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federal register

THURSDAY, OCTOBER 5, 1978

highlights

SUNSHINE ACT MEETINGS 46155

CERAMIC TABLEWARE IMPORTS
Presidential proclamation terminating increased rates of duty... 45977

RURAL HOUSING LOANS AND GRANTS
USDA/FmHA amends regulations to clarify definition of eligibility standards; effective 10-5-78 45980

NATIONAL AIRPORT AND AIRWAY SYSTEM
DOT/FAA request recommendations by 1-25-79 on methods of reducing nonessential Federal expenditures for aviation 46105

PHYSICAL PROTECTION OF NUCLEAR PLANTS AND MATERIALS
NRC issues rule on security personnel qualification training and equipment requirements; 10-23-78 45981

VISTA GRANTS
ACTION: carries notice of competitive procedure under which applications will be accepted and received in FY 79..... 46021

AIR POLLUTION
EPA amends and proposes to amend air quality standards for lead; effective 10-5-78; comment by 11-20 and 12-4-78 (Part IV of this issue) 46246

NATIONAL SECURITY INFORMATION
Interagency Classification Review Committee publishes directive relating to classification, downgrading, declassification and safeguarding; effective 12-1-78 (Part V of this issue) 46280

TRANSPORT CATEGORY AIRPLANES
DOT/FAA revises structural fatigue evaluation requirements; effective 12-1-78 (Part III of this issue) 46238
DOT/FAA proposes to establish specific airplane cabin ozone concentration standards; comments by 1-5-79 46034

OPERATIONS REVIEW PROGRAM
DOT/FAA updates and improves certain requirements applicable to aircraft, training programs and airmen (Part II of this issue) 46230

PACIFIC COD AND SABLEFISH
Commerce/NOAA revises the total allowable level of foreign fishing; comments by 10-15-78 46054

RAILROAD SAFETY
DOT/FRA issues temporary stay of effectiveness of industry standard for lifting lugs; effective 10-5-78..... 46106
DOT/FRA initiate safety inquiry for lifting lugs; comments by 10-31-78; hearing on 10-31-78 46052

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	CSC		CSA	CSC
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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NOTE: As of August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.

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Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR)	523-3419 523-3517
Finding Aids	523-5227
PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235
PUBLIC LAWS:	
Public Law dates and numbers	523-5266 523-5282
Slip Laws	523-5266 523-5282
U.S. Statutes at Large	523-5266 523-5282
Index	523-5266 523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

SURF CLAM AND OCEAN QUAHOG FISHERIES
Commerce/NOAA amends rules to increase fishing time and reallocation of quota; effective 10-1-78 to 12-31-78 ..... **46033**

COMMODITIES
CFTC proposes standards governing commission review of applications for registration as a futures association; comments by 11-8-78 ..... **46039**

CONTROLLED SUBSTANCES
Justice/DEA announces proposed aggregate production quotas for 1979 ..... **46085**

FISH FROM CANADA
ITC issues determination of no injury or likelihood thereof to domestic industry **46083**

WOOL TEXTILES FROM KOREA
Commerce/CITA announces additional import controls; effective 10-2-78 ..... **46061**

COTTON, WOOL, AND MAN-MADE TEXTILES FROM COLOMBIA
Commerce/CITA establishes import restraint levels under multifiber agreement; effective 10-2-78 ..... **46062**

OFFICE OF INFORMATION LAW AND POLICY
Justice establishes office to advise department and other agencies on questions of policy, interpretation, and application of Freedom of Information Act and Privacy Act; effective 10-1-78 ..... **45991**

LIVESTOCK GRADING AND CERTIFICATION
USDA/AMS issues regulations to reflect increase in fees; effective 10-8-78 ..... **45979**

PRIVACY ACT
Justice amends information access rules; effective 10-5-78 ..... **45993**

HAZARDOUS TRANSPORTATION OF LIQUIDS BY PIPELINE
DOT/HMOD extend comment period on procedures for operation maintenance and emergencies from 10-6-78 to 11-6-78 **46051**

MEETINGS—

Commerce/NOAA: New England Fishery Management Council, 10-23 and 10-24-78 46060
Commission of Fine Arts, 10-24-78 46062
Defense/Navy: Secretary of the Navy's Advisory Committee on Naval History, 10-26-78 46065
DOT/FAA: Air Traffic Procedures Advisory Committee, 10-24 thru 10-27-78 46105
HEW/HSA: National Advisory Council on Migrant Health, 10-23, 10-24 and 10-25-78 46079
National Commission on Neighborhoods; 10-6-78 46086
OSTP: Science, Technology and Development Advisory Committee, 10-20 and 10-21-78 46092
U.S. Arms Control and Disarmament Agency, 10-12 and 10-13-78 46059

RESCHEDULED HEARING

Commerce/NOAA: Draft Environmental Impact Statement-/Fishery Management Plan "Halibut off the Coast of Alaska," hearing changed from 10-24 and 10-26 to 10-25 and 10-27-78 46054

SEPARATE PARTS OF THIS ISSUE

Part II, DOT/FAA 46030
Part III, DOT/FAA 46238
Part IV, EPA 46246
Part V, Interagency Classification Review Committee 46280

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

EPA—Fuel economy calculation and test procedures for 1979 and later model year light trucks 39367; 9-5-78
FCC—Cable television; network program exclusivity protection 38391; 8-28-78
FRS—Equal Credit Opportunity; official staff interpretations 39341; 9-5-78
Eurodollar borrowings; lowering of reserve requirement percentage 38687; 8-30-78
Interior/Secy—Interior procurement regulations; miscellaneous changes 39377; 9-5-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: Oct. 4, 1978]

S. 3272 ..... Pub. L. 95-409
To amend the Packers and Stockyards Act, 1921, and for other purposes. (Oct. 2, 1978; 92 Stat. 886). Price: $.60.

contents

THE PRESIDENT

Proclamations

Ceramic tableware, imports; termination of increased rates of duty 45977

EXECUTIVE AGENCIES

ACTION

Rules

Conduct standards 46021

Notices

Competitive National VISTA grants, applications for FY 79 46153

AGRICULTURAL MARKETING SERVICE

Rules

Livestock; grading, certification, and standards:
Fees increase 45979
Potatoes (Irish) grown in Colo .. 45979

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Forest Service; Soil Conservation Service.

AIR FORCE DEPARTMENT

Notices

Environmental statements; availability, etc.:
Advanced tanker/cargo aircraft, procurement 46064
Chanute AFB, Ill 46063
Privacy Act; systems of records 46063

ARMS CONTROL AND DISARMAMENT AGENCY

Notices

Meetings:
General Advisory Committee.. 46059

CENTER FOR DISEASE CONTROL

See Disease Control Center.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Braniff Airways, Inc., et al 46059

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration; National Technical Information Service.

COMMODITY FUTURES TRADING COMMISSION

Proposed Rules

Registered futures associations; Commission review of registration application 46039

CUSTOMS SERVICE

Notices

Tariff reclassification petitions:
"Blue jeans," ornamented; extension of time 46108

DEFENSE DEPARTMENT

See Air Force Department; National Communications System; Navy Department.

DISEASE CONTROL CENTER

Notices

Committees; establishment, renewals, terminations, etc.:
Safety and Occupational Health Study Section 46079

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registration applications, etc.; controlled substances:
Twelve Oaks Tower Pharmacy et al 46085
Schedules of controlled substances; production quotas:
Schedules I and II, 1979 aggregate production quotas 46085

ECONOMIC REGULATORY ADMINISTRATION

Notices

Hearings, etc.:
Pac Indonesia LNG Co. et al .. 46065

EDUCATION OFFICE

Rules

Direct project grant and contract programs; CFR correction 46020
Nondiscrimination; desegregation of pubic education; correction (2 documents) ... 46020, 46021
Vocational education:
Commissioner's discretionary program; correction 46020

ENERGY DEPARTMENT

See Economic Regulatory Administration; Federal Energy Regulatory Commission.

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality control regions; criteria and control techniques:
Attainment status designations 45993
Air quality implementation plans; preparation, adoption, and submittal:
Lead, National ambient air quality standard 46264
Air quality standards, National primary and secondary:
Lead 46246
Water pollution; effluent guidelines for certain point surce categories:
Phosphate manufacturing; revocation 46020

Proposed Rules

Air quality implementation plans; preparation, adoption, and submittal:
Lead point sources 46272
Air quality implementation plans; preparation, adoption, and submittal; and ambient air monitoring reference and equivalent methods:
Lead 46276

Notices

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Cyclic methylene (diethoxyphosphinyl) dithioimidocarbonate 46077
Diquat 46077
Melfluidide 46077
Pesticide registration applications; correction (2 documents) 46078

FARMERS HOME ADMINISTRATION

Rules

Rural housing loans and grants:
Eligibility determinations 45980

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Beech 45981
Firestone 45981
McDonnel Douglas 45983

Airworthiness standards:
Transport category airplanes; fatigue regulatory review program 46230
IFR altitudes 45985
Transition areas (4 documents).. 45984, 45985

Proposed Rules

Air carriers certification and operation, air traffic operating rules, etc.:
Aircraft cabin ozone contamination 46034
Air carriers certification and operations; etc.:
Operating and flight rules, airworthiness standards, and crewmember training; operations review program 46238
Airworthiness directives:
McDonnel Douglas 46037
Transition areas 46038

Notices

Airport and airway system; reduction of nonessential federal expenditures; users inquiry 46105
Meetings:
Air Traffic Procedures Advisory Committee 46105

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

Television broadcast stations:
Children's programming and advertising practices; inquiry; reactivation; extension of time 46048
Television broadcast stations; table of assignments:
California 46049

Notices

Emergency Broadcast System; closed circuit test 46078
Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies 46078

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.:
Booth, John P., & Associates et al 46074
Central Illinois Public Service Co. (2 documents) 46067, 46068
Central Louisiana Electric Co., Inc 46073
Cimarron Transmission Co 46073
Columbia Gulf Transmission Co. et al 46068
El Paso Natural Gas Co 46069
English, William N 46076
Great Lakes Gas Transmission Co 46069
Idaho Power Co 46070
Independent Oil & Gas Association of West Virginia 46074
Indiana & Michigan Electric Co 46070
Iowa Southern Utilities Co 46070
Lewis, Owen H 46071
Mid-Louisiana Gas Co 46074
Natural Gas Pipeline Co. of America (2 documents) 46070, 46074
Natural Gas Pipeline Co. of America et al 46075
New England Power Co 46071
Oglethorpe Electric Membership Corp. et al 46071
Public Service Co. of Colorado 46075
Raton Natural Gas Co 46076
South Carolina Public Service Authority 46076
Southwest Gas Corp 46076
Tennessee Gas Pipeline Co 46072
Texas Gulf Coast Area Rate Proceeding et al 46072
Transcontinental Gas Pipe Line Corp 46072

FEDERAL MARITIME COMMISSION

Notices

Freight forwarder licenses:
D'Amato Freight Forwarding Co 46079

FEDERAL RAILROAD ADMINISTRATION

Proposed Rules

Practice rules:
Lifting lugs safety inquiry 46052

Notices

Practice rules:
Lifting lugs; temporary stay of AAR requirements 46106

FINE ARTS COMMISSION

Notices

Meeting 46062

FISCAL SERVICE

Notices

Surety companies annual list; correction 46109

FISH AND WILDLIFE SERVICE

Rules

Hunting:
Cibola National Wildlife Refuge, Calif., et al 46030
DeSota National Wildlife Refuge, Iowa 46032
Great Swamp National Wildlife Refuge, N.J 46029
Valentine National Wildlife Refuge, Nebr 46032

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Nez Perce National Historic Trail Study 46055

GENERAL SERVICES ADMINISTRATION

Notices

Authority delegations:
Interior Department, Secretary 46079

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Disease Control Center; Education Office; Health Services Administration.

HEALTH SERVICES ADMINISTRATION

Notices

Meetings:
Migrant Health National Advisory Committee 46079

INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

Rules

Security information, National; classification, downgrading, declassification, and safeguarding 46280

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Fish from Canada 46083

INTERSTATE COMMERCE COMMISSION

Proposed Rules

Motor carriers:
For-hire motor carriers, competitive contracting procedures; transportation of Government traffic; extension of time 46053

Notices

Hearing assignments 46139
Motor carriers:
Irregular route property carriers; gateway eliminations 46142
Permanent authority applications (3 documents) 46109, 46118, 46127
Transfer proceedings 46140
Rail carriers:
Disaster application for reduced rates; Island Mountain, Calif., tunnel fire 46140
Railroad operation, acquisition, construction, etc.:
Willamina & Grand Ronde Railroad Co 46140

JUSTICE DEPARTMENT

See also Drug Enforcement Administration; Law Enforcement Assistance Administration.

Rules

Information; production or disclosure:
Privacy Act; Parole Commission systems of records; exemptions 45993
Organization, functions, and authority delegations:
Information Law and Policy Office, establishment 45991

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
Arizona 46081
New Mexico (2 documents) 46080, 46081
Wyoming (5 documents) 46080–46082
Coal leases:
North Dakota 46082
Meetings:
Casper District Grazing Advisory Board 46081
Outer Continental Shelf:
Oil and gas leasing, Western and Central Gulf of Mexico; correction 46081
Withdrawal and reservation of lands, proposed, etc.:
Montana 46082

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
National Institute of Law Enforcement and Criminal Justice Advisory Committee 46086

MATERIALS TRANSPORTATION BUREAU

Proposed Rules

Hazardous materials table and communications regulations:
Compressed gas packages, color coding; termination 46050
Transportation of hazardous liquids by pipeline; procedures for operation, maintenance and emergencies 46051

NATIONAL COMMUNICATIONS SYSTEM

Notices

Telecommunications; digital communication performance parameters; proposed Federal standard 1033; extension of time 46086

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Motor vehicle safety standards; exemption petitions, etc.:
Officine Alfieri Maserati S.P.A.; average fuel economy 46106

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Fishery conservation and management:
Surf clam and ocean quahog fisheries; fishing time and quota reallotments 46033

Proposed Rules

Fishery conservation and management:
Foreign fishing; Bering Sea Pacific cod and sablefish; incremental apportionment of allocations 46054
Halibut off coast of Alaska; draft fishery management plan; hearing change 46054

Notices

Meetings:
New England Fishery Management Council 46060

NATIONAL PARK SERVICE

Notices

Boundary establishment, descriptions, etc.:
Fort Bowie National Historic Site, Ariz 46083

NATIONAL TECHNICAL INFORMATION SERVICE

Notices

Inventions, Government-owned; availability for licensing 46060

NATIONAL TRANPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc 46089

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

Proposed Rules

Property resale regulations 46047

NAVY DEPARTMENT

Notices

Meetings:
Naval History Advisory Committee 46065

NEIGHBORHOODS NATIONAL COMMISSION

Notices

Meetings 46086

NUCLEAR REGULATORY COMMISSION

Rules

Plants and material, physical protection:
Security personnel qualification training and equipment requirements 45981

Notices

Applications, etc.:
Commonwealth Edison Co. et al 46089
Metropolitan Edison Co. et al. (2 documents) 46087
Tennessee Valley Authority 46086
Virginia Electric & Power Co. 46088
Wisconsin Public Service Corp. et al 46088
Wyoming Mineral Corp 46088
Environmental statements; availability, etc.:
Tennessee Valley Authority, Sequoyah Nuclear Plant, Units 1 and 2 46086

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Proposed Rules

Procedure rules:
Simplified proceedings, briefs, etc.: hearings 46047

SCIENCE AND TECHNOLOGY POLICY OFFICE

Notices

Meetings:
Science, Technology and Development Advisory Committee 46092

SECURITIES AND EXCHANGE COMMISSION

Rules

Information and requests:
Freedom of information; records availability, reference room locations 45991

Notices

Hearings, etc.:
Boston Stock Exchange, Inc. et al 46093
Consolidated Natural Gas Co 46098
Fall River Electric Light Co. et al 46099
Financial Municipal Bond Fund, Inc 46099
Investors' Municipal-Yield Trust, Series 1 et al 46100
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc 46092
Options Clearing Corp 46093

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
Broad Brook Project, Mass 46055
Darrs Creek, Tex 46055
Hermitage Public School Critical Area Treatment R.C. & D. Measure, Ark 46057

Mitchell Swamp-Pleasant Meadow Branch Watershed Project, S.C 46058
Mispillion Project Water-Based Recreation R.C. & D. Measure, Del 46057
Moore United Gas Gully Critical Area Treatment R.C. & D. Measure, Fla 46058
Northeast Mississippi R.C. & D. Area Critical Area Treatment R.C. & D. Measures, Miss 46056
Northwest Mississippi R.C. & D. Area Critical Area Treatment R.C. & D. Measures, Miss 46056
Ronald Rigby Gully Critical Area Treatment R.C. & D. Measure, Fla 46058
Southeast Mississippi R.C. & D. Area Critical Area Treatment R.C. & D. Measures, Miss 46056
Southwest Mississippi R.C. & D. Area Critical Area Treatment R.C. & D. Measures, Miss 46057

STATE DEPARTMENT

Proposed Rules

Privacy Act, implementation; Special Assignments Staff 46046

SURFACE MINING RECLAMATION AND ENFORCEMENT OFFICE

Proposed Rules

Performance standards:
General; alluvial valley floors technical guidelines and hearings; correction 46048

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton, man-made and wool textiles:
Colombia 46062
Wool textiles:
Korea 46061

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Railroad Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Customs Service; Fiscal Service.

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

PROCLAMATIONS:

4125 (Revoked in part by Proc. 4604) 45977
4436 (Revoked in part by Proc. 4604) 45977
4604 45977

7 CFR

53 45979
948 45979
1822 45980

10 CFR

73 45981

14 CFR

23 46233
25 (2 documents) 46233, 46238
27 ..... 46233, 46238
29 ..... 46233, 46238
39 (3 documents) 45981–45983
71 (4 documents) 45983–45985
91 46233
95 45985
121 46234

PROPOSED RULES:

25 46034
39 46034
71 46038
121 46034

17 CFR

200 45991

PROPOSED RULES:

170 46039

22 CFR

PROPOSED RULES:

6a 46046

25 CFR

PROPOSED RULES:

700 46047

28 CFR

0 45992
16 (2 documents) 45992, 45993
50 45992

29 CFR

PROPOSED RULES:

2200 46047
2201 46047

30 CFR

PROPOSED RULES:

715 46048

32 CFR

Ch. XX 46280

40 CFR

50 46246
51 46264
81 45993
422 46020

PROPOSED RULES:

51 (2 documents) 46272, 46275
53 46272

45 CFR

100a 46020
104 46020
180 (2 documents) 46020, 46021
1201 (2 documents) 46021, 46022

47 CFR

PROPOSED RULES:

73 (2 documents) 46048, 46049

49 CFR

PROPOSED RULES:

Ch. II 46052
172 46050
195 46051
1062 46053

50 CFR

32 (4 documents) 46029–46032
652 46033

PROPOSED RULES:

611 (2 documents) 46054

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

1 CFR

Ch. I 45339

3 CFR

EXECUTIVE ORDERS:

12085 45337

MEMORANDUMS:

October 2, 1978 45547

PROCLAMATIONS:

4125 (Revoked in part by Proc. 4604) 45977
4436 (Revoked in part by Proc. 4604) 45977
4604 45977

5 CFR

213 ..... 45549, 45550

7 CFR

2 45339
29 45340
53 45979
927 45341
948 45979
966 45342
1488 45551
1822 45980

PROPOSED RULES:

946 45375
1001 45520
1064 45881
1065 45881
1207 45884
1701 45591

10 CFR

73 45981
465 45536

PROPOSED RULES:

430 45375

12 CFR

201 45821
207 45821
220 45821
221 45821
224 45822

13 CFR

PROPOSED RULES:

121 45591

14 CFR

23 46233
25 ..... 46233, 46238
27 46233
29 46233
39 ..... 45343, 45981-45983
71 ..... 45343, 45344, 45983-45985
75 45345
91 46233
95 45985
121 46234
1210 45823

14 CFR—Continued

PROPOSED RULES:

25 46034
39 ..... 5375-45380, 46034
71 ..... 45381, 45382, 46038
121 46034
291 45383
296 45383

16 CFR

1505 45551

PROPOSED RULES:

13 45593

17 CFR

15 45825
19 45825
200 45991

PROPOSED RULES:

170 46039

18 CFR

154 45553

PROPOSED RULES:

Ch. I 45595

19 CFR

PROPOSED RULES:

146 45885

20 CFR

404 45345
416 45554

21 CFR

14 45555
146 45556
176 45556

PROPOSED RULES:

74 45611
81 45613
101 45613
201 45614
207 45614
314 45614

22 CFR

PROPOSED RULES:

6a 46046

23 CFR

772 45838

24 CFR

260 45557
1917 45558-45580

PROPOSED RULES:

1917 45383-45398

25 CFR

PROPOSED RULES:

700 46047

26 CFR

1 45582

28 CFR

0 45992
16 ..... 45992, 45993
50 45992

29 CFR

1910 45762

PROPOSED RULES:

2200 46047
2201 46047

30 CFR

PROPOSED RULES:

Ch. VII 45886
715 46048

32 CFR

Ch. XX 46280

33 CFR

PROPOSED RULES:

175 45399

38 CFR

3 45347
4 45348

PROPOSED RULES:

21 45399
36 45400

39 CFR

111 ..... 45838, 45839

40 CFR

50 46246
51 46264
81 45993
86 45583
180 ..... 45362, 45583
422 46020

PROPOSED RULES:

51 ..... 46272, 46275
52 45401
53 46272
65 45402-45410
87 45411
180 45412

41 CFR

Ch. 101 45869
8-12 45363
14-1 45584
14-55 45584

PROPOSED RULES:

51-1 45413

45 CFR

100a 46020
104 46020
180 ..... 46020, 46021
232 45596

45 CFR—Continued

233 45585
302 45751
1201 ..... 46021, 46022

PROPOSED RULES:

206 45887
233 ..... 45887, 45888

46 CFR

PROPOSED RULES:

25 45399

47 CFR

1 45842
73 45842
83 45364

PROPOSED RULES:

42 45892
43 45892

47 CFR—Continued

PROPOSED RULES—Continued

73 ..... 45620, 45895, 45899, 46048, 46049
83 45901

49 CFR

106 45366
107 45366
571 45366
1033 ..... 45586, 45587, 45863, 45865, 45866, 45868
1121 45588

PROPOSED RULES:

Ch. II 45903, 45905, 46052
172 46050
195 46051
215 45414
218 45416

49 CFR—Continued

PROPOSED RULES—Continued

1062 46053

50 CFR

10 45370
17 45759
18 45370
20 45588
26 45374
32 46029-46032
33 45869
258 45869
651 45872
652 46033

PROPOSED RULES:

17 ..... 45512, 45513
226 45905
611 46054
675 45909

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	*Date*
45337-45545	Oct. 2
45547-45819	3
45820-45975	4
45977-46285	5

presidential documents

[3195-01]

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.

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.

Jimmy Carter

[FR Doc. 78-28333 Filed 10-4-78; 10:18 am]

rules and regulations

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (GRADING, CERTIFICATION, AND STANDARDS), DEPARTMENT OF AGRICULTURE

SUBCHAPTER—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations are being changed to reflect an increase in fees for the grading and certification of livestock accepted for futures trading and Commodity Credit Corporation deliveries. The Agricultural Marketing Act of 1946 provides for the collection of fees approximately equal to the cost of livestock grading services rendered under its provisions. Salaries paid to Federal employees have been increased under the provisions of Pub. L. 92-210. Therefore, it has been determined that the hourly fee must be adjusted as provided herein because of the increased costs that will be incurred.

EFFECTIVE DATE: October 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Paul M. Fuller, U.S. Department of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain, and Seed Division, Livestock Market News Branch, 202-447-2222.

SUPPLEMENTARY INFORMATION: The need for the increase and the amount thereby 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," and "$38.00 per hour" to "$20.00 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]

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Amdt. 1]

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 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing agreement No. 97 and order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado area No. 2. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Colorado area No. 2 potato committee, established under the order, is responsible for its local administration.

Notice of proposed rulemaking was published in the September 8, 1978, FEDERAL REGISTER (43 FR 40027) inviting comments by September 23, 1978. None was received.

This amendment is based upon recommendations made by the committee at its public meeting held in Monte Vista, Colo., on August 17 to review the marketing situation and make handling recommendations for the remainder of the 1978-79 season through October 31, 1979.

Acreage in the production area is 1,000 acres larger this year than last, with prospects of increased supplies of round potatoes and of long varieties other than Russet Burbanks. In addition, total fall crop acreage is up slightly and growing conditions generally have been favorable, pointing to a relatively large total U.S. supply. This will tend to preclude orderly potato marketing. Therefore, the committee recommended increasing the minimum size of round varieties by ⅛ inch to 2⅛ inches in diameter. The committee also recommended an increase in the minimum size of long varieties except Russet Burbanks to 2 inches or 4 ounces. Maturity requirements would be tightened to call for "slightly skinned" in U.S. No. 1 grade lots of all varieties. For lower grades, the maturity requirement would remain "moderately skinned."

Potato prices this fall and coming winter are expected to average close to those of a year earlier and be well below parity. The proposed quality standards for production area potatoes would enable Colorado growers to compete more effectively in the market, thereby improving returns to producers. At the same time, consumers would be assured of an adequate supply of good quality potatoes of proper maturity, consistent with the overall quality of the large crop.

Findings. After consideration of all relevant matter presented, including

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 unitl 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area have already begun, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the remainder of the marketing season, and (3) compliance with this regulation, which is similar to that in effect during previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective date hereof.

The amendment is as follows:

In § 948.380 (43 FR 37982) the introductory paragraph and paragraphs (a), (b), and (h) are amended to read as follows:

§ 948.380 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, 2⅛ inches minimum diameter.

(2) *Russet Burbank.* U.S. No. 2, or better grade, 1⅞ 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.* 1½ 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."

* * * * *

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 Import regulations (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the period October 6, 1978, through June 30, 1979; and September 1, 1979, through October 31, 1979, shall meet the minimum grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)

Dated: October 2, 1978 to become effective October 6, 1978.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-28198 Filed 10-4-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

DETERMINING ELIGIBILITY OF RH APPLICANTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Section 502 Rural Housing Loan regulations to more clearly define eligibility standards for Section 502 Rural Housing Loans. This rule change is being issued in compliance with a consent order in the U.S. District Court for the District of Columbia. (*Vickers* v. *Bergland*, C.A. 77-0355). It is the policy of FmHA to make loans to applicants with incomes as low as possible and FmHA personnel will work closely with applicants so as to better understand all sources of income and cash substitutes. The purpose of this amendment is to provide more guidance to FmHA personnel in determining eligibility.

EFFECTIVE DATE: October 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerry B. Ireton, 202-447-4295.

SUPPLEMENTARY INFORMATION: On pages 34489-34490 of the FEDERAL REGISTER, dated August 4, 1978, there 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 1910, 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.

* * * * *

(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,

property insurance, utilities, and maintenance.

(iii) 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.

* * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: September 27, 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.

[FR Doc. 78-28111 Filed 10-4-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

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(c)(2).)

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

EFFECTIVE DATE: October 23, 1978.

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:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-492-7086.

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

For the Nuclear Regulatory Commission.

WILLIAM J. DIRCKS,
Deputy Executive
Director for Operations.

[FR Doc. 78-28149 Filed 10-4-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-GL-6; Amdt. 39-3312]

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 18x5.5, 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.

ADDRESSES: The applicable service letter, dated August 22, 1978, may be obtained from Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. A copy of the service letter is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Alfred A. Maila, Engineering and Manufacturing Branch, Flight Standards Division, AGL-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 18x5.5, 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-

ingly 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.

ADOPTION 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 00490, 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 was made immediately effective by the airmail letter dated September 6, 1978, which contained this amendment.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).)

The Federal Aviation Administration 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; Mar. 8, 1978).

Issued in Des Plaines, Ill., September 21, 1978.

WAYNE J. BARLOW,
Acting Director,
Great Lakes Region.

[FR Doc. 78-27971 Filed 10-4-78; 8:45 am]

[4910-13]

[Docket No. 78-CE-17-AD; Amdt. 39-3311]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 76 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Beech model 76 airplanes. It requires, prior to further flight, the replacement of the elevator and rudder trim control push rods with new designed push rods and the rebalancing of these control surfaces where necessary. The AD, which is of an emergency nature, is necessary to prevent in-flight push rod failures which may cause the rudder and elevator trim tabs to become disengaged with possible resultant control surface flutter and ensuing hazard to occupants.

EFFECTIVE DATES: October 12, 1978, to all persons except those 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.

ADDRESSES: 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 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.

BEECH. Applies to model 76 (serial Nos. ME-1 through ME-62 and ME-66) 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. 105-520024-5 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.

(B) If not previously accomplished, replace Beech part No. 105-520024-1 elevator trim tab push rod with new Beech part No. 105-520048-1 elevator trim tab push rod and rebalance the elevator control surfaces, 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.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89).)

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; Mar. 8, 1978).

Issued in Kansas City, Mo., on September 22, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-27872 Filed 10-4-78; 8:45 am]

[4910-13]

[Docket No. 78-WE-9-AD; Amdt. 39-3310]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model-DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a modification to hydraulic systems 1 and 3, in McDonnell Douglas model DC-10 series airplanes, by installing three check valves and, when applicable, new hydraulic piping. There have been reports of incidents in which tire debris has damaged hydraulic lines in the wheel well area with subsequent complete loss of associated hydraulic systems. This AD is needed to prevent the loss of associated powered flight controls due to loss of fluid, through brake return line failure.

DATE: Effective December 6, 1978. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846, Attention: Director, Publications and Training, C1-750 (54-60).

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket, Room 916, FAA, 800 Independence Avenue SW, Washington, D.C. 20591, or Rules Docket, Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive to require installation of three check valves and, when applicable, new hydraulic piping was published in the FEDERAL REGISTER (43 FR 29584). Tire debris from failure of main wheel tires during takeoff has fractured lines in hydraulic systems 1 and 3. Two occurrences resulted in eventual loss of both hydraulic systems 1 and 3. Six occurrances resulted in loss of a single hydraulic system, either 1 or 3.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the notice of proposed rulemaking.

Only one comment was received. The Air Transport Association of America agrees with the intent of the AD, however, some airlines believe that the proposed 1,800 hour compliance time is too restrictive and request that compliance time be extended to 2,400 hours. The FAA disagrees. In view of the elapsed time required for completion of the modifications, the DC-10 utilization rate and the safety considerations, the 1,800 hour compliance time is not restrictive.

The phrase "or later FAA approved revisions" has not been included in the service bulletin citation in this AD and a note has been added indicating that the cited version of the service bulletin is the only version acceptable for demonstrating compliance with the AD under terms of paragraph a.

After careful review of all available data, including the comments above, 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.

ADOPTION 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:

MCDONNELL DOUGLAS. Applies to DC-10-10, -10F, -30, -30F, and -40 airplanes certificated in all categories.

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.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

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

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

[FR Doc. 78-27881 Filed 10-4-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area: Taos, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Taos, N. Mex. The intended effect of the action is to provide controlled airspace for aircraft executing the newly established instrument approach procedure to the Taos Municipal Airport. The circumstance which created the need for the action was the development of a new nondirectional radio beacon (NDB) instrument approach procedure to the airport.

EFFECTIVE DATE: December 28, 1978.

FOR 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:

HISTORY

On August 3, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 34157) stating that the Federal Aviation Administration proposed to alter the Taos, N. Mex., 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 Regu-

lations (14 CFR Part 71) alters the Taos, N. Mex., transition area. This action provides additional controlled airspace from 700 feet above the ground for the protection of aircraft executing the newly established instrument approach procedure to the Taos 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:

TAOS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Taos Municipal Airport (lat. 36°27'33" N., long. 105°40'31" W.); within 9.5 miles on the northwest side and within 4.5 miles on the southeast side of the 203° bearing from the Ski NDB (lat. 36°27'40" N., long. 105°40'10" W.), extending from the NDB to 18.5 miles southwest of the NDB excluding that airspace within the 6.5-mile airport radius area; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 36°07'00" N., longitude 105°50'00" W., thence via a 25-mile arc centered on the Taos Municipal Airport coordinates (lat. 36°27'33" N., long. 105°40'31" W.) clockwise to latitude 36°48'00" N., longitude 105°49'15" W., thence direct to latitude 36°30'00" N., longitude 105°30'00" W., thence direct to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (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; Mar. 8, 1978).

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

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-27868 Filed 10-4-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Castroville, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to designate a transition area at Castroville, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing instrument approach procedures to the Castroville 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.

EFFECTIVE DATE: December 28, 1978.

FOR 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:

HISTORY

On July 27, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 32434), stating that the Federal Aviation Administration proposed to designate the Castroville, 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 Castroville, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Castroville 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 added:

CASTROVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Castroville Municipal Airport (lat. 29°20'32" N., long. 98°51'03" W.), within 3.5 miles each side of the 170° bearing from the proposed NDB (lat. 29°20'45" N., long. 98°50'56" W.), extending from the 5-mile radius to 11.5 miles northwest of the proposed NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (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; Mar. 8, 1978).

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

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-27869 Filed 10-4-78; 8:45 am]

[4910-13]

[Airspace Docket Number 78-CE-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW POINT ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area—Warrensburg, Mo.

AGENCY: Federal Aviation Adminstration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Warrensburg, Mo., to provide controlled airspace for aircraft executing a new instrument approach procedure which is being developed for the Skyhaven Airport, Warrensburg, Mo., based on the Napoleon visual omni range (VOR) navigational aid.

EFFECTIVE DATE: December 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE—537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure to the Skyhaven Airport, Warrensburg, Mo., is being established based on the Napoleon VOR, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at Warrensburg, Mo., at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to insure segregation of aircraft using

the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

DISCUSSION OF COMMENTS

On pages 28209 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°48′ 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 northwest 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. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

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; Mar. 8, 1978).

Issued in Kansas City, Mo., on September 21, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-27870 Filed 10-4-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-ASW-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area: Beeville, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Beeville, Tex. The intended effect of the action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Beeville Municipal Airport. The circumstance which created the need for the action was the establishment of a navigation facility on the airport to provide additional capability for flight under instrument flight rules (IFR) procedures to the airport.

EFFECTIVE DATE: December 28, 1978.

FOR 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:

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 7-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 7-mile radius area to 10 miles northwest and southeast of the TACAN; within 2 miles each side of the 339° bearing from the NAS Chase RBN extending from the 7-mile radius area to 12 miles north of the RBN; within a 6.5-mile radius of Beeville Municipal Airport (Lat. 28°22′00″ N., long. 97°48′00″ W.) within 3.5 miles each side of the 138° bearing from the Beeville NDB (lat. 28°22′03″ N., long. 97°47′39″ W.) extending from the 6.5-mile radius to 11.5 miles southeast of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and 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.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-27972 Filed 10-4-78; 8:45 am]

[4910-13]

[Docket No. 18320; Amdt. No. 95-281]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

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:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8277.

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 governing 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-107.

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

95.101 AMBER FEDERAL AIRWAY 1
is amended to read in part:

FROM	TO	MEA
*Farewell, Alas NDB	Takotna River Alas. NDB	
	W-bound	4000
	E-bound	7000
*8600–MCA Farewell NDB E-bound		

§95.1001 DIRECT ROUTES–U.S.
is amended to delete:

FROM	TO	MEA
Denver, Colo. VOR	Vince INT Colo	1000
Loads INT, Colo.	Gill, Colo. VOR	7200
Gill, Colo. VOR	Rogge INT, Colo.	7000
Johnson INT Tex.	Big Springs, Tex. VORTAC	*4400
3800–MOCA		

§95.1001 DIRECT ROUTES–U.S.
is amended to read in part:

Temple, Tex. VOR	Bostick INT Tex.	3500

§95.1001 DIRECT ROUTES–U.S.
is amended by adding:

Jefferson City, Mo. VOR	Sedalia, Mo. NDB	4000
	COP 14 JEF	
Napoleon, Mo VOR	Kaiser Mo. NDB	*5000
2400–MOCA	COP 70 ANX	
Brownwood, Tex. VOR	Waco, Tex. VORTAC	*5000
Via BWD 090 ACT 271		
3000–MOCA		
Navasota, Tex. VORTAC	Scurry, Tex. VORTAC	18000
Scurry, Tex. VORTAC	McAlester, Okla. VORTAC	18000
Scurry, Tex. VORTAC	Donie INT Tex.	18000
Spokane, Wash. VORTAC	Missoula, Mont. VORTAC	18000
		MAA–35000
Missoula, Mont. VORTAC	Bozeman, Mont VOR	20000
		MAA–35000
Bozeman, Mont. VOR	Boysen Reservoir, Wyo.	19000
	VORTAC	MAA–35000
Ruido INT, N.M.	Corona, N.M. VORTAC	14000
Ruido INT, N.M.	Roswell, N.M. VORTAC	14000
Topeka, Kans. VORTAC	Neosho, Mo. VORTAC	*5000
*3000–MOCA		MAA–35000
Teaky INT, Tex.	Gatlin INT Tex.	2000

BAHAMA ROUTES

V11 is amended to read in part:

FROM	TO	MEA
Tobago Island, R.P VOR	*Mandinga INT, R.P.	10000
*10000–MRA		

BAHAMA ROUTES

Route 2 is amended to read in part:

FROM	TO	MEA
*Pebla INT, P.R.	Bocca INT P.R.	2200
*2500–MRA		
Bocca INT, P.R.	San Juan, P.R. VOR	1800
San Juan, P.R. VOR	Isllo INT, P.R.	1500
Isllo INT, P.R.	Culeb INT P.R.	1800
Culeb INT P.R.	St. Thomas, V.I. VOR	2700
St. Thomas, V.I. VOR	St. Croix, V.I. VOR	2700

Route 3 is amended to read in part:

FROM	TO	MEA
San Juan, P.R VOR	*Utahs INT, P.R.	**7000
7000–MRA		
**1800–MOCA		

Route 4 is amended to read in part:

FROM	TO	MEA
Borinquen, P.R. VOR	Might INT, P.R.	5600
Vedas INT P.R.	Snooz INT, P.R.	2400
Snooz INT, P.R.	St. Croix, V.I. VOR	2400

Route 5 is amended to read in part:

FROM	TO	MEA
Borinquen, P.R. VOR	Bromo INT, P.R.	1800
*3000–MRA		
Bromo INT P.R.	Ohios INT P.R.	5600

Route 7 is amended to read in part:

FROM	TO	MEA
Point Tuna INT P.R.	Sanlo INT, P.R.	3300
4000–MRA		
Sanlo INT, P.R.	San Juan, P.R. VOR	3500
San Juan, P.R VOR	Lifer INT, P.R.	2500
Lifer INT, P.R.	Dommi INT, P.R.	*2500
*1200–MOCA		
Dommi INT, P.R.	Ohios INT, P.R.	*8000
*1200–MOCA		

Route 9 is amended to read in part:

FROM	TO	MEA
*Ponce, P.R. VOR	Gambo INT, P.R. VOR	5000
*2700–MCA Ponce VOR, NE-bound		
Gambo INT, P.R.	San Juan, P.R. VOR	3800
San Juan, P.R. VOR	*Carib INT, P.R.	1500
*2500–MRA		
Carib INT, P.R.	Vermo INT, P.R.	*8000
*1200–MOCA		

§95.6001 VOR FEDERAL AIRWAY 1
is amended to read in part:

FROM	TO	MEA
Wallo INT, N.C.	Kinston, N.C. VOR	2000

§95.6002 VOR FEDERAL AIRWAY 2
is amended to read in part:

FROM	TO	MEA
Fargo, N.D. VOR	Alexandria, Minn. VOR	
Via N alter.	Via N alter.	*3500
*2900–MOCA		

§95.6004 VOR FEDERAL AIRWAY 4
is amended to delete:

FROM	TO	MEA
Denver, Colo. VOR	Radic INT, Colo.	
Via N alter.	Via N alter.	7800
Radic INT, Colo.	Thurman, Colo. VOR	
Via N alter.	Via N alter.	7000

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Laramie, Wyo. VOR	Flems INT Wyo.	11000
Flems INT, Wyo.	Cager INT Colo.	10000
*Cager INT, Colo.	Denver, Colo. VOR	7000
7800–MCA Cager INT Colo. N-bound		
Denver, Colo. VOR	Thurman, Colo. VOR	8000
Laramie, Wyo. VOR	Flems INT Wyo.	
Via N alter.	Via N alter.	11000
Flems INT Wyo.	Luske INT Colo.	
Via N alter.	Via N alter.	10000
Luske INT, Colo.	Nunns INT, Colo.	
Via N alter.	Via N alter.	9000
Nunns INT, Colo.	Gill, Colo. VOR	
Via N alter.	Via N alter.	7000
Gill, Colo. VOR	Denver, Colo. VOR	
Via N alter.	Via N alter.	7000

95.6005 VOR FEDERAL AIRWAY 5
is amended to read in part:

FROM	TO	MEA
Cincinnati, Ohio VOR	Mason INT, Ohio	2800

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Central City, Ky. VOR	Evansville, Ind. VOR	*2500
*1900–MOCA		

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Kremmling, Colo. VOR	*Surfs INT Colo.	15300
13300–MCA Surfs INT W-bound		
Surfs INT, Colo.	Broom INT Colo	9500
Broom INT, Colo.	Denver, Colo. VOR	*8300
*7500–MOCA		

§95.6011 VOR FEDERAL AIRWAY 11
is amended to read in part:

FROM	TO	MEA
Weston INT, Ky.	Evansville, Ind. VOR	2000
Cunningham, Ky. VOR	Evansville Ind. VOR	
Via E Alter.	Via E Alter	*2600
1900–MOCA		

95.6013 VOR FEDERAL AIRWAY 13
is amended to read in part:

FROM	TO	MEA
Grantsburg, Wis. VOR	Barum INT Minn.	**3300
*4000–MRA		
10000–MAA		
**2500–MOCA		

§95.6015 VOR FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
Barclay INT Tex	Basel INT Tex.	
Via W alter	Via W alter	2800
2700–MCA Basel INT S-bound		

95.6017 VOR FEDERAL AIRWAY 17
is amended to read in part:

FROM	TO	MEA
Parol INT Tex.	Waco, Tex VOR	3500
Barclay INT, Tex	*Basel INT Tex.	
Via E alter.	Via E alter	2800
2700–MCA Basel INT S-bound		

95.6019 VOR FEDERAL AIRWAY 19
is amended to read in part:

FROM	TO	MEA
Kiowa, Colo VOR	Denver Colo VOR	8000
Denver, Colo VOR	Nunns INT Colo.	7000

95.6024 VOR FEDERAL AIRWAY 24
is amended to read in part:

FROM	TO	MEA
Aberdeen, S D VOR	Watertown, S.D VOR	
Via N alter	Via N alter	3600

95.6044 VOR FEDERAL AIRWAY 44
is amended to read in part:

FROM	TO	MEA
Atlantic City, N J	Leggs INT N.J.	1800
Leggs INT N.J	Gamby INT N.J.	*8000
*2000–MOCA		
Gamby INT, N.J	Sates INT N.J.	*6000
*2000–MOCA		
Sates INT N.J.	Deer Park, N Y VOR	*4000
*2000–MOCA		

95.6047 VOR FEDERAL AIRWAY 47
is amended to read in part:

FROM	TO	MEA
Weston INT, Ky.	Evansville, Ind. VOR	2000

95.6052 VOR FEDERAL AIRWAY 52
is amended to read in part:

FROM	TO	MEA
Evansville, Ind. VOR	Central City, Ky. VOR	*2500
*1900–MOCA		

95.6053 VOR FEDERAL AIRWAY 53
is amended to read in part:

FROM	TO	MEA
Kenla INT, Ind.	Peotone, Ill. VOR	2600

§95.6059 VOR FEDERAL AIRWAY 59
is amended to read in part:

FROM	TO	MEA
Pulaski, Va. VOR	Estem INT, W.Va.	6000
Estem INT, W.Va.	Beckley, W.Va. VOR	5000

§95.6077 VOR FEDERAL AIRWAY 77
is amended to read in part:

FROM	TO	MEA
*Wilsy INT, Kans.	Heydn INT Kans.	**4500
*5000–MRA		
**2900–MOCA		
Heydn INT, Kans.	Topeka, Kans. VOR	3100

§95.6080 VOR FEDERAL AIRWAY 80
is amended to delete:

FROM	TO	MEA
Keann INT, Colo.	Wiggi INT, Colo.	7500
Wiggi INT, Colo.	Akron, Colo. VOR	7000

95.6081 VOR FEDERAL AIRWAY 81
is amended to read in part:

FROM	TO	MEA
Colorado Springs, Colo. VOR	Foles INT Colo.	9700
Foles INT, Colo.	Denver Colo. VOR	9000

§95.6085 VOR FEDERAL AIRWAY 85
is amended to delete:

FROM	TO	MEA
*Drake INT, Colo.	Benson INT, Colo.	13400
*13400—MCA Drake INT, NW-bound		
Benson INT, Colo.	Estus INT, Colo.	15600
Estus INT, Colo.	Medicine Bow, Wyo. VOR	*15600
*14700—MOCA		

§95.6085 VOR FEDERAL AIRWAY 85
is amended by adding:

Denver, Colo. VOR	Hainy INT, Colo.	*9000
*7600—MOCA		
Hainy INT, Colo.	Drake INT, Colo.	11000
Drake INT, Colo.	*Benam INT, Colo.	11000
*15000—MCA Benam INT, SW-bound		
Benam INT, Colo.	Estus INT, Colo.	16000
Estus INT, Colo.	Medicine Bow, Wyo. VOR	*16000
*14700—MOCA		

§95.6089 VOR FEDERAL AIRWAY 89
is amended to delete:

FROM	TO	MEA
Logan INT, Colo.	*Silow INT, Colo.	12000
*11000—MCA Silow INT, S-bound		
Silow INT, Colo.	Denver, Colo. VOR	10000
Denver, Colo. VOR	*Platt INT, Colo.	7000
10500—MRA		
Platt INT, Colo.	Nunns INT, Colo.	7000

§95.6089 VOR FEDERAL AIRWAY 89
is amended to read in part:

FROM	TO	MEA
Denver, Colo. VOR	Gill, Colo. VOR	
Via E alter.	Via E alter.	7000

§95.6089 VOR FEDERAL AIRWAY 89
is amended by adding:

FROM	TO	MEA
Chilt INT, Colo.	Silow INT, Colo.	12000
*Silow INT, Colo.	Denver, Colo. VOR	10000
10800—MCA Silow INT, S-bound		
Denver, Colo. VOR	Nunns INT, Colo.	7000

§95.6095 VOR FEDERAL AIRWAY 95
is amended to read in part:

FROM	TO	MEA
Trees INT, Colo.	Chilt INT, Colo.	
	SW-bound	16200
	NE-bound	13600
*Chilt INT, Colo.	Month INT, Colo.	11400
12600—MCA Chilt INT, SW-bound		
Month INT, Colo.	Foles INT, Colo.	9600
Foles INT, Colo.	Kiowa, Colo. VOR	9000

95.6097 VOR FEDERAL AIRWAY 97
is amended to read in part:

FROM	TO	MEA
Grant INT, Ga.	Atlanta, Ga. VOR	3000

§95.6101 VOR FEDERAL AIRWAY 101
is amended to read in part:

FROM	TO	MEA
Gill, Colo. VOR	*Libel INT, Colo.	10000
*13100—MCA Libel INT, W-bound		

95.6112 VOR FEDERAL AIRWAY 112
is amended by adding:

FROM	TO	MEA
Portland, Ore. VOR	The Dalles, Ore. VOR	
Via S alter	Via S alter	7000

95.6121 VOR FEDERAL AIRWAY 121
is amended to read in part

FROM	TO	MEA
Mobil INT, Ore.	Redmond, Ore. VOR	
Via N alter	Via N alter	
	SW-bound	8000
	NE-bound	10000

95.6128 VOR FEDERAL AIRWAY 128
is amended to read in part

FROM	TO	MEA
Peotone, Ill. VOR	Kenla INT, Ind.	2600

95.6134 VOR FEDERAL AIRWAY 134
is amended to delete:

FROM	TO	MEA
Funds INT, Colo.	Shrew INT, Colo.	
Via S alter	Via S alter	16000
Shrew INT, Colo.	Byson INT, Colo.	
Via S alter	Via S alter	14500
Byson INT, Colo.	Morris INT, Colo.	
Via S alter	Via S alter	*13000
12000—MOCA		
*Morris INT, Colo.	Denver, Colo. VOR	
Via S alter	Via S alter	9000
11300—MCA Morris INT, SW-bound		

95.6134 VOR FEDERAL AIRWAY 134
is amended to read in part

FROM	TO	MEA
Track INT, Colo.	Paces INT, Colo.	*11000
9700—MOCA		
Paces INT, Colo.	Glenn INT, Colo.	13000
Glenn INT, Colo.	Basam INT, Colo.	*14000
12600—MOCA		
Basam INT, Colo.	Herls INT, Colo.	
	E-bound	16000
	W-bound	14000
Herls INT, Colo.	Funds INT, Colo.	*17000
16300—MOCA		
Funds INT, Colo.	Golde INT, Colo.	*17000
16300—MOCA		
*Golde INT, Colo.	Denver, Colo. VOR	10000
*14100—MCA Golde INT, SW-bound		

95.6140 VOR FEDERAL AIRWAY 140
is amended to read in part

FROM	TO	MEA
Stacy INT, Va.	*Kenya INT, W.Va.	5600
7200—MRA		
Kenya INT, W.Va.	Bluefield, W.Va. VOR	5100
Bluefield, W.Va. VOR	Obers INT, W.Va.	5600
Obers INT, W.Va.	Montbello, Va. VOR	6000

95.6156 VOR FEDERAL AIRWAY 156
is amended to read in part

FROM	TO	MEA
Bradford, Ill. VOR	Peotone, Ill. VOR	2700

95.6160 VOR FEDERAL AIRWAY 160
is amended to read:

FROM	TO	MEA
Denver, Colo. VOR	Sidney, Neb. VOR	7000

§95.6172 VOR FEDERAL AIRWAY 172
is amended to delete:

FROM	TO	MEA
Denver, Colo. VOR	Wiggi INT, Colo.	7500
Wiggi INT, Colo.	*Fowls INT, Colo.	**8000
*8000—MRA		
**6600—MOCA		
Fowls INT, Colo.	Holyo INT, Colo.	*13000
*6600—MOCA		
Holyo INT, Colo.	North Platte, Neb. VOR	*6000
*4800—MOCA		

§95.6187 VOR FEDERAL AIRWAY 187
is amended to read in part:

FROM	TO	MEA
Rival INT, Mont.	Ofino INT, Ida.	*13000
*9900—MOCA		

§95.6190 VOR FEDERAL AIRWAY 190
is amended to read in part:

FROM	TO	MEA
Texas INT, Ill.	Evansville, Ind. VOR	2200

§95.6200 VOR FEDERAL AIRWAY 200
is amended to delete:

FROM	TO	MEA
Kremmling, Colo. VOR	Surfs INT, Colo.	*16000
*14900—MOCA		
*Surfs INT, Colo.	Denver, Colo. VOR	
	W-bound	16000
	E-bound	9600
*13400—MCA Surfs INT, W-bound		

§95.6207 VOR FEDERAL AIRWAY 207
is amended to read in part:

FROM	TO	MEA
Denver, Colo. VOR	Gill INT, Colo.	7000

§95.6220 VOR FEDERAL AIRWAY 220
is amended to read in part:

FROM	TO	MEA
Kremmling, Colo. VOR	Hainy INT, Colo.	17000
*Hainy INT, Colo.	Denver, Colo. VOR	**9000
*13800—MCA Hainy INT, SW-bound		
**7600—MOCA		
Denver, Colo. VOR	Flats INT, Colo.	*7500
*7000—MOCA		
Flats INT, Colo.	Wiggi INT, Colo.	7500
Wiggi INT, Colo.	Akron, Colo. VOR	7000

§95.6263 VOR FEDERAL AIRWAY 263
is amended to read in part:

FROM	TO	MEA
Hugo, Colo. VOR	Gill, Colo. VOR	8000

§95.6280 VOR FEDERAL AIRWAY 280
is amended to read in part:

FROM	TO	MEA
*Wilsy INT, Kans.	Heydn INT, Kans.	**4500
*5000—MRA		
**2900—MOCA		
Heydn INT, Kans.	Topeka, Kans. VOR	3100

§95.6328 VOR FEDERAL AIRWAY 328
is amended to read:

FROM	TO	MEA
Jackson, Wyo. VOR	Big Piney, Wyo. VOR	13500
Big Piney, Wyo. VOR	Rock Springs, Wyo. VOR	*10000
*9700—MOCA		
Rock Springs, Wyo. VOR	Snaky INT, Wyo.	11000
Snaky INT, Wyo.	Hayden, Colo. VOR	10000
Hayden, Colo. VOR	Habro INT, Colo.	10000
Habro INT, Colo.	Kremmling, Colo. VOR	13000
Kremmling, Colo. VOR	Funds INT, Colo.	15500
Funds INT, Colo.	Shrew INT, Colo.	16000
Shrew INT, Colo.	*Byson INT, Colo.	14000
*13900—MCA Byson INT, SW-bound		
Byson INT, Colo.	*Troze INT, Colo.	12000
*9600—MCA Troze INT, SW-bound		
Troze INT, Colo.	Denver, Colo. VOR	7500

§95.6361 VOR FEDERAL AIRWAY 361
is amended to read:

FROM	TO	MEA
Kremmling, Colo. VOR	*Benam INT, Colo.	16000
*15000—MCA Benam INT, SW-bound		
Benam INT, Colo.	Luske INT, Colo.	13000
*Luske INT, Colo.	Cheyenne, Wyo. VOR	9000
*10300—MCA Luske INT, SW-bound		

§95.6366 VOR FEDERAL AIRWAY 366
is added to read:

FROM	TO	MEA
Hugo, Colo. VOR	Kiowa, Colo. VOR	8000

§95.6440 VOR FEDERAL AIRWAY 440
is amended to read in part:

FROM	TO	MEA
*Winor INT, Alas.	McGrath, Alas. VOR	
	E-bound	7000
	W-bound	4000
*8600—MCA Winor INT, E-bound		

§95.6463 VOR FEDERAL AIRWAY 463
is amended to read:

FROM	TO	MEA
Logan INT, Ga.	*Turnn INT, Ga.	**5000
*5900—MCA Turnn INT, N-bound		
**4200—MOCA		
Turnn INT, Ga.	Harris, Ga. VOR	7000

§95.6471 VOR FEDERAL AIRWAY 471
is amended to read in part:

FROM	TO	MEA
Bangor, Me. VOR	Millinocket, Me. VOR	2400

§95.6506 VOR FEDERAL AIRWAY 506
is amended to read in part:

FROM	TO	MEA
Marsi DME Fix, Alas.	*Johni DME Fix, Alas.	#7000
*11000—MRA		
#MEA is established with a gap in navigation signal coverage		
Johni DME Fix, Alas.	Kriss INT, Alas.	7000

§95.6510 VOR FEDERAL AIRWAY 510
is amended to read in part:

FROM	TO	MEA
McGrath, Alas. VOR	*Winor INT, Alas.	
	E-bound	7000
	W-bound	4000
*8600—MCA Winor INT, E-bound		

§95.7010 JET ROUTE NO. 10 is amended to read in part:

FROM	TO	MEA	MAA
Gunnison, Colo. VORTAC	Shrew INT, Colo.	22000	45000
Denver, Colo. VORTAC	Int. 046 M rad Denver VORTAC & 249 M rad North Platte, VORTAC	23000	45000
Int. 046 M rad Denver VORTAC & 249 rad North Platte VORTAC	North Platte, Neb. VORTAC	18000	45000

§95.7020 JET ROUTE NO. 20 is amended to delete:

FROM	TO	MEA	MAA
Denver, Colo. VORTAC	Lamar, Colo. VORTAC	18000	45000

§95.7020 JET ROUTE NO. 20 is amended by adding:

FROM	TO	MEA	MAA
Denver, Colo. VORTAC	Kiowa, Colo. VORTAC	18000	45000
Kiowa, Colo. VORTAC	Lamar, Colo. VORTAC	18000	45000

§95.7024 JET ROUTE NO. 24 is amended to delete:

FROM	TO	MEA	MAA
Hayden, Colo. VORTAC	Kiowa, Colo. VORTAC	18000	45000
Kiowa, Colo. VORTAC	Hugo, Colo. VORTAC	18000	45000

§95.7037 JET ROUTE NO. 37 is amended to delete:

FROM	TO	MEA	MAA
New Orleans, La. VORTAC	Montgomery, Ala. VORTAC	18000	45000

§95.7037 JET ROUTE NO. 37 is amended by adding:

FROM	TO	MEA	MAA
New Orleans, La. VORTAC	Semmes, Ala. VORTAC	18000	45000
Semmes, Ala. VORTAC	Montgomery, Ala. VORTAC	18000	45000

§95.7044 JET ROUTE NO. 44 is amended to read in part:

FROM	TO	MEA	MAA
Alamosa, Colo. VORTAC	Shrew INT, Colo.	24000	45000
Shrew INT, Colo.	Byson INT, Colo.	18000	45000

§95.7052 JET ROUTE NO. 52 is amended to delete:

FROM	TO	MEA	MAA
Denver, Colo. VORTAC	Lamar, Colo. VORTAC	18000	45000

§95.7052 JET ROUTE NO. 52 is amended by adding:

FROM	TO	MEA	MAA
Denver, Colo. VORTAC	Kiowa, Colo. VORTAC	18000	45000
Kiowa, Colo. VORTAC	Lamar, Colo. VORTAC	18000	45000

§95.7054 JET ROUTE NO. 54 is amended by adding:

FROM	TO	MEA	MAA
Tatoosh, Wash. VORTAC	Olympia, Wash. VORTAC	18000	45000

§95.7052 JET ROUTE NO. 56 is amended to delete:

FROM	TO	MEA	MAA
Hayden, Colo. VORTAC	Drake INT, Colo.	18000	45000

7056 JET ROUTE NO. 56 is amended by adding:

FROM	TO	MEA	MAA
Hayden, Colo. VORTAC	Denver, Colo. VORTAC	18000	45000

§95.7058 JET ROUTE NO. 58 is amended to read in part:

FROM	TO	MEA	MAA
Sarasota, Fla. VORTAC	Biscayne Bay, Fla. VORTAC	18000	45000

§95.7060 JET ROUTE NO. 60 is amended to read in part:

FROM	TO	MEA	MAA
Grand Junction, Colo. VORTAC	Denver, Colo. VORTAC	#19000	45000

#MEA is established with a gap in navigation signal coverage

§95.7075 JET ROUTE NO. 75 is amended to delete:

FROM	TO	MEA	MAA
Miami, Fla. VORTAC	Lakeland, Fla. VORTAC	18000	45000

§95.7075 JET ROUTE NO. 75 is amended by adding:

FROM	TO	MEA	MAA
Biscayne Bay, Fla. VORTAC	Lakeland, Fla. VORTAC	18000	45000

§95.7080 JET ROUTE NO. 80 is amended to read in part:

FROM	TO	MEA	MAA
Grand Junction, Colo. VORTAC	Denver, Colo. VORTAC	#19000	45000

#MEA is established with a gap in navigation signal coverage

§95.7086 JET ROUTE NO. 86 is amended to delete:

FROM	TO	MEA	MAA
Sarasota, Fla. VORTAC	Biscayne Bay, Fla. VORTAC	18000	45000

§95.7086 JET ROUTE NO. 86 is amended by adding:

FROM	TO	MEA	MAA
Sarasota, Fla. VORTAC	Miami, Fla. VORTAC	18000	45000

§95.7089 JET ROUTE NO. 89 is amended to read in part:

FROM	TO	MEA	MAA
Biscayne Bay, Fla. VORTAC	Lakeland, Fla. VORTAC	18000	45000

§95.7104 JET ROUTE NO. 104 is amended to delete:

FROM	TO	MEA	MAA
Pueblo, Colo. VORTAC	Denver, Colo. VORTAC	18000	45000

§95.7110 JET ROUTE NO. 110 is amended to delete:

FROM	TO	MEA	MAA
Boulder City, Nev. VORTAC	Tuba City, Ariz. VORTAC	18000	45000
Tuba City, Ariz. VORTAC	Farmington, N.M. VORTAC	18000	45000

§95.7110 JET ROUTE NO. 110 is amended by adding:

FROM	TO	MEA	MAA
Boulder City, Nev. VORTAC	Farmington, N.M. VORTAC	#28000	45000

#MEA is established with a gap in navigation signal coverage.

§95.7114 JET ROUTE NO. 114 is amended to read in part:

FROM	TO	MEA	MAA
Denver, Colo. VORTAC	O'Neill, Neb. VORTAC	#23000	45000

#MEA is established with a gap in navigation signal coverage.

§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, Colo. VORTAC	Bacca INT, Colo.	18000	45000
Bacca INT, Colo.	Int. 075 M rad Grand Junction VORTAC & 243 M rad Kiowa VORTAC	26000	45000

§95.7157 JET ROUTE NO. 157 is amended to read in part:

FROM	TO	MEA	MAA
Keann 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
Keann INT, Colo.	Int. 046 M rad Denver VORTAC & 176 M rad Sidney VORTAC	23000	45000
Int. 046 M rad Denver VORTAC & 176 M rad Sidney VORTAC	Sidney, Neb. 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

§95.7523 JET ROUTE NO. 523 is amended to read:

FROM	TO	MEA	MAA
Seattle, Wash. VORTAC	Tatoosh, Wash. VORTAC	18000	45000
Tatoosh, Wash. VORTAC	U.S. Canadian Border	18000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
V-1 is amended to delete:			
Cleveland, Ohio VORTAC	London, Canada	55	Cleveland
V-10 is amended to delete:			
Revloc, Pa. VORTAC	Youngstown, Ohio VOR	49	Revloc
V-20 is amended to delete:			
Athens, Ga. VOR	Electric City, S.C. VOR	20	Athens
V-81 is amended to delete:			
Colorado Springs, Colo. VOR	Denver, Colo. VOR	13	Colorado Springs
V-119 is amended to delete:			
Clarion, Pa. VOR	Bradford, Pa. VOR	27	Clarion
Indian Head, Pa. VOR	Parkersburg, W.Va. VOR	60	Indian Head
V-134 is amended to read in part:			
Grand Junction, Colo. VOR	Denver, Colo. VOR	114	Grand Junction
V-184 is amended to delete:			
Millville, N.J. VOR	Atlantic City, N.J. VOR	10	Millville
V-187 is amended to read in part:			
Missoula, Mont. VOR	Lewiston, Ida. VOR	30	Missoula
V-268 is amended to delete:			
Westminster, Md. VOR	Baltimore, Md. VORTAC	12	Westminster
V-309 is amended to delete:			
Allegheny, Pa. VOR	Charleston, W.Va. VOR	70	Allegheny

[FR Doc. 78-27969 Filed 10-4-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. FI-56]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Availability of Records Under the Freedom of Information Act

AGENCY: Securities and Exchange Commission.

ACTION: Final rules and request for comment.

SUMMARY: This amendment revises the Commission's rules which specify the Commission offices at which records may be made available for public inspection.

EFFECTIVE DATE: September 27, 1978. Comments must be received on or before November 27, 1978.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to file No. S7-756. All comments received will be available for public inspection and copying in the Commission's public reference room, 1100 L Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Linda A. Schneider, Attorney, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-1339.

SUPPLEMENTARY INFORMATION: These amendments are intended to correct and clarify the Commission's rules under the Freedom of Information Act as they were last amended in August 1977. Those last amendments inadvertently lent themselves to the interpretation that all Commission records available under the Freedom of Information Act for public examination or copying were to be available in the New York, Chicago, and Los Angeles regional offices, as well as in the public reference room in Washington, D.C. These amendments revise the Commission's rules to specify the Commission offices at which records will be made available for inspection under the Freedom of Information Act. The rule provides that records will be made available at the Commission's public reference room in Washington, D.C. In addition, upon request, and if the records are not needed by the staff in connection with its ongoing work, records will be sent to any of the three Commission offices which have public reference facilities (New York, Chicago, and Los Angeles) for inspection at those offices. Finally, when suitable arrangements can be made with respect to the storage and inspection of records, records may also be sent, upon request, to other Commission offices for inspection at those offices. The requestor must pay the cost of transporting the records in all instances.

Accordingly, part 200, chapter II, title 17 of the Code of Federal Regulations is amended as follows:

Subpart D—Information and Requests

In § 200.80 paragraph (c)(1) is revised by amending subdivision (i) by deleting the word "other" from the first sentence of subdivision (ii), and adding subdivision (iii) as follows:

§ 200.80 Commission records and information.

* * * * *

(c)(1) * * *

(i) The public reference room in Washington has available for public inspection all of the publicly available records of the Commission as described in paragraph (a) of this section. In addition, upon request, such records will be sent to the Commission's regional offices in New York, Chicago, or Los Angeles, for inspection in the public reference facilities at those offices, if the records are not needed by the Commission or the staff in connection with the performance of official duties. Also upon request, and only when suitable arrangements can be made with respect to the transportation, storage, and inspection of records, records may be sent to any other Commission office for inspection at that office, if the records are not needed by the Commission or the staff in connection with the performance of official duties. When records are sent to another office at the request of a member of the public, the requestor shall be charged all costs incurred by the Commission in transporting the records.

(ii) [Amended]

(iii) In the New York, Chicago, and Los Angeles regional offices, microfiche of all recent registration statements filed pursuant to the Securities Act of 1933, registration statements and periodic reports filed pursuant to the Securities Exchange Act of 1934, and periodic reports filed pursuant to the Investment Company Act from 1969 to date are available for inspection and reproduction.

STATUTORY AUTHORITY

The foregoing action is taken pursuant to the authority set forth in the Freedom of Information Act, 5 U.S.C. 552, and is effective upon publication. Because this action relates solely to matters of procedure regarding requests made under the Freedom of Information Act, notice and prior publication for comments under the Administrative Procedure Act is not necessary. See 5 U.S.C. 553(b). However, the Commission will receive comments on this matter for 60 days after the effective date of the amendments. At the end of that period, the Commission will reexamine and reevaluate these amendments, and will determine whether further amendment to its rules is necessary or appropriate.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

SEPTEMBER 27, 1978.

[FR Doc. 78-28199 Filed 10-4-78; 8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 803-78]

ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Establishment of the Office of Information Law and Policy

AGENCY: Department of Justice.

ACTION: Final rule.

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.

FOR FURTHER INFORMATION CONTACT:

John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, D.C. 20530, 202-739-2041.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, parts 0, 16 and 50, of chapter I of Title 28, Code of Federal Regulations are amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

§ 0.1 [Amended]

1. Section 0.1 of subpart A is amended by inserting "Office of Information Law and Policy" immediately after "Office of Professional Responsibility."

§ 0.15(b)(2) [Redesignated as § 0.29(a)]

2. Section 0.15(b)(2) of subpart C is revised in part and redesignated as § 0.29(a) of new subpart E-2 as set out below.

§ 0.18 [Redesignated as § 0.19a]

3. Section 0.18 of subpart C is revised in part and redesignated as § 0.19a of subpart C-1 to read as follows:

§ 0.19a Office of Privacy and Information Appeals.

The Office of Privacy and Information Appeals is established in the Office of the Associate Attorney General under the supervision of the Associate Attorney General to assist in acting on Privacy and Freedom of Information appeals under §§ 16.47 and 16.7, respectively, of this chapter, except that in the case of appeals from initial decisions in which the Associate Attorney General participated this assistance shall be provided by the Office of Legal Counsel. The Office of Privacy and Information Appeals shall provide staff support to the Department Review Committee, established by § 17.38 of this chapter.

§ 0.25(i) [Redesignated as § 0.29(b)]

4. Section 0.25(i) of subpart E is revised in part and redesignated as § 0.29(b) of new subpart E-2 as set out below:

Subpart E-2—Office of Information Law and Policy

Sec.
0.28 Organization.
0.29 Functions.
0.29a Freedom of Information Committee.

AUTHORITY: 28 U.S.C. 509, 510 and 5 U.S.C. 301.

Subpart E-2—Office of Information Law and Policy

§ 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 under 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 both acts for the executive agencies and the Department.

(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 proposing 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.

Dated: September 27, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-28105 Filed 10-4-78; 8:45 am]

[4410-01]

[AAG/A Order No. 14-78]

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 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.

Dated: September 22, 1978.

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 procedure 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.

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

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 972-2]

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. This rulemaking supplements the national EPA rulemaking of September 11, 1978 (43 FR 40412), and incorporates by reference EPA's position on certain general issues raised in comments on the designations found in the supplementary information section of that rulemaking.

DATE: Effective date—October 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas Mateer, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2334.

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 promulgation. 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 final 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 nonattainment 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 in south Chicago are listed as exceeding the primary TSP standards 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 (SO_2)

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 emissions inventory used in the modeling. The above-mentioned draft report was made available to the commenter by the State EPA in May. Before that time commenter was afforded 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, 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 SO_2 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 Selby 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 for 4 years without a violation of the NAAQS. The unclassifiable designation for Capital Township is justified since transporation data indicated the potential for violation 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 expresssway areas located within the Chicago major metropolitan area. Therefore, EPA must retain the current nonattainment designations.

Nitrogen Dioxide (NO_2)

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 site 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 area be restricted to Harrison, Sugar Creek, Fayette, Otter Creek, Lost

Creek, and Honey Creek Townships. Since violations of the TSP NAAQS have been monitored in Vigo County, revision of the designation is 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 in Howard County to Center and Howard Townships only. 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 which measured violations of the 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. Since Pidgeon Township 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 accordingly.

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 data to support either 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 Lawrenceburg, Center, Manchester, and Hogan 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 east 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 TSP 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, Scipco, Kankakee, 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 (SO_2)

Ten commenters requested revisions to the size of the sulfur dioxide (SO_2) primary nonattainment area in Lake County. With the exception of the State of Indiana, each commenter recommended that the city where the commenter was located be excluded from the nonattainment area, for the following reasons: Relatively few monitors within the area registered violations of the SO_2 national ambient air quality standards (NAAQS) and most of the heavy industry in the area was not responsible for the violations which were monitored. Commenters generally believed that sources unfairly placed within the nonattainment area would suffer potentially serious adverse 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 SO_2 emission sources and relatively few continuous SO_2 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 SO_2. 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 SO_2 is revised as noted above.

Two commentors recommended that the designation for Porter County be changed from partial nonattainment for SO_2 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-80-90 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 SO_2 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 SO_2, EPA noted certain technical deficiencies in the 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 SO_2 standards, and background concentrations of SO_2 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 SO_2 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 107(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 SO_2 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 reclassifying Wayne County from primary nonattainment of the SO_2 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, 107(d)(5) petition. Since electrostatic precipitators are control devices used primarily for particulate control, their breakdown would be expected to have a negligible effect on SO_2. Moreover, of the three monitored excursions of the SO_2 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 geographic boundaries of the primary nonattainment area 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 nonattainment for primary and secondary SO_2 standards to unclassifiable. Commenters challenged the validity of the monitored data which demonstrated violations of the 24-hour primary SO_2 standard and the accuracy and validity of dispersion models which predicted violations of the annual and short-term primary SO_2 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 SO_2 standard. These results have been supplemented by urban RAM runs which predicted short-term violations of the SO_2 standard. The overwhelming weight of evidence supports primary SO_2 nonattainment in Marion County and that designation will remain unchanged. Since secondary violations have been neither monitored nor predicted by dispersion modeling, Marion County is being reclassified as attainment for the secondary SO_2 standard.

One commenter recommended redesignation of Vigo County from primary SO_2 nonattainment to attainment. The commenter submitted a dispersion modeling report as evidence of 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 rural 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 SO_2 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 SO_2 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 SO_2 standards. However, a previous USEPA modeling analysis of air quality in Gibson County indicated a potential for violations of the SO_2 NAAQS. Due to the number of unanswered questions concerning air quality in Gibson County, the designation for Gibson County should remain unclassifiable.

On June 12, 1978, the State of Indiana also petitioned that Jefferson County be redesignated from unclassifiable for SO_2 to attainment. A dispersion modeling study was submitted in support of the petition. A dispersion modeling study submitted by the State to region V, USEPA, indicated violations of the secondary standard. Region V is currently preparing an anaylsis of Jefferson County to resolve the discrepancies between these two studies. Until that anaylsis is completed, the SO_2 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 the 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 NAAQS for oxidants. 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 Elkhart County. The omission of Elkhart County from the list of counties not attaining the oxidant standard

in the March 3, 1978, 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 for photochemical oxidants.

One commenter stated that designating 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.

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 development of a control stategy. Therefore, the designation is supported by the data and is not being revised.

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.

TOTAL SUSPENDED PARTICULATES (TSP)

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 has determined that redesignation to "attainment" for particulate standards is appropriate for Branch County.

SULFUR DIOXIDE (SO_2)

INGHAM COUNTY

MDNR suggested that the nonattainment area for SO_2 be the subcounty 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 subcounty area proposed by the State.

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_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_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 (nonviolation exceedences of standards) of both the 24-hour and 3-hour standards were recorded at the Dow Corning lot site on Saginaw Road and, in 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 Biochem 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_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_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. By July 1, 1975, the ICS at Dow was operational (statement of Mr. L. Pribila at EPA sec. 113 Enforcement Conference, Feb. 4, 1977, p. 13 transcript) and, as indicated above, fairly successful in preventing violations of the standards.

The Clean Air Act requires use of continous emission reduction technology to attain and maintain national standards.[1] 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.[2] Accordingly, in view of the air quality violations in 1974 and 1975 and the admission by the principal source of SO_2 in the area (Dow Chemical Co.) that an intermittent control system was being utilized to prevent current violations of air quality 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 implementation of the Dow ICS indicate that SO_2 standards are being achieved in Midland County solely by constant emission controls. In fact, there is no evidence of any constant SO_2 emission control at the Dow plant. Because 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.

MINNESOTA

TOTAL SUSPENDED PARTICULATES (TSP)

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 notattainment 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 8 State monitoring sites and 36 industrial sites. Taking the most conservative position in

[1] Secs. 110(a)(2)(B) and 302(k), 42 U.S.C. 7410(a)(2)(B) and 7602(k).

[2] Sec. 123(a), 42 U.S.C. 7423(a). See discussion in the national rulemaking package of Sept. 11, 1978, 43 FR 40414.

terms of protecting the welfare of this area, MPCA determined to designate the entire range nonattainment based on available data recognizing that pockets of attainment could exist within the area and that appropriate changes would be made when sufficient data became available. Based on a review of the monitored 24-hour particulate standard violations, EPA concurred in this determination.

Two companies, Erie Mining Co. and Hanna Mining Co. submitted extensive modeling data in support of their requests for redesignation of certain townships in the designated area. Based on an analysis of this data, MPCA has recommended certain changes in the designation of the Mesabi Range. EPA has reviewed these recommendations and concurs as more fully discussed in a background document for section 107 designations in Minnesota which is available in the regional office.

U.S. Steel also objected to designation of the central portion of the Mesabi Iron Range as nonattaainment particularly because they claimed the closest monitor could not accurately represent the air quality surrounding U.S. Steel facilities. However, the commenter failed to specify which particular townships should be redesignated and to submit data in support of any proposed redesignations. Accordingly, EPA and MPCA have no basis for altering the designation.

U.S. Steel also complained about the location of the monitors closest to their facility. The sites in Virginia and Mount Iron were inspected by EPA in 1976 and found to be situated such that they would not be affected by fugitive sources which could lead to exaggerated levels.

Typographical errors in the legal descriptions published on March 3, 1978, are being corrected today. In reassessing available data, EPA determined that the violation at industrial site 07 was not caused by fugitive dust. Therefore, the nonattainment boundary has been extended to include T56N, R18W, the location of this monitor.

As part of its analysis of the air quality problem along the Mesabi Range, MPCA has contracted with Midwest Research Institute for a detailed study which may lead to further redesignations.

PHOTOCHEMICAL OXIDANTS (OZONE)

ST. LOUIS, SHERBURNE, CARLTON, LAKE, AND OLMSTEAD COUNTIES

Two comments were received with objections to designation of the above counties as nonattainment areas for photochemical oxidants. Concern with imposition of the offset policy over a wide area was expressed.

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, 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 SO_2 everywhere in Ohio, despite the fact that the standard is now violated in several areas, because the current EPA-promulgated 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 violations of a standard may provide the basis for a nonattainment designation in currently clean areas. However, the reverse is not true: Projected future attainment may not provide the basis for an attainment designation in currently dirty areas. The reason is that sections 171(2), 172, and 107(d)(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 SO_2 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.[3] 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.

Many comments received questioned the basis for the SO_2 designations in Ohio. The SO_2 designations are supported by available monitoring as well as the modeling analysis performed by EPA in the development of the federally promulgated SO_2 regulations. This modeling analysis has been extensively documented in several support documents and has been upheld as an 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 basis for 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 desingnated most of the SO_2 nonattainment areas in Ohio based upon its modeling analyses.

Several commenters suggested that the boundaries of the SO_2 nonattainment areas be revised to restrict the nonattainment designation to an area smaller than the entire county. EPA

[3] Proposed sec. 127(e)(2)(A) of the Act, in report to accompany H.R. 6161, H.R. Rept. No 95-294, 95th Cong., 1st Sess. 389 (May 12, 1977); proposed secs. 110(a)(3)(A) and 113(g)(1) of the Act, in report to accompany S. 252, S. Rep. No. 95-127, 95th Cong., 1st Sess. 146, 169 (May 10, 1977).

has reviewed the designations and reduced 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 designations for Clermont and Hamilton Counties. Specifically, CGE commented 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 designation for Pierce Township, Clermont County, for the TSP secondary standard. 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, registered four exceedances of the secondary TSP standard in 1977. This monitor is located near the border of Batavia and Pierce Townships.

HAMILTON COUNTY TSP

Based upon monitoring data, EPA must reaffirm its secondary TSP nonattainment designation of Miami Township, Hamilton County. The monitoring data submitted by CGE clearly shows violations of the secondary 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 nonattainment areas have been revised. Reviewing CGE's own monitoring data for site B, Clermont County, shows one excursion of the short-term standard and violations of the primary SO_2 standard at both sites C and D, Hamilton County, during 1977.

COMMENT

One commenter, U.S. Steel (USS), made several comments regarding the SO_2 designation for Lorain County. Specifically, USS comments:

1. Lorain County should be designated attainment for SO_2 based upon the monitoring 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. USS is remodeling Lorain County and so far it indicates attainment.

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 nonattainment area. The nonattainment area as listed in the Ohio SO_2 attainment status table below now includes Lorain County north of Route 80 and the city of Elyria.

USS cited several significant errors in EPA's data base which USS alleges caused inaccurate modeling results. EPA has agreed to a procedure to resolve the data questions including the remodeling of Lorain County by USS with an updated data base. However, until USS completes this modeling, there is no evidence to support an attainment status. Once USS submits its modeling results to EPA, a further analysis of the area's designation can be undertaken, and the designation changed if supported at that time.

COMMENT

One commenter, Dayton Power and Light (DPL), made the following objections to the nonattainment designations promulgated in the March 3, 1978 FEDERAL REGISTER:

1. DPL believes monitoring data indicates Montgomery County is attainment for SO_2 rather than nonattainment as it is designated. DPL objects to the use of "special models such as the RAM model" in the State of Ohio.
2. Subcounty designations for SO_2 should be made.
3. DPL indicates that the use of a double asterisk in the SO_2 designation list is in error.
4. 34 counties were omitted from the list of TSP designations in Ohio.

The nonattainment SO_2 designations for Montgomery County is supported by the modeling analysis performed by EPA in the development of the federally promulgated SO_2 regulations for Ohio. EPA did not single out the State of Ohio for the use of special models such as the RAM model but used modeling results whenever they were available. Therefore, EPA must reaffirm the nonattainment designation for Montgomery County, but has redefined the designation to a subcounty area. The double asterisk notation indicating that the Montgomery County designation was made by EPA because the State failed to submit its own recommendation is an error. The notation should have been one asterisk denoting an EPA change of the State recommendation. This is corrected in this publication. The omission of 34 counties from the TSP attainment status list was an error and is corrected in this publication.

COMMENT

One commenter, General Motors (GM), objected to the nonattainment designations for TSP in Defiance, Montgomery, Richland, and Erie Counties. Specifically, GM raised the following objections:

1. Defiance County should not have been designated nonattainment for the primary TSP standard because data indicates the excursions were caused by rural fugitive dust and the data from onsite monitors should not have been considered. GM believes the proper designation is nonattainment of the secondary TSP standard.
2. Kettering and Montgomery County should not have been designated nonattainment for the secondary TSP standard. GM believes the proper designation for the area surrounding its plant, Delco Products Division, is attainment.
3. Richland County should not have been designated nonattainment for primary TSP standard. GM believes subcounty designations should be made and that the proper designation for the area surrounding its plant, the Fisher Body—Mansfield plant, is attainment.
4. Erie County should be designated attainment for the primary TSP standard.

DEFIANCE COUNTY

Based upon monitoring data, EPA must reaffirm its designation of Defiance County as primary TSP nonattainment area. However, based upon further data submitted by Ohio EPA, the nonattainment area for the primary TSP standard has been redefined as Richland Township not within the city of Defiance and the city of Defiance has been redesignated as nonattainment for the secondary TSP standard only. There is no support to show that violations indicated by onsite 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 further information submitted by the Dayton Regional Air Pollution Control Agency, EPA has redefined the boundaries of the nonattainment areas for the TSP primary and secondary standard. The General Motors, Delco Products Division in Kettering is now in an attainment area.

RICHLAND COUNTY

EPA must reaffirm its nonattainment designation of 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 TSP primary 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_2.

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_2 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 to the nonattainment area. 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 utilized and the data did not cover a full year. Additionally, key sampling days are missing for the Abattoir and Snyder Park sites which would have been likely to predict maximums. Therefore, EPA must 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_2

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 designations for the primary SO_2 standard for Columbiana, Lorain, Summit, 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_2 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 revises its State implementation plan (SIP) to provide for attainment of the standards by December 31, 1982, and sets new emission limitations on sources. Further, EPA must reaffirm the SO_2 nonattainment designations for Cuyahoga and Stark 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 the 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 as nonattainment for the primary SO_2 standard.

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

1. Modeling performed by CSOE indicates that the secondary TSP standard is not violated in Coshocton County and monitoring data confirms this finding.

2. Monitoring data collected by CSOE indicates that the primary SO_2 standard has been attained in Athens, Coshocton, and Pickaway Counties; the secondary SO_2 standard has been attained in Coshocton and Pickaway Counties; and the secondary SO_2 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 standard is expected to occur in the future.

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_2 modeling analysis, EPA must reaffirm the nonattainment designation of Athens, Coshocton, and Pickaway Counties for the primary SO_2 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_2 standard in the near future, even though previous monitoring results indicated excee-

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 from companies challenging the designations under section 307 of the Clean Air Act.[4] The Agency made the request in order to clarify the issues and assess the potential for administrative resolution prior to continuing litigation. Both commenters challenge the Agency's use of its RAM modeling to support the primary SO_2 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 an attainment 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 use of RAM modeling should await the outcome of the studies.

In Summit County, the Agency's modeling demonstrated that the area was not attaining the primary SO_2 standards. While the Agency has recently remodeled the area in order to correct data base errors, the errors in the data base were not such that a change in attainment status was expected. A new regulation for Summit County will be proposed as rulemaking shortly supported by the remodeling which still shows that the area is not achieving standards and is therefore properly designated nonattainment. Second, the RAM model has been upheld by the U.S. Court of Appeals for the Sixth Circuit as a reasonable tool to use in setting source specific emission limitations. See *Cleveland Electric Illuminating Co.* v. *EPA*, 572 F. 2d 1150 (6th Cir. 1978). Since RAM modeling is a reasonable tool for setting emission limitations which directly impacts sources, it is reasonable to use it in designating nonattainment areas of the State, an action which has no immediate effect on sources, but merely triggers the State's evaluation of the areas for its nonattainment SIP. Third, given the availability of reliable modeling results, the modeling analysis takes precedence over the much less comprehensive monitoring data available. Fourth, as to the maximum operating assumption employed in RAM modeling, the assumption has also been specifically upheld by the sixth circuit as a reasonable input to the RAM modeling used to set emission limitations. It is an easily ascertainable figure which reflects the source's actual operation capability. Since it is reasonable to use the assumption in setting source specific emission limitations, it is also reasonable to employ it in designating nonattainment areas triggering the State's study of those areas.

Finally, because the designation is supported by the RAM modeling and because there is no immediate prejudice to sources stemming from the designation, it is not reasonable to delay designating Summit County as a nonattainment area until the commenters' studies have been completed. The Agency has evaluated the studies to date and will publish its preliminary comments in the technical support document accompanying the Summit County regulation which will be proposed as rulemaking shortly. Upon completion of the studies, further analysis of the designation may be made.

ADDITIONAL COMMENTS ON TOTAL SUSPENDED PARTICULATES (TSP)

One commenter requested the TSP nonattainment designation for Coshocton County be revised to attainment based on air quality data submitted. Based on 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 Hamilton County nonattainment 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 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.

2. The city of Oregon should be designated as attainment for the secondary TSP standard.

Upon further review of monitoring data, EPA has redesignated Ottawa Hills and the city of Oregon as attainment for 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, 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-

[4] Shell Oil Co., intervenor in the *Goodrich* case, filed a comment on September 1, 1978. Because it was filed so late, this comment has not been fully analyzed; however, it basically makes procedural and SO_2 modeling points treated elsewhere in this package.

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 (SO_2)

Five commenters objected to the manner in which the SO_2 designations were made in Ohio for Greene, Lucas, Mahoning, Montgomery, Stark, Summit, and Trumbull Counties. The support for the SO_2 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 SO_2 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 2927 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 by EPA in making the designation was incomplete and unreliable; (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 subject designation because (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; (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 SO_2 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 SO_2 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 recommended 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 SO_2 standards inasmuch as violations of the SO_2 standards were recorded. Subsequent to the recorded violations, a major source of SO_2 emissions substantially reduced same. 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 unclassificable designation for SO_2 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.

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 unclassfiable designation of this area for primary and secondary standards of SO_2. 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 a monitor had 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.

NOTE.—The Environmental Protection Agency has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Secs. 107(d), 171(2), 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7501(2), 7601(a)).)

Dated: September 26, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 81 of chapter I, title 40 of the Code of Federal Regulations is amended by revising specific pollutant categories in specific sections of subpart C as follows:

Subpart C—Section 107 Attainment Status Designations

Section	State	Pollutant Category
81.314	Illinois	TSP
81.314	do	SO_2
81.315	Indiana	TSP
81.315	do	SO_2
81.315	do	Ox
81.323	Michigan	TSP
81.323	do	SO_2
81.323	do	Ox
81.323	do	CO
81.324	Minnesota	TSP
81.336	Ohio	TSP
81.336	do	SO_2
81.336	do	Ox
81.336	do	CO
81.350	Wisconsin	TSP

Subpart C—Section 107 Attainment Status Designations

§ 81.314 Illinois.

Illinois - TSP

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
AQCR 65				
Knox County				
Galesburg (City)		X		
All other twps.				X
Peoria County				
Kickapoo Twp.	X	X		
Limestone	X	X		
Medina		X		
Peoria	X	X		
Richwoods	X	X		
All other twps.				X
Tazewell County				
Cincinnati Twp.	X	X		
Fondulac	X	X		
Groveland	X	X		
Pekin	X	X		
Washington	X	X		
All other twps.				X
Fulton County				X
Hancock				X
Henderson				X
Mason				X
McDonough				X
Warren				X
Woodford				X
Lee				X
AQCR 66				
Coles County				X
McLean County				
Bloomington Twp.		X		
All other twps.				X
Vermillion County				X

Illinois - TSP (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Winfield		X		
York		X		
All other twps.				X
Kankakee County				
Bourbonnais Twp.		X		
All other twps.				X
Kendall County				
Little Rock Twp.		X		
All other twps.				X
Lake County				
Wauconda		X		
All other twps.				X
Will County				
Crete Twp.		X		
DuPage	X	X		
Frankfort		X		
Joliet	X	X		
Lockport	X	X		
Monee		X		
New Lenox		X		
Plainfield		X		
Troy		X		
All other twps.				X
Grundy County				
Aux Sable Twp.			X	
Morris Twp.			X	
All other twps.				X
Kane County				X
McHenry County				X
AQCR 68				
Jo Daviess County				
East Galena Twp.		X		
Rawlins		X		
West Galena		X		
All other twps.				X

Illinois - TSP (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Champaign County				X
Clark				X
Cumberland				X
Dewitt				X
Douglas				X
Edgar				X
Ford				X
Iroquois				X
Livingston				X
Moultrie				X
Piatt				X
Shelby				X
AQCR 67				
Cook County				
Calumet Twp.	X	X		
Hyde Park	X	X		
Jefferson		X		
Lake	X	X		
Lakeview		X		
North Town	X	X		
Rogers Park		X		
South Town	X	X		
West Town	X	X		
Bloom		X		
Bremen	X	X		
Cicero		X		
Elk Grove		X		
Lyons	X	X		
Maine		X		
Niles		X		
Orland	X	X		
Palatine		X		
Palos	X	X		
Proviso		X		
Rich		X		
Stickney	X	X		
Thornton	X	X		
Wheeling		X		
Worth	X	X		
All other twps.				X
DuPage County				
Addison Twp.	X	X		
Wayne		X		

Illinois - TSP (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
AQCR 69				
Rock Island County				
Blackhawk Twp.	X	X		
Coal Valley	X	X		
Hampton	X	X		
Moline	X	X		
South Moline	X	X		
South Rock Island	X	X		
Rock Island	X	X		
All other twps.				X
Whiteside County				
Coloma Twp.		X		
All other twps.				X
Carroll County				X
Henry				X
Mercer				X
AQCR 70				
Monroe County				
T.1S.-R.10W		X		
All other				X
Madison County				
Alton Twp.	X	X		
Chouteau	X	X		
Collinsville	X	X		
Godfrey	X	X		
Granite City	X	X		
Nameoki	X	X		
Venice	X	X		
Wood River	X	X		
All other twps.				X
St. Clair County				
Canteen Twp.	X	X		
Caseyville	X	X		
Centerville	X	X		
St. Clair	X	X		
Stites	X	X		
Stookey	X	X		
Sugar Loaf	X	X		

Illinois - TSP (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
All other twps.				X
Bond County				
Clinton				X
Randolph				X
Washington				X
				X
AQCR 71				
Bureau County				
Shelby Twp.		X		
All other twps.				X
LaSalle County				
Dear Park	X			
LaSalle	X	X		
Ottawa		X		
South Ottawa		X		
All other twps.				X
				X
Putnam County				
Hennepin Twp.		X		
All other twps.				X
Lee County				X
Marshall County				X
Stark County				X
AQCR 72				
Pope County				
T. 14S-R.5E		X		
All other twps.				X
Massac County				
Metropolis Pct.		X		
Grant		X		
Washington		X		
All other pct.				X
Alexander County				X
Johnson				X
Pulaski				X

Illinois - TSP (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Richland				X
Saline				X
Wabash				X
Wayne				X
White				X
AQCR 73				
Adams County				
Ellington Twp.		X		
Melrose		X		
Riverside		X		
All other twps.				X
Macon County				
Decatur Twp.	X			
Hickory Point		X		
Long Creek		X		
South Wheatland		X		
Whitmore		X		
All other twps.				X
Menard County				
Petersburg East Twp.		X		
Petersburg North		X		
Petersburg South		X		
All other twps.				X
Sangamon County				
Capital Twp.	X	X		
All other twps.				X
Brown County				X
Calhoun				X
Cass				X
Christian				X
Greene				X
Jersey				X
Logan				X
Macoupin				X
Montgomery				X
Morgan				X
Pike				X

Illinois - TSP (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Union				X
AQCR 73				
DeKalb County				
DeKalb Twp.		X		
All other twps.				X
Winnebago County				
Cherry Valley Twp.		X		
Owen		X		
Rockford		X		
All other twps.				X
Boone County				X
Ogle				X
Stephenson				X
AQCR 74				
Jefferson County				
Dodds Twp.		X		
Mt. Vernon		X		
Shiloh		X		
All other twps.				X
Williamson County				
East Marion Twp.		X		
West Marion		X		
All other twps.				X
Clay County				X
Crawford				X
Edwards				X
Effingham				X
Fayette				X
Franklin				X
Gallatin				X
Hamilton				X
Hardin				X
Jackson				X
Jasper				X
Lawrence				X
Marion				X
Perry				X

Illinois - TSP (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Schuyler				X
Scott				X

Illinois - SO_2

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
AQCR 65				
Peoria County				
Hollis Twp.	X			
Limestone Twp.	X			
Medina Twp.	X			
Peoria Twp.	X			
Kickapoo Twp.	X			
Richwoods Twp.	X			
All other twps.				X
Tazewell County				
Cincinnati Twp.	X			
Elmgrove Twp.	X			
Groveland Twp.	X			
Pekin Twp.	X			
All other twps.				X
Fulton County				X
Hancock County				X
Henderson County				X
Knox County				X
McDonough County				X
Mason County				X
Warren County				X
Woodford County				X
Lee County				X
AQCR 66				
Champaign County				X
Clark County				X
Coles County				X
Cumberland County				X
DeWitt County				X
Douglas County				X
Edgar County				X
Ford County				X
Iroquois County				X
Livingston County				X
McLean County				X
Moultrie County				X
Piatt County				X
Shelby County				X
Vermillion County				X

Illinois - SO_2 (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
All other Madison Twps.				X
Bond County				X
Clinton County				X
Monroe County				X
Randolph County				X
St. Clair County				X
Washington County				X
AQCR 71				
Bureau County				
Selby Twp.			X	
All other Bureau twps.				X
LaSalle County				X
Lee County				X
Marshall County				X
Putnam County				X
Stark County				X
AQCR 72				
Massac County				
Grant Pct	X	X		
Metropolis Pct	X	X		
Hillerman Pct	X	X		
All other Massac Cty Pc				X
Alexander County				X
Johnson County				X
Pope County				X
Pulaski County				X
Union County				X
AQCR 73				
Boone County				X
DeKalb County				X
Ogle County				X
Stephenson				X
Winnebago County				X

Illinois - SO_2 (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
AQCR 67				
Cook County				
Bremen Twp.			X	
Calumet Twp.			X	
Thornton Twp.			X	
Worth Twp.			X	
All other Cook County twps.				X
Will County				
Channahon Twp.			X	
DuPage Twp.			X	
Joliet Twp.			X	
Lockport Twp.			X	
Troy Twp.			X	
All other Will County twps.				X
DuPage County				X
Grundy County				X
Kane County				X
Kankakee County				X
Kendall County				X
Lake County				X
McHenry County				X
AQCR 68				
Jo Daviess County				X
AQCR 69				
Carroll County				X
Henry County				X
Mercer County				X
Rock Island County				X
Whiteside County				X
AQCR 70				
Madison County				
Wood River Twp.			X	
Alton Twp.			X	

Illinois - SO_2 (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
AQCR 74				
Clay County				X
Crawford County				X
Edwards County				X
Effingham County				X
Fayette County				X
Franklin County				X
Gallatin County				X
Hamilton County				X
Hardin County				X
Jackson County				X
Jasper County				X
Jefferson County				X
Lawrence County				X
Marion County				X
Perry County				X
Richland County				X
Saline County				X
Wabash County				X
Wayne County				X
White County				X
Williamson County				X
AQCR 75				
Christian County				
South Fork Twp.			X	
All other twps.				X
Sangamon County				
Capital Twp.			X	
Cooper Twp.			X	
Cotton Hill Twp.			X	
Rochester Twp.			X	
Woodside Twp.			X	
All other twps.				X
Adams County				X
Brown County				X
Calhoun County				X
Cass County				X
Greene County				X
Jersey County				X
Logan County				X
Macon County				X

Illinois - SO_2 (Continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Macoupin County				X
Menard County				X
Montgomery County				X
Morgan County				X
Pike County				X
Schuyler County				X
Scott County				X

Indiana - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
intersection of I-65 then following I-65 to the intersection of I-94 then following I-94 to the Lake-Porter County line & on the east by the Lake-Porter County line.				
The remainder of Lake County				x
LaPorte County				
The area included in Center, Kankakee, New Durham, Pleasant and Scipco Townships & that area north and west of I-94	x			
The remainder of LaPorte County				x
Marion County				
The area of Washington Township east of Fall Creek and the area of Franklin Township south of Thompson Rd. & east of Five Points Rd.				x
The remainder of Marion County	x			
Porter County	x			
St. Joseph County				
The area north of Kern Rd. & east of Pine Rd.		x		
The remainder of St. Joseph County				x
Sullivan County			x*	
Tippecanoe County			x*	

*EPA designation replaces State designation

§ 81.315 Indiana.

Indiana - TSP

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Indiana Counties				
Clark County				
The area included in Charlestown, Jeffersonville, Silver Creek & Utica Townships	x			
The remainder of Clark County				x
Dearborn County				
The area included in Center, Hogan, Lawrenceburg & Manchester Townships	x			
The remainder of Dearborn County				x
Dubois County				
The area included in Bainbridge, Marion & Patoka Townships	x			
The remainder of Dubois County				x
Floyd County			x	
Howard County				
The area included within Center & Howard Townships		x		
The remainder of Howard County				x
Lake County				
An area bounded on the north by Lake Michigan, on the west by the Indiana-Illinois State line, on the south by U.S. 30 from the State line to the	x			

Indiana - TSP (continued)

Designatmd Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Vanderburgh County				
The area included in the City of Evansville & Pigeon Township		x		
The remainder of Vanderburgh County				x
Vigo County				
The area included within Harrison, Honey Creek, Fayette, Lost Creek, Otter Creek & Sugar Creek Townships	x			
The remainder of Vigo County				x
Wayne County				
The area included within Boston, Center, Wayne and Webster Townships	x			
The remainder of Wayne County				x
All portions of all other counties in Indiana				x

x* EPA designation replaces State designation

Indiana - SO_2

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Dearborn County			x	
Gibson County			x*	
Jefferson County			x*	
Lake County				
An area bounded on the north by Lake Michigan, on the west by the Indiana-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, & on the east by the Lake-Porter County line.	x			
The remainder of Lake County				x
LaPorte County				
An area bound on the north by Lake Michigan & the Indiana-Michigan State line, on the west by the LaPorte-Porter County line, & on the south & east by I-94	x	x		
The remainder of LaPorte County				x
Marion County	x			
Porter County				
An area bound on the north by Lake Michigan, on the west by the Lake-Porter County line, on the south by I-80 & 90 & on the east by the LaPorte-Porter County line			x	

*EPA designation replaces State designation

Indiana - O_x

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or Better Than National Standards
Allen County	x*	
Clark County	x*	
Elkhart County	x*	
Floyd County	x	
Lake County	x	
Marion County	x	
Porter County	x*	
St. Joseph County	x*	
Vanderburgh County	x	
All portions of all other Indiana counties		x

x* EPA designations replace State designations

Indiana - SO_2 (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
The remainder of Porter Co.				x
Vigo County	x			
Warrick County			x*	
Wayne County				
The area included within Boston, Center, Franklin, Wayne & Webster Townships	x			
The remainder of Wayne County				x
All portions of all other Indiana Counties				x

x* EPA designations replace State designations

§ 81.323 Michigan.

Michigan - TSP

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
AQCR 82 (Michigan Portion) Except subareas defined by range and township numbers:				X
1. Berrien County R18W, T4S, Sections 7, 8, 17-20, 29, 30 R19W, T4S, Sections 12-14 & 23-27		X		
AQCR 122 Except subareas defined:				X
1. Bay County R5E, T14N, Sections 14-16 & 21-23		X		*
2. Genesee County a. Starting at intersection of Stewart Av. and N. Saginaw St. then E. along Stewart Av. to Dort Highway to Franklin Av. to Hamilton Av. to Saginaw St. to Stewart Av.	X*			
b. Starting at intersection of Carpenter Rd. and DuPont St. then E. on Carpenter Rd. to Center Rd. then S. to M-21 then W. to I-475 to Bristol Rd. then W. to I-75 then N. to Corunna Rd (M-56) then E. to Flint city limits then N. to Pasadena Av. then E. to DuPont St. to Carpenter Rd.		X*		

*EPA designation replaces State designation

Michigan - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
3. Kent County R11W, T7N, Sections 19, 30, 31				
R12W, T7N, Sections 22-27 & 34-36		X		
4. Mason County R18W, T18N, Sections 13, 14, 23 & 24		X		
5. Midland County R2E, T14N, Sections 14-16, 21-23, 26-28 & 33-35		X		
6. Muskegon County R16W, T9N, Sections 5 & 6, R16W, T10N Sections 21, 22 & 27-34		X		
7. Saginaw County a. R4E, T21N, Sections 1, 12-15, 22-27 & 34-36				
R5E, T12N, Sections 4-6, 9, 16, 19-21 & 28-33		X		
b. R5E, T12N, Sections 7, 8, 17 & 18	X			
AQCR 123 Except subareas defined:				X
1. Macomb County a. R14E, T4N, Sections 27, 28, 33, & 34		X		
b. All of County South of 20 Mile Rd.		X		

Michigan - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
b. Area included within: Lake St. Clair-Moross Rd. to 7 Mile Rd. to Van Dyke Rd. to 8 Mile Rd. to Wyoming Rd. to 7 Mile Rd. to Schaefer Rd. to Penkell Rd. to Greenfield Av. to Joy Rd. to Southfield Expressway to Ford Rd. to Telegraph Rd. to Cherry Hill Rd. to Beech-Daly Rd extended to Michigan Av. to Inkster Rd. to Carlysle St. to Middle Belt Rd. to Van Born Rd. to Wayne Rd. to Pennsylvania Rd. to Middle Belt Rd. to Sibley Rd. to Telegraph Rd. to King Rd. to Grange Rd. to Sibley Rd. to Jefferson Av. to Bridge St. (Grosse Ile) extended to Detroit River.	X			
AQCR 124 (Michigan Portion) Except subarea defined by following townships:				X
1. Monroe County Exeter, Ash, Berlin, Raisinville, Monroe & Frenchtown Townships including all incorporated municipalities.		X		
AQCR 125 Except subareas defined:				X
1. Calhoun County R6W, T2S, Section 34	X			
2. Ingham County R2W, T4N, Sections 2-11 & 14-23		X		

Michigan - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
2. Oakland County a. R10E, T3N, Sections 15, 16, 21, 22, 27 & 28		X		
b. Area included within: Coolidge Rd. 10 Mile Rd. Campbell Rd. 14 Mile Rd. Dequindre Rd. & 8 Mile Rd.		X		
3. St. Clair County R17E, T6N Sections 2-4, 9-11, 14-16, 21, 22 & 28		X		
4. Wayne County a. Area included within: Lake St. Clair to 8 Mile Rd. to Schaefer Rd. to McNichols Rd. to Greenfield Av. to Schoolcraft Av. to Evergreen Rd. to Joy Rd. to Telegraph Rd. to Ford Rd., to Beech-Daly Rd. to Cherry Hill Rd. to Inkster Rd. to Carlysle St. to Middle Belt Rd. to Van Born Rd. to Wayne Rd. to Ecorse Rd. to Haggerty Hwy. to Tyler Rd. to Belleville Rd. to I-94 to Rawsonville Rd. to Oakville - Waltz Rd. to Will - Carlton Rd. to the Huron River to Lake Erie except for the subarea under b.		X		

Michigan - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
3. Washtenaw County Area near Ypsilanti within Cross St., Huron St., Harris Rd. & I-94		X		
AQCR 126 Except subareas defined:				X
1. Delta County, R22W, T39N, Sections 6-8, 17-20, 29-30, R23W, T39N, Sections 1, 12 & 13.		X		
2. Emmet County R6W, T34N, Sections 1-3 & 9-12		X		
3. Manistee County R16W, T21N, Sections 7, 18 & 19		X		
R17W, T21N, Sections 12 & 13				
4. Marquette County R25W, T48N, Sections 1 & 2			X	

Michigan - SO_2

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
AQCR 82 (Michigan portion)				X
AQCR 122				
Except subareas defined:				
1. Midland County, R2E, T13N, Sections 1-6, R2E, T14N, Sections 7-36	X			X
AQCR 123				X
AQCR 124 (Michigan portion)				X
AQCR 125				X
Except subareas defined:				
1. Ingham County, R2W, T4N, Sections 7-11, 14-23, and 26-35	X			
AQCR 126				X

*EPA designation replaces State designation

Michigan - CO

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or Better Than National Standards
AQCR 82 (Michigan Portion)		X
AQCR 122		
Except subarea defined:		X
1. Saginaw County R4E, T12N, Sections 1, 12, 13, & 24 R5E, T12N, Sections 4-9, 16-21	X	
AQCR 123		
Except subarea defined:		X
1. Macomb, Oakland, Wayne Counties, Lake St. Clair-14 Mile Rd. to Kelly Rd. N. to 15 Mile Rd. to Hayes Rd. S. to 14 Mile Rd. to Clawson northern city boundary to Royal Oak northern city boundary to 13 Mile Rd. to Evergreen Rd. to Beverly Hills southern city boundary to Bingham Farms southern city boundary to Franklin southern city boundary to Inkster Rd to 8 Mile Rd. to Livonia western city boundary to Westland western city boundary to Wayne western city boundary to Romulus southern city boundary following Pennsylvania Rd. to Detroit River.	X	
AQCR 124 (Michigan Portion)		X
AQCR 125		X
AQCR 126		X

Michigan - O_x

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or Better Than National Standards
AQCR 82 (Michigan portion)	X	
AQCR 122		
Except subareas defined:		X*
1. Muskegon, Ottawa, Allegan, Kent, Montcalm, Ionia, Gratiot, Midland, Bay, Saginaw, Shiawassee, Genesse, Tuscola, Lapeer, Sanilac and Huron Counties	X	
AQCR 123	X	
AQCR 124 (Michigan portion)	X	
AQCR 125	X	
AQCR 126		
Except subarea defined:		X*
1. Marquette County	X*	

*EPA designations replace State designations

§ 81.324 Minnesota.

Minnesota - TSP

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
AQCR 131	x*			
City of International Falls	x			
City of Duluth	x*			
City of Red Wing		x		
City of E. Grand Forks		x		
City of Cloquet		x		
City of Silver Bay		x		
Nesabi Iron Range Identified by county and township and range numbers:				
St. Louis County				
T56N, R18W		x*		
T57N, R17-19W		x		
T57N, R20 Section 7		x		
T58N, R16-18W		x		
T59N, R13W; R16-18W		x		
T60N, R12-13W		x		
Sherburne County			x	
St. Cloud's Township (Stearns County)			x	
City of Springfield and Burnstown Township (Brown County)			x	
Remainder of State				x

*EPA designation replaces State designation

§ 81.336 Ohio.

Ohio - TSP

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Ohio Counties				
Allen		X		
Ashtabula	X			
City of Ashtabula, Ashtabula Township & portion of Plymouth Township north of I-90				
The remainder of Ashtabula County				X
Belmont				
Cities of Martins Ferry, Bridgeport, Brookside, Bellaire, Shadyside & Powhatan Point in addition to Townships of Pease, Pultney, Mead & York	X			
Townships of Colerain, Richland, Smith & Washington excluding primary nonattainment areas		X		
The remainder of Belmont County				X
Butler				
City of Middletown	X			
Cities of Monroe, Trenton, New Miami, Fairfield, and that portion of the City of Hamilton within Fairfield Township & also the Townships of Madison, Lemon, St. Clair, Liberty, Fairfield & Union		X		
The remainder of Butler County				X

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Clermont				
Pierce and Batavia Township		X*		
The remainder of Clermont County				X
Clinton	X			
Columbiana				
The Cities of East Palestine, East Liverpool & Wellsville, plus the Townships of Fairfield, Unity, Elk Run, Middleton, Madison, St. Clair, Liverpool & Yellow Creek	X			
Knox & West Townships				X
The remainder of Columbiana County		X		
Coshocton				X
Cuyahoga				
The Cities of Brookly Hts., Cuyahoga Hts., Newburgh Hts., Bratenahl & the City of Cleveland east of W. 117th St. & Highland Ave.	X			
Olmsted & Chagrin Falls Townships & the Cities of Bay Village, Westlake, North Olmsted, Olmsted Falls, Strongsville, North Royalton, Broadview Hts.,				X

*EPA designation replaces State designation

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Carroll		X		
Champaigne		X		
Clark				
The area south and east of the line determined by: Route 41 east from the Clark-Miami County Line east to Route 235, north to the Clark-Champaigne County Line; and bounded by the north-south line determined by: State Route 72 south to Interstate 70. Interstate 70 west to Old Mill Road, south to Fairfield Pike, northeast to Cross Road, east to Route 68, south to Jackson Road, east to Mosier Road, south to Clark-Greene County Line.		X		
The remainder of Clark County				X

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Brecksville, Glenwillow, Solon, Bentleyville, Grange, Moreland Hills, Chagrin Falls, Pepper Pike, Hunting Valley, Lyndhurst, Mayfield Hts., Highland Hts., Mayfield & Gates Mills				
The remainder of Cuyahoga County		X		
Darke				
The subareas defined as north of the line formed by Road T358 east from the Indiana-Ohio line to Richmont Road, south to Moore Road, east to Payne Road, south to Rush Road, east to and thru New Madison (emerging as Wilt Road east of New Madison), east from New Madison on Wilt Road to Preble County Butler Township Road, north to Hollandsburg-Arcanum Road, east to Jaysville-St. John's Road, north to Delisle-Fourman's Road, east to Gordon Landis Road, north to Painter Creek-Argonun Road,		X		

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
east to Teagues- South Road, south to Delisle-Fourman's Road, east to Darke-Miami County line (where road becomes Fenner Road)				
The remainder of Darke County				x
Defiance				
Richland Township not within the City of Defiance	x			
City of Defiance		x		
The remainder of Defiance County				x
Erie		x		
Franklin				
Includes an area encompassed by Alum Creek on the east, Livingston Ave., Lockbourne Road, Thurman Ave., and Greenlawn Ave. on the south; on the west by I-71 & S.R. 315; & on the north by Lane Ave., North High St., Weber Road, Westerville Pike & Agler Road.	x			
The area within I-270 outerbelt excluding primary nonattainment area		x		
The remainder of Franklin County				x
Gallia		x		
Geauga		x		
Greene				
Includes those areas west of the line determined by the following:		x		

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Blue Ash				
Area south & east of U.S. 50 & north & east of S.R. 125, & an area to the north including the Cities of Forest Park, Greenhills, Mt. Healthy, North College Hill, Wyoming, Woodlawn, Glendale, Springdale, Sharonville & Loveland & the Townships of Colerain, Springfield, Sycamore & Symmes				x
The remainder of Hamilton County		x		
Hancock		x		
Henry	x			
Jackson		x		
Jefferson				
Cities of Stratton, Empire, Toronto, Wintersville, Steubenville, Mingo Junction, New Alexandria, Brilliant, Rayland, Tiltonville, Yorkville & Townships of Saline Knox, Island Creek, Cross Creek, Steubenville, Wells & Warren	x			
Springfield Township				x
The remainder of Jefferson County		x		
Lake				
Area bounded by the west County lines north of I-90 & west of S.R. 306 in addition to Cities of Painesville, Grand River, Fairport Harbor & Painesville Township	x			

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Meredith Rd. south from the Greene-Clark County Line, converts to S.R. 370 south to Bryan Park Rd., southeast to Clifton Rd., southwest to Rte. 68, south to Rte. 235, northwest to Mill Top Rd., southwest to Fairground Rd., west to Beaver Valley Rd., south to Lantz Rd., west to Fairfield Rd., south to Sweigart Rd., southwest to Little Sugarcreek Rd., south on Little Sugarcreek Rd. to Feed Wire Rd., east on Feed Wire Rd. to Mead Rd., south on Mead Rd. to Mill Rd., follow Mill Rd. south, then east to Lower Bellbrook Rd., Lower Bellbrook Rd. northeast to Schnebly Rd., Schnebly Rd. southeast, then south to S.R. 725, follow S.R. 725 east to the residential area of Spring Valley and take road which becomes Spring Valley-Paintersville Rd. through residential area to Cornstalk Rd. Cornstalk Rd. south to Greene-Warren County Line.				
The remainder of Greene County				x
Hamilton				
The subares bounded on the east by I-71, on the south by the Ohio River, on the west by the Cincinnati City Limits & on the north by the north & west boundaries of the Cities of Cincinnati, Lockland, Lincoln Hts., Evandale &	x			

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
The remainder of Lake County				x
Lawrence				
The Cities of Ironton, Coal Grove & South Point & the Townships of Upper & Perry	x			
Fayette Township		x		
The remainder of Lawrence County				x
Logan	x			
Lorain				
The portion of the City of Lorain north of S.R. 611	x			
The City of Lorain east of S.R. 58, & Sheffield Township excluding primary nonattainment areas		x		
Remainder of Lorain County				x
Lucas				
The Cities of Toledo & Maumee	x			
Townships of Waterville, Monclova & Washington		x		
The remainder of Lucas County				x
Madison				x
Mahoning				
The Cities of Campbell, Struthers & Youngstown & that portion of Poland Township north of U.S.R. 224 & that portion of Coitsville Township south of U.S.R. 422	x			

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Townships of Coitsville (excluding portion south of U.S.R. 422), Boardman & Poland (excluding portion north of U.S.R. 224) & that portion of Austintown Township east of S.R. 46		x		
The remainder of Mahoning County				x
Medina		x		
Meigs	x			
Miami				
The City of Piqua	x			
That area in Miami County north of the line determined by Fenner Road from the Darke-Miami County line east to Pemberton Road, south to Horse Shoe Bend Road, east to Rte 55, Rte 55 northeast thru Troy to Troy Urbana Road, Troy-Urbana Road northeast to Miami-Champaigne County line & south of the line determined by Rte 40 north from the Montgomery-Miami County line to Rte 202, north to Rte 571, east to Rte 201, north to Rte 41, east to the Miami-Clark County line & excluding the City of Piqua		x		
The remainder of Miami County				x
Monroe				
The City of Clarington & the Townships of Salem & Switzerland	x			

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Bigger Road, north to Wilmington Pike, northwest to Woodman Dr., north to Vale Dr., east to County Line Rd. north to Patterson Rd., west to Spaulding Rd., north to Woodbine Ave., west to Smithville Rd., south to Dorothy Ln., west to South Dixie Dr., southwest to I-75, south to the Montgomery-Warren County Line.				
The remainder of Montgomery County				x
Muskingum		x		
Noble			x	
Portage		x		
Preble				
That area within Preble County southeast of the line described by:		x		
The Montgomery-Preble County Line Rd. at Spitler Rd., south to Kinsey Rd., west to S.R. 503, south to the Preble-Butler County Line.				
The remainder of Preble County				x
Richland	x			
Ross	x			
Sandusky	x			
Scioto				
The Cities of Portsmouth, New Boston & South Webster & Bloom Township	x			
Township of Harrison excluding primary nonattainment areas		x		

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Townships of Adams, Greene, Lee, Ohio & Sunbury		x		
The remainder of Monroe County				x
Montgomery				
The Cities of Miamisburg & Dayton excluding that portion of the City of Dayton bounded by Patterson Rd., Spaulding Rd., Woodbine Av., and Smithville Rd.	x			
That area in Montgomery Co. south & east of the following: Rte. 440 (U.S.40) at the Montgomery-Miami County Line south to Bridgewater Rd., south to Taylorsville Rd., west to Little York Rd., west to Peters Rd., south to Frederick Rd., northwest to Dog Leg Rd., southwest to Westbrook Rd., west to Olive Rd., south to Shiloh Springs Rd., west to Union Rd., south to Little Richmond Rd., west to Snyder Rd., south to Old Dayton Rd west to Luthern Church Rd., south to Mile Rd., west to Guntle Rd., south to Havermale Rd., west to Clayton Rd., south to Chicken Hirakle Rd., west to Montgomery-Preble County Line. However, there is an attainment area within this nonattainment area which is described by the following boundaries: north on S.R. 48 from the Montgomery-Warren County Line to Whipp Road, east to		x		

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
The remainder of Scioto County				x
Seneca		x		
Shelby		x		
Stark				
Portion of the City of Canton to the south of 12th Ave.	x			
The political boundaries of City of Canton & Canton Township excluding primary nonattainment areas		x		
The remainder of Stark County				x
Summit				
Area encompassed on the north by S.R. 261 on the east by S.R. 91, on the south by U.S.R. 224 & on the west by S.R. 93	x			
Area bounded on the north by S.R. 18 from the Medina County line to the Fairlawn city limits, & the city limits of Fairlawn, Akron, Cuyahoga Falls & Stow; on the east by the Summit-Portage, Summit-Stark County lines; on the south by S.R. 619, S.R. 93 & the Summit-Stark County line; & on the west by the Summit-Wayne, Summit-Medina County lines, excluding primary nonattainment areas.		x		
The remainder of Summit County				x

Ohio - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Trumbull				
The area encompassed on the north by S.R. 82, on the east by S.R. 11, S.R. 304 & S.R. 616, on the south by the County line & on the west by the Mahoning River	x			
The Townships of Warren, Howland, Weathersfield, Liberty & Hubbard; & of Vienna Township the area south of the north boundary of Vienna Township to S.R. 193 & the area of Brookfield Township south of S.R. 82 excluding primary nonattainment areas		x		
The remainder of Trumbull County				x
Tuscarawas		x		
Washington		x		
Wayne		x		
Wood		x		
Wyandot		x		

Ohio - Sulfur Dioxide

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Allen				
Townships of Bath & American, City of Lima	x*			
The remainder of Allen County				x*
Athens				
York Township	x*			
The remainder of Athens County				x*
Clermont				
Pierce Township	x*			
The remainder of Clermont County				x*
Columbiana				
Cities of East Palestine & East Liverpool & Unity Township	x*			
The remainder of Columbiana County				x*
Coshocton				
Franklin Township	x*			
The remainder of Coshocton County				x*
Cuyahoga				
The Cities of Bay Village, Westlake, North Olmsted, Olmsted Falls, Rock River, Fairview Park, Berea, Middleburg Hts., Strongsville, North Royalton, Broadview Hts., Brecksville and the Townships of	x*			

*EPA designation replaces State designation

Ohio - Sulfur Dioxide (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Olmsted and Riveredge.				
The remainder of Cuyahoga County				x*
Erie				
Perkins Township	x*			
The remainder of Erie County				x*
Franklin				
The entire area within the boundary of Rte 270, Madison & Hamilton Townships.	x*			
The remainder of Franklin County				x*
Gallia				
Addison Township		x*		
The remainder of Gallia County				x*
Greene				
Bath Township	x*			
The remainder of Greene County				x*
Hamilton				
Whitewater Township	x *			
The remainder of Hamilton County				x*
Jefferson				
Cities of Steubenville & Mingo Junction, Townships of Steubenville, Island Creek, Cross Creek, Knox	x*			

*EPA designation replaces State designation

Ohio - Sulfur Dioxide (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
and Wells				
The remainder of Jefferson County				x*
Lake				
Entire area northwest of the following line: Rte 90 (north) east to western boundary of Madison Township, north on western boundary of Madison Township line to end of county.	x*			
The remainder of Lake County				x*
Lorain				
The entire area north of Rte 80 & the City of Elyria	x*			
The remainder of Lorain County				x*
Lucas				
The area east of Rte 23 & west of eastern boundary of Oregon Township	x*			
The remainder of Lucas County				x*
Mahoning				
The entire area southeast of the following line: Rte 46 south to Rte 76. Rte 76 southeast to county boundary; the City and Township of Canfield; and the entire area within the following boundary: Rte 268 (Lake Park Rd.) east to Rte 17 (Bandy Rd.) Rte 17 south to county	x*			

*EPA designation replaces State designation

Ohio - Sulfur Dioxide (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
boundary.				
The remainder of Mahoning County				x*
Marion				
City of Marion & Marion Township	x*			
The remainder of Marion County				x*
Medina				
City & Township of Wadsworth	x*			
The remainder of Medina County				x*
Montgomery				
The entire area southeast of the following line: Rte4 northeast to Union Rd. Union Rd. north to Rte 70. Rte70 east to county boundary	x*			
The remainder of Montgomery County				x*
Morgan				
Center Township		x*		
The remainder of Morgan County				x*
Muskingum				
Harrison Township	x*			
The remainder of Muskingum County				x*

*EPA designation replaces State designation

Ohio - Sulfur Dioxide (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Trumbull				
The area from the Mahoning-Trumbull County Line, Rte 46 north to the City of Niles southern limits. Eastward along the city limits (Niles) to Tibbetts Corner (28) to Rte 11. Rte 11 south to Rte 304. Rte 304 east to Rte 193. Rte 193 south to Mahoning-Trumbull county line.	x*			
The remainder of Trumbull County				x*
Washington				
Belpre Township	x*			
Waterford Township		x*		
The remainder of Washington County				x*
Wood				
The area north of the following line: Rte80 southeast to Rte 795. Rte 795 east to County Line.	x*			
Remainder of Wood County				x*
All other counties in the State of Ohio				x*

*EPA designation replaces State designation

Ohio - Sulfur Dioxide (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Pickaway				
Harrison Township	x*			
The remainder of Pickaway County				x*
Seneca				
The City of Fostoria (east side; north of Norfolk and Western R.R.)	x*			
The remainder of Seneca County				x*
Stark				
Cities of Alliance, Hartville, Louisville, North Canton, Canton & Fairhope. Townships of Lexington, Lake, Nimiskillen, Plain, Canton, and Perry.	x*			
The remainder of Stark County				x*
Summit				
Entire area northwest of the following line: Rte 80 east to Rte 91. Rte 91 north to county line and the entire area between the following lines: 1) Bath Rd. (48) east to Rte8. Rte 8 north to Barlow Rd. (T-121). Barlow Rd. east to county boundary. 2) Vanderhoof Rd. (215) east to Rte 93. Rte 93 north to Rte 619. Rte 619 east to county boundary.	x*			
The remainder of Summit County				x*

*EPA designation replaces State designation

Ohio - Photochemical Oxidants

Designated Area	Primary Standard Exceeded §(d)(1)(A)	Unclassifiable and/or Attainment §(d)(1)(B)
Adams		x
Allen	x	
Ashland	x	
Ashtabula	x	
Athens		x
Auglaize		x
Belmont	x	
Brown	x	
Butler	x	
Carroll	x	
Champaign	x	
Clark	x	
Clermont	x	
Clinton	x	
Columbiana	x	
Coshocton		x
Crawford		x
Cuyahoga	x	
Darke	x	
Defiance		x
Delaware	x	
Erie	x	
Fairfield	x	
Fayette	x	
Franklin	x	
Fulton	x	
Gallia		x
Geauga	x	
Greene	x	
Guernsey		x
Hamilton	x	
Hancock	x	
Hardin		x
Harrison	x	
Henry	x	
Highland	x	
Hocking	x	
Holmes	x	
Huron	x	
Jackson		x
Jefferson	x	
Knox	x	

Ohio - Photochemical Oxidants (continued)

Designated Area	Primary Standard Exceeded §(d)(1)(A)	Unclassifiable and/or Attainment §(d)(1)(E)
Lake	x	
Lawrence	x	
Licking	x	
Logan	x	
Lorain	x	
Lucas	x	
Madison	x	
Mahoning	x	
Marion	x	
Medina	x	
Meigs		x
Mercer		x
Miami	x	
Monroe		x
Montgomery	x	
Morgan		x
Morrow	x	
Muskingum		x
Noble		x
Ottawa	x	
Paulding		x
Perry	x	
Pickaway	x	
Pike		x
Portage	x	
Preble	x	
Putnam		x
Richland	x	
Ross	x	
Sandusky	x	
Scioto		x
Seneca	x	
Shelby	x	
Stark	x	
Summit	x	
Trumbull	x	
Tuscarawas	x	
Union	x	
Van Wert		x
Vinton		x
Warren	x	
Washington		x
Wayne	x	
Williams		x
Wood	x	
Wyandot		x

Ohio - Nitrogen Dioxide

Designated Area	Primary Standard Exceeded §(d)(1)(A)	Unclassifiable and/or Attainment §(c)(2)(E)
State of Ohio		x

Ohio - Carbon Monoxide

Designated Area	Primary Standard Exceeded §(d)(1)(A)	Unclassifiable and/or Attainment §(d)(1)(E)
Cuyahoga	x	
Franklin	x	
Hamilton	x	
Jefferson	x	
Lucas	x	
Mahoning	x	
Montgomery	x	
Summit	x	
All portions of all other counties in State of Ohio		x

§ 81.350 Wisconsin.

Wisconsin - TSP

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
AQCR 68				
Grant County				X
AQCR 73				
Rock County				
Beloit				
Sub-city area defined as follows: North: Woodward 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. Southwest on Second St. to Grand Avenue. Then southeast on Grand to State St. and South on State to the Illinois-Wisconsin Border. South: Illinois-Wisconsin Border East: Park Avenue from Illinois-Wisconsin Border,	X			
Sub-city area defined as follows: North: From Washburn and Wisconsin Ave. west to the intersection of Chicago Northwestern Railroad tracks and Lennigan Creek West: From Chicago Northwestern intersection RR tracks and Lennigan Creek South on RR tracks to the Illinois-Wisconsin border South: Illinois-Wisconsin Border East: Dearborn Ave. from the Ill-WI border north to Grand Ave continuing northwest on Grand Ave. to Wisconsin Ave. and north on Wisconsin to Washburn Street.		X		
Remainder of Rock County				X
AQCR 128				
Barron County				X
Buffalo County				X

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Chippewa County				X
Clark County				X
Crawford County				X
Dunn County				X
Eau Claire County				X
Jackson County				X
LaCrosse County				
LaCrosse				
Sub-city area defined as follows: North: Corner of LaCrosse St. and Second Ave., East on LaCrosse St. to 10th Street. West: Corner of Second St. and Main St. to LaCrosse St. South: Corner 10th St. and Main St., West to Second Street. East: Corner of 10th St. South to Main Street		X		
Remainder of LaCrosse County				X
Monroe County				X
Pepin County				X
Pierce County				X
Polk County				X
St. Croix County				X
Trempealeau County				X
Vernon County				X
AQCR 129				
Ashland County				X
Bayfield County				X
Burnett County				X
Douglas County				X
Superior				
Sub-city areas defined as follows: AREA 1 West: Superior Bay and St. Louis Bay shoreline from intersection with Belknap St. to intersection with E St. East. South: East from intersection of Belknap St. and Minnesota-Wisconsin border to Oaks Ave. south on Oaks Ave. from Belknap		X		

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
South: Corner west Mason St. and Ashland Ave., east along west Mason St. to Irwin Ave. East: Corner west Mason St. and Irwin Ave. north along Irwin Ave. to Green Bay.				
Remainder of Brown County				X
Calumet County				X
Door County				X
Fond du Lac County				X
Green Lake County				X
Kewaunee County				X
Manitowoc				
Manitowoc				
Sub-city area defined as follows: North: East from Manitowoc River to Lake St. to Lake Michigan. West: 14th St. south from Wollmer St. to Hamilton St. South: Hamilton St. east from 14th St. to Lake Michigan East: Lake Michigan		X		
Remainder of Manitowoc Co.				X
Marinette County				
Marinette--corporate limits of Marinette			X	
Remainder of Marinette Co.				X
Marquette County				X
Menominee				X
Oconto				X
Outagamie				X
Shawano				X
Sheboygan				X
Waupaca				X
Waushara				X
Winnebago				
Neenah				
Sub-city area defined as follows: North: Corner Caroline St. and Harrison St. east to Franklin St.		X		

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Street and 19th Street east on 19th Street from Oaks Ave. to Hill Ave. North on Hill Ave. to E St. East. Northeast on E. St. East to MN-WI border in Superior Bay AREA 2 North: Corner East Eighth St. and 37th St., North along 37th St. to Superior Bay. West: Corner east Eighth Street and 37th St., east along East Eighth St. to intersection with last set of railroad tracks. South: Intersection of last set of railroad tracks, north to Allouez Bay. East: Allouez Bay and Superior Bay North from point where South boundary intersects to intersection of 37th Ave. and shoreline.				
Remainder of Douglas County				X
Iron County				X
Price County				X
Rusk County				X
Sawyer County				X
Taylor County				X
Washburn County				X
AQCR 237				
Brown County				
Green Bay				
Sub-city area defined as follows: North: Green Bay West: Corner west Mason St. and Ashland Ave. north to Mather St., west to Crocker Street, north on Crocker St. to Bylsby St., then to Green Bay.		X		

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
continue southeast on Franklin St. to Oak St. West: Corner Dixie and Cecil Streets north to Harrison St., continue north on Harrison Street to Caroline Street South: Corner Dixie Street and Cecil Street East on Cecil St. to Higgins Ave. East: Corner Franklin St. and Oak St. south on Oak St. to Laudan Boulevard, west on Laudan Blvd. to Higgins Ave., south on Higgins Ave. to Cecil St.				
Oshkosh				
Sub-city area defined as follows: North: Corner Irving Ave. and Wisconsin Ave. east to Bowen Street West: Corner Ohio St. and west 11th Ave. north to Route 26/44, continue northeast along Route 26/44 to intersection with Irving Avenue. South: Corner Ohio St. and west 11th Ave., east along west 11th Ave. to Lake Winnebago. East: Corner Irving Ave. and Bowen St., South along Bowen to Lake Winnebago.		X		
Remainder of Winnebago Co.				X
AQCR 238				
Adams County				X
Florence County				X
Forest County				X
Juneau County				X
Langlade County				X
Lincoln County				X
Marathon County				
Brokaw--corporate limits of Brokaw		X		

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Remainder of Marathon Co.				X
Oneida County				X
Portage County				X
Vilas County				X
Wood County				
Marshfield				
Sub-city area defined as follows:		X		
North: Chicago and Northwestern railroad track.				
West: Western border of section 18 north to Chicago and Northwestern railroad tracks.				
South: Southern border of section 17 and 18.				
East: Eastern border of section 17 north to Chicago and Northwestern railroad tracks.				
Remainder of Wood County				X
AQCR 239				
Kenosha County				
Kenosha				
Sub-city area defined as follows:		X		
North: 32nd Street east from 39th Avenue to Lake Michigan				
West: 39th Avenue south from 32nd Street to 67th Street.				
South: 67th from 39th Avenue to Lake Michigan.				
East: Lake Michigan				
Remainder of Kenosha Co.				X
Milwaukee County				
Milwaukee				
Sub-city area defined as follows:	X			
North: St. Paul Avenue from corner 16th Street to Lake Michigan				
West: 16th Street south from St. Paul Avenue to Pierce Street, east on				

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Pierce Street to 6th St., south on 6th Street to Becher Street				
South: Becher Street east from 6th to Lake Michigan.				
East: Lake Michigan				
Sub-cityareas defined as follows:		X		
Area 1:				
North: Center Street east from 55th Street to Lake Michigan				
West: 55th Street south from North Avenue extended to 56th Street				
South: Oklahoma Avenue east from 56th St. to 6th St., south on 6th St. to Morgan Ave., east on Morgan Ave. to Lake Michigan.				
East: Lake Michigan				
Area 2:				
North: From Pennsylvania Ave. to 13th St. on Howard Ave.				
West: From Howard to College Ave. on 13th St.				
South: From 13th St. to Pennsylvania Ave. on College Ave.				
East: From College Ave. to Howard Ave. on Pennsylvania Ave.				
Remainder of Milwaukee Co.				X
Ozaukee County				X
Racine County				
Racine				
Sub-city area defined as follows:		X		
North: Douglas Avenue north from Marquette St. To Rapids Drive, northwest on Rapids Drive to				

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
intersection with Forest St. west to intersection with west boundary.				
West: North from corner of Orange Avenue and Washington Avenue north to Freres Avenue north to intersection with north boundary				
South: Washington Avenue west from Orange Avenue to Marquette Street				
East: Marquette Street north from Washington Avenue to Douglas Ave.				
Remainder of Racine County				X

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
Walworth County				
Lake Geneva			X	
Remainder of Walworth Co.				X
Washington County				X
Waukesha County				
Waukesha				
Sub-city area defined as follows:	X			
North: East on Eales Ave. from Whiterock Ave. to Niagara St.				
West: Whiterock Avenue north from Main Street to Eales Avenue				
South: Southwest along Main Street from intersection of railroad track and Main Street to Whiterock Avenue.				
East: Southeast from the intersection of Eales Ave. to the intersection of the railroad tracks and Main Street.				
Sub-city area defined as follows:		X		
North: West along Margaret St. from corner of Margaret St. and Highland Ave. to North St.				
West: North St. north from Union St. to intersection with north boundary				
South: West on Arcadian Avenue from intersection of railroad track and Arcadian Ave. to East Ave north on East Ave. to Buckley St., across Fox River to Union St. then to North St.				
East: South on Highland Avenue to Moreland Blvd.				

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
west on Moreland Blvd. to Waukesha Ave., south on Waukesha Ave. to intersection of railroad tracks and Main St., south along railroad tracks to Arcadian Avenue.				
Remainder of Waukesha Co.				X
AQCR 240				
Columbia County				
Pacific Township				
Sub-township area defined as follows: Pacific Township (from Township Map T.12 N.-R.9E) North: Northern border of section 22 from USH 16 east to section 23. West: C.M. St. P&P Railroad south from northern border of section 22 to southern border of section 22. South: Southern border of section 22 east from C.M. St. P&P Railroad to section 23. East: Eastern border of section 22.	X			
Sub-township area defined as follows: Sections 22, 23,26 and 27 of T.12 N.-R.9 E.		X		
Remainder of Columbia Co.				X
Dane County				
Madison				
Sub-city area defined as follows: North: Corner of Schlimgen Ave. and Packers Ave. west to Lakewood Blvd. Northwest: Corner of Lakewood Blvd. and Del Mar Drive south to Lake Mendota, continue along		X		

Wisconsin - TSP (continued)

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
eastern shoreline of Lake Mendota to Charter Street West: Charter St. north from Vilas St. to Lake Mendota South Southeast: Vilas St. east from Charter St. to west Washington Ave., continue southeast to Lake Monona, continue along west shoreline of Lake Monona northeast to Starkweather Creek. North Northeast: Western branch of Starkweather Creek northeast to Fair Oaks Ave., then north along Bryan St. to Milwaukee St. continue west to Oak St. then north to Aberg Ave., continue northwest to Packers Ave., then north to Schlimgen Ave.				
Remainder of Dane County				X
Dodge County				X
Green County				X
Iowa County				X
Jefferson County				X
Lafayette County				X
Richland County				X
Sauk County				X

[FR Doc. 78-27931 Filed 10-4-78; 8:45 am]

[6560--01]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 982-7]

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 the following subcategories of the phosphate manufacturing point source category: Phosphorus production, phosphorus consuming, and phosphate.

EFFECTIVE DATE: October 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Harold Coughlin, Effluent Guidelines Division (WH-552), Office of Water Planning and Standards, 401 M Street SW., Washington, D.C. 20460, 202-426-2560.

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, 40 CFR part 422. The effluent guidelines and new source performance standards 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 422.36 (Pretreatment standards for new sources, phosphate subcategory) are hereby revoked.

Dated: September 29, 1978.

DOUGLAS M. COSTLE,
Administrator.

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

[4110-02]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 100a—GENERAL PROVISIONS REGULATIONS

Corrections in the Code of Federal Regulations

AGENCY: Office of Education, HEW.

ACTION: Notice of corrections.

SUMMARY: In the Code of Federal regulations revised as of October 1, 1977, under § 100a.29 paragraph (b) on page 18, item (c) should be corrected to (3), and § 100a.494, item (c) on page 45 should be corrected to (6) for consistency. These are technical changes only.

FOR FURTHER INFORMATION CONTACT:

Dr. A. Neal Shed, 202-245-7091.

Dated: September 27, 1978.

L. DAVID TAYLOR,
Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 78-28017 Filed 10-4-78; 8:45 am]

[4110-02]

PART 104—STATE VOCATIONAL EDUCATION PROGRAMS

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 "(h) Institutional capability and commitment."

FOR FURTHER INFORMATION CONTACT:

Michael Brustein, telephone 202-245-8952.

Dated: September 27, 1978.

L. DAVID TAYLOR,
Deputy Assistant Secretary for Management Analysis and Systems.

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

[4110-02]

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, § 180.33(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.)

Dated: September 27, 1978.

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 "§ 180.6" should have been "§ 180.06".

* * * * *

(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."

[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, criminal prohibitions found in title 18 of the United States Code, and civil service regulations, have not been substantively changed. 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.

EFFECTIVE DATE: October 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry MacLean, General Counsel, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525, 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 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 supervision 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 supervision 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: "[a]n 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 contractor or grantee." 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.

4. One commentator urged the amendment of rule 4 to permit desig-

nees of the officials named to sit on the committee. This suggestion was not adopted, as the Committee was of the opinion that conflict-of-interest questions were of sufficient importance to the Agency to warrant the attention of the highest level of personnel possible.

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 decisionmaking 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 insignificant 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 Proscribed 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.
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 statues and regulations.

Subpart D—Procedures for Submission by Employees and Review of Statements of Employment and Financial Interests

1201.735-401 Submission of statements.
1201.735-402 Review of statements.

AUTHORITY: E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1964-1965, Supp., p. 306, 5 CFR 735.104.

Subpart A—General

§ 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 Associate Director for International 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 §§ 1201.735-303 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 130 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-

ganization 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 financial 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 $5,000 or more, through an arrangement resulting from prior employment or business or professional association.

The term "associated" does not include an indirect interest, such as ownership of shares in a mutual fund, bank or insurance company, which in turn owns an interest in an organization 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 pursuant to 18 U.S.C. 208(b)(2) to be too remote to affect the integrity of the employee's services.

Subpart B—Conduct and Responsibilities of Employees

§ 1201.725-201 Proscribed actions—Executive Order 11222.

As provided by the President in Executive Order No. 11222, whether specifically prohibited by law or in the regulations in this part, no U.S. regular or special Government employees shall take any action which might result in, or create the appearance of:

(a) Using public office or employment for private gain, whether for themselves or for another person, particularly 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 confidence of the public in the integrity of the Government.

(g) Using Government office or employment 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 prejudicial to the Government.

An employee may not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct prejudicial to the Government (5 CFR 735.209).

§ 1201.735-203 Criminal statutory prohibitions: Conflict of interest.

(a) *Regular Government employees.* Regular employees of the Government are subject to the following major criminal prohibitions:

(1) They may not, except in the discharge of their official duties, represent 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 applies to both paid and unpaid representation of another (18 U.S.C. 205).

(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 participated personally and substantially for the Government (18 U.S.C. 207).

(3) They may not for 1 year after their 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 which was within the boundaries of their official responsibility during their last year of Government service. This temporary restraint gives way to the permanent restraint described in subparagraph (3) of this paragraph if the matter is one in which the employee participated personally and substantially (18 U.S.C. 207).

(4) They may not receive any salary, or supplementation of their Government salary, from a private source as compensation for services to the Government (18 U.S.C. 209).

(b) *Special Government employees.* Special Government employees are subject to the following major criminal prohibitions:

(1) They may not, except in the discharge of official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which they have at any time participated personally and substantially for the Government (18 U.S.C. 205).

(2) They may not, except in the discharge of official duties, represent anyone else in a matter pending before the agency they serve unless they have served there no more than 60 days during the past 365. They are bound by this restraint despite the fact that the matter is not one in which they have ever participated personally and substantially (18 U.S.C. 205). (See § 1201.735-303(b) for additional nonstatutory Agency restrictions on a special employee representing any other person or organization in a matter pending before the Agency.) The restrictions described in subparagraphs (1) and (2) of this paragraph apply to both paid and unpaid representation of another.

(3) They may not participate in their governmental capacity in any matter in which they, their spouse, minor child, outside business associate, or persons with whom they are negotiating for employment have a financial interest (18 U.S.C. 208).

(4) They may not, after their 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 participated personally and substantially for the Government (18 U.S.C. 207).

(5) They may not, for 1 year after their 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 which was within the boundaries of their official responsibility during their last year of Government service. This temporary restraint gives way to the permanent restriction described in subparagraph (4) of this paragraph if the matter is one in which they participated personally and substantially (18 U.S.C. 207).

Subpart C—Outside Employment Activities and Associations

§ 1201.735-301 In general.

(a) There is no general prohibition against ACTION employees holding outside employment, including teaching, lecturing, or writing. But no employee may engage in outside employment 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 compensation for his or her services to the Government (18 U.S.C. 209).

(c) 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 responsibilities. Nor may an employee engage in, directly or indirectly, a financial transaction as a result of or primarily relying 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 or potential 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 orgainzation in the preparation or development of a grant or contract proposal involving ACTION or represent any other organization in a matter pending before ACTION. In the event that a regular or special employee participates while an employee of ACTION in any aspect of the development of a grant or contract proposal on behalf of an organization, or represents 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, prior to his or her employment 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 process 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 the decision process 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 employees'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 policy making 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 awarding the grant or contract to the organization would result in the appearance of or the potential for a conflict of interest.

(4) The process to be used in awarding the 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 postion 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 1-1.600 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.

§ 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.

§ 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, engage in teaching, lecturing, or writing 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 the subject matter of which is 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.

(3) *Clearance of publications.* No employee may submit for publication any writing, other than recruiting information, the contents of which are devoted to the ACTION programs or to any other matter which might be of official concern to the U.S. Government without in advance clearing the writing with the Office of Communications or regional communications specialists, as appropriate. Before clearing any such writing, the Office of Communications will consult with the appropriate ACTION office.

(c) *State and local government employment.* Regular employees may not hold office or engage in outside employment under a State or local government except with prior approval of the General Counsel, ACTION.

(d) All employees not required by § 1201.735-401 to report their outside employment and financial interests shall inform their supervisors of all outside employment they hold or accept.

§ 1201.735-307 Gifts, entertainment, and favors.

(a) *From donors dealing with ACTION.* (1) No regular or special employees may solicit or accept, directly or indirectly, for themselves, for any member of their family, or for any person with whom they have business or financial ties, 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 educational loans 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 any 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 as a gift 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 any 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 be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits. Nor does it 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.

§ 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 blocked 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, including the United States;

(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 headquartered in his or her 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 conversation. No regular or special employee may listen in on any telephone conversation without the consent of all parties thereto.

(b) Disclosure and misuse of inside information. No employee may, directly or indirectly, disclose or use for his or her own benefit, or for 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 Government 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 about ACTION operations or administration, and personnel which could influence someone's 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 benefit. Such reimbursements shall be reported by the employee to his or her immediate supervisors.

(3) An employee may accept fees for speeches, etc., dealing 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.

(e) 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, in 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 profit under the government of the country to which he or she is detailed or assigned.

§ 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 officially approved activities. All employees have a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to them. By law, penalty envelopes may be used only for official Government mail.

§ 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 or special employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, or 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 any personnel action and may not practice, threaten, or promise any action against or in favor of an employee or applicant for employment because or 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).

(c) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(d) The prohibition against accepting honorariums of more than $2,000 per speech, appearance or article or aggregating more than $25,000 in any calendar year (2 U.S.C. 441i).

(e) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 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 toxicants to excess (5 U.S.C. 7352).

(g) The prohibition against the misuses of a Government vehicle (31 U.S.C. 638(a) (c)).

(h) The prohibition against the misuses 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).

(j) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

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

(l) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(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.

(p) The prohibition against gifts to employee's superiors and the acceptance thereof (Rev. Stat. 1784, 5 U.S.C. 113).

(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 Service Act of 1946, as amended.

(s) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(t) The prohibition against appointing or advocating the appointment of a relative to a position within the Agency (5 U.S.C. 3110).

Subpart D—Procedures for Submission by Employees and Review of Statements of Employment and Financial Interests

§ 1201.735-401 Submission of statements.

(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.

(2) All special employees and those regular employees designated in paragraph (b) of this section shall com-

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 but is known to another person, he or she is required to request that other person to submit information on his or her behalf.

(4) Changes in or additions to the information contained in a regular or special employee's statement must be reported in a supplementary statement as of June 30 each year. The Director of Personnel Management shall be responsible for insuring that such supplementary statements are submitted by June 30. If there are no changes or additions, 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 Finance:

(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) 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.

(6) Office of the General Counsel:

(i) General Counsel.

(ii) Deputy General Counsel.

(iii) Associate General Counsels.

(iv) Assistant General Counsels.

(7) Office of Policy and Planning:

(i) Assistant Director.

(ii) Deputy Assistant Director.

(iii) Special Projects Officer.

(iv) Director, Budget Division.

(v) Director, Policy Development.

(vi) Director, Evaluation.

(vii) Director, Planning.

(viii) Special Assistants to Assistant Director.

(ix) Program analysts.

(x) Policy development analysts.

(xi) Supervisory program specialists.

(xii) Evaluation specialists.

(8) Office of Legislative and Governmental Affairs:

(i) Assistant Director.

(9) Office of Compliance:

(i) Assistant Director.

(ii) Inspector General.

(iii) Auditors, inspectors, program operations analysts.

(iv) Director, Division of Equal Opportunity.

(10) Office of International Operations:

(i) Associate Director.

(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 employe 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. 78-28205 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.

DATES: December 5, 1978, through December 14, 1978.

FOR FURTHER INFORMATION CONTACT:

John L. Fillio, Great Swamp National Wildlife Refuge, Rural Delivery 1, Box 148, Basking Ridge, N.J. 07920, telephone 201-647-1222.

SUPPLEMENTARY INFORMATION:

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

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, N.J., is permitted, except on areas designated by signs as closed, during the period of December 5, 1978, to December 9 1978, inclusive, and December 14, 1978. Hunting of deer with firearms shall be in accordance with all State and Federal regulations subject to the following special conditions:

Deer may be taken throughout the hunt between the hours of 7 a.m., e.s.t., and 5 p.m., e.s.t. Participation will be limited to the 400 hunter permittees randomly selected for the special Great Swamp hunt. Only 150 hunters will be allowed to hunt on any given day during the hunt period. Armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. Hunters must furnish and wear a minimum of 200 square inches of blaze or hunter orange. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

A shotgun not smaller than 12 gage will be permitted for hunting deer, and buckshot not smaller than No. 4, nor larger than No. 000, will be permitted in possession during the hunt. Hunter permittees will be required to have shotguns and loads certified prior to the hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed." Baiting or hunting with the aid of bait is prohibited.

Regulations, summaries, maps delineating open hunting areas, and shotgun and load certification forms and requirements are available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158.

The refuge will be closed to the general public during the above hunting dates. Other than on the days of the hunt, permitted entry will be allowed only on approved public use areas as designated by signs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR 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.

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

SEPTEMBER 28, 1978.

[FR Doc. 78-28103 Filed 10-4-78; 8:45 am]

[4310-55]

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. This document establishes special regulations effective for the upcoming hunting season for migratory game birds.

EFFECTIVE DATES: October 1, 1978 through January 31, 1979.

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, must be removed from the refuge immediately after 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) Possession of handguns and all rimfire firearms is prohibited. Rifled firearms of legal caliber for deer hunting may be possessed on the refuge, but only during the legal deer hunting season. (7) It is not permissible to possess shotgun shells containing slugs, a single ball or shot of a size larger than "BB". (8) No decoys may be used that exceed 36 inches in any dimension; i.e., length, width or height.

Havasu National Wildlife Refuge, P.O. Box A, Needles, Calif. 92363, telephone 714-326-3853. Ducks, geese, coots, gallinules, and common (Wilson's) snipe.

Special conditions: (1) Hunting in the Pintail Slough management unit will be permitted only on Fridays, Saturdays, and Sundays. This unit includes all refuge lands north of the north dike. (2) Hunters in Topock Marsh are required to use shotgun shells loaded with steel (iron) shot. It is not permitted to possess shotshells other than steel shotshells in this area. This area includes all refuge lands and waters open to hunting and lying north of the south dike; it includes the Pintail Slough management unit with other lands and waters. (3) Hunters may be required to check in or check out of the hunting area for the purpose of giving hunting information to managers. (4) Hunters are required to enter the hunting areas by way of designated parking areas. (5) Up to two (2) dogs per hunter are permitted for the purpose of hunting and retrieving game. (6) Neither hunters nor dogs may enter areas closed to hunting to retrieve game. (7) 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. (8) 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 602-783-3400. 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 505-622-6755. 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) Camping is not permitted. (4) Entry 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

hunters nor dogs may enter areas closed to hunting to retrieve game. (8) 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.

OKLAHOMA

Sequoyah National Wildlife Refuge, P.O. Box 398, 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 weapons must be cased or broken down. (2) Camping or possession of firearms on the refuge at night is prohibited. (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. (4) Up to two (2) dogs per hunter are permitted for the purpose of hunting and retrieving.

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. Shotguns other than 12 gage and shotshells loaded with other than steel shot are prohibited in hunting zone 3 during the waterfowl season. (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) Duck and coot hunting in zone 2 is restricted to hunters using retrieving dogs. (4) Eight (8) duck blinds are provided in zone 1, and hunters will be assigned to these blinds on a first-come-first-choice basis. Construction of temporary blinds is permitted in the "pothole" area of zone 1; however, no hunter may have possessory rights to any blind. These temporary blinds may be placed where desired after giving due consideration to safety and hunting opportunities of hunters already in the area. Blinds may not be constructed or used within 80 yards of a blind already in use. (5) Geese may be hunted in zone 3 only. Goose 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. (6) Thirty-five (35) goose blinds are provided in zone 3; all goose hunting must be from these blinds. 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 processed in the order in which they are received at the refuge until available blind spaces are filled. Confirmations and rejections of applications will be made by mail if time permits. (7) Blind assignments to those whose applications have been accepted will be determined by a punchboard procedure just prior to each day's hunt. (8) Each hunter in zone 3 is limited to the possession of six (6) steel shot shotgun shells. (9) The management unit will be closed to waterfowl hunting on November 13 and 14, 1978, for public safety due to a control deer hunt. (10) During the hunts, hunters in zones 1 and 3 must remain in blinds to which they have been assigned except to place or adjust decoys and to retrieve birds. (11) All hunters in all zones, upon entering or leaving the area, shall report to designated checking stations for the purpose of blind assignment and to furnish information on their hunting activities. (12) Skybusting; i.e., firing at birds in excess of 45 yards from the hunter, is prohibited in all hunting zones.

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 mainland to and from the area open to hunting is not permitted. (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.

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

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 advanced 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 will stop hunting and shooting at 10 a.m., local time, in the SPWH area and be prepared to be transported out of the hunt area. (9) 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. (10) 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) Transportation 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 free waterfowl hunting areas (Cedar Lakes and Smith Marsh tract) must be primarily over public water routes. (16) On the free waterfowl hunting areas 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. (17) Birds may not be plucked on the refuge. (18) Alcoholic beverages and controlled drugs are prohibited in all hunt areas on the refuge.

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 redhead, a bird in short supply is a major wintering species.

NOTE.—The Fish and Widlife Service has determined that this document does not contain a major proposal requiring preparation of an economic input 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.

SEPTEMBER 23, 1978.

[FR Doc. 78-28104 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 816-374-5951. 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 nontransferrable 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 up 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 rented decoys and will be charged 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:

13. A maximum of 25 shells per hunter will be allowed per day.

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.

Dated: September 22, 1978.

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.

DATES: October 14, 1978, to January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert M. Ellis, Fort Niobrara National Wildlife Refuge, Hidden Timber Route, Valentine, Nebr. 69201, telephone 402-376-3789.

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,
Refuge Manager.

SEPTEMBER 26, 1978.

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

[3510-22]

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, 16 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 25, 1977 (42 FR 60438). 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 February 21, 1978 (43 FR 7208), 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.

Signed in Washington, D.C., this Friday of September 29, 1978.

WINFRED H. MEIBOHM,
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 will 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

* * * * *

(Section 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 by placing limitations on acceptable levels of cabin ozone concentrations.

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, Attn.: Rules Docket (AGC-24), Docket No. 16854, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8716.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

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. Communications should identify the regulatory docket or 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.

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-430, 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 also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

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. By March 1977, information from FAA air carrier inspectors, air carriers, and aircraft manufacturers led the FAA to believe that ozone gas (O_3) 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 6, 1977.

B. DISCUSSION OF COMMENTS

The FAA received 42 comments in response to this ANPRM. A synopsis of the comments received on 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, conducted under the sponsorship 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 0.37 to 0.75 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. Four 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 an independent group monitor ozone. Three commenters indicated that an ozone meter for use by flightcrews is infeasible and unnecessary.

Forecasting of atmospheric ozone concentration, as mentioned 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 that atmospheric ozone concentrations 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 belives that it is not necessary to establish cabin ozone concentration standards for aircraft certificated under part 23 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 aircraft and operations. 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 part 25 amendment 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 a 0.3 ppmv limit for all flight segments. Further, for flight segments with scheduled block times in excess of 3 hours, a concentration standard of 0.1 ppmv is proposed. This standard is computed as a time-weighted average over the scheduled length of an individual flight segment.

For the purpose of this notice, high-altitude ozone is the natural ozone manufactured 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) 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. Section 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 airplance 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 84 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 the 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 part 121 certificate holders to comply with this proposal. This is in part based on GASP data which shoes 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 the 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 amending its flight operations procedures, 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 serves 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, administrative, 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

baed on airplane operational procedures and performance limitations.

(Secs. 313, 601, 603, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, 1423, and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.45 of the Federal Aviation Regulations (14 CFR 11.45).)

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

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-27968 Filed 10-4-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 78-WE-14-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection and possible rework of certain autopilot wiring in DC-10 series airplanes. Deactivation of the automatic landing mode is an alternative to inspection rework. Results of inspections have revealed wire-to-wire chafing in the wires associated with the automatic landing system which could produce landing performance outside of FAA certification limits. The proposed AD is needed to prevent potentially unsafe landing performance.

DATES: Comments must be received on or before December 8, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, World Way Postal Center, Los Angeles, Calif. 90009.

The applicable DC-10 service bulletin may be obtained from: McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846, Attention: Director, Publications and Training, CI-750, (54-60).

Also a copy of the service bulletin may be reviewed at, or a copy obtained from: Rules docket in room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or Rules docket in room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

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, concerned 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). These wire-to-wire faults when coupled with a second failure in the autopilot "land" mode could allow performance outside the certified landing 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 bundles rather than the age of the airplane. 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:

a. Within the next 100 hours' time in service from the effective date of this AD, on airplanes with 30,000 or more hours of service on wire bundles serviced by receptacles R5/P1-226, R5/P1-267, R5/P1-281 or R5/P1-282:

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.

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

Total hours' time in service on wire bundles	Initial inspection	Repetitive inspections
10,000 to 12,999	Within 3,000 additional hours' time in service after the effective date of this AD.	3,000 hours' time in service intervals.
13,000 to 14,999	Prior to accumulation of 16,000 hours' time in service.	3,000 hours' time in service intervals.
15,000 to 24,999	Within 1,000 additional hours' time in service after the effective date of this AD.	3,000 hours' time in service intervals.
25,000 to 25,999	Within 1,000 additional hours' time in service after the effective date of this AD.	1,000 hours' time in service intervals.

1. Perform the initial and repetitive inspections indicated in paragraph 2 of McDonnell Douglas Alert Service Bulletin A24-99, dated June 19, 1978; or

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; or

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

d. Deactivation of the autopilot "land" mode shall be accomplished as follows:

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

2. Placard the autopilot "land" mode inoperative.

e. 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) of this AD must be accomplished.

f. 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.

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

h. Special flight permits may be issued 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, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

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 interim Department of Transportation guidelines.

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

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

[FR Doc. 78-27871 Filed 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. An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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 aircraft conducting IFR activity. Alteration of the transition area at Killeen, Tex., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such 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 conferences 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, Southwest 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°T(210°M) radial extending from the VOR to 19 miles southwest 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 radius area to 11.5 miles north of the RBN; within a 5-mile radius of Killeen Municipal Airport (lat. 31°05'15" N., long. 97°41'00" 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 5-mile radius to 11.5 miles southwest of the proposed NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and 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; Mar. 8, 1978.).

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

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-27970 Filed 10-4-78; 8:45 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 170]

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.[1] 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.[2] 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 associations should engage and 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 comment 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, 2033 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. 93-463, §301, 88 Stat. 1406 (1974), added section 17 to the Commodity Exchange Act and contemplates the creation of new self-regulatory organizations—registered 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 organization could serve 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.[3] 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.[4]

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,[5] 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.[6] 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.[7] The Commission is also authorized to revoke or suspend the registration of a futures association,[8] to expel or suspend the membership of any person in such an association,[9] 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.[10]

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 a concern that the existing self-regulatory emphasis of Federal futures regulation no longer adequately served the broad public interests involved in the Nation's rapidly expanding futures markets.[11] 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 advisers, 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.[12] In ad-

[1] 7 U.S.C. 21 (1976).

[2] 7 U.S.C. 21(b) (1976).

[3] Sec. 4p of the Act, 7 U.S.C. 6p (1976).

[4] Sec. 17(b)(7) of the Act, 7 U.S.C. 21(b)(7) (1976).

[5] Sec. 17(j) of the Act, 7 U.S.C. 21(j) (1976).

[6] Sec. 17(k) of the Act, 7 U.S.C. 21(k) (1976).

[7] Sec. 17(h) of the Act, 7 U.S.C. 21(h) (1976).

[8] Sec. 17(c) and (*D*)(1) of the Act, 7 U.S.C. 21(c) and (*D*)(1) (1976).

[9] Sec. 17(*D*)(2) of the Act, 7 U.S.C. 21(*D*)(2) (1976).

[10] Sec. 17(*D*)(3) of the Act, 7 U.S.C. 21(*D*)(3) (1976).

[11] See, e.g., H.R. Rept. No. 93-975, 93d Cong., 2d Sess. 44-48 (1974); S. Rept. No. 93-1131, 93d Cong., 2d Sess. 18-19 (1974).

[12] Sec. 8a(8) of the Act, 7 U.S.C. 12a(8) (1976), added by the Commodity Futures Trading Commission Act of 1974, section 214, 88 Stat. 1404.

dition, futures associations formed under section 17 could prove to be a valuable self-regulatory mechanism to complement Commission regulation of these commodity professionals.

In hearings before the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry on legislation to amend the Commodity Exchange Act, many witnesses addressed the propriety of authorizing the creation of registered futures associations as a new form of self-regulation for the industry.[13] A recurrent theme of this testimony was the comparison of such an association to the National Association of Securities Dealers, Inc. ("NASD").[14] Proponents of futures associations believed that such organizations, like the NASD, could complement the regulatory efforts of the Federal agency overseeing the industry and assist in improving the caliber of persons in the industry who deal with the public.[15]

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. * * * Association activity would serve solely as a complement rather than a displacement to the authority of the new Commission.
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> There would be two stated inducements for belonging to a registered futures association: Each registrant not a member of such an association would (1) be required to pay such fees and charges as the CFTC would establish to defray any costs of additional regulatory duties required to be performed by the [CFTC] because such person 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 protect the public interest and promote just and equitable principles of trade.
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> * * * * *
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> The Committee reiterates that the authority provided for the recognition of an association as provided in this title is a grant 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 adopted by the Commission to implement the statutory language. However, an association once registered with the Commission may be suspended under the terms and conditions provided in title III.[16]

The House of Representatives adopted H.R. 13113 as recommended by its Committee on Agriculture on April 11, 1974.[17]

The Senate Committee on Agriculture and Forestry was uncertain of the benefits that would result from the immediate creation of a new self-regulatory association. Consequently, that Committee's report on H.R. 13113 authorized the "Commission to investigate the need for legislation providing for the registration of futures associations * * * [and] to report its findings to Congress within two years."[18] The Senate adopted the approach taken by the Committee on Agriculture and Forestry.[19]

The Conference Committee generally accepted the House provisions concerning futures associations and required the new Commission to inform Congress annually of the developments relating to registered futures associations.[20] 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 precedural 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 statutory power that would allow the Commission to act as a catalyst for the formation of a futures association. Under sections 17 (d) and (e) of the Act,[21] the Commission may impose additional fees to defray the costs of regulating nonmembers of futures associations and may adopt specific regulations governing the conduct of such persons. As stated by the House Committee on Agriculture in its report cited above, such fees and regulations could provide a possible incentive for the creation of futures associations.

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[13] See, Hearings Before the House Committee on Agriculture Concerning Review of Commodity Exchange Act and Discussion of Possible Changes, 93d Cong., 1st Sess. Ser. No. 93-GG, 94 (1973) ("October House Hearings"); Hearings Before the House Committee on Agriculture on H.R. 11195, 93d Cong., 2d Sess. Ser. No. 93 TT, 18-19, 46, 55, 101-102, 116, 127, 262 (1974) ("January House Hearings"); Hearings Before the Senate Committee on Agriculture and Forestry on S. 2485, S. 2578, S. 2837 and H.R. 13113, 93d Cong., 2d Sess. 231, 510, 542-543, 548-549, 718-719, 721, 729, 739-740 (1974) ("Senate Hearings").

[14] See, October House Hearings at 94, January House Hearings at 19, 46, 101-102, 184 and 328. See, Senate Hearings at 718-719, 721 and 740.

[15] 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 Thone).

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 market: the over-the-counter securities market. As such, the Maloney Act of 1938, which amended the Securities Exchange Act, authorized the creation of registered securities associations in order to fill a regulatory gap by providing for an exchange-like organization to regulate the over-the-counter market. (See H.R. Rept. No. 75-2307, 75th Cong., 3d Sess. (1938) and S. Rept. No. 75-1455, 75th Cong., 3d Sess. (1938).) There is, however, no lawful over-the-counter market in the futures industry. Thus, futures associations, as contemplated by section 17, would not regulate directly a specific, single market. Since futures associations lack the sharp primary purpose of the NASD, the establishment of a futures association is necessarily a more difficult task.

Secondly, it is important to note that the NASD evolved from other industry associations that had been monitoring the over-the-counter securities markets prior to the enactment of the Maloney Act. Under the National Recovery Administration, the Investment Bankers Code Committee was formed in 1933 to prepare and enforce an industry code governing conduct relating to the over-the-counter market. This committee was disbanded as a result of the Supreme Court's decision in *A.L.A. Schechter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935) (National Recovery Act held to be unconstitutional). However, shortly after this decision a new organization was created under the supervision of the Securities and Exchange Commission—the Investment Bankers Conference Committee—which assumed the responsibilities of its predecessors. It was soon determined that legislation was the only appropriate means for affording adequate self-regulation to the over-the-counter market. Thus, a new group was formed—the Investment Bankers Conference—which assisted the SEC in developing and implementing the legislation which became the Maloney Act. See, Report of the Special Study of the Securities Market of the Securities and Exchange Commission, H. Doc. No. 95, pt. 4, 88th Cong., 1st Sess. 604-607 (1963). The Commission has not had the benefit of an ongoing regulatory relationship with an association analogous to the forerunners of the NASD.

[16] H.R. Rep. No. 93-975, 93d Cong., 2d Sess. 4, 17 and 30 (1974).

[17] 120 Cong. Rec. 10769 (Apr. 11, 1974).

[18] S. Rep. No. 93-1131, 93d Cong., 2d Sess. 4 (1974).

[19] 120 Cong. Rec. 30468 (Sept. 9, 1974).

[20] Section 17(m) of the Act, 7 U.S.C. 21(m) (1976); H.R. Rep. No. 93-1383, 93d Cong., 2d Sess, 39 (1974) (Report of Conference Committee).

[21] 7 U.S.C. 21 (e) and (f) (1976).

And, as noted above, section 8a(8) of the Act grants broad rulemaking authority over registrants who are not members of contract markets.

To 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, 1975, the Commission created the Advisory Committee on the Regulation of Contract Markets and Self-Regulatory Associations, chaired by Commissioner Read P. Dunn, Jr.[22] 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 try to develop general principles applicable to these areas. Lacking such principles, the Committee did not appear to be ready to face the question of whether a title III organization is necessary or even desirable.
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> Considering this atmosphere, the Chairman decided 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 FCM's.
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> As this report is being finalized in December 1976, active industry discussions are ongoing looking toward the formulation of a proposal to the Commission for an industrywide self-regulatory association under title III of the Act.[23]

Certain of the industry discussions referred to by Commissioner Dunn in his report are reflected in correspondence received by the Commission. In August 1976, John W. Clagett, president of the Futures Industry Association, Inc. ("FIA"), proposed that his organization "apply initially (for registration as a futures association) for the limited responsibility of establishing minimum training and experience qualifications and to conduct preliminary investigations and examinations of competency for associated persons."[24] Mr. Clagett also suggested that once his association had established its capability to perform these functions, the responsibilities of the association might be expanded to include customer suitability rules, advertising and public relations guidelines, customer complaints and public protection, industrywide arbitration procedures, disciplinary sanctions on a standardized basis, and minimum financial competency standards for futures commission merchants, commodity pool operators, and commodity trading advisers.

In September 1976, the Commission received a letter concerning formation of the National Futures Association ("NFA"), which was designed to fulfill the requirements of section 17 of the Act as a registered futures association.[25] In this letter counsel for the organizing committee of the NFA outlined the organization's initial precepts and plans, and contended that the

> public interest would be best served by a single organization under § 17 with the capability to undertake all functions contemplated in § 17. * * * [A] § 17 organization should give priority to regulatory and administrative functions that lie outside the jurisdiction of the designated contract markets and should undertake functions within contract market jurisdiction only with such markets, prior concurrence.[26]

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 for examination 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 its view 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 entertaining applications from futures associations and, accordingly, submitted to the Commission on a "pre-filing basis" a draft version of CODA's articles of incorporation and bylaws. CODA purported to be 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. However, 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, 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

> it is appropriate and in the public interest to proceed with the continued organization of CODA on a track which parallels the Commission's promulgation of its definitive option regulations * * *. [W]e 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.[30]

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 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

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[22] 40 FR 32866 (Aug. 5, 1975).

[23] Report of the Chairman of the Advisory Committee on the Regulation of Contract Markets and Self-Regulatory Associations. Read P. Dunn, Jr., Chairman, Dec. 23, 1976, pp. 32-33.

[24] Letter from John W. Clagett, president, Futures Industry Association, Aug. 26, 1976.

[25] Letter from Philip F. Johnson, Sept. 13, 1976.

[26] Id.

[27] Letter from John W. Clagett, president, Futures Industry Association, Sept. 20, 1976.

[28] Letter from Gerald L. Fishman, Nov. 15, 1976.

[29] Id.

[30] Letter from Gerald L. Fishman, Feb. 7, 1977.

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 for 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.[31]

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.[32]

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.[33]

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 envisions that the orderly functioning of the futures markets is the joint responsibility of the exchanges and the CFTC and also envisions an industrywide 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 its responsibilities under the Act, it can and will help to find solutions to problems and to seek alternatives where required.[34]

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 "uniform required membership" as proposed by the NFA organizing committee. This approval is stated "in the abstract," would be applicable to any title III association, and would be 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.[35]

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.[36] While the compulsory membership aspect of NFA's proposal was not amended from the January version, a modifed 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 contract markets, 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 qualifes 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 merchandsing 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,[37] an arbitration or settlement procedure allowing NFA members to bring claims against customers and customers to bring claims against members and the authorization for the assumption by the NFA of the Commission's trial function in reparation cases (see NFA articles of incorporation July 20, 1977, article III, sections 1(c), 1(d), and 2).

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 accomplish the Act's regulatory objectives and, therefore, was consistent with section 15 of the Act.[38] Also, there was concern whether the proposed composition of NFA's board of directors comports with the "fair representation" standard of section 17(b)(5) of the Act.[39] Similar and additional concerns have been expressed by the Antitrust Division of the Department of Justice.[40]

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 re-

[31] Memorandum from Philip F. Johnson to organizing committee, dated Jan. 20, 1977.

[32] Since sec. 4h(1) of the Act, 7 U.S.C. 6h(1) (1976), basically makes it unlawful for any person to engage in the offer and sale of commodity futures contracts if "such orders, contracts, or dealings are executed or consummated otherwise than by or through a member of a contract market," NFA's proposal would, in effect, assure that all customer transactions involving futures contracts will be handled by NFA members from the point of origin through execution at the market.

[33] Proposed articles of incorporation of NFA, article VI, Jan. 15, 1977.

[34] CFTC Advisory to the Media, Feb. 15, 1977.

[35] CFTC Press Release No. 297-77, June 7, 1977.

[36] Letter from Philip F. Johnson, July 20, 1977.

[37] This provision appears inconsistent with sec. 17(b)(8) of the Act which requires an association's rules to provide approporiate discipline to be imposed on all members.

[38] 7 U.S.C. 19 (1976).

[39] 7 U.S.C. 21(b)(5) (1976).

[40] The Justice Department offered its opinion that compulsory membership in a futures association would be unconstitutional under the fifth amendment to the Constitution. Comments of the U.S. Department of Justice, *In the Matter of The National Futures Association* (Oct. 7, 1977).

spond. NFA's response was received by the Commission on February 2, 1978, and contained its legal analysis supporting NFA's opposition to the substantive matters addressed by the Department.[41]

In addition, the Public Interest Economic Center ("PIE-C"), under contract with the CFTC, undertook a study of the competitive aspects of the futures trading industry and expressed some reservations on the NFA proposal. PIE-C also suggested that as an alternative to compulsory membership, the CFTC require "all persons who transact business in futures markets for third parties to be members of a regulated exchange."[42]

Finally, the Commission recently has received a letter from an attorney purporting to represent a number of commodity professionals interested in establishing under section 17 of the Act "a professional organization to protect the public in the Los Angeles area from the fraudulent selling of commodity futures, commodity options, and leverage contracts." While recognizing that "the ideal situation" would be a national organization, the attorney asserts that people involved in

> commodity futures ought to be able to do what they can to keep the crooks out. A regional organization, furthermore, may give some impetus to the formation of a national organization.[43]

Subsequent Legislative Developments

During the present congressional session, successful efforts have been made by the NFA organizers and others to amend certain provisions of section 17 of the Act. Subcommittees of both the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry heard testimony from many witnesses expressing their opinion that a futures association should be created.[43a] For example, the House subcommittee was informed that

> [w]ith 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(s). In which case they will not be subject to the rules or regulations of any exchange.
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> 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.[44]

The Senate subcommittee was told that

> [t]he industry has worked to develop a regulatory organization which would apply to the CFTC for approval * * *. This title III organization is designed to regulate all FCM'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, et cetera.
>
> Thus, the industry would be regulated through the exchanges concerning exchange operations, and through the title III organization concerning FCM's and their contacts with the public.[45]

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 such futures association.[46]

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.[47]

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.[48]

On July 12, 1978, the Senate passed S. 2391 without amending any of the committee's provisions affecting futures associations.[49]

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.[50] The committee commented that

> [u]se of the authority in this amendment would be completely discretionary with the Commission. The committee was persuaded that such discretion may be useful to the Commission if it should decide that such a provision is necessary for an effective self-regulatory program and is otherwise in the interest of the objectives of section 17.[51]

The House passed H.R. 10285, including this amendment, on July 26, 1978.[52]

On August 17, 1978, the Committee of Conference of the Senate and House on S. 2391 agreed to the membership provision contained in the House bill which became the House amendment to S. 2391, expressly permitting the Commission to approve futures association mandatory membership rules. The Conferees also adopted the provisions in S. 2391 that increase the limit on the amount in controver-

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[41] Response of the National Futures Association to objections to its preliminary proposal, Jan. 31, 1978.

[42] Public Interest Economics Center, Executive Summary: *Competition and Efficiency in the Commodity Futures Markets*, May 1978, p. 3.

[43] Letter from M. Van Smith, June 29, 1978.

[43a] See, Hearings on H.R. 10285 Before the Subcommittee on Conservation and Credit of the House Committee on Agriculture, 95th Cong., 2d, Sess. (pp. VIII-IX for summary of testimony) (1978) ("1978 House Hearings"; Hearings on the Reauthorization of the Commodity Futures Trading Commission Before the Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture, Nutrition, and Forestry, 95th Cong., 2d Sess., pt. II at 12, 13, 26, 27, 29, 30, 47, 48, 50, 51, 68, 72, 116, 119, 121, 122, 136, 137, 186, 190, and 191 (1978) ("1978 Senate Hearings").

[44] 1978 House hearings at 266, testimony of John T. Gelderman, chairman of the board, Futures Industry Association.

[45] 1978 Senate hearings at 121, testimony of David T. Johnston, senior vice president, E. F. Hutton & Co., Inc.

[46] S. 2391, 95th Cong., 2d Sess., §§ 6(2), 18(4), 19(1) and 19(2) (May 15, 1978).

[47] S. Rept. 95-850, 95th Cong., 2d Sess., 31 (1978).

[48] 124 Cong. Rec. S10535 (daily ed. July 12, 1978). See also, 124 Cong. Rec. H7206 (daily ed. July 24, 1978) (remarks of Representative Foley).

[49] 124 Cong. Rec. S10571 (daily ed. July 12, 1978).

[50] H.R. 10285, 95th Cong., 2d sess., § 18 (May 15, 1978). In contrast to the Senate bill, the House committee's amendment did not refer to Commission approval of rules of contract markets regarding compulsory membership.

[51] H.R. Rept. 95-1181, 95th Cong., 2d sess., 20 (1978).

[52] 124 Cong. Rec. H7335 (daily ed. July 26, 1978).

sy in futures association arbitration proceedings to $15,000 and authorize the Commission to delegate to a futures association certain aspects of the Commission's registration function for associated persons.[53]

POLICY QUESTIONS

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-dicipline 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 proscription. That leaves untouched large areas of conduct and activity; some of it susceptible of government regulation but in fact too minute for satisfactory control; some of it lying beyond the periphery of law in the realm of ethics and morality.[54]

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) of the Act, futures associations could also perform effectively the following regulatory functions: (1) Devising 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 other forms of 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 abdicate 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 regulatory void will futures associations fill? What functions should such an association perform?

(2) Should futures associations be structured to allow for self-regulation by particular classes of commodity professionals, e.g., commodity trading advisers regulating commodity trading advisers, rather than to encompass all professionals on an industrywide 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 so as to require all commodity professionals to be members either of a futures association or a contract market?

(9) If permitted by law in the futures, 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 purposed of section 17 and (B) meets the specific requirements set forth in section 17(b)(2).[55] 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 Commis-

[53] 124 Cong. Rec. H10685, H10687, H10689, H10691 (daily ed. Sept. 25, 1978) report of the Committee of Conference). In anticipation of the enactment of this legislation proposed § 170.8 reflects the statutory amendment that increases the maximum amount in controversy in futures association arbitration proceedings to $15,000.

[54] Address of William O. Douglas, Chairman, Securities and Exchange Commission before the Bond Club of Hartford, Jan. 7, 1938.

[55] 7 U.S.C. 21(b) (1976).

sion's view of the requirements of section 17(b).

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)(5) 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.[56] 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.[57] 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 regultory 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.[58]

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 fulfiled 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 a registration application 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 * * *.[59]

Under section 17(a)(2), an applicant must accompany the registration statement with its "rules of the association,"[60] 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 ascertain additional information or 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

Subpart A—Proposed Standards Governing Commission Review of Applications for Registration as a Futures Association Under Section 17 of the Act

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)(6) 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).

[56] Secs. 17(b)(6) and 17(b)(8); 7 U.S.C. 21(b)(6) and 21(b)(8) (1976).

[57] H.R. Rept. 93-1383, 93d Cong., 2d sess., 39 (1974). See also, H.R. Rept. 93-975, 93d Cong., 2d sess., 4, 16-17 (1974); S. Rept. 95-850, 95th Cong., 2d sess., 11-12 (1978).

[58] In this connection, the Commission notes that it has recently adopted § 1.52(b) of its regulations, effective June 30, 1979, requiring all self-regulatory organizations, including futures associations that may be registered by the Commission, to have in effect minimum financial and related reporting requirements with respect to futures commission merchants which are members of the organization. 43 FR 39981-39982 (Sept. 8, 1978).

[59] 7 U.S.C. 21(a)(1) (1976).

[60] 7 U.S.C. 21(a)(2) (1976).

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

AUTHORITY: 7 U.S.C. 21 (1976).

Subpart A—Proposed Standards Governing Commission Review of Applications for Registration as a Futures Association Under Section 17 of the Act

§ 170.1 Demonstration of purposes (section 17(b)(1) of the Act).

A futures association must demonstrate that it will be able to carry out the purposes of section 17. Since a basic purpose of a futures association is to regulate the practices of its members, an association should demonstrate that it will require its members to adhere to regulatory requirements governing their business practices at least as stringent as those imposed by the Commission. For example, the association should be prepared to establish and maintain in accordance with § 1.52 of this chapter, a financial compliance program for those members of the association who are futures commission merchants.

§ 170.2 Membership restrictions (section 17(b)(2) of the Act).

A futures association may restrict its membership to individuals registered by the Commission in a particular capacity—floor brokers, futures commission merchant, commodity trading advisers, commodity pool operators and associated persons—or to individuals doing business in a particular geographical region or to firms having a particular level of capital assets or which engage in a specified amount of business per year.

§ 170.3 Fair and equitable representation of members (section 17(b)(5) of the Act).

A futures association must assure fair and equitable representation of the views and interests of all association members in the procedures providing for the adoption, amendment, or repeal of any association rule, in an association's procedure for the selection of association officers and directors and in all other phases of the association's affairs and activities, including disciplinary and membership hearings. No single group or class of association members shall dominate or otherwise exercise disproportionate influence on any governing board of an association or on any disciplinary or membership panel of such an association. Nonmembers of the association shall be represented wherever practicable on any board or hearing panel of the association.

§ 170.4 Allocation of dues (section 17(b)(6) of the Act).

Dues imposed on members of a futures association must be allocated equitably among members and may not be structured in a manner constituting a barrier to entry to any person seeking to engage in commodity-related business activities.

§ 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]

[4710-01]

DEPARTMENT OF STATE

[22 CFR Part 6a]

[Docket No. SD-138]

PRIVACY ACT POLICIES AND PROCEDURES

Proposed Amendments

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to amend Title 22, Part 6a of Title 22 of the Code of Federal Regulations by exempting a portion of a record system from certain provisions of the Privacy Act of 1974 (5 U.S.C. 552a). The proposed amendment would exempt the records of the Special Assignments Staff, which are described in the Security Records (State-36), from the provisions of subsection (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f).

DATES: Comments must be received on or before November 20, 1978.

ADDRESS: Send comments to the Chief of the Privacy Staff, Room 1239, Department of State, 2201 C Street NW., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT:

Sharon B. Kotok, 202-632-1267.

SUPPLEMENTARY INFORMATION: The Department has found it necessary to exempt from disclosure records compiled by the Special Assignments Staff of the Office of Security, which are included among the Security Records (State-36). Pursuant to subsection (j)(2) of the Privacy Act, the Department intends to exempt these records in order to assure effective investigative and judicial proceedings in criminal cases. The Special Assignments Staff conducts criminal and counterintelligence investigations and investigations to determine suitability for continued employment. If the records of these investigations are not investigations to determine suitability for continued employment. If the rec-

ords of these investigations are not exempt from disclosure under the provisions of the Privacy Act, the investigative and judicial processes will be seriously impaired. The Department of State therefore proposes to amend its Privacy Act regulations as set forth below.

1. In § 6a.6, paragraph (h) will be amended to read as follows:

§ 6a.6 Exemptions

* * * * *

(h) Records originated by another agency when that agency has determined that the record is exempt under 5 U.S.C. 552a(j). Also, pursuant to section (j)(2) of the act, records compiled by the Special Assignments Staff and by the Passport and Visa Fraud Branch of the Office of Security may be exempt from the requirements of any part of the act, except subsections (b); (c)(1) and (2); (e)(4)(A) through (F); (e)(6), (7), (9),(10), and (11); and (i), to the extent necessary to assure the effective completion of the investigative and judicial process.

* * * * *

AUTHORITY: Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 22 U.S.C. 2658); Pub. L. 93-579 (88 Stat. 1897); 5 U.S.C. 552a.

Dated: September 13, 1978.

For the Secretary of State.

BEN H. READ,
Deputy Under Secretary for Management.

[FR Doc. 78-28095 Filed 10-4-78; 8:45 am]

[4201-01]

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

[25 CFR Part 700]

RESALE OF PROPERTY

Proposed Revision of Regulations

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Proposed rule.

SUMMARY: This notice proposes revisions in the resale of property regulations which would allow the Navajo and Hopi Indian Relocation Commission to dispose of property which has been purchased from relocatees by selling it to the tribal government having jurisdiction over said property at its fair market value or by giving it to the tribal government having jurisdiction over said property.

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

FOR FURTHER INFORMATION CONTACT:

Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, 2708 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 700, § 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 such manner, including 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 impovements 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 habitations 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 excecise 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, 2708 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.

[FR 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.

DATES: Public hearing: October 30, 1978.

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 NW., 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 36854). 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]

[4310-05]

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Part 715]

SURFACE COAL MINING RECLAMATION AND RECLAMATION OPERATIONS

Appendix—Alluvial Valley Floors Technical Guidelines; Public Hearing; Correction

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

ACTION: Corrections.

SUMMARY: This document corrects the proposed Technical Guidelines that begin on page 38035 of the FEDERAL REGISTER of August 25, 1978, from Doc. 78-23668.

ADDRESSES: 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 (3), "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.

5. On page 38041, section "I.B. Water Availability Characteristics—Guideline Procedure I.B.2. Discussion", line 4, "sufficient for floor irrigation or subirriga-", is corrected to read, "sufficient for flood irrigation or subirriga-".

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

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[GEN Docket No. 19142; FCC 78-685]

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 Secod 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 programing and advertising practices. The Second Notice of Inquiry is hereby amended, but only to the extent necessary to incorporate 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.

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

FOR FURTHER INFORMATION CONTACT:

Susan C. Greene, Children's Television Task Force, 202-632-6312.

SUPPLEMENTARY INFORMATION:

Adopted: September 21, 1978.

Released: September 27, 1978.

In the matter of the Second Notice of Inquiry Regarding Children's Programing and Advertising Practices; order to extend time for filing comments and reply comments.

By the Commission.

1. On July 27, 1978, the Commmission reactivated the proceedings of docket 19142 and announced November 1, 1978, as the deadline for filing comments and December 15, 1978, as the deadline for filing reply comments therein. *Second Notice of Inquiry*, GEN Docket No. 19142, —— FCC 2d —— (adopted July 27, 1978).

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 coments 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. TRICARICO,
Secretary.

[FR Doc. 78-28084 Filed 10-4-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-313; RM-3052]

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 channel 69 to San Diego, Calif. The proposed assignment would provide for a station which could furnish additional television service to a steadily growing community.

DATES: Comments must be filed on or before November 21, 1978, and reply comments must be filed on or before December 12, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 22, 1978.

Released: October 3, 1978.

In the matter of amendment of § 73.606(b), *Table of Assignments,* Television Broadcast Stations (San Diego, Calif., BC Docket No. 78-313, RM-3052.

1. The Commission has before it for consideration a petition for rulemaking,[1] filed by Center City Complex, Inc, ("petitioner"), requesting the amendment of the Television Table of Assignments (§ 73.606(b) of the Commission's rules) by the assignment of Channel 27 to San Diego, Calif. No responses to the proposal have been received.

2. San Diego (pop. 697, 027), seat of San Diego County (pop. 1,357,854)[2], is located in the extreme southwest corner of California at the United States-Mexican border. San Diego is presently assigned Channel 8 (KFMB-TV), Channel 10 (KGTV), educational Channel *15 (KPBS-TV), Channel 39 (KCST-TV), and Channel 51 (construction permit granted to Gross Broadcasting Company (KJOG-TV) BPCT-3842).

3. Petitioner asserts that San Diego, which includes all of San Diego County, has grown in population from 573,224 in 1960 to 697,027 in 1970, and continues to increase with an estimated population of 787,153 in 1976.[3] According to petitioner, the economic growth of San Deigo continues to be healthy and notes that the median household effective buying income figure for the city is $11,548 and for the county $11,876. Petitioner has submitted detailed information with respect to population and economic growth in order to demonstrate the need for an additional television assignment.

4. Since the filing of the instant petition, Channel 27 was assigned to Tijuana, Mexico, by the United States of Mexico and therefore its assignment to San Diego is precluded under the provisions of the United States-Mexico Television Agreement. However, a channel study by the Commission staff indicates that Channel 69 is available for assignment to San Diego. We make that proposal here.

5. Channel 69 can be assigned in conformity with all minimum distance separation requirements and other technical criteria. Since San Diego is located within 320 kilometers (199 miles) of the United States-Mexican border, the proposed assignment of Channel 69 to that city is subject to concurrence by the Mexican Government.

6. In view of the foregoing, the Commission proposes to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules) with respect to San Deigo, Calif., as follows:

City	Channel No. Present	Channel No. Proposed
San Diego, Calif.	8, 10, *15, 39, 51	8, 10, *15, 39, 51, 69

7. Authority to institute rulemaking proceedings, showings required, cutoff proceedures, 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 (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, *It is proposed* to amend the 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 proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

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

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

(b) With respect to petitions for 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

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[1] Public notice of the petition was given on February 7, 1978, Rept. No. 1099.

[2] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

[3] 1977 Editor and Publisher Market Guide, page 68.

such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

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

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

[FR Doc. 78-28148 Filed 10-4-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 172]

[Docket No. HM-141]

COLOR CODING OF COMPRESSED GAS PACKAGES

Termination of Docket

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:

Douglas A. Crockett, Standards Division, Office of Hazardous Materials Regulation, 2100 Second Street SW., Washington, D.C. 20590, 202-426-2075.

SUPPLEMENTARY INFORMATION: An advance notice of proposed rulemaking (41 FR 43188, Sept. 30, 1976) 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 any person 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 the color red is widely used at present to identify fire extinguishers that may contain any of a number of different gases, such as carbon dioxide, nitrogen, or various refrigerant gases.

Few 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 cosmetic and esthetic 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 application. This system was not explained further.

The Florida State Fire Marshal's Office limited comment to liquefied petroleum gas transportations safety and stated that changing 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 15972), docket HM-103/112. The DOL currently has this and other standards under consideration.)

The MTB wrote the DOL, on October 15, 1976, requesting statistics on deaths or injuries involving compressed gas cylinders where the cause of death or injury was the injured or deceased's lack of knowledge as to the gas contained in the cylinders. 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 the past." Similarly, 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 uncustomary 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 23 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-101B. However, the DOD lists 115 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, nation-wide system of color coding compressed gas cylinders as a means of preventing serious cylinder accidents in the normal, routine environment characterizing the workplace or households is felt to be of little or marginal value as a safety measure; and the adoption of such a system may increase, rather than decrease, serious accidents involving such cylinders.

The costs of adopting a uniform, nationwide system of color coding compressed gas cylinders would not be negligible. With an estimated 110 million cylinders in existence, and a unit conversion cost of $1 to cover such expenses as conversion of current workplace procedures, new safety training requirements, the development of new owner identification systems, sandblasting and repainting cylinders, and so forth—the cost of the new system could easily exceed $110 million. When viewed against the expected marginal benefits to be derived from it, the color coding system does not appear to be the most cost-effective way to improve the public safety associated with the transportation, handling and storage of compressed gas cylinders.

The use of color code systems for cylinders in emergency response situations where rapid reaction time is of vital importance to save life or limb (as in hospitals, or in the military) does have an obvious and demonstrated value. However, a color code system for the purpose of improving emergency response/reaction times involving (after-the-fact) transportation accidents is of less obvious value, since cylinders are usually stored or packed together in a manner that allows only a few cylinders to be taken in at a glance; and since shipping paper requirements provide a much more rapid means for identifying cargo content.

The complete staff summary of "The Economic and Public Safety Implications of a Uniform Nationwide Color Code System for Compressed Gas Cylinders," is available for public review in the Dockets Branch, Office of Program Support, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. Primary drafters of this document are Paul H. Seay, Technical Division, and Douglas A. Crockett, Standards Division, Office of Hazardous Materials Regulation, MTB.

Based on the comments received, and the conclusions reached, docket HM-141 is hereby terminated without further action.

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53(e) and paragraph (a)(4) of app. A. to part 102.)

NOTE.—The Materials Transportation Bureau has determined that this notice will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582).

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

ALAN I. ROBERTS,
Associate Director for Hazardous Materials Regulations, Materials Transportation Bureau.

[FR Doc. 78-27821 Filed 10-4-78; 8:45 am]

[4910-60]

[49 CFR Part 195]

[Docket No. PS-51, Notice 2]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Procedures for Operation, Maintenance, and Emergencies

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comment on a notice of proposed rulemaking concerning procedures for operation, maintenance, and emergencies involving transporation of hazardous liquids by pipeline. This proposed rule was published on Augsut 10, 1978, at 43 FR 35513. The comment period is extended from October 6, 1978 to November 6, 1978. The extension is being granted because of a request from the American Petroleum Institute.

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

ADDRESS: Comments should identify the docket and notice and should be submitted in triplicate to the Docket Section, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590. Comments are available at MTB's Docket Room 6500.

FOR FURTHER INFORMATION CONTACT:

Frank Robinson, 202-426-2082.

SUPPLEMENTARY INFORMATION: Request for an extension of time was submitted by the American Petroleum Institute (API) on September 29, 1978. The API requested that the comment period be extended from October 6, 1978, to December 6, 1978. The API argued that more meaningful data could be developed by the industry if the comment period is extended. The API also argued that the industry personnel qualified to comment on the proposed rulemaking are the same key people who are required to make day-to-day company decisions and that these same key people cannot devote full time to the proposed rulemaking.

The MTB has decided that in light of the request by API and in light of the urgency of the proposed rulemaking, a reasonable extension of the

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.

(18 U.S.C. 831-835, 49 U.S.C. 165, 49 CFR 1.53(b), appendix A of part 1, and paragraph (b)(1) of appendix A to part 106.)

Issued in Washington, D.C. on October 3, 1978.

MELVIN A. JUDAH,
Acting Associate Director for Pipeline Safety Regulation.

[FR Doc. 78-28329 Filed 10-4-78; 9:36 am]

[4910-06]

Federal Railroad Administration

[49 CFR Chapter II]

[Docket No. RSSI-78-6: Notice No. 1]

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 roon 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. FRA 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 cars must be equipped with rings or openings for lifting hooks "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 19, 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 discussed the petitioners' reasons for opposition to the lifting lug requirement. Receipt of the petition followed testimony by the lessor of cars on this topic at the FRA General Safety Inquiry on freight car and safety applicance standards on July 13, 1978. The railroad industry has not directly responded to that testimony.

In brief, the petitioners object to the requirement of lifting lugs on tank cars because of the alleged likelihood of misue of the devices in the course of wreck clearance and because the presence of the devices might prompt wreck crews to act without properly assessing damage to equipment or the need for transferring product prior to rerailing. Petitioners point out that the AAR Circular specifies design criteria for the lugs which contemplate use only when the car is essentially upright and is to be lifted within 15 degrees of the vertical. Concern is expressed by the petitioners that, since most serious derailments result in cars being displaced from their trucks and distributed in various positions, wreck crews may improperly rely on lifting lugs to drag or lift overturned cars. Possible consequences of misuse are said to be release of hazardous materials and/or direct injury to wreck crew members or bystanders.

While the petitioners have limited their request for relief to an "exemption" from AAR lifting lug requirements with respect to tank cars used to transport hazardous materials, the FRA believes that the questions raised by petitioners concerning the safety of wreck clearance operations may have application to other kinds of freight cars, as well. Therefore, FRA is taking two steps designed to assure adequate public examination of the relevant safety considerations prior to the construction of significant numbers of new cars under the requirements of the Circular and their introduction into commerce. First, by separate order published in another portion of today's FEDERAL REGISTER, FRA is temporarily staying the effectiveness of the AAR Circular pending examination of the merits of the Circular. Second, FRA is instituting a special safety inquiry into the requirements of the Circular and the safety of alternate methods used to lift freight car bodies in wreck clearance operations. See 49 CFR 211.61 (FRA Rules of Practice).

A public hearing will be held in furtherance of the 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 informal oral presentations. 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 applications 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

exceed the minimum AAR requirement with respect to the directionality of load capacity and, thereby, reduce the possibilities for misuse involving hazard to personnel at a derailment site?

3. Wreck clearance operations are often conducted by local construction companies and other entities under contract to the railroads or by crews specifically hired for the purpose. To what extent can the railroads assure that operations at a derailment site will be conducted according to accepted procedures, including proper use of lifting lugs?

4. Would the application of lifting lugs to tank cars or other cars used to carry hazardous materials involve risks qualitatively or quantitatively different from any risks common to freight cars in general? What is the current procedure for evaluating whether hazardous materials should be unloaded prior to the rerailing of cars containing such materials? Would misuse of lifting lugs applied to a body bolster or pressure tank materially increase the risk that hazardous materials might be released? Would wreck crews or contractors be tempted to forego unloading of damaged cars if lifting lugs were available? Should special requirements be imposed for cars used to carry hazardous materials? Should tank cars and/or cars used to carry explosives be excepted from the lifting lug requirement?

5. Present wreck clearance techniques involve the use of slings applied around car bodies in two locations. Crane hooks are sometimes used on side sills, center sills and other portions of car bodies. What risks are presented by current methods of clearing wrecks? Can slings be applied securely in all situations? How frequently are hooks used directly on portions of the car body not designed for lifting? Have cars been dropped or caused to lose lading because of improper handling by wreck crews or wreck contractors? What is the history of injuries and fatalities related to wreck clearances? Have lifting lugs presently in service been subject to failure or misuse (provide details of each occurrence)? What are the dimensions and load characteristics of lugs presently in service?

6. Are the AAR specifications contained in Circular D.V. 1897 adequate? (See text of Circular below.) Will the recommended dimensions of the Circular accommodate crane hooks currently in use, assuring that hook and lug mate securely? Is it possible to design a lifting lug so that a hook will not engage unless the direction of lift is within the specified angle from the vertical?

7. To what extent would lifting lugs (a) expedite the restoration of train operations and (b) reduce damage to rail equipment associated with wreck clearance? What is the estimated economic benefit to the railroad industry from the Circular? Of the total benefit anticipated, what portion is attributable to avoidance of damage to tank car jacketing and tank appurtenances?

Information gathered in this safety inquiry may form the basis of rulemaking under the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.); or FRA may recommend that the Department's Materials Transportation Bureau take action under the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). As soon as possible following the public hearing, a determination will be made concerning whether the stay of Circular D.V. 1897 should be lifted or extended pending further regulatory action.

(Secs. 202, 208, 84 Stat. 971, 974 (45 U.S.C. 431, 437); § 1.49(n) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).)

Issued in Washington, D.C., on October 2, 1978.

JOHN M. SULLIVAN,
Administrator.

The text of AAR Mechanical Division Circular D.V. 1897 follows:

PROVISION FOR LIFTING FREIGHT CAR

Standard

Adopted, 1977

Effective: Cars ordered new after July 1, 1978

1. The purpose of this provision is to provide a means to vertically lift a loaded upright car. This provision is for new and rebuilt cars to facilitate rerailing operations and to improve the method of handling derailed cars.
2. The provision shall be made available at four places, preferably in or near the body bolster at the side sill.
3. The design force at each provision for the upright car must be 40 percent of the gross rail load applied within 15 degrees of the vertical axis of the upright car. Each connection zone must be designed to support the above load without exceeding the yield strength of the material except that local deformation is permitted to achieve hook bearing area.
4. The provision may be similar to that shown below and should have rounded ends and provide sufficient opening to accommodate lifting means.

[Illustration omitted.]

[FR Doc. 78-28245 Filed 10-4-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1062]

[Ex Parte No. MC 107]

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.

Decided September 29, 1978.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-28200 Filed 10-4-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING

Proposed Incremental Apportionment

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Notice of proposed amendment to regulations.

SUMMARY: Under the provisions of the preliminary fishery management plan (PMP), the National Marine Fisheries Service will continually monitor U.S. fisheries, periodically re-evaluate U.S. processing and catching capacities and make appropriate changes. This proposed amendment revises the total allowable level of foreign fishing for Pacific cod and sablefish in the Bering Sea. The effect of the amendment will be to make available the surpluses of U.S. capacity estimates to foreign nations desiring additional fishery allocations.

DATE: Comments are invited until October 15, 1978.

ADDRESS: Send comments to Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Harry L. Rietze, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801, telephone 907-586-7221.

SUPPLEMENTARY INFORMATION: On September 6, 1977, the National Marine Fisheries Service (NMFS) published a notice of availability of a supplement to the final environmental impact statement for the preliminary fishery management plan for the trawl fisheries and herring gillnet fishery of eastern Bering Sea and northeast Pacific (PMP) (42 FR 9298), which in § 2.3.1.1 stated that:

> Periodic re-evaluation of the U.S. capacity will be required to determine what portions of the reserves are required by the United States or what portions of the reserves and the stated U.S. capacities are surplus to U.S. needs. The NMFS will continually monitor U.S. fisheries, periodically re-evaluate U.S. processing and catching capacities, and make appropriate changes in U.S. capacities, appropriate distribution of reserves, and appropriate increases in TALFF's. Notice of the incremental apportionments of the reserve between U.S. capacities and TALFF's will be published in the FEDERAL REGISTER within 7 days after the end of March, June, August, and October. Those publications will provide the mechanism for the Secretary of State to allocate to foreign nations those portions of U.S. capacities and reserves surplus to U.S. needs.

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 9325), 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 57,000 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 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. MEIBOHM,
Acting Executive Director,
National Marine Fisheries Service.

§ 611.20 [Amended]

It is proposed to amend 50 CFR 611.20(c) by revising table I as follows:

Lines 24 and 31 are revised to read:

"Species Code:" 006; "Species" Cod, Pacific; "Ocean Area" Aleutians and Bering Sea; "Amended TALFF (mt)" 57,000.

* * * * *

"Species Code:" 007; "Species" Sablefish; "Ocean Area" Bering Sea; "Amended TALFF (mt)" 2,800.

§ 611.93 [Amended]

Amend 50 CFR 611.93(b) by revising table I as follows:

1. In column one, bottom line, add words "and revised" between the words "initial" and "TALFF".

2. In column seven headed "Sablefish, Areas I-III" strike "2,400," substitute "2,800."

In column nine headed "Pacific Cod," strike "56,500," substitute "57,000."

[FR Doc. 78-28267 Filed 10-4-78; 8:45 am]

[3510-22]

[50 CFR Part 611]

FISHERY MANAGEMENT PLAN, "HALIBUT OFF THE COAST OF ALASKA"

Change in Public Hearing Schedule for Draft Environmental Impact Statement

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Notice of change in public hearing schedule.

SUMMARY: Cancellation and new dates for the public hearing schedule as listed in the FEDERAL REGISTER of 43 FR 41244 and 43 FR 41245 for the Fishery Management Plan, "Halibut Off the Coast of Alaska" are as follows: Cancel Sitka, Alaska on October 24; cancel Seattle, Wash. on October 26. Add: Petersburg, Alaska, October 25, 1978, 1:30 p.m. to 5:30 p.m. and in the evening, if everyone is not heard; City Council Chambers, Maine Street, 99833; Seattle, Wash., October 27, 1978, 9 a.m. to 5 p.m., Vance Airport Inn at Sea-Tac, 18220 Pacific Highway South, 98199.

DATE: Comments will be received until October 31, 1978.

ADDRESS: Comments should be addressed to: Chairman, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510. This Notice of Public Hearings is being published at the request of and in cooperation with the North Pacific Fishery Management Council.

Dated: September 25, 1978.

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

[FR Doc. 78-28098 Filed 10-4-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

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 Park 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.

Dated: September 25, 1978.

JAMES E. REID,
Acting Regional Forester, Northern Region.

[FR Doc. 78-28114 Filed 10-4-78; 8:45 am]

[3410-16]

Soil Conservation Service

BROAD BROOK WATERSHED PROJECT, MASSACHUSETTS

Notice of Deauthorization of Federal Funding

Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of deauthorization of Federal funding for the Broad Brook Watershed Project, Hampshire and Hampden Counties, Mass., effective on September 15, 1978.

A notice of intent to deauthorize Federal funding was published on June 26, 1978. Appropriate committees of Congress and concerned local, State, and Federal agencies were notified of the proposed deauthorization at least 60 days prior to the effective date. No objections to deauthorization or expressions of support to complete the project have been made known to the Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Date: September 26, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 78-28115 Filed 10-4-78; 8:45 am]

[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.

(Catalog of Federal Domestic Assistance program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: September 27, 1978.

NORMAN A. BERG,
Associate Administrator.

[FR Doc. 78-28116 Filed 10-4-78; 8:45 am]

[3410-16]

NORTHEAST MISSISSIPPI R.C. & D. AREA CRITICAL AREA TREATMENT R.C. & D. MEASURES, MISSISSIPPI

Intent Not to Prepare Environmental Impact Statements

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 Northeast Mississippi Resource Conservation and Development Area Critical Area Treatment Measures in Alcorn, Benton, Chickasaw, Choctaw, Clay, Itawamba, Kemper, Lee, Lowndes, Marshall, Monroe, Noxubee, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster, Winston, Calhoun, and Lafayette 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 contracting Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, P.O. Box 610, Jackson, Miss. 39205, telephone 601-969-4335. 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. 590 a-f, q.)

Dated: September 28, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources Soil Conservation Service.

[FR Doc. 78-28117 Filed 10-4-78; 8:45 am]

[3410-16]

NORTHWEST MISSISSIPPI R.C. & D. AREA CRITICAL AREA, TREATMENT R.C. & D. MEASURES, MISSISSIPPI

Intent Not to Prepare Environmental Impact Statements

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 Northwest 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 601-969-4335. 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. 590 a-f, q.)

Dated: September 28, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-28118 Filed 10-4-78; 8:45 am]

[3410-16]

SOUTHEAST MISSISSIPPI R.C. & D. AREA, CRITICAL AREA TREATMENT R.C. & D. MEASURES, MISSISSIPPI

Intent Not to Prepare Environmental Impact Statements

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 Southeast Mississippi R.C. & D. Area Critical Area Treatment Measures in Clarke, Covington, George, Greene, Forrest, Hancock, Harrison, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lauderdale, Leake, Marion, Neshoba, Newton, Pearl River, Perry, Scott, Smith, Stone, and Wayne Counties, Miss.

The environemtal 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 601, Jackson, Miss. 39205, telephone 601-969-4335. 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 adminsitrative 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.)

Dated: September 28, 1978.

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

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 Southwest Mississippi Resource Conservation and Development Area Critical Area Treatment Measures in Adams, Amite, Claiborne, Franklin, Jefferson, Lawrence, Lincoln, Pike, Walthall, and Wilkinson 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 601-969-4335. 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.)

Dated: September 28, 1978.

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

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 Hermitage Public School 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. 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 treating about 9 acres of critical eroding areas on the school ground. The planned works of improvement include topsoil, shaping, grading, sprigging and sodding Bermuda grass, constructing a grassed waterway, mulching, fertilizing, and irrigation. One road will be removed and another road constructed. Two parking areas will also be installed.

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 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.)

Dated: September 27, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-28068 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 650); 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 peir along the south shoreline of Silver Lake in Milford, 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.

Pincher, State Conservationist, Soil Conservation Service, Treadway Towers, Suite 204, 9 East Loockerman Street, Dover, Del. 19901, telephone 302-678-0750. 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.)

Dated: September 27, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 28069 Filed 10-4-78; 8:45 am]

[3410-16]

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 basis data developed during the environmental assessment is 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; 803-765-5681. 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 60 days from the time congressional committees are notified.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 USC 1001-1008.)

Dated: September 27, 1978.

NORMAN A. BERG,
Associate Administrator.

[FR Doc. 78-28067 Filed 10-4-78; 8:45 am]

[3410-16]

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.)

Dated: September 27, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-28070 Filed 10-4-78; 8:45 am]

[3410-16]

RONALD RIGBY 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 Ronald Rigby 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 an earthen embankment with a pipe drop inlet and conduit, plunge basin, and 3.5 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 Southeast 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.)

Dated: September 27, 1978.

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 78-28071 Filed 10-4-78; 8:45 am]

[6820-32]

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)(1). 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.

Dated: September 25, 1978.

SIDNEY D. ANDERSON,
Advisory Committee Management Officer.

[FR Doc. 78-28247 Filed 10-4-78; 8:45 am]

[6320-01]

CIVIL 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.

Dated at Washington, D.C., September 20, 1978.

PHYLLIS T. KAYLOR,
Secretary.

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

By Order 73-5-17, May 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 coverting 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 Airlines, 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 of the conditional sales contract with Allegheny. 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.[2]

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 Order 73-11-8, October 23, 1973, the acquisition of control of Aircraft, Inc. by BIC through an interaffilate transaction.[3]

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 $2,609,500 and the purchase price is to be paid in cash at the date of the transfer.[4]

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. Also, they note that the Board has approved this method of valuation in authorizing the transfer of other Braniff subsidiaries to BIC.[5]

Applicants further assert that no one will be adversely affected by the transfer. None of the obligaitons of 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.[6] We further conclude, however, that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in

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[1] According to Braniff, if Aircraft, Inc. borrows from the lending banks on the security of the conditional sales contracts, Braniff would not incur recourse obligations, thus avoiding a contingent liability on its books.

[2] The conditional sales contracts involved 11 BAC-111's on which there was an outstanding balance plus accrued interest of approximately $17,650,000 as of March 1, 1973. Under the terms of the Braniff's arrangements with Aircraft, Inc. following the latter's establishment, Braniff was to turn over the conditional sales contracts to Aircraft, Inc. which in turn was to borrow about $13,200,000 from two banks using the conditional sales contracts as security and transmit the proceeds to Braniff. The difference between the $17,650,000 and the $13.2 million represented Braniff's investment in Aircraft, Inc. As between the latter and the lending banks, the principal and interest payments from Allegheny were to be applied to the $13.2 million bank loans.

[3] By this order the Board granted interim approval, subject to conditions, of BIC's acquisition of Braniff and the latter's subsidiaries, including Aircraft, Inc., which was established earlier in the same year.

[4] Applicants state that as of April 30, 1978, the remaining balance due Aircraft, Inc. from Allegheny was $3,859,748, 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.

[5] Braniff Airways, Inc., and Braniff International Corp., Order 73-11-8 (transfer of Braniff International Hotels, Inc. and Braniff Education Systems, Inc.); Order 75-1-23, January 7, 1975 (transfer of International Resort Properties, Inc. and Western Restaurante, Ltd.); and Order 78-4-59, April 13, 1978 (transfer of BIC Guardian Services, Inc.)

[6] See Order 78-4-59, *supra*., n. 5 above; Braniff Airways, Inc., and Braniff International Corp., Orders 75-1-23, January 7, 1975, and 75-2-56, February 13, 1975, at n. 1 (also involving Guardian Services, Inc.)

creating a monopoly or tend to restrain competition. No person disclosing a substantial interest in this matter requests a hearing and we conclude that the public interest does not require one.

The transfer of Aircraft, Inc. to BIC does not raise any issues which the Board did not consider in approving Braniff's and, through Braniff, BIC's acquisition of Aircraft, Inc. in Orders 73-5-17 *supra*., and 73-11-8, *supra*.[7] Aircraft, Inc., a person engaged in a phase of aeronautics, will still be affiliated with the certificated air carrier, Braniff, under the common control of BIC. It appears that the basic findings and conclusions concerning that affiliation which the Board made in the earlier orders still are valid.[8]

The transaction will not impair Braniff's integrity or its ability to fulfill its certificate obligations. The Board finds, therefore, that the control relationships which the acquisition of direct control of Aircraft, Inc. by BIC create are consistent with the public interest and that the requirements of section 408 are otherwise fulfilled. Our action is not a major Federal action within the meaning of the National Environmental Policy Act of 1969.[9]

We have published in the FEDERAL REGISTER a notice of intent to dispose of this application without a hearing and have furnished a copy of the notice to the Attorney General not later than the day after its publication, both in accordance with the requirements of section 408(b) of the Act.

Accordingly, we approve the acquisition of A-B Aircraft, Inc. by Braniff International Corp. under section 408(a)(6) of the Act and in accordance with the conditions of Order 73-11-8, dated October 23, 1973.

The Board retains jurisdiction in this proceeding for the purpose of amending or revoking the approval granted here, with or without hearing, as the public interest may require.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-28201 Filed 10-4-78; 8:45 am]

[7] See also Order 78-4-59, *supra*, and Tiger International, Inc., Orders 76-3-96, March 15, 1976, and Order 77-2-124, February 25, 1977.

[8] See Santa Fe Industries, Inc. and Santa Fe Natural Resources, Order 72-4-40, April 10, 1972, and Order 78-4-59, *supra*. The applicants have stated BIC's willingness to liquidate Aircraft, Inc., according to Braniff's commitment, when the purpose for which it was established has been accomplished.

[9] From the examination of the application it appears that a grant of the requested relief will not cause any of the results set forth in section 312.9 of the Board's Procedural Regulations.

[3510-2]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Meeting

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. 95-265), 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, Falmouth, 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.

Dated: October 2, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-28097 Filed 10-4-78; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield Va. 22161 for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent- Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 700, 467: Bag for Storing Whole Blood, filed June 26, 1976.

Patent application 730, 468: Surfactant-Assisted Liquefaction of Particulate Carbonaceous Substances, filed October 7, 1976.

Patent application 741, 749: Coupling Apparatus for Ultrasonic Medical Diagnostic System, filed November 15, 1976.

Patent application 814, 384: Process for Manufacturing Cannula, filed July 11, 1977.

Patent application 848, 426: Formulated Plastic Separators for Soluble Electrode Cells, filed November 3, 1977.

Patent application 858, 761: High Temperature Resistant Cermet and Ceramic Compositions, filed December 8, 1977.

Patent application 858, 766: High Temperature Resistant Cermet and Ceramic Compositions, filed December 8, 1977.

Patent application 861, 389: High Visibility Air Sea Rescue Panel, filed December 16, 1977.

Patent application 863, 770: Method for Fabricating Solar Cells Having Integral Collector Grids, filed December 23, 1977.

Patent application 891, 246: Soft X-Ray Laser Using Crystal Channels as Distributed Feedback Cavities, filed March 29, 1978.

Patent application 891, 358: A Solar Array Strip and a Method for Forming the Same, filed March 29, 1978.

Patent application 899, 123: Improved Back Wall Cell, filed April 24, 1978.

Patent application 900, 841: Secure Communication System, filed April 28,1978.

Patent application 901, 892: Cesium Thermionic Converters Having Improved Electrodes, filed May 1, 1978.

Patent application 906, 297: Low Cost Solar Energy Collection System, filed May 15, 1978.

Patent application 907, 421: Power Control for Hot Gas Engines, filed May 19, 1978.

Patent application 907, 431: Hot Gas Engines with Dual Crankshafts, filed May 19, 1978.

Patent application 907, 435: Heat Resistant Polymers of Oxidized Styrylphosphine, filed May 19, 1978.

Patent application 907, 479: Heat Resistant Polymers of Oxidized Styrylphosphine, filed May 19, 1978.

Patent application 909, 100: Toggle Mechanism for Pinching Metal Tubes, filed May 19, 1978.

Patent application 910, 707: Satellite Personal Communications System, filed May 30, 1978.

Patent application 910, 709: A Tool for Use in Joining Connectors to Shielded Cables, filed May 30, 1978.

Patent application 910, 793: Stainless Steel Panel for Selective Absorpotion of Solar Energy and the Method of Producing Said Panel, filed May 30, 1978.

Patent application 911, 747: Ceramic Fiber Insulating Material and Method of Producing Same, filed June 11, 1978.

Patent application 914, 260: Electrochemical Cell for Rebalancing REDOX Flow System, filed June 9, 1978.

Patent application 915, 050: Solar Cell System Having Alternating Current Output, filed June 9, 1978.

Patent 4,077,231: Multistation Refrigeration System, filed August 9, 1976, patented March 7, 1978; not available NTIS.

Patent 4,078,110: Flexible Pile Thermal Barrier Insulator, filed April 28, 1976, patented March 7, 1978; not available NTIS.

Patent 4,082,569: Solar Cell Collector, filed February 22, 1977, patented April 4, 1978; not available NTIS.

Patent 4,083,097: Method of Making Encapsulated Solar Cell Modules, filed November 30, 1976, patented April 11, 1978; not available NTIS.

Patent 4,083,380: Fluid Valve Assembly, filed May 27, 1976, patented April 11, 1978; not available NTIS.

Patent 4,083,765: Polymeric Electrolytic Hygrometer, filed December 21, 1976, patented April 11, 1978; not available NTIS.

Patent 4,084,124: Method and Apparatus for Conditioning of Nickel-Cadmium Batteries, filed November 24, 1976, patented April 11, 1978; not available NTIS.

Patent 4,084,612: Flow Compensating Pressure Regulator, filed March 21, 1977, patented April 18, 1978; not available NTIS.

Patent 4,084,985: Method for Producing Solar Energy Panels by Automation, filed April 25, 1977, patented April 18, 1978; not available NTIS.

Patent 4,085,241: Inorganic-Organic Separators for Alkaline Batteries, filed September 7, 1976, patented April 18, 1978; not available NTIS.

Patent 4,085,332: Apparatus for Extraction and Separation of a Preferentially Photo-Dissociated Molecular Isotope into Positive and Negative Ions by Means of an Electric Field, filed June 3, 1976, patented April 18, 1978; not available NTIS.

[FR Doc. 78-28072 Filed 10-4-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

Announcing Additional Import Controls

SEPTEMBER 28, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

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.

(A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 3421) and September 5, 1978 (43 Fr 39408).

SUMMARY: Under the terms of paragraph 16 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, in addition to those categories previously designated.

EFFECTIVE DATE: October 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5423.

SUPPLEMENTARY INFORMATION: On December 30, 1977, there was published in the FEDERAL REGISTER (42 FR 65246) a letter dated December 27, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the 12-month period which began on January 1, 1978 and extends through December 31, 1978. On June 30, 1978, a further notice was published in the FEDERAL REGISTER (43 FR 28531) which established levels of restraint for wool and man-made fiber textile products in Categories 440 and 605 during the agreement year which began on January 1, 1978.

In accordance with the terms of the bilateral agreement, the U.S. Government has decided also 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. The level of restraint of 2,850,000 pounds will be adjusted to reflect imports of 1,917,967 pounds during the period beginning on January 1, 1978 and extending through July 31, 1978. Further adjustments will be made to account for imports during the period beginning on August 1, 1978 and extending through the effective date of this action.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

SEPTEMBER 28, 1978

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive issued to you on December 27, 1977 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to 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; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 2, 1978 and for the 12-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption 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, in excess of 2,850,000 pounds.[1]

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 70.7510 through 700.7560) which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), 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 39408).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool textile products from the Republic of Korea 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. 78-28107 Filed 10-4-78; 8:45 am]

[3510-25]

NEW MULTIFIBER AGREEMENT

Announcing Import Restraint Levels With Columbia

SEPTEMBER 28, 1978.

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 Colombia exchanged notes establishing a new Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement for the 4-year period begining 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.

(A 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 884), 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 39408)).

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 only in the implementation of certain of its provisions.

EFFECTIVE DATE: October 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5423.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

SEPTEMBER 28, 1978

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 3, 1978, between the Governments of the United States and Columbia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 2, 1978, and for the 12-month period beginning on July 1, 1978 and extending through June 30, 1979, entry into the United States for consumption, and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products, exported from Columbia in the following categories, in excess of the indicated 12-month levels of restraint:

Category and 12-month level of restraint[1]

313—8,500,000 square yards.
443—11,292 dozen.
633—66,298 dozen.
641—124,138 dozen.

In carrying out this directive entries of cotton, wool, and man-made fiber textile products in the foregoing categories, produced or manufactured in Columbia and exported to the United States prior to July 1, 1978 and entered on and after the effective date of this directive, shall not be charged against the levels of restraint established in this directive.

[1] The levels of restraint have not been adjusted to reflect any imports after June 30, 1978.

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.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), 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 (43FR 39408).

In carring out the above directions, entry in the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government 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]

[6330-01]

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.

Dated in Washington, D.C., September 26, 1978.

CHARLES H. ATHERTON,
Secretary.

[FR Doc. 78-28122 Filed 10-4-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

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 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:

Mr. Jon Updike, HQ USAF/DAAD(S), Bolling Air Force Base, Washington, D.C. 20330, telephone 202-767-4545.

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. 77-28255 (42 FR 50784), September 28, 1977.
FR Doc. 78-25819 (43 FR 42376), September 20, 1978.

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.

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:

Computerized and manual files will be retained indefinitely; disposed of in accordance with AFM 12-50.

System manager(s) and address:

Deputy Chief of Personnel, Strategic Air Command, SAC Drug Rehabilitation Center, McConnell AFB KS, and base level Social Actions Offices.

Notification procedures:

Chief, Social Action, Strategic Air Command Headquarters for Computer Files or Det 1, 3902 ABW/CC, McConnell AFB KS, and base level Social Actions Offices for manual files. Requests to determine existence of record on file should include full name, grade, and unit of assignment. Personal visit proof of identification requires full name and possession of Department of Defense (DD Form 2AF) Armed Forces Identification Card, or driver's license and personal recognition of counselor.

Record access procedure:

Chief of Social Actions, Strategic Air Command Headquarters, Det 1, 3902 ABW/CC, McConnell AFB KS, or base level Social Actions Offices. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notice.

Contesting record procedures:

The Air Force's rules for accessing records and for contesting and appealing initial determinations by the individual concerned may be obtained from the systems manager.

Record source categories:

Information obtained from medical institution, personnel records, individuals.

Systems exempt from certain provisions of the Act:

None.

[FR Doc. 78-28090 Filed 10-4-78; 8:45 am]

[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 35 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-

ing major installations: Chanute Air Force Base, Ill.; Keesler Air Force Base, Miss.; Lackland Air Force Base, Tex.; Lowry Air Force Base, Colo.; and Sheppard Air Force Base, Tex. An evaluation of each of these locations led to the recommendation that Keesler Air Force Base, Lackland Air Force Base, and Sheppard Air Force Base be excluded from further consideration of either a complete closure or relocation of the technical training center mission.

The proposed action is the closure of Chanute Air Force Base, Ill., with the alternative being to reduce Lowry Air Force Base, Colo., by relocation of the technical training and other activities to other DoD installations.

The environmental impact analysis 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, nonapproriated 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 Lowrey 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 of the altenative action will consider the impact on the area surrounding Lowry Air Force Base of the departure of approximately 3,700 assigned military personnel, plus an average student load of 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, 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 students in the Denver area.

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.

If such impact is not found, a finding of no signficant 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]

ADVANCED TANKER/CARGO AIRCRAFT PROCUREMENT

Environmental Determination

AUGUST 29, 1978.

The Air Force is contemplating the procurement of approximately 20 modified DC-10-30F 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 navigation and other electronic systems would also comply with civilian air traffic control requirements. The KC-10 utilizes a search/weather radar which except for system checkout, would not be operated on the ground and would therefore not pose a hazard to personnel. System checkout would be conducted in accordance with AFR 127-101 and other safety provisions to prevent any on-ground radar hazards.

g. Logistic support concepts for tanker and cargo forces are not expected to change with the addition of the KC-10 force. Existing ground support equipment and existing maintenance facilities would be utilized; maintenance support would be performed in existing facilities.

For the reasons outlined above, the United States Air Force has decided not to file a Draft EIS with the Environmental Protection Agency and has prepared a negative determination.

Copies of the negative determination and the supporting documentation are available, upon request, from the Deputy for Environment and Safety, SAF/MIQ, Office of the Secretary of the Air Force, Pentagon, Washington, D.C. 20330, telephone 202-697-9297.

CAROL M. ROSE,
Air Force Alternate Federal Register Liaison Officer.

[FR Doc. 78-28139 Filed 10-4-78; 8:45 am]

[3810-71]

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY COMMITTEE ON NAVAL HISTORY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. I), notice is hereby given that the Secretary of the Navy's Advisory Committee on Naval History will meet on October 26, 1978, at 9 a.m., in Room 4D710, the Pentagon, Washington, D.C.

The purpose of the meeting is to review the naval historical activities of the past 18 months and to make comments and recommendations on these activities to the Secretary of the Navy.

Depending on available space, public attendance may be limited to those persons who have given written notice at least 5 days prior to the meeting of their intention to attend.

For further information about this notice and the Secretary of the Navy's Advisory Committee on Naval History contact: Captain A. D. Thomson, U.S. Navy, Deputy Director of Naval History, Building 200, Washington Navy Yard, Washington, D.C. 20374, telephone 202-433-2379.

Dated: September 27, 1978.

P. A. WILLE,
Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-28123 Filed 10-4-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. 77-001-LNG; (CP74-160, CP74-207, CP75-83-3)]

PAC INDONESIA LNG CO. AND WESTERN LNG TERMINAL ASSOCIATES

DOE/ERA Opinion No. 2, Opinion on Rehearing—Issues Related to the Escalator and Currency Adjustor Contract Provisions

SEPTEMBER 29, 1978.

I. INTRODUCTION

A. SUMMARY

In Opinion No. 1, the Department of Energy (DOE) conditionally approved a proposed importation of liquefied natural gas (LNG) from Indonesia to the West Coast. Among other things, the DOE disallowed certain escalation and currency adjustment clauses in the LNG purchase contract between the U.S. importer (Pac-Indonesia LNG Co., hereinafter "Pac-Indonesia") and the Indonesian supplier (Perusahaan Pertambangan Minyak Dan Gas Bumi Negara, hereinafter "Pertamina"). The DOE also 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 tis 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 orginally 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, filed on November 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 9, 1975, upon the refusal 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 contract. 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 drilling technology—on shore 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 enterprise develops them and claims access to U.S. markets. Other potential supplies are marginal or at least intramarginal with respect to U.S. markets, principally by reasons of remoteness (as reflected in the transportation costs) or uncertain technology. Intramarginal supplies include gas from the Alaskan North Slope, various supplies from advanced technology applied to domestic resources, and overland supplies from neighboring sovereign countries, as mutual benefits may dictate such transactions. Marginal supplies include synthetic natural gas (SNG) from imported petroleum and LNG from abroad.

Even though capital-intensiveness, price, long-term commitment and vulnerability make remote foreign LNG supplies most marginal for U.S. markets, there is a place for some such projects. We must take care, however, that decisions taken with respect to LNG imports from remote sources do not discourage the ultimate development of proximate resources, and that only those LNG projects are approved in which the need for the gas cannot be satisfied by more basic sources of supply. In that context, we must also protect the consumer from unacceptable risks of escalation in the price of the gas.

In Opinion No. 1, DOE found that the need for this import and its general acceptability as a source of supply did not outweigh the risk to the consumer of unreasonable price increases posed by the contract escalator provisions. Applicants now present us with a revised escalator which we must evaluate with respect to that risk, bearing in mind California's special needs for gas, as discussed in Opinion No. 1.

II. Discussion

A. The Revised Price Escalation Provision

In Opinion No. 1, DOE disapproved the Pac-Indonesia FOB price escalator provision (based 50 percent on Indonesian crude oil prices and 50 percent on the BLS Wholesale Price Index-Fuels and Related Products) on the grounds that it was tied too directly to future movements in world petroleum prices and that the BLS fuels element would be influenced by future domestic energy pricing policy and by the price of the import itself, thus creating a significant self-compounding effect. DOE did not object, however, to the concept of an escalator provision and suggested, alternatively, the use of an index generally reflecting world or U.S. economic conditions in order to provide a more broadly-based means of adjusting prices over the life of the contract.

The applicants submitted an amendment on July 28, 1978, reflecting a revised escalator provision. The revised escalator continues to modify 50 percent of the base price of $1.25/MMBtu on the basis of changes in Indonesian crude oil prices, but with the added constraint of a 15 percent floor and ceiling on annual price fluctuations, which allows any increase above the 15 percent annual limitation and any downward adjustment in excess of 15 percent to be carried forward and applied in future years to the extent permitted by the floor or ceiling. The remaining 50 percent of the revised 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 acceptably responds to 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 escalator provisions in this 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 under any other contract with 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 in 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 price prevailing 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 from the 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, assures greater 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 the escalator 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. No need 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 costs 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 fluctuations in the value of the dollar. The FERC staff opposes the currency revaluation factor "because its proposed use is satisified 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 reevaluation factor, while not perfectly symmetrical in its operation, is not unreasonable 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.

Issued in Washington, D.C., September 29, 1978.

DAVID J. BARDIN,
Administrator
Economic Regulatory Administration.

[FR Doc. 78-28093 Filed 10-4-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER78-616]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing New Connection Point

SEPTEMBER 27, 1978.

Take notice that Central Illinois Public Service Co. ("CIPS") on September 19, 1978, tendered for filing two additional connection points to be included in Appendix "A" of the Interconnection Agreement between Illinois Power ("IP"), Union Electric Co. ("UE") and Central Illinois Public Service Co. CIPS indicates that the revised connection point identified as CIPS-IP Connection Point 9—Canton, eliminates the condition whereby CIPS made payment to Illinois Power covering cost of capital investment for facilities at the 138 kV Cuba Switching Station and telemetering equipment at Decatur. CIPS further indicates that the new connection point, identified as CIPS-IP Connection Point 36—East of West Frankfort, provides for installa-

tion of a 345/138 kV substation East of West Frankfort. Effective dates of June 26, 1978 and May 17, 1978, are respectfully requested.

A copy of this filing has been served upon Illinois Power and Union Electric by mailing a copy postage prepaid according to CIPS.

Any person desiring to be heard or to protect 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 filing are on file with the Commision and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-28160 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. ER78-619]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Cancellation

SEPTEMBER 27, 1978.

Take notice that on September 20, 1978, the Central Illinois Public Service Co. (CIPSC) tendered for filing pursuant to the Facility Use Agreement between CIPSC and Illinois Power Co. dated January 15, 1956, a letter of cancellation of Appendix "I".

CIPSC proposes an effective date of June 1, 1978, and therefore requests waiver of the Commission's notice requirements.

According to CIPSC a copy of this filing have been mailed to Illinois Power Co. and the Illinois Commerce Commission.

Any person desiring to be heard or to protect 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 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. 78-28160 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. CP78-525]

COLUMBIA GULF TRANSMISSION CO. AND TEXAS GAS TRANSMISSION CORP.

Application

SEPTEMBER 25, 1978.

Take notice that on September 15, 1978, Columbia Gulf Transmission Co. (Columbia), 3805 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(c) 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 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 to 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 gasoline 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 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-28162 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. CP61-92]

EL PASO NATURAL GAS CO.

Petition to Amend

SEPTEMBER 28, 1978.

Take notice that on September 19, 1978, El Paso Natural Gas Co. (Petitioner), P.O. Box 1492, El Paso, Tex. 79978, filed in Docket No. CP61-92 a petition to amend the order of January 11, 1965, issued in the instant docket [1] pursuant to section 7(c) of the Natural Gas Act so as to authorize an additional delivery point between Petitioner and Northern Natural Gas Co. (Northern) in Roger Mills County, Okla., all 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 on Petitioner's facilities in Ochiltree County, Tex. Such arrangement is a part of the authorized exchange of 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 production of the No. 1 W. H. Wright Unit well in Roger Mills County, which gas Northern desires to make available to Petitioner as part of the authorized exchange arrangements. Petitioner states that it and Northern have entered into a letter agreement dated May 1, 1978, wherein the parties have agreed to revised exhibit A to special Rate Schedule Z-1 so as to reflect the proposed additional point necessary for the delivery of natural gas to Petitioner.

Petitioner indicates that it has constructed and now operates as part of its South Zybach gathering system in Roger Mills, County, Okla., approximately 0.06 mile of 4½-inch O.D. pipeline, with appurtenances, including a 4½-inch O.D. standard orifice meter run, which connects the No. 1 W. H. Wright Unit well to Petitioner's existing gathering system. Petitioner proposes to utilize such facilities for the receipt of volumes of natural gas attributable to Northern's interest in production from said well, which 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 redeliver it to Northern as part of the total exchange volume now authorized under special Rate Schedule Z-1. It is stated that Northern would pay Petitioner 2.0 cents for each Mcf of gas exchanged and attributable to Northern's interest in the No. 1 W. H. Wright Unit well.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 20, 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 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. 78-28163 Filed 10-4-78; 8:45 am]

[1] This proceeding was commenced before the FPC. By joint regulation of Oct. 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[6740-02]

[Docket No. CP78-527]

GREAT LAKES GAS TRANSMISSION CO.

Application

SEPTEMBER 28, 1978.

Take notice that on September 18, 1978, Great Lakes Gas Transmission Co. (Applicant), 2100 Buhl Building, Detroit, Mich. 48226, filed in Docket No. CP78-527 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas for Michigan Wisconsin Pipe Line Co. (Mich-Wis), and authorizing the construction and operation of certain metering facilities necessary for the proposed transportation and exchange service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that it has entered into a gas transportation and exchange contract dated May 30, 1978, with Mich-Wis, which contract provides that Applicant would exchange up to 300,000 Mcf of natural gas per day with Mich-Wis during the summer period (April 1 through October 31). Applicant states that it would receive the gas from Mich-Wis at the interconnection of the facilities of Applicant and Mich-Wis near Farewill Mich. (Farwell interconnection), and redeliver a thermally equivalent quantity of gas to ANR Storage Co. (ANR) for the account of Mich-Wis at a new point of interconnection to be established between the existing facilities of Applicant and those to be constructed by ANG in Crawford County, Mich. (Crawford interconnection). Applicant further states that during the winter period (November 1 through March 31) it would receive up to 550,000 Mcf of natural gas per day at the Crawford interconnection and transport and redeliver thermally equivalent quantities to Mich-Wis at the Farwell interconnection.

It is indicated that applicant would charge Mich-Wis a rate of 2.66 cents per Mcf for the proposed transportation service.

Applicant states that in order for it to perform the proposed transportation and exchange services it would install metering facilities at the Crawford interconnection. The total cost of the proposed facilities is estimated to be $1,294,100, which cost Applicant would finance with funds generated internally, together with borrowings from banks under short-term lines of credit, if required, it is said.

It is asserted that this application is a companion to the application filed by ANR in Docket No. CP78-432, by which application ANR requested authorization to construct and operate the facilities required for its storage project.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 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 a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natu-

ral 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. 78-28164 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. ER78-620]

IDAHO POWER CO.

Filing

SEPTEMBER 27, 1978.

Take notice that Idaho Power Co., on September 20, 1978, tendered for filing an Agreement dated September 11, 1978, for the purchase and delivery of electric power between Idaho Power (as Seller) and Portland General Electric Co. (as Buyer).

Idaho Power indicates that the Agreement states that Portland General Electric's Trojan Nuclear Generating Plant has been ordered to temporarily suspend generation, and as a result, Portland General Electric finds it necessary to procure additional sources of energy. Idaho Power further indicates that it has a contract for the purchase of electric power from the Utah Power & Light Co. with such electrical power being made available out of Utah's Emery Unit No. 1, and is willing to make a portion of this electric power available to Portland General Electric.

Idaho Power requests an effective date of August 6, 1978, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Portland General Electric Co., the Idaho Public Utilities Commission and the Public Utility Commissioner of Oregon, according to Idaho Power.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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 notices 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 intervenor are engaged in settlement negotiations.

Upon consideration, notice is hereby given that the initial conference is rescheduled for November 28, 1978 at 10 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-28166 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. ES77-50]

IOWA SOUTHERN UTILITIES CO.

Application

SEPTEMBER 27, 1978.

By order issued September 15, 1977, the Federal Power Commission[1] authorized Iowa Southern Utilities Co. (Applicant) to issue up to 200,000 additional shares of common stock pursuant to its Automatic Dividend Reinvestment and Stock Purchase Plan (Plan). As part of the Plan, the optional cash payment was set at not less than $30 per month nor more than $5,000 per quarter.

On September 22, 1978, Applicant filed an application with the Commission, pursuant to section 204 of the Federal Power Act, seeking authority to amend the prior Commission order to the extent that the maximum cash contribution shall be $5,000 per month rather than $5,000 per quarter and that in every other instance the order shall remain unchanged.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa and is engaged in the electric utility business in 24 counties in Iowa.

The proceeds from the issuance of the common stock pursuant to the plan will be used to provide funds to finance, in part, the Applicant's construction program for 1978, the principal item of which, is $31,735,000 for the Applicant's 33 percent ownership share in a 675,000 kilowatt turbo-generator station near Ottumwa, Iowa. Any person desiring to be heard or to make any protest with reference to the application should on or before October 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-28167 Filed 10-4-78; 8:45 am]

[1] This proceeding began before the FPC. Pursuant to the Department of Energy Organization Act, it is now before this Commission effective as of October 1, 1977. The term "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise the reference is to the FERC.

[6740-02]

[Docket No. CP78-526]

NATURAL GAS PIPELINE CO. OF AMERICA AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Pipeline Application

SEPTEMBER 25, 1978.

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 transportation onshore through Transcon-

tinental Gas Pipe Line Corp. existing offshore facilities. Applicants estimate the total cost of the proposed facilities will be $5,616,900. 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 as 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 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 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestant's 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 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.

[FR Doc. 78-28168 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. ER78-44]

NEW ENGLAND POWER CO.

Compliance Filing

SEPTEMBER 27, 1978.

Take notice that New England Power Co. (NEP) on September 19, 1978, tendered for filing an unexecuted power contract dated as of May 1, 1977, between the town of Hudson, Mass., and NEP.

NEP states that the power contract has been amended in compliance with the presiding administrative law judge's initial decision dated July 13, 1978, which was made a final decision by the Commission's notice issued September 5, 1978.

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 13, 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 insection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-28169 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. EL78-42]

OGLETHORPE ELECTRIC MEMBERSHIP CORP. V. GEORGIA POWER CO.

Complaint and Motion for Summary Disposition and Rejection of Illegal Practice and Order Directing Immediate Refund

SEPTEMBER 28, 1978.

Take notice that on September 11, 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 on file with the Commission.

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.

[FR Doc. 78-28170 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. ID-1858]

OWEN H. LEWIS

Filing

SEPTEMBER 23, 1978.

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.

[FR Doc. 78-28171 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. CP78-523]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

SEPTEMBER 25, 1978.

Take notice that on September 15, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001 filed in Docket No. CP78-523 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Bay State Gas Co. (Bay State), a distributor customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Bay State has arranged to purchase volumes of liquefied natural gas (LNG) from Distrigas of Massachusetts Corp. (DOMAC), pursuant to an agreement between these parties dated February 10, 1976. In Docket No. CP77-216, et al., DOMAC received temporary certificate authorization from the Commission to make the sale, it is said.

Applicant states that it is requesting authorization to transport gas for Bay State in order to enable Bay State to receive volumes of natural gas equivalent to volumes of LNG which Bay State would purchase from DOMAC.

Applicant proposes to receive from Boston Gas Co. (Boston Gas), a distributor customer of Applicant, daily volumes of natural gas as requested by Bay State, up to a maximum daily volume of 5,000 Mcf, and to transport and deliver equal volumes to Bay State at Applicant's existing Agawam Sales Meter Station Delivery Point in Hampden County, Mass. Boston Gas would receive daily volumes of LNG from DOMAC and would release equivalent volumes of gas to Applicant, it is said.

For the proposed transportation service, Applicant would charge Bay State a volume charge of 5.03 cents per Mcf and a monthly demand charge of 42.0 cents per Mcf, it is indicated.

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 a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public 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. 78-28172 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. AR64-2, etc.]

TEXAS GULF COAST AREA RATE PROCEEDING, ET AL.

Filing of Refund Distribution Plan

SEPTEMBER 28, 1978.

In the matter of Texas Gulf Coast Area Rate Proceeding, Docket No. AR64-2, et al.; Other Southwest Area Rate Proceeding, Docket No. 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 dockets. Of the $622,715.99 refunds received, Florida Gas has determined that $265,966.66 pertains 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 dockets which was accepted by the Commission September 1, 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, 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 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]

[6740-02]

[Docket No. CP77-417]

TRANSCONTINENTAL GAS PIPE LINE CORP.

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. RP77-108.

Any person desiring to be heard or to make 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 or 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 wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's

Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on 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. 78-28174 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. ER78-617]

CENTRAL LOUISIANA ELECTRIC CO., INC.

Filing

SEPTEMBER 27, 1978.

Take notice that on September 19, 1978, Central Louisiana Electric Co., Inc. (CLECO) tendered for filing an agreement for electric service with the City of Franklin, La. (City), dated July 7, 1978, which provides for the sale by CLECO to the City for wholesale service for resale.

CLECO states that the City was in an emergency condition and had requested 1,700 Kw of power for three (3) years.

CLECO has requested waiver of the notice provisions of § 35.3 of the Commission's regulations in order to permit the sale of wholesale service for resale to commence on June 7, 1978.

Copies of the filing were served upon the City and upon the Louisiana Public Service Commission, according to CLECO.

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. 78-28175 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. RP78-66]

CIMARRON TRANSMISSION CO.

Order Approving Rate Increase Application, Accepting Certain Gas Rate Supplements, and Rejecting Other Gas Rate Supplements

SEPTEMBER 15, 1978.

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 6, 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 from 4.5 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, because it provides 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 of 3.5 cents per Mcf allowed under its effective rate schedule. Cimarron's average rates for 1976 and 1977 were 3.69 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 notice of rate change pursuant to section 4 of the Natural Gas Act and § 15422 of the

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. 78-28176 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. RI75-21]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Petition for Declatory Order

SEPTEMBER 28, 1978.

Take notice that on August 17, 1978, Independent Oil & Gas Association of West Virginia filed a petition for a declatory 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 or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before October 20, 1978. 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-28177 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. RI77-108, etc.]

JOHN P. BOOTH & ASSOCIATES, ET AL.

Amended Petition for Special Relief

SEPTEMBER 25, 1978.

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 0.155631 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 58.0 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; McMinimy, Well No. 1; E. McMinimy, 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, 1961, under the certificate issued in Docket Nos. CI62-531 and CI62-105 and Rate Schedule Nos. 462 and 234 at the rate of 29.5 cents per Mcf.

Atlantic states that in order to continue gas production from the subject wells that it will be necessary to install a compressor to compress the gas. Atlantic further states that the operator and holder of an interest, John P. Booth & Associates (Petition For Special Relief in Docket No. RI77-108), estimates a cost of $22,622 to install a rental compressor and total operating expenses of $31,176 annually. Atlantic estimates that this work cannot be economically justified at the current price level of the gas.

Any person desiring to be heard or to make any protest with reference to said petition 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). 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 party 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. 78-28178 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. RP73-43 (PGA 78-4)]

MID-LOUISIANA GAS CO.

Notice Granting Extension of Time

SEPTEMBER 27, 1978.

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. supports 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]

[6740-02]

[Docket No. CP78-524]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

SEPTEMBER 27, 1978.

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 as more fully set forth in 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, it is stated. Applicant estimates that the proposed loop lines would increase capacity by approximately 186,000 Mcf per day thus increasing supply management and flexibility, it is stated. It is estimated 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 the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission, or its designee, on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-28180 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. RP71-125 (PGA78-2)]

NATURAL GAS PIPELINE CO. OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 27, 1978.

Take notice that on September 11, 1978, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets, to be effective as indicated:

	To be effective
Revised Substitute Thirty-Fourth Revised Sheet No. 5.	Sept. 1, 1978
Second Substitute Thirty-Fourth Revised Sheet No. 5.	Sept. 2, 1978

The tariff sheets reflect base rates in effect subject to refund in Docket No. RP77-98.

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 the 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]

[6740-02]

[Docket No. ER78-618]

PUBLIC SERVICE CO. OF COLORADO

Filing

SEPTEMBER 27, 1978.

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]

[6740-02]

[Docket No. RP78-84]

RATON NATURAL GAS CO.

Amendment to Rate Filing

SEPTEMBER 27, 1978.

Take notice that on September 19, 1978, Raton Natural Gas Co. (Raton) tendered for filing an amended Eighteenth Revised Sheet No. 3a. This filing amends rate changes proposed by Raton's August 28, 1978, rate filing in Docket No. RP78-84.

Raton states that the result of the revision is to reduce Raton's proposed rate of return on its net investment rate base to 10 percent.

The company states that copies of this filing were served on its jurisdictional customer and the Public Service Commission of New Mexico.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 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. 78-28183 Filed 10-4-78; 8:45 am]

[6740-02]

[Project No. 199; Docket No. E-9110]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Filing of Offer of Settlement

SEPTEMBER 27, 1978.

Take notice that on June 9, 1978, South Carolina Public Service Authority (Applicant) filed an Offer of Settlement in this docket with the Presiding Administrative Law Judge. The Offer of Settlement was certified to the Commission by the Judge on June 19, 1978.

If accepted and approved by the Commission, the Offer of Settlement would settle all of the outstanding issues in this relicensing proceeding with respect to the Santee Cooper Project with the exception of the complaint involving three canals on Lizzie Creek, Lake Marion, and the complaint involving the Applicant's rates.

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.

[FR Doc. 78-28184 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. RP78-92]

SOUTHWEST GAS CORP.

Proposed Changes in FERC Gas Tariff

SEPTEMBER 27, 1978.

Take notice that southwest Gas Corp. ("Southwest") on September 20, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. The proposed changes would increase revenues from jurisdictional sales and service by $1,389,178 based on the 12-month period ending June 30, 1978, as adjusted.

Southwest states that the reason for the proposed increase in rates is to compensate Southwest for increases in virtually all items of costs, such as capital, labor, materials and supplies, taxes, and including a claimed rate of return of 10.61 percent.

The company proposes an effective date of October 20, 1978.

Copies of the filing were served upon Southwest's jurisdictional customers, Sierra Pacific Power Company and CP National, including the California Public Utilities Commission and the Public Service Commission of Nevada.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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.

[FR Doc. 78-28185 Filed 10-4-78; 8:45 am]

[6740-02]

[Docket No. ID-1857]

WILLIAM N. ENGLISH

Filing

SEPTEMBER 28, 1978.

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 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-28186 Filed 10-4-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 982-8; PP 8G2054/T169]

CYCLIC METHYLENE (DIETHOXYPHOSPHINYL) DITHIOIMIDOCARBONATE

Establishment of Temporary Tolerances

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 grain (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.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: September 27, 1978.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

[FR Doc. 78-28058 Filed 10-4-78; 8:45 am]

[6560-01]

[FRL 983-3; PP 4G1470/T166]

DIQUAT

Renewal of a Temporary Tolerance

On September 26, 1977, the Environmental Protection Agency (EPA) announced (42 FR 48923) the renewal of a temporary tolerance for residues of the herbicide diquat (6,7-dihydrodipyrido (1,2-a:2',1-c) pyrazidiinium) derived from application of the dibromide salt and calculated as the cation in or on the raw agricultural commodity potatoes at 0.2 part per million (ppm).

This tolerance was established (40 FR 41833) in response to a pesticide petition (PP 4G1470) submitted by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804. This renewal expired August 29, 1978.

Chevron Chemical Co. requested a 15-month renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant materials were evaluated, and it was determined that a renewal of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been renewed on condition that the pesticide is used in accordance with the experimental use permit 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. Chevron Chemical 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.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: September 27, 1978.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

[FR Doc. 78-28055 Filed 10-4-78; 8:45 am]

[6560-01]

[FRL 983-4, PP 7G1944/T168]

MEFLUIDIDE

Extension of a Temporary Tolerance

On May 8, 1978, the Environmental Protection Agency (EPA), in response to a pesticide petition (PP 7G1944) submitted to the Agency by 3M Co., 3M Center, St. Paul, Minn. 55101, established a temporary tolerance for residues of the plant growth regulator mefluidide (*N*-[2,4-dimethyl-*S*[[(trifluoromethyl)sulfonyl]amino]phenyl] acetamide) in or on the raw agricultural commodity sugarcane at 0.2 part per million (ppm).

This temporary tolerance is scheduled to expire May 8, 1979. The 3M Co. requested a 4-month extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of an experimental use permit that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that an extension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been extended on condition that the pesticide is used in accordance with the experimental use permit 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. 3M 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 September 8, 1979. Residues not in excess of 0.2 ppm remaining in or on sugarcane 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. Robert Taylor, Product Manager 25, Registration Division (TS-767), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460, 202-426-2632.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: September 27, 1978.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

[FR Doc. 78-28054 Filed 10-4-78; 8:45 am]

[6560-01]

[FRL 983-2; OPP-31017A]

PESTICIDE PROGRAMS

Receipt of Application to Register a Pesticide Product Entailing a Changed Use Pattern, Correction

In FR Doc. 78-23108 appearing at page 36683 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 product be changed from hand application of the powder in tracking patches inside of buildings to include foot-pump application into burrows inside and outside of buildings in the control of mice and rats."

Dated: September 27, 1978.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

[FR Doc. 78-28056 Filed 10-4-78; 8:45 am]

[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."

Dated: September 27, 1978.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

[FR Doc. 78-28057 Filed 10-4-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1144]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

OCTOBER 2, 1978.

Docket or RM No.	Rule No.	Subject	Date received
20846	Pts. 89, 91, 93, 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	Sept. 25, 1978.
		Filed by Richard G. Somers, president for California Mobile Radio Association.	Sept. 26, 1978.
		Filed by Kenneth E. Hardman, attorney for Telocator Network of America.	
		Filed by Francis E. Fletcher, Jr., attorney for the Fort Wayne Medical Society, Inc.	Sept. 27, 1978.
		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..	Sept. 25, 1978.

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-28144 Filed 10-4-78; 8:45 am]

[6712-01]

[FCC 78-698]

Emergency Broadcast System

CLOSED CIRCUIT TEST

SEPTEMBER 29, 1978.

A test of the Emergency Broadcast System (EBS) has been scheduled for Wednesday, October 18, 1978 between 2:03:30 to 2:09 p.m. Washington, D.C. e.s.t. Only ABC, AP Radio, CBS, IMN, MBS, NBC, NPR, and UPI audio radio network affiliates will receive the test program for the closed circuit test. 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 beginning 4 days in advance of the test. Test messages will also be run by AP and UPI radio press wire services for 4 days in advance of the test to

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.

Action by the Commission September 28, 1978. Commissioners Ferris (chairman), Lee, Quello, Washburn, Fogarty, White, and Brown.

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

On September 26, 1978, D'Amato Freight Forwarding Co., 17 Murray Street, New York, N.Y. 10007, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 537 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 501.(c), dated August 8, 1977;

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 26, 1978, without prejudice to reapplication for a license 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-20]

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. (GSA 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 in me 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 Administrative, Federal Property Resources Service, Office of Real Property (DR), Washington, D.C. 20405.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-28066 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

Pursuant to the Federal Advisory Committee Act (Pub. L. (92-463), 5 U.S.C., Appendix I, the Center for Disease Control accounces the reestablishment of the Safety and Occupational Health Study Section on August 31, 1978, by the Secretary of Health, Education, and Welfare, with concurrence by the General Services Administration.

Authority for this study section will expire June 30, 1980, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 27, 1978.

WILLIAM H. FOEGE,
Director, Center for Disease Control.

[FR Doc. 78-28113 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, Parklawn 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 serviced 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.

Agenda items are subject to change as priorities dictate.

Dated: September 25, 1978.

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 31863]

MONTANA

Centennial Mountains Primitive Area Modification

SEPTEMBER 27, 1978.

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:

PRINICIPAL MERIDIAN, MONTANA

T. 14 S., R. 1 E.,
Sec. 21, Lots 4, 5, 6, 7, and 8;
Sec. 22, Lots 3 and 4, and N½SE¼; and
Sec. 23, Lots 2, 3, 4, 5, 6, 7, and 8.
T. 14 S., R. 1 W.,
Sec. 31, Lot 5.
T. 14 S., R. 2 W.,
Sec. 18, SE¼NE¼ and E½SE¼;
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, SW¼NE¼, 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 N½SE¼; and
Sec. 26, Lot 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]

[NM 34780]

NEW MEXICO

Notice of Application

SEPTEMBER 28, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northern Natural Gas Co. has applied for one 8-inch; one 12-inch; and three 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 16 S., R. 27 E.,
Sec. 1, lots 11, 13, 14, 15, E½SW¼, NW¼SW¼ and NW¼SE¼;
Sec. 12, E½W½ and W½SE¼;
Sec. 13, E½W½;
Sec. 24, E½W½;
Sec. 25, NE¼NW¼ and SE¼SW¼.
T. 17 S., R. 27 E.,
Sec. 1, lot 3, SE¼NW¼ and E½SW¼;
Sec. 12, NE¼NW¼ and SE¼SW¼;
Sec. 13, E½W½;
Sec. 24, E½SW¼;
Sec. 25, E½W½.
T. 18 S., R.27 E.,
Sec. 1, lot 3, SE¼NW¼ and E½SW¼;
Sec. 12, E½W½, SW¼SW¼ and SW¼SE¼.

These pipelines will convey natural gas across 12.01 miles of public lands in Eddy 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 1397, Roswell, N. Mex. 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28125 Filed 10-4-78; 8:45 am]

[4310-84]

[Wyoming 65073]

WYOMING

Notice of Application

SEPTEMBER 26, 1978.

Notice is hereby given that pursuant to section 28 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 64970]

WYOMING

Notice of Application

SEPTEMBER 27, 1978.

Notice is hereby given that pursuant to section 28 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.,
Secs. 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-

cilities located in the SW¼ of sec. 8, T. 14 N., R. 92 W. The proposed 4½ O.D. natural gas pipeline will extend from said point of connection with an existing line in SW¼ of sec. 8, T. 14 N., R. 92 W., in a generally northeasterly direction to a point in said sec. 8; then in a generally southeasterly direction to an existing well in NE¼ of sec. 27, T. 14 N., R. 92 W.

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, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28127 Filed 10-4-78; 8:45 am]

[4310-84]

[Wyoming 65099]

WYOMING

Notice of Application

SEPTEMBER 28, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Powder River Pipeline Co. of Casper, Wyo. filed an application for a right-of-way to construct a 4½-inch pipeline for the purpose of transporting crude oil across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 77 W.,
Sec. 3, SE¼SW¼;
Sec. 10, E½NW¼.

The proposed pipeline will transport crude oil produced from a point in the SE¼NW¼ sec. 10, T. 46 N., R. 77 to a point of connection with an existing pipeline in the SE¼SW¼ sec. 3, T. 46 N., R. 77 W., Johnson 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, 951 Union Boulevard, Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28128 Filed 10-4-78; 8:45 am]

[4310-84]

WESTERN AND CENTRAL GULF OF MEXICO OUTER CONTINENTAL SHELF (TENTATIVE SALE NO. 62)

Call for Nominations and Comments on Areas for Oil and Gas Leasing; Correction

In FR Doc. 78-25804, appearing at page 40933 in the issue of Wednesday, September 13, 1978, under Outer Continental Shelf Official Protraction Diagrams: NG 15-12—Ewing Banks should be NH 15-12—Ewing Banks.

ARNOLD E. PETTY,
Acting Associate Director, Bureau of Land Management.

Approved: September 27, 1978.

GUY R. MARTIN,
Assistant Secretary of the Interior.

[FR Doc. 78-28121 Filed 10-4-78; 8:45 am]

[4310-84]

ARIZONA

[Serial No. A 11243]

Application

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), El Paso Natural Gas Co. has applied for a cathodic protection station to maintain and operate its pipelines on the following described lands:

T. 5 S., R. 1 E., GSR Mer., Arizona.
Sec. 2, SE¼NE¼, NE¼SE¼.

The cathodic protection station, situated in Maricopa County, Ariz., will serve to protect its four gas pipelines extending from Ehrenberg, Ariz., to Waha and Midland, Tex.

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 send their name and address to the District Manager, Phoenix District Office, Bureau of Land Management, 2929 W. Clarendon, Phoenix, Ariz. 85017.

Dated: September 28, 1978.

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28073 Filed 10-4-78; 8:45 am]

[4310-84]

CASPER DISTRICT GRAZING ADVISORY BOARD

Meeting

SEPTEMBER 26, 1978.

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Casper District Grazing Advisory Board will be held on November 1, 1978.

The meeting will begin at 9 a.m. in the conference room of the Bureau of Land Management Office at 951 Union Boulevard, Casper, Wyo.

The agenda for the meeting will include: (1) A discussion of the function of the Board; (2) the expenditure of range betterment funds for range improvements; (3) a review of the current policy and program relating to allotment management plans including the future grazing environmental statement effort; (4) election of officers; (5) discussion of the board's future involvement in the allotment management plan program, and; (6) the arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m. on November 1, 1978, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 951 Union Boulevard, Casper, Wyo. by October 27, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection within 30 days following the meeting.

ROBERT E. WILBER,
District Manager.

[FR Doc. 78-28074 Filed 10-4-78; 8:45 am]

[4310-84]

[NM 34540]

NEW MEXICO

Application

SEPTEMBER 25, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16,

1973 (87 Stat. 576), Northwest Pipeline Corp. has applied for one 4½-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, E½SE¼ and SW¼SE¼.

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.

STELLA V. GONZALES,
Acting Chief, Branch of Lands, and Minerals Operations.

[FR Doc. 28075 Filed 10-4-78; 8:45 am]

[4310-84]

[M 34980(ND)]

NORTH DAKOTA

Coal Lease Offering by Sealed Bid and Oral Auction

SEPTEMBER 27, 1978.

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, S½N½, SW¼, NW¼SE¼.
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 noncoking 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. No 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 set for the 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, 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 64967]

WYOMING

Application

SEPTEMBER 26, 1978.

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 constuct a 4½-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. 19, lot 3.

The propopsed pipeline will transport natural gas produced from the No. 12-19 Federal Fuller Well at a location in the SW¼ of section 19, in a generally northwesterly direction into their existing natural gas pipeline facilities also located in the SW¼ 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.

MARLA B. BOHL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28077 Filed 10-4-78; 8:45 am]

[4310-84]

[Wyoming 64965]

WYOMING

Application

SEPTEMBER 28, 1978.

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 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. N., R. 93 W.,
Sec. 30, lots 2 and 3.
T. 36 N., R. 94 W.,
Sec. 25, E½NE¼.

The proposed pipeline will transport natural gas produced from the No. 12-30 Federal Fuller Well located in the SW¼ sec. 30, T. 36 N., R. 93 W., to a point of connection with Colorado Interstate Gas Co's existing pipeline located in the NE¼NE¼ 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,

1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-28078 Filed 10-4-78; 8:45 am]

[4310-70]

National Park Service

FORT BOWIE NATIONAL HISTORIC SITE, ARIZONA

Boundary Modification

Notice is hereby given that the boundaries of Fort Bowie National Historic Site, established by publication in the FEDERAL REGISTER, Vol. 37, No. 150, Thursday, August 3, 1972, are adjusted to include 30 additional acres pursuant to the authority contained in section 1 of Public Law 88-510, 78 Stat. 681 (16 U.S.C. 461) which provides for inclusion of 1,000 acres in the Site.

The boundary of Fort Bowie National Historic Site is hereby extended to include the following described land within Cochise County, Ariz.:

GILA AND SALT RIVER BASE AND MERIDIAN

PARCEL 1

T. 15 S., R. 28 E.
Sec. 3, S½SW¼SW¼;
Sec. 10, N½N½NW¼NW¼, excepting southerly 18 feet.

PARCEL 2

A strip of land 20 feet in width, extending 10 feet on both sides of the hereinafter described centerline and located within the S½NW¼NW¼, section 7 T. 15 S., R. 29 E., Gila and Salt River Base and Meridian, Cochise County, Ariz., the said centerline being more particularly described as follows:

Beginning at a point on the existing Cochise County-maintained and graded road which leads from the Apache Pass County Road to the Knape Ranch near Bear Spring in the SW¼ of said section 7, which point is within the land owned by Sam and Josephine Moseley adjacent to and easterly of the Fort Bowie National Historic Site; thence northwesterly and southwesterly over the existing dirt road, extending thru the Moseley's property and leading toward the area of the Fort Bowie Ruins, to the intersection with the east boundary of the Fort Bowie National Historic Site in Section 12, T. 15 S., R. 28 E., G & S.R. B. & M.

Dated: May 26, 1978.

JOHN H. DAVIS,
Acting Regional Director, Western Region.

[FR Doc. 78-28089 Filed 10-4-78; 8:45 am]

[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[1] 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.

Notice of the institution of the investigation, public hearing, and request for written views was published in the FEDERAL REGISTER of July 19, 1978 (43 FR 31072). On August 15, 1978, a public hearing was held in Washington, D.C., at which all persons who requested the opportunity were permitted to appear in person or by counsel.

The Treasury investigation resulting in the countervailing duty determination was initiated as a result of a petition filed with the Treasury Department on June 10, 1977, by the Fishermen's Marketing Association of Washington, Inc., Seattle, Wash. The petition was supported by the Point Judith Fishing Cooperative, Point Judith, R.I.

STATEMENT OF REASONS FOR CHAIRMAN JOSEPH O. PARKER, VICE CHAIRMAN BILL ALBERGER, AND COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, AND ITALO H. ABLONDI

On June 27, 1978, the U.S. International Trade Commission received advice from the Department of the Treasury, in accordance with section 303(b) of the Tariff Act of 1930, as amended, that a bounty or grant is being paid with respect to certain duty-free fish and fish products from Canada that enter the United States under 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). 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 (19 U.S.C. 1303(b)), 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.

DETERMINATION

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,[2] 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 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 kippered code, cusk, haddock, hake, 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 fillets, frozen (except halibut or turbot). The principal imported flatfish products included in the investigation are fillets and frozen blocks of

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[1] Chairman Joseph O. Parker, Vice Chairman Bill Alberger and Commissioners George M. Moore, Catherine Bedell, and Italo H. Ablondi concurred in the negative determination. Commissioner Daniel Minchew did not participate in the determination.

[2] Prevention of establishment is not an issue in this investigation and will not be discussed further in this statement of reasons.

flounder. Whole cod and frozen cod blocks are also important in terms of imports. Together, the cod, cusk, 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, cusk, haddock, hake, 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.

NATURE OF EXTENT OF COUNTERVAILABLE CANADIAN BOUNTIES AND GRANTS

Treasury's investigation of Canadian bounties and grants covered the period 1976 through mid-1978. The countervailable bounties and grants found by Treasury applied to virtually the entire output of the Canadian fishing and fish processing industry. Only a small proportion of the bounties and grants prior to April 1, 1978, did not apply to the entire Canadian catch of groundfish. These are certain bounties and grants given to the Newfoundland fishermen and fishermen in other Atlantic Provinces in the form of loans and other assistance from the Federal and Provincial governments. Treasury found the total countervailable bounties and grants to be equal to 17.22 percent of the value of U.S. imports of groundfish and groundfish products from Canada prior to April 1, 1978. Effective April 1, 1978, some of the bounties and grants were eliminated and the remainder were estimated by Treasury to be equivalent to 5.22 percent of the value of U.S. imports from Canada. With the termination of direct cash grants to fishermen, effective October 1, 1978, Treasury estimates the Canadian bounties and grants remaining will be equivalent to 1.22 percent of the value of all of U.S. imports of groundfish and groundfish products from Canada. Furthermore, for those groundfish and groundfish products imported from the Canadian west coast fisheries, the remaining level of Canadian 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.

NO INJURY

In making its determination the Commission has construed the statutory criteria of section 303(b) in the same way it has construed the identical language in section 201(a) of the Antidumping Act, 1921, as amended. This construction is supported by the report of the House Ways and Means Committee which states in part:

> 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 increased from 84 million pounds in 1975 to 126 million pounds in 1977, such imports accounted for only 17 percent of total U.S. imports of groundfish and groundfish products in 1977. Although imports from Canada of groundfish and groundfish products subject to countervailable bounties and grants accounted for an increasing percentage of apparent of U.S. consumption from 1975 to 1977, the percentage of apparent U.S. consumption accounted for by domestic producers also increased during this period. It is, therefore, apparent that the impact of the imports from Canada was primarily on imports from other sources, which declined as a percentage of apparent domestic consumption.

U.S. production (landings) of all groundfish rose from 147 million pounds fillet weight in 1975 to 174 million pounds in 1977, or by 18 percent. The 1977 production level was the highest reached in recent years. In January-June 1978, U.S. production amounted to 96 million pounds fillet weight, 8 percent above the January-June 1977 level. Landings of cod increased by 28 percent between 1975 and 1977, and by 28 percent between 1976 and 1977 and by another 20 percent between January-June 1977 and January-June 1978. Landings of all subject groundfish increased by 21 percent between 1975 and 1977, and increased by 15 percent between January-June 1977 and January-June 1978. Increased boat building activity is believed to have substantially increased the capacity of the New England groundfishing fleet in recent years.

Although data on overall employment trends in the domestic industry were sought through the Commission's questionnaires, the domestic industry did not supply such information. It might be inferred, however, that U.S. employment in the production of groundfish and groundfish products has probably risen in line with the recent increases in groundfish landings and in the production of 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. Despite the absence of such data, rising prices 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-June 1978, showed Canadian cod selling for 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. catch 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 the same time that Canadian subsidies were in the process of being considerably reduced.

NO LIKELIHOOD OF INJURY

The bounties and grants found by Treasury to be bestowed upon Canadian exports of 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 the imports from Canada, are not likely to have any injurious impact on the U.S. industry. In addition, imports into the west coast will be subject to bounties and grants equivalent to only 0.85 percent of the value of such imports. Other factors indicate that fish stocks presently depleted will be replenished and that many foreign vessels will be excluded from the recently expanded territorial fishing grounds of the United States.

[3] H. Rept. No. 93-571 93d Cong. 1st Sess. (1973), p. 74.

CONCLUSION

Based on the foregoing, it is our determination 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 and fish products from Canada which Treasury has determined are subject to Canadian bounties and grants.

Issued: October 2, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-28204 Filed 10-4-78; 8:45 am]

[4410-09]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Proposed Aggregate Production Quotas for 1979

Section 306 of the Controlled Substances Act (21 U.S.C 826), requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

The quotas are to provide adequate supplies of each substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

In determining the below listed proposed 1979 aggregate production quotas, the Administrator considered pursuant to section 302 subsection (a) of the Public Health Services Act (42 U.S.C. 242(a)) the "results of studies and investigations of the quantities of narcotic drugs or other drugs subject to control under such acts, together with reserves of such drugs, that are necessary to supply the normal and emergency medicinal and scientific requirements of the United States" which were supplied by the Department of Health, Education, and Welfare. In addition, the proposed aggregate quotas were established considering the following factors:

(1) Total actual 1977 and estimated 1978 and 1979 net disposals of each substance by all manufacturers.

(2) Projected trends in the national rate of net disposals of each substance.

(3) Estimates of inventories of each substance and of any substance manufactured form it, and trends in accumulation of such inventories.

(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 Adminstrator 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 sustances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Proposed 1979 quota
SCHEDULE I	
2,5-Dimethoxyamphetamine	36,960,000
SCHEDULE II	
Alphaprodine	59,000
Amobarbital	7,498,000
Amphetamine	3,245,000
Anileridine	251,500
Cocaine	1,482,000
Codeine (for sale)	50,473,000
Codeine (for conversion)	2,962,000
Desoxyephedrine (2,213,000 grams for the production of levodesoxyephedrine for use in a non-controlled, non-prescription product, and 359,000 grams for the production of methamphetamine.)	2,572,000
Dihydrocodeine	1,023,000
Diphenoxylate	1,330,000
Ecgonine (for conversion)	1,000,000
Ethylmorophine	26,000
Fentanyl	2,000
Hydrocodone	1,163,000
Hydromorphone	122,000
Levorphanol	8,000
Meperidine	11,383,000
Methadone	1,458,000
Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane.)	1,970,000
Methaqualone	16,023,000
Methylphenidate	1,632,000
Mixed Alkaloids of Opium	20,000
Morphine (for sale)	815,000
Morphine (for conversion)	59,571,000
Opium (tinctures, extracts, etc. expressed in terms of powdered opium)	2,334,000
Oxycodone (for sale)	1,838,000
Oxycodone (for conversion)	8,000
Oxymorphone	4,000
Pentobarbital	13,984,000
Phenmetrazine	3,084,000
Secobarbital	4,596,000
Thebaine (for sale)	2,660,000
Thebaine (for conversion)	1,617,000

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).

Dated: September 26, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-28100 Filed 10-4-78; 8:45 am]

[4410-09]

[Docket No. 78-11]

TWELVE OAKS TOWER PHARMACY, TIMOTHY HAYES, R.PH., 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, AT6058906, 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.

Dated: September 27, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-28099 Filed 10-4-78; 8:45 am]

[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 23, 1978, from 9 a.m. to 5 p.m. and 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, 633 Indiana Avenue NW., Washington, D.C. 20531 202-376-3606.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 78-28130 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:

Mr. John Eade, Administrative Officer, telephone 202-632-5200.

JOHN EADE,
Administrative Officer.

[FR Doc. 78-28248 Filed 10-3-78; 1:37 pm]

[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 41314, 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.

ADDRESS: Office of the Manager, National Communications System, Attention: NCC-TS, Washington, D.C. 20305.

FOR FURTHER INFORMATION CONTACT:

Mr. Dennis Bodson, 202-692-2124.

MAURICE W. ROCHE,
Director Correspondence and Directives, Washington Headquarters Services, Department of Defense.

SEPTEMBER 29, 1978.

[FR Doc. 78-28091 Filed 10-4-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-327 and 50-328]

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's. CPPR-72 and CPPR-73, issued by the Atomic Energy Commission[1] 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 previsous 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 H 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's. 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.

Dated of issuance: September 29, 1978.

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]

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[1] Effective Jan. 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

[7590-01]

[Docket Nos. 50-327 and 50-328]

SEQUOYAH NUCLEAR PLANT, UNITS 1 AND 2 TENNESSEE VALLEY AUTHORITY (TVA)

Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the Tennessee Valley Authority's (permittee) request to extend the expiration date of the provisional construction permits for the Sequoyah

Nuclear Plant, Units 1 and 2 (CPPR-72 and CPPR-73) which is located near Daisy in Hamilton County, Tenn. The permittee has requested an extension of the latest completion dates specified in the permits to August 1, 1979 for Permit No. CPPR-72 (Unit 1) and April 1, 1980 for Permit No. CPPR-73 (Unit 2) so as to allow for a reasonable period for completion of construction of the Sequoyah Nuclear Plant, and further allowance for contingencies. The principal cause of delay is attributable by the permittee to schedule impacts of new fire protection design requirements, delays in delivery of critical equipment, and other required retrofits and add-ons.

The Commission's Division of Site Safety and Environmental Analysis (staff) has prepared an environmental impact appraisal relative to this change to CPPR-72 and CPPR-73. Based upon this appraisal, the staff has concluded that an environmental impact statement for this particular action is not warranted because, pursuant to the Commission's regulations in 10 CFR Part 51 and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this change to the construction permits is not a major Federal action significantly affecting the quality of the human environment.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555; and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tenn. 37402.

Dated at Bethesda, Md., this 25th day of July 1978.

For the Nuclear Regulatory Commission.

RONALD L. BALLARD,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

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

[7590-01]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

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 appended Technical specifications 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 revises the Technical Specifications to reflect plant operating limitations for operation in Cycle 4 beyond 125±5 effective full power days. This amendment also deletes paragraph 2.c.(3) from the license. This paragraph, which was added by Amendment No. 40, set forth a license condition applicable to operation during the early portion of Cycle 4.

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 Commission 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 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 No. 4, Division of Operating Reactors.

[FR Doc. 78-28132 Filed 10-4-78; 8:45 am]

[7590-01]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

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, located in Douphin 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 licensee's submittals dated May 16, 1977, and June 12, July 14, July 20, July 28, August 15, August 28, and September 8 and 18, 1978, (2) Amendment No. 44 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 19th day of September 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-28133 Filed 10-4-78; 8:45 am]

[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 3.16-2 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 Commission 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 licensee) 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 Commission 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 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 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. 54216. 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 Irigaray 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 Irigaray 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 Irigaray 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.

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 Nos. 50-237, 50-249, 50-254, 50-265]

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 28710) 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.

(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]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-40]

ACCIDENT 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 persons 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 overstress of the aircraft structure.

The McLean crash was one of five cited by the Safety Board last April 13 when it recommended Federal Aviation Administration action on requirements for recorders on turbine-powered aircraft in air taxi and corporate operations. The Board recommended that FAA (1) develop recorder standards for "complex aircraft" based on intended aircraft use; (2) research and develop a family of low-cost recorders, including a composite flight data-cockpit voice recorder, for "complex general aviation aircraft"; and (3) require, in the interim, a cockpit voice recorder on all turbine aircraft certificated for two pilots and six or more passengers. These recommendations, Nos. A-78-27 through 29, are reproduced in the report. (See also 43 FR 18073, April 27, 1978.)

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation

A-74-5.—Letter of September 15 from the Federal Aviation Administration is a followup to initial response dated April 23, 1974, to a recommendation issued as a result of investigation of the Pan American World Airways B-707 freighter accident at Boston, Mass., on November 3, 1973. The recommendation asked FAA to require that transport category airplanes certificated under Part 4b of the Civil Air Regulations prior to the effective date of Amendment 4b-8 comply with § 25.1439 of the Federal Aviation Regulations.

FAA's recent response indicates that Proposal 2-91 to amend §§ 25.1439 (a) and (b), and Proposal 2-213 to amend § 121.337, were included in Notice 75-10 published March 7, 1975. Also, Airworthiness Review Program Amendment No. 3 covering Proposals 2-91 and 2-213 was published on December 20, 1976. The proposed amendment to § 25.1439(a) was withdrawn, based on comments which stated that the action was premature in view of the current testing by the FAA. The proposal to amend § 121.337 was also withdrawn since the proposal (§ 25.1439(b)) to which it refers was withdrawn. As a result of this testing, FAA initiated a project to develop proposals to amend §§ 25.1439(b) and 121.337. FAA expects to issue a notice of proposed rulemaking for this project within the next year.

A-78-18 through 20.—FAA's letter of September 11 is in response to Safety Board recommendations issued last April 6, which called for more detailed information about mountain pass routes to be depicted on sectional charts. The Board's recommendation letter cited several fatal crashes which occurred when pilots became trapped in box canyons while attempting to cross mountain passes.

FAA, recognizing this hazard to VFR flying as a matter requiring a continuing safety education emphasis to instill pilot awareness, reports that the *FAA General Aviation News*, with a current circulation of 69,000, has been an effective media for bringing such 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 these recommendations were stated in FAA's initial comments of June 19 (43 FR 31248, July 20, 1978).

A-78-27 and 28.—FAA on September 11 replied to the Safety Board's letter of August 10 concerning two of the recommendations issued in connection with the McLean, Va., crash (see summary of report, above). The Board's letter, replying to FAA's June 30 response (43 FR 32477, July 27, 1978), states that the Board's concerns in making the recommendations were based on the current scarcity of gov-

ernment/industry economic and technical information that is directly related to low-cost aircraft recorders. The Board cited a U.S. Army program to develop and install low-cost recorders on several thousand aircraft, based on emerging technology which appears to have almost direct and timely civil application.

FAA's June 30 response indicated intention to implement recommendations A-78-27 and 28 through advanced rulemaking action (ANPRM). Also, the ANPRM action was cited as obviating the need for Government-sponsored research and development, based on preliminary work already done by industry.

The Board's August 10 letter reports that on July 12 its Bureau of Technology hosted a U.S. Army/FAA/NASA meeting to brief FAA and NASA representatives, at the technical level, on the Army program to include safety and technical requirements, cost effectiveness, and goals for the next several years.

The Board further reports that NASA has undertaken research to develop solid-state recording devices. One objective is to demonstrate the feasibility of utilizing advanced low-cost digital systems to provide a solid-state general aviation crash recorder that would retain critical accident investigation parameters in a nonvolatile storage system. Another goal is to provide in fiscal year 1978 a solid-state data storage system suitable for replacing electromechanical tape recorders in aerospace vehicles. This data recorder will use "bubble memory" technology. NASA also indicates interest in conducting economic studies of new recorder technology as it relates to aircraft size and use.

Considering these developments, the Board on August 10 requested FAA to accelerate the proposed ANPRM action. In response, FAA on September 11 noted that its regulatory proposals are now subject to the criteria of Executive Order 12044, "Improving Government Regulations," and the proposed Department of Transportation Regulatory Policies and Procedures as published in the FEDERAL REGISTER on March 24 and June 1, respectively. FAA states that a major impact of these documents on the agency regulatory process is the emphasis placed on the procedures employed to determine: (1) what are significant regulatory projects and (2) what priority these projects will be assigned when the Department regulatory agenda is developed. At this time, FAA does not believe there is sufficient research data available to justify changing the regulatory agenda, but will consider such action should sufficient data become available prior to issuance of an ANPRM.

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 airplanes 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-7BF 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 reports 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 generated many proposals still being that have been adopted as amendments to the regulations and other 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 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, Subpart D, but that it appears 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 owners and pilots of aircraft which use injection-type, pressure carburetors of the aircrafts' subceptibility to impact ice in the induction system. FAA reports that in keeping with established policy in its Accident Prevention Program and flight instructor courses, 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 about 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(c) and 23.1585(a), and that the General Aviation Manufacturers Association Specification for Pilots Operating Handbook, Section 7, Paragraph 7.25(g), 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 icing 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 Vernel, Utah, made a precautionary landing after hearing a noise and excessive vibration emanating from the main transmission. He found that four teeth had separated 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 204-040-701-3 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.

Highway

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 a 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 which cited efforts made in implementing 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 Board 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 to provide 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 until 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 the manual are regularly distributed to holders. 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 with 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/78-13.—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-semitrailer with a schoolbus near Rustberg, 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 159 of these names were not listed with BMCS. BMCS has initiated a field investigation of these 159 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 trip lease equipment 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 ICCc and will be kept current.

Pipeline

P-78-53 through 55.—Letter of September 6 from the Oklahoma Natural Gas Company (ONG) is in response to the three Class I (urgent action) recommendations issued August 28 following investigation of the death of four ONG workmen 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 use a valve or other means to stop the flow of gas before disconnecting or reconnecting 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., grade-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-40F locomotives continuing operation with the same design as the locomotive involved in the cited accident for an unacceptably 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

any temporary sealing methods have been considered.

Amtrak, in response, reports that it has accelerated the program of SDP40F modifications and conversions since previous contact with the Board. 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 or, in the case of conversion to F40PH configuration, eliminated entirely. Amtrak also reports that its operating personnel have been instructed to insure that nose doors of locomotives 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.

NOTE: The above notice summarizes Safety Board documents recently released and recommendation response letters received. Single copies of accident reports are available without charge as long as supplies last. Copies of the Board's recommendation letters and letters in response to such recommendations may be obtained free of charge.

All requests for copies must be in writing, identified by report or recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 2, 1978.

[FR Doc. 78-28159 Filed 10-4-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

SCIENCE, TECHNOLOGY AND DEVELOPMENT ADVISORY COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Science, Technology and Development Advisory Committee.
Date: October 20 and 21, 1978.
Time: 9 a.m. to 4 p.m.
Place: Room 2010, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.
Type of Meeting: Part open:

Closed (Friday, October 20, 9 a.m. to 12 noon; and Saturday, October 21, 9 a.m. to 1 p.m.)

Open (Friday, October 20, 1 to 4 p.m.)

Contact Person: Mr. William J. Montgomery, Executive Officer, Office of Science and Technology Policy, 17th and Pennsylvania Avenue NW., Washington, D.C. 20500 (telephone: 202-395-4692). Anyone who plans to attend the open part of the meeting should contact Mr. Montgomery by October 17, 1978.

Summary Minutes—Open Portion: May be obtained from Mr. William J. Montgomery at the address listed above.

Purpose of Advisory Committee: In March 1978, the President decided to create a Foundation for International Technological Cooperation in the reorganized foreign aid structure. To develop detailed plans for the Foundation, a Planning Office has been established reporting to Governor Gilligan, Chairman of the Development Coordination Committee. OSTP has been instrumental in developing the concept of the Foundation and the Planning Office; the Advisory Committee being established will advise the Director of OSTP on the concept and early planning of the Foundation, as well as on related policy issues and programs of the U.S. Government.

Tentative Agenda:

Open portion: Discussion of planning alternatives for the Foundation for International Technological Cooperation.

Closed portion: Discussion of interagency documents which treat possible program and budget initiatives involving Executive Branch decisions.

Reason for Closing: The committee will review and discuss interagency documents which bear on possible program and budget initiatives involving agencies in the Executive Branch.

Authority for Closing: The Director of OSTP determined on September 29, 1978 that the portion of the meeting dealing with interagency budgetary discussions is within the exemption provided in 5 U.S.C. 552b (9)(B) and should therefore be closed to the public.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 78-28028 Filed 10-4-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[(SR-Amex-78-16) Rel No. 15182]

Order Approving Proposed Rule Change

SEPTEMBER 22, 1978.

On August 2, 1978, the American Stock Exchange, Inc. (Amex) 86 Trinity Place, New York, N.Y. 10005 filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the Act) and rule 19b-4 thereunder, copies of a proposed rule change which would subject options market-makers on other exchanges, for orders sent to the Amex in dually-traded options, to the same rules of execution priority to which Amex market-makers, called registered options traders, are subject.

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 priority 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)(C)(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. FITZSIMMONS,
Secretary.

[FR Doc. 78-28190 Filed 10-4-78; 8:45 am]

[8010-01]

[Release No. 15188; SR-OCC-78-1]

THE OPTIONS CLEARING CORP. ("OCC")

Order Approving Proposed Rule Change

SEPTEMBER 25, 1978.

On May 15, 1978, OCC filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which increased the margin requirements for certain low-priced, volatile, spot month options. Specifically, the proposals prescribes minimum marking prices for short positions in such options.

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. 78-28207 Filed 10-4-78; 8:45 am]

[8010-01]

[Release No. 15191; File Nos. 4-196, 4-273, 4-274, 4-267]

BOSTON STOCK EXCHANGE, INC., ET AL.

Temporary Order Granting Approval

SEPTEMBER 26, 1978.

In the matter of Boston Stock Exchange, Inc., 53 State Street, Boston, Mass. 02109; Cincinnati Stock Exchange, Inc., 209 Dixie Terminal Building, Cincinnati, Ohio 45202; Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Ill. 60604; Pacific Stock Exchange, Inc., 618 South Spring Street, Los Angeles, Calif. 90014; National Association of Securities Dealers, Inc., 1735 K Street NW., Washington, D.C. 20006.

Notice is hereby given that the Securities and Exchange Commission (the "Commission") has issued an Order, pursuant to Sections 17(d)(1) and 11A(a)(3)(B) of the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78q(d)(1) and 78k-1(a)(3)(B)) granting approval, for a period of 270 days from the date of this Order, of plans for allocating regulatory responsibilities (the "Plans") filed pursuant to 17 CFR 240.17d-2 ("Section 240.17d-2") by the National Association of Securities Dealers, Inc. ("NASD") in conjunction with each of the Boston Stock Exchange, Inc. ("BSE"), Cincinnati Stock Exchange, Inc. ("CSE"), Midwest Stock Exchange, Inc.. ("MSE"), and Pacific Stock Exchange, Inc. ("PSE") (the "participating exchanges" and, with the NASD, the "parties").[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")[2] 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 grants an extension to the parties, 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.

I. BACKGROUND

Absent reasonable justification or excuse, Section 19(g)(1) of the Act (15 U.S.C. 78s(g)(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 (as defined in Section 3(a)(3) of the Act, 15 U.S.C. 78c(a)(3)), persons associated with its members (as defined in Section 3(a)(18) of the Act, 15 U.S.C. 78c(a)(18)), or its participants (as defined in Section 3(a)(24) of the Act, 15 U.S.C. 78c(a)(24)).[3] For a broker or dealer which belongs to more than one SRO ("dual member"), this statutory obligation could result in a pattern of multiple examinations by each such SRO, creating unnecessary regulatory duplication and added expense for a firm and the industry. At the same time, violations by a firm could escape detection since they might fall between the perceived responsibilities of the SROs.[4]

Section 17(d)(1) of the Act (15 U.S.C. 78q(d)(1)), was intended, in part, to eliminate overlaps and gaps in the regulatory pattern.[5] With respect to a member or participant of more than one SRO, section 17(d)(1) authorized the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes rules and regulations, or to perform other specified regulatory functions.

On April 20, 1976, the Commission adopted 17 CFR 240.17d-1 ("Section 240.17d-1").[6] The rule provides that, with respect to a member of the Securities Investor Protection Corporation ("SIPC") which is also a member or participant of more than one SRO, the Commission shall name a single SRO as designated examining authority ("DEA")[7] to examine the firm for compliance with all financial responsibility rules which apply, including those promulgated by the Commission.[8] Once an SRO has been named a

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[1] Citations to a particular allocation Plan will be to "NASD/[name of exchange]."

[2] See Securities Exchange Act Release No. 14056 (October 17, 1977), 42 FR 56706 (1977), announcing the commencement of this investigative proceeding concerning trading of standardized options and its regulation.

[3] The responsibility which Section 19(g)(1) imposes is subject to Sections 17(d) and 19(g)(2) of the Act, 15 U.S.C. 78q(d) and 78s(g)(2).

[4] Securities Acts Amendments of 1975, Report of the Senate Comm. on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94-75, 94th Cong., 1st Sess. 32 (1975) [hereinafter cited as Senate Report].

[5] *Id.*

[6] Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18809 (1976).

[7] Hereafter, unless otherwise indicated, the terms "DEA" and "designation" will be used to refer only to allocations of the responsibility to examine for compliance with applicable financial responsibility rules made pursuant to delegated authority by the Division of Market Regulation (the "Division") under section 240.17d-1. Pursuant to plans filed by the SROs under 17 CFR 240.17a-5, a broker or dealer must file its Financial and Operational Combined Uniform Single ("FOCUS") report with only its DEA.

[8] Formerly, SIPC had the authority to make designations for financial responsibility compliance under section 9(c) of the Se-

Footnotes continued on next page

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 examine a 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.[9] 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.[10] 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 25, 1977, the Commission published notice of filing of the NASD's Plans with the BSE, CSE, MSE, and PSE,[11] 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 by surveillance on or through the exchange's trading facilities ("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 standardized options rules with which compliance cannot be monitored through marketplace surveillance shall be deemed to be unique rules of those exchanges and regulatory in nature, and accordingly, subject to NASD examination. While the NASD shall be responsible in general for examining 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,[12] whether or not they are regulatory in nature.

In addition, the NASD shall examine a dual member for which it is DEA under Rule 17d-1 for compliance with unique administrative or housekeeping rules of a participating exchange if the exchange had been the dual member's DEA before the NASD was named DEA. Each exchange shall retain the responsibility, however, to enforce compliance with its unique administrative or housekeeping rules by a dual member whose DEA under section 240.17d-1 is the NASD, if that exchange was not previously the dual member's DEA. In that case the exchange shall examine the dual member for compliance with its unique administrative or housekeeping rules, unless the exchange monitors compliance by alternative means which the Commission deems to be satisfactory.

Each exchange shall retain responsibility for marketplace surveillance.

2. Membership Services

"Membership services" includes processing and acting upon a member's requests to open, close, or relocate branch offices and maintaining related records. It also includes processing and acting upon applications submitted by a member on behalf of persons seeking to become associated, or to change the nature of their association, with such member and maintaining related records.

Pursuant to this order, the NASD shall be responsible for performing membership services with respect to all dual members for the CSE under that exchange's plan with the NASD. The NASD shall also be responsible for performing membership services for the BSE, MSE, and PSE under their respective plans with respect to dual members for which the NASD is the DEA, i.e., those as to which the NASD is also allocated on-site examining responsibility under the Plans.[13]

Accordingly, the NASD shall maintain appropriate records for the exchanges with regard to requests by dual members covered by the Plans to open, close, or relocate branch offices. The dual members 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.[14] 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.

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 Form U-4[15] and other pertinent information to the NASD on an applicant's behalf. The NASD shall be responsible

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Footnotes continued from last page

curities Investor Protection Act of 1970 ("SIPA"). Pub L. No. 91-598, § 9(c), 84 Stat. 1654. Section 26 of the Securities Acts Amendments of 1975 (the "1975 Amendments"), Pub. L. No. 94-29, § 26, 89 Stat. 163, amended section 9(c), current version at 15 U.S.C. 78iii(c)), and transferred to the Commission the authority to make the designations under Section 17(d) of the Act.

[9] Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49093 (1976).

[10] The Commission extended the filing date for initial plans from March 15 to May 15, 1977. Securities Exchange Act Release No. 13537 (May 12, 1977), 42 FR 26274 (1977). The rule permits proposals for reallocation subsequent to this period when changes are necessary or appropriate.

[11] Securities Exchange Act Release Nos. 14091, 14094, 14098, and 14095, respectively (October 25, 1977), 42 FR 57197-198 (1977).

[12] See Securities Exchange Act Release No. 14675 (April 18, 1978), 43 FR 17894 (April 26, 1978). The CSE expects to engage under a separate agreement an auditor or another SRO to conduct any examinations required during the course of the pilot program to regulate the trading system.

[13] While the NASD has indicated that it will provide membership services to the BSE with respect to certain sole BSE members, the Commission does not, by virtue of this Order, express an opinion as to either the merits or the legality of such an arrangement.

[14] NASD/BSE, § 7; NASD/CSE, § 6; NASD/MSE, § 6; NASD/PSE, § 7.

[15] Form U-4 is a uniform registration form for securities industry representatives, agents and certain associated persons. It has been adopted by all SROs, 49 States, and the Commission.

for processing and either approving or disapproving the application.[16] 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 to the applicant or aggrieved person, 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(c)). 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 240.19d-1, or 17 CFR 240.19h-1 ("Section 240.19h-1"). The Commission would settle a dispute by reviewing, as it would absent 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.[17] 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.[18]

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.[19]

The NASD shall refer to the BSE, MSE, or PSE, for such disciplinary action by the exchange as the 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 authorize the NASD to conduct any such disciplinary proceedings.[20] 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.[21] 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-.8 ("Regulation T") was requested of, or granted by, the exchange.[22]

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.[23]

4. Extension Requests Under Regulation 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.[24] The Commission understands that all parties shall retain both the responsibility and the authority to process these requests, whether or not specifically provided in the Plans as filed, 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.[25] 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.[26]

5. Collection and Sharing of Information

The NASD shall be obligated to make any information it obtains in the performance of regulatory 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.

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[16] Although a dual member shall no longer be required to make duplicate filings with the NASD and the participating exchanges regarding both branch offices and associated persons, such dual member shall continue to be subject to comparable filing requirements of the nonparticipating exchanges to which it belongs.

[17] Where a member of only one party applies for membership in the other party, the Plans do not expressly provide for the first party to furnish any material in its files about such member to the second party. Neither do the Plans provide for such a transfer of information if a member of only one party withdraws and joins the other party. The Commission understands, however, that there will be a free exchange of such information between the NASD and the exchanges.

[18] NASD/BSE, section 6; NASD/CSE, section 6; NASD/MSE, section 5; NASD/PSE, section 6.

[19] The NASD shall conduct such proceedings under the Plans only against dual members for which it is the DEA or against persons associated with such dual members, because the Plans so limit the persons with respect to which the NASD is allocated enforcement responsibility.

[20] NASD/BSE, section 4; NASD/MSE, section 3; NASD/PSE, section 4.

[21] Concurrently with the NASD under the BSE and PSE Plans and alone under the MSE Plan.

[22] See discussion infra.

[23] NASD/CSE, section 4.

[24] NASD/BSE, section 9; NASD/MSE, section 8; NASD/PSE, section 9.

[25] See discussion supra.

[26] NASD/BSE, section 9; NASD/MSE, section 8; NASD/PSE, section 9.

The BSE, MSE, and PSE undertake explicitly to maintain the confidentiality of information they receive from the NASD.[27]

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 responsibility under the Plans.

6. Invalidation of Terms

To the extent they are inconsistent with the provisions of the Plans, subsequent changes in applicable laws or Commission rules or regulations, or restructuring of the regulatory framework shall supersede such provisions.[28]

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.[29] 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.[30] 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.[31]

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 CSE Plan, the CSE may unilaterally terminate the agreement subject to Commission approval.[32]

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, governors, and employees (personnel) shall be limited to actual damages suffered by the other party and attributable to the willful misconduct of the first party or its personnel in fulfilling its regulatory responsibilities under the Plans.

Both parties disclaim all warranties regarding performance of their respective responsibilities.[33] This disclaimer provision shall have no impact on the rights of third parties under Federal law.[34]

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, and the development of a national market system and a national system for the clearance and settlement of securities transactions . . .[35]

as required by section 17(d)(1) of the Act and § 240.17d-2.

1. 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.[36] 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 conditioned further consideration 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 those rules of the NASD and the given exchange 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 of 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 both the NASD and the given exchange.[37] 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 thatt hey 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 acceptabe mechanism for monitoring compliance with applicable statutes, rules, and regulations. The Options Study and other Divison 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 suf-

[27] NASD/CSE, section 5; NASD/BSE, section 5; NASD/MSE, section 4; NASD/PSE, section 5.

[28] NASD/BSE, section 3; NASD/CSE, section 3; NASD/MSE, section 2; NASD/PSE, section 3.

[29] NASD/BSE, Section 2; NASD/PSE, Section 2.

[30] NASD/BSE, Section 10.

[31] NASD/PSE, Section 10.

[32] NASD/CSE, Section 2.

[33] NASD/BSE at 8; NASD/CSE at 4; NASD/MSE at 8; NASD/PSE at 8.

[34] SRO's were not intended to become insurers of their members' compliance. *Senate Report, supra* note 4, at 33-34.

[35] Section 17(d)(1) of the Act, 15 U.S.C. 78q(d)(1).

[36] The NASD has not amended its examination checklists or procedures to accommodate unique CSE rules since the CSE currently is in the process of an extensive revision of its rules and, had the NASD adopted new checklist items or procedures based on existing CSE rules, they would soon have been obsolete.

[37] Since 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 CSE may petition the Commission eitehr to extend the time within which such submissions must be made or to direct the parties to use the CSE's unamended rulesd. In the event that the CSE becomes the examining authority for any dual or sole member, it will be required to submit promptly an examination checklist and correlation 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.[38]

The NASD, on the other hand, has assimilated into its regular surveillance and annual examination programs for NASD-designated firms those dual members redesignated to the NASD from the BSE, MSE, and PSE. The total number of routine examinations 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.[39] 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 as a matter of course, 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, CSE, MSE, and PSE have trading floors. The Commission believes that the allocation to 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").[40] 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 seeking to become associated, 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 §§ 240.19d-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 or admitted or continued despite a statutory disqualification.

The Commission has determined that the allocation Plans also reduce unnecessary regulatory duplication by consolidating and allocating to a single SRO the responsibility for performing investigative 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 the NASD's 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 § 240.19d-1 if any action it takes 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. . . ."[41] Major goals of the 1975 Amendments are to promote efficiency in the nation's capital markets and to provide protection to investors transacting business in those markets.[42] In furtherance of these goals not only does section 17(d)(1) of the act permit the Commission to relieve an SRO of regulatory responsibilities with respect to its dual members, but section 11A(a)(3)(B) also permits the Commission to authorize or require SROs to act jointly with respect to, among other things, regulating matters as to which they share authority under the Act.

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 then.

[38] The CSE had no firms designated to it under § 240.17d-1.

[39] *See* Securities Exchange Act Release No. 15067 August 16, 1978), 43 FR 37046 (August 21, 1978).

[40] This pattern would continue if the Commission approves an allocation plan filed by the five exchanges which trade standardized options. This Amex/CBOE/Phlx/MSE/PSE plan would allocate the responsibility to conduct on-site examinations of brokers and dealers qualified to trade standardized options on two or more such exchanges for compliance with rules governing such transactions. *See* Securities Exchange Act Release No. 14153 (November 9, 1977), 42 FR 59337 (1977).

[41] *Senate Report, supra* note 4, at 7.

[42] *Id.* at 2.

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 their implementation 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(1) and 78o-3(b)(2)).

The parties must nevertheless allocate certain regulatory responsibilities and articulate certain procedures, which the Plans as filed do not explicitly address, before the Commission will consider the Plans further. The Commission understands that some of these functions and procedures are already the subject of informal, working agreements among the parties, although the Commission has not formally relieved any SRO of responsibility thus allocated.

Specifically, as a condition of further consideration of any Plan which is the subject of this Order, the parties must submit within 180 days of the date of this Order or any extension of such time granted by the Commission ("submission period"), remedial amendments to such Plan (1) conforming the allocation of responsibility thereunder to that mandated by the Commission in this Order, (2) allocating the responsibility to receive and process customer complaints, (3) allocating the responsibility to review and approve or disapprove dual members' advertising, (4) committing to the discretion of the NASD the decision whether to conduct a special or cause examination of a dual member under the Plans, and (5) providing for the resolution of disputes which may arise between the parties regarding the interpretation of the Plans or the parties' performance thereunder. Further consideration of any such Plan is also conditioned on the parties' submission of the rules comparison, correlation, and classification described herein during the submission period. As an additional condition on further consideration of the MSE Plan, the NASD and the MSE must submit within the submission period an amendment establishing whether, subsequent to the period of temporary approval, the MSE shall compensate the NASD for performing regulatory functions under the Plan and, if not, what procedural steps the NASD must take to impose charges at a future date.

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 are 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]

[8010-01]

[Release No. 20715; 70-6209]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposal by Holding Company To Act as Surety on Bond of Public Utility Subsidiary Company

SEPTEMBER 25, 1978.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

On May 3, 1978, Hope Natural Gas Co., a division of Consolidated's wholly owned public utility subsidiary company, Consolidated Gas Supply Corp. ("Supply Corporation"), filed revisions in its rate schedules with the Public Service Commission of West Virginia providing for increased rates and charges approximating $25,068,634 per year for furnishing natural gas service in the State of West Virginia. By action of the State commission, the effectiveness of the new rates was suspended until October 1, 1978. The new rates may now become effective upon the filing by Supply Corp. of a bond, with satisfactory surety, in the amount of $25,000,000, for the payment of any customer refunds which the State commission may order. The State commission has indicated that Consolidated may act as surety on such bond. Consolidated proposes, without fee or other consideration, to act as surety on the bond of Supply Corp. to save the cost of securing an outside corporate surety.

The fees and expenses incurred by Supply Corp. in connection with the proposed transaction are estimated at $2,250, including charges of $200 for the services, at cost, of Consolidated Natural Gas Service Co., Inc., Consolidated's wholly owned service company, and miscellaneous out-of-pocket expenses estimated at $50. The declaration states that 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 20, 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 the filing which he desires to controvert;

or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as 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 or 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 Regulations, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 78-28192 Filed 10-4-78; 8:45 am]

[8010-01]

[Release No. 20714; 70-6093]

FALL RIVER ELECTRIC LIGHT CO. AND MONTAUP ELECTRIC CO.

Notice of Proposed Increase in Short-term Borrowing Authorization

SEPTEMBER 22, 1978.

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 $5,850,000 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 postponement of previously contemplated 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 whole or in part without penalty. Based on a prime rate of 9½ percent, the effective cost of money would be 11.9 percent.

Proceeds from the borrowings will be used for construction expenditures, for meeting 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 of law raised by said amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the 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]

[8010-01]

[Release No. 10416; 811-2705]

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

SEPTEMBER 25, 1978.

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 Applicat 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,

in any business activities, and that it is currently in the process of being dissolved pursuant to Colorado State law, and in accordance with the requirements thereof, has filed a statement of intent to dissolve with the Colorado Secretary of State.

Section 8(f) provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 20, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 78-28194 Filed 10-4-78; 8:45 am]

[8010-01]

[Release No. 10417; 812-4364]

INVESTORS MUNICIPAL-YIELD TRUST, SERIES 1 (AND SUBSEQUENT SERIES) AND VAN KAMPEN SAUERMAN INC.

Notice of Filing of Application for an Order Granting Exemptions

SEPTEMBER 25, 1978.

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 ("Act") and its Sponsor, 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 thereto 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 19b-1 and 22c-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 summerized 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 will be to seek both federally tax-exempt income and the preservation of capital through the investment in a portfolio of tax-free municipal bonds ("Bonds") and, subject to certain limitations, Units of previously issued Series of the Trust (the Bonds and previously issued Units are collectively called herein the "Trust Securities"). The Trust Securities which will constitute the portfolio of each Series will be selected in advance and will be identifiable in respect of each Series on the date of deposit with the Trustee.

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 trust 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 if 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 to 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 such company is the issuer 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 not more than 25 responsible persons 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 that a public offering of Units of the Trust as described above may be made. 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 of a Series 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, or if such Series is terminated; (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 that 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 and distribute any 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 purchasers of Units purchased from the Sponsor on demand and without any deduction.

The Sponsor has further represented that no Series of the Trust will be created which will contain in the portfolio on the date of deposit, Trust Securities (or delivery statements relating thereto and funds for the purchase thereof) having a face amount of less than $3,000,000. In the event the value of such Series should decrease to the greater of $1,000,000 or 20 percent of the amount of the Trust Securities initially deposited, for any reason, the Trustee may, and when so directed by the Sponsor shall, terminate and liquidate the Series. Thus, Applicants represent that it is highly unlikely that, except during the course of liquidation, the net worth of any Series would ever decline to $100,000 or less.

RULE 19b-1

Rule 19-1 provides in substance that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of interest and principal on each Series will be made to Unitholders semiannually unless a Unitholder elects to receive them monthly or quarterly. Applicants represent that distributions of principal constituting capital gains to Unitholders may arise in the following instances: (1) If an issuing authority calls or redeems an issue of Bonds held in the portfolio, the sums received by the Trust will be distributed on a pro-rata basis to each 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; (3) 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 on the next distribution date; and (4) as Bonds mature by their terms, the sums received by the Trust will be distributed on a pro-rata basis to each Unitholder on the next distribution date. In such instances, a Unitholder may receive in his distribution funds which constitute capital gains, since in some cases the value of the Trust Securities redeemed or sold may have increased since the date of their acquisition by the Trust.

As noted above, Paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants assert that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of Applicants in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, each Series of the Trust would be forced to hold any moneys which would constitute capital gains upon distribution until the end of its taxable year. The application contends that such practice would clearly be to the detriment of the Unitholders.

In support of the requested exemption, Applicants state that the dangers against which Rule 19b-1 is intended to guard do not exist in the situation at hand since neither the Sponsor nor the Trust has control over events 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-

panying report by the Trustee to the Unitholder. Furthermore, Applicants assert that the sale of Bonds in an effort to maintain the investment stability of a Series of the Trust is an activity designed generally to prevent or to retard deterioration of values when certain adverse factors exist. These factors include a default in the payment of principal or interest on its Bonds, or an adverse change in the market, revenue, or credit factors affecting the investment stability of the Bonds. Finally, Applicants contend that sale of Bonds in an effort to maintain investment stability of any Series is not expected to result in capital gain dividends to the Trust or its Unitholders because the above factors will normally have a depressing effect on the market value of the Bonds.

RULE 22c-1

Applicants state that following the initial offering period, the Sponsor and/or certain of the Underwriters, while not obligated to do so, intend to 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 exemption of the Sponsor from 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 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 which might occur through the sale, 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 daily pricing. Applicants contend, however, that the purposes of Rule 22c-1 will not be offended by the Sponsor and/or the Underwriters in the secondary market activities. Applicants assert that the pricing of Units by the Sponsor in the secondary market will in no way dilute the assets of the Trust, and that Unitholders will benefit from the sponsor's pricing procedure in the secondary market since they will normally receive a higher repurchase price for their Units than they could by redeeming their Units at the current net asset value, and that this will be accomplished without the cost burden to the Trust of daily evaluations of the Unit redemption value.

Applicants also contend that speculation in Units of any Series is unlikely because price changes are limited in respect to the kind of Trust Securities which will be held by such Series. In addition, Applicants argue that because of the nature of the Trust Securities price changes are gradual and depend largely on general changes in interest rates. To avoid the Sponsor receiving more than the specified sales charge on the resale of Units, the Sponsor has undertaken not to resell any Units which it may repurchase at a price below the offering side evaluation of the Trust Securities in any Series.

Applicants therefore request an exemption from the provisions of Rule 22c-1 for Series 1 and for all subsequently created Series insofar as the Rule may apply after completion of the primary distribution of Units of such Series.

SECTION 22(d)

A. ARO PLAN

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 plan of distribution. This ARO Plan will permit Unitholders to invest income and capital gain dividends made to them on a predecessor Series of the Trust into Units of a subsequent series of the Trust ("Reinvestment Series") at a reduced sales charge. Applicants state that its Unitholders will be able to join the ARO Plan at any time by delivering to the Trustee an Authorization Form. Likewise, a participant may withdraw at any time upon written notice to the Trustee. To assist in withdrawals, the Trustee intends to establish a toll-free telephone number. However, if notification of withdrawal has not been given to the Trustee prior to a particular semiannual distribution date, the participant will be deemed to have elected to participate in the ARO Plan with respect to that particular distribution, and his withdrawal will become effective for the next succeeding distribution. Unless the withdrawing participant specifically indicates in his withdrawal notice that he wishes to withdraw from the ARO Plan for less than all of the Series of the Trust which he might then own (specifically indentifying which Series he desires to continue in the ARO Plan), he will be deemed to have withdrawn completely from the ARO Plan in all respects. Once a participant has withdrawn completely from the ARO Plan he will only be allowed to again participate in that Plan by submitting an Authorization Form stating that he desires to again participate in the ARO Plan.

Each participant will have his interest and principal distributions reinvested on the corresponding distribution date in the appropriate Reinvestment Series of the Trust. Applicants represent that they intend to see to it that each Reinvestment Series will be declared effective by the Commission in sufficient time to allow distribution to Plan participants of final prospectuses relating to such Reinvestment Series. As presently contemplated, it is intended that each Reinvestment Series will become effective on or before each semiannual record date for determining who is eligible to receive distributions on the related Distribution Date. Applicants state that if a Reinvestment Series has not been declared effective in such sufficient time, the ARO Plan will be suspended with respect to that Series and recommenced with the next succeeding Series. In such a case, a participant would receive his normal cash distribution. Applicants represent that fractional Units in the denomination of tenths will be purchased under the ARO Plan and any excess cash from each distribution not used to purchase such Units will be distributed to the respective Plan participants.

Applicants have agreed that in the event any Reinvestment Series should materially differ from the particular Series of the Trust into which participants in the ARO Plan originally invested or the preceding Reinvestment Series, the Unitholders' authorization

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(a) 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, except in the following instance, 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 with respect to distributions 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 Units of the Series of the Trust used to purchase such additional ARO Plan Units, but no distributons generated from Units of other Series of the Trust will be accumulated with the foregoing disributions for ARO Plan purchases. Thus, if a person owns Units in more than one Series of the Trust (which are not the result of purchases under the ARO Plan), distributions with respect thereto will not be aggregated for purchases under the ARO Plan. Any funds not utilized to purchase Units in the denomination of tenths in the Reinvestment Series 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.

Units of each existing Series of the Trust will be offered 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 price reflecting a sales charge of 3½ percent of the underlying net asset value of the Trust Securities in such Series rather than the customary 4½ 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 it is alleged are applicable to the proposed ARO Plan.

In support of the request, Applicants assert that applying a sales charge of less than the customary 4½ percent 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 3½ percent of the customary 4½ 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 1½ 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 3½ percent sales charge. Thus, Applicants conclude that the proposed 3½ 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 Municipals—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; and 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 a Series of a Conversion 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 may then 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 4½ 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 1½ percent of such offering price at current market values). The Unitholder will 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 $880. 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 purchased the cost would be $2,685 ($2,640 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 porcedure is equitable to holders of all Funds involved since the sales charge relating to original purchases of Units in all such Funds amounts to 4½ percent of the net asset value of the portfolio underlying such Units (4.712 percent of the net amount invested). On the other hand, the sales charge relating to original purchases of Units in the Government Fund amounts to 3½ percent of the net asset value of the portfolio underlying the Units of the Government Fund (3.627 percent of the net amount invested). Thus, Applicants state that, although it is unlikely, it could be possible under certain circumstances for a person to acquire Units in the Government Fund and immediately convert such Units into Trust Units and pay a lower total sales charge than a person acquiring Trust Units at the same time directly. Under normal circumstances this situation is unlikely, since the initial sales charge on direct purchases of Units of the Government Fund (3½ percent of the net asset value) plus the conversion sales charge ($15 per Unit or approximately 1½ percent of the net asset value of Trust Units based on current market values) usually will exceed the sales charge related to direct purchases of Trust Units (4½ pecent of the net asset value). However, Applicants state that if the price of Trust Units were to increase sharply, the $15 sales charge on conversion could represent less than 1 percent of the net asset value in the Trust Units, in which case the converting Government Fund Unitholder could obtain an unfair price advantage when compared to investors making direct purchases of Units of the Trust.

Applicants assert, however, that after a Government Fund Unitholder has held his Government Fund Units for an adequate period of time the discriminatory nature of his effecting a conversion transaction is not as compelling, and thus argue that the possible abuses outlined above are not material if the converting Government Fund Unitholder has held his Government Fund units for at least an 8-month period of time.

Accordingly, 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 4½ 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 are subject to the provisions of section 11(a) of the Act, irrespective of the basis of exchange. Section 11(a) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end company or any prinicpal underwriter for such a 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 same 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 under writer thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in

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. Rule 22d-1 under the act 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 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. 78-27861 Filed 10-4-78; 8:45 am]

[4910-13]

[Docket No. AMS-550-34]

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.

ADDRESS: Send recommendations in duplicate to: Federal Aviation Administration, Office of Management Systems, AMS-500, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR 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.

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, APA-430, 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 38953). 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.

(2) Development of the Area Navigation Plan for direct flight routing.

(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.

(Sec. 25, Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1704); sec. 1.47(f)(3), Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(f)(3)).)

Issued in Washington, D.C., on September 25, 1978.

BROOKS C. GOLDMAN,
Director, Office of Management Systems.

[FR Doc. 78-27860 Filed 10-4-78; 8:45 am]

[4910-06]

Federal Railroad Administration

[Docket No. RSSI-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 an upright freight car 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

(Sec. 202, 84 Stat. 971 (45 U.S.C. 431); § 1.49(n) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).)

Issued in Washington, D.C., on October 2, 1978.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 78-28246 Filed 10-4-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[Docket No. LVM 77-07; Notice 1]

OFFICINE 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 model year 1978-1980 passenger automobiles manufactured by Maserati from the generally applicable passenger automobile average fuel economy standards for those

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 invites written public comment thereon.

COMMENT CLOSING DATE: October 30, 1978.

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:

Douglas Pritchard, Office of Automobile Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-755-9383.

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 38362, 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 § 600.002-77(a)(24).

The V-6 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-6 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-8's and 56 to 67 percent four-door V-8's. 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 to 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 over the 1979 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 indicates 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 reacters" 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 are 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 11.3-11.5 mpg, 11.0 mpg, and 11.4-11.5 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 the respective model years. 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, refer to Docket No. LVM 77-07, be submitted to the address for comments, 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.

Issued in Washington, D.C. on October 2, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 78-28110 Filed 10-4-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[520747]

AMERICAN MANUFACTURER'S PETITION

Further Extension of Time for Comments Concerning an American Manufacturer's Petition to Reclassify Cotton Denim Trousers 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 the Customs Service 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-

ice, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5865).

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 ornamented for tariff purposes, and are properly classifiable under item 380.00, TSUS, if for use by men or boys or 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.

SEPTEMBER 29, 1978.

[FR Doc. 78-28088 Filed 10-4-78; 8:45 am]

[4810-22]

Fiscal Service

[Dept. Circ. 570. 1978 Rev., Supp. No. 5]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

Correction

In FR Doc. 78-27088, appearing on page 43792, in the issue for Wednesday, September 27, 1978, the first paragraph should read as follows:

In FR Doc. 78-18299 appearing in the issue of Friday, June 30, 1978, on page 28693, the underwriting limitation listed for American Fidelity Fire Insurance Company of $371,000 should be corrected to read $532,000.

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Decisions Volume No. 35]

DECISION-NOTICE

Decided: September 21, 1978.

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 opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

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 common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the 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 6, 1978 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

By the Commission, Review Board No. 2, Members Boyle, Eaton, and Liberman (Review Board Member Boyle not participating).

H. G. HOMME, Jr.,
Acting Secretary.

MC 5470 (Sub-156F), filed August 31, 1978. Applicant: TAJON, INC., Rural Delivery 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and li-*

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-19F), 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 Almax Sportswear, at (a) East Newark, NJ, and (b) New York, NY, on the one hand, and, on the other, points in TN, (2) between the facilities of Cooper Sportswear Manufacturing Co., Inc., at (a) Carteret, Newark, Perth Amboy, and Trenton, NJ, and (b) Johnstown, NY, on the one hand, and, on the other, points in GA, MS, and TN, (3) between the facilities of Bugaboo Manufacturing, Inc., at New York, NY, on the one hand, and, on the other, points in AL and TN, 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-333F), 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 AL, FL, GA, NC, and SC. (Hearing site: Chicago, IL.)

MC 25798 (Sub-334F), 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 Fitchburg, MA, to points in AL, CA, GA, OR, and VA, and (3) from Richmond, VA, to points in CA, CO, IA, NE, NV, NM, OR, and UT. (Hearing site: Washington, DC.)

MC 41404 (Sub-149), filed July 27, 1978. Applicant: 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: *Foodstuffs* (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-115F), filed July 28, 1978. Applicant: C. I. WHITTEN TRANSFER CO., a DE corporation, P.O. Box 1833, Huntington, WV 25719. Representative: J. G. Dail, Jr., P.O. Box 567, 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 in and east of LA, AR, MO, IL, and WI. (Hearing site: Washington, DC.)

MC 50935 (Sub-23F), filed August 21, 1978. Applicant: WOLVERINE TRUCKING 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: *Malt beverages*, from Detroit, MI, to Milwaukee, WI. (Hearing site: Detroit, MI.)

MC 52214 (Sub-1F), filed July 21, 1978. Applicant: RELIABLE TRANSPORT (U.S.), Ltd., 64 Mackinaw Street, Buffalo, NY 14202. Representative: S. Harrison Kahn, Suite 733, Investment Building, 1511 K Street NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular 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), between 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, restricted to the transportation of traffic originating at or destined to points in the Provinces of ON and PQ, 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: Buffalo, NY.)

NOTE.—The restriction and condition 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 the Provinces of AB, SK, and MB 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 further force or effect.

MC 59306 (Sub-5F), filed July 27, 1978. Applicant: NIEDERGERKE TRUCK LINE, INC., 107 West Fourth Street, Fulton, MO 65251. 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: *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), between Warrenton, MO, and East St. Louis, IL. (Hearing site: Kansas City or St. Louis, MO.)

MC 59367 (Sub-124F), 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 traffic originating at the named origin facilities 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 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tanks*, (2) *aircraft refueler 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, on 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: 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: *Chemicals* (except in bulk), from Meredosia, IL, to points in AL, AZ, CA, CT, DE, FL, GA, ID, MA, MD, ME, NC, NJ, NV, NY, OR, PA, SC, TX, UT, and VA. (Hearing site: Washington, DC.)

MC 106398 (Sub-828F), 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, home 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: *Pipe and fittings, and accessories for pipe*, from the facilities of Consolidated Pipe & Supply Co., at Birmingham, AL, to points in the United States (except AK and HI). (Hearing site: Birmingham or Mobile, AL.)

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-833F), filed August 31, 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: *Roofing and building materials*, (1) from the facilities of the GAF Corp., at (a) Annapolis, Kansas City, and St. Louis, MO, (b) Joliet, IL, and (c) Dallas, TX, and the facilities of GAF Corp., in Posey and Vanderburgh Counties, IN, to points in the United States (except AK and HI), (2) from the facilities of the GAF Corp., at Minneapolis, MN, to points in IA and WI, (3) from the facilities of the GAF Corp., at Baltimore, MD, to points in GA, NC, SC, PA, VA, and WV, (4) from the facilities of the GAF Corp., in Chatham County, GA, to points in AL, FL, KY, MS, NC, SC, TN, and VA, and (5) from the facilities of the GAF Corp., at Mobile, AL, to points in TX. (Hearing site: Washington, D.C.)

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, Jackson, 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, NE, NH, NY, ND, RI, SD, and VT. (Hearing site: Jackson, MS.)

MC 107002 (Sub-533F), filed July 28, 1978. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, 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: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 East Broad Street, 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 90245. Representative: Wentworth E. Griffin, Midland Building, 1221 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 80 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 10 and TX 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 junction U.S. Hwy 77, then over U.S. Hwy 77 to Corpus Christi, and return over the same route, serving all intermediate points, and all off-route points in San Patricio, Neuces, 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 Hill, McLennan, 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, (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, McLennan, Bell, Milam, Williamson, Falls, Caldwell, Travis, Hays, Comal, Guadalupe, and Nueces Counties, TX, (14) between Victoria and San Antonio, TX, over U.S. Hwy 87, serving all intermediate points, (15) between San Antonio, TX, and junction Interstate Hwys 10 and 20, near Kent, TX, over Interstate Hwy 10, serving no intermediate points, (16) between Houston and San Antonio, TX, over Interstate Hwy 10, 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 Hwy 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, Jackson Calhoun, 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 Hwy 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 Counties, 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-105F), filed July 31, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Wihelmina Boersma, 1600 First Federal 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) *such comodities* as are dealt in or used 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, transportating: *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. 557) 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 113678 (Sub-762F), filed August 31, 1978. Applicant: CURTIS, INC., a Delaware corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as above). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in section A of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except skins and commodities in bulk), from the facilities of Farmland Foods, Inc., at or near Garden City, KS, to points in AL, AR, FL, LA, and MS, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Kansas City, KS/MO.)

NOTE.—In view of the findings in No. MC 113678 (Sub-No. 557) 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 113678 (Sub-763F), 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, transportating: *Washing and cleaning compounds*, (except commodities in bulk), from Los Angeles, CA, to points in CO. (Hearing site: Los Angeles, CA.)

NOTE.—In view of the findings in No. MC 113678 (Sub-No. 557) 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 113855 (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 National Bank Bldg., Fargo, ND 58102. 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 TRANSORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 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, Martins Ferry, Steubenville, and Yorkville, OH, (b) Beechbottom, Benwood, Follansbee, and Wheeling, WV, and (c) 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-102F), filed July 28, 1978. Applicant: TENNESSEE CARTAGE 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/Mars, Division of Mars, Inc., at or near Cleveland, TN, to points in AL, AR, GA, IL, IN, KY, LA, MI, MS, MO, and

OH. (Hearing site: Hackettstown, NY, or Nashville, TN.)

NOTE.—In view of the findings in MC 115654 (Sub-43) 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 115904 (Sub-111F), 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 *common 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 the commodities in (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 the United States in and west of 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-212F), filed July 28, 1978. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35630. Representative: Randy C. Luffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Detroit, MI, to points in AL. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 117765 (Sub-245F), filed August 21, 1978. Applicant: HAHN TRUCK LINE, 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 New Ulm, MN, Cincinnati, OH, and Monroe, WI, to points in OK, and (2) from Peoria, IL, to Marysville, KS. (Hearing site: Oklahoma City, OK.)

MC 117786 (Sub-28F), filed July 25, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. 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 used by cosmetics manufacturers, from the facilities of Avon Products, Inc., at Springdale, OH, to Kansas City, MO. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 117786 (Sub-29F), filed July 25, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. 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 used by cosmetics manufacturers, from the facilities of Avon Products, Inc., at Springdale, OH, to the facilities of Avon Products, Inc., at Monrovia and Pasadena, CA. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 118535 (Sub-125F), filed July 28, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. 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 24311. 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 dealt in by 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, Glasgow, and Richlands, VA, 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, TN and WV), (b) between the facilities of General Shale Products Corp., at or near (i) Atlanta, GA, 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 Elizabethton, 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 continuing contract(s) 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 in (1) above, to the facilities of Campbell Soup Co., at Napoleon, OH. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119656 (Sub-42F), filed July 21, 1978. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46240. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 40659. 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-42F), filed August 24, 1978. Applicant: STEEL HAULERS, INC., 306 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-137F), filed July 21, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. To oper-

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-157F), filed August 24, 1978. Applicant: GREAT WESTERN TRTUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Building, Forth Worth, TX 76102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gas and electrical applicances*, and (2) *materials, supplies, and equipment*, used in the manufacture, distribution, and repair of the commodities in (1) above, from the facilities of Whirlpool Corp., at Evansville, IN, to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, AND TX. (Hearing site: Detroit, MI, or Washington, DC.)

MC 119988 (Sub-158F), filed August 25, 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) *Such commodities* as are dealt in by nursery and horticultural stores (except commodities in bulk), and (2) *agricultural commodities* otherwise exempt from economic regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities in (1) above, (except commodities in bulk), between Lenexa, KS, Dallas, TX, Atlanta, GA, Milwaukee, WI, Victory Gardens, NJ, Indianapolis, IN, Cleveland, OH, Charleston, WV, Nashville, TN, Columbia, SC, Charlotte, NC, Memphis, TN, and Columbus, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 121060 (Sub-73F), filed August 24, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings*, from the facilities of Charlotte Pipe and Foundry Co., at Charlotte and Bakers, NC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Charlotte, NC.)

MC 121060 (Sub-74F), filed August 25, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials*, and (2) *materials and supplies* used in the manufacture and distribution of construction materials, (except commodities in bulk), between the facilities of The Celotex Corp., at or near Elizabethtown, KY, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Tampa, FL.)

MC 123048 (Sub-411F), filed August 25, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Breummer, 121 West Doty Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum articles*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of aluminum articles (except commodities in bulk), between Oswego, NY, Warren, OH, and Fairmont, WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or Washington, DC.)

MC 123048 (Sub-412F), filed August 25, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum articles*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of aluminum articles, (except commodities in bulk), between Tucker, GA, and Bay Saint Louis, MS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or Washington, DC.)

MC 123255 (Sub-174F), filed August 22, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen cabinets and vanities*, and (2) *materials and equipment* used in the installation of the commodities in (1) above, from the facilities of I.X.L. Furniture Div. of Triangle Pacific Corp., at or near Elizabeth City, NC, to points in the United States (except AK and HI). (Hearing site: Columbus, OH.)

MC 124170 (Sub-103F), filed August 24, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Dr., Suite 222, Oak Brook, IL 60521. 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 originating at the named origin facilities. (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 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wallboard, sounding board, insulation materials, siding materials*, and *building materials*, from the facilities of Boise Cascade Corp., at International Falls, MN, to points in ND and SD. (Hearing site: Portland, OR.)

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 Fife Street, Winnipeg, MB, Canada. Representative: James E. Ballenthin, 630 Osborn 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.)

NOTE.—(1) Dual operations are involved in this proceeding. (2) The purpose of the republication is to delete all reference relating to the transportation of traffic moving in foreign commerce only.

MC 126118 (Sub-91F), filed August 22, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (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. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., 3818 Patterson Street, Greensboro, NC 27407. Representative: Peter R. Gilbert, 1725 K Street,

NW., Suite 303, Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those requiring special equipment) (a) between those points in NC in an area on and bounded by a line beginning at the VA-NC State boundary line and extending south along NC Hwy 93 to junction NC Hwy 113, then along NC Hwy 113 to Laurel Springs, then along NC Hwy 18 to Wilkesboro, then along NC Hwy 116 to Taylorsville, then along NC Hwy 90 to Statesville, then along U.S. Hwy 21 to Davidson, then along NC Hwy 73 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction NC Hwy 73, then along NC Hwy 73 to Eastwood, then along U.S. Hwy 15/501 to junction NC Hwy 24/27, then along NC Hwy 24/27 to Johnsonville, then along NC Hwy 27 to Lillington, then along NC Hwy 210 to Angier, then along NC Hwy 55 to junction NC Hwy 42, then along NC Hwy 42 to junction NC Hwy 96, then along NC Hwy 96 to junction U.S. Hwy 401 then along U.S. Hwy 401 to Warrenton, then along NC Hwy 58 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the NC-VA State boundary line, and (b) between Eden, NC, on the one hand, and, on the other, Charlotte, NC; and (2) bagging, from Eden, NC, to Henderson, NC. The certificate shall be limited in point of time to a period expiring 5 years from date of issue to the extent it authorizes the transportation of classes A and B explosives. This application is to convert applicant's certificate of registration in No. MC 126574 (Sub-No. 2), to a certificate of public convenience and necessity. Issuance of a certificate here is conditioned upon coincidental cancellation at applicant's written request of the above described certificate at registration. (Hearing site: Raleigh, NC.)

MC 128016 (Sub-7F), filed July 23, 1978. Applicant: BRUCE G. BESH, d.b.a. BRUCE G. BESH TRUCKING, 4101 Center Street, Cedar Falls, IA 50613. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *wood products*, from the facilities of Weyerhaeuser Co., at or near Cedar Falls, IA, to points in Vernon, Crawford, and Grant Counties, WI, under a continuing contract(s) with Weyerhaeuser Co., of Chicago, IL. (Hearing site: Waterloo or Des Moines, IA.)

MC 128741 (Sub-8F), filed July 27, 1978. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., 4108 Progressive Avenue, Suite 1, Lincoln, NE 68504. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Self-propelled vehicles, lawn mowers, turf spikers, chemical injectors, rakes, seeders, spreaders, sod cutters*, and *trailers*, and (b) *accessories, attachments, and parts* for the commodities named in (1)(a) 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) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) (a) and (b) above, from points in the United States (except AK, HI, and NE), to the facilities of OMC—Lincoln, Division of Outboard Marine Corp., at Lincoln, NE, restricted in (1) (a) and (b) above to the transportation of traffic originating at the named origin and in (2) above to the transportation of traffic destined to the named destination(s). (Hearing site: Lincoln, NE.)

MC 128746 (Sub-42F), filed July 28, 1978. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3240 South 61st Street, Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M Street, NW., Suite 501, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Columbus, OH to Deptford, NJ. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 133221 (Sub-32F), filed August 3, 1978. Applicant: OVERLAND CO., INC., 1991 Buford Hwy, Lawrenceville, GA 30245. Representative: Alvin Button, 1644 Tullie Circle NE, Suite 102, Atlanta, GA 30329. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rigid polystyrene*, from the facilities of Southeastern Foam Products Inc., at (1) Conyers, GA, (2) Adamstown, MD, (3) Bargersville, IN, (4) Burlington, NC (5) Elkhorn, WI, (6) Foglesville, PA, (7) Jonesboro, TN, (8) New Middleton, OH, (9) Ocala, FL, (10) Petersburg, VA, and (11)Wentzville, MO, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Washington, DC.)

MC 133591 (Sub-47F), filed July 31, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: RICHARD A. KERWIN, 180 North La Salle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors*, from Springfield, MO, to points in AZ, NV, and CA. (Hearing site: Kansas City or St. Louis, MO.)

NOTE.—Dual operations are at issue in this proceeding.

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 20 to junction U.S. Hwy 11, then along U.S. Hwy 11 to Pulaski, and then along NY 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-220F), 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.)

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), (1) from Faribault and Cokato, MN, to points in AL, FL, GA, IL, IN, KY, MI, MS, NC, OH, SC, and TN; and (2) from Cokato, MN, to points in CT, DE, MA, MD, MS, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (Hearing site: St. Paul, MN.)

MC 134082 (Sub-13F), filed July 28, 1978. Applicant: K. H. TRANSPORT, INC., 4796 Linthicum Road, Dayton, MD 21036. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Mt. Airy Cold Storage, at Mt. Airy, MD, to points in IN, IL, IA, NE, TX, and MO. (Hearing site: Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 135598 (Sub-17F), filed August 28, 1978. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Pabst, GA, to points in IA, IL, MO, and WI. (Hearing site: Chicago, IL.)

NOTE.—Dual operations are at issue in this proceeding.

MC 135641 (Sub-7F), filed July 31, 1978. Applicant: M. B. CUTHBERTSON and B. G. CUTHBERTSON, a partnership, d.b.a. M. B. CUTHERBERTSON & 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 assembly and distribution 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 756, Thomasville, 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 contract(s) with John M. Smyth Co., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 136818 (Sub-37F), filed August 25, 1978. Applicant: SWIFT TRANSPORTATION 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.)

NOTE.—Dual operations are at issue in this proceeding.

MC 138304 (Sub-15F), filed July 14, 1978. Applicant: NATIONAL PACKERS EXPRESS, INC., an IL corporation, 3445 Patterson Plank Road, North Bergen, NJ 07047. Representative: Craig B. Sherman, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible grain flour, dry beverage preparations, breadcrumbs, 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: New York, NY, or Washington, DC.)

MC 138882 (Sub-99F), 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 07934. 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 AL. (Hearing site: Louisville, KY, or Montgomery, AL.)

MC 138882 (Sub-125F), 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 07934. 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-28F), 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: (1) *Plastic plumbing supplies* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of plastic plumbing supplies (except commodities which because of size or weight require the use of special equipment), from Walden, GA, to points in IL, IN, OH, WV, MI, KY, and PA, under continuing contract(s) with American Standard, Inc., of New Brunswick, NJ. (Hearing site: Cincinnati, OH, or Atlanta, GA.)

MC 139858 (Sub-29F), filed August 29, 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: (1) *Steel doors*, and (2) *equipment, materials, and supplies* used in the framing and 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), under continuing contract(s) with American Standard Inc., of New Brunswick, NJ. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 140829 (Sub-135F), filed August 28, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, 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 compounds*, and *absorbents*, (except commodities in bulk), from the facilities of Oil-Dri Corp. of America, at or near Ochlocknee, GA, to points in AL, AR, CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, PA, OH, OK, RI, SD, TN, TX, VT, 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.)

NOTE.—Dual operations are at issue in this proceeding.

MC 141124 (Sub-22F), filed July 27, 1978. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, 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 Chillicothe, OH, to points in PA, MD, DE, NJ, NY, CT, MA, RI, NH, VT, ME, and DC. (Hearing sites: Columbus, OH or Washington, DC.)

MC 141124 (Sub-23F), filed July 27, 1978. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 1709, Wilmington, DE 19899. Representative: Boyd B. Ferris, 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), 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 26 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 26, serving all intermediate points in WY. (Hearing site: Scottsbluff, NE, or Casper, WY.)

MC 142516 (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-42F), 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, Winnsboro, 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 24, 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 CT, 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-46F), 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: *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-47F), 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 Rittman 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 142645 (Sub-5F), filed August 4, 1978. Applicant: DONALD H. FREYMILLER, RALPH HUNTINGTON, AND THOMAS F. McARDLE, a partnership, d.b.a. FH&M TRUCKING CO., P.O. Box 98, Shulisburg, 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 compounds, 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-1F), 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)(a) 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)(a) *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)(a) above (except commodities in bulk), between the facilities of Disston, 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 Disston, Inc., of Danville, VA. (Hearing site: New York, NY.)

MC 142888 (Sub-5F), 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-12F), 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

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., P.O. Box 1004, Columbia, TN 38401. 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 Genesco, Inc., 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: *Lumber*, from Table Rock, NE, Kansas City, KS, and points in the United States in and east of MN, IA, MO, AR, and LA, to points in the United States in and west of AZ, CO, WY, SD, and ND (except AK and HI), 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., Rural Route 2, Haubstadt, IN 47639. 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, points in IN on 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 969, 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 sulfer*, between points in Billings, Dunn, Stark, and McKenzie Counties, 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*, from Ontario, NY, and Jersey City, NJ, to Chicago, IL, Los Angeles and Hayward, CA, Kent, WA, Houston, 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 28, 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 Slyter Chair, Inc., of Tacoma, WA. (Hearing site: Los Angeles, CA.)

MC 145198 (Sub-1F), filed August 31, 1978. Applicant: PENN TRANSFER, INC., 131 North Summit Street, P.O. Box 808, Akron, OH 44309. 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 commodities in bulk), between points in IN, MI, OH, PA, and WV, under continuing contract(s) with Hinds Co., Inc., of Akron, OH. (Hearing site: Columbus, OH.)

MC 145298F, 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 points in DE, MD, NY, NJ, and PA, under continuing contract(s) with Hess's Inc., of Allentown, PA. (Hearing site: Allentown, PA, or Washington, DC.)

PASSENGER AUTHORITY

MC 1515 (Sub-249F), 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.)

[FR Doc. 78-28024 Filed 10-4-78; 8:45 am]

[7035-01]

[Decisions Volume No. 36]

DECISION-NOTICE

Decided: September 26, 1978.

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 opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of

section 247(e)(4) of the special rules and shall include the certification required in that section.

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 common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the 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 6, 1978 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

H. G. HOMME, Jr.,
Acting Secretary.

MC 4483 (Sub-24F), filed August 21, 1978. Applicant: MONSON DRAY LINE, INC., Rural Route No. 1, Red Wing, MN 55066. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood paper,* from the port of entry on the international boundary line between the United States and Canada at or near Sault St. Marie, MI, to points in IA, KS, MN, MO, ME, ND, and SD. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 10343 (Sub-32F), filed August 17, 1978. Applicant: CHURCHILL TRUCK LINES, INC., P.O. Box 250, Chillicothe, MO 64601. Representative: Charles L. Williams (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), between Des Moines and Boone, IA, from Des Moines, IA, over U.S. Hwy 69 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Boone, IA, and return over the same route, serving all intermediate points. (Hearing site: Kansas City, MO.)

MC 11592 (Sub-21F), filed July 19, 1978. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: Frank E. Myers (same address as applicant). To operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *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 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Omaha, NE, to Wichita, KS. (Hearing site: Omaha or Lincoln, NE.)

MC 23618 (Sub-35F), filed September 11, 1978. Applicant: McALISTER TRUCKING CO., a corporation, d.b.a. MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: Lawrence A. Winkle, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal and metal articles,* from Elk Grove Village and Chicago, IL, to points in TX, restricted to the transportation of traffic originating at the facilities of Joseph T. Ryerson & Son, Inc., at Elk Grove Village and Chicago, IL. (Hearing site: Chicago, IL.)

MC 25869 (Sub-143F), filed September 5, 1978. Applicant: NOLTE BROS. TRUCK LINE, INC., an IA corporation, P.O. Box 7184, Omaha, NE 68107. 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 20423. 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 Louisville 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 27107. 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

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-84F), filed August 4, 1978. Applicant: WELLS FARGO ARMORED SERVICE CORP., a Deleware 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: *Coins, currency, and securities*, between Dallas, TX, on the one hand, and, on the other, points in Marshall, Johnston, Bryan, 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 continuing contracts with banks and banking institutions. (Hearing site: Dallas, TX, or Washington, DC.)

MC 52709 (Sub-350F), filed September 5, 1978. Applicant: RINGSBY TRUCK LINES, INC., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products* (except commodities in bulk, in tank vehicles), from the facilities of U.S. Lime, Division of Flintkote Co., at or near Dolomite, UT, to points in CO, ID, MT, OR, WA, WY, and those in CA in and north of Monterey, Kings, Tulare, and Inyo Counties. (Hearing site: Denver, CO, or Salt Lake City, UT.)

MC 52709 (Sub-351F), filed September 5, 1978. Applicant: RINGSBY TRUCK LINES, INC., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except commodities in bulk, in tank vehicles), from Saltair, UT, to points in ID, MT, OR, and WA. (Hearing site: Denver, CO.)

MC 54203 (Sub-2F), filed August 7, 1978. Applicant: V. SENG TEAMING CO., a corporation, 600 North Thomas Drive, Bensenville, IL 60106. Representative: V. James Seng, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Paper, *paper products, and paper mill supplies*, between Marinette and Oconto Falls, WI, on the one hand, and, on the other, Chicago, IL. (Hearing site: Chicago, IL, or Madison, WI.)

MC 59457 (Sub-38F), filed August 8, 1978. Applicant: SORENSEN TRANSPORTATION CO., INC., 6 Old Amity Road, Bethany, CT 06525. Representative: Hugh M. Joseloff, 80 State Street, Hartford, CT 06103. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, and* (2) *equipment, materials, 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, TN, 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 25526. 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., at or near Huntington, WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Charleston, WV.)

NOTE.—Dual operations are at issue in this proceeding.

MC 70832 (Sub-22F), filed July 21, 1978. Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17402. Representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, transporting: (A) *Shoes and materials* used in the manufacture and distribution of shoes, (1) from Wilmington, DE, to Baltimore, MD, over U.S. Hwy 40 serving the intermediate point of Belcamp, MD, (2) from Harrisburg, PA, to Belcamp, MD; from Harrisburg over Interstate Hwy 83 to junction Interstate Hwy 283, then south over Interstate Hwy 283 to junction PA Hwy 283, then east over PA Hwy 283 to Lancaster, PA, then south over U.S. Hwy 222 to junction U.S. Hwy 40, then south over U.S. Hwy 40 to Belcamp, MD, serving no intermediate points, (3) from Harrisburg, PA, to Baltimore, MD, over Interstate Hwy 83, serving no intermediate points, and (4) from Harrisburg, PA, to Hagerstown, MD; (a) from Harrisburg over Interstate Hwy 83 to junction U.S. Hwy 15, then south over U.S. Hwy 15 to Thurmont, MD, then west over MD Hwy 77 to Hagerstown, serving the intermediate point of Thurmont, MD, and (b) from Harrisburg over Interstate Hwy 83 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 81, then over U.S. Hwy 81 to Hagerstown, serving no intermediate points; and (B) shoes, (1) from Baltimore, MD, to Wilmington, DE, over U.S. Hwy 40, serving the the immediate point of Belcamp, MD, (2) from Belcamp, MD, to Harrisburg, PA, from Belcamp over U.S. Hwy 40 to junction U.S. Hwy 222, then over U.S. Hwy 222 to junction PA Hwy 283 at Lancaster, PA, then over over PA Hwy 283 to junction Interstate Hwy 283, then over Interstate Hwy 283 to junction Interstate Hwy 83, then over Interstate Hwy 83 to Harrisburg, serving no intermediate points, (3) from Baltimore, MD, to Harrisburg, PA, over Interstate Hwy 83, serving no intermediate points, and (4) from Hagerstown, MD, to Harrisburg, PA, (a) from Hagerstown over MD Hwy 77 to Thurmont, MD, then over U.S. Hwy 15 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 83539, (Sub-506F), filed September 5, 1978. Applicant: C & H TRANSPORTATION CO. INC., P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). To operate as a *common carrier*, by motor vehilce, 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 98733 (Sub-4F), filed August 4, 1978. Applicant: PAUL E. REED d.b.a. PUNCHERS TRUCK LINE, 200 West First Street, Topeka, KS 66605. Representative: E. Richard Brewster, 400 Croix, P.O. Box 5186, 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 south of Topeka to Richland, then over unnumbered county road to Overbrook, then over unnumbered county road to

Michigan Valley, and return over the same route, serving the intermediate points of Overbrook and Richland, KS, (2) between Topeka and Lyndon, KS, from Topeka over U.S. Hwy 75 to junction KS Hwy 31, then over KS Hwy 31 to Lyndon, and return over the same route, serving all intermediate points and the off-route points of Vassar, Quenemo, Melvern, Olivet, Pauline, Carbondale, Berryton, Clinton, Richland, Centropolis, Pomona, Richter, and Baldwin City, KS, and (3) between Topeka and Baldwin City, KS, from Topeka over U.S. Hwy 75 to junction U.S. Hwy 56, then over U.S. Hwy 56 to Baldwin City, and return over the same route, serving the intermediate points of Globe and Worden, KS. (Hearing site: Topeka or Kansas City, KS,)

NOTE.—Applicant states that by this application it seeks to convert its Certificate of Registration MC 98733 (Sub-3) to a certificate of public convenience and necessity. Issuance of a certificate is conditioned upon applicant's written request for the coincidential cancellation of its Certificate of Registration in Sub-3.

MC 105813 (Sub-246F), filed August 16, 1978. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk) from Hammondsport and Westfield, NY, and Latrobe and Philadelphia, PA, to Gainesville, Jacksonville, and St. Augustine, FL. (Hearing site: Chicago, IL.)

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: *Iron and steel articles*, from the facilities of EBAA Iron, Inc., at or near Eastland and Frisco, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

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-835F), 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) *Trailers and trailer chassis*, in initial movements, from the facilities of the Fruehauf Corp., in Fresno County, CA, to points in the United States (including AK, but excluding HI); and (2) *trailers and trailer chassis*, in secondary movements, betwen points in the United States (including AK, but excluding HI). (Hearing site: Detroit, MI.)

NOTE.—In view of the findings in MC 106398 (Sub-No. 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 107403 (Sub-1109F), filed August 21, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles (except liquid ethyl alcohol, liquid denatured alcohol, and denatured alcohol solvents), from the facilities of IMC Chemical Group, Inc., at Harvey, LA, to points in AL, AR, MS, FL, and TX. (Hearing site: Washington, DC.)

MC 107515 (Sub-1170F), filed August 22, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Northeast, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of Louisville Freezer Center, at or near Louisville, KY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Louisville, KY.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 108207 (Sub-483F), filed August 3, 1978. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, in vehicles equipped with mechanical refrigeration, from Cade and Lozes, LA, to points in IA, KS, MO, MN, NE, and OK, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: New Orleans, LA.)

MC 109638 (Sub-34F), filed September 7, 1978. Applicant: EVERETTE TRUCK LINE, INC., P.O. Box 145, Washington, NC 27889. Representative: Cecil W. Bradley (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation*, from points in Nash County, NC, to points in DE, FL, GA, MD, NJ, NY, PA, SC, VA, and the DC. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 110098 (Sub-170F), filed September 7, 1978. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Miami Margarine Co., Inc., at Albert Lea, MN, to points in AR, KS, LA, MO, NM, OK, and TX. (Hearing site: Minneapolis, MN.)

MC 110525 (Sub-1259F), filed August 24, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., a Delaware corporation, 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between the facilities of Dow Chemcial Co., at points in Brazoria County, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Houston, TX.)

MC 110563 (Sub-236F), filed July 24, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packing houses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and commodities in bulk), and (2) *foodstuffs*, from the facilities of Geo. A. Hormel & Co., at or near (1) Scottsbluff, NE, (2) Fremont, NE, (3)

Ottumwa, IA, and (4) Austin, MN, to points in CT, MA, NJ, NY, and PA, restricted in (1) and (2) above to the transportation of traffic originating at the named origin facilities. (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 operate as a *common carrier*, by motor vehicle, over irregular 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), 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 transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor 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 112617 (Sub-404F), filed August 7, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Leonard A. Jaskiewicz, 1730 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 Catlettsburg, KY, to the facilities of Ashland Oil, Inc., 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 expiring 5 years from the effective date thereof.

MC 112989 (Sub-76F), filed September 5, 1978. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, 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 facilities 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 3, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. To operate as a *common carrier*, 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 on and west of Interstate Hwy 81, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 113855 (Sub-445F), filed August 24, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., a ND corporation, 2450 Marion Road SE., Rochester, MN 55901. Representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and agricultural implement parts*, from Clearfield, UT, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

MC 114273 (Sub-449F), filed August 9, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chimney assemblies* and *materials, equipment, and supplies* used in the installation and maintenance of chimney assemblies, from Logan, OH, to points in IL, IA, KS, MN, MO, and NE. Condition: The certificate to be issued shall be limited to 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114829 (Sub-18F), filed September 5, 1978. Applicant: GENERAL CARTAGE CO., INC., an IA corporation, P.O. Box 417, Sterling, IL 61081. Representative: Bernard J. Kompare, Ten South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Iron and steel articles, zinc articles, and lead articles*, (b) *springs*, and (c) *construction materials, supplies and equipment*, (except commodities in bulk), from the facilities of Penn-Dixie Steel Corp. and Stevens Spring Co., Inc., at or near Ft. Wayne, Kokomo, Elkhart and Cicero, IN, Toledo and Columbus, OH, Lansing and Grand Rapids, MI, Blue Island and Joliet, IL, Centerville, IA, and Newton, KS, to points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction, under continuing contracts with Penn-Dixie Steel Corp. and Stevens Spring Co., Inc., both of Kokomo, IN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116457 (Sub-36F), filed August 4, 1978. Applicant: GENERAL TRANSPORTATION, INC., 1804 South 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Representative: D. Parker Crosby (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum wallboard, gypsum lath, gypsum wallboard systems, 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, supplies, and equipment* used in the installation 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 11, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters, (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs;* and (2) *materials, equipment, and supplies* used in the manufacture and distribution 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, Deforest, Cobb, and Oconomowoc, WI. (Hearing site: Chicago, IL.)

MC 116763 (Sub-432F), filed August 11, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters, (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from Elwood, Galveston, Hobbs, Orestes, Plumtree, Point Isable, and Swayzee, IN, to those points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 116763 (Sub-433F), filed August 17, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters, (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden care products, agricultural insecticides, and agricultural fungicides,*

(except commodities in bulk), from the facilities of O. M. Scott & Sons Co., Inc., at or near Marysville, Columbus, and Vermillion, OH, to those points in NY on and north of NY Hwy 7, and points in LA, KY, MN, TN, and WI. (Hearing site: Columbus, OH.)

MC 116763 (Sub-434F), filed August 21, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters, (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, (except commodities in bulk), from Paris, TN, to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 117165 (Sub-46F), filed August 18, 1978. Applicant: ST. LOUIS FREIGHT LINES, INC., a Michigan corporation, P.O. Box 2140, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction materials*, from the facilities of the Celotex Corp., at Wilmington and Chicago, IL, to points in IA, KY, MO, OH, and WI, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Chicago, IL.)

MC 119493 (Sub-229F), filed August 16, 1978. Applicant: MONKEM INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood poles, wood cross ties, wood crossings*, and *lumber*, (1) from Texarkana, TX, to points in MO, AR, OK, and IL, and (2) from Meridian, MS, to points in IL, IN, WI, IA, KS, TN, and KY. (Hearing site: Oklahoma City, OK, or Kansas City, MO.)

MC 119864 (Sub-73F), filed August 1, 1978. Applicant: CRAIG TRANSPORTATION CO., an Ohio corporation, 26699 Eckel Road, Perrysburg, OH 43551. Representative: Dale K. Craig (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* and *glass container accessories*, from the facilities of Kerr Glass Manufacturing Corp., at or near Dunkirk, IN, to points in IL, IA, MI, MO, OH, and WI, restricted to the transportation of traffic originating at the named origin and destined 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 43055. 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), between the facilities of Kal Kan Foods, Inc., at Mattoon, IL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Kal Kan Foods, Inc., at Mattoon, IL. (Hearing site: Chicago, IL.)

MC 124692 (Sub-216F), filed July 27, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic fittings*, and *accessories* for plastic pipe, from Bristol, IN, to points in AZ, CA, CO, ID, MT, OR, UT, WA, and WY. (Hearing site: Chicago, IL.)

MC 124692 (Sub-230F), filed July 31, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Scrap batteries* and *lead*, between Omaha, NE, on the one hand, and, on the other, points in ID. (Hearing site: St. Paul, MN.)

MC 127187 (Sub-39F), filed August 7, 1978. Applicant: FLOYD DUENOW, INC., a Minnesota corporation, 1728 Industrial Park Blvd., Fergus Falls, ND 56537. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. To operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *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 SERVICE, INC., 1108 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-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 NJ, MD, DE, CT, VA, and WV. (Hearing site: Chicago, IL.)

MC 128205 (Sub-57F), 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 DISTRIBUTION, 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 128527 (Sub-121F), filed August 4, 1978. Applicant: MAY TRUCKING CO., a corporation, P.O. Box 400, Payette, ID 83661. Representative: J. 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

points in CA, ID, MT, NV, OR, UT, and WA. (Hearing site: Boise, ID.)

MC 134477 (Sub-265F), filed August 7, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. 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) *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, IL, 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 DISTRIBUTORS, LTD., 11233 156th Street, 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: *Insulation*, 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 further 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, INC., Rural Route 2, P.O. Box No. 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, OH 45202. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, knocked down and in cartons*, from the facilities of Fame Furniture at (1) Florence, KY, and (2) Union Township, Butler County, OH, to those points in the United States in and east of MT, WY, CO, and NM. (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 issue of July 6, 1978. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1895, Greenville, MS 38701. Authority granted to operate as a *common 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 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Pipe, fittings, valve boxes, water boxes, and castings*, and (b) *accessories* for the commodities in (1)(a) above, from the facilities of the Central Foundry Co., Inc., at or near Holt, 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 136605 (Sub-66F), filed July 31, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (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. Fernaays, 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, of Bountiful, UT. (Hearing site: Salt Lake City, UT, or Phoenix, AZ.)

NOTE.—Dual operations are at issue in the proceeding

MC 138283 (Sub-6F), filed August 16, 1978. Applicant: DANA TRUCKING CORP., Round Lake, MN 56167. Representative: Michael J. Ogborn, 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 Battle Creek, MI, 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 WY, 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: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. 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 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 707, 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 138884 (Sub-5F), filed August 1, 1978. Applicant: CONDOR CORP., P.O. Box 630, Dixfield, ME 04224. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. 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)(a) *Iron containers, steel containers, and plastic containers*, and (b) *closures and handles* for the commodities in (1)(a) 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 Lithonia, 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, IN, 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 Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthethic fibers and synthethic yarns, fiber waste, plastic materials, and resin* (except commodities in bulk, in tank vehicles), from points in SC, to points in AR, CA, CT, IN, IL, LA, 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 52d 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., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 45538. 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, IA, to points in ND, SD, MN, MT, WY, 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 30027. 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) *Paper, paper products and woodpulp*, from the facilities of Bowater 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-47F), 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, transporting: *Charcoal, charcoal briquettes, sawdust fireplace logs, charcoal lighter fluid in containers, hickory chips, and vermiculite (except crude vermiculite), from Burnside, 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-48F), 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 fireplace logs, charcoal lighter fluid in containers, hickory chips, and vermiculite* (except crude vermiculite), from Dallas and Jacksonville, TX, to points in AZ and CA. (Hearing site: Dallas, TX, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 141385 (Sub-3F), filed August 24, 1978. Applicant: LARRY A. PENNER, d.b.a. PENNER'S FEED & SUPPLY, Inman, KS 67546. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed products* (except in bulk), from Clay Center, KS, to points in AL, CA, FL, GA, KY, MD, MI, MN, NJ, PA, TX, UT, and WA, under a continuing contract with Key Milling Co., Inc., of Clay Center, KS. (Hearing site: Wichita, KS, or Washington, DC.)

MC 142508 (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: *Confectionery*, in vehicles equipped with mechanical refrigeration, from the facilities of Deran Confectionery-Borden, Inc., at or near (a) Boston, MA, and (b) Grosvenor Dale, CT, to those points in the United States in and west of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Boston, MA, or Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 142508 (Sub-26F), 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 143053 (Sub-5F), filed August 15, 1978. Applicant: B & B TRANSPORT, INC., P.O. Box 5310, Kent, WA 98031. Representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gardening 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.)

MC 143103 (Sub-4F), filed August 17, 1978. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of Avoset Foods Corp., Gustine, CA, to points in IL, IN, MI, OH, KY, WV, VA, MD, DE, PA, NY, NJ, CT, RI, MA, VT, NH, MO, IA, MN, WI, NE, KS, CO, and DC, under a continuing contract with Avoset Foods Corp., Gustine, CA. (Hearing site: Oklahoma City, OK, or San Francisco, CA.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 143910 (Sub-4F), filed May 10, 1978, previously noticed in the FEDERAL REGISTER issue of July 6, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EPRESS, 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 manufacuture and distribution of foodstuffs (except commodities in bulk), and (2) *commodities*, the transportation of which are exempt from regulation under the provisions of section 203(b) of the Interstate Commerce Act, in mixed loads with the commodities in (1) above, (a) between Salinas, Gilroy, San Francisco, Vacaville, and San Fernando, CA, on the one hand, and, on the other, points in AL, GA, ID, IL, IN, IA, KS, LA, MS, MD, MI, MN, MO, NJ, NE, OK, OH, NY, OR, NC, SC, TN, TX, UT, VA, WI, and WA; (b) between Baltimore, MD, on the one hand, and, on the other, points in AL, GA, ID, IL, IN, IA, KS, LA, FL, MI, MN, MO, MS, OH, NC, SC, TN, TX, VA, and WI; (c) between South Bend and Bremen, IN, on the one hand, and, on the other, points in AZ, AR, CA, CO, CT, GA, ID, IL, IA, KS, KY, LA, MD, MI, MS, MA, MN, MO, MT, NE, NV, NJ, NM, NY, OH, OR, PA, TN, UT, WA, WV, WI, and WY; (d) from Atlanta, GA, to points in NJ, NY, PA, DE, VA, MD, and DC; and (e) between Baltimore, MD, on the one hand, and, on the other, points in VA, NJ, DE, NY, PA, MA, CT, ME, RI, NH, VT, and DC, 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 143590. 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 357, 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

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., 16935 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, Lebanon, 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 72209. Representative: John T. Wirth, 2310 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 Indianola, 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 2696, Pasco, WA 97302. Representative: Dick E. Jones (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. (Hearing site: Portland, OR or Salt Lake City, UT.)

NOTE.—In view of the *Geraci* and *Toto* policies (*See* e.g., 43 FR 33945) (8-2-78), applicant must satisfy the Commission that its operations will not result in objectionable private and for-hire operations.

MC 145233F, filed August 10, 1978. Applicant: MORGAN TRUCKING CORP., P.O. Box 367, Gaston, IN 47342. Representative: Donald W. Smith, P.O. Box 40659, 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 east of WI, IL, KY, TN, and MS, 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.)

PASSENGERS AUTHORITY

MC 143427 (Sub-2F), filed July 31, 1978. Applicant: WINSTON LIMOUSINE SERVICE, INC., 41 Pembrook Drive, Stony Brook, NY 11790. Representative: Sidney J. Leshin, 575 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 operations, 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: Stamford 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.

[FR Doc. 78-28025 Filed 10-4-78; 8:45 am]

[7035-01]

[Volume No. 117]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Petitions 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)[1] and shall include a concise 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,

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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) 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, and Haysi, 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) (M-1F) (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. Stephen 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: MC 41406 (Sub-52), authorizes transportation as pertinent, of: (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 in that part of KY within 5 miles of the Ohio River, to points in MI, OH, PA, NY, WV, and points in that part of KY within 5 miles of the Ohio River, (b) from Gibraltar, MI, to points in OH, PA, NY, WV, and points in that part of KY within 5 miles of the Ohio River, (c) from the site of the Ford Motor Co. plant located at the northeast intersection of Mound Road and 17-Mile Road in Sterling township, Macomb County, MI, to points in OH, PA, NY, WV, and points in that part of KY within 5 miles of the Ohio River, (d) between the site of the Kalsey-Hayes Co. plant located at the intersection of North Line Road and Huron River Drive in Romulus Township, Wayne County, MI, on the one hand, and, on the other, points in MI, OH, PA, NY, WV, and that part of KY within 5 miles of the Ohio River. (2) *Steel* and *steel products,* (a) from points in the Detroit, MI, Commercial Zone, as defined by the Commission, except Detroit, to points in NY, OH, PA, WV, and those in that part of KY within 5 miles of the Ohio River, (b) from points in the Cleveland, OH, Commercial Zone, defined by the Commission, except Cleveland, to points in MI, PA, NY, WV, and points in that part of KY within 5 miles of the Ohio River, (c) from points in Lackawanna and Hamburg Townships, Erie County, NY, to points in MI, OH, PA, WV, and those in that part of KY within 5 miles of the Ohio River. MC 41406 (Sub-53) authorizes transportation as pertinent, of: *Steel* and *steel products,* (1) from points in IL, IN, and St. Louis, MO, to points in OH, PA, NY, WV, and points in KY within 5 miles of the Ohio River, and (2) from Pittsburgh, PA, Youngstown, OH, and points within 50 miles of each, Lackawanna 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, IA, MO, 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, steel products and machinery" in (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 in Sub-53).

MC 82735 (Sub-3) (M1F) (Correction) (Notice of filing of petition to modify permit), filed July 7, 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 Williams, 1815 Front 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 Marschall Warehouse Co. at Teterboro, NJ, to points in NY, NJ, PA, CT, RI, and MA, under a continuing contract or contracts with Marschall 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 Marschall 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 between radial movement, and to add the facilities of Marschall Warehouse Co. at Hackensack, NJ.

MC 108859 (M1F) (Notice of filing of petition to modify certificate), filed August 7, 1978. Petitioner: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, MI 49829. Representative: John L. Bruemmer, 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 *General commodities* (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 interlined 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; (3) Said operations are restricted against the transportation of traffic originating at or destined the 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 and east of Interstate Hwy 75; and to delete the second restriction.

MC 111307 (Sub-4) (M1F) (Notice of filing of petition to modify certificate), filed August 16, 1978. Petitioner: OVERLAND WESTERN LTD., Box 3030, station A, 5200 Maingate Drive, Mississauga, ON, CD L5A 3S3. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Petitioner holds a motor *common carrier* certificate in MC

111307 (Sub-4), issued February 4, 1965, authorizing transportation, over regular routes, as pertinent, of *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 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 textile fibers, between points in NC, VA, TN, SC, GA, AL, AR, and MS. By the instant petition, petitioner seeks to have the commodity description read: "(1) Textile materials, (2) 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 (3) synthetic fibers".

MC 138351 (Sub-2) (MIF) (Notice of filing of petition to modify permit), filed August 24, 1978. Petitioner: DENIS & ROBERT TRANSPORT, INC., 787 Denison Ouest, 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, 1975, authorizing transportation, over irregular routes, of *Paper and paper products, materials* used for packing, *parts and supplies* used in the maintenance and repair of packing machinery and *supplies, materials*, and *equipment* used in the printing of paper, between ports of entry on the United States-Canada Boundary Line located in New Hampshire, Vermont, and New York (except Niagara Falls and Buffalo, NY), on the one hand, and, on the other, points in NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, VA, WV, OH, and DC, Detroit, MI, and Chicago and East St. Louis, IL. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: Denis & Robert Engr., Granby, PQ, Canada, Imprimerie Montreal-Granby Press, Ltee, Granby, PQ, Canada. By the instant petition, petitioner seeks to add Scott Paper Co. as an additional contracting shipper.

MC 139206 (M3F), MC 139206 (Subs 1, 2, 3, 4, and 5) (M1F) (Notice of filing of petition to modify permits), filed August 8, 1978. Petitioner: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, Washington, DC 20001. Petitioner holds motor *contract carrier* permits in MC 139206 and (Sub-Nos. 1, 2, 3, 4, and 5), issued December 6, 1977; March 10, 1978; July 5, 1978; March 30, 1978; March 30, 1978; and May 2, 1978, respectively, authorizing transportation, over irregular routes, as follows: MC 139206 authorizes transportation of: (1) *Textiles* and *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 Arlington, Laredo, Brenham, and Houston, TX, Wellsville, MO, and Johnson City, TN, on the one hand, and, on the other, points in the United States (except AK and HI). MC 139206 (Sub-1) 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 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-2) authorizes the transportation of *textiles* and *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 Graniteville, SC, 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* and *textile products, chemicals*, and *materials, equipment, and supplies* used in the manufacture, sale, 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). MC 139206 (Sub-5) authorizes the transportation of *textiles* and *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 in bulk), between Boston, MA, and Kearny, NJ, 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) Accron Chemical Distributors Houston/San Antonio, Inc. and (2) Accron Chemical Distributors Dallas/Ft. Worth, Inc., in order to reflect a change in the corporate structure of petitioner's contracting shipper, Chromalloy American Corp.

MC 141269 (MIF) (Notice to filing of petition of modify permit), filed August 22, 1978. Petitioner: CHAS. R. 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 141269, issued April 25, 1977, authorizing transportation, 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 Fairfield, CA, to the facilities of M.C. Distributing Co., at or near Oregon City, OR, and (2) *Wine*, 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, 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 (I) substituting "in containers" for "in bottles" in the commodity description in (1) above, (II) substitute Morgan Distributing Inc., for M.C. Distributing Co., as the facility destination in (1)(b), (III) add a third movement which reads: *Empty bottles* returned after a loaded movement, from Oregon City, OR, to Winters, CA, and (IV) modify the restriction to read: The authority granted under (1) (a) and (b) and (3) 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(s) with M.C. Distributing Co., of Oregon City, OR.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 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: Gailyn L. Larsen, 521 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: LAFFERTY TRUCKING CO., a corporation, 3703 Beale Avenue, Altoona, PA, 16601. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine Street, Harrisburg, PA, 17108. A Decision of the Commission, Review Board No. 1, decided August 28, 1978, and served September 14, 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: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery, and food business houses and in connection therewith, *equipment, materials and supplies*, used in the conduct of such business, (1) between points in Jefferson, OH, and Brooke, Doddridge, Hancock, Harrison, Lewis, Marshall, Ohio, Pleasants, Ritchie, Tyler, Upshur, Wetzel, and Wood Counties, WV; and (2) between points in part (1) above, on the one hand, and, on the other, points in Ashtabula, Columbiana, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Mahoning, Ottawa, Portage, Sandusky, Stark, Summit, and Trumbull Counties, OH, Baltimore, MD, and those in Garrett, Allegany and Washington Counties, MD, those in Greene, Washington, Fayette, Westmoreland, Armstrong, Clarion, Forest, Elk, McKean, Cameron, Clinton, Lycoming, Union, Snyder, Junita, Perry, Dauphin, Cumberland, Franklin, Fulton, Bedord, Somerset, Cambria, Indiana, Jefferson, Clearfield, Centre, Blair, Huntingdon, and Mifflin Counties, PA, and those in Monogalia, Marion, Taylor, Preston, Barbour, Randolph, Tucker, Grant, Mineral, Hampshire, Morgan, and Hardy Counties, WV, under a continuing contract with The Great Atlantic & Pacific Tea Co., Inc., of Montvale, NJ, 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 territorial description.

MC 29910 (Sub-183F) (republication), filed December 19, 1977, published in the FEDERAL REGISTER issue of February 24, 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, 72902. 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 interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Prefabricated buildings, equipment, supplies, and building materials*, (1) 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 plantsite of Carolina Log Buildings, Inc., at Fletcher, NC, to points in FL, AL, GA, 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 part (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. Gleaves, 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 indicate the addition of San Augustine County, TX, as a destination point, 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, and republished this issue. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Wayne Downing (same address as applicant). A decision of the Commission, Review Board No. 3, decided August 25, 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; (b) points in MD west of a line 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; and (c) points in IL 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, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (1) above, to Monroe, MI; 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 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: MORGAN DRIVE-AWAY, INC., 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 driveaway service, from Elkhart, Goshen, Middlebury, Nappanee, and Wakarusa, IN, to points in the United States (including AK, but excluding HI and IN), 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 2, 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. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. A Decision of the Commission, Review Board Number 1, decided August 31, 1978, and served September 7, 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 *Passengers 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 Cheboygan, 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 45338. Representative: E. Stephen Heisley, 805 McLachlen 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 Lewisburg, 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 description, and indicate the applicant's actual grant of authority.

MC 138054 (Sub-22F) (republication), filed February 14, 1978, published in the FEDERAL REGISTER issue of April 20, 1978, and republished this issue. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P. O. Box

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 operations 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 and west of ND, SD, NE, KS, OK, 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 addition of Ravenna, OH, as an origin point.

MC 138134 (Sub-9F) (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 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 *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *Calcium carbide*, in containers, from 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 add AZ as a destination point.

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, 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. A Decision of the Commission, Review Board Number 2, decided August 10, 1978, and served August 25, 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 *Corrugated paper* and *paper products*, 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 grant 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 Special Rule 247 of the Commission's *General 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 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(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing 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 applicant if no representative is named. All pleadings and documents must clearly specify the "F" 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(e)(4) of the special rules, and shall include 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 under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments 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., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. 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 CO, MT, NE, ND, SD, and WY, on the one hand, and, on the other, 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 ND and SD; (c) 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 94265 (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:

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 in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Illini Beef Packers, Inc., at Joslin, IL, to points in MD, NJ, NY, NC, PA, SC, VA, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114211 (Sub-367F), filed August 17, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). 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 manufacturers (except commodities in bulk, Motor vehicles as defined in section 203(A)(13) of Part II of the Interstate Commerce Act, Foodstuffs, Paper and Paper Products, and Petroleum Products from Bradford, Emlenton, Farmers Valley, Freedom, Reno, Rouseville, 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) and/or its dealers to traffic originating at and destined to 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 prehearing conference.)

MC 119641 (Sub-150F), filed August 30, 1978. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Alki 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 manufacturers (except commodities in bulk, motor vehicles as defined in section 203(A)(13) of Part II of the Interstate Commerce Act, Foodstuffs, Paper and Paper Products, and Petroleum Products from Bradford, Emlenton, Farmers Valley, Freedom, Reno, Rouseville, 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) and/or its dealers to traffic originating at and destined to 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. Shawn, 1730 M Street NW., Washington, DC. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank vehicles), between Memphis, TN and Parkway Village, MO: From Memphis over Interstate 55 to junction U.S. 63, then over U.S. 63, to junction U.S. 167, then over U.S. 167 to junction 62, then over U.S. 62 to junction U.S. 65, then over U.S. 65 to junction Interstate 44, then over Interstate 44 to junction MO 13, then over MO 13 to junction MO 7, then over MO 7 to junction MO 291, then over MO 291 to junction Interstate 70, then over Interstate 70 to junction MO 47, then over MO 47 to Parkway Village, serving the intermediate and off-route points within 15 miles of Grandview, MO (excluding Grandview), for the purposes of interchange or joinder only, and return over the same routes. (Hearing site: Kansas City, KS; St. Louis, MO; or Washington, D.C.)

MC 140241 (Sub-17F), filed August 7, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) Bentonite and lignite, from points in Phillips County, MT; Big Horn County, WY, and Crook County, WY, to points in AZ, AR, CA, CO, ID, IL, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT; WA, WI and WY; and (2) lignite, from points in Bowman County, ND, to points in AZ, CA, LA, NM, OK and TX, restricted in (1) and (2) above to movements originating from the facilities of American Colloid Co.

NOTE.—Hearing October 10, 1978 (3 days) at Denver, CO, in a hearing room location to be later designated.

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, and facilities* used in, or incidental 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, sevicing, maintenance and dismantling 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 210a(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 Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall in-

clude a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

MC-F-13708F. 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. Representative: David P. Christianson, 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, from 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. *Farm products* (other than those suitable for human consumption), *grain, feeds, salt, potatoes*, and *fertilizer*, in lots of 10,000 pounds or over, and *cement*, in lots of 40,000 pounds or over, from points in Los Angeles, Orange, Kern, San Bernardino, Riverside, and Imperial Counties, CA, to points in AZ, except points located on and with 1 mile of U.S. Hwy 70 and U.S. Hwy 80 between the AZ-CA State line and Mesa, AZ; AZ Hwy 87 between Mesa and Picacho, AZ; AZ Hwy 84 between Gila Bend and Tucson, AZ; U.S. Hwy 89 between Tucson and Nogales, AZ; U.S. Hwy 80 between Tucson and Douglas, AZ; U.S. Hwy 66 between the AZ-CA State line and the AZ-NM State line; U.S. Hwy 89 and Alternate U.S. Hwy 89 between Wickenburg and Clarkdale, AZ; and AZ Hwy 287 between its junction with AZ Hwy 87 and Florence, AZ; and *Empty cement containers*, from the above-specified destination points to points in Los Angeles, Orange, Kern, San Bernardino, Riverside, and Imperial Counties, CA. *Box-shook* and *empty produce and vegetable crates*, from points in Los Angeles, CA, to points in AZ, except those located on and within 1 mile from the described portions of the above-specified highways, with no transportation for compensation on return except as otherwise authorized. *Feeds and fertilizer*, except liquids in bulk, from points in Los Angeles, Orange, Kern, San Bernardino and Riverside Counties, CA, (except Blythe, CA), to points in AZ, with no transportation for compensation on return except as otherwise authorized. *Fertilizer*, in bags, from San Diego, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. *Potting soil* (except in bulk), *pesticides* (except in bulk) and *pottery*, in mixed loads with feeds and fertilizers, from points in Los Angeles, Orange, Kern, San Bernardino, and Riverside Counties, CA, (except Blythe, 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. 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 Bernardino Counties, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. From points in Fresno County, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. From points in Imperial County, CA, to San Diego, CA, and points in the Los Angeles Harbor, CA, Commerical Zone, as defined by the Commission, with no transportation for compensation on return except as otherwise authorized. From points in Yuma County, AZ, to points in Imperial County, CA, with no transportation for compensation on return except as otherwise authorized. *Aggregates* used in the manufacture of concrete and concrete products, between points in that part of CA lying in and south of San Luis Obispo, Kern, and Inyo Counties, CA, and points in AZ. *Aggregates* (except cement and pozzolan), from points in Inyo, Mono, San Bernardino, Ventura, and Riverside Counties, CA, to points in Nye and Clark Counties, NE, with no transportation for compensation on return except as otherwise authorized. *Aggregates* (except cement and pozzolan), in bulk, from Las Vegas, NE, to points in Riverside, San Bernardino, San Diego, Ventura, Mono, and Inyo Counties, CA, with no transportation for compensation on return except as otherwise authorized. *Potash*, in bulk, from Trona, CA, to points in AZ, with no transportation for compensation on return except as otherwise authorized. Application has not been filed for temporary authority under section 210a(b) of the act.

MC-F-13716F. Transferee: S & C Transport Company, Inc., 1020 Sunshine Road, Kansas City, KS 66115. Transferor: Midwest Transport, Inc., 65 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 (except Wichita) on and east of KS 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; and, 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. 105 at or near Palmer Lake, CO, thence along CO Hwy 105 via Monument, CO, to junction U.S. Hwy 85, thence along U.S. Hwy 85, to junction CO Hwy 165 near Crow, CO, thence along CO Hwy 165 to juncition unnumbered Hwy at or near Crow, CO, thence along unnumbered Hwy to junction U.S. Hwy 85, thence along U.S. Hwy 85 to junction unnumbered hwy. (formerly portion U.S. Hwy 85), thence along unnumbered highway through Aguilar, CO, to junction U.S. Hwy 85, and thence along U.S. Hwy 85 to the CO-NM State line, 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 Hutchinson, 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 AR, and points in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallam, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Kent, Terry, Motely, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, and Garza Counties, TX, and points in Curry, Bernalillo, Mora, Santa Fe, Colfax, Harding, Los Alamos, Taos, Quay, Guadalupe, Union, San Miguel, Torrance, and Rio Arriba Counties, NM, with no transportation for compensation on return except as otherwise authorized. *Grain*, from points in MN, ND, SD, and WY, to points in KS, with no transportation for compensation on return except as otherwise au-

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, Bernalillo, Mora, Santa Fe, 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, Wichita, Lubbock, Castro, Oldham, Dallas, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Terry, Motley, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, Garza and Kent Counties, TX; and *empty containers or other such incidental facilities used transporting the above-specified commodity*, from the above specified destination territory to Hutchinson, KS. *Flour*, in sacks, from Hutchinson, KS, to Alva, Chickasha, Clinton, Duncan, Durant, Edmond, Lawton, Muskogee, and Oklahoma City, OK, with no transportation for compensation on return except as otherwise authorized. *Glass containers*, from Okmulgee and Muskogee, OK, to Hutchinson, KS, with no transportation for compensation on return except as otherwise authorized. *Products* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries when shipped in mixed shipments with salt or salt products otherwise authorized. From points in the Hutchinson-South Hutchinson, KS, Commercial Zone as defied by the Commission, to points in MN, AR, NE, OK, ND, SD, and WY, points in that part of CO on and east of U.S. Hwy 85, points in Curry, Bernalillo, Mora, Santa Fe, Colfax, Harding, Los Alamos, Taos, Quay, Guadalupe, Union, San Miguel, Torrance, and Rio Arriba Counties, NM, and those in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallas, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Terry, Motley, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Conley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, Garza, and Kent Counties, TX, with no transportation for compensation on return except as otherwise authorized. *Foodstuffs*, not frozen, except dairy products, from the plantsite and storage facilities of Western Food Products Company, Inc., at or near Hutchinson, KS, to points in CO (except Denver), MO, NE, ND, and SD, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized immediately above are restricted to the transportation of shipments originating at the above-named origin points and destined to the above-named destination points. *Foodstuffs*, not frozen, except fresh meats and dairy products, from Hutchinson, KS, to points in AR, OK, and TX, with no transportation for compensation on return except as otherwise authorized. *Foodstuffs*, not frozen, from La Junta, CO, to Hutchinson, KS, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the three commodity descriptions next-above are restricted against the transportation of commodities in bulk. *Glass, glass containers*, and *glassware*, from Okmulgee and Muskogee, OK, to the plantsite and storage facilities of Western Food Products Company, Inc., at or near Hutchinson, KS, and the plantsite and storage facilities of Wichita Cider and Vinegar Works at or near Wichita, KS, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized immediately above are restricted to the transportation of shipments originating at the above-named origin points and destined to the above-named destination points. *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc., located at or near Henryetta, OK, to points in AR, CO, IL, IA, KS, LA, MN, MS, MO, NE, NM, ND, SD, TN, TX, WI, and WY, with no transportation for compensation on return except as otherwise authorized. *Paper and paper products*, from the facilities of Fort Howard Paper Co. at or near Muskogee, OK, to points in AR, CO, KS, LA, MO, NE, NM, OK, and TX; and, *equipment, materials and supplies* used in the manufacture and distribution of these commodities (except commodities in bulk, or those which because of size or weight require the use of special equipment), from the destinations named directly above to the facilities of Fort Howard Paper Co. at or near Muskogee, OK. Restriction: The authority granted herein is subject to the following restrictions: The authority granted in part (1) above is restricted to the transportation of shipments originating at the named origin. The authority granted in part (2) above is restricted to the transportation of shipments destined to the indicated destination. Vendee is authorized to operate as a common carrier in KS, OK, NB, MO, & CO. Application has been filed for temporary authority under section 210a(b).

MC 13734F. Authority sought for purchase by Cowen Truck Line, Inc., Rt. 2, Perrysville, OH 44864, a portion of the operating rights of Jesco Motor Express, Inc., 162 Columbus Road, Mt. Vernon, OH 43050, and for acquisition by Robert H. Cowen and LaVone F. Cowen (same address as transferee), in control of Cowen Truck Line, Inc., for control of the rights through purchase. Applicant's representative: Boyd B. Ferris, Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, OH 43215. Operating rights sought to be purchased: (1) Under Permit No. MC-17211 (Sub-5), plumbing fixtures and supplies, from Perrysville, OH, and points in Ripley Township, Holmes County, OH, to Points in DE, IL, IN, IA, KY, MD, MI, MO, MN, NJ, NY, PA, TN, VA, WV, WI, and DC; and materials used in the manufacturing of plumbing fixtures and supplies from the above-specified destination points to Perrysville, OH, and points in Ripley Township, Holmes County, OH; (2) Under Permit No. MC-17211 (Sub-9), plumbing fixtures and supplies, from Perrysville, OH, and points in Ripley Township, Holmes County, OH, to points in CT, ME, MA, NH, RI, and VT; and materials used in the manufacture of plumbing fixtures and supplies, from the above-specified destination points, to Perrysville, OH, and points in Ripley Township, Holmes County, OH; and (3) Under Permit No. MC-17211 (Sub-12), plumbing fixtures and supplies (except commodities in bulk), from Perrysville, OH, and points in Ripley Township, Holmes County, OH, to points in AL, FL, GA, NC, and SC; and materials used in the manufacture of plumbing fixtures and supplies (except commodities in bulk), from points in AL, FL, GA, NC, and SC, to Perrysville, OH, and points in Ripley Township, Holmes County, OH. All of the above authority is restricted to a transportation service to be performed, under a continuing contract, or contracts, with Mansfield Sanitary, Inc. of Perrysville, OH. Approval of the transaction will not result in (a) dual operations; (b) splitting of operating authority; or (c) duplicating authority. Vendee is authorized to operate as a contract carrier in IL, OH, MS. Application has been filed for temporary authority under section 210a(b) of the Act. (Hearing sites: Columbus, OH or Washington, DC.)

MC-F-13735F. Authority sought for purchase by HYMAN FREIGHTWAYS, INC., 1745 University Avenue, St. Paul, MN 55104, of the operating rights of Blackwood's Motor Service, Inc., 319 Pearl St., Montgomery IL 60538, and for acquisition by Eugene Pikovsky, 1745 University Avenue, St. Paul, MN 55104, of control of such rights through the transaction. Applicants' representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, MN 55402

and Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration in MC-85454 (Sub-1) issued September 22, 1966, as follows: "Commodities general within a fifty (50) mile radius of 848 Charles Street, Aurora, IL, and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area." Transferee holds extensive regular route authority from this Commission to transport general commodities, over regular route, between Chicago and Minneapolis-St. Paul, MN, and from Minneapolis-St. Paul to points in IA, MN, MO, NE, ND, SD, and the Province of Manitoba, Canada. Application has been filed for temporary authority under section 210a(b). (Hearing site: Chicago, IL.)

NOTE.—MC 108835 (Sub-45F) is a directly related matter.

MC-F-13736F. Authority sought for purchase by HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, MA 02740 of the operating rights of Johnstown-Pittsburgh Express, Inc., 859 Progress Street, Pittsburgh, PA 15212. Attorneys: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036, and Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Operating rights sought to be purchased are set forth in Certificates MC-116506 and MC-116506 (Sub-2 and 4) and authorize the following: (A) Regular routes, *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 Pittsburgh, PA, and Johnstown, PA, serving intermediate points and off-route points within 10 miles of Johnstown; (B) irregular routes, *general commodities*, except those of unusal value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Johnstown, PA, to points in Pennsylvania within 45 miles of Johnstown, with no transportation for compensation on return except as otherwise authorized, *petroleum products*, from Baltimore, MD, to Johnston, PA; and *empty petroleum product containers*, from Johnstown, PA, to Baltimore, MD, and (C) alternate routes for operating convenience only: *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 junction U.S. Hwy 22 and PA Hwy 403, and Cresson, PA, in connection with carrier's authorized regular route operatons, serving no intermediate points and serving the termini for purpose of joinder only, and between junction U.S. Hwys 22 and 219, and Johnstown, PA, in connection with carrier's authorized regular route operations, serving no intermediate points and serving the junction of U.S. Hwys 22 and 219 for purpose of joinder only. Vendee is a common carrier by motor vehicle authorized to conduct operations, pursuant to certificate No. 30204 and sub numbers thereunder, in the States of CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV, and the province of PQ, Canada. Application has been filed for temporary authority under section 210a(b) of the act.

MC-F—13742F. Authority sought for control 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 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 in AK, FL, GA, IL, IN, KY, MD, MI, MO, NC, OH, PA, SC, TN, TX, VA, and WV; J.C.D. Transportation Corp. is authorized to operate as a contract carrier in CT, MA, NY, and PA; Fleetwood Transportation Corp. is authorized to operate as a contract carrier in PA, NY, NJ, MD, DE, DC, VA, WV, CT, MA, RI, MI, OH, KY, and IN; Fairfield Transportation Corp. is authorized to operate as a contract carrier in NY, CT, MA, NJ, and PA; Barr Transportation Corp. is authorized to operate as a contract carrier in MA, CT, NH, MD, PA, NY, RI, VT, NJ, DE, OH, WV, and DC. Application has not been filed for temporary authority under section 210a(b).

NOTE.—This application is directly related to the pending proceeding in Docket No. MC-145029F, FEDERAL REGISTER date August 22, 1978.

MC-F-13743F. Authority sought for purchase by DAN GAICH TRUCKING, INC., P.O. Box 452, Rillton, PA 15678, of the operating rights of Irene H. Brindle and Florence B. Padule, d.b.a. Ralph L. Brindle Motor Freight, of 1105 Lakeview Drive, Latrobe, PA, and for acquisition of control of such rights by Dan Gaich, P.O. Box 452, Rillton, PA 15678, through the purchase. Representative: Jerome Solomon, 3131 United States Steel Building, Pittsburgh, PA 15219. Operating rights to be transfered are as a *common carrier* over regular routes general commodities (with the usual exception) between Latrobe, PA, and Pittsburgh, PA, serving the intermediate point of Greensburg, PA. Vendee is authorized to operate as a common carrier within PA. Application has been filed for temporary authority under section 210a(b). (Hearing site: Pittsburgh, PA).

MC-F-13745F. Authority sought for purchase by R-W SERVICE, INC., 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 McLouth Steel Corp., 300 South Livernois, Detroit, MI 48209, of control of such rights through the transaction. Applicants' representative: Martin 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 along 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).

MC-F-13747F. Authority sought for purchase by IDEAL TRUCK LINE, INC., P.O. Box 330, Norton, KS 67654, of a portion of the operating rights of G & H Truck Line, Inc., 3930 Blake Street, Denver, CO 80205, and for acquisition by R. E. Blickenstaff (same address as applicant), of 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, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Denver, CO and Pueblo, CO, serving the intermediate point 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 South Grand Street, P.O. Box 1433, Spencer, IA 51301. Applicant's attorney: Daniel C. Sullivan, esq., Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be purchased: (1) *Meats, meat products, 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 (except hides and commodities in bulk), as a *common carrier* over irregular routes, from the facilities used by Hygrade Food Products Corp., located at or near Storm Lake and Cherokee, IA, to points in CT, DE, MD, MA, NJ, NY, PA, RI, 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; (2) *meats, meat products, and 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; Sioux Falls, SD; and Schuyler, NE, to points in CT DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, with no transportation for compensation on return, except as other wise authorized. Restriction: The authority granted herein is restricted to traffic originating at the above-named plantsites and storage facilities and destined to the above-named destinations; (3) *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, (except hides and commodities in bulk), as a *common carrier* over irregular routes, from the plantsite and storage facilities utilized by Wilson-Sinclair Co. at Albert Lea, MN, to points in PA, NY, MD, DE, NJ, CT, RI, MA, VT, NH, ME, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plantsite or storage facilities utilized by Wilson-Sinclair Co. at Albert Lea, MN and destined to the above-named destination points; (4) *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 plantsites and storage facilities of Wilson-Sinclair Co. at Cedar Rapids, IA, to points in PA, NY, MD, DE, NJ, CT, RI, MA, VT, NH, ME, and DC, with no transportation for compensation on return, except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destination points; (5) *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, (except hides and commodities in bulk or commodities in bulk in tank vehicles, as a *common carrier over* irregular routes, from the plantsite and storage facilities of Wilson Certified Foods, Inc., at or near Cherokee, IA and Omaha, NE, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, with no transportation for compensation on return, except as otherwise authorized. Restriction: The operations authorized 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 in 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., 1270 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, and Jeffrey S. Edson, all of 1270 Boston Avenue, Longmont, CO 80501, of control of such rights through the transaction. Applicants' representatives: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209 and Russell 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 Loveland, CO, and return over the same route; between Denver, CO and Cheyenne, WY, serving all intermediate points: from Denver, CO over U.S. Hwy 287 (formerly U.S. Hwy 87), to junction unnumbered highway approximately 2 miles north of Fort Collins, thence over unnumbered highway to junction U.S. Hwy 87, and thence over U.S. Hwy 87 to 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.

MC-F-13752F. Authority sought for the continuance of common control and management by Gertrude Meier Watson, Robert S. Meier, Richard A. Meier, Calvin H. Meier and Ruth M. Schoenwetter, 200 West Beltline Highway, Madison, WI 53713 of BADGER COACHES, INC. and of BADGER BUS LINES, INC., both being *common motor carriers* of passengers and their baggage in interstate and intrastate commerce and both of 200 West Beltline Highway, Madison, WI 53713. Applicant's attorney, Adolph J. Bieberstein, 121 West Doty Street, Madison, WI. Operating rights sought to be continued in control: BADGER BUS LINES, INC. is a *motor carrier* authorized under MC 802 to transport passengers and their baggage between Madison, WI and Freeport, IL, serving all intermediate points. BADGER COACHES, INC. is a *common motor carrier* of passengers and their baggage authorized under MC 106120 and Subs 2 and 3 to transport passengers and their baggage between Madison, WI and Milwaukee, WI, serving the intermediate points of Lake Mills, Johnson Creek and Delafield, WI. It is also

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 Commission granted BADGER COACHES, INC. authority to operate in interstate or foreign commerce as a *common carrier* by motor vehicle of passengers and their baggage in charter and special operations in round trip and sightseeing and pleasure tours beginning and ending at points in Dane, Jefferson, Waukesha and Milwaukee Counties, WI and extending to points in the United States, including Alaska, but restricted against the transportation of passengers to and from race tracks. Such grant was conditioned upon the persons engaged in the common control and management of BADGER COACHES, INC. and BADGER BUS LINES, INC. applying for approval thereof of the Interstate Commerce Commission as required by section 5(2) of the Interstate Commerce Act. The instant application is made to comply with that condition. Common control was previously exercised by H. E. Meier, who died on August 14, 1968. The applicants constitute the widow and children of the decedent, H. E. Meier, and are requesting authority to continue such common control.

Operating Rights Application(s) Directly Related to Finance Proceedings

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise 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 applicant's representative or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 108835 (Sub-45F), filed September 13, 1978. Applicant: HYMAN FREIGHTWAYS, INC., 1745 University Avenue, St. Paul, MN 55104. Representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate 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 2 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 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-F-13735F, published in a previous section of this Federal Register issue.

Motor Carrier Intrastate Application(s)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket 58344, filed September 8, 1978. Applicant: PINO FREIGHTWAYS, INC., 125 Piedmont Avenue, San Bruno, CA 94066. Representative: Daniel W. Baker, 100 Pine Street, San Francisco, CA 94111. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except 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-plastic form and commodities in suspension in liquids 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

San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Meteo County line meets the Pacific Ocean; thence easterly along said county line to a point 1 mile west of State Highway 82; southerly along an imaginary line 1 mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oak-

land Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard) via Mission San Jose and Niles to Hayward; northerly along Foothill 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; easterly 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 Public Convenience and Necessity sought to operate a freight service, over regular routes, as follows: Transportation of: *General commodities*, (1) between Atlanta, GA and Toccoa, GA, serving all intermediate points, from Atlanta over U.S. Hwy 23 to junction U.S. 123 then over U.S. 123 to Toccoa, and return over the same route; (2) between Atlanta, GA and GA-SC State line serving all intermediate points, from Atlanta over I-85 to the GA-SC State line near Lavonia, GA, and return over the same route; (3) between Commerce, GA and Clarkesville, GA, serving all intermediate points, from Commerce over U.S. Hwy 441 to Clarkesville, and return over the same route; (4) between Hartwell, GA and Toccoa, GA, serving all intermediate points, from Hartwell over GA Hwy 77 to junction GA 17, then over GA 17 to Toccoa, and return over the same route; (5) between Atlanta, GA and Cornelia, GA, serving all intermediate points, from Atlanta over I-85 to junction GA Hwy 365, then over GA Hwy 365 to junction U.S. 23, then over U.S. 23 to Cornelia, and return over the same route; (6) between Atlanta, GA, and Gainesville, GA serving all intermediate points, from Atlanta over U.S. Hwy 19 to junction I-285 at Sandy Springs, GA, then over I-285 to junction GA Hwy 400, then over GA Hwy 400 to junction GA Hwy 141, then over GA Hwy 141 to U.S. Hwy 19, then over U.S. Hwy 19 to junction GA Hwy 369, then over GA Hwy 369 to Gainesville, and return over the same route; (7) between Sandy Springs, GA and Ducktown, GA, serving all intermediate points, from Sandy Springs over U.S. Hwy 19 to junction GA Hwy 20, then over GA Hwy 20 to Ducktown, GA, and return over the same route; (8) between Buford, GA and Cumming, GA, serving all intermediate points, from Buford over GA Hwy 20 to Cumming, and return over the same route; (9) between Jefferson, GA and Gainesville, GA, serving all intermediate points, from Jefferson over U.S. Hwy 129 to Gainesville, and return over the same route; (10) between Commerce, GA and Jefferson, GA, for operating convenience only, from Commerce over GA Hwy 15 to Jefferson, and return over the same route, serving no intermediate points; with the right to serve points in Hart, Franklin, Banks, Jackson, Stephens, Habersham, Rabun, White, and Hall Counties, as off-route points in connection with routes (1) through (9) above; also for corresponding authority to engage in interstate and foreign commerce within the limits of the intrastate authority granted, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. Intrastate, interstate, and foreign commerce authority sought. Hearing: October 24, 1978, at the Georgia Public Service Commission, Commissioner's Hearing Room, 177 State Office Building, 244 Washington Street SW., Atlanta, GA. Requests for procedural information should be addressed to Georgia Public Service Commission, 162 State Office Building, 244 Washington Street SW., Atlanta, GA 30334, and should not be directed to the Interstate Commerce Comission.

Tennessee Docket MC 933 (Sub-3), filed September 18, 1978. Applicant: MOUNT PLEASANT TRANSFER, INC., P.O. Box 267, Mount Pleasant, TN 38474. Representative: Stephen L. Edwards, 806 Nashville Bank and Truck Building, Nashville, TN 37201. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except class A and B explosives, household goods 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 31 with alternate use of Intersate 65 for convenience, with closed doors between Maury County, TN, and Nashville, TN, and (2) between all points in Maury County, TN, on the one hand, and, on the other, Chattanooga, TN, over State Rte. 50 from Maury County, TN, to junction of U.S. Hwy 431; 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

OCTOBER 2, 1978.

Cases assigned for hearing, postponement, concellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of can-

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 Intent to File Divisions Complaint by Long Island Rail Road Co., now being assigned for continued prehearing conference on October 12, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 59531 (Sub-107F), Auto Convoy Co., now assigned for hearing on October 10, 1978, at Denver, Colo., is postponed indefinitely.

No. MC-F-13434, Central Transfer Co.—Purchase (Portion)—Robert Emanuel and Margaret 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. 1]

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 for persons who would normally ship via the NWP and AMR but who cannot do so because of a fire in a tunnel on the NWP at mileage post 195 near Island Mountain, Calif.

It is ordered: The applicant carriers are authorized to publish and file allowances to afford reduced rates under section 22 of the Interstate Commerce Act in the manner prescribed in 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 the tunnel, assume the cost of transporting 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 over the same 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, represented by Mr. David P. Root, 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 Railway 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 he 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—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., Washingon, D.C. 20423, and the aforementioned counsel for applicant, 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 applicaion.

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

particularity the factual basis, and the section of the act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-77768, filed July 11, 1978. Transferee: Ralph W. Southers, P.O. Box 988, Staunton, VA 24401. Transferor: W. J. Landes, d.b.a. Landes Garage, P.O. Box 2386, Staunton, VA 24401. Representative: Harry J. Jordan, Esquire, 1000-16th Street, NW., Washington, DC 20036. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-124868 issued January 28, 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; and 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).

MC-FC-77790, filed July 28, 1978. Transferee: Billie Orton, Memphis, MO 63555. Transferor: Cecil B. McCabe, d.b.a. McCabe Truck Line, Kahoka, MO 63445. Representative: Billie Orton, Memphis, MO 63555. Authority sought for purchase by transferee of the operating rights of transfer as set forth in Permit No. MC-109804 issued June 12, 1962, as follows: Malt beverages, in containers, over irregular routes, from St. Louis, MO to Grinnell, IA; and empty malt-beverage containers, from Grinnell, IA to St. Louis, MO. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77810, filed August 15, 1978. Transferee: FRISELLA GLOBAL MOVING & STORAGE CO., 2517 Adie Road, Maryland Heights (St. Louis County) MO 63043. Transferor: Preslar Moving & Storage, Inc., 3344 Greenwood Boulevard, Maplewood, (St. Louis County) MO 63143. Representative: Donald A. Doheny, Attorney at Law, 2284 Weldon Parkway, St. Louis, MO 63141. Authority sought for 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 points within 50 miles thereof on the one hand, 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 set forth in Certificate of Registration No. MC-99320 (Sub-1), issued January 7, 1970, as follows: Specified commodities, solely within the State of TX. Transferee presently holds no authority from this Commission. Application has not been filed for section 210a(b) authority.

MC-FC-77812, filed August 15, 1978. Transferee: CARL COLLINS, d.b.a. COLLINS WHOLESALE BUILDING MATERIALS, 4073 Hooker Road, Roseburg, OR 97470. Transferor: Herbert S. Watson, d.b.a. Herb's Trucking, Route 1, Box 225, Myrtle Creek, OR 97457. Representative: Robert R. Hollis, Attorney at Law, 400 Pacific Building, Portland, OR 97204. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-140592 Sub 2 issued June 2, 1978, as follows: Abrasive grit (granulated slag), over irregular routes, from points in Douglas County, OR to points in CA, OR, and WA, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77819, filed August 21, 1978. 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-78926, issued November 27, 1972, 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.

MC-FC-77821, filed August 22, 1978. 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 06879. Authority sought for purchase by transferee 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 and 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 21620. Transferor: Hollon Moving, Inc., Box 166A Earlville, MD 21919. 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 Annes, Somerset, Talbot, Wicomico, and Worcester Counties, MD, on the one hand, and,

on the other, points in DE, NJ, Philadelphia, PA, and those points in PA within 50 miles of Philadelphia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77833, filed August 28, 1978. Transferee: PHILIP K. EMPSON, R.D. No. 1, Ulysses, PA 16948. Transferor: Robert W. Gibson, R.D. No. 1, Ulysses, PA 16948. Representative: Thomas F. X. Foley, Esq., State Hwy 34, Colts Neck, NJ 07722. Authority sought by transferee to acquire all of the authority of transferor in MC-124795 issued July 22, 1977, as follows: *Wood*, from points in McKean, Potter, Cameron, and Tioga Counties, PA, to Niagara Falls, Buffalo, and Rochester, NY, with no transportation for compensation on return except as otherwise authorized. *Fertilizer and lime*, from Niagara Falls, Buffalo, Rochester, and Olean, NY, to points in McKean, Potter, Cameron, and Tioga Counties, PA, with no transportation for compensation on return except as otherwise authorized. Transferee is presently authorized to operate as a carrier under MC-142825. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77839, filed September 5, 1978. Transferee: STORE WIDE DELIVERY CO., INC., 815 Jersey Avenue, Jersey City, NJ 07302. Transferor: A-1st Trucking & Leasing Corp., 311 17th Street, Jersey City, NJ 07302. Representative: Arthur J. Piken, Piken & Piken, Esqs., One Lefrak City Plaza, Flushing, NY 11368. Authority sought for purchase by transferee of a portion of the operating rights of the transferor, as set forth in Permit No. MC-135952 (Sub 4), issued October 5, 1977, as follows: *Such commodities* as are dealt in and used by retail department stores, between the facilities of Caldor, Inc., on the one hand, and, on the other, points in CT, MA, NY, NH, NJ, PA, RI, and VT. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77846, filed September 8, 1978. Transferee: BROOKLYN MOVERS, INC., 4600 Winterlane, Brooklyn, OH 44144. Transferor: Roush & De Nardy Trucking, Inc., d.b.a. Parma Movers, 3584 West 67 Street, Cleveland, OH 44102. Representative: Earl N. Merwin, Attorney at Law, 85 East Gay Street, Columbus, OH 43215. Authority sought for purchase by transferee of a portion of the operating rights of the transferor, as set forth in Certificate No. MC-124714, issued July 25, 1968, as follows: *Household goods*, as defined by the Commission, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in IL, IN, MI, MO, NJ, NY, OH, PA, WV, and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-28157 Filed 10-4-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER NOTICES

SEPTEMBER 27, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 16, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 32882 (Sub-E25), filed August 29, 1978. Applicant: MITCHELL BROS. TRUCK LINES, P.O. Box 17039, Portland, OR 97217. Representative: Lex F. Page (same as above). *Machinery*, which because of size or weight, requires special equipment which is embraced within the term self-propelled vehicles, weighing 15,000 pounds or more (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act) transported on trailers, between points in Sedgwick County, CO, on the one hand, and, on the other, points in Washoe County, NV, and points in Humboldt County, NV, on and west of U.S. Hwy 95. (Gateways eliminated: Lake County, OR, and points in UT.)

MC 32882 (Sub-E26), filed August 29, 1978. Applicant: MITCHELL BROS. TRUCK LINES, P.O. Box 17039, Portland, OR 97217. Representative: Lex F. Page (same as above). (1) *Machinery* and (2) *contractors' equipment* restricted in (1) and (2) above to those articles embraced by the term self-propelled vehicles, weighing 15,000 pounds or more (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act), transported on trailers, between Lookout Pass, MT, on the one hand, and, on the other, points in Prowers, Brent, Otero, Baca, Kiowa, Los Animas, Cheyenne, and Kit Carson Counties, CO. (Gateways eliminated: points in UT and WA.)

MC 83539 (Sub-E354), filed May 31, 1977. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Representative: Douglas Anderson (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and related machinery parts, materials and supplies when moving in connection with such commodities, between points in AR in and west of Boone, Carroll, Madison, and Crawford Counties, on the one hand, and, on the other, points in DC. (Gateways eliminated: Oil City or Braddock, PA, and Philadelphia, PA.)

MC 83539 (Sub-E385), filed May 31, 1977. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Representative: Douglas Anderson (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment and, related machinery, parts, materials, and supplies when moving in connection with such commodities, between points in DC, on the one hand, and, on the other, points in RI. (Gateways eliminated: Philadelphia, PA, and points in PA.)

MC 83539 (Sub-E580), filed May 31, 1977. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Representative: Douglas Anderson (same as above). *Heavy machinery*, between points in DE, on the one hand, and, on the other, points in VT. (Gateways eliminated: Philadelphia, PA, points in PA, Worcester, MA, and points within 25 miles of Worcester.)

MC 88368 (Sub-E44) (correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of September 4, 1975, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC. 1109 Cartwright Ave., Grandview, MO 64030. Representative: Charles Ephraim, Attorney, Ste. 600, 1250 Connecticut Ave. NW., Washington, DC 20036. *Household goods*, as defined by the Commission, (21) from points in CO to points in AL; (22) from points in CO to points in AR; (23) from points in CO

to points in CT; (24) from points in CO to points in DE; (25) from points in CO to points in FL; (26) from points in CO to points in GA; (27) from points in CO to points in IL; (28) from points in CO to points in IN; (29) from points in CO to points in LA; (30) from points in CO to points in ME; (31) from points in CO to points in MA; (32) from points in CO to points in MS; (33) from points in CO to points in NH; (34) from points in CO to points in NJ; (35) from points in CO to points in NC; (36) from points in CO to points in OH; (37) from points in CO to points in PA; (38) from points in CO to points in RI; (39) from points in CO to points in TN; (40) from points in CO to the DC. (Gateways eliminated: (21) Sharon Springs, KS, Houston, MS, and Florence, AL; (22) Newton, KS; (23) Newton, KS, Bloomington, IL, Steubenville, OH, Philadelphia, PA; (24) Newton, KS, Bloomington, IL, Steubenville, OH, Philadelphia, PA; (25) Hays, KS, Tupelo, MS, Birmingham, AL, Valdosta, GA; (26) Sharon Springs, KS, Corinth, MS, Tuscumbia, AL or Kinsley, KS, Grenada, MS, Eutaw, AL; (27) Marysville, MO, Bloomington, IL or Marysville, MO and Newton, KS; (28) Newton, KS; (29) Arkansas City, KS, Jacksonville, TX; (30) Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA, Lawrence, MA; (31) Newton, KS, Bloomington, IL, Steubenville, OH, Philadelphia, PA; (32) Arkansas City, KS; (33) Newton KS, Clinton, IL, Steubenville, OH, Philadelphia, PA, Lawrence, MA; (34) Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA; (35) Hutchinson, KS, Corinth, MS, Florence, AL; (36) Newton, KS, Clinton, IL, Newton, KS, Clinton, IL; (37) Newton, KS, Clinton, IL, Steubenville, OH; (38) Newton, KS, Clinton, IL, Steubenville, OH; (39) Newton, KS; (40) Newton, KS, Clinton, IL, Steubenville, OH, Philadelphia, PA.)

NOTE.—The purpose of this partial republication is to add the above sections, previously omitted. The remainder of this letter-notice remains as previously published.

MC 106644 (Sub-E58), 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, 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, (a) 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 22, then along MO Hwy 22 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-MO State line. (Gateway eliminated: points in MO on and east of U.S. Hwys 61 and 67.)

MC 106644 (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. *Electric controllers and instruments* which because of size or weight require the use of special equipment, from points in OK and TX, to points in DE, CT, VT, NH, ME, and DC. (Gateways eliminated: points in MO on and east of U.S. Hwy 61, TN, NC, and Roanoke, VA.)

MC 106644 (Sub-E60), 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, weight or shape require the use of special equipment or special handling, with operations in (1) and (2) above restricted against the transportaion 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, west and north of a line beginning at the TX-OK State line extending along U.S. Hwy 287 to junction U.S. Hwy 87, then south along U.S. Hwy 87 to junction U.S. Hwy 80, then west and south along U.S. Hwy 80 to the TX-NM State line, and points in AL on and east of a line beginning at the AL-FL State line extending along U.S. Hwy 231 to junction I Hwy 65, then northwest along I Hwy 65 to the AL-TN State line. (Gateways eliminated: points in MO on and east of U.S. Hwy 61 and points in TN.)

MC 106644 (Sub-E61), 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, 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, operations, repair, servicing and dismantling of pipelines and the stringing or picking up thereof, between points in TX on, west and north of a line beginning at the TX-OK State line extending along U.S. Hwy 287 to junction U.S. Hwy 87, then south along U.S. Hwy 87 to junction U.S. Hwy 80, then west along U.S. Hwy 80, to junction at the TX-NM State line, and points in MS on and east of a line beginning at the MS-TN State line extending along U.S. Hwy 45 to junction U.S. Hwy Alt 45, then south along U.S. Hwy Alt 45 to junction U.S. Hwy 45, then south along U.S. Hwy 45 to junction MS Hwy 16, then east along MS Hwy 16 to the MS-AL State line. (Gateways eliminated: points in MO on and east of U.S. Hwy 61 and points in TN.)

MC 112304 (Sub-E618), 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, piling, pipe, posts, rails, rods, roofing, tubing and wire* in coils, between points in Indiana 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 to junction U.S. Hwy 360 at Richmond, then east along U.S. Hwy 360 to the Chesapeake Bay. 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-E619), 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, Colum-

bus, OH 43215. *Structural steel and iron and steel angles, bars, channels, conduit, lath, piling, 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 250 to 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, piling, 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 U.S. Hwy 220. 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, piling, 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 250 to junction U.S. Hwy 360 at Richmond, then east along U.S. Hwy 360 to the Chesapeake Bay. 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 MS. 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 AR. 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 MO. 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 LA. 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-65shall 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 MN. 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). *Lumber and composition board* (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 Inyo, Kern and Venture 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-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 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-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 commodites 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.)

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). (1) *Decorating or preservative materials, supplies and equipment;* (2) *paint, painting materials, supplies and equipment;* (3) *engine coolant, lubricating oil, cleaning compounds and glue;* and (4) *advertising material* (except commodites 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, AL, FL, GA, LA, MS, and TN, to points in the Upper Peninsula of MI. (Gateway eliminated: facilities of Montgomery Ward Paint Factory at Chicago Heights, IL.)

MC 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 section, including all component part, equipment, and materials incidental to the erection and completion of such buildings, when shipped therewith (except commodites 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 PA, to points in WY. (Gateway eliminated: Litchfield, MN.)

MC-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 water-rail, or by air, from Wilmington, NC, to points in WY. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E455), 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 water-rail, or by air, from points in ID on and north of U.S. Hwy 12 and points in OR to points in IN on and north of a line beginning at the IL-IN State line, and extending along I Hwy 74 to junction U.S. Hwy 231, then along U.S. Hwy 231 to junction IN Hwy 46, then along IN Hwy 46 to junction IN Hwy 7 to Madison, and to points in MI and OH. (Gateway eliminated: International Falls, MN.)

MC 123407 (Sub-E456), 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 water-rail, or by air, from Niles, OH, to Mobile, AL, Panama City and Pensacola, FL, and points in AR, LA, NM, OK, and TX, 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).

MC 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 water-rail, or by air, from Niles, OH, to 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).

MC 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). *Plastic pipe, plastic or iron fittings, connections, valves, hydrants, and gaskets* (except commodities requiring special equipment and commodities in bulk), in containers or in trailers, having an immediately prior or subsequent movement by water, by water-rail, or by air, from the facilities of the Clow Corp., at Lincoln, Talladega County, AL, to points in WA, OR, ID, CA, NV, UT, WY, CO, (except Baca County), and those points in KS in and north of Wallace, Logan, Gove, Trego, Ellis, Russell, Ellsworth, Saline, Dickinson, Clay, Pottawatomie, Jackson, and Atchison Counties, KS. (Gateway eliminated: points in IA.)

MC 123407 (Sub-E459), 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). (1) *Decorating or preserative materials, supplies and equipment;* (2) *paint, painting materials, supplies and equipment;* (3) *engine coolant, lubricating oil, cleaning compounds and glue;* and (4) *advertising material* (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 MA, RI, VT, NH, and ME, to points in the Upper Peninsula of MI except those points in Luce, Mackinac, and Chippewa Counties, MI. (Gateway eliminated: facilities of Montgomery Ward Paint Factory at Chicago Heights, IL.)

MC 123407 (Sub-E460), 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 water-rail, or by air, from points in WA, to points in IN, MI, and OH. (Gateway eliminated: International Falls, MN.)

MC 123407 (Sub-E461), 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 CO on, west 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 285, then north along U.S. Hwy 285 to Denver, then north along U.S. Hwy 6 to the NE-CO State line, to points in IN. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E462), 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 KS to those points in IN in and north of Warren, Fountain, Montgomery, Clinton, Howard, Grant, Wells, and Adams Counties, IN. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E463), 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 OK in and west of Kay, Noble, Payne, Lincoln, Pottawattamie, Seminole, Hughes, Pittsburgh, Atoka, and Choctaw Counties, OK, to those points in IN on and north of a line beginning at the IL-IN State line, and extending east along U.S. Hwy 136 to Indianapolis, then along I Hwy 74 to the IN-OH State line. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E464), 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 MO to those points in IN on and north of a line beginning at the IL-IN State line, and extending along IN Hwy 14 to the IN-OH State line. (Gateway eliminated: Wilmington, IL.)

MC 123407 (Sub-E465), 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 TX on and south of a line beginning at the NM-TX State line, and extending along I Hwy 10 to the LA-TX State line, to those points in IN on and north of a line beginning at the IL-IN State line, and extending along U.S. Hwy 136 to Indianapolis, then along U.S. Hwy 40 to the IN-OH State line. (Gateway eliminated: Wilmington, IL.)

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). *Lumber* (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 WY in, north and west of Sweetwater, Fremont, Washakie, Johnson, Campbell, and Weston Counties, WY, and those points in ID, NV, and UT on and west of I Hwy 15, to points in IN. (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). (1) *Decorating or preservative materials, supplies and equipment;* (2) *paint, painting materials, supplies and equipment;* (3) *engine coolant, lubricating oil, cleaning compounds and glue;* and (4) *Advertising material* (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 SC to points in the upper peninsula of MI. (Gateway eliminated: facilities of Montgomery Ward paint factory at Chicago Heights, IL.)

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). (1) *Decorating or preservative materials, supplies and equipment;* (2) *paint, painting materials, supplies and equipment;* (3) engine coolant, lubricating oil, cleaning compounds and glue; and (4) *advertising material* (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 DC, and points in CT, DE, IN, KY, MD, NJ, NY, NC, PA, VA, and WV, to points in the upper peninsula of MI (except those points in Alger, Schoolcraft, Luce, Mackinac, and Chippewa Counties, MI). (Gateway eliminated: facilities of Montgomery Ward paint factory at Chicago Heights, 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 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 points in CO to those points in IN on, north and east 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 37, then along IN Hwy 37 to junction U.S. Hwy 150, then along 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). *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 points in NE, NH, VT, MA, CT, and RI, to points in CO. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E474), 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 points in NY, to points in CO. (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E475), 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 those points in NJ on, east and south of a line beginning at the PA-NJ State line, and extending along NJ Hwy 57 to junction I Hwy 80, then along I Hwy 80 to the NJ-Hudson River Border at or near Fort Lee, NJ, to points in CO (except Baca, Las Animas, Otero Bent, Prowers, and Kowa Counties). (Gateway eliminated: Litchfield, MN.)

MC 123407 (Sub-E476), 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 points in OH, to points in WY (except Laramie, Goshen, Platte, Albany, 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, Lander, 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). *Composition building board* (except when special equipment is required) in containers or in trailers, having an immediately prior or subsequent movement by water, or by 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 Barnardino, and Orange Counties), NV (except Nye and Clark Counties), CO on and north 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, Pueblo, Custer, Saguache, Alamosa, and Conejos 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, Prowers, 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 by 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 Hastings, 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 by water-rail, or by air, from points in WA, OR, and ID, to points in

MI. (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 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 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 water-rail or by air, from the District of Columbia; Cheriton, Newport News, Fredericksburg, Norfolk, Virginia Beach, and Williamsburg, VA; Elizabeth City, Plymouth, and Wilmington, NC; and points in PA, NJ, and DE, to points in KS. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E490), 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, supplies, and accessories* used in the manufacture and installation of composition board (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, ID, NV, UT, AZ, WY, and NM, to the facilities of the Abitibi Corp., at Roaring River, NC. (Gateway eliminated: Points in IL.)

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 water-rail, or by air, from the facilities of the Abitibi Corp. at Roaring River, NC, to points in WA, OR, CA, ID, NV, 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 water-rail, or by air, from points in NY and MI, 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 water-rail, or by air, from points in ME, NH, MA, RI, 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 water-rail, or by air, from those points in OH and IN on and north of I Hwy 80, to points in KS, OK, and those points in MO on and west of I Hwy 35. (Gateway eliminated: Dubuque, IA.)

MC 123407 (Sub-E496), 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-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 MI, IN, OH, and KY. (Gateway eliminated: Facilities of Husky Briquetting, Inc., at Isanti, MN.)

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 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 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 Baldwin, Mobile, Washington, and Clarke 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, Bollinger, 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, 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, Bollinger, Madison, Iron, Reynolds, Shannon, Texas, Wright, Greene, Lawrence, Webster, and Jasper Counties, 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). *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 Baldwin, Mobile, Washington, and Clarke Counties, AL, 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 Hammond, IN, to points in IN (except points in Lake County, north of IN Hwys 8 and 202). (Gateway eliminated: Calumet City, 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). *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-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.)

MC 123407 (Sub-E510), 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 Charleston, SC, to points in Fulton, Hickman, Graves, Calloway, Marshall, Lyon, Caldwell, Livingston, Crittenden, Union, Webster, McCracken, Carlisle and Ballard Counties, KY. (Gateway eliminated: IL.)

MC 123407 (Sub-E511), 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 Charleston SC, to points in Lake, Obion, Weakley, Henry, Dyer, and Lauderdale Counties TN. (Gateway eliminated: IL.)

MC 123407 (Sub-E512), 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 Charleston SC, to points in TX on, north and west of a line beginning

at Texarkana, TX, then along U.S. Hwy 67 to Dallas, TX, then along I Hwy 35 to Laredo, TX. (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, WY, and NM. (Gateway eliminated: IL.)

MC 123407 (Sub-E514), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valaraiso, 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, north 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, Valaraiso, 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 Lake, Obion, Weakley, and Dyer Counties, TN. (Gateway eliminated: IL.)

MC 123407 (Sub-E516), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valaraiso, 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, Valaraiso, 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). *Precast concrete structures* (except 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 Hammond, IN, to points in NC, SC, GA, FL, AL, MS, WA, OR, CA, NV, ID, UT, AZ, and WY. (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 Charleston, SC, to points in AR on, north 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-E523), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, JN 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 Charleston, SC to points in WA, WY, NM, CO, OR, ID, CA, NV, UT, AZ, MO, KS, and OK. (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). *Roofing and building materials and 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 in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from to points in UT in and north of Beaver, Plute, Sevier, Sanpete, Carbon, and Uintah Counties, to points in MS. (Gateway eliminated: facilities of Certain-Teed Products at East St. Louis, IL.)

MC 123407 (Sub-E525), 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 and 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 by water/rail or by air, from points in CT, to points in MS. (Gateway eliminated: facilities of Certain-Teed Products Corp., at East St. Louis, IL.)

MC 123407 (Sub-E526), 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 and glass glazing units* (except commodities requiring special equpment), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail or by air, from Carleton, MI, to points in WA, OR, ID, CA, NV, UT, and AZ. (Gateway eliminated: Rockford, IL.)

MC 123407 (Sub-E527), 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). *Joists, rafters and roof trusses* (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 Trus Joist Corp. at Winchester, VA, to points in WA, OR, CA, ID, WY, NV, UT, AZ, CO, and NM. (Gateway eliminated: Danville, IL.)

MC 123407 (Sub-E528), 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,* used in the manufacture of joists, rafters, and roof trusses (except commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior or subse-

quent movement by water, or by water-rail or by air, from WA, OR, CA, NV, ID, UT, AZ, WY, CO, and NM, to the facilities of Trus Joist Corp. at Winchester, VA. (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 WA, to 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 Vermillion 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 by 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 in trailers having an immediately prior or subsequent movement by water or water-rail or by air, from the facilities of PPG Industries, Inc., at South Greensburg, PA, to points in WA, OR, ID, CA, NV, UT, and AZ; and those points in KS on and west of U.S. Hwy 54 and I Hwy 35. (Gateway eliminated: Jonesville, WI.)

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 PPG Industries, Inc., at Ford City, PA, to points in WA, OR, ID, CA, NV, UT, and AZ, those points in KS on and north and west of U.S. Hwy 54 and I Hwy 35; those points in OK on and 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 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 Brackenridge, PA, to points in WA, OR, CA, ID, NV, WY, UT, CO, and AZ; and those points in NM on and north of U.S. Hwy 60. (Gateway eliminated: Beloit, WI.)

MC 123407 (Sub-E537), 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 CA and NV, to points in MI. (Gateway eliminated: Superior, 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 NM, to points in MI and PA. (Gateway eliminated: Dubuque, IA.)

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 to points in WI, to 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 points in KS on and west of U.S. Hwy 83 and points in TX and Cimmarron Counties, OK. (Gateway eliminated: Beloit, WI.)

MC 123407 (Sub-E561), 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, hardboard, insulation and insulation materials,* (2) *accessories and materials* used in the installation of the products in (1) above and (3) *padding and cushion materials and mulch* (except lumber, 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 CA and NV

on and north of Interstate Hwy 80, to points in NC, SC, and Savannah, GA. (Gateway eliminated: Cloquet, MN.)

MC 123407 (Sub-E562), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valaraiso, IN 46383. Representative: Richard L. Loftus (same as above). *Used construction forms* (except 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 points in WY, on the one hand, and, on the other, points in MI, PA, NY, NJ, VT, NH, ME, MA, CT, and RI. (Gateway eliminated: Chamberlain, SD.)

MC 123407 (Sub-E563), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valaraiso, IN 46383. Representative: Richard L. Loftus (same as above). *Used construction forms* (except 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 points in WY, on the one hand, and, on the other, points in IN, OH, WV, MD, DE, DC, KY, VA, NC, SC, MO, AR, KS, OK, and TX. (Gateway eliminated: Sidney, NE.)

MC 123407 (Sub-E564), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valaraiso, IN 46383. Representative: Richard L. Loftus (same as above). *Used construction forms* (except 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 Portland, OR, on the one hand, and, on the other, points in Campbell, Crook, Weston, Converse, Niobrara, Platte, Goshen, and Laramie Counties, WY. (Gateway eliminated: Belle Fourche, SD.)

MC 123407 (Sub-E565), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valaraiso, IN 46383. Representative: Richard L. Loftus (same as above). *Used construction forms* (except 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 Los Angeles, CA, on the one hand, and, on the other, points in Albany, Laramie, Platte, Goshen, Converse, Niobrara, Weston, Campbell and Crook Counties, WY. (Gateway eliminated: Bushnell, NE.)

MC 123407 (Sub-E566), 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 by water-rail or by air, from points in MI on and north of a line beginning at Muskegon, MI, extending along Interstate Hwy 96 to junction MI Hwy 21, then along MI Hwy 21 to Port Huron; points in NY, NH and VT on and north of a line beginning at Sacket Harbor, NY, extending along NY Hwy 3 to Watertown, NY, then along NY Hwy 12 to junction NY Hwy 8, then along NY Hwy 8 to junction NY Hwy 30, then along NY Hwy 30 to junction NY Hwy 67, then along NY Hwy 67 to junction VT Hwy 67, then along VT Hwy 67 to junction VT Hwy 67-A, then along VT Hwy 67-A to Bennington, VT, then along VT Hwy 9 to the VT-NH State line, then along NH Hwy 9 to junction NH Hwy 49 to junction U.S. Hwy 202, then along U.S. Hwy 202 to the NH-ME State line, to points in TX, OK, KS, and CO on and west of a line beginning at Corpus Christi, TX, extending along Interstate Hwy 37 to San Antonio, TX, then along Interstate Hwy 35 to Wichita, KS, then along Interstate Hwy 81 to the KS-NE State line. Restriction: The authority granted herein is restricted against the transportation of oilfield commodities as described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459 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 or removal of commodities into or from holes or wells. (Gateway eliminated: Hastings, NE.)

MC 123407 (Sub-E567), 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 charcoal fireplace logs, lighter fluid and barbeque grill base material* (except commodities in bulk and commodities requiring special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, water-rail or by air, from points in AZ, to points in MI. (Gateway eliminated: facilities of Husky Briquetting, Inc., at Isanti, MN.)

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, or by water-rail or by air, from the facilities of Henderson Steel Corp. at Lauderdale County, MS, to points in ME, MI, VT, NH, MA, RI, 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: Cairo, IL.)

MC 123407 (Sub-E570), 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 Detroit, MI, on the one hand, and, on the other, points in WA, OR, ID, CA, NV, UT, CO, NM, AZ, WY, KS, TX, 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, WY, 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). *Used construction forms* (except commodities requiring special equipment and commodities in bulk) in containers or in trailers, having an immediately prior or subsequent movement by water, or 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, Crook and Campbell Counties, WY. (Gateway eliminated: Bushnell, NE.)

MC 123407 (Sub-E574), 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, lumber, chemicals, and commodities 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 points in CA and NV on and north of Interstate Hwy 80, to points in WV, VA, NC, and KY on and east of U.S. Hwy 41. (Gateways eliminated: Warren, IL, and Brookville, IN.)

MC 123407 (Sub-E633), 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 used in the manufacture and distribution of widows, doors, building woodwork and the materials and accessories used in the installation thereof* (except commodities in bulk and commodities because of size or weight require the use of special equipment or special handling), in containers or in trailers, having an immediately prior or subsequent movement by water, or by water-rail, or by air, from Norfolk, VA, to points in WA, OR, CA, ID, NV, UT, WY, points in CO on and north of a line beginning at the CO-NE State line, and extending along Interstate Hwy 76 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the CO-UT State line, and points in AZ on, west and north of a line beginning at the AZ-NM State line, and extending along Interstate Hwy 40 to junction Interstate Hwy 25, then along Interstate Hwy 25 to junction U.S. Hwy 60, then along U.S. Hwy 60 to the AZ-CA State line. (Gateway eliminated: Dubuque, IA.)

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-28152 Filed 10-4-78; 8:45 am]

[6050-01]

ACTION

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 process 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 not necessary to accomplish 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 imposed 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. 02109.

ACTION—Region III: 320 Walnut St., Suite 600, Philadelphia, Pa. 19106.

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, Kans. 66101.

ACTION—Region IX: 211 Main St., Room 533, San Francisco, Calif. 94105.

ACTION—Region II: 26 Federal Plaza, 16th Floor, Suite 1611, New York, N.Y. 10007.

ACTION—Region IV: 101 Marietta St., NW., Room 2524, Atlanta, Ga. 30303.

ACTION—Region VI: Corrigan Tower Bldg., Suite 1600, 212 North St. Paul St., Dallas, Tex. 75201.

ACTION—Region VIII: Columbine Bldg., Room 201, 1845 Sherman St., Denver, Colo. 80203.

ACTION—Region X: 1601 Second Ave., Seattle, Wash., 98101.

FOR FURTHER INFORMATION CONTACT:

Ms. Diana London, VISTA, 806 Connecticut Avenue NW., Washington, D.C. 20525, 202-254-5195.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the authority contained in sections 103, 108 and 402(12) of the Domestic Volunteer Service Act of 1973, as amended, Pub. 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 not subject to the competitive procedures outlined below. Grantees applying for fourth year continuation grants will be required to follow the procedures outlined below.

A. *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 and 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 grantee 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 grantee is required to identify, develop and provide technical assistance to local groups which will serve as project sponsors of the volunteers. The grantee will also provide overall training, technical assistance and management support for the projects' operations.

B. *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-

tutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure and exploit opportunities for self-advancement by persons afflicted with such problems.

(Sec. 101, Pub. L. 93-113, 42 U.S.C. Sec. 4951.)

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 for 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 measureable result(s);

2. The applicant organization must:

(a) Provide assignments for volunteers which are consistent with the requirements and restrictions for VISTA volunteer service contained in the Domestic Volunteer Service Act of 1973 (Pub. L. 93-113) and applicable regulations and VISTA policies;

(b) To the maximum extent practicable, involve the low-income people to be served in the planning, development and implementation of the project(s);

(c) Identify resources needed and make them available for volunteers to perform their tasks;

(d) Demonstrate sufficient administrative, supervisory and fiscal expertise to manage a multiple-unit, geographically-dispersed grant and multiState volunteer payroll system;

(e) Demonstrate ability to recruit full-time volunteers into the project as appropriate;

(f) 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 1979 funding, approximately $1 million will be available for approximately 5 new national VISTA grants ranging in size from approximately $200,000 to $400,000. They will be awarded for a period of up to fifteen (15) months to allow for preoperational planning and 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. Regional and State Directors 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 award, 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 and 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).

CONTENTS

Commodity Futures Trading Commission	1
Federal Deposit Insurance Corporation	2
Equal Employment Opportunity Commission	3
Federal Election Commission	4
Federal Energy Regulatory Commission	5
Federal Home Loan Bank Board	6
Federal Reserve System (Board of Governors)	7
National Transportation Safety Board	8
Securities and Exchange Commission	9

[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 190, September 29, 1978, page 44965.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., October 3, 1978.

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. Heimann, 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(c)(6) and (c)(9)(B)).

Dated: September 29, 1978.

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 No. 78-7-F01A-154,
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 202-634-6748.

This notice issued October 2, 1978.

[S-2012-78 Filed 10-3-78; 9:01 am]

[6715-01]

4

FEDERAL ELECTION COMMISSION.

"FEDERAL REGISTER" NO. FR-S-1987.

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 202-523-4065.

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: 43 FR 44965, published September 29, 1978.

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-8. ER78-39, ER76-340, and ER76-363, Kansas Power & Light Co.
ER-9. ER76-304, ER76-317, and ER76-498, New England Power Co.

ER-10. ER76-205, Southern California Edison Co. E-7777 (Phase II) Pacific Gas & Electric Co., E-7796, Pacific Gas & Electric Co.
M-2. R-441, Revision in section 2.75 of title 18 of the Code of Federal Regulations to amend optional procedure requirements.
M-3. RM78-14, Revision in section 2.56a, section 154.94, and section 260.6 of title 18 of the Code of Federal Regulations to eliminate certain rate change filing requirements.
M-4. RM78- , Amendments relating to the automatic issuance of temporary certificates to producers.
M-5. RM78- , Policy with respect to the amendment of certificates to conform to actual construction.
M-6. Suggested procedures to simplify pipeline certificate agenda.
RP-4. RP71-18, et al., and RP73-86, Columbia Gas Transmission Corp.
RP-5. RP78-72, Algonquin Gas Transmission Co.
CP-5. CP78-272, The Brooklyn Union Gas Co. CP77-495, et al., Transcontinental Gas Pipe Line Corp.
CP-6. CP77-363, Columbia Gas Transmission Corp., and National Fuel Gas Supply Corp.
CP-7. CP76-492, National Fuel Gas Supply Corp., and National Gas Storage Corp.
CP-8. Docket No. , The Montana Power Co.
CP-9. CP76-85, et al., Algonquin Gas Transmission Co.
CI-1. CI75-45, Tenneco Oil Co. CI75-107 and CI75-684, Shell Oil Co.
CI-2. CI77-412, Phillips Petroleum Co.
CI-3. (A) RI76-124, Glen E. Jeffrey. (B) RI77-38, Mesa Petroleum Co.

LOIS D. CASHELL,
Acting Secretary.

[S-2016-78 Filed 10-3-78; 9:17 am]

[6720-01]

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 190, Page 44966, Friday, September 29, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., October 3, 1978.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

CHANGES IN THE MEETING: The following item has been added to the agenda for the open 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.

No. 187, October 3, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[S-2019-78 Filed 10-3-78; 3:27 pm]

[6210-01]

7

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 11:30 a.m., Monday, October 2, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTER CONSIDERED: Proposed Board position regarding a congressional amendment of the grandfather provisions of the Bank Holding Company Act. (This matter was originally announced for a meeting on Friday, September 29, 1978.)

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: October 2, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-2013-78 Filed 10-3-78; 9:01 am]

[4910-58]

8

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, October 12, 1978 [NM-78-36].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first four items on the agenda will be open to the public; the last item will be closed under exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Marine accident report—Collision between Liberian tankship MV *Stolt Viking* and U.S. Crew Boat *Candy Bar* in the Gulf of Mexico, January 7, 1978.
2. Special study—Safe Service Life for Liquid Petroleum Pipelines.
3. Discussion—Lack of national standard for minimum skid number value.
4. Closeout—Aviation safety recommendations A-77-56, A-78-13, A-78-33, A-78-38, and A-78-39.
5. Opinion and order—*Administrator* v. *Ribler*, Dkt. SE 3593; disposition of Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-2014-78 Filed 10-3-78; 9:01 am]

[8010-01]

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 44612, September 28, 1978.

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.

OCTOBER 3, 1978.

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THURSDAY, OCTOBER 5, 1978
PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

OPERATIONS REVIEW PROGRAM AMENDMENT NO. 6

General Operating and Flight Rules and Related Airworthiness Standards and Crewmember Training

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17154; Amdt. Nos. 23-22; 25-44; 27-15; 29-16; 91-154; 121-148]

OPERATIONS REVIEW PROGRAM; AMENDMENT NO. 6

General Operating and Flight Rules and Related Airworthiness Standards and Crewmember Training

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to update and improve certain requirements applicable to aircraft, 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:

Mr. D. A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Adminstration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

HISTORY

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

Clarifying and Editorial Changes (41 FR 47227; Oct. 28, 1976).
Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977 amended by 42 FR 32531; June 27, 1977).
Airspace, Air Traffic and General Operating Rules (to be issued at a later date).
Development of Major Repair Data (43 FR 3084; Jan. 23, 1978).
Miscellaneous Amendments (43 FR 22636; May 25, 1978).
Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commerical Operators of Large Aircraft (43 FR 22643; May 25, 1978 amended by 43 FR 28403; June 29, 1978).

These amendments are based on a notice of proposed rule making (notice 77-20) published in the FEDERAL REGISTER on September 1, 1977 (42 FR 44204). All interested persons have been given an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below these amendments and reasons for their adoption are the same as those contained in notice 77-20.

DISCUSSION OF COMMENTS

The following discussions are keyed to like-numbered proposals in notice 77-20 and amendments to §§ 121.417, 121.437 and 121.439. Since these amendments to §§ 121.417, 121.437 and 121.439 are clarifying and relaxatory in nature and do not impose a burden on the public, I find that notice and public procedure are unnecessary and that the amendments may be made effective without notice.

Proposal 6-1. Proposed § 91.33(b)(12) would require that safety belts have metal to metal buckles or latching devices. Implementation of this amendment necessitiates corollary amendments to the airworthiness provisions of §§ 23.1413, 25.1413, 27.1413 and 29.1413.

Most commenters favored the proposal with some of the commenters suggesting various effective dates for compliance, ranging from 1 to 5 years instead of the 2-year period proposed. These suggestions were based on consideration of equipment availability and the economic burden of purchasing the new type safety belts. Considering these comments, the FAA concluded that a 3-year period for compliance will suffice and the final rule is amended accordingly. One commenter asked whether the "metal to metal" requirement applied to both buckles and latching devices. After further review, the FAA believes that the requirement could be misinterpreted. Since a "buckle" is a "latching device", the word "buckle" is deleted in the rule.

One commenter noted that current § 91.33(b)(12) uses the plural form when referring to "occupants" and "belts". Since it was not FAA's intention to change the current rule in this regard, the plural form is retained.

Proposal 6-2. The proposed revision of § 25.1413 would reflect, in the airworthiness standards, amendments made to § 91.33. See the discussion for proposal 6-1.

Proposal 6-3. The proposed revision of § 27.1413 would reflect, in the airworthiness standards, amendments made to § 91.33. See the discussion for proposal 6-1.

Proposal 6-4. The proposed revision of § 29.1413 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 another person to first determine who intends to serve as pilot in command and to then 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 one regulation to assist in the enforcement of another is not only unnecessary but would impose an economic burden on the industry.One commenter said the added responsibility imposed upon the "releasor" would involve third parties in possible litigation and the additional inspections would not bring about an increase in safety commensurate with the effort required. Another commenter questioned whether, in light of the wording of § 61.3(h) which limits who can request a person to present his certificate for inspection, the Administrator can, in another rule, designate inspection responsibility to everyone who uses, causes to use, or authorizes the use of aircraft.

A few commenters called attention to the fact that it is just good business to assure that the person to whom they lease aircraft is properly certificated, but there is not sufficient justification to make the lessor responsible for determining all aspects of a pilot's currency.

After consideration of all of the comments received and after further review, the FAA believes that there exists insufficient justification to amend the regulations as proposed. Accordingly, the proposal to amend § 91.4 is withdrawn.

Proposal 6-6. Current § 91.14 requires the pilot in command to ensure that each person on board has been notified, before each takeoff and landing, to fasten that person's safety belt. The proposal would require the pilot in command of the aircraft to insure that each person on board is briefed on how to fasten and unfasten 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 operations.

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 proposed § 91.22 was, therefore, redundant. 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 regulation 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 "civil aircraft" instead of "airplane" in § 91.22. The FAA agrees and the term "civil 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, § 91.83(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", as 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 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 noted by 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 * * *" whereas the proposed 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 altitude limitations. These limitations are also contained in the aircraft flight manual. The proposed amendment is adopted without change.

Proposal 6-14. Proposed § 91.45(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 operational 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 adopted, 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 § 91.193 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 unnecessary 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 usually 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 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 should be 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 would be forward. Severe turbulence may also create a potential hazard to passengers when large articles become dislodged. The FAA cannot agree that, in emergency evacuation demonstrations, items of mass cause no delay. They cause delay when placed in the aisles during evacuation tests to simulate actual conditions caused by unrestrained under seat items moving into the aisles during a crash landing. Several commenters in favor of the proposal stated that they had observed under seat baggage that moved sideward blocking the aisles during heavy turbulence or emergencies.

Accordingly, § 91.201(b) is adopted as proposed with the delayed compliance date as noted.

Proposal 6-19. The proposed deletion of § 91.207 is related to the proposal for a new § 91.22 (see the discussion for proposal 6-8) which would make the requirement for fuel reserves of 30 minutes for day VFR and 45 minutes for night VFR applicable to all airplanes operated under part 91. No commenters objected to the deletion of current § 91.207 if new § 91.22 is adopted. Since § 91.22 is adopted, § 91.207 is deleted.

Proposal 6-20. No opposing comments were received concerning proposed § 91.213(c). Accordingly, § 91.213(c) is adopted as proposed.

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 equipment 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 devices during initial and recurrent training, automatic and manual escape chutes need not be deployed each time that 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 (removal, transfer, or inflation of the life raft, or slide/raft pack) the equipment specified in paragraphs (c)(6)(v), (c)(6)(vi), and (c)(6)(vii) during emergency drills. Additionally, this amendment clarifies the fact that the evacuation slide need be used only once during each training phase.

Finally, the phrase "or training device" has been inserted in §§ 121.417(c)(6) (v) and (vii) respectively to clarify the fact that the training specified may be conducted in a training device.

Since this amendment is relaxatory and clarifying 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 § 121.437

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 extremely 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 requirements of § 121.441 are equivalent to the standards required for a commerical 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 presenting 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 relaxatory 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.

ADOPTION OF THE AMENDMENTS

Accordingly, parts 23, 25, 27, 29, 91, and 121 of the Federal Aviation Regulations (14 CFR Parts 23, 25, 27, 29, 91, and 121 are amended as follows, effective December 4, 1978, except for § 121.417 which is effective September 29, 1978.

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.

PART 25—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY AIRPLANES

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 27—AIRWORTHINESS STANDARDS; NORMAL CATEGORY ROTORCRAFT

3. By amending § 27.1413 by adding a new paragraph (c) to read as follows:

§ 27.1413 Safety belts.

* * * * *

(c) 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.

PART 91—GENERAL OPERATING AND FLIGHT RULES

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) * * *

(3) 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:

§ 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 45 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.

8. By revising § 91.23 to read as follows:

§ 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.

9. By revising § 91.25 (a)(2) and (d) to read as follows:

§ 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 (b) or (c) of this section 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 in paragraph (b)(1) of this section, is used, an entry must be made in the aircraft log or other record by the repair station certificate holder or the certificate holder's representative certifying to the bearing transmitted by the repair station for the check and the date of transmission.

10. By revising § 91.33(b)(12) to read as follows:

§ 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 considering 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 requirement 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.

* * * * *

13. By amending § 91.83(b) to read as follows:

§ 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.

* * * * *

14. By revising § 91.201(b) to read as follows:

§ 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 inertia 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]

15. By deleting § 91.207.

16. By amending § 91.213(c) to read as follows:

§ 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)(vii) 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

"(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.

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(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]

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THURSDAY, OCTOBER 5, 1978
PART III

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

TRANSPORT CATEGORY AIRPLANES

Fatigue Regulatory Review Program Amendments

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16280; Amdt. No. 25-45]

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 airworthiness standards 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:

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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 50956). 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 the review. Those proposals 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 9, 1977, the FAA issued notice 77-15 (42 FR 41236; Aug. 15, 1977) 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 substantive, 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, scatter in the test data, and unpredictable operational effects. Under the rules being adopted the manufacturer is required to: (1) Determine the probable locations and modes of damage due to fatigue, corrosion, and accidental damage; (2) support that determination by tests on either the whole structure or components of the structure and by reference (as applicable) to previous operational experience; and (3) establish a related inspection program. This practice has been used successfully 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. Damage-tolerance (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 statistical approach where necessary), by fracture 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 predetermine 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 rather than tests may be sufficient 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)(1)(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) evalua-

tion, contended that the pilot should be instantaneously warned of the occurrence of a failure of a single principal structural element, because no hidden strength reserves are 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 the failure is 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 mandatory language removed 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 § 25.571(a), as adopted, and copies of the advisory circular may be obtained from U.S. Department of Transportation, Publications Section M443.1, Washington, D.C. 20590.

DISCUSSION OF SPECIFIC COMMENTS

§ 25.571(a)

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. In addition, the word "including" inside the parentheses is changed to "such as" to make it clearer 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 turojet-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 (fourth sentence as adopted) is changed to "turbojet-powered."

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 a type certification requirement. 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 nothng 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 § H25.2(h). 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 concern to prior fatigue exposure only. 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 V_c" in proposed § 25.571(b)(1) be changed to "up to V_c", contending that maneuvers at speeds lower than V_c should also be covered. The FAA believes that the words "at V_c" provide for a realistic and adequate condition for residual strength evaluation that is consistent with a similar loading condition applied under the rule being amended.

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 V_A 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 V_A in current § 25.351(a) to V_D. 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 differential 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 undetected corrosion. 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(c) on the ground that it would give the FAA new powers to overrule the manufacturer's judgement 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 improper 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 covered 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(c) 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 damage 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 impact, 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 ground 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 severity over current 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 bird strike condition in 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 revision of current §§ 25.631 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(b), 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 and further review. Those 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 in 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 objected to the phrase "at critical regions in" as used in the first sentence of proposed § H25.1(c) 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(c), 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 noted 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 substantiates at least 1 year of safe operation. 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(a)(6), as contained in the new advisory circular, incorporates this change.

A commenter objected to proposed § H25.2(a)(6)(i), 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 commenter suggested that proposed § H25.2(a)(6)(i) be revised to read "A number of small cracks which might coalesce to form a single long crack." The FAA believes the suggested language clarifies the intent. The new advisory circular incorporates this language.

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 commenter suggested that proposed § H25.2(a)(6)(ii), be revised to read "Failures, or partial failures, in adjacent areas due to the redistribution of loading following a failure of a single element." The FAA

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 agrees, 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 preferability 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(c); (2) the phrase "the time at which the damage becomes initially detectable" is not quite accurate since "initially detectable" implies a much 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 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. These changes are incorporated in the new advisory circular.

Two commenters suggested a revision to make it clear that the applicant can use any one of the methods listed in §§ H25.2(g) (1), (2), and (3) for showing damage-tolerance characteristics. The FAA agrees, and appropriate changes are incorporated in the new advisory circular.

A commenter suggested that a provision be added to proposed § H25.2(g) to enable an applicant to obtain a type certificate without having completed the repeated load tests necessary to support damage-tolerance evaluation (where practical) of structure. For a discussion of this and a similar suggestion submitted by another commenter, see the preamble discussicn for proposed § H25.1.

A commenter agreed with proposed § H25.2(h), but suggested that it should contain a factor on inspection intervals to allow for scatter in structural behavior, operational usage, and inspection reliability. The FAA recognizes that the inspection interval should be conservative, but believes that it would be inappropriate to prescribe a specific factor. It is preferable that the factor be established by the manufacturer after all contributing parameters have been considered. Final approval would be by the FAA.

Several commenters objected to the last sentence of proposed § H25.2(h), contending that it should mention (as an example of a document that provides for revision as a result of operational experience) the operator's FAA-approved structural inspection program developed through the Maintenance Review Board (MRB) procedures for part 121 operators. The FAA agrees, and the new advisory circular references the MRB-generated programs. In addition, a reference to § 25.571(a)(3) is also added.

APPENDIX H, § H25.3

A commenter objected to the reference to "probability" in the first sentence, 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, for consistency with similar provisions elsewhere.

A commenter suggested that the words "consideration of" in the third sentence of proposed § H25.3(a) should be deleted. With the elimination of the mandatory language from the proposed appendix, these words are superfluous. They do not appear in the new advisory circular.

Three commenters objected to the phrase "to prevent catastrophic failure" in proposed § H25.3(a)(5). The FAA believes that the intent of proposed § H25.3(a) is adequately expressed in general terms in the first sentence of proposed § H25.3(a), and that this intent need not be repeated in § H25.3(a)(5). An appropriate revision is contained in the new advisory circular.

A commenter, referring to proposed § H25.3(c)(5), suggested that FAA specify approved methods and procedures (for rework or repair of the structure) that might gain further life. The FAA disagrees, since this suggestion, if adopted, would tend to unnecessarily dictate design.

ADOPTION OF THE AMENDMENT

Accordingly, part 25 of the Federal Aviation regulations (14 CFR Part 25) is amended as follows, effective December 1, 1978:

1. By revising § 25.571 to read as follows:

§ 25.571 Damage tolerance and fatigue evaluation of structure.

(a) *General.* An evaluation of the strength, detail design, and fabrication must show that catastrophic failure due to fatigue, corrosion, or accidental damage, will be avoided throughout the operational life of the airplane. This evaluation must be conducted in accordance with the provisions of paragraphs (b) and (e) of this section, except as specified in paragraph (c) of this section, for each part of the structure which could contribute to a catastrophic failure (such as wing, empennage, control surfaces and their systems, the fuselage, engine mounting, landing gear, and their related primary attachments). Advisory Circular AC No. 25.571-1 contains guidance information relating to the requirements of this section (copies of the advisory circular may be obtained from U.S. Department of Transportation, Publications Section M443.1, Washington, D.C. 20590). For turbojet-powered airplanes, those parts which could contribute to a catastrophic failure must also be evaluated under paragraph (d) of this section. In addition, the following apply:

(1) Each evaluation required by this section must include—

(i) The typical loading spectra, temperatures, and humidities expected in service;

(ii) The identification of principal structural elements and detail design points, the failure of which could cause catastrophic failure of the airplane; and

(iii) An analysis, supported by test evidence, of the principal structural elements and detail design points identified in paragraph (a)(1)(ii) of this section.

(2) The service history of airplanes of similar structural design, taking due

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 V_C and in § 25.345.

(2) The limit gust conditions specified in §§ 25.341 and 25.351(b) at the specified speeds up to V_C, and in § 25.345.

(3) The limit rolling conditions specified in § 25.349 and the limit unsymmetrical conditions specified in §§ 25.367 and 25.427, at speeds up to V_C.

(4) The limit yaw maneuvering conditions specified in § 25.351(a) at the specified speeds up to V_C.

(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 signficant 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. 1655(c)).)

Issued in Washington, D.C., on September 28, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-27964 Filed 10-4-78; 8:45 am]

Federal Register

THURSDAY, OCTOBER 5, 1978
PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

NATIONAL AMBIENT AIR QUALITY STANDARD FOR LEAD

Final Rules and Proposed Rulemaking

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 937-5]

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 30 micrograms lead per deciliter of blood (μg Pb/dl). Blood lead levels above 30 μg Pb/dl are associated with the impairment of heme synthesis in cells indicated by elevated erythrocyte protoporphyrin (EP), which EPA regards as adverse to the health of chronically exposed children. There are a number of other adverse health effects associated with blood lead levels above 30 μg Pb/dl, in children as well as in the general population, including the possibility that nervous system damage may occur in children even without overt symptoms of lead poisoning.

DATES: Effective: October 5, 1978. After promulgation, States will have nine months (until July 5, 1979), to prepare and submit to EPA plans for attainment of the standard by no later than October of 1982. EPA's final regulations for the development of State implementation plans appear elsewhere in this FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Padgett, Director, Strategies and Air Standards Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5204.

AVAILABILITY OF RELATED INFORMATION

A docket (No. OAQPS-77-1) containing the information used by EPA in the development of the proposed standard is available for public inspection and copying between 8 a.m. and 4:30 p.m., Monday through Friday, at EPA's Central Docket Section, Room 2903B, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

The Federal reference method for collecting and measuring lead and its compounds in the ambient air is published in appendix G to this promulgation. This FEDERAL REGISTER also contains proposed regulations under 40 CFR Parts 51 and 53 for equivalent lead air monitoring methods, final rules for the development of State implementation plans promulgated under 40 CFR Part 51, and an advance notice of proposed rulemaking under 40 CFR Part 51 for ambient monitoring in the vicinity of certain industrial plants with lead emissions. Additional information for the development of the State implementation plans is contained in the document Supplementary Guidelines for Lead Implementation Plans. The environmental and economic impacts of implementing this standard are described in an environmental impact statement and an economic impact assessment. These documents are available for public inspection and copying at the Central Docket Section (address above). Copies may be obtained 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. The Air Quality Criteria Document can be obtained from: Mr. Michael Berry, Environmental Criteria and Assessment Office, MD-52, Office of Research and Development, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-2266.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Lead is emitted to the atmosphere by vehicles burning leaded fuel and by certain stationary sources. Lead enters 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 automobiles, 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. The Agency has also established regulations requiring the availability of no-lead 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 and proposed regulations for State implementation plans. EPA invited public comments during the period from December 14, 1977, to March 17, 1978, on the standard, reference method, and the SIP regulations. Additional comments on these matters were provided to EPA at a public hearing held on February 15-16, 1978.

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 latest 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

ambient air, in varying quantities. The criteria for an air pollutant, 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 specify a level of air quality the attainment and maintenance of which in the judgment of the Administrator, based on such criteria, is 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 disagreements on a number of areas critical to EPA's rationale for the standard. However, the scientific data base provided in the document Air Quality Criteria for Lead is as extensive as that for any other regulated air pollutant. 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 and standards indicate 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 a 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 leads 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/m^3, 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/m^3) and blood lead (μg Pb/dl), EPA determined that the level for the proposed standard should be 1.5 μg/m^3.

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 no-lead 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 assessment 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.

Also, EPA is encouraging affected firms and State agencies to evaluate in the early design phase, strategies which take into consideration the workplace standard for airborne lead which will be promulgated by the Occupational Health and Safety Admin-

istration (OSHA). EPA believes that this approach will facilitate application of control technologies which meet the requirements of both agencies. In working with OSHA to estimate the combined impact of the OSHA and EPA standards, in coordinating compliance strategies, and in reviewing State plans implementing the ambient standard, EPA intends to avoid an approach which would foster uncertainty in the investment decisions of affected firms.

The Agency will make every effort to insure that all opportunities to avoid plant closures are examined, while at the same time assuring protection from clear risks to the public health.

SUMMARY OF COMMENTS RECEIVED

During the comment period from December 14, 1977, to March 17, 1978, and at the public meeting on February 15-16, 1978, EPA received 95 written and oral comments addressing the proposed standard or the requirements for State implementation plans. All comments opposing the standard as excessively stringent (25) came from representatives of affected industries, and 20 of these counter-proposed 5.0 μg Pb/m³, calendar quarter average, as the appropriate level for the standard.

Comments Received Opposing the Proposed standard of 1.5 μg/m³ Calendar Month Average as Excessively Stringent

Company	Opposed [1]	Endorsed [2]
Amax Lead & Zinc, Inc	X	X
American Mining Congress	X	X
American Petroleum Institute	X	
ASARCO	X	X
Associated Octel Co., Ltd	X	X
Battery Council International	X	X
Bethlehem Steel Corp	X	X
Bunker Hill Co	X	X
C & D Batteries Division	X	X
E. I. du Pont de Nemours & Co., Inc	X	X
ESA Laboratories, Inc	X	X
Ethyl Corp	X	X
General Battery Corp	X	X
General Motors Corp		
Getty Refining & Marketing Co	X	
HECLA Mining Co	X	
Houston Chemical	X	X
Hunt Oil Co	X	
Kerr-McKee Corp		
Lead Industries Association	X	X
Nalco Chemical	X	X
N L Industries, Inc	X	X
Prestolite Battery Division	X	X
Secondary Lead Smelters Association	X	X
Shell Oil Co	X	
St. Joe Minerals Corp	X	X
Texaco, Inc	X	X
United Machinery Group		
Vulcan Materials Co		

[1] 1.5 μg/m³, calendar month.
[2] 5.0 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 5.0 μg/m³, calendar quarter average (or other averaging period).

Four comments opposed the proposed standard on the grounds that it was not sufficiently protective of health.

COMMENTS RECEIVED OPPOSING PROPOSED LEAD AIR QUALITY STANDARD OF 1.5 μg/m³, CALENDAR MONTH AVERAGE, IN FAVOR OF A MORE STRINGENT STANDARD

Natural Resources Defense Council
Dr. Sergio Piomelli, Director, Pediatric Hematology, New York University Medical Center Public Interest Campaign
University of Connecticut School of Medicine

Comments supporting the level of the proposed standard (17) came from the medical community, Federal agencies, State and local public health agencies, and public interest groups.

COMMENTS RECEIVED ENDORSING PROPOSED LEAD AIR QUALITY STANDARD OF 1.5 μg/m³, CALENDAR MONTH AVERAGE

STATE AND LOCAL AGENCIES

California Department of Health
Massachusetts Department of Public Health
New York State Department of Environmental Conservation
New York City Department of Environmental Protection
Tennessee Department of Public Health
Wisconsin Department of Natural Resources

FEDERAL AGENCIES

Center for Disease Control, Public Health Service
Department of Transportation
Food and Drug Administration
Occupational Safety and Health Administration

PUBLIC INTEREST GROUPS AND THE MEDICAL COMMUNITY

Committee on Environmental Hazards, American Academy of Pediatrics
D.C. Committee for Lead Elimination in the District
League of Women Voters of the United States
National Urban League
Herbert Needleman, Boston Children's Hospital Medical Center
University of North Carolina School of Public Health

In addition, EPA has received numerous comments and correspondence on the proposed standard after the official end of the comment period. Though EPA does not have a legal obligation to review these documents, it has, in the interest of fostering full public participation in the rulemaking process, reviewed these comments and correspondence as time permitted. As with all other documents considered or examined by EPA as part of its decision process, these documents have been placed in the public docket and have become part of the administrative record of this decision.

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.
10. The Federal reference method for monitoring lead air quality.
11. 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 docket (OAQPS-77-1) 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-

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.

4. There is evidence to suggest that impaired heme synthesis may affect the function of neural or hepatic tissue even at levels where heme production is sufficient for hematopoiesis.

AGENCY RESPONSE

EPA agrees with the comments received that the initial elevation of EP as a result of exposure to lead, while indicating an impairment of heme synthesis, 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) constitute relatively mild, nondebilitating symptoms at 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 is an 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 is not of concern until 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 δ-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 begin to increase at a blood lead 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 on children 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 judgments 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 falls to 98.7. 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 an 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 the children 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 ($\mu g/m^3$)
> 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 (dimensionless).
>
> 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 air 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 ($\mu g\ Pb/m^3$) 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 is that by Azar et al. in which 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 the blood, evaluated at 1.5 $\mu g\ Pb/m^3$, 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 $\mu g\ Pb/m^3$ to 3.2 $\mu g\ Pb/m^3$, 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 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 the 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 $\mu g/m^3$, calendar month average, would require sources of air lead to achieve control of their emissions to a geometric monthly mean of 0.41 $\mu g/m^3$ 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 samples which could be collected in the course of a calendar month would not provide a statistically valid estimate of the actual lead air quality for the period.

Several comments questioned the health basis for the selection of the calendar month averaging period.

EPA 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 $\mu g/m^3$ standard, EPA concluded that this air level as a ceiling would be safe for indefinite exposure of 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 $\mu g/m^3$ which could be sustained without violation of the average of 1.5 $\mu g/m^3$. In the proposed standard, EPA chose a monthly averaging period on the basis of a study showing an adjustment period of blood lead level 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 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 calendar quarter will improve the validity of air quality data gathered without a significant reduction in the protectiveness 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 not 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 considerations principally in establishing a maximum safe blood lead level for individual children at 30 μg Pb/dl and in determining the percentage of children to be placed below this maximum level, about 99.5 percent. Using these factors, results in a target geometric mean population blood lead of 15 μg Pb/dl.

In establishing other factors used in calculating the standard, 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 of 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 would allow EPA to confirm 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 asessment is a reasonable 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 to postpone 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, are the 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 of 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 atttributed 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/m³.

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, and 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 determining 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 indications of the mobile body 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

	μg Pb/dl
δ-ALAD inhibition	10
Erythrocyte protoporphyrin elevation	15-20
Increased urinary δ-ALA excretion	40
Anemia	40
Coproporphyrin elevation	40
Cognitive (CNS) deficits	50-60
Peripheral neuropathies	50-60
Encephalopathic symptoms	80-100

(P. 13-8.)

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-ALAD inhibition in children is 10 μg Pb/dl.

At blood lead levels above 10 μg Pb/dl, the function of δ-ALAD 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 cells.

EPA does not regard the inhibition of δ-ALAD above 10 μg Pb/dl as adverse to health because of the absence of evidence that there is an impairment of heme synthesis until a threshold of 40 μg Pb/dl is reached. 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 δ-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 heme. In the final stage of heme synthesis, erythorocyte 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 syntheis 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 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 some 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, and 5 million in center 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 lead 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 difficulties 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 contribution, 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, studies showing decline of blood lead levels with decrease in air lead, studies of blood lead levels in areas with low air lead levels, and isotopic 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 (Fine, 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 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 2.0 μg Pb/dl to 0.9 μg/Pb (Billick, 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 document 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 a situation where nonair sources of lead are predominant.

STUDIES REPORTING BLOOD LEAD LEVELS IN CHILDREN EXPOSED TO MODERATE TO LOW AIR LEAD LEVELS

Investigator	Blood lead[1]	Air lead[2]	Comment
Hammer, 1972	11.6	0.1	Children in Helena, Mont.
Angle, 1974	14.4	0.14	Suburban Children ages 1 to 4 in Omaha, Nebr.
Goldsmith, 1974	13.7	0.2 to 0.7 0.3 to 0.6 Children in Crocket, Calif.	Children in Benecia, Calif.
Johnson, Tillery, 1975	10.2	0.6	Female children—mean age 9 in Lancaster, Calif.

[1] In micrograms of lead per deciliter.
[2] In micrograms of lead per cubic meter.

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, Tex., 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 exposure to air lead levels of 1-2 μg Pb/m³. 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 level 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 of lead 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 non-air sources. On the other hand, the average blood lead level from the limited studies available where air exposure was low is 12.7 μg Pb/dl. In the absence of more precise information, EPA is calculating the lead standard based on the attribution of 12 μg 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 to lead in the blood, 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 1.95. 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 model calibrated by monitoring data. The relative error of the individual values, especially in the low range is larger 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 higher 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 air lead 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 1.95. 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 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 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 the conclusions reached in the previous sections;

1. Sensitive population: Children, ages 1-5.
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 for children based on placing 99.5 percent of the sensitive population below the 30 μg Pb/dl level of concern: 15 μg Pb/dl.
4. Estimate of blood lead level attributed to non-air sources: 12 μg Pb/dl.
5. Allowable contribution to blood lead from air sources after achieving the standard: 15 μg Pb/dl-12 μg Pb/dl=3 μg Pb/dl.
6. Air lead concentration consistent with blood lead contribution from air sources: 3 μg Pb/dl×1 μg Pb/m³ air/2 μg Pb/dl blood=1.5 μg Pb/m³.

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. EPA believes that this change will significantly improve the validity of lead air quality data which will be gathered to monitor progress toward attainment without placing an undue burden of State and local environmental agencies, or significantly reducing the protectiveness of the standard.

The Agency believes that the key criteria for the averaging period is the protection of the health of the sensitive population. In proposing the 1.5 μg Pb/m³ standard, EPA concluded that this air level was safe for young children with an indefinie exposure period. The critical factor in the determination of the averaging period is the health significance of possible elevations of air lead above 1.5 μg Pb/m³ which could be encountered for short periods without causing average levels to exceed the standard. In the proposed standard, EPA chose a calendar month averaging period on the basis of a study (Griffin et al.) showing an adjustment period of blood lead level with a change in 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 was 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 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 to elevated air lead.

(4) Direct exposure to 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 protectiveness 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 that 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 possible interactions of several pollutants in 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 this, EPA has elected to use margin of safety considerations in estimating the maximum safe level for blood lead, and the percentage of the sensitive population to be placed below this level, rather than making a final adjustment to concentration of lead in the air. EPA has adopted 30 μg Pb/dl as the maximum safe blood lead level for individual children, and the air standard is calculated to maintain most children below this target. On the basis of information developed in the criteria document and from public comment, blood lead levels between 30 and 40 μg Pb/dl are associated with impairments of the heme synthetic pathway which EPA regards as adverse to health. Blood lead levels above 40 μg Pb/dl are associated with a decline in hemoglobin levels, and levels above 50 μg Pb/dl are associated with the risk of nervous system deficits for some children. With a geometric mean population blood of 15 μg Pb/dl lead, most children will be well below these thresholds, but a small percentage can be expected to have blood lead levels of concern.

Because of the variability between individuals in a population experiencing a given level of lead exposure, EPA finds that it is not possible to provide the same amount of margin of safety for all members in the sensitive population, or to define a margin of safety in this standard as a simple percentage. In developing the numerical level of the standard, EPA used evidence in the criteria document that the blood lead levels for individuals in a given population of children are log-normally distributed. The statistical properties 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, 126,500 over 25 μg Pb/dl, and 20,605 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 lead 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.

(5) There is a possibility that 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.

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

lead exposure from surface waters and foodstuffs.

Studies reviewed in the criteria document indicate a correlation between soil and dust levels and childrens' blood lead levels in highly contaminated environments (Yankel and von Lindern, 1977; Barltrop, 1974; Galke, in press). The lead threshold for concern has been reported as 1,000 parts per million (ppm) in soil (Yankel and von Lindern, 1977). At levels of between 500 and 1,000 ppm in soil, the criteria document concludes that blood lead levels begin to increase. A twofold increase in soil concentration in this range is predicted to result in a 3-6 percent rise in blood lead levels. Below 500 ppm lead in soil, no correlation has been observed with blood lead levels.

The normal background for lead in soil is cited in the criteria document as 15 ppm. Due to human activities, the average levels in most areas of the United States are considerably higher. Soil studies conducted by EPA's Office of Pesticides Programs from 1974 to 1976 in 17 urban areas reported only 3 cities with arithmetic mean concentrations in excess of 200 ppm, with the highest value 537 ppm. Concentrations in the soils surrounding large point sources of lead emissions, or heavily travelled roads may reach many thousand ppm.

Because of the many factors involved, EPA is unable to predict the relationship between air lead levels, dustfall rates, and resulting soil accumulation. Complicating factors include: Particle size distribution, rainout, other meteorological factors, topographical features affecting deposition, and removal mechanisms.

EPA believes, however, that significant impacts on blood lead of soil and dust lead are mainly limited to areas of high soil concentration (in excess of 1,000 ppm) around large point sources and heavily travelled roads. Evidence suggests that soil lead levels in areas with air lead levels in the range of the standard are below the threshold for lead health impact (Johnson, Tillery, 1975; Johanson, 1972; EPA, 1975 Air Quality Data and Soil Levels).

Comments received on the proposed standard argued that the lead air standard should be limited to respirable size lead particulate matter, as larger particles would fall to the ground without being deposited or absorbed in the lung. EPA has decided not to accept this recommendation because, as discussed above, larger particles can contribute to lead dose by human ingestion of airborne particles, by contamination of other environmental media, or by eventual reduction to respirable size by mechanical action or weathering.

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 is either unavailable to plants or is fixed 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. Although some plants 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/m^3, 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 might 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 severly 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 emissions 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 great 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 wastes containing lead are currently being developed under subtitle C of RCRA.

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 providing for lead-free gasoline required for cars equipped with catalytic converters and other vehicles certified for use of unleaded fuel. The former regulations are based on reducing exposure to airborne lead to protect public health. Other EPA actions 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, clinical or subclinical, and the 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 requirments for reducing human exposure to lead through the prevention of lead poisoning from ingestion of paint from buildings, especially residential dwelling. Their activities include (1) prohibition of 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 targets. The Agency believes 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 what the Clean Air Act requires. Other programs have other legislative requirements which would lead to adoption of different but equally legitimate goals.

(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 on blood lead 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 contribution of nonair sources to lead 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 proposed standard for lead and agrees with EPA that 15 μg Pb/dl as an average national blood lead level goal for young children is reasonable. OSHA views their proposed standard of 100 μg Pb/m³, 8-hour time-weighted average, and their establishment of 40 μg Pb/dl as the threshold effect level for workers as consistent with the EPA proposed standard.

The Department of Transportation (DOT) endorsed the proposed 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 will 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. EPA agrees that a mixed acid extraction procedure should be added, and the revised method contains a mixed nitric-hydrochloric acid extraction procedure.

One commenter questioned the reliability of the air volume measured in the sampling procedure because of differences between initial and final flow rates caused by buildup of particulate matter on the collecting filter. The method of sampling specifies that initial and final flow rates must fall between 40 and 60 cubic feet per minute and variations within this range cause only a slight error. If the flow rate specification is not met, the sample should be voided. For these reasons, EPA believes the air volume measurement does not suffer unduly from inaccuracies.

A question was raised as to the effect of variation in lead content across the filter of the collected sample on lead analysis, since the method calls for analysis of only one strip or one-twelfth of the filter. Our work has shown that strips taken from different positions within the filter can, on occasion, produce different lead values, but the effect appears to 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 commenter pointed out 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 equivalent methods (40 CFR Part 53) proposed elsewhere in this FEDERAL REGISTER. Two organizations submitted requests that alternate methods (X-ray fluorescence and anodic stripping voltametry) for lead analysis be declared equivalent to the reference method. 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 measures the lead 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.

Dated: September 29, 1978.

DOUGLAS M. COSTLE,
Administrator.

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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: 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter.

(Secs. 109, 301(a) Clean Air Act as amended (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 (HNO_3), facilitated by heat or by a mixture

of HNO_3 and hydrochloric acid (HCl) facilitated by ultrasonication.

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 lead absorption line, and the optimum instrumental conditions recommended by the manufacturer.

1.4 The ultrasonication extraction with HNO_3/HCl will extract metals other than lead from ambient particulate matter.

2. *Range, sensitivity, and lower detectable limit.* The values given below are typical of the methods 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/m³. The above value was calculated by doubling the between-laboratory 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.* Two types of interferences are possible: chemical and light scattering.

3.1 *Chemical.* Reports on the absence (*1, 2, 3, 4, 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.

If instrumental correction is not feasible, the interference can be eliminated by use of the ammonium pyrrolidinecarbodithioate-methylisobutyl ketone, chelation-solvent extraction technique of sample preparation.(*8*)

4. *Precision and bias.*

4.1 The high-volume sampling procedure used to collect ambient air particulate matter has a between-laboratory relative standard deviation of 3.7 percent over the range 80 to 125 μg/m³.(*9*) The combined extraction-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 laboratory relative standard deviation of 7 to 9 percent over the same range. These values include use of either extraction procedure.

4.2 Single laboratory experiments and collaborative testing indicate that there is no significant difference in lead recovery between the hot and ultrasonic extraction procedures.(*15*)

5. *Apparatus.*

5.1 Sampling.

5.1.1 High-volume sampler. Use and calibrate the sampler as described in reference 10.

5.2 Analysis.

5.2.1 Atomic absorption spectrophotometer. Equipped with lead hollow cathode or electrodeless discharge lamp.

5.2.1.1 Acetylene. The grade recommended by the instrument manufacturer should be used. Change cylinder when pressure drops below 50–100 psig.

5.2.1.2 Air. Filtered to remove particulate, oil, and water.

5.2.2 Glassware. Class A borosilicate glassware should be used throughout the analysis.

5.2.2.1 Beakers. 30 and 150 ml. graduated, Pyrex.

5.2.2.2 Volumetric flasks. 100-ml.

5.2.2.3 Pipettes. To deliver 50, 30, 15, 8, 4, 2, 1 ml.

5.2.2.4 Cleaning. All glassware should be scrupulously cleaned. The following procedure is suggested. Wash with laboratory detergent, rinse, soak for 4 hours in 20 percent (w/w) HNO_3, rinse 3 times with distilled-deionized water, and dry in a dust free manner.

5.2.3 Hot plate.

5.2.4. Ultrasonication water bath, unheated. Commercially available laboratory ultrasonic cleaning baths of 450 watts or higher "cleaning power," i.e., actual ultrasonic power output to the bath have been found satisfactory.

5.2.5 Template. To aid in sectioning the glass-fiber filter. See figure 1 for dimensions.

5.2.6 Pizza cutter. Thin wheel. Thickness <1mm.

5.2.7 Watch glass.

5.2.8 Polyethylene bottles. For storage of samples. Linear polyethylene gives better storage stability than other polyethylenes and is preferred.

5.2.9 Parafilm "M".* American Can Co., Marathon Products, Nennah, Wis., or equivalent.

6. *Reagents.*

6.1 Sampling.

6.1.1 Glass fiber filters. The specifications given below are intended to aid the user in obtaining high quality filters with reproducible properties. These specifications have been met by EPA contractors.

6.1.1.1 Lead content. The absolute lead content of filters is not critical, but low values are, of course, desirable. EPA typically obtains filters with a lead content of <75 μg/filter.

It is important that the variation in lead content from filter to filter, within a given batch, be small.

6.1.1.2 Testing.

6.1.1.2.1 For large batches of filters (>500 filters) select at random 20 to 30 filters from a given batch. For small batches (<500 filters) a lesser number of filters may be taken. Cut one ¾"x8" strip from each filter anywhere in the filter. Analyze all strips, separately, according to the directions in sections 7 and 8.

6.1.1.2.2 Calculate the total lead in each filter as

$$F_b = \mu g\ Pb/ml \times \frac{100\ ml}{strip} \times \frac{12\ strips}{filter}$$

where:

F_b=Amount of lead per 72 square inches of filter, μg.

6.1.1.2.3 Calculate the mean, F_b, of the values and the relative standard deviation (standard deviation/mean × 100). If the relative standard deviation is high enough so that, in the analysts opinion, subtraction of F_b, (section 10.3) may result in a significant error in the μg Pb/m³, the batch should be rejected.

6.1.1.2.4 For acceptable batches, use the value of F_b to correct all lead analyses (section 10.3) of particulate matter collected using that batch of filters. If the analyses are below the LDL (section 2.3) no correction is necessary.

6.2 Analysis.

6.2.1 Concentrated (15.6 *M*) HNO_3. ACS reagent grade HNO_3 and commercially available redistilled HNO_3 has found to have sufficiently low lead concentrations.

6.2.2 Concentrated (11.7 *M*) HCl. ACS reagent grade.

6.2.3 Distilled-deionized water. (D.I. water).

6.2.4 3 *M* HNO_3. This solution is used in the hot extraction procedure. To prepare, add 192 ml of concentrated HNO_3 to D.I. water in a 1 *l* volumetric flask. Shake well, cool, and dilute to volume with D.I. water. *Caution:* Nitric acid fumes are toxic. Prepare in a well ventilated fume hood.

6.2.5 0.45 *M* HNO_3. This solution is used as the matrix for calibration standards when using the hot extraction procedure. To prepare, add 29 ml of concentrated HNO_3 to D.I. water in a 1 *l* volumetric flask. Shake well, cool, and dilute to volume with D.I. water.

6.2.6 2.6 *M* HNO_3+0 to 0.9 *M* HCl. This solution is used in the ultrasonic extraction procedure. The concentration of HCl can be varied from 0 to 0.9 *M*. Directions are given for preparation of a 2.6 *M* HNO_3+0.9 *M* HCl solution. Place 167 ml of concentrated HNO_3 into a 1 *l* volumetric flask and add 77 ml of concentrated HCl. Stir 4 to 6 hours, dilute to nearly 1 *l* with D.I. water, cool to room temperature, and dilute to 1 *l*.

6.2.7 0.40 *M* HNO_3 + X *M* HCl. This solution is used as the matrix for calibration standards when using the ultrasonic extraction procedure. To prepare, add 26 ml of concentrated HNO_3, plus the ml of HCl required, to a 1 *l* volumetric flask. Dilute to nearly 1 *l* with D.I. water, cool to room temperature, and dilute to 1 *l*. The amount of HCl required can be determined from the following equation:

$$y = \frac{77\ ml \times 0.15 \times}{0.9\ M}$$

*Mention of commercial products does not imply endorsement by the U.S. Environmental Protection Agency.

where:

y = ml of concentrated HCl required.
x = molarity of HCl in 6.2.6.
0.15 = dilution factor in 7.2.2.

6.2.8 Lead nitrate, $Pb(NO_3)_2$. ACS reagent grade, purity 99.0 percent. Heat 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. Dissolve 1.598 g of $Pb(NO_3)_2$ 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 the HNO_3/HCl solution in 6.2.7.

Store standards in a polyethylene bottle. Commercially available certified lead standard solutions may also be used.

7. *Procedure.*

7.1 Sampling. Collect samples for 24 hours using the procedure described in reference *10* with glass-fiber filters meeting the specifications in 6.1.1. Transport collected samples to the laboratory taking care to minimize contamination and loss of sample. (*17*).

7.2 Sample preparation.

7.2.1 Hot extraction procedure.

7.2.1.1 Cut a ¾" 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.

Lead in ambient particulate matter collected on glass fiber filters has been shown to be uniformly distributed across the filter (*1, 3, 11*) suggesting that the position of the strip is unimportant. However, another study (*12*) has shown that when sampling near a road-way lead is not uniformly distributed across the filter. The nonuniformity has been attributed to large variations in particle size. (*16*) Therefore, when sampling near a road-way, additional strips at different positions within the filter should be analyzed.

7.2.1.2 Fold the strip in half twice and place in a 150-ml beaker. Add 15 ml of 3 *M* HNO_3 to cover the sample. The acid should completely cover the sample. Cover the beaker with a watch glass.

7.2.1.3 Place beaker on the hot-plate, contained in a fume hood, and boil gently for 30 min. Do not let the sample evaporate to dryness. *Caution:* Nitric acid fumes are toxic.

7.2.1.4 Remove beaker from hot plate and cool to near room temperature.

7.2.1.5 Quantitatively transfer the sample as follows:

7.2.1.5.1 Rinse watch glass and sides of beaker with D.I. water.

7.2.1.5.2 Decant extract and rinsings into a 100-ml volumetric flask.

7.2.1.5.3 Add D.I. water to 40 ml mark on beaker, cover with watch glass, and set aside for a minimum of 30 minutes. This is a critical step and cannot be omitted since it allows the HNO_3 trapped in the filter to diffuse into the rinse water.

7.2.1.5.4 Decant the water from the filter into the volumetric flask.

7.2.1.5.5 Rinse filter and beaker twice with D.I. water and add rinsings to volumetric flask until total volume is 80 to 85 ml.

7.2.1.5.6 Stopper flask and shake vigorously. Set aside for approximately 5 minutes or until foam has dissipated.

7.2.1.5.7 Bring solution to volume with D.I. water. Mix thoroughly.

7.2.1.5.8 Allow solution to settle for one hour before proceeding with analysis.

7.2.1.5.9 If sample is to be stored for subsequent analysis, transfer to a linear polyethylene bottle.

7.2.2 Ultrasonic extraction procedure.

7.2.2.1 Cut a ¾" x 8" strip from the exposed filter as described in section 7.2.1.1.

7.2.2.2 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 parafilm.

The parafilm should be placed over the beaker such that none of the parafilm is in contact with water in the ultrasonic bath. Otherwise, rinsing of the parafilm (section 7.2.2.4.1) may contaminate the sample.

7.2.2.3 Place the beaker in the ultrasonication bath and operate for 30 minutes.

7.2.2.4 Quantitatively transfer the sample as follows:

7.2.2.4.1 Rinse parafilm and sides of beaker with D.I. water.

7.2.2.4.2 Decant extract and rinsings into a 100 ml volumetric flask.

7.2.2.4.3 Add 20 ml D.I. water to cover the filter strip, cover with parafilm, and set aside for a minimum of 30 minutes. This is a critical step and cannot be omitted. The sample is then processed as in sections 7.2.1.5.4 through 7.2.1.5.9.

NOTE.—Samples prepared by the hot extraction procedure are now in 0.45 *M* HNO_3. Samples prepared by the ultrasonication procedure are in 0.40 *M* HNO_3 + X *M* HCl.

8. *Analysis.*

8.1 Set the wavelength of the monochromator at 283.3 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.

8.5 Samples that exceed the linear calibration range should be diluted with acid of the same concentration as the calibration standards and reanalyzed.

9. *Calibration.*

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.

Volume of 20 μg/ml working standard, ml	Final volume, ml	Concentration μg Pb/ml
0	100	0
1.0	200	0.1
2.0	200	0.2
2.0	100	0.4
4.0	100	0.8
8.0	100	1.6
15.0	100	3.0
30.0	100	6.0
50.0	100	10.0
100.0	100	20.0

9.3 Preparation of calibration curve. Since the working range of analysis will vary depending on which lead line is used and the type of instrument, no one set of instructions for preparation of a calibration curve can be given. Select standards (plus the reagent blank), in the same acid concentration as the samples, to cover the linear absorption range indicated by the instrument manufacturer. Measure the absorbance of the blank and standards as in section 8.0. Repeat until good agreement is obtained between replicates. Plot absorbance (y-axis) versus concentration in μg Pb/ml (x-axis). Draw (or compute) a straight line through the linear portion of the curve. Do not force the calibration curve through zero. Other calibration procedures may be used.

To determine stability of the calibration curve, remeasure—alternately—one of the following calibration standards for every 10th sample analyzed: concentration ≦ 1μg Pb/ml; concentration ≦ 10 μg Pb/ml. If either standard deviates by more than 5 percent from the value predicted by the calibration curve, recalibrate and repeat the previous 10 analyses.

10. *Calculation.*

10.1 Measured air volume. Calculate the measured air volume as

$$V_m = \frac{Q_i + Q_f}{2} \times T$$

where:

V_m = Air volume sampled (uncorrected), m^3.

Q_i = Initial air flow rate, m^3/min.

Q_f = Final air flow rate, m^3/min.

T = 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_m.

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, sm^3.

$$V_{STP} = V_m \times \frac{P_2 \times T_1}{P_1 \times T_2}$$

V_{STP} = Sample volume, sm^3, at 760 mm Hg and 298° K.

V_m = Measured volume from 10.1.

P_2 = Atmospheric pressure at time of orifice calibration, mm Hg.

P_1 = 760 mm Hg.

T_2 = Atmospheric temperature at time of orifice calibration, °K.

T_1 = 298° K.

10.3 Lead concentration. Calculate lead concentration in the air sample.

$$C = \frac{(\mu g\ Pb/ml \times 100\ ml/strip \times 12\ strips/filter) - F_b}{V_{STP}}$$

where:

C=Concentration, μg Pb/sm³.

μg Pb/ml=Lead concentration determined from section 8.

100 ml/strip=Total sample volume.

12 strips/filter=Useable filter area, 7" × 9"/Exposed area of one strip, ¾" × 7".

F_b=Lead concentration of blank filter, μg, from section 6.1.1.2.3.

V_{STP}=Air volume from 10.2.

11. *Quality control.*

¾" × 8" glass fiber filter strips containing 80 to 2000 μg Pb/strip (as lead salts) and blank strips with zero Pb content should be used to determine if the method—as being used—has any bias. Quality control charts should be established to monitor differences between measured and true values. The frequency of such checks will depend on the local quality control program.

To minimize the possibility of generating unreliable data, the user should follow practices established for assuring the quality of air pollution data, (*13*) and take part in EPA's semiannual audit program for lead analyses.

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 minimize corrosion of the nebulizer. However, different nebulizers may require lower acid concentrations. Lower concentrations can be used provided samples and standards have the same acid concentration.

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.

13. *Authority.*

(Secs. 109 and 301(a), Clean Air Act as amended, (42 U.S.C. 7409, 7601(a)).)

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[FR Doc. 78-28050 Filed 10-4-78; 8:45 am]

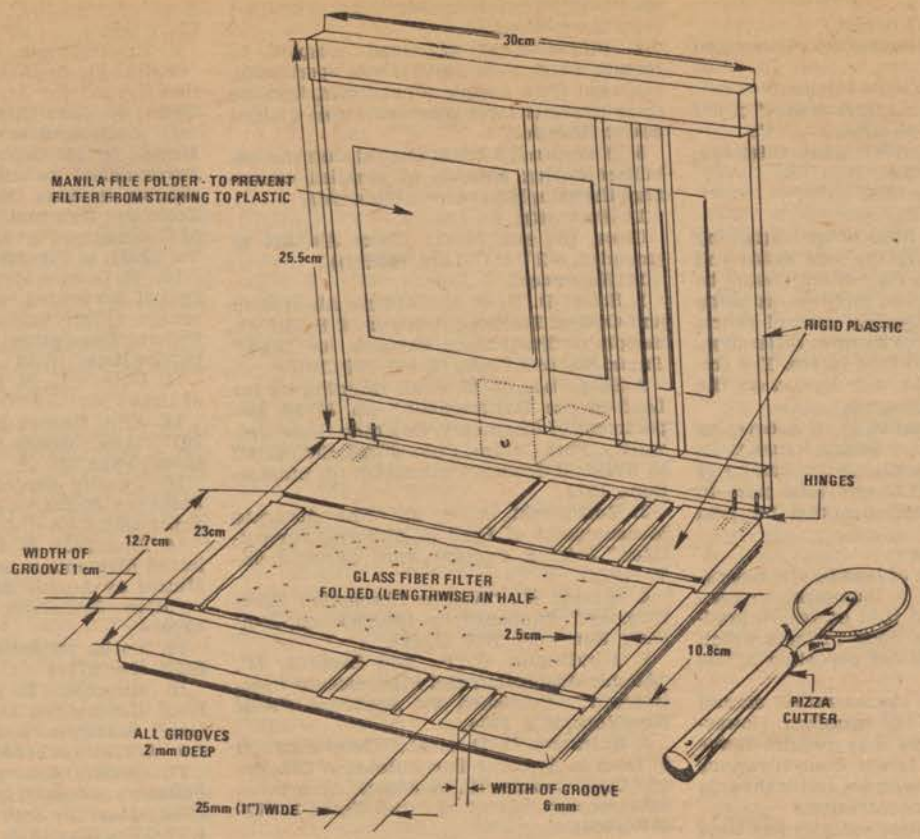
30cm
MANILA FILE FOLDER - TO PREVENT FILTER FROM STICKING TO PLASTIC
25.5cm
RIGID PLASTIC
HINGES
23cm
12.7cm
WIDTH OF GROOVE 1 cm
GLASS FIBER FILTER FOLDED (LENGTHWISE) IN HALF
2.5cm
10.8cm
PIZZA CUTTER
ALL GROOVES 2 mm DEEP
25mm (1") WIDE
WIDTH OF GROOVE 6 mm

Figure 1

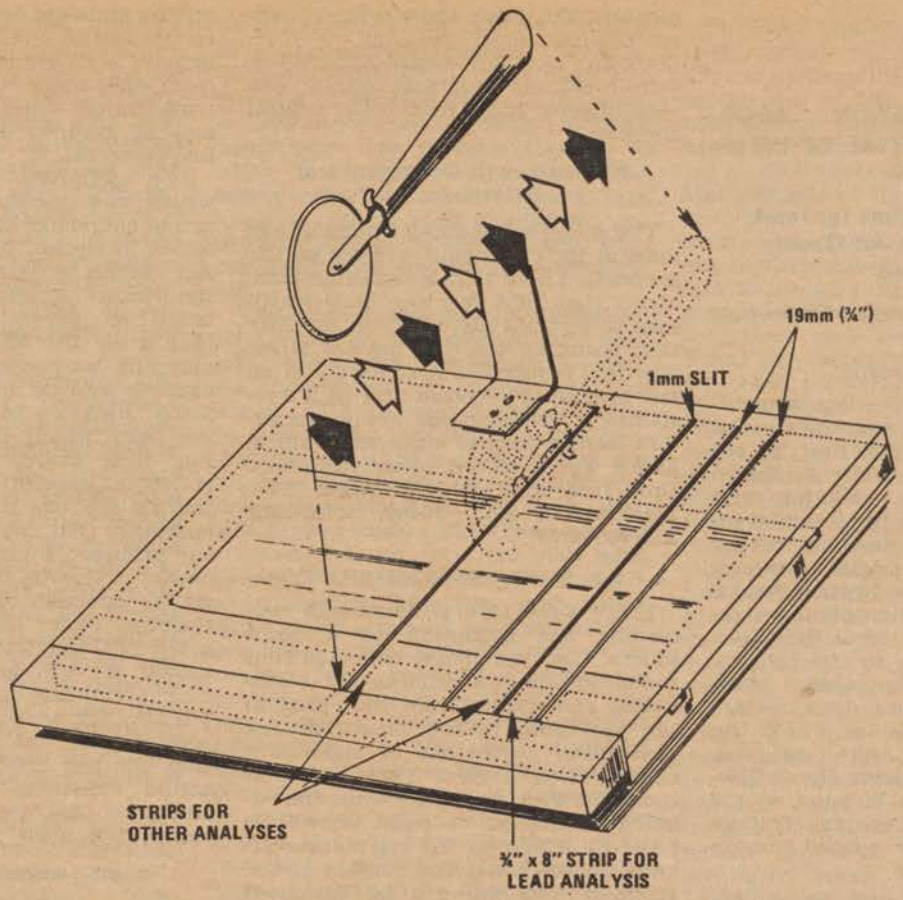
19mm (¾")
1mm SLIT
STRIPS FOR
OTHER ANALYSES
¾" x 8" STRIP FOR
LEAD ANALYSIS

Figure 2

[6560-01]

[FRL 937-6]

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 that 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 private citizens, 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 202-755-0707.

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), good reason exists to define point sources for lead at a lower level of emissions than that for the current set of pollutants for which EPA has established NAAQS'. Based on an analysis contained in EPA's "Supplementary Guidelines for Lead Implementation Plans," (*l*) EPA is defining a point source of lead as "any stationary source causing emissions in excess of 4.54 metric tons (5 tons) per year of lead or lead compounds measured as elemental lead." This represents a slight change from the proposal, which failed to account for lead compounds.

The significance of the definition of § 51.1(k) is that the emission inventory, which is used to determine the extent of possible violations of the air quality standard and determine the effectiveness of control strategies, must include a determination of emissions from each point source. All emissions from sources other than point sources may be grouped together as area (or line) sources.

The definition of point source, which was intended to be based on actual emissions, differs from the definition in section 169 of the Clean Air Act (which pertains to prevention of significant deterioration), which is based on potential emissions. The reason for the difference is that for planning purposes, the inventory of existing sources must be based on an actual situation to be used as a baseline upon which one develops a plan. For new source review (including review for prevention of significant deterioration), one must be aware of the emissions that could be emitted from the proposed source as well as actual emissions; hence, the source size criteria for selection of new sources to be reviewed under the recently promulgated PSD regulations incorporate potential, as well as actual, emissions. The definitions of point source in § 51.1(k) for all pollutants have been revised from the proposal to clarify that the size criteria are based upon actual emissions. This implies the emissions that are emitted after any control is applied.

2.2 CONTROL STRATEGY

A number of persons provided comments concerning the control strategy aspects of the proposed regulations.

One commenter correctly noted a discrepancy between the list of source categories in §§ 51.80 ("Demonstration of attainment") and 51.84 ("Areas around significant point sources"), for which the State must perform an analysis. The lists should have been identical—§ 51.84(a) should have also included lead-acid storage battery manufacturing plants that produce 1,200 or more batteries per day. The rulemaking promulgated below incorporates this change. The criterion for production of batteries, which was based on a monthly standard, has been raised to 2,000 batteries per day, however, to account for the slightly less stringent quarterly lead ambient standard.

Several commenters indicated that the requirements in §§ 51.83 ("Certain urbanized areas") and 51.85 ("Other areas") appeared identical and therefore one of the sections was redundant. 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 each urbanized area that has a measured lead air concentration that is in excess of 4.0 $\mu g/m^3$ 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 $\mu g/m^3$ quarterly mean (monthly mean 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 only those sources within a relatively small radius from the monitor.

Several commenters suggested that the control strategy requirements insure 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 in the SIP 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 emmission control to the 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 offer the potential for conserving scarce resources in that States may want to restrict their monitoring and analysis efforts to those plants with relatively high lead levels in dust and soil.

The same commenter also indicated that secondary lead smelters and similar sources probably cannot be modeled because of fugitive dust and low stacks. EPA recognizes the difficulty in quantifying fugitive dust and fugitive emissions and recognizes that low stacks will generally cause higher concentrations closer to the stack than will higher stacks. The Clean Air Act requires that an approved plan must demonstrate attainment of the standard, however. EPA has, based upon preliminary analyses, determined that secondary lead smelters and other sources listed in § 51.84 have the potential for causing violations of the lead standard. EPA also believes that attainment of the lead standard around such sources can best be demonstrated by the use of an atmospheric dispersion model. In many cases, States will not have the time or resources to perform detailed studies to quantify the fugitive dust and fugitive emissions from individual facilities and may have to rely on factors that were based on limited studies of other facilities or best estimates. In complying with § 51.84, for cases where no ambient lead data were collected in the vicinity of the source and where a State must thus estimate the air quality impact of the sources, the State will have to decide for itself what level of control is warranted by the confidence in the data upon which the analysis is based.

In another comment concerning modeling, one commenter from a State agency claimed that the models used for assessing the monthly impact of point sources are not accessible to most air pollution control agencies. In the initial analysis of the impact of the proposed standard on point sources, it is true that EPA used the Oak Ridge National Laboratory model, "Atmospheric Transport and Dispersion Model" (ATM), (*2*) which is probably not available to most agencies. That analysis was revised subsequently, and another model was used, however. Also, EPA is recommending the use of other models, specifically those models for particulate matter described in EPA's "Guideline on Air Quality Models," (*3*) for modeling point sources for SIP development. These models are generally available.

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 studies generally give a more reliable estimate of the air quality impact of sources that emit fugitive emissions because no estimate need be made of the fugitive emissions, which are difficult to measure directly. Such studies cannot be done for many areas 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 three categories of point sources that have major 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 yielded will provide more accurate information concerning the nature and magnitude of the lead problem from these 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. In response, EPA has found that there are no techniques for continuous monitoring of 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-

leaded gasoline. The level of control of lead in leaded gasoline was based on average conditions concerning lead air quality concentrations. Areas that have unique problems and that will find it impossible to demonstrate attainment of the lead standard through stationary source control or through transportation control measures may have to adopt measures such as requirements for further reduction 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 is 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.

Also, two of the commenters recommended that 40 CFR Part 51 regulations be modifed 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 health screening and hygiene program aimed at reducing the amount of lead that children in the vicinity of the source take in and insuring that safe blood lead levels are satisfactorily maintained.

EPA believes that there are legal, technical, and equity problems with the programs that render it unacceptable as the sole means of implementation of the national standard for lead.

Concerning the legal problem, such a program assumes that the air quality standard will be violated, and presumably, the plan will not contain a demonstration that the air quality standard will be attained. Under the Clean Air Act, EPA must disapprove a plan that does not contain a demonstration that the air quality standard will be attained by the mandatory attainment date. The Act provides for the protection of health through the standard setting, planning, and implementation processes; it does not allow for a surrogate procedure whereby public health may be protected even though the ambient standards are not met.

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 approach apparently believe 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 enclosures, 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 for approval, an implementation plan must demonstrate that the control strategy contained in the plan is adequate to attain and maintain the NAAQS. EPA realizes, however, that a plan which meets this criterion may, even after full implementation, not actually result in attainment by the attainment date. This would gererally 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 has already required all measures 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 to this in the discretion given to EPA under the Act in sections 110 or 113. States should make every effort to develop and submit plans that demonstrate attainment of the standard using the best data available.

Several commenters from State air pollution control agencies indicated that the development of lead SIP's will be difficult within the timeframe provided. EPA realizes that the development of the lead plans will be competing in priorities and resources with the development of plan revisions by title I, part D, of the Clean Air Act for nonattainment areas. Where a State needs additional assistance in the development of its lead plan, or where it is unsure as to the priority of development of its lead plan, the State should consult with the appropriate EPA regional office.

2.3 AIR QUALITY MONITORING

Several commenters recommended 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 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-

uled samples to be valid. EPA will prepare a guideline on this and other issues concerning the determination of attainment of the standard. Concerning 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 consistent with the averaging time of the NAAQS were encountered in these situations, then monitoring in these locations would meet the intent of the guidance. EPA has revised the siting guidance to account for these considerations.

Several comments were directed toward the recommended location of a monitor at a given location. Two persons indicated that the allowance of 5 meters in elevation of lead air monitors is too high and that it should be changed or should allow for numerical adjustment of the data. One person suggested that the monitors be required to be placed closer to roadways because he felt that would be more representative of exposure; another suggested that the monitors are required to be placed too close to the street already in some cases and that the data from the monitors would be unrepresentative. EPA proposed a range of heights for lead monitors from 0 to 5 meters above ground level. The proposed required distance from major roadways for the peak concentration site was 5 to 15 meters. The intent was to sample ambient air to which significant portions of the population are being exposed over the averaging time of the standard. During a typical day, even the most susceptible population group does not spend more than one-half of their time in the ambient air below the 2-meter level or within 15 meters of a major roadway. They are indoors or at considerable distances from roadways for the remainer of their time. Consequently, requiring samplers to be placed below 2 meters above the ground or closer than 5 meters to a roadway would lead to concentration measurements that would be unrepresentative of lead exposures. Further, some range of heights and distances is necessary due to practicalities involved in finding suitable sites, power availability, protection against vandalism, allowing free pedestrian movement along sidewalks, etc.

One commenter recommended that the criteria for monitoring in the vicinity of roadways not include specific 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 be considered special purpose monitoring and thus could be performed if desired by the State or local agency. EPA however, does not feel that monitors placed in these situations 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 in the vicinity of major 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 advance notice of proposed 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 siting 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 distance 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 lead. Also, several commenters 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 more than two monitors. EPA is interested nationally in obtaining only enough data to establish a data trend,

determine if the Federal programs that result in the reduction of automobile lead emission are causing decreases in lead air concentrations, and determine the approximate attainment status of areas. Furthermore, the regulations would allow EPA to require additional monitors on a case-by-case basis where EPA believes that two monitors are insufficient to determine whether the national standard is being attained and maintained.

One of the commenters who recommended that the regulations require more than two monitors per area objected to placing responsibility on the EPA regional offices to require additional monitors and determine their location. The commenter claimed that this precludes both accountability of the State's actions and public participation. EPA's response is that requiring a limited number of samplers specifically to meet data needs at the national level and leaving the determination of the number and location of the remaining stations in the State network to the State and the regional office is consistent with 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 SIP in order to implement the forthcoming air quality monitoring requirements, the public can at that time comment on the State system. The public can also comment on changes to the networks at any time by submitting written comment on 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. (*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 references to 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' 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 regional 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 $\mu g/m^3$, 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 $\mu g/m^3$, maximum monthly mean (1975)" should have read as follows:

"AQCR	Urbanized area
15	Phoenix, Ariz.
24	Los Angeles—Long Beach, Calif.
29	San Diego, Calif.
30	San Francisco—Oakland, Calif.
30	San Jose, Calif.
67	Chicago, Ill.—northwestern Indiana.
215	Dallas, Tex.

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 control strategy would be based on the final implementation plan regulations promulgated below, and because of other delays, the example controls strategy will

probably not be available until November or December of 1978.

4.0 REFERENCES

1. "Supplementary Guidelines for Lead Implementation Plans." U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711. (OAQPS No. 1.2-104).

2. Culkowski, W. M. and M. R. Patterson, "A Comprehensive Atmospheric Transport and Diffusion Model." (ORNL/NSR/EATS-17. Oak Ridge National Laboratory, Oak Ridge, Tenn., 1976.

3. "Guideline on Air Quality Models." Monitoring and data Analysis Division, Office of Air Quality Planning and standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. EPA-450/2-78-027 (OAQPS No. 1.2-080), April, 1978.

4. "Air Monitoring Strategy for State Implementation Plans." Prepared by the Standing Air Monitoring Work Group. U.S. Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711. EPA-450/2-77-010. June, 1977.

TABLE 1—*Urbanized Areas With Lead Air Concentrations Exceeding or Equal to 1.5 μg/m³, Maximum Quarterly Mean (1975)*

AQCR No.	Area
004	Birmingham, Ala.
015	Phoenix, Ariz.
031	Fresno, Calif.
024	Los Angeles—Long Beach, Calif.
028	Sacramento, Calif.
024	San Bernardino—Riverside, Calif.
029	San Diego, Calif.
030	San Francisco—Oakland, Calif.
030	San Jose, Calif.
036	Denver, Colo.
043	New York, N.Y.—northeastern New Jersey.
042	Waterbury, Conn.
042	Springfield, Chicopee-Holyoke, Mass.—Connecticut.
045	Wilmington, Del.—New Jersey.
045	Philadelphia, Pa.—New Jersey.
047	Washington, D.C.—Maryland—Virginia.
067	Chicago, Ill.—northwestern Indiana.
131	Minneapolis—St. Paul, Minn.
070	St. Louis, Mo.—Illinois.
013	Las Vegas, Nev.
148	Reno, Nev.
184	Oklahoma City, Okla.
151	Scranton, Pa.
244	San Juan, P.R.
200	Columbia, S.C.
202	Greenville, S.C.
207	Knoxville, Tenn.
018	Memphis, Tenn.—Mississippi.
215	Dallas, Tex.
153	El Paso, Tex.
216	Houston, Tex.

SOURCE: Data from EPA's Environmental Monitoring Support Laboratory, Statistical and Technical Analysis Branch.

Dated: September 29, 1978.

DOUGLAS M. COSTLE,
Administrator.

The Code of Federal Regulations, Title 40, Chapter I, Part 51, is amended as follows:

1. In § 51.1, paragraph (k) is revised and paragraph (n) is amended by adding paragraph (11) as follows:

§ 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.

(2) For lead, any stationary source the actual emissions of which are in excess of 4.54 metric tons (5 tons) per year of lead or lead compounds measured as elemental lead.

* * * * *

(n) * * *

(11) Control or prohibition of a fuel or fuel additive used in motor vehicles, if such control or prohibition is necessary to achieve a national primary or secondary air quality standard and is approved by the Administrator under § 211(c)(4)(C) of the Act.

* * * * *

2. Section 51.12, paragraph (e) is amended by adding subdivision (3) as follows:

§ 51.12 Control strategy: General.

* * * * *

(e) * * *

(3) This paragraph covers only plans to attain and maintain the national standards for particulate matter, sulfur oxides, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen dioxide.

* * * * *

3. Section 51.17 is amended by (1) revising the heading to read "Air quality surveillance: Particulate matter, sulfur oxides, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen dioxide," and (2) adding paragraph (d) as follows:

§ 51.17 Air quality surveillance: Particulate matter, sulfur oxides, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen dioxide.

* * * * *

(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 § 51.17b is added as follows:

§ 51.17b Air quality surveillance: Lead.

(a) This section covers only plans to attain and maintain the national standards for lead.

MONITORING IN CERTAIN AREAS

(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; or

(2) Where lead air quality concentrations currently exceed or have exceeded 1.5μg/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 2 years after the date of the Administrator's approval of the plan for the stations specified under paragraph (b) of this section.

(h) The analysis of the 24-hour samples may be performed for either individual samples or composites of the samples collected over a calendar month or quarter.

(i) [Reserved]

REQUIREMENTS APPLICABLE TO ALL MONITORS

(j) 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.

(b) 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; or

(3) Any other longer period if required by the appropriate EPA Regional Administrator.

(c) The plan must 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 calibrating 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 $\mu g/m^3$, 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-

ment does not apply if the data has already been submitted.

(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).)

[FR Doc. 78-28051 Filed 10-4-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 51 and 53]

[FRL 937-7]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS FOR LEAD

Notice of Proposed Rulemaking

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On December 14, 1977, new national primary and secondary ambient air quality standards for lead were proposed (42 FR 63076). Atmospheric lead is proposed to be measured as elemental lead, either by the proposed reference method or "by an equivalent method." The amendments proposed below would provide the necessary and appropriate changes in the existing equivalent method regulations (primarily contained in 40 CFR Part 53) to allow the designation of equivalent methods for measuring atmospheric lead concentrations.

DATES: Comments relative to these proposed regulations must be received by November 20, 1978.

ADDRESS: Send comments to Mr. Larry J. Purdue, Department E (MD-76), Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency; Research Triangle Park, N.C. 27711.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry Purdue, telephone 919-541-3076 (FTS 629-3076).

Incidental information: The proposed reference method for measuring atmospheric lead, as well as much associated information, was published in the December 14, 1977, issue of the FEDERAL REGISTER (vol. 42), starting on page 63076.

SUPPLEMENTARY INFORMATION:

BACKGROUND

When the first national ambient air quality standards were promulgated in 1971 (36 FR 8186, Apr. 30, 1971), EPA established the concept that measurements of ambient air pollutants used to determine compliance with the standards must be made with either a specified "reference method" or with an alternate method which could be shown to be "equivalent" to the reference method. The air quality standards are now contained in part 50 of title 40 of the Code of Federal Regulations (40 CFR Part 50). Appendixes to part 50 specify either a prescribed reference method, or a measurement principle and calibration procedure applicable to reference methods, for each pollutant for which a standard has been promulgated.

On February 18, 1975, EPA promulgated regulations to establish definitive requirements and procedures by which methods for measuring specified air pollutants may be designated "reference methods" or "equivalent methods" (40 FR 7044, Feb. 18, 1975). These regulations are contained in 40 CFR Part 53. Originally these "equivalency" regulations were applicable only to methods for measuring SO_2, CO, and photochemcial oxidants (O_3), but were subsequently amended to cover methods for NO_2 as well (41 FR 52692, Dec. 1, 1976).

On December 14, 1977, EPA proposed amendments to 40 CFR Part 50 to establish new national primary and secondary ambient air quality standards for lead. Also proposed was a new appendix to part 50 specifying a reference method for measuring atmospheric lead. The method proposed measures the lead content of suspended particulate matter collected on glass fiber filters using high volume samples. The lead is extracted from the particulate matter and measured by atomic absorption spectroscopy. The procedure proposed is necessarily very restrictive and specific in order to maintain the high level of accuracy and reproducibility and the low level of variability requisite for a reference method. However, other procedures are available for measuring lead which are likely to be as good as the reference method and may be advantageous to particular users. For example, using the same sampling procedure as the reference method (high volume sampler), several alternate analytical principles (flameless atomic absorption, optical emission spectrometry, and anodic stripping voltametry) are known to be suitable for lead analysis. If these alternate procedures can be designated as "equivalent" methods, then users would have much more flexibility in selecting a method for lead measurements which fits their own circumstances of available equipment, personnel, and expertise.

Also, EPA sees no reason why lead measurements must be restricted to a particular sampling technique, such as the high volume sampler. For example, low volume particulate samples can be analyzed for lead by X-ray fluorescence. Other non-high-volume techniques may also be available or under development. By allowing for the possibility of qualifying such alternate methods as equivalent methods, EPA hopes to permit and encourage continued advancement in the technology of measuring atmospheric lead.

For the reasons given above, EPA believes it is advantageous to propose appropriate amendments to 40 CFR 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 voltametry. Direct analysis of high volume filters by X-ray fluorescence is also a likely 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 equivalent method, regardless 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 SO_2, CO, O_3, and NO_2, and would be amended to also include lead. Subparagraph (3) provides certain "grandfather" periods for use of existing methods for SO_2, CO, O_3, and NO_2. It

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 SO_2, CO, and O_3.

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 tests 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 SO_2, CO, O_3, and NO_2.

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 in 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 retitled "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 (simultaneous) samples are collected and analyzed to provide at least five samples which fall into the required range of 0.5 to 4.0 $\mu g/m^3$. 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 (e) 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.

Dated: September 29, 1978.

DOUGLAS M. COSTLE,
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 SO_2, CO, O_3, NO_2, 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) * * *

(3) * * * 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 SO_2, CO, O_3, and NO_2 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 the value specified in the last column of table C-1.

(2) A consistent relationship is shown for lead methods when the dif-

ferences between: (i) Measurements made by a candidate method, and (ii) measurements made simultaneously by the reference method are less than or equal to the value specified in table C-3.

(b) *Selection of test sites.*—(1) *All methods.* Each test site shall be in a predominately urban area which can 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 approriate 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 homogenous or as nearly identical as practical.

(2) *Methods for gaseous pollutants.* Ambient air shall be sampled from a common intake and distribution manifold designed to deliver homogenous 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 insure 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 colection 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 means of a sample 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 reference 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.

* * * * *

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, Environmental Monitoring and Support Laboratory, Department E, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. The audit samples are ¾ × 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 concentratons for the reference method samples in $\mu g/m^3$ for each analysis of each filter. Calculate the indicated total lead amount for the audit samples in μg/strip for each analysis of each strip. Lable these test results as R_{1A}, R_{1B}, R_{1C}, R_{2A}, R_{2B}, . . ., Q_{1A}, Q_{1B}, Q_{1C}, ..., where R denotes results from the reference method samples; Q denotes results from the audit samples; 1, 2, 3 indicates filter number and 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 $\mu g/m^3$ for each analysis of each filter. Label these test results as C_{1A}, C_{1B}, C_{2C}, . . ., where C denotes results from the candidate method. (For candidate methods which provide a direct measurement of lead concentrates without a separable procedure, $C_{1A} = C_{1B} = C_{1C}$, $C_{2A} = C_{2B} = C_{2C}$, etc.)

(d) For the reference method, calculate the average lead concetration for each filter by averaging the concentra-

tions calculated from the three analyses:

$$R_{i\ ave} = \frac{R_{iA} + R_{iB} + R_{iC}}{3}$$, where i is the filter number.

(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 $\mu g/m^3$. 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 the 0.5 to 4.0 $\mu g/m^3$ range for the tests to be valid.

(f) *Test for precision.* (1) Calculate the precision (P) 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:

$$P_{Ri} = \frac{R_i\ max - R_i\ min}{R_i\ ave} \times 100\%, \text{ or } P_{Ci} = \frac{C_i\ max - C_i\ min}{C_i\ ave} \times 100\%,$$

where i indicates the filter number.

(2) If any reference mthod 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:

$$Q_i\ ave = \frac{Q_{iA} + Q_{iB} + Q_{iC}}{3},$$

where i is audit sample number.

Calculate the percent difference (D_q) between the indicated lead concentration for each audit sample and the true lead concentration (T_q) as follows:

$$D_{qi} = \frac{Q_i\ ave - T_{qi}}{T_{qi}} \times 100$$

(2) If any difference value (D_{qi}) 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) between the reference and candidate methods, using all nine possible combinations of the three determinations (A, B, and C) for each method, as:

$$D_{in} = \frac{C_{ij} - R_{ik}}{R_{ik}} \times 100\%,$$ 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 (j= A, B, C, candidate; k= A, B, C, reference).

(2) If none of the percent differences (D) exceeds ±20 percent, the candidate method passes the test.

(3) If one or more differences (D) exceeds ±20 percent, the candidate method fails the test for consistent relationship.

(i) The candidate method must pass both the precision test and the consistent relationship test to qualify for designation as an equivalent method.

TABEL C-3—TEST SPECIFICATIONS FOR LEAD METHODS

Concentration range, $\mu g/m^3$	0.5 to 4.0
Minimum number of 24-hr measurements	5
Maximum analytical precision, percent	15
Maximum analytical accuracy, percent	±5
Maximum difference, percent of reference method	±20

[FR Doc. 78-28052 Filed 10-4-78; 8:45 am]

[6560-01]

[40 CFR Part 51]

[FRL 937-8]

IMPLEMENTATION PLANS FOR LEAD NATIONAL AMBIENT AIR QUALITY STANDARD

Proposed Requirements for Ambient Air Quality Monitoring in the Vicinity of Certain Lead Point Sources; Advance Notice of Proposed Rulemaking

AGENCY: Environmental Protection Agency.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This is an advance notice of EPA's intent to propose regulations that would require the State implementation plans (SIP's) for attainment and maintenance of the national ambient air quality standard (NAAQS) for lead to provide for the owner or operator of each primary or secondary lead smelter or primary copper smelter to establish a lead air quality monitoring system in the vicinity of the source and report the data to the State. EPA intends to propose this requirement partly in response to a comment received on the proposed lead implementation plan requirements of December 14, 1977 (42 FR 62087), but mainly as the initiation of a procedure for obtaining information concerning the nature, extent, and impact of fugitive lead emissions from the smelters since very little accurate information is currently available. The intended effect of this requirement would be to obtain sufficient air quality data around the subject sources to determine if they are causing violations of the lead NAAQS. If violations are recorded, the States and EPA will determine whether additional or alternative control strategies would be adequate to attain and maintain the NAAQS for lead.

DATES: Comments on this advance notice must be received on or before December 4, 1978. Comments submitted in duplicate will facilitate internal distribution and public availability.

ADDRESSES: Persons may submit written comments on this advance notice to: U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Control Programs Development Division (MD 15), Research Triangle Park, N.C. 27711, attention: Mr. Joseph Sableski. EPA will make all comments received on or before December 4, 1978, available for public inspection during normal business hours at: EPA Public Information Reference Unit, 401 M Street SW., Room 2922, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. John Silvasi, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Control Programs Development Division (MD 15), 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 (SIP's) for the attainment and maintenance of those standards. Further information about the standards and the SIP's appears in those notices.

States must now prepare and submit to EPA within 9 months SIP's 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 difficulat. 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 vent; wind speed and direction; rainfall; and so on—factors other than process throughput or production rates.

Furthermore, there has not been much lead air quality data gathered around sources of these fugitive emissions. Also, there have never been any specific requirements in the regulations that apply to SIP's for requiring 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' *1,2* 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 abovementioned categories. The regulation would require the subject sources to establish an operate an air quality monitoring system in the vicinity of the sources. If the ambient data reveals tht 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 control of the sources.

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 woud 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 sampler would 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 samplers.

EPA intends to restrict this requirement only to primary and secondary lead smelters and primary copper smelters because EPA modeling studies ([2]) 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 esceeds 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 the meteorology. 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 particuarly 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 roadways.

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.

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 fugitie 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

1. National Ambient Air Quality Standard for Lead: Final Draft: Environmental Impact Statement. U.S. Environmental Protection Agency, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. July 1978.

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, Office of Air and Waste Management, Office of Air Quality Planning and Standards, Rsearch Triangle Park, N.C. June 1978.

3. Technical Manual for the Measurement of Fugitive Emissions: Upwind-Downwind Sampling Method for Industrial Fugitive Emissions. U.S. Environmental Protection Agency, Industrial and Environmental Research Laboratory, Research Triangle Park, N.C. April 1976. Publication No. EPA-600/1-76-089a.

4. Technical Manual for the Measurement of Fugitive Emissions: Roof Monitor Sampling Method for Industrial Fugitive Emissions. U.S. Environmental Protection Agency, Industrial and Environmental Research Laboratory, Research Triange Park, N.C. May 1976. Publication No. EPA-600/2-76-089b.

5. Technical Manual for Measurement of Fugitive Emissions: Quasi-Stack Sampling Method for Industrial Fugitive Emissions. U.S. Environmental Protection Agency, Industrial and Environmental Research Laboratory, Research Triangle Park, N.C. May 1976. Publication No. EPA-600/a-76-089c.

(Secs. 110, 114(a)(1), and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7417, and 7601).)

Dated: September 29, 1978.

Douglas M. Costle,
Administrator.

[FR Doc. 78-28053 Filed 10-4-78; 8:45 am]

federal register

THURSDAY, OCTOBER 5, 1978
PART V

INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

■

INFORMATION SECURITY OVERSIGHT OFFICE

National Security Information

[6820-27]

Title 32—National Defense

CHAPTER XX—INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

[Directive No. 1]

INFORMATION SECURITY OVERSIGHT OFFICE

National Security Information

AGENCY: Interagency Classification Review Committee (ICRC).

ACTION: Implementing directive.

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:

Robert W. Wells, Executive Director, ICRC, Telephone: 202-724-1578.

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.

TABLE OF CONTENTS

Section I. Original Classification

A Definition.
B Classification Authority.
C Request for Classification Authority.
D Record Requirements.
E Classification Procedure.
F Foreign Government Information.
G Standard Identification and Markings.
H Additional Markings Required.
I Abbreviations.

Section II. Derivative Classification

A Definition.
B Responsibility.
C Marking Derivatively Classified Documents.
D Classification Guides.

Section III. Declassification and Downgrading

A Record Requirements.
B Declassification Policy.
C Systematic Review for Declassification.
D Procedures for Mandatory Declassification Review.

Section IV. Safeguarding

A General.
B General Restrictions on Access.
C Access by Historical Researchers and Former Presidential Appointees.
D Dissemination.
E Accountability Procedures.
F Storage.
G Transmittal.
H Loss or Possible Compromise.
I Destruction.

Section V. Implementation and Review: Challenges to Classification

Section VI. General Provisions

A Notification.
B Posted Notice.
C Downgrading, Declassification, and Upgrading Markings.
D Combat Operations.
E Publication and Effective Date.

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 level of 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).

F. *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 in the expectation, express or implied, that the information is to be kept in confidence; or

b. Information produced by the United States pursuant to a written joint arrangement with 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 prescribe 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 up to 30 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 origination may be considered 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 1 November 1984," "Declassify on completion of State visit," or "Review for declassification on 1 November 1998" (1-501(c)).

4. *Downgrading markings.* When it is determined (e.g., in a classification guide) that a classified document should be downgraded automatically

[1] Parenthetical references are to related sections of Executive Order 12065.

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 1990" or "Downgraded to Confidential on 1 December 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 or 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 either according to the highest classification of the content of the page, including the designation "Unclassified" when appropriate, or according to the highest overall classification of the document. In any case, the classification marking of the page 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 practicable, 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. If individual portion 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 Information 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: "Unclassified When Classified Enclosure is Detached" (1-5).

12. *Marking foreign government information.* Except in those cases where such markings would reveal intelligence information, foreign government information incorporated in United States documents shall, whenever practicable, be identified in such manner as to ensure that the foreign government information is not declassified prematurely or made accessible to nationals of a third country without consent of the originator. Documents classified by a foreign government or an international organization of governments shall, if the foreign classification is not in English, be marked with the equivalent U.S. classification. Foreign government information not classified by a foreign government or an international organization of governments but provided to the United States in confidence by a foreign government or by an international organization of governments shall be classified at an appropriate level and shall be marked with the U.S. classification accordingly (1-5).

H. *Additional markings required.* In addition to the marking requirements in paragraph G, the following markings shall, as appropriate, be displayed prominently on classified information. When display of these additional markings is not practicable, their applicability to the information shall be included in the written notification of the assigned classification (1-5).

1. *Restricted data or formerly restricted data.* For classified information containing restricted data or formerly restricted data as defined in the Atomic Energy Act of 1954, as amended, such markings as may be prescribed by the Department of Energy in regulations issued pursuant to the act shall be applied.

2. *Intelligence sources and methods information.* For classified information involving intelligence sources or methods: "Warning Notice—Intelligence Sources and Methods Involved".

3. *Dissemination and reproduction notice.* 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 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. *Abbreviations.* Classified documents that are transmitted electrically may be marked with abbreviations or codes in a single line to satisfy the requirements of each subsection of paragraphs G and H in a manner consistent with economic and efficient use of electrical transmission systems, provided that the full text represented by each such abbreviation or code and its relation to each subsection of paragraphs G and H is readily available to each expected user of the classified documents affected.

II. 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 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

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. *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 derivatively classified document 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 (2-102(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 permitted under section I. I. 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 the order and 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 Downgrading

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).

C. *Systematic Review for Declassification.*—1. *Systematic review guidelines.*

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 scheduling for future disposition. 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 (3-404).

(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 could 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 recommended date or 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-

tion 3-401 of the order as to which documents or categories of information require continued protection. The agency shall inform the Archivist of the United States of this determination (3-4).

d. *Special procedures.* Special procedures for systematic review and declassification of classified cryptologic information and classified information concerning the identities of clandestine human agents promulgated in accordance with the provisions of section 3-403 of the order shall be binding on all agencies (3-403).

e. *Foreign relations series.* In order to permit the editors of foreign relations of the United States to meet their mandated goal of publishing 20 years after the event, heads of departments and agencies are requested to assist the editors in the Department of State by facilitating access to appropriate classified materials in their custody and by expediting declassification review of items from their files selected for publication (3-4).

D. *Procedures for mandatory declassification review.*

1. *U.S.-originated information.*—a. *Action on an initial request.* Each Agency shall designate, in its implementing regulations published in the FEDERAL REGISTER, offices to which requests for mandatory review for declassification may be directed. Upon request for declassification pursuant to section 3-5 of the order, agencies shall apply the following procedures:

(1) The designated offices shall acknowledge receipt of the request.

(2) Whenever a request does not reasonably describe the information sought, the requestor shall be notified that unless additional information is provided or the scope of the request is narrowed, no further action will be undertaken (3-501).

b. *Information in the custody of and under the exclusive declassification authority of an agency.* The designated office shall determine whether, under the declassification provisions of section 3-3 of the order, the requested information may be declassified and, if so, shall make such information available to the requestor, unless withholding is otherwise warranted under applicable law. If the information may not be released in whole or in part, the requestor shall be given a brief statement as to the reasons for denial, a notice of the right to appeal the determination to a designated agency appellate authority (including name, title, and address of such authority), and a notice that such an appeal must be filed with the agency within 60 days in order to be considered (3-501).

c. *Information classified by agencies other than the custodial agency.* When an agency receives a request for information in its custody that was classified by another agency, is shall forward the request to the appropriate agency for review, together with a copy of the document containing the information requested where practicable, and with its recommendation to withhold any of the information where appropriate. Unless the agency that classified the information objects on grounds that its association with the information requires protection, the agency that received the request shall also notify the requestor of the referral. After the agency that classified the information completes its review (in coordination with other agencies that a direct interest in the subject matter), a response shall be sent to the requestor in accordance with the procedures described above. If requested, the agency shall also communicate its determination to the referring agency (3-501).

d. *Action on appeal.* The head of an agency or a designee shall establish procedures to act within 30 days upon all appeals of denials of requests for declassification. These procedures shall provide for meaningful appellate consideration, shall be forwarded to the Oversight Office for review, and shall be published in the FEDERAL REGISTER. In accordance with these procedures, agencies shall determine whether continued classification is required in whole or in part, notify the requestor of the determination, and make available any information that is declassified and otherwise releasable. If continued classification is required under the provisions of section 3-3 of the order, the requestor shall be notified of the reasons therefor. If requested, the agency shall also communicate the appeal determination to any referring agency (3-5 and 5-404(c)).

e. *Fees.* If the request requires the rendering of services for which fair and equitable fees may be charged pursuant ot title 5 of the Independent Offices Appropriation Act, 65 Stat. 290, 31 U.S.C. 483a (1976), such fees may be imposed at the discretion of the agency rendering the services. Schedules of such fees shall be published in the FEDERAL REGISTER (3-501).

2. *Foreign government information.* Except as provided hereinafter, requests for mandatory review for the declassification of classified documents that contain foreign government information shall be processed and acted upon in accordance with the provisions of section D.1 above. If the agency receiving the request is also the agency that initially received or classified the foreign government information, it shall determine whether the foreign government information in the document may be declassified and released in accordance with agency policy or guidelines, after consulting with other agencies that have subject matter interest as necessary. If the agency receiving the request is not the agency that received or classified the foreign government information, it shall refer the request to the appropriate agency, which shall take action as described above, including its recommendation to withhold any of the information where appropriate. In those cases where agency policy or guidelines do not apply, consultation with the foreign originator through appropriate channels may be advisable prior to final action on the request (3-5).

IV. SAFEGUARDING

A. *General.* Information classified pursuant to Executive Order 12065 or prior orders shall be afforded a level of protection against unauthorized disclosure commensurate with its level of classification (4-1).

B. *General restrictions on access.*

1. *Determination of need-to-know.* Classified information shall be made available to a person only when the possessor of the classified information establishes in each instance, except as provided in section 4-3 of the order, that access is essential to the accomplishment of official Government duties or contractual obligations (4-101).

2. *Determination of trustworthiness.* A person is eligible for access to classified information only after a showing of trustworthiness as determined by agency heads based upon appropriate investigations in accordance with applicable standards and criteria (4-101).

C. *Access by historical researchers and former Presidential appointees.* Agencies shall obtain: (1) Written agreements from requestors to safeguard the information to which they are given access as permitted by the order and this directive; and (2) written consent to the agency's review of their notes and manuscripts for the purpose of determining that no classified information is contained therein. A determination of trustworthiness is a precondition to a requestor's access. If the access requested by historical researchers and former Presidential appointees requires the rendering of services for which fair and equitable fees may be charged pursuant to title 5 of the Independent Offices Appropriations Act, 65 Stat. 290, 31 U.S.C. 483a (1976), the requestor shall be so notified and the fees may be imposed (4-3).

D. *Dissemination.* Except as otherwise provided by section 102 of the National Security Act of 1947, 61 Stat. 495, 50 U.S.C. 403 (1970 and Supp. V 1975), classified information originating in one agency may not be disseminated outside any other agency to

which it has been made available without the consent of the originating agency (4-403).

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 authorize the annual inventory of top secret documents in repositories, libraries, or activities that store large volumes of such information to be limited to 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 if 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, steel file cabinet having a built-in, three-position, dial-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, supplementary 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, vaults, alarm systems, and associated security devices suitable for the storage and protection of all categories 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. *Exception 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 steel filing cabinet equipped with a steel 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 oenings 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 combination 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 locks whenever 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 providing protection and accountability 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 receipting.* Classified information shall be enclosed in opaque inner and outer covers before transmitting. The inner cover shall be a sealed wrapper 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 receipting 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-

mation, by the U.S. Postal Service registered mail, or by protective services provided by U.S. air or surface commercial carriers under such conditions as may be prescribed 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 orginating 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 remarking 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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