minutes. This is a critical step and cannot be omitted.

7.2.2.4 Transfer the ultrasonic extraction bath and operate for 30 minutes.

7.2.2.5 Quantitatively transfer the sample as follows:

7.2.2.6 Rinse paraffin and sides of beaker with D.I. water.

7.2.2.7 Decant extract and rinsings into a 100 ml volumetric flask.

7.2.2.8 Add 20 ml D.I. water to cover the filter strip, cover with paraffin, and set aside for a minimum of 30 minutes. This step is critical and cannot be omitted. The sample is then processed as in sections 7.2.1.5.4 through 7.2.1.5.9.

Nnr. — Samples prepared by the hot extraction procedure are now in 0.45 M HNO\(_3\).

8. Analysis.

8.1 Set the wavelength of the monochromator at 253.3 or 217.0 nm. Set or align other instrumental operating conditions as recommended by the manufacturer.

8.2 The sample can be analyzed directly from the volumetric flask, or an appropriate amount of sample decanted into a sample analysis tube. In either case, care should be taken not to disturb the settled solids.

8.3 Aspirate samples, calibration standards and blanks (section 9.2) into the flame and record the equilibrium absorbance.

8.4 Determine the lead concentration in μg Pb/ml, from the calibration curve, section 9.3.


9.1 Working standard, 20 μg Pb/ml. Prepared by diluting 2.0 ml of the master standard (6.3.1 if the hot acid extraction was used or 6.3.2 if the ultrasonic extraction procedure was used) to 100 ml with acid of the same concentration as used in preparing the master standard.

9.2 Calibration standards. Prepare daily by diluting the working standard, with the same acid matrix, as indicated below. Other lead concentrations may be used.

10. Calculation.

10.1 Measured air volume. Calculate the measured air volume as

\[ V_{\text{air}} = \frac{Q_{i} + Q_{f}}{T} \times T_{s} \]

where:

\[ V_{\text{air}} = \text{Air volume sampled (uncorrected), m}^3 \]
\[ Q_{i} = \text{Initial air flow rate, m}^3/\text{min} \]
\[ Q_{f} = \text{Final air flow rate, m}^3/\text{min} \]
\[ T = \text{Sampling time, min} \]

The flow rates \( Q_{i} \) and \( Q_{f} \) should be corrected to the temperature and pressure conditions existing at the time of orifice calibration as directed in addendum B of reference 10, before calculation \( V_{\text{air}} \).

10.2 Air volume at STP. The measured air volume is corrected to reference conditions of 760 mm Hg and 25° C as follows. The units are standard cubic meters, m\(^3\).

\[ V_{\text{STP}} = V_{\text{air}} \times \frac{P_{\text{g}} \times T_{s} \times T_{1}}{P_{1} \times T_{g} \times T_{2}} \]

\[ V_{\text{STP}} = \text{Sample volume, m}^3\text{, at 760 mm Hg and 25° C as follows.} \]

\[ P_{\text{g}} = \text{Atmospheric pressure at time of orifice calibration, mm Hg} \]
\[ P_{1} = 760 \text{ mm Hg} \]
\[ T_{s} = \text{Atmospheric temperature at time of orifice calibration, °K} \]
\[ T_{1} = 298° \text{ K} \]

10.3 Lead concentration. Calculate lead concentration in the air sample.

\[ c = \frac{\mu g \text{ Pb/ml} \times 100 \text{ ml} \times 12 \text{ strips} \times \text{parafilm filter}}{V_{\text{STP}}} \]
where:
\[ C = \text{Concentration, \( \mu g \ Pb/sm^3 \)} \]
\[ \mu g \ Pb/ml = \text{Lead concentration determined from section 8.} \]
\[ V_{he} = \text{Air volume from 10.2.} \]

11. **Quality control.**

- Useable filter area, 7\" x 9\"
- Exposed area of one strip, 7\" x 7\"
- Exposed area of one strip, 7\" x 7\"

12. **Trouble shooting.**

1. During extraction of lead by the hot extraction procedure, it is important to keep the sample covered so that corrosion products—formed on fume hood surfaces which may contain lead—are not deposited in the extract.

2. The sample acid concentration should be established to monitor differences from the method. 

3. Ashing of particulate samples has been found, by EPA and contractor laboratories, to be unnecessary in lead analyses by atomic absorption. Therefore, this step was omitted from the method.

4. Filtration of extracted samples, to remove particulate matter, was specifically excluded from sample preparation, because some analysts have observed losses of lead due to filtration.

5. If suspended solids should clog the nebulizer during analysis of samples, centrifuge the sample to remove the solids.


15. To be published. EPA, QAB, EMSL, RTP, N.C. 27711.


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Figure 2

STRAIPS FOR OTHER ANALYSES

½" x 8" STRIP FOR LEAD ANALYSIS

1mm SLIT

19mm (¾")
PART 51—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Implementation Plans for Lead National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The regulations promulgated below, together with the current requirements of 40 CFR Part 51, set forth the requirements for States to follow in developing, adopting, and submitting acceptable implementation plans for the lead national ambient air quality standards (NAAQS), promulgated elsewhere in the Federal Register. The implementation plans are required under section 110 of the Clean Air Act. Amendments to the existing regulations for implementation plans are necessary because lead differs from other pollutants for which the existing regulations were designed. The amendments address the following topics: definitions of point source and control strategy; control strategy requirements; and air quality surveillance.

EFFECTIVE DATE: This rulemaking is effective October 5, 1978; State implementation plans for lead are due by July 5, 1979.

ADDRESSES: U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Control Programs Development Division (MD 15), Research Triangle Park, N.C. 27711.

FOR FURTHER INFORMATION CONTACT: Joseph Sableski, Chief, Plans Guidelines Section, at the above address or at 919-541-5437 (commercial) or 629-5437 (FTS).

SUPPLEMENTARY INFORMATION:

1. BACKGROUND

On December 14, 1977, EPA proposed regulations for the preparation, adoption, and submission of implementation plans to achieve the national ambient air quality standards for lead, which were also proposed on the same date (42 FR 63087). EPA invited comments from interested persons and held a hearing on the proposed NAAQS and State implementation plan (SIP) regulations on February 15 and 16, 1978. EPA received comments on the proposed lead implementation plan requirements from 25 commenters. Of these, there were 10 representatives from industry, 9 from State and local governmental agencies, 4 from citizens’ organizations, and 2 from other federal agencies.

2. SUMMARY OF COMMENTS AND RESPONSES

The following discussion summarizes most of the comments received on the proposal. There were a few other comments that EPA felt were not significant to warrant discussion in the Federal Register and that did not affect the final regulation. A summary of all the comments received and EPA’s response is available for public inspection during normal business hours in EPA’s Public Information Reference Unit (PM 215), 401 M Street SW., Washington, D.C. 20460, telephone 202-786-7070.

2.1 POINT SOURCE DEFINITION

There were several comments concerning the definition of a point source. One commenter indicated that the definition of a point source is confusing and differs from that used in the provisions in the Clean Air Act concerning prevention of significant deterioration (PSD). Parts of that comment were directed toward the existing definition of point source in §51.1(k), which, as the commenter acknowledged, is not the subject of the proposal and will not be discussed here.

Currently, §51.1(k) defines point sources in terms of emissions per year and location of the source, as well as a listing of individual source categories. Currently, point sources of other pollutants for which NAAQS exist that are located in urban areas are defined as those that emit pollutants in excess of 100 tons per year; point sources in less urbanized areas are defined as those that emit pollutants in excess of 25 tons per year. In light of the low level of the lead standard in relation to the other standards (e.g., for particulate matter), it is generally necessary for one to be aware of the potential,. as well as actual, emissions. Hence, the source size criteria categories in §§ 51.80 (“Demonstration of attainment”) and 51.85 (“Other areas”) appeared identical and there were no comments about reducing the difference between the two sections lies in the required geographical scope of the analysis. Section 51.83 requires that the plan contain an analysis of the emissions from each urbanized area that is in excess of 4.0 mg/m³ quarterly mean (monthly mean in the proposal). The distinguishing provision is that...
the analysis must cover at least the entire urbanized area. Section 51.85, on the other hand, requires that for any area (urbanized or not) with a recorded lead concentration that does not meet the national standard of 1.5 
μg/ft² quarterly mean (thinner filter measured in the proposal), the plan must contain an analysis of at least the area in the vicinity of the monitor that has recorded the concentration. Therefore, the analysis may be restricted to an evaluation of a single source, or to a group of sources within a relatively small radius from the monitor.

Several commenters suggested that the control strategy requirements ensure that the burden for solving the lead air problem be equitably distributed between mobile and stationary sources. The commenters realized that either kind of control is expensive and difficult to implement. In response, EPA maintains that the allocation of the burden of control is the primary responsibility of the States, and therefore EPA will avoid setting criteria in 40 CFR 51 that favor control of one source category over another. EPA acknowledges that measures that are expensive and difficult to implement may have to be adopted in order to demonstrate attainment of the lead standard.

Two commenters indicated that the regulations did not provide a satisfactory treatment to problems related to background concentration. They claimed that a facility in an area of high background concentrations may be unduly penalized in efforts to attain the standard. EPA acknowledges that this problem may exist. In most cases, however, the high background air concentrations are generally due to other sources in the vicinity. It is the primary responsibility of the State to allocate the burden of emission control to various sources causing the problem. Sources will have an opportunity to comment on the plan at the public hearing that is required before the plan is submitted to EPA.

One commenter suggested that EPA recommend analysis of fugitive dust and on-premise soil before a State initiates a program of prolonged monitoring in the vicinity of gray iron foundries. As mentioned in the preamble to the proposed regulations, EPA identified gray iron foundries as having the potential for causing violations of the national standard for lead, but this identification was based on limited data concerning the amount of fugitive emissions from the facilities. Although EPA does not feel that the degree of confidence in this identification justifies a requirement for States to analyze all gray iron foundries (of which approximately 1,500 exist), EPA encourages States to consider analysis of these sources to the extent that time and resources permit. The commenter’s suggestion concerning the analysis of fugitive dust and on-premise soil before undertaking extensive monitoring and analysis appears to be directed to those sources that have significant fugitive emissions—Primary and secondary lead smelters and primary copper smelters. Presumably, after these monitors have been in place for a few years, the data will provide more accurate information concerning the nature and magnitude of the problem.

Several comments addressed issues concerning control of lead in gasoline. One commenter claimed that local enforcement agencies do not have the funds for continuous monitoring. In response, EPA has found that there are no techniques for controlling individual vehicle lead emissions. The State will be required under existing regulations (40 CFR 51.19) to carry out a source surveillance program which generally consists of visual inspection of the installation of control equipment and testing of stack emissions.

The same commenter indicated that only ambient monitoring or upwind-downwind sampling can give a reliable assessment of the impact of sources with a large fugitive emission component. EPA acknowledges that monitoring of fugitive emissions is difficult to implement. Such studies cannot be done within the time and resource constraints facing the States, however, and therefore EPA regulations require the use of modeling around such point sources. States will have to make estimates of the fugitive emissions based on whatever information may exist. EPA is, however, in another part of this FEDERAL REGISTER giving advance notice of proposed rulemaking to require the installation of ambient monitors in the vicinity of these categories of point sources that have major fugitive emissions—Primary and secondary lead smelters and primary copper smelters. Presumably, after those monitors have been in place for a few years, the data will provide more accurate information concerning the nature and magnitude of the problem from those sources. After those data become available, EPA may require States to revise their implementation plans. Furthermore, EPA intends to develop fugitive lead emission factors that are more accurate than those that currently exist.

One commenter recommended that the regulations place the proof of compliance with emission regulations on the stationary source. The commenter claimed that local enforcement agencies do not have the funds for continuous monitoring. EPA has found that there are no techniques for controlling individual vehicle lead emissions. The State will be required under existing regulations (40 CFR 51.19) to carry out a source surveillance program which generally consists of visual inspection of the installation of control equipment and testing of stack emissions.

Several comments addressed issues concerning control of lead in gasoline. One commenter indicated that any reduction of the lead content of gasoline or any other similar kinds of programs (presumably meaning control of fuels or the control of lead emissions from individual vehicles) that may be needed in the SIP over and above the current Federal program should be done through Federal rather than local regulation. EPA has already taken steps to control the amount of lead in gasoline through the phase-down of lead in leaded gasoline and the requirement that cars equipped with catalyst mufflers must burn un-
lead in gasoline was based on leaded gasoline. The level of control of lead in gasoline or control of lead emissions from the tailpipe of vehicles. Currently, EPA does not foresee the need for additional mobile source control strategies and does not intend to require further nationally applicable lead-in-gasoline reductions.

Other comments concerning further reductions of the lead content of gasoline suggested that such reductions be undertaken only after sufficient data are available to indicate that the lead air quality problem is geographically broad enough and only after a finding that such a limitation is necessary to achieve a national ambient air quality standard. The commenters enumerated the problems with instituting further control of the lead content of gasoline. The commenters contended that application of more stringent local limitations of lead in gasoline could seriously disrupt the nation's gasoline distribution system, resulting in severe spot shortages, especially during the summer months when gasoline demand is at its highest.

EPA recognizes this problem and advises the States to consider the comment. Also, under section 211(c)(4)(C) of the Clean Air Act, EPA will not approve State or regional programs for further reductions of lead content of gasoline unless the State demonstrates that no other reasonable measures are available.

One of the commenters recommended that 40 CFR Part 51 regulations be modified to reflect the restrictions in section 211(c)(4)(C) of the Act regarding State limitation of the lead content of gasoline. In response, EPA has incorporated the intent of the Act into the definition of "control strategy" as it pertains to restrictions on fuel additives.

Two commenters representing primary lead smelting companies recommended an alternative approach to protecting the health of persons from the ambient lead levels in the vicinity of primary lead smelters. They recommended that sources that cannot control emissions so that the lead standard will be met be allowed to conduct a public hearing and to submit a plan. If the hearing is held and if the plan is approved, the plan must demonstrate that the control strategy contained in the plan is adequate to attain and maintain the NAQS. EPA realizes, however, that a plan which meets this criterion may, even after all its requirements are met, not actually result in attainment by the attainment date. This would generally indicate that assumptions concerning the amount of emissions and the relationship between emissions reductions and air concentrations that were made when the plan was developed eventually were proven erroneous. If an approved plan is later found to be inadequate to attain the standard, EPA will require the State to revise the plan. If that plan is not already required, it will be sufficient short of those that would force significant source closures, EPA will at that time decide whether the closure must be effected or whether there are alternatives, given in the discretion given to EPA under the Act in sections 110 or 113.

Concerning technical problems, the relationship between emissions from a source and blood lead levels is not quantitatively certain. Even assuming a biological monitoring system were to be established, it is unclear what the source would have to do concerning its operation or emissions if the monitoring program revealed unacceptable blood lead levels. Even if a course of action were clear, the damage would have already been done, while the basic purpose of the standard setting and implementation process envisioned by section 110 of the Act is prevention of public health problems.

Concerning equity, the biological monitoring program would inconvenience the very people that are supposed to benefit from the Act. The Act envisioned that all people have an equal right to healthy air. The commenters who recommended that biological monitoring be required apparently believed that people who happen to live in areas with elevated lead levels should not be accorded equal protection, but should be made to pay extra for their health through presumably continuous participation in a blood sampling program. If a person did not want to participate, it is doubtful whether he could be forced to, so therefore his health could be placed in jeopardy.

One commenter representing a primary lead smelter warned that enclosure of smelter operations to control fugitive lead emissions may present a severe occupational health hazard to employees who must work within the enclosed space. EPA realizes these potential problems. If a source installs such enclosure, it must of course also meet any applicable regulations set forth by the Occupational Safety and Health Administration as well as control emissions to the extent specified in the applicable implementation plan.

One other commenter expressed concern that there appears to be nothing that can be done in areas where a source is employing best available control technology, yet the standard is still not being met. The Act requires that if approved, an implementation plan must demonstrate that the control strategy contained in the plan is adequate to attain and maintain the NAQS. EPA realizes, however, that a plan which meets this criterion may, even after all its requirements are met, not actually result in attainment by the attainment date. This would generally indicate that assumptions concerning the amount of emissions and the relationship between emissions reductions and air concentrations that were made when the plan was developed eventually were proven erroneous. If an approved plan is later found to be inadequate to attain the standard, EPA will require the State to revise the plan. If that plan is not already required, it will be sufficient short of those that would force significant source closures, EPA will at that time decide whether the closure must be effected or whether there are alternatives, given in the discretion given to EPA under the Act in sections 110 or 113.

Concerning the legal problem, such as daily. One person indicated that a minimum number of samples be taken to determine whether the standard is being attained. Also, several persons commented that the sampling should be performed more frequently, such as daily. One person indicated that the determination of the attainment status should be done by annual rather than monthly averaging. At least a 3-month average would be more desirable. Another person indicated that the shorter the averaging period, the more the number of samples should be.

Concerning the minimum number of valid samples needed to determine an average, it is general practice to require at least 75 percent of the sched-
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uled samples to be valid. EPA will prepare a guideline on this and other issues concerning the determination of attainment dates. A final comment on monitoring the frequency of sampling. EPA is promulgating a national ambient air quality standard for lead in this Federal Register that is based on a calendar quarter, rather than calendar month as had been proposed. EPA has determined that a sampling schedule of once every 6 days is adequate to give a representative sample for a quarter.

One commenter indicated that monitoring the inner-city area should be given top priority because the vehicle mix in these areas favors older cars that burn leaded gasoline. EPA's response is that if maximum exposures occur in these areas, then monitoring these areas should in fact receive first priority. The determination of acceptability of the sites will be the joint responsibility of the States and the cognizant EPA regional office.

One commenter recommended that EPA change the recommendation in the draft "Supplementary Guidelines for Lead Implementation Plans" (1) for locating lead monitors near roadways that are at or below grade level rather than near elevated roadways. The commenter suggested that the guideline require measurements to be representative of emissions and environmental exposure. The commenter indicated that the proposed guidance would exclude monitoring play areas that are located beneath elevated roadways. EPA agrees with this comment. The purpose behind excluding below grade level monitoring and monitoring near elevated roadways was to insure adequate exposure at the monitoring site. If significant population exposures exist through distances that exceed the distance restrictions, such as the requirement for placement of monitors between 5 and 15 meters from the traffic lane. The commenter indicated that many areas do not have housing that close to major roadways and therefore the numerical restrictions would be counterproductive to insuring accurate monitoring of maximum population exposure. EPA's response is that even though housing may not exist that close to roadways in all cases, the public has access to many such areas.

One commenter recommended that the monitoring guidelines require monitoring lead below ground level in public places such as subway stations and underground shopping areas. In response, EPA's monitoring guidance was written for purposes of determining attainment of a standard. Locating monitors in subways to determine exposures would yield data suitable for developing implementation plans or determining national trends and strategies and thus will not require it. Furthermore, since no member of the public spends more than perhaps 8 hours out of 24 hours in such locations, monitoring there would not be representative of population exposure for a standard based upon 24-hour sampling for an entire quarter.

One commenter recommended that the regulations require ambient monitoring near point sources. Not doing so may allow potentially significant public health impacts that result from fugitive emissions at major point sources to be ignored. As mentioned above, in another part of this Federal Register, EPA is giving advice to the rulemaking to modify the regulations to require source owners or operators to monitor in the vicinity of primary and secondary lead smelters and primary copper smelters. EPA chose these source categories because they are considered to have the potential for causing the greatest concentrations of air lead in their vicinity and because the nature and magnitude of their fugitive emissions are relatively unknown compared to other source categories. The regulations will continue to vest authority in the regional administrators to require monitors in the vicinity of other sources. EPA will prepare guidance concerning the recommended number and sitting of monitors in the vicinity of lead point sources.

Another commenter claimed that the regulations do not adequately address the locations where air quality samples will be taken and at what distances from a facility they will be taken. As mentioned above, EPA will develop guidance on the placement of lead monitors in the vicinity of point sources. The guidance for locating monitors elsewhere is highly specific in that the distances from obstructions and interferences are quantitatively described. It is not possible from a national perspective, however, to develop general regulations that would cover every conceivable situation that could occur without making the regulations unduly complex.

One commenter suggested that the lead monitors should not be required to be permanent until the State has more experience in sampling and monitoring. As another commenter recommended that EPA require initial monitoring by mobile vans or other procedures to locate the most critical sites. EPA does not intend that the required monitoring stations would remain at one place in perpetuity. EPA does, however, need some stability in monitoring site locations to allow for trends analysis. If a station once established is later found to be unrepresentative, it should be moved to a new location. EPA agrees with the intent of the comments and has always encouraged special purpose monitoring prior to establishing a permanent monitoring station. EPA will not require resource-intensive procedures to locate critical sites, however.

Several commenters recommended that the regulations require more than a minimum of two monitors per area. EPA's response is that the regulations do not preclude placing out additional monitors. EPA is interested nationally in obtaining only enough data to establish a data trend,
The public can also comment on changes to the networks at any time by submitting written comments or changes to the State or EPA regional office.

One commenter indicated that the low-volume sampler compares favorably in measurement with the high-volume sampler, which is the reference method for collection of the sample, and excludes larger particles that are not respirable and which the commenter feels are not significant from a health standpoint. The commenter implies that EPA should allow the use of the low-volume sampler. Low-volume sampling will be allowed if the agency that wishes to use it demonstrates that the method is equivalent to the reference method, using the procedures that EPA is proposing in another portion of this Federal Register.

3.0 OTHER CHANGES FROM PROPOSAL

3.1 AIR QUALITY SURVEILLANCE REQUIREMENTS

EPA has revised the air quality surveillance requirements for lead slightly from the proposal to render them clearer and more consistent with the general air quality surveillance requirements currently under revision that will apply to all pollutants. These revised general requirements will closely follow and implement the recommendations of EPA's Standing Air Monitoring Work Group (SAMWG). (4) In a recent action (43 FR 34892, published Aug. 7, 1978), EPA proposed that the locations of stations (for all pollutants) need not actually be included in the implementation plan, but the plan must contain a monitoring program which includes a monitoring network that is based upon negotiations between the State and the EPA regional office. The plan would also have to contain a commitment to annually review the adequacy of the network and to establish new stations and relocate or terminate existing stations as needed in order to keep the network responsive to data needs. EPA feels that if the entire system were part of the SIP, the only way the State could make modifications would be to propose the change, hold a public hearing, and submit the change to EPA as a plan revision. EPA would then have to propose to approve the revision, entertain public comment, and then finally promulgate its approval. EPA feels that this process is too time-consuming and would defeat the purpose of the annual review, which is to make timely adjustments to the network. Also, EPA feels that the potential benefits from this process would be too few to warrant its implementation. The proposed requirements concerning air quality monitoring, however, would require that the locations of the monitors be available at all times for public inspection. Therefore, when the State revises its monitoring work to the State and the regional office is consistent with the recommendations of EPA's Standing Air Monitoring Work Group (SAMWG). (4) The significant revisions of the lead requirements from the proposal include the following: A change of the date by which the entire monitoring system must be established; deletion of the terms, "National Air Quality Trends Stations" (or "NAQTS") (which are now called "National Air Monitoring Stations") (or "NAMS") and "State and Local Air Monitoring Stations" (or "SLAMS"). These terms have not yet been defined by regulation, so reference to them is meaningless. Modification to the requirement that the plan contain a description of the monitoring system; and revision of the "Supplementary Guidelines on Lead Implementation Plans" to account for location of monitoring stations in urban street canyons. As mentioned in the preamble to the proposal, EPA will eventually incorporate the lead monitoring requirements into the air quality monitoring requirements that apply to all pollutants for which NAAQS's exist.

3.2 REPORTING OF DATA BASE

Under the proposal in §51.86(c), the State would have been required to submit the air quality data collected since 1974 in the format of EPA's storage and retrieval of aerometric data (SAROAD) system. The final regulation below retains this requirement, but provides the Administrator with the authority to waive the requirement concerning the format of the data.

3.3 LISTS OF URBANIZED AREAS

There were several errors in the two tables of areas in the preamble to the proposal. In table 2, "Urbanized areas with lead air concentrations exceeding or equal to 1.5 µg/m³, maximum monthly mean (1975)" the Norfolk, Va. AQCR number should have read 223 instead of 233. Table 3, "Urbanized areas with lead air concentrations equal to or exceeding 4.0 µg/m³, maximum monthly mean (1975)" should have read as follows:

<table>
<thead>
<tr>
<th>&quot;AQCR&quot;</th>
<th>Urbanized area</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Phoenix, Ariz.</td>
</tr>
<tr>
<td>22</td>
<td>Los Angeles—Long Beach, Calif.</td>
</tr>
<tr>
<td>29</td>
<td>San Diego, Calif.</td>
</tr>
<tr>
<td>36</td>
<td>San Francisco—Oakland, Calif.</td>
</tr>
<tr>
<td>54</td>
<td>San Jose, Calif.</td>
</tr>
<tr>
<td>67</td>
<td>Chicago, Ill.—northwestern Indiana.</td>
</tr>
<tr>
<td>215</td>
<td>Dallas, Tex.</td>
</tr>
</tbody>
</table>

SOURCE: Data from EPA's Environmental Monitoring Support Laboratory, Statistical and Technical Analysis Branch.

These corrections, however, are now academic, since the averaging time of the lead standard is now quarterly. Therefore, tables 2 and 3 are revised to reflect the quarterly average. Table 2 (renumbered table 1) appears at the end of the preamble. Table 3, revised to reflect the quarterly average, now contains only one area, the Los Angeles—Long Beach, Calif., urbanized area. The list reflects only the data currently available to EPA, and generally the quarterly averages available are not truly representative due to insufficient data. There are other data available to State and local air pollution control agencies, however, that may indicate that other areas have concentrations in excess of the concentrations specified in the criteria for performing the analysis.

3.4 EXAMPLE LEAD CONTROL STRATEGY

The preamble to the proposal indicated that EPA was developing an example lead control strategy to assist the States in developing their lead implementation plans. The preamble indicated that the example was scheduled for completion by March 1978. Because EPA has received an extension for promulgating the national ambient air quality standard for lead, because the example lead control strategy will be based on the final implementation plan regulations promulgated below, and because of other delays, the example controls strategy will


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§ 51.1 Definitions.

(k) “Point source” means the following:
(1) For particulate matter, sulfur oxides, carbon monoxide, hydrocarbons, and nitrogen dioxide—
(i) Any stationary source the actual emissions of which are in excess of 90.7 metric tons (100 tons) per year of the pollutant in a region containing an area whose 1970 “urban place” population, as defined by the U.S. Bureau of the Census, was equal to or greater than 1 million;
(ii) Any stationary source the actual emissions of which are in excess of 22.7 metric tons (25 tons) per year of the pollutant in a region containing an area whose 1970 “urban place” population, as defined by the U.S. Bureau of the Census was less than 1 million; or
(iii) Without regard to amount of emissions, stationary sources such as those listed in appendix C to this part.

(d) This section covers only plans to attain and maintain the national standards for particulate matter, sulfur oxides, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen dioxide.

4. A new § 51.17 is added as follows:

§ 51.17 Air quality surveillance: Lead.

(a) This section covers only plans to attain and maintain the national standards for lead.

(b) The plan must provide for the establishment of a monitoring system that contains at least two permanent lead ambient air quality monitoring stations in each urbanized area (as defined by the U.S. Bureau of the Census).

(1) That has a 1970 population greater than 500,000;
(2) Where lead air quality concentrations currently exceed or have exceeded 1.5 μg/m³ quarterly arithmetic mean measured since January 1, 1974.

(c) The EPA Regional Administrator may specify more than two monitoring stations if he finds that two stations are insufficient to adequately determine if the lead standard is being attained and maintained. He may also specify stations in areas outside the areas covered in paragraph (b) of this section.

(d) The monitoring system must contain at least one roadway type monitoring site and at least one neighborhood site and be sited in accordance with the procedures specified in EPA’s “Supplementary Guidelines for Lead Implementation Plans.”

(e) The monitors must be operated on a minimum sampling frequency of one 24-hour sample every 6 days.

(f) Existing sampling sites being used for sampling particulate matter may be designated as sites for sampling lead if they meet the siting criteria of ‘Supplementary Guidelines for Lead Implementation Plans.”

(g) The plan must provide that all lead air quality monitoring stations will be established and operational as expeditiously as practicable but no later than 3 years after the date of the Administrator’s approval of the plan for the stations specified under paragraph (b) of this section.

1. In § 51.1, paragraph (k) is revised and paragraph (n) is amended by adding paragraph (11) as follows:

FEDERAL REGISTER, VOL. 43, NO. 194—THURSDAY, OCTOBER 5, 1978
(1) The plan must provide for having a description of the system available for public inspection and submission to the Administrator at his request. The description must be available at all times after the date the plan is made available for public inspection. The description must include the following information:
   (1) The SAROAD site identification form.
   (2) The sampling and analysis method.
   (3) The sampling schedule.
   (k) The monitoring method used in any station in the monitoring systems required in this section must be a reference or equivalent method for lead as defined in § 50.1 of this chapter.

5. A new subpart E is added as follows:

Subpart E—Control Strategy: Lead

Sec.
51.80 Demonstration of attainment.
51.81 Emissions data.
51.82 Air quality data.
51.83 Certain urbanized areas.
51.84 Areas around significant point sources.
51.85 Other areas.
51.86 Data bases.
51.87 Measures.
51.88 Data availability.

Authority: Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410, 7601).

Subpart E—Control Strategy: Lead

§ 51.80 Demonstration of attainment.

(a) Each plan must contain a demonstration that the standard will be attained and maintained in the following areas:
   (1) Areas in the vicinity of the following point sources of lead:
      Primary lead smelters.
      Secondary lead smelters.
      Primary copper smelters.
      Lead gasoline additive plants.
      Lead-acid storage battery manufacturing plants that produce 2,000 or more batteries per day.
      Any other stationary source that actually emits 25 or more tons per year of lead or lead compounds measured as elemental lead.
   (2) Any other area that has lead air concentrations in excess of the national standard concentration for lead, measured since January 1, 1974.
      (a) The plan must demonstrate that the measures, rules, and regulations contained in the plan are adequate to provide for the attainment of the national standard for lead within the time prescribed by the Act and for the maintenance of that standard for a reasonable period thereafter.
      (c) The plan must include the following:
         (1) A summary of the computations, assumptions, and judgments used to determine the reduction of emissions or reduction of the growth in emissions that will result from the application of the control strategy.
         (2) A presentation of emission levels expected to result from application of each measure of the control strategy.
         (3) A presentation of the air quality levels expected to result from application of the overall control strategy presented either in tabular form or as an isopleth map showing expected maximum concentrations.

§ 51.81 Emissions data.

(a) The plan must contain a summary of the baseline lead emission inventory based upon measured emissions or, where measured emissions are not available, documented emission factors. The point source inventory on which the summary is based must contain all sources that emit 5 or more tons of lead per year. The inventory must be summarized in a form similar to that shown in appendix D.

(b) The plan must contain a summary of projected lead emissions for—
   (1) At least 3 years from the date by which EPA must approve or disapprove the plan if no extension under section 110(e) of the Clean Air Act is granted;
   (2) At least 5 years from the date by which EPA must approve or disapprove the plan if an extension is requested under section 110(e) of the Clean Air Act;
   (3) Any other longer period if required by the appropriate EPA Regional Administrator.

(c) The plan must also contain a description of the method used to project emissions.

(d) The plan must contain an identification of the sources of the data used in the projection of emissions.

§ 51.82 Air quality data.

(a) The plan must contain a summary of all lead air quality data measured since January 1974. The plan must include an evaluation of the data for reliability, suitability for calibration, dispersion models (when such models will be used), and representativeness. When possible, the air quality data used must be for the same baseline year as for the emission inventory.

(b) If additional lead air quality data are desired to determine lead air concentrations in areas suspected of exceeding the lead national ambient air quality standard, the plan may include data from any previously collected filters from particulate matter high volume samplers. In determining the lead content of the filters for control strategy demonstration purposes, a State may use, in addition to the reference method, X-ray fluorescence or any other method approved by the Regional Administrator.

(c) The plan must also contain a tabulation of, or isopleth map showing, maximum air quality concentrations based upon projected emissions.

§ 51.83 Certain urbanized areas.

For urbanized areas with measured lead concentrations in excess of 4.0 μg/m³, quarterly mean measured since January 1, 1974, the plan must employ the modified rollback model for the demonstration of attainment as a minimum, but may use an atmospheric dispersion model if desired.

§ 51.84 Areas around significant point sources.

(a) The plan must contain a calculation of the maximum lead air quality concentrations and the location of those concentrations resulting from the following point sources for the demonstration of attainment:
   Primary lead smelters.
   Secondary lead smelters.
   Primary copper smelters.
   Lead gasoline additive plans.
   Lead-acid storage battery manufacturing plants that produce 2,000 or more batteries per day.
   Any other stationary source that actually emits 25 or more tons per year of lead or lead compounds measured as elemental lead.

(b) In performing this analysis, the State shall use an atmospheric dispersion model.

§ 51.85 Other areas.

For each area in the vicinity of an air quality monitor that has recorded lead concentrations in excess of the lead national standard concentration, the plan must employ the modified rollback model as a minimum, but may use an atmospheric dispersion model if desired for the demonstration of attainment.

§ 51.86 Data bases.

(a) For interstate regions, the analysis from each constituent State must, where practicable, be based upon the same regional emission inventory and air quality baseline.

(b) Each State shall submit to the appropriate EPA Regional Office with the plan, but not as part of the plan, emissions data and information related to point and area source emissions as identified in the "Supplementary Guidelines for Lead Implementation Plans."

(c) Air quality data.

(1) Each State shall submit to the appropriate EPA Regional Office with the plan, but not as part of the plan, all lead air quality data measured since January 1, 1974. This require-
(2) The data must be submitted in accordance with the procedures and data forms specified in chapter 3.4.0 of the "AEROS User's Manual" concerning storage and retrieval of aerometric data (SAROAD) except where the Regional Administrator waives this requirement.

§ 51.87 Measures.
(a) The lead control strategy must include the following:
(1) A description of each control measure that is incorporated into the lead plan.
(2) Copies of or citations to the enforceable laws and regulations to implement the measures adopted in the lead plan.
(3) A description of the administrative procedures to be used in implementing each selected control measure.
(4) A description of enforcement methods including, but not limited to, procedures for monitoring compliance with each of the selected control measures, procedures for handling violations, and a designation of agency responsibility for enforcement or implementation.

§ 51.88 Data availability.
(a) The State shall retain all detailed data and calculations used in the preparation of the lead analyses and plan, make them available for public inspection, and submit them to the Administrator at his request.
(b) The detailed data and calculations used in the preparation of the lead analyses and control strategies are not considered a part of the lead plan.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410, 7601).)
PROPOSED RULES

Part 53 to extend the equivalent method regulations to cover methods for measuring lead in the atmosphere. Since most, if not all, candidate equivalent methods for lead are likely to be manual methods, EPA expects relatively little initial incentive for commercial organizations to apply for equivalent method determinations. Consequently, most equivalent method applications for lead methods will have to be originated by EPA under §53.7 "Testing of Methods at the Initiative of the Administrator." Specifically, EPA intends to pursue designation of some of the methods noted earlier, which are already in use among some monitoring agencies. These would include methods which use the same sampling procedure as the reference method, but use alternate analytical principles such as flameless atomic absorption, optical emission spectrometry, and anodic stripping voltammetry. Direct analysis of high volume filters by X-ray fluorescence is also a candidate method for early designation by EPA.

GENERAL APPROACH

As suggested above, any method which purports to measure atmospheric lead could be considered as a candidate method only if it meets all of the preconditions of the sampling procedure or analytical technique used. To be designated as an equivalent method, the candidate method must demonstrate a "consistent relationship" to the reference method. This is done by taking simultaneous measurements with both methods in accordance with the procedures and requirements to be specified in 40 CFR Part 53. In addition, the candidate method must also demonstrate adequate precision among repeated analyses of the same sample. Since the proposed reference method provides 24-hour integrated measurements, candidate methods would have to be compared on that basis. Shorter term integrated methods or even automated methods could be considered as candidate methods. But only 24-hour averages could be compared to the reference method. Therefore, any subsequent designation of such a method as an equivalent method would apply only to 24-hour averages.

AMENDMENTS TO 40 CFR PART 51

Paragraph (a) of §51.17a provides general requirements for air quality monitoring methods used by States in their implementation plan monitoring networks. Subparagraph (1) requires use of reference or equivalent methods for SO2, CO, O3, and NOx, and would have to be followed in any lead rule. Subparagraph (3) provides certain "grandfather" periods for use of existing methods for SO2, CO, O3, and NOx.
would be amended by adding a similar “grandfather” provision allowing existing methods for lead to be used until February 18, 1980—the same expiration date as that for existing methods for SO₂,CO, and O₃.

**AMENDMENT TO PART 53**

Subpart C of part 53 contains the test procedures prescribed for determining a consistent relationship between the reference method and a candidate equivalent method. Since these test procedures were originally designed for gaseous pollutants, several significant changes and additions are required to adapt the procedures for lead.

**DETERMINATION OF CONSISTENT RELATIONSHIP**

Section 53.30, paragraph (a) pertaining to the determination of a consistent relationship would be changed to indicate that the specifications for lead appear in a separate table (table C-3) than the specifications for SO₂, CO, O₃, and NO₂.

**TEST SITE**

Section 53.30, paragraph (b), pertaining to test sites would be changed in several ways. First, the paragraph would be subdivided to differentiate the various requirements applicable to: (1) All methods, (2) methods for gaseous pollutants, and (3) methods for lead. Multiple test sites would be allowed for lead methods in order to facilitate measurements in the required range, since pollutant augmentation would not be feasible for particulate methods. Also, a new provision would allow an applicant to request approval of the test site or sites from EPA prior to conducting the tests.

A final minor change proposed for paragraph (b) would delete the stipulation that test sites be **“** **away from large bodies of water **“** **“** This change has nothing to do with lead, but is prompted by general confusion among applicants as to its specific meaning. Since the requirement is not essential, the current revision of the paragraph provides a good opportunity to eliminate both the stipulation and the confusion.

**OTHER GENERAL PROVISIONS**

Paragraphs (c), (d), and (e) of §53.30 would also be revised and reorganized to reflect the differences in requirements for methods for gaseous pollutants and for lead particulates. Revised paragraph (c) specifies the general requirement for simultaneous measurements at the test site of each of the required concentration ranges indicated by tables C-1 or C-3. Paragraph (d) would be revised and subdivided to clarify the different requirements for sample collection. Subparagraph (1) indicates the general requirement for homogenous samples. Subparagraph (2) specifies the use of a common distribution manifold and allows artificial pollutant augmentation for gaseous pollutants. Subparagraph (3) specifies the relative location requirements for lead samplers. And paragraph (4) would specifically allow the use of a common sample when the candidate method uses a sampling procedure identical to that of the reference method. Finally, the present paragraph (d) on “Submission of Test Data **“** “ would be changed to paragraph (e).

**TEST CONDITIONS**

In §53.31 on “Test Conditions,” paragraphs (a), (c), and (d) would be revised slightly to clarify certain differences between gaseous and particulate methods, and to clarify the requirements pertaining to calibration and range.

**TEST PROCEDURE**

Because the test procedures being proposed for lead differ considerably from those for gaseous pollutants, existing §53.32 would be reified “Test Procedures for Gaseous Pollutants” and a new §53.33, “Test Procedures for Lead,” would be added. The proposed new §53.33 is similar in form to §53.32, but the specific requirements for lead methods differ in several ways from the requirements for gaseous pollutant methods. First, a new table C-3 summarizes the test specifications pertinent to methods for lead. Only one concentration range is specified, into which five or more of the measurements must fall. The difference specification for lead is specified as a percent of the reference method measurement, as opposed to the fixed, absolute values specified for gaseous pollutant methods. An accuracy specification for the reference method based on analysis of audit samples supplied by EPA is specified. In addition, a performance specification for analytical precision is also being proposed to apply to lead methods.

Because most methods for lead provide a result only after collected samples are analyzed in a laboratory, the test acceptance criteria are based on a single sampling plan rather than the double sampling plan prescribed for gaseous pollutant methods. Ten or more (homogeneous) samples are collected and analyzed to provide at least five samples which fall into the required range of 0.5 to 4.0 μg/m³. Each sample is analyzed three times and the results of all samples in the range are subjected to both the precision test prescribed in paragraph (f) and the consistent relationship test prescribed in paragraph (f). For the candidate method to qualify for designation, no test failures would be permitted in either test.

**PUBLIC PARTICIPATION**

Interested persons are invited to comment on any aspect of these proposed amendments. Comments should be submitted in duplicate and must be received by November 20, 1978. Address comments to Mr. Larry Purdue, Department E (MD-76), Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711.


DOUGLAS M. COSTIE, Administrator.

It is proposed to amend chapter I, title 40, Code of Federal Regulations, as follows:

**PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS**

1. In §51.17a, paragraph (a) is amended by revising the first sentence of paragraph (a)(1) and adding a sentence to the end of paragraph (a)(3) to read as follows:

§51.17a Air quality monitoring methods. (a) General requirements. (1) Except as otherwise provided in this paragraph (a), each method for measuring SO₂, CO, O₃, NO₂, or lead used for purposes of §51.17a shall be a reference method or equivalent method as defined in §53.1 of this chapter. **“** **“** **“** **“**

(2) **“** **“** **“** **“** Any manual method for lead in use before (date of promulgation of these amendments) may be used for purposes of §51.17(a) until February 18, 1980.

**PART 53—AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS**

2. In §53.30 the last sentence of paragraph (a) is deleted and new subparagraphs (1) and (2) are added; and paragraphs (b), (c), (d), and (e) are revised to read as follows:

§53.30 General provisions.

(a) **“** **“** **“** **“**

(1) A consistent relationship is shown for SO₂, CO, O₃, and NO₂ methods when the differences between: (i) Measurements made by a candidate manual method or by a test analyzer representative of a candidate automated method, and (ii) measurements made simultaneously by a reference method are less than or equal to 0.05 μg/m³.

(2) A consistent relationship is shown for lead methods when the dif-
ferences between: (1) Measurements made by a candidate method, and (ii) measurements made simultaneously by the reference method are less than measurements made simultaneously made by a candidate method, and (ii) differences between: (i) Measurements C-3.

The site shall be clearly identified and concentrations of various pollutants.

may be shown to have at least moderate concentrations of various pollutants. The site shall be clearly identified and shall be justified as an appropriate test site with suitable supporting evidence such as maps, population density data, vehicular traffic data, emission inventories, pollutant measurements from previous years, concurrent pollutant measurements, and wind or weather data. If desired, a request for approval of the test site or sites may be submitted prior to conducting the tests. The Administrator may in his discretion select a different site (or sites) for any additional tests he decides to conduct.

(2) Methods for gaseous pollutants. All test measurements are to be made at the same test site. If necessary, the concentration of pollutant in the sampled ambient air may be augmented with artificially generated pollutant to facilitate measurements in the specified ranges. (See paragraph (d)(2) of this section.)

(3) Methods for lead. Test measurements may be made at any number of test sites. Augmentation of pollutant concentrations is not permitted, hence an appropriate test site or sites must be selected to provide lead concentrations in the specified range. Test sites for lead measurements must be between 5 and 100 meters from the edge of a heavily traveled roadway.

(c) Test atmosphere. Ambient air sampled at an appropriate test site shall be used for these tests. Simultaneous concentration measurements shall be made in each of the concentration ranges specified in table C-1 or table C-3.

(d) Sample collection.—(1) All methods. All test concentration measurements or samples shall be taken in such a way that both the candidate method and the reference method receive air samples that are homogeneous or nearly identical as practical.

(2) Methods for gaseous pollutants. Ambient air shall be sampled from a common intake and distribution manifold designed to deliver homogeneous air samples to both methods. Precautions shall be taken in the design and construction of this manifold to minimize the removal of particulates and trace gases, and to ensure that identical samples reach to two methods. If necessary, the concentration of pollutant in the sampled ambient air may be augmented with artificially generated pollutant. However, at all times the air sample measured by the candidate and reference methods under test shall consist of not less than 80 percent ambient air by volume. Schematic drawings, physical illustrations, descriptions, and complete details of the manifold system and the augmentation system (if used) shall be submitted.

(3) Methods for lead. The intake points of the candidate and reference samplers for lead shall be located between 3 and 5 meters apart, and between 1.5 and 5 meters above ground level.

(4) Methods employing a common sampling procedure. Candidate methods which employ a sampler and sample collection procedure which are identical to the sampler and sample collection procedure specified in the reference method may be tested by analyzing common samples in accordance with the candidate and reference analysis procedures. The common samples are to be collected according to the sample collection procedure specified by the reference method, and must be divided such that identical portions are analyzed by the analysis procedures of the two methods.

(e) Submission of test data and other information. All recorder charts, calibration data, records, test results, procedural descriptions and details, and other documentation obtained from or pertinent to these tests shall be identified, dated, signed by the analyst performing the test, and submitted.

3. In § 53.31, paragraphs (a), (c), and (d)(1) are revised to read as follows:

§ 53.31 Test conditions.

(a) All methods. All test measurements made or test samples collected by the test site or manifold as specified in § 53.30(d)(2) shall be at a room temperature between 20° and 30° C, and at a line voltage between 105 and 125 volts. All methods shall be calibrated as specified in paragraph (c) of this section prior to initiation of the tests.

(b) **

(c) Calibration. The reference method shall be calibrated according to the appropriate appendix to part 50 of this chapter (if it is a manual method) or according to the applicable operation manual(s) (if it is an automated method). A candidate manual method (or portion thereof) shall be calibrated if such calibration is a part of the method.

(d) Range. (1) Except as provided in paragraph (d)(2) of this section, each method shall be operated in the range specified for the reference method in the appropriate appendix to part 50 (for manual methods) or specified in table B-1 of this part (for automated reference methods).

4. In § 53.32, the title of the section is revised to read as follows:

§ 53.32 Test procedures for gaseous pollutants.

(b) Sample collection. Collect simultaneous 24-hour samples (filters) of lead at the test site or sites with both the reference and candidate methods until at least 10 filter pairs have been obtained. If the conditions of § 53.30(d)(4) apply, collect at least 10 common samples (filters) in accordance with § 53.30(d)(4) and divide each to form the filter pairs.

(b) Audit samples. Three audit samples must be obtained from the Director of the Air Resources Laboratory, Department of Transportation, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. The audit samples are 4 x 8-inch glass fiber strips containing known amounts of lead at the following nominal levels: 100 µg/strip; 300 µg/strip; 750 µg/strip. The true amount of lead in total µg/strip will be provided with each audit sample.

(c) Filter analysis. (1) For both the reference method and the audit samples, analyze each filter extract 3 times in accordance with the reference method analytical procedure. The analysis of replicates should not be performed sequentially (i.e., and single sample should not be analyzed three times in sequence). Calculate the indicated lead concentrations for the reference method samples in µg/m³ for each analysis of each filter. Calculate the indicated total lead amount for the lead present in the filter/strip and each analysis of each strip. Label these test results as Rₐ, Rₚ Rₚ Rₚ . . . Qₐ, Qₚ Qₚ . . ., where R denotes results from the reference method samples; Q denotes results from the audit samples; 1, 2, 3 indicates filter number A, B, C indicates the first, second, and third analysis of each filter, respectively.

(2) For the candidate method samples, analyze each sample filter or filter extract three times and calculate, in accordance with the candidate method, the indicated lead concentration in µg/m³ for each analysis of each filter. Label these test results as Cₐ, Cₚ Cₚ Cₚ . . ., where C denotes results from the candidate method. (For candidate methods which provide a direct measurement of lead concentrations without a separable procedure, Cₐ = Cₚ = Cₚ = Cₚ = Cₚ = Cₚ = etc.)

(3) The reference method and the audit methods, or specified in that sample shall be located. **

5. Section 53.33 is added to read as follows:

§ 53.33 Test procedure for lead methods.

(a) Sample collection. Collect simultaneous 24-hour samples (filters) of lead at the test site or sites with both the reference and candidate methods until at least 10 filter pairs have been obtained. If the conditions of § 53.30(d)(4) apply, collect at least 10 common samples (filters) in accordance with § 53.30(d)(4) and divide each to form the filter pairs.

(b) Audit samples. Three audit samples must be obtained from the Director of the Air Resources Laboratory, Department of Transportation, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. The audit samples are 4 x 8-inch glass fiber strips containing known amounts of lead at the following nominal levels: 100 µg/strip; 300 µg/strip; 750 µg/strip. The true amount of lead in total µg/strip will be provided with each audit sample.

(c) Filter analysis. (1) For both the reference method and the audit samples, analyze each filter extract 3 times in accordance with the reference method analytical procedure. The analysis of replicates should not be performed sequentially (i.e., and single sample should not be analyzed three times in sequence). Calculate the indicated lead concentrations for the reference method samples in µg/m³ for each analysis of each filter. Calculate the indicated total lead amount for the lead present in the filter/strip and each analysis of each strip. Label these test results as Rₐ, Rₚ Rₚ Rₚ . . . Qₐ, Qₚ Qₚ . . ., where R denotes results from the reference method samples; Q denotes results from the audit samples; 1, 2, 3 indicates filter number A, B, C indicates the first, second, and third analysis of each filter, respectively.

(2) For the candidate method samples, analyze each sample filter or filter extract three times and calculate, in accordance with the candidate method, the indicated lead concentration in µg/m³ for each analysis of each filter. Label these test results as Cₐ, Cₚ Cₚ Cₚ . . ., where C denotes results from the candidate method. (For candidate methods which provide a direct measurement of lead concentrations without a separable procedure, Cₐ = Cₚ = Cₚ = Cₚ = Cₚ = Cₚ = etc.)

(3) The reference method and the audit methods, or specified in that sample shall be located. **
(e) Disregard all filter pairs for which the lead concentration as determined in the previous paragraph (d) by the average of the three reference method determinations, falls outside the range of 0.5 to 4.0 μg/m³. All remaining filter pairs must be subjected to both of the following tests for precision and consistent relationship. At least five filter pairs must be within

\[ R_i \text{ ave} = \frac{R_{iA} + R_{iB} + R_{iC}}{3}, \]

where \( i \) is the filter number.

(2) If any reference method precision value (\( P_{Ri} \)) exceeds 15 percent, the precision of the reference method analytical procedure is out of control. Corrective action must be taken to determine the source(s) of imprecision and the reference method determinations must be repeated according to paragraph (c) of this section, or the entire test procedure (starting with paragraph (a)) must be repeated.

(3) If any candidate method precision value (\( P_{Ci} \)) exceeds 15 percent, the candidate method fails the precision test.

(4) The candidate method passes this test if all precision values (i.e., all \( P_{Ri} \)'s and all \( P_{Ci} \)'s) are less than 15 percent.

(g) Test for accuracy. (1) For the audit samples calculate the average lead concentration for each strip by averaging the concentrations calculated from the three analyses:

\[ Q_i \text{ ave} = \frac{Q_{iA} + Q_{iB} + Q_{iC}}{3}, \]

where \( i \) is audit sample number.

(2) If none of the percent differences (\( D_{in} \)) exceeds ±20 percent, the candidate method passes the test.

(3) If one or more differences (\( D_{in} \)) exceeds ±20 percent, the candidate method fails the test for consistent relationship.

(i) The candidate method must pass the 0.5 to 4.0 μg/m³ range for the tests to be valid.

(1) Test for precision. (1) Calculate the precision (\( P_r \)) of the analysis (in percent) for each filter and for each method, as the maximum minus the minimum divided by the average of the three concentration values, as follows:

\[ P_r = \frac{Q_{iA} - Q_{iC}}{Q_{iA} + Q_{iB} + Q_{iC}} x 100\%, \]

where \( i \) is the filter number, and \( n \) numbers from 1 to 9 for the nine possible difference combinations for the three determinations for each method (\( i = A, B, C \), candidate; \( k = A, B, C \), reference).

(2) If none of the percent differences (\( D_{ik} \)) exceeds ±20 percent, the candidate method passes the test.

(3) If one or more differences (\( D_{ik} \)) exceeds ±20 percent, the candidate method fails the test for consistent relationship.

Calculate the percent difference (\( D_p \)) between the indicated lead concentration for each audit sample and the true lead concentration (\( T_i \)) as follows:

\[ D_p = \frac{Q_{iA} - T_i \times 100\%}{Q_{iB} + Q_{iC}} \]

(2) If any difference value (\( D_{pi} \)) exceeds ±5 percent the accuracy of the reference method analytical procedure is out of control. Corrective action must be taken to determine the source of the error(s) (e.g., calibration standard discrepancies, extraction problems, etc.) and the reference method and audit sample determinations must be repeated according to paragraph (c) of this section or the entire test procedure (starting with paragraph (a)) must be repeated.

(h) Test for consistent relationship. (1) For each filter pair, calculate all nine possible percent differences (\( D_{ik} \)) between the reference and candidate methods, using all nine possible combinations of the three determinations (\( A, B, \) and \( C \)) for each method, as:

\[ D_{in} = \frac{Q_{iA} - Q_{iB}}{R_{iA}} x 100\%, \]

\[ D_{in} = \frac{Q_{iB} - Q_{iC}}{R_{iB}} x 100\%, \]

\[ D_{in} = \frac{Q_{iC} - Q_{iA}}{R_{iC}} x 100\%, \]

where \( i \) is the filter number, and \( n \) is the percent difference.

(2) If all percent differences (\( D_{in} \)) are less than 15 percent, the method is considered to pass.

(3) If any percent difference (\( D_{in} \)) exceeds 15 percent, the method must be corrected to bring the precision back to within 15 percent.

(4) The candidate method passes the test if all percent differences (\( D_{in} \)) are less than 15 percent.

(5) The candidate method fails the test if any percent difference (\( D_{in} \)) exceeds 15 percent.

(6) Disregard all filter pairs for which the lead concentration as determined by the average of the three reference method determinations, falls outside the range of 0.5 to 4.0 μg/m³. All remaining filter pairs must be subjected to both of the following tests for precision and consistent relationship. At least five filter pairs must be within

\[ R_{iC} = \frac{R_{iA} + R_{iB} + R_{iC}}{3}, \]

where \( i \) indicates the filter number.
FOR FURTHER INFORMATION CONTACT:

Mr. John Silvasi, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Control Programs Development Division, Research Triangle Park, N.C. 27711, telephone: Commercial—919-541-5437; FTS—629-5437.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In another part of this FEDERAL REGISTER, EPA promulgated the national ambient air quality standards (NAAQS) for lead and requirements for the preparation, adoption, and submission of State implementation plans (SIPs) for the attainment and maintenance of those standards. Further information about the standards and the SIPs appears in those notices.

States must now prepare and submit to EPA within 9 months SIPs that demonstrate that the NAAQS will be attained. In doing so, the States will have to quantify the lead emissions from sources and determine the effect of those emissions on the ambient air concentrations. For emissions that originate from stacks or tailpipes, the quantification can be done with a fair degree of accuracy. For emissions that originate from other than a primary exhaust system, such as through a plant's doors, windows, leaks in equipment, and so forth, the quantification is far more difficult. Such emissions are commonly called fugitive emissions. Fugitive emissions are difficult to quantify accurately since they are dependent on a wide range of site-specific parameters, such as the lead content of the raw materials used in the process; number and size of open windows, doors and vents; wind speed and direction; rainfall; and so on—factors other than process throughput or production rates.

Furthermore, there has been much lead air quality data gathered around sources of these fugitive emissions. Also, there have never been any specific requirements in the regulations for obtaining and submitting such data to be collected around individual sources. Consequently, there is little accurate information concerning the amounts of fugitive emissions and the ambient air lead levels in the vicinity of sources of large amounts of lead emissions. EPA's assessments of the environmental and economic impacts of the lead NAAQS[1] indicate that several categories of sources that emit predominantly fugitive lead emissions have the potential for the greatest air quality impacts. The categories of concern are primary and secondary lead smelters and primary copper smelters.

NATURE OF PROPOSAL

EPA intends to propose regulations to enable the States and EPA to obtain an air quality data base needed to determine compliance with the NAAQS' around sources in the above-mentioned categories. The regulations would require the subject sources to establish an air quality monitoring system in the vicinity of the sources. If the ambient data reveals that concentrations are not as high as had originally been predicted when the State developed its initial lead SIP, and the source has not yet implemented the control called for in that SIP, the State may wish to revise its SIP to require less stringent control, thereby requiring a lesser burden on the source. Conversely, if the ambient data reveals that concentrations greater than the NAAQS occur after the control strategy in the SIP has been implemented, EPA could require the State to revise the SIP to require additional controls.

The regulations would require that the method of sample collection be the reference method as defined in 40 CFR Part 50; this method is the high-volume sampler. No other collection methods would be allowed for monitoring in the vicinity of point sources, since it appears that other samplers would not sample the same quantity of larger particles that the high-volume samplers collect. The analysis method could be the reference method or an equivalent method as defined in 40 CFR Part 50. The sources would also have to obtain certain meteorological data to properly locate the monitors. EPA intends to restrict this requirement only to primary and secondary lead smelters and primary copper smelters because EPA modeling studies of the six major lead point source categories (the other three being gasoline additive plants, lead-acid battery manufacturing plants, and gray iron foundries) indicate that these three categories have a potential for an air quality impact that far exceeds that of the sources in the other categories.

EPA would require the States to place the requirement for monitoring directly on the source owners and operators, using the authority of section 114(a)(1)(C) of the Clean Air Act. This section authorizes the Administrator to require any source subject to a requirement of the Act to "••• install, use, and maintain such monitoring equipment or methods •••". The implementation plan would have to require the source owners or operators to periodically report a summary of the data to the States and EPA. The data would then be used to determine whether a future plan revision is indicated.

The amount of ambient point source monitoring needed would vary and depend on the number of emission points at the source, the emission patterns, the topography, and meteorological data. EPA will develop a guidance manual on the number, siting, and operation of monitors around point sources. EPA estimates that the guidance will recommend that a network of about five samplers be placed in the vicinity of each source to which the regulation applies. States would have 9 months after the promulgation of this requirement to revise their lead implementation plans to require the monitoring around the selected point sources. The sampling network would then have to be in place within 1 year after the date required for submission of the plan revision to account for this requirement if sufficient meteorological data were available for use in siting the monitors. If the meteorological data were not available, the source may have to collect a year's worth of data before siting the air quality monitors.

EPA solicits comments on any issues concerning the intended proposed rulemaking and particularly solicits comments on the following topics:

The need for the requirement for ambient monitoring in the vicinity of the lead point sources mentioned above or alternatives to this requirement that will accomplish the objective of obtaining more accurate data concerning these sources.

Other sources around which EPA should require ambient monitoring.

The criteria for the number, operation, and location of the samplers.

The criteria for the length of period of each sampler, sampling frequency, and duration of the existence of the sampling system.

Procedures for accounting for other sources in the vicinity of the source, including EPA requirements.

Procedures for accounting for complex topography.

Procedures for accounting for meteorological conditions and obtaining meteorological data.

Procedures for accounting for the nature and magnitude of fugitive emissions.

Procedures for accounting for background concentrations.

Procedures for accounting for source configuration.

Procedures for reporting the collected data to the State and EPA.

The time allowed for revision of the State implementation plan to account for the requirement.

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Time allowed for compliance with the requirement contained in the implementation plan.

Whether the burden of responsibility should lie with the State agency or with the source.

The cost to the States or the sources for compliance with these requirements.

EPA intends to propose rulemaking on this matter by December 1978, and intends to make available for public review at the same time a draft of the detailed guidance on ambient lead monitoring in the vicinity of lead point sources.

**Fugitive Emission Factors**

Also, EPA intends to develop more accurate emission factors that relate the operation of a source to the amount of fugitive emissions the source generates. These factors will not be available, however, until some time after the States must submit their implementation plans. Therefore, the States will have to rely on available fugitive emission factors to perform their air quality analyses in support of their implementation plans or develop their own factors based on any data that may be available, such as emission factors for total particulate matter and information concerning the lead content of that particulate matter.

Alternatively, States could develop their own emission factors based on field studies. There are several methods for doing this. (3,4,5)

After EPA develops emission factors for fugitive lead emissions, States could then determine whether their initially developed plans require too much or too little control; they could then make any necessary adjustments to their implementation plans through revisions of those plans. The initial plan could require that sources phase in their control fairly slowly so that significant resources are not expended by the sources before EPA develops its fugitive emission factors.

**References**


2. Economic Impact Assessment for the National Ambient Air Quality Standard for Lead and the Economic Implications of a Quarterly Mean Averaging Time for the Lead National Ambient Air Quality Standard. U.S. Environmental Protection Agency.


DOUGLAS M. COSTLE,
Administrator.
SUMMARY: The Interagency Classification Review Committee is publishing this directive to implement Executive Order 12065, relating to the classification, downgrading, declassification and safeguarding of national security information. This directive was approved by the National Security Council for publication and issuance on September 29, 1978. The Executive order is intended to increase openness in Government by limiting classification and accelerating declassification but at the same time, providing improved protection against unauthorized disclosure for that information that requires such protection in the interest of national security. This directive sets forth guidelines to agencies on original and derivative classification, downgrading, declassification and safeguarding of national security information.

EFFECTIVE DATE: December 1, 1978.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: This directive is issued pursuant to the provisions of section 6-204 of Executive Order 12065. The purpose of the directive is to assist in the implementation of Executive Order 12065, and users of the directive shall refer concurrently to the Executive order for guidance.

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I. ORIGINAL CLASSIFICATION
A. Definition. "Original classification" as used in the order means an initial determination that information requires protection against unauthorized disclosure in the interest of national security, and a designation of the level of classification (1-1).

B. Classification authority. In the absence of an authorized classifier, anyone designated to act in that person's absence may exercise the classifier's authority (1-204).

C. Request for classification authority. Requests for original classification authority for agencies not listed in section 1-2 of the order shall be submitted to the President through the Information Security Oversight Office. Requests shall include: (1) The designation of the officials for whom or positions for which authority is sought, (2) the scope of the authority requested, and (3) the justification for such requests, including a description of the type of information that is anticipated to require original classification (1-2).

D. Record requirements. Agencies and officials granted original classification authority pursuant to section 1-2 of the order shall maintain a current listing, by classification designation, of individuals to whom or positions to which original classification authority has been delegated (1-2).

E. Classification procedure. Except as provided in section 1-303 of the order, the fact that the information concerns one or more of the qualifying criteria or categories of information shall not create any presumption as to whether the information meets the damage tests (1-302 and 1-303).

I. FOREIGN GOVERNMENT INFORMATION. -1. Identification. "Foreign government information" is:

a. Information provided to the United States by a foreign government or international organization of governments requiring that either the information or the arrangement, or both, be kept in confidence. Such a written joint arrangement may be evidenced by an exchange of letters, a memorandum of understanding, or other written record (1-303 and 6-103).

2. Duration of classification. Unless the guidelines developed pursuant to section 3-404 of the order or other guidelines provide dates or events for declassification or for review for declassification:

a. Foreign government information shall not be assigned a date or event for automatic declassification unless such is specified or agreed to by the foreign government or international organization of governments.

b. Foreign government information classified after the effective date of the order shall be assigned a date for review for declassification. That date shall be no later than 10 years from the time the information was classified or acquired, (1-402 and 3-404).

G. Standard identification and markings. At the time of original classification, the following shall be shown on the face of paper copies of all classified documents:

1. Identity of classifier. The identity of the classifier, unless also the signer or approver of the document, shall be shown on a "classified by" line, e.g., "Classified by John Doe" or "Classified by Director, XXX" (1-501(a)).

2. Date of classification and office of origin. The date and office of origin on a document at the time of its origin shall be the date of classification and identification of the office of origin (1-501(b)).

3. Date or event for declassification or review. The date for automatic declassification or for declassification review shall be shown on a "declassify on" or a "review for declassification on" line; e.g., "Declassify on November 1984," "Declassify on completion of State visit," or "Review for declassification on 1 November 1998" (1-501(b)).

4. Downgrading markings. When it is determined (e.g., in a classification guide) that a classified document should be downgraded automatically...
at a certain date or upon a certain event, that date or event shall be recorded on the face of the document; e.g., "Downgraded to Secret on 1 November 1985." (1-5).

5. Identity of extension authority. The identity of the official who authorizes a date for declassification or for review for declassification that is more than 6 years beyond the date of the document’s classification shall be shown on the document, unless that official also is the classifier, signer, or approver of the document. This marking shall be shown substantially as follows: "Extended by (insert name or title of position of agency head to Top Secret classification authority)" (1-502).

6. Reason for extension. When classification is extended beyond 6 years, the reason shall be stated on the document either in narrative form or by reference to an agency regulation that states the reason for extension in narrative form. The reason shall be shown substantially as follows: "Reason for extension: (State reason or applicable reference)" (1-502).

7. Overall and page marking of documents. The overall classification of a document shall be marked, stamped, or affixed permanently at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, and on the outside of the back cover (if any). Each interior page of a classified document shall be marked or stamped at the top and bottom of the outside of the front cover (if any), and shall not supersede the classification marking of portions of the page marked with lower levels of classification (1-501(d)).

8. Subject and titles. Whenever practical, subjects and titles shall be selected so as not to require classification. When the subject or title is classified, an unclassified identifier may be assigned to facilitate receipting and reference (1-5).

9. Mandatory portion marking. Classifiers shall identify the level of classification of each classified portion of a document (including subjects and titles), and those portions that are not classified. Portion marking shall be accomplished by placing a parenthetical designator immediately preceding or following the text that it governs. The symbols: "(TS)" for top secret, "(S)" for secret, "(C)" for confidential, and "(U)" for unclassified shall be used for this purpose. When marking is impracticable, the document shall contain a description sufficient to identify the information that is classified and the level of such classification. A waiver of the portion marking requirement may be granted by the Director of the Department of Energy’s Office of Security Oversight Office. Requests for such waivers shall be made by the head of an agency or designee to the Director and shall include: (a) Identification of the information or classes of documents for which such waiver is sought, (b) a detailed explanation of why the waiver should be granted, (c) the agency’s best judgment as to the anticipated dissemination of the information or class of documents for which waiver is sought, and (d) the extent to which the information subject to the waiver may form a basis for classification of other documents (1-504).

10. Material other than documents. The classification and associated markings prescribed by this directive of documents shall, where practicable, be affixed to material other than documents by stamping, tagging, or other means. If this is not practicable, recipients shall be made aware of the classification and associated markings by notification or other means as prescribed by the agency (1-5).

11. Transmittal documents. A transmittal document shall indicate on its face the highest classification of the information transmitted by it and the classification, if any, of the transmittal document. For example, an unclassified transmittal document should bear a notation substantially as follows: "The following classified document is attached" (1-5).

12. Marking foreign government information. Except in those cases where such markings would reveal intelligence information, foreign government sources or methods involved, or intelligence sources or methods, all classified information involving intelligence sources or methods shall be subject to special dissemination and reproduction regulations. For classified information that the originator has determined, pursuant to section 1-506 of the order, should be subject to special dissemination or reproduction limitations, or both, a statement placing the user on notice of the restrictions shall be included in the text of the document or placed substantially as follows on its cover sheet; e.g., "Reproduction requires approval of originator," or "Further dissemination only as directed by (insert appropriate office or official)" (1-506).

I. Derivative Classification

A. Definition. "Derivative classification" as used in the order means a determination that information is in substance the same as information that is currently classified, and a designation of the level of classification (2-1).

B. Responsibility. Derivative application of classification markings is a responsibility of those who incorporate, paraphrase, restate, or generate new information in new form information that is already classified, and of those who apply markings in accordance with instructions from an authorized classifier or in accordance with an authorized classification guide. Persons who apply derivative classification markings should take care to determine whether their paraphrasing, restating, or summarizing of classified information has removed the basis for classification. Where checks with originators or other appropriate inquiries show that

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no classification or a lower classification than originally assigned is appropriate, the derivative document shall be issued as unclassified or shall be marked appropriately (2-101 and 2-102(c)).

C. Marking derivatively classified documents. Paper copies of derivatively classified documents shall be marked at the time of origination as follows:

1. The classification authority shall be shown on a "classified by" line; e.g., "Classified by (Insert identity of classification guide)" or "Classified by (Insert source of original classification).

If the classification is derived from more than one source, the single phrase "multiple sources" may be shown, provided that identification of each such source is maintained with the file or record copy of the document (2-102(c));

2. The identity of the office originating the classification shall be shown on the face of the document (2-102);

3. Dates or events for declassification or review shall be carried forward from the source material or classification guide and shown on a "declassify on" or "review for declassification on" line. If the classification is derived from more than one source, the latest date for declassification or review applicable to the various source materials shall be applied to the new information (2-102(c));

4. The classification marking provisions of sections I.G. 7 through 9 and I.G. 12 are also applicable to derivatively classified documents (2-104(c));

5. Any additional marking under section I.H. of this directive appearing on the source material shall be carried forward to the new material when appropriate (2-102(c)); and

6. Any abbreviation or code permit applicable in section I.L. of this directive may be applied to derivatively classified documents.

D. Classification guides.—1. Requirements. Classification guides issued pursuant to section 2-2 of the order shall:

a. Identify the information to be protected, using categorization to the extent necessary to insure that the information involved can be identified readily and uniformly (2-201);

b. State which of the classification designations (i.e., top secret, secret, or confidential) applies to the information (2-201);

c. State the duration of classification in terms of a period of time or future event. When such duration is to exceed 6 years, the reason for such extension shall be provided in the guide. However, if the inclusion of classified reasons would result in a level of classification for a guide that would inhibit its desirable and required dissemination, those reasons need be recorded only on or with the record copy of the guide (2-201); and

d. Indicate how the designations, time limits, markings, and other requirements of this directive are to be applied, or make specific reference to agency regulations that provide for such application (2-201).

2. Review and record requirements. Each classification guide shall be kept current and shall be reviewed at least once every 2 years. Each agency shall maintain a list of all its classification guides in current use (2-2).

III. DECLASSIFICATION AND DOWNGRADE

A. Record requirements. Agencies and officials granted original classification authority pursuant to section 1-2 of the order shall maintain a record of individuals or positions designated as declassification authorities pursuant to section 3-103 of the order (3-103).

B. Declassification policy. In making determinations under section 3-303 of the order, officials shall respect the intent of the order to protect foreign government information and confidential foreign sources (3-303).


a. U.S. originated information. Systematic review guidelines shall be kept current through review at least every 2 years, unless earlier review for revision is requested by the Archivist of the United States (3-402).

b. Foreign government information. Within 1 year after the effective date of the order, heads of affected agencies shall, in consultation with the Archivist and in accordance with the provisions of section 3-404 of the order, develop systematic review guidelines for 30-year-old foreign government information. These guidelines shall be kept current through review by agency heads at least once every 2 years, unless earlier review for revision is requested by the Archivist of the United States. A copy of these guidelines and any revisions thereto shall be furnished to the Information Security Oversight Office. Upon request, the Department of State shall provide advice and such assistance as is necessary to effect foreign government coordination of the guidelines (3-404).

2. Systematic review procedures.—a. Scheduling for systematic review. Classified nonpermanent records that are scheduled to be retained for more than 20 years need not be systematically reviewed but shall be reviewed for declassification upon request. Within 60 days of the effective date of the order, heads of agencies and officials designated by the President pursuant to section 1-2 of the order shall direct that all classified records 20 years old or older, whether held in storage areas by the agency or in Federal records centers, be surveyed to identify those that require ongoing protection. Such scheduling shall be accomplished within 2 years of the effective date of the order (3-401).

b. Extending classification after review.—1) Foreign government information. Agency heads listed in section 1-2 and officials designated by the President pursuant to section 1-201 of the order may extend the classification of foreign government information beyond 30 years, but only in accordance with sections 3-3 and 3-404. This authority may not be delegated. When classification is extended beyond 30 years, a date no more than 10 years later shall be set for declassification or for the next review. Subsequent reviews for declassification shall be set at no more than 10-year intervals (3-403).

(2) Waivers of further review. Heads of agencies listed in section 1-2 and officials designated by the President pursuant to section 1-201 of the order may request from the Director of the Oversight Office a waiver of the 10-year review requirement for both U.S.-originated and foreign government information. Such requests shall include a personal certification by the agency head that the classified information for which the waiver is sought has been systematically reviewed as required, and that a definitive date for declassification or for the next review shall not be determined. Waivers should not be requested unless the results of the review have established an identifiable need to continue classification for a period in excess of 20 additional years. Each request shall include a specified event for subsequent review or automatic declassification (3-401).

c. Assistance to the Archivist.—(1) The head of each agency shall designate experienced personnel to assist the Archivist of the United States in the systematic review of 20-year-old U.S.-originated information and 30-year-old foreign government information accessioned into the National Archives of the United States. Such personnel shall:

(a) Provide guidance and assistance to National Archives employees in identifying and separating documents and specific categories of information within documents that are deemed to require continued classification; and

(b) Submit to the head of the agency recommendations for continued classification that identify documents or specific categories of information so separated.

(2) The head of the agency shall then make the determinations personally and in writing required under sec-
The page contains a section on rules and regulations, specifically addressing how agencies should handle requests for information, particularly those involving classified data. The text outlines procedures for mandatory declassification reviews, the notification of requestors, and the procedures for handling requests from various agencies, including foreign relations and communications-related activities. It also discusses the classification of information, including foreign government information, and the dissemination of such information. The text is part of a larger document published in the Federal Register on October 5, 1978.
which it has been made available without the consent of the originating agency (4-103).

E. Accountability procedures.—1. Top secret. Top secret control officers shall be designated to receive, transmit, and maintain current access and accountability records for top secret information. An inventory of top secret documents shall be made at least annually; however, heads of agencies may delegate the annual inventory of top secret documents to which access has been afforded within the past 12 months. The Director of the Oversight Office may grant a waiver with respect to the requirement of an annual inventory for storage systems involving large volumes of information that is subject to security measures with respect to such storage systems are adequate to prevent access by unauthorized persons (4-103).

2. Secret and confidential. Secret and confidential classified information shall be subject to such controls and current accountability records as the head of the agency may prescribe (4-103).

F. Storage. Classified information shall be stored only in facilities or under conditions adequate to prevent unauthorized persons from gaining access to it (4-103).

11. Top secret. Top secret information shall be stored in a GSA-approved safe, type combination lock or within an approved vault, or vault-type room, or in other storage facility that meets the standards for top secret established under the provisions of subsection 3 below. In addition, heads of agencies shall prescribe such additional, supplemental controls as are deemed appropriate to restrict unauthorized access to areas where such information is stored (4-103).

2. Secret and confidential. Secret and confidential information shall be stored in a manner and under the conditions prescribed for top secret information, or in a container or vault that meets the standards for secret or confidential, established pursuant to the provisions of subsections 3 or 4 below (4-103).

3. Standards for security equipment. The General Services Administration shall, in coordination with agencies originating classified information, establish and publish uniform standards, specifications, and supply schedules for containers, vault, lock, and associated device systems to be used in the storage of classified information. Any agency may establish more stringent standards for its own use. Whenever new security equipment is procured, it shall be in conformance with the standards and specifications referred to above and shall, to the maximum extent practicable, be of the type designated on the Federal Supply Schedule, General Services Administration (4-103).

4. Exceptions to standards for security equipment. a. Secret and confidential information may also be stored in a steel filing cabinet having a built-in, three-position, dial-type, changeable combination lock, or a metal filing cabinet equipped with a similar lock bar, provided it is secured by a three-position, changeable, combination padlock approved by GSA for the purpose. The storage of secret information in the steel filing cabinets described above requires the use of such supplementary controls as the head of the agency deems necessary to achieve the degree of protection warranted by the sensitivity of the information involved (4-103).

b. For protection of bulky secret and confidential material (for example, weaponry containing classified components) in magazines, strong rooms, or closed areas, access openings may be secured by changeable combination or key-operated, high-security padlocks approved by GSA. When key-operated padlocks are used, keys shall be controlled in accordance with subsection 6 below (4-103).

5. Combinations.—a. Equipment in service. Combinations to dial-type locks shall be changed only by persons having appropriate security clearance, and shall be changed whenever such equipment is placed in use, whenever a person knowing the combinations no longer requires access to the combination, whenever a combination has been subjected to possible compromise, whenever the equipment is taken out of service, and at least once every year. Knowledge of combinations protecting classified information shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest level of classified information to be stored in the security equipment concerned (4-103).

b. Equipment out of service. When security equipment having a built-in combination lock is taken out of service, the lock shall be reset to the standard combination 50-25-50. Combination padlocks shall be reset to the standard combination 10-20-30 (4-103).

6. Keys. Heads of agencies shall establish administrative procedures for the control and accountability of keys and key-operated, high-security padlocks are utilized. The level of protection provided such keys shall be equivalent to that afforded the classified information being protected. Under no circumstances may keys be removed from the premises. They shall be stored in a secure container (4-103).

7. Responsibilities of custodians. Persons entrusted with classified information shall be responsible for protecting and accounting for such information at all times and for locking classified information in approved security equipment whenever it is not in use or under direct supervision of authorized persons. Custodians shall follow procedures that insure unauthorized persons do not gain access to classified information (4-103).

8. Inspections. Individuals charged with the custody of classified information shall conduct the necessary inspections within their areas to insure adherence to procedural safeguards prescribed to protect classified information. Agency security officers shall insure that periodic inspections are made to determine whether procedural safeguards prescribed by agency regulations are in effect at all times (4-103).

G. Transmittal.—1. Preparation and receiving. Classified information shall be enclosed in opaque inner and outer covers before transmitting. The inner cover shall be sealed with a security tape or envelope plainly marked with the assigned classification and addresses of both sender and addressee. The outer cover shall be sealed and addressed with no identification of the classification of its contents. A receipt shall be attached to or enclosed in the inner cover, except that confidential information shall require a receipt only if the sender deems it necessary. The receipt shall identify the sender, addressee, and the document, but shall contain no classified information. It shall be immediately signed by the recipient and returned to the sender. Any of these wrapping and receiving requirements may be waived by agency heads under conditions that will provide adequate protection and prevent access by unauthorized persons (4-103).

2. Transmittal of top secret. The transmittal of top secret information shall be by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system specially created for that purpose, or over authorized secure communications circuits (4-103).

3. Transmittal of secret. The transmittal of secret material shall be effected in the following manner:

a. The 50 States, District of Columbia, and Puerto Rico. Secret information may be transmitted within and between the 50 States, District of Columbia, and Puerto Rico by one of the means authorized for top secret infor-
Transmittal of confidential information shall be transmitted only as is authorized by the head of the agency concerned (4-103).

b. Canadian Government Installations. Secret information may be transmitted to and between United States Government and Canadian Government installations in the 50 States, the District of Columbia, and Canada by United States and Canadian registered mail with registered mail receipt (4-103).

c. Other areas. Secret information may be transmitted from, to, or within areas other than those specified in subsections a or b above by one of the means established for top secret information, or by U.S. registered mail through Army, Navy, or Air Force Postal Service facilities provided that the information does not at any time pass out of U.S. citizen control and does not pass through a foreign postal system. Transmittal outside such areas may also be accomplished under escort of appropriately cleared personnel aboard U.S. Government and U.S. Government contract vehicles or aircraft, ships of the United States Navy, civil service manned U.S. Naval ships, and ships of U.S. Registry. Operators of vehicles, captains or masters of vessels, and pilots of aircraft who are U.S. citizens and who are appropriately cleared may be designated as escorts (4-103).

4. Transmittal of confidential information. Confidential information shall be transmitted within and between the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories or possessions by one of the means established for higher classifications, or by U.S. Postal Service certified, first class, or express mail service when prescribed by an agency head. Outside these areas, confidential information shall be transmitted only as is authorized for higher classifications (4-103).

H. Loss or possible compromise. Any person who has knowledge of the loss or possible compromise of classified information shall immediately report the circumstances to an official designated by the agency or organization. In turn, the originating agency shall be notified about the loss or compromise in order that a damage assessment may be conducted and appropriate measures taken to negate or minimize any adverse effect of such a compromise. An immediate inquiry shall be initiated by the agency under whose cognizance the loss or compromise occurred, for the purpose of taking corrective measures and appropriate administrative, disciplinary, or legal action (4-103).

I. Destruction. Nonrecord classified information that has served its intended purpose shall be destroyed in accordance with procedures and methods approved by the head of the agency. The method of destruction selected must preclude recognition or reconstruction of the classified information or material (4-103).

V. IMPLEMENTATION AND REVIEW

Challenges to classification. Agency programs established to implement the order shall encourage holders of classified information to challenge classification in cases where there is reasonable cause to believe that information is classified unnecessarily, improperly, or for an inappropriate period of time. These programs shall provide for action on such challenges or appeals relating thereto within 30 days of receipt and for notification to the challenger of the results. When requested, anonymity of the challenger shall be preserved (5-404(d)).

VI. GENERAL PROVISIONS

A. Notification. Notification of unscheduled changes in classification or changes in duration of classification may be by general rather than specific notice (4-102).

B. Posted notice. If prompt remark-

ing of large quantities of information would be unduly burdensome, the custodian may attach a change of classification notice to the storage unit in lieu of the marking action otherwise required. Each notice shall indicate the change, the authority for the action, the date of the action, and the storage units to which it applies. Items permanently withdrawn from such storage units shall be marked promptly in accordance with the marking provisions herein. However, when information subject to a posted downgrading, upgrading, or declassification notice is withdrawn from one storage unit solely for transfer to another, or a storage unit containing such information is transferred from one place to another, the transfer may be made without marking if the notice is attached to or remains with each shipment (4-102).

C. Downgrading, declassification, and upgrading markings. Whenever a change is made in the original classification or in the dates of downgrading or declassification of any classified information, it shall be promptly and conspicuously marked to indicate the change, the authority for the action, the date of the action, and the identity of the person taking the action. Earlier classification markings shall be cancelled when practicable (4-102).

D. Combat operations. The provisions of the order and this Directive with regard to dissemination, transmittal, or safeguarding of classified information may be so modified in connection with combat or combat-related operations as the Secretary of Defense may by regulations prescribe (4-103).

E. Publication and effective date. This directive shall be published in the FEDERAL REGISTER. It shall become effective December 1, 1978 (6-204).

James B. Rhoads,
Acting Chairman, Interagency Classification Review Committee.
October 2, 1978.

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