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THURSDAY, FEBRUARY 22, 1979

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

federal register

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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.

[7550-01-M]

Title 29—Labor

CHAPTER X—NATIONAL MEDIATION BOARD

PART 1202—RULES OF PROCEDURE

Specific Page Limitations for Briefs Filed in NMB Hearing Proceedings

AGENCY: National Mediation Board.

ACTION: Notice of final rulemaking.

SUMMARY: This rule provides specific page limitations for briefs filed in NMB hearing proceedings. Said limitations may be modified upon appropriate request in which case the Board may require that a summary of argument be included within the briefs.

The requirements of this rule have become necessary in order to control the filing of unreasonably lengthy briefs before the Board. It is intended that the limitations and procedures provided by 29 CFR 1202.15 will promote the more effective use of Agency staff resources, ease the administrative burden on the public, and facilitate the processing of hearing cases before the Board.

DATES: Title 29 CFR 1202.15, as provided by this action, becomes effective February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board, Washington, D.C. 20572. Telephone: (202) 523-5920.

SUPPLEMENTARY INFORMATION: (1) The final text for 29 CFR 1202.15 herein issued differs only to a limited extent from the proposed text. Specifically, the proposed text for § 1202.15(a) has been modified by providing that a participant which desires to submit a brief in excess of the generally applicable page limitations may seek an enlargement by filing a timely request with the Board. Should the Board determine to grant such a request, it may also require that the briefs contain a summary of the argument presented in the enlarged briefs. This latter requirement has been derived verbatim from United States Supreme Court Rule 40(f). In addition, § 1202.15(b) of the proposed Rule was supplemented in its final form by the inclusion of the requirement that briefs be submitted on standard size paper with double spaced type.

(2) A notice of proposed rulemaking with respect to 29 CFR 1202.15 was published in the FEDERAL REGISTER on November 8, 1978 (43 FR 52032). The public comment period subsequently was extended until January 24, 1979, by a notice of extension published in the FEDERAL REGISTER on January 4, 1979 (44 FR 1181).

(3) During the public comment period nine (9) comments were received. Seven (7) of the comments supported the proposed rule and two (2) opposed the proposal. One of the opposition comments recommended requiring a summary of argument in lieu of a page limitation. The summary of argument approach has been incorporated into the final rule as an option when the Board determines to enlarge the page limitations. Another opposition comment recommended the use of *ad hoc* limitations to brief lengths on an individual case basis. The Board believes that this approach would be less practical than a general limitation of length subject to modification upon good cause shown. In any event, requests for the enlargement of the page limitations are discouraged except where the circumstances of the particular case clearly demonstrate a clear and convincing need for modification of the Board's general rules of practice in this regard. Two of the supporting comments recommended providing that briefs before the Board be submitted on standard size paper with double spaced type. This recommendation has been incorporated into the final rule. Five of the comments in support of the proposed rule and one comment in opposition recommended that a provision for the partial waiver of the length limitations be incorporated. Such a provision has been incorporated into § 1202.15(a) of the final rule as discussed previously. Although it is not reasonably feasible to detail each of the individual comments received in this matter, the Board appreciates the very conscientious and helpful comments submitted by the public.

(4) This final regulation is issued pursuant to the authority of 44 Stat. 577, as amended, 45 U.S.C. 151, *et seq.*

By direction of the National Mediation Board.

Dated: February 15, 1979.

ROWLAND K. QUINN, Jr.,
Executive Secretary.

Title 29 CFR, Chapter X, hereby is amended by the issuance of § 1202.15, which currently is vacant, to provide as follows:

§ 1202.15 Length of briefs in NMB hearing proceedings.

(a) In the event briefs are authorized by the Board or the assigned Hearing Officer, principal briefs shall not exceed fifty (50) pages in length and reply briefs, if permitted, shall not exceed twenty-five (25) pages in length unless the participant desiring to submit a brief in excess of such limitation requests a waiver of such limitation from the Board which is received within five (5) days of the date on which the briefs were ordered or, in the case of a reply brief, within five (5) days of receipt of the principal brief, and in such cases the Board may require the filing of a summary of argument, suitably paragraphed which shoud be a succinct, but accurate and clear, condensation of the argument actually made in the brief.

(b) The page limitations provided by this section (§ 1202.15) are exclusive of those pages containing the table of contents, tables of citations and any copies of administrative or court decisions which have been cited in the brief. All briefs shall be submitted on standard 8½ X 11 inch paper with double spaced type.

(c) Briefs not complying with this section (§ 1202.15) will be returned promptly to their initiators.

[FR Doc. 79-5447 Filed 2-21-79; 8:45 am]

[7550-01-M]

PART 1206—HANDLING REPRESENTATION DISPUTES UNDER THE RAILWAY LABOR ACT

Time Limits on Applications

AGENCY: National Mediation Board.

ACTION: Notice of final rulemaking.

SUMMARY: This final rule amends § 1206.4 of the National Mediation Board Rules, 29 CFR 1206.4. The prin-

cipal amendment to the previous § 1206.4 provided by this action is to eliminate the final note clause to that section. The effect of such deletion is to extend the time limits on filing NMB representation applications to applications covering employees who are unrepresented for purposes of collective bargaining. This amendment has been issued in order to promote the more effective use of agency staff resources, ease the administrative burden on the public, and facilitate the processing of representation cases before the Board.

In addition, the amended text of § 1206.4 provides certain limited grammatical changes to the previous provisions of that section. The effect of the grammatical changes is to clarify the meaning of the rule.

DATES: The amended text of 29 CFR 1206.4, as provided by this action, becomes effective February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board, Washington, D.C. 20572, Telephone: (202) 523-5920.

SUPPLEMENTARY INFORMATION: (1) The final text of 29 CFR 1206.4 herein issued differs only to a limited degree from the proposed text. Specifically, the proposed text for § 1206.4(b) (1) and (3) has been supplemented to provide directly that the one-year time bar begins to run from the date that the Board dismisses a docketed application under the particular circumstances provided by each of those clauses.

(2) A notice of proposed rulemaking with respect to 29 CFR 1206.4 was published in the FEDERAL REGISTER on October 20, 1978. (43 FR 49015). The public comment period subsequently was extended until January 24, 1979, by a notice of extension published in the FEDERAL REGISTER on January 4, 1979. (44 FR 1181.)

(3) During the public comment period twenty-two (22) comments were received. Fifteen (15) of the comments submitted supported the proposed amendment, one (1) expressed no objection, and six (6) comments opposed the proposal. A number of the opposing comments suggested that the proposed bar rule could be utilized by an applicant which was sponsored or dominated by the carrier-employer in order to prevent organizational efforts by a legitimate applicant. The Board believes that the clause in § 1206.4 which provides an exception to the time bars in "unusual or extraordinary circumstances" adequately would remedy such a company dominated union problem. That clause additionally could be applied in the case of an election which was improperly affected by carrier or other interference at some stage of the proceeding. Another frequent objection expressed was that the dismissal of a docketed case after withdrawal by a particular applicant would invoke a bar which applied to all potential applicants for a period of one year. Based on the agency's experience, this situation as a practical matter would seldom frustrate organizational efforts because generally only the organization(s) which initially filed or intervened would be seriously in a position to organize the particular craft or class. Further, a potential applicant that had initiated a substantial organizational effort could itself file an application with the Board in order to ensure that a bar would not arise from another organization's subsequent withdrawal. Five (5) of the supporting comments recommended that a two-year bar be imposed in lieu of the one-year bar as provided by the proposal in the event that less than a majority of eligible voters participated in the election. The Board believes that a single year bar as provided by the proposed and final rules will accomplish effectively the agency's objectives described previously in the summary provision to this preamble. Further, a one-year bar in such instance is consistent with the one-year bar periods applied under § 1206.4(b) (2) and (3). Although it is not reasonably feasible to detail each of the individual comments received in this matter, the Board appreciates the very conscientious and helpful comments submitted by the public.

(4) This final regulation is issued pursuant to the authority of 44 Stat. 577, as amended, 45 U.S.C. 151, *et seq.*

By direction of the National Mediation Board.

Dated: February 15, 1979.

ROWLAND K. QUINN, Jr.,
Executive Secretary.

Title 29 CFR, Chapter X, hereby is amended by revising § 1206.4 thereof to provide as follows:

§ 1206.4 Time limits on applications.

Except in unusual or extraordinary circumstances, the National Mediation Board will not accept an application for investigation of a representation dispute among employees of a carrier:

(a) For a period of two (2) years from the date of a certification covering the same craft or class of employees on the same carrier, and

(b) For a period of one (1) year from the date on which:

(1) The Board dismissed a docketed application after having conducted an election among the same craft or class of employees on the same carrier and less than a majority of eligible voters particpated in the election; or

(2) The Board dismissed a docketed application covering the same craft or class of employees on the same carrier because no dispute existed as defined in § 1206.2 of these Rules; or

(3) The Board dismissed a docketed application after the applicant withdrew an application covering the same craft or class of employees on the same carrier after the application was docketed by the Board.

[FR Doc. 79-5449 Filed 2-21-79; 8:45 am]

[4110-85-M]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER J—HEALTH CARE DELIVERY SYSTEMS

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

Subpart E—Loans and Loan Guarantees for Initial Operating Costs

AGENCY: Public Health Service, HEW.

ACTION: Interim regulations.

SUMMARY: This rule amends the Public Health Service (PHS) regulations with respect to loans and loan guarantees for initial operating costs of health maintenance organizations (HMOs). These interim regulations implement changes in the amount of loan support that an HMO may receive under the HMO Amendments of 1978. The new law has increased the amount of loan assistance that a Federally qualified HMO may receive to assist it in meeting its operating costs which exceed its revenues during a certain time.

EFFECTIVE DATE: These interim regulations are effective on February 22, 1979. Comments are due on or before April 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Howard R. Veit, Director, Office of Health Maintenance Organizations, 12420 Parklawn Drive, Park Building, Room 3-30, Rockville, Maryland 20857, 301/443-4106.

ADDRESSES: Interested persons are invited to submit written comments or suggestions on these rules to the Director, Office of Health Maintenance Organizations, 12420 Parklawn Drive, Park Building, Room 3-30, Rockville, Maryland 20857. The comments will be available for public inspection and copying at the above address between

the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays.

SUPPLEMENTARY INFORMATION: The Health Maintenance Organization Amendments of 1978 (Pub. L. 95-559) revised and extended the provisions of Title XIII of the Public Health Service Act to include, among other changes, a provision that would allow eligible HMOs to receive an increase in the maximum amount of direct loans and guaranteed loans in meeting their operating costs.

Final regulations to implement section 1305 of the Public Health Service Act, as amended, were adopted in the FEDERAL REGISTER on October 27, 1978 (43 FR 50182, Subpart E). The Assistant Secretary for Health of the Department of Health, Education, and Welfare with the approval of the Secretary of Health, Education, and Welfare, hereby amends these regulations, as appropriate, to conform to the Health Maintenance Organization Amendments of 1978.

For reasons described below, the Secretary has determined that public participation in rulemaking prior to issuance of these regulations and a delay in their effective date would be impractical and contrary to the public interest, and accordingly, that good cause exists for making these regulations effective on February 22, 1979. Since certain HMOs need the increase in financial support to preserve their fiscally sound operations, there is an urgent need to revise the current regulations as soon as possible so that eligible HMOs may apply for loan assistance up to the maximum allowable under the amended law. However, the Secretary invites public comments on these revisions and will consider any comments received on or before April 23, 1979, in determining whether further revisions are appropriate.

The revised regulations allow the aggregate amount of a loan, or a loan guarantee, or both, for operating costs of an HMO to be increased from $2.5 to $4 million, and the maximum allowable disbursement of funds to an HMO in any twelve month period to be increased from $1 million to $2 million, n accordance with the provisions of section 1305(b) of the Act, as amended. This permits the Secretary to provide loan assistance under section 1305 to an HMO in excess of $2,500,000, up to a maximum of $4,000,000, after fiscal year 1979, and to do so during fiscal year 1979 if (i) the Secretary makes a written determination that these funds are necessary to preserve the fiscally sound operation of the HMO and to protect against the risk of insolvency of the HMO and, (ii) within 30 days of the making of the loans or loan guarantees, the Secretary furnishes the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives with written notification of the making of the loans or loan guarantees and a copy of the written determination made with respect to the loan or loan guarantees and the reasons for the determination. In addition, the Secretary may disburse or permit disbursement of loan funds in excess of $1,000,000 in any twelve month period, up to a maximum of $2,000,000, after fiscal year 1979, and may do so during fiscal year 1979 if he makes a similar determination and gives similar notice to these Congressional Committees. Set forth below is a summary of the amendments made in these interim regulations.

1. The term "any twelve month period" is added at § 110.502 and § 110.507(a)(2), as amended, because section 1305(b)(1) was amended to substitute this phrase for "any fiscal year."

2. The amount of funds listed at § 110.507 in the current regulations is revised to conform to the amounts authorized by section 1305 of the Act as amended.

A number of other changes will be made in the regulations, as a result of the HMO Amendments of 1978, in future rulemaking. These will include other changes in the financial assistance provisions, such as changing "operating costs" to "cost of operation" as the statement of the costs which may be paid for with loan assistance under section 1305.

Accordingly, 42 CFR Part 110, Subpart E, is amended as set forth below:

§ 110.502 [Amended]

1. Section 110.502 is amended by adding to it a new paragraph (c) as follows:

* * * * *

(c) "Any twelve month period" means the twelve month period beginning on the first day of any month.

§ 110.507 [Amended]

2. Section 110.507(a) is revised to read as follows:

(a) * * *

(1) The aggregate amount of principal of loans made to an HMO, or guaranteed for an HMO, or both, under section 1305 of the Act, shall not exceed the applicable maximum amounts provided in section 1305.

(2) In any twelve month period, the amount disbursed to an HMO under section 1305 of the Act (either directly by the Secretary or by an escrow agent under the terms of an escrow agreement or by a lender under a loan guaranteed under section 1305 of the Act) may not exceed the maximum amounts provided in section 1305.

(Sec. 215, 58 Stat. 690 (42 U.S.C. 216); secs. 1301-1318, as amended, 92 Stat. 2131-2141 (42 U.S.C. 300e—300e-17))

Dated: January 16, 1979.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: February 10, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.79-5530 Filed 2-21-79; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. MC-1]

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

Payment of Rates and Charges of Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Deletion of obsolete provision.

SUMMARY: On September 8, 1975 (40 FR 41528) section 49 CFR 1322.1(b) was added to provide for an extension of credit for 30 days with a 1 percent minimum charge. This provision was stayed by the Commission in an order served September 19, 1975 in this proceeding,[1] and therefore, this provision is not in effect and should be deleted from the Code of Federal Regulations.

EFFECTIVE IMMEDIATELY.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak or Harvey Gobetz, Interstate Commerce Commission, Washington, D.C. 20423. Telephone: (202) 275-7693.

In consideration of the foregoing, 49 CFR Part 1322 is amended by deleting and reserving paragraph (b) of § 1322.1.

H. G. HOMME Jr.,
Secretary.

[FR Doc.79-5443 Filed 2-21-79; 8:45 am]

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[1] Ex Parte No. 73, Regulation for Payment of Rates and Charges and Ex Parte No. MC-1, Payment of Rates and Charges of Motor Carriers.

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.

[7550-01-M]

NATIONAL MEDIATION BOARD

[29 CFR Part 1206]

REPRESENTATION DISPUTES PERCENTAGE OF VALID AUTHORIZATIONS REQUIRED TO DETERMINE EXISTENCE OF A REPRESENTATION DISPUTE

Withdrawal of Proposed Rulemaking

AGENCY: National Mediation Board.

ACTION: Withdrawal of proposed rulemaking notice.

SUMMARY: This action withdraws the Board's Advance Notice of Proposed Rulemaking with respect to § 1206.2(b) of the NMB Rules, 29 CFR 1206.2(b), which was published in the FEDERAL REGISTER on November 21, 1978. (43 FR 54267).

Certain of the circumstances which led significantly to the proposed amendment of § 1206.2(b) have changed, including the decision of the United States Court of Appeals for the Second Circuit in *American Airlines, Inc.* v. *National Mediation Board, et al.*, 99 LRRM 3450 (2nd Cir. 1978). Said decision determined that the number of authorization cards filed in NMB representation cases is privileged from disclosure under the Freedom of Information Act. In the event the foregoing decision is set aside upon further review, if any, or that other circumstances which led primarily to the Board's initial proposal regarding § 1206.2(b) so require, the Board would be prepared to consider appropriate action with respect to 29 CFR 1206.2(b).

DATES: This withdrawal of the Board's November 21, 1978, Advance Notice of Proposed Rulemaking with respect to 29 CFR 1206.2(b) becomes effective February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Rowland K. Quinn, Jr., Executive Secretary, National Mediation Board, Washington, D.C. 20572, Telephone: (202) 523-5920.

SUPPLEMENTARY INFORMATION: (1) In view of this withdrawal action, the Board will not detail herein the public comments received with respect to the initial proposal. However, the Board appreciates the conscientious and knowledgeable comments provided by the public in this matter.

(2) This action is taken pursuant to the authority of 44 Stat. 577, as amended, 45 U.S.C. 151, *et seq.*

By direction of the National Mediation Board.

Dated: February 15, 1979.

ROWLAND K. QUINN, Jr.,
Executive Secretary.

[FR Doc. 79-5448 Filed 2-21-79; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 192]

[Docket No. PS-57; Notice 1]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Monitoring of Gas Odor Level

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Proposed rule.

SUMMARY: This notice proposes to revise the requirements of §§ 192.625 (e) and (f) to establish a frequency for monitoring the injection of odorant into gas pipelines and a frequency and locations for monitoring the concentration of odorant. The proposed changes are needed to clarify present requirements to assure that an appropriate level of odorant is maintained in the gas as it moves through the system.

DATES: Interested persons are invited to submit written comments on this proposal before April 30, 1979. Late filed comments will be considered to the extent practicable.

ADDRESS: Comments should refer to the docket and notice number, and should be sent to: Docket Branch, Materials Transportation Bureau, Department of Transportation, 2100 Second Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Paul J. Cory (202) 426-2392.

SUPPLEMENTARY INFORMATION: The purpose of ordorizing gas in pipelines that is normally odorless, like natural gas, is to make hazardous leaks detectable by humans and thus minimize the risk of explosions and fires and the attendant death, injury, and property damage.

ODORIZATION RATE

In the odorization of gas, if odorant is injected into a gas system in varying amounts that may at times be excessive, members of the public are caused to detect very small escapes of gas that may occur in the normal operation of a pipeline and that are not dangerous. Such an experience often results in people developing a complacent attitude toward detecting a gas odor and could cause a person to not report a hazardous leak. To preclude this result, equipment used to inject an odorant into gas must do so continuously in appropriate amounts. Thus, § 192.625(e) now requires that gas odorization equipment must introduce odorant without a "wide variation" in the level of odorant.

MTB believes that § 192.625(e) is not a satisfactory performance standard because the term "wide variation" is unclear. In an effort to establish a more definite criterion for odorizer performance under § 192.625(e), MTB is considering prescribing an injection rate in terms of a fixed percent of the mean injection rate of the odorizer. Under this approach, § 192.625(e) would be amended to require that the quantity of odorant injected per unit gas volume may not vary from an established mean by more than 33 percent.

Directly measuring the quantity of odorant injected per million cubic feet of gas and comparing this rate with an established mean injection rate is the simplest and most common method that can be used to show that gas is being odorized at a level that will not produce adverse consequences in leak detection by the public. Alternatively, methods of chemical analysis, such as titration or spectrographic analysis can be used to determine the quantity of odorant present in gas and the injection rate.

Comments are specifically requested concerning the safety or appropriateness of the proposed 33 percent criterion for odorizer performance and on possible alternatives to making § 192.625(e) more effective.

MTB further believes that § 192.625(e) is inadequate because it does not prescribe how often an odorant level must be checked. Under the current standard, some operators con-

tinuously monitor odorizer outlets with recording chemical analyzers while others only check an odorizer's performance when it needs refilling. Depending upon the gas flow, the necessary odorization level, and the odorant storage capacity of an odorizer, the odorant level provided by an odorizer may not be inspected more than a few times a year.

Because of the importance of continued injection of odorant in appropriate amounts, MTB is proposing to establish a required frequency in § 192.625(e) for inspecting the odorant level provided by each odorizer. Under this proposal, an odorant level would have to be inspected at weekly intervals for systems serving more than 10 consumers and at intervals of no more than 95 days between consecutive inspections for systems serving 10 or less consumers. The interval of 95 days was chosen to allow flexibility in scheduling inspections on a quarterly basis.

In considering the impact of this proposal, it was recognized that if small odorizers serving 10 or less consumers were each inspected on the same frequency as odorizers serving large gas districts or transmission lines, there would be a heavy impact on the cost of gas to the public that would not be offset by a corresponding safety benefit. Small distribution systems with an odorizer serving 10 or less consumers normally would be located in rural areas where leaks have a low probability of detection by odor because of the low population density.

Odorant Level

Under § 192.625(a) gas must be detectable by the human sense of smell at ⅕ of the lower explosive limit of the gas. To assure that the odorant level meets this criterion throughout a pipeline system, § 192.625(f) requires "periodic sampling" of gas.

Because the term "periodic sampling" in § 192.625(f) is vague, a consistent interpretation cannot be made as to how often or where in a pipeline system samples must be taken. Some operators are checking the odorant level at several locations in the pipeline system daily while others check at only one or two locations as infrequently as once or twice a year. Most operators have odor monitoring programs that are between these two extremes.

Also, it is known that a decrease in odorant level in gas in any segment of a pipeline can be caused by the presence of such things as iron oxide scale, newly installed pipe, tars, oils, dust and natural gas liquids. In addition, the remoteness of some areas in the system from the odorization equipment as well as low gas velocity also affect the retention of odorant in the gas. This loss of odorant in the system, which is called "fading," is discussed in various studies and papers that have been presented by odorization experts at American Gas Association and Institute of Gas Technology sponsored meetings. For example, see "Odor Fading and Supplemental Odorization" by Frank H. Suchomel, II, presented at the IGT Odorization Symposium, July 14, 1976.

MTB believes that the frequency and location of monitoring of odor level in a pipeline system should depend on the specific conditions present in the system. In pipeline systems that are reasonably free of contamination or that are internally coated, there will normally be only minor variations in the odorant level as the gas moves through the system, provided the odorizer maintains a relatively stable injection rate as required under § 192.625(e). This situation does not normally exist in most pipeline systems where conditions that could cause "fading" of odorant are present. In such pipelines, odor checks should be conducted at locations where fading may occur.

In some gas systems, there are segments of pipeline that have a history of leakage that is worse than that of other segments. In these segments, an operator would have reason to anticipate the occurrence of future leaks. MTB believes that checks on the odorant level in such segments should be conducted to assure that if future leaks do occur, the escaped gas will be detectable in accordance with the requirements of § 192.625(a).

To establish a more precise standard for monitoring odor level, MTB is proposing that § 192.625(f) be amended to require that odor level be determined at intervals of not more than 95 days at sufficient locations in the pipeline system to assure compliance with § 192.625(a). The locations would have to include places where fading or leakage may occur.

In consideration of the foregoing, MTB proposes that Part 192 of Title 49 of the Code of Federal Regulations be amended by revising paragraphs (e) and (f) of § 192.625 to read as follows:

§ 192.625 Odorization of gas.

* * * * *

(e) Equipment for odorization must introduce odorant so that the quantity of odorant injected per unit volume of gas does not vary more than 33 percent from the mean injection rate. The injection rate must be confirmed by inspection or testing according to the following schedule:

If equipment odorizes gas for 10 or less consumers, *inspect or test* each 95 days or less.

If equipment odorizes gas for more than 10 consumers, *inspect or test* weekly.

(f) Combustible gas from that portion of a pipeline system served by each odorizer station must be sampled and tested at intervals of not more than every 95 days, at a sufficient number of locations to show that the gas throughout the pipeline system is odorized in compliance with paragraph (a) of this section. Samples must be taken from:

(1) Each segment of the pipeline system where odorant fading may be anticipated; and

(2) Segments where leakage may be anticipated based upon leak history records.

(49 U.S.C. 1962 CFR 1.53; Appendix A of Part 1 and Appendix A of Part 106.)

Issued in Washington, D.C., on February 9, 1979.

Cesar De Leon,
Associate Director for Pipeline Safety Regulation.

[FR Doc. 79-5373 Filed 2-21-79; 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.

[6820-43-M]

ADVISORY COMMITTEE ON FEDERAL PAY

CONTINUATION OF COMMITTEE

Public Inquiry

This is to request any expressions from the public as to the desirability of continuation of the Advisory Committee on Federal Pay.

The Advisory Committee on Federal Pay was established by the Federal Pay Comparability Act of 1970. It consists of three experts on pay and labor relations who are Federal employees only for the time that they serve on this Committee. The Committee serves as an independent third party in advising the President on salary adjustments for Federal white-collar employees. In making its recommendations on pay increases for these Federal employees, the Committee considers pay in the private sector, the views of Federal employee organizations, government officials, and pay experts.

Any comments should be sent in writing to the Advisory Committee on Federal Pay, Suite 205, 1730 K Street, N.W., Washington, D.C. 20006, by March 22. Any such communications will be incorporated in the report that the Advisory Committee makes to the Administrator of GSA.

JEROME M. ROSOW,
Chairman.

[FR Doc. 79-5360 Filed 2-21-79; 8:45 am]

[3510-17-M]

DEPARTMENT OF COMMERCE

Office of the Secretary

ECONOMIC ADVISORY BOARD

Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the meeting of the Department of Commerce Economic Advisory Board will be held on Tuesday, March 6, 1979, from 9:30 a.m. to 4:00 p.m. in Room 4830, Main Commerce Building, 14th Street and Constitution Avenue, N.W. Washington, D.C.

The Board was established by the Secretary of Commerce on January 13, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

A review of the economic outlook by major sector.

A discussion of the outlook for prices and employment and of strategies for sustaining economic growth and dealing with inflation.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to request for clarification of items under discussion. Additional statements or inquiries may be submitted to the chair before or after the meeting. Copies of the minutes will be available on request 30 days after the meeting.

Additional information concerning this meeting may be obtained by contacting Ms. Virginia R. Marketti, Office of the Chief Economist for the Department of Commerce, Room 4848, Department of Commerce, Washington, D.C. 20230, (202) 377-3523.

Dated: February 15, 1979.

COURTENAY M. SLATER,
Chief Economist for the Department of Commerce.

[FR Doc. 79-5445 Filed 2-21-79; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

NEW ENGLAND FISHERY MANAGEMENT COUNCIL's SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Scientific and Statistical Committee that will meet to discuss: (1) Council's 1979 programmatic budget review; (2) lobster plan data needs—further discussion; (3) policy on conflict of interest; (4) data problems with implementation of logbooks; and (5) other business.

DATES: The meeting will convene on Wednesday, February 28, 1979, at approximately 9:30 a.m. and adjourn at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Carriage House, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960, Telephone: (617) 535-5450.

SUPPLEMENTARY INFORMATION: For information on seating arrangements, changes to the agenda, and/or written comments, contact the Executive Director.

DATED: February 16, 1979.

WINFRED H. MEIBOHM,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-5562 Filed 2-21-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS

Week of January 26 through February 2, 1979

Notice is hereby given that during the week of January 26, 1979 through February 2, 1979, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

FEBRUARY 15, 1979.

[6450-01-C]

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS
Week of January 26 through February 2, 1979

DATE	NAME AND LOCATION OF APPLICANT	CASE NO.	TYPE OF SUBMISSION
1/26/79	St. Louis Fuel & Supply Company, Inc. Washington, D.C.	DRD-0159 and DRH-0159	Motions for Discovery and Evidentiary Hearing

IF GRANTED: An evidentiary hearing would be convened and discovery would be granted with respect to St. Louis Fuel & Supply Company's objection to the Proposed Remedial Order (Case No. DRO-0159).

1/29/79	Atlantic Oil Company Los Angeles, California	DEE-2134	Price Exception (Section 212.73)

IF GRANTED: Atlantic Oil Company would be permitted to sell the crude oil produced from the Olive Field, Coykendall Lease located in Orange County, California at upper tier ceiling prices.

1/29/79	Continental Oil Company Houston, Texas	DEE-2133 and DST-2133	Exception; Request for Temporary Stay

IF GRANTED: Continental Oil Company would receive a temporary stay and exception relieving it of the obligation to supply gasoline to the Gulf Oil Corporation from Conoco's Ponca City, Oklahoma refinery.

1/29/79	Great Plains Corporation Wichita, Kansas	DRD-0171 and DRH-0171	Motions for Discovery & Evidentiary Hearing

IF GRANTED: An Evidentiary Hearing would be convened and discovery would be granted with respect to a Proposed Ancillary Order issued to Great Plains Corporation (Case No. DRO-0171).

1/29/79	Merritt W. Truax Salem, Oregon	DSG-0043 and DES-0149	Request for Special Redress and Request for Stay

IF GRANTED: The Office of Hearings and Appeals would review the denial by DOE Region X of the Application to Quash a Subpoena submitted by Merritt W. Truax. A Stay of the Subpoena would be approved pending a determination on Truax's Petition for Special Redress Relief.

1/29/79	Owens-Illinois, Inc. Washington, D.C.	DEA-0296	Appeal of ERA Decision and Order

IF GRANTED: The ERA's December 28, 1978 Decision and Order issued to Consumers Power Company regarding the base period allocation of SNG feedstock would be modified.

DATE	NAME AND LOCATION OF APPLICANT	CASE NO.	TYPE OF SUBMISSION
1/29/79	Standard Oil Company (Indiana) Chicago, Illinois	DEA-0295	Appeal of ERA's Decision and Order
	IF GRANTED: The ERA's December 28, 1978 Decision and Order issued to Consumers Power Company regarding the base period allocation of SNG feedstock would be modified.		
1/29/79	Young Refining Corporation Douglasville, Georgia	DST-1051	Request for Stay
	IF GRANTED: Young Refining Corporation would be granted a stay of its entitlements purchase obligation set forth in the Entitlements Notice for November 1978.		
1/30/79	James Burgess Camden, South Carolina	DEE-2136	Exception to change suppliers
	IF GRANTED: Kershaw County would be assigned a new base period supplier of motor gasoline to replace Beard Oil Company.		
1/30/79	Chevron U.S.A., Inc. San Francisco, California	DEE-2135; DES-2135 and DST-2135	Exception, Request for Stay and Request for Temporary Stay
	IF GRANTED: Chevron U.S.A., Inc. would be permitted to allocate motor gasoline to its customers during February and March 1979 on the basis of their actual purchases during the corresponding month of 1978.		
1/30/79	Consumers Power Company Washington, D.C.	DEA-0300	Appeal of ERA's Decision and Order
	IF GRANTED: The ERA's December 28, 1978 Decision and Order issued to Consumers Power Company regarding the base period allocation of SNG feedstock would be modified.		
1/30/79	General Motors Corporation Washington, D.C.	DEA-0299	Appeal of ERA's Decision and Order
	IF GRANTED: The ERA's December 28, 1978 Decision and Order issued to Consumers Power Company regarding the base period allocation of SNG feedstock would be modified.		

DATE	NAME AND LOCATION OF APPLICANT	CASE NO.	TYPE OF SUBMISSION
1/30/79	Marquette Fuels, Inc. Alexandria, Virginia	DFA-0298	Appeal of Information Request Denial

IF GRANTED: Marquette Fuels, Inc. would receive access to certain DOE documents.

1/30/79	Richard Levy Alexandria, Virginia	DFA-0297	Appeal of Information Request Denial

IF GRANTED: Richard Levy would receive access to certain DOE data.

1/31/79	Farmland Industries, Inc. Kansas City, Missouri	DEE-2138	Allocation Exception (Section 211.9)

IF GRANTED: Farmland Industries, Inc. would be relieved of its obligations during the months of May through October 1979 to sell motor gasoline to ten other refiners.

1/31/79	Jim Cox Oil Company Wewoka, Oklahoma	DRS-0150	Request for Stay

IF GRANTED: Jim Cox Oil Company would be granted a stay of the Proposed Remedial Order pending a final determination on its Statement of Objections (Case No. DRO-0019).

1/31/79	L.W. Babcock Bakersfield, California	DXE-2137	Extension of relief granted in L.W. Babcock, 2 DOE Par. _____ (September 14, 1978)

IF GRANTED: L.W. Babcock would be permitted to continue selling crude oil produced from the Union Avenue Field, located in Kern County, California, at upper tier ceiling prices.

1/31/79	Puerto Rico Sun Oil Company Washington, D.C.	DXE-2139	Extension of relief granted in Puerto Rico Sun Oil Company, 2 DOE Par. _____ (October 17, 1978)

IF GRANTED: Puerto Rico Sun Oil Company would be treated as an entirely separate entity from its parent firm for the purpose of the DOE price and allocation regulations.

2/1/79	Thornton Oil Company Louisville, Kentucky	DEE-2140	Exception to change supplier

IF GRANTED: Thornton Oil Corporation would be assigned a new base period supplier of motor gasoline to replace its present supplier, Petroleum Marketing Corporation.

DATE	NAME AND LOCATION OF APPLICANT	CASE NO.	TYPE OF SUBMISSION
2/1/79	Beacon Oil Company Washington, D.C.	DEE-2141	Exception to the Entitlements Program

IF GRANTED: Beacon Oil Company would be granted an exception to the provisions of 10 CFR 211.67 with respect to its entitlements purchase obligations.

2/1/79	Glenn Martin Heller d/b/a Beacon Hill Gulf Boston, Massachusetts	DEE-2142	Price Exception (Section 212.93)

IF GRANTED: Glenn Martin Heller d/b/a Beacon Hill Gulf would receive retroactive exception relief to equalize his business with other retailers to compensate for non-product cost increases and to ratify prices charged.

2/1/79	Lunday-Thagard Oil Company Washington, D.C.	DED-1936	Motion for Discovery

IF GRANTED: Lunday-Thagard Oil Company would be granted discovery with respect to DOE Memoranda.

2/1/79	State of Michigan Lansing, Michigan	DEA-0301	Appeal of ERA's Decision and Order

IF GRANTED: The ERA's December 28, 1978 Decision and Order issued to Consumers Power Company regarding the base period allocation of SNG feedstock would be modified.

2/2/79	Friendswood Refining Corporation Friendswood, Texas	DES-0151	Request for Stay

IF GRANTED: Friendswood Refining Corporation would receive a stay of the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations.

2/2/79	Philip T. Sharples Oil Properties, et al. Washington, D.C.	DEE-2143	Price Exception (Section 212.73)

IF GRANTED: Philip T. Sharples Oil Properties, et al. would be permitted to sell the crude oil produced from the Guthrie Unit, located in Crook County, Wyoming, at upper tier ceiling prices.

2/2/79	Texaco, Inc. White Plains, New York	DFA-0302	Appeal of Information Request Denial

IF GRANTED: The DOE's January 18, 1979, Information Request Denial would be rescinded and Texaco, Inc. would receive access to documents relating to criteria utilized by the Office of Special Counsel for Compliance in seeking and determining the amount of civil penalties.

NOTICES OF OBJECTION RECEIVED

Week of January 26 through February 2, 1979

DATE	NAME AND LOCATION OF APPLICANT	CASE NO.
1/29/79	Pacific Resources, Inc. Washington, D.C.	DEE-1668
1/29/79	Ross Production Company Jonesville, Louisiana	FEE-4476
1/31/79	UCO Oil Company Whittier, California	DPI-0014
2/1/79	Continental Oil Company Houston, Texas	DEE-1889

PROPOSED REMEDIAL ORDERS

NOTICES OF OBJECTION RECEIVED

Week of January 26 through February 2, 1979

DATE	NAME AND LOCATION OF APPLICANT	CASE NO.
1/29/79	Jones & Pedlow Oil Company Oklahoma City, Oklahoma	DRO-0174
1/31/79	NFC Petroleum Corporation Oklahoma City, Oklahoma	DRO-0175
2/2/79	Capital 66 Oil Company Washington, D.C.	DRO-0176

[FR Doc 79-5446 Filed 2-21-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1063-8]

SCIENCE ADVISORY BOARD TECHNOLOGY ASSESSMENT AND POLLUTION CONTROL COMMITTEE

Open meeting

As required by Public Law 92-463, this is to give notice that a meeting of the Technology Assessment and Pollution Control Committee will be held beginning at 9:00 a.m., March 7, 8, 9, 1979, at the EPA's Industrial Environmental Research Laboratory, 555 Ridge Avenue, Cincinnati, Ohio. This meeting is open to the public. Any menber of the public wishing to attend or to have further information on the meeting should contact Lloyd Taylor or Rita Haggerty (703) 557-7721.

The Committee is studying concerns about the adequacy of technology for environmental control of toxic chemicals and hazardous wastes. The Committee will meet with personnel of EPA's research laboratories, to discuss the EPA research and development programs relating to control technology for toxic and hazardous wastes and the research needs in this area. On the 9th the Committee will split in to small work groups for discussion on specific research problems.

BURTON LEVY,
Acting Staff Director,
Science Advisory Board.

FEBRUARY 15, 1979.

[FR Doc 79-5444 Filed 2-21-79; 8:45 am]

[6570-06-M]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FEDERAL EQUAL EMPLOYMENT OPPORTUNTIY

Certain responsibilities transferred to the Equal Employment Opportunity Commission from the Civil Service Commission pursuant to Reorganization Plan No. 1 of 1978, effective January 1, 1979, have been delegated to the appropriate program office by a Commission resolution of February 13, 1979. These delegations are consistent with the designations previously adopted by the Commission at 43 FR 60998. Notice is hereby given of the following delegations:

1. The authority to review and approve or disapprove national and regional federal agency EEO plans, contemplated by 29 CFR 1613.204(i), has been delegated through the Executive Director to the Director, Office of Government Employment. This delegation is limited to FY 79 plans, formulated in accordance with directions previously issued by the Civil Service Commission. It does not apply to FY 80 plans.

2. The authority to review and evaluate federal agency EEO programs, contemplated by 29 CFR 1613.205, has been delegated through the Executive Director to the Director, Office of Government Employment.

Signed this 16th day of February 1979.

ELEANOR HOLMES NORTON,
Chair, Equal Employment Opportunity Commission.

[FR Doc. 79-5519 Filed 2-21-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

FM AND TV TRANSLATOR APPLICATIONS

Ready and Available for Processing Pursuant To Section 1.572(c) and 1.573(d) of the Commission's Rules

Adopted: February 8, 1979.

Released: February 13, 1979.

By the Acting Chief, Broadcast Facilities Division:

Notice is hereby given pursuant to Section 1.572(c) and 1.573(d) of the Commission's Rules, that on March 23, 1979, the TV and FM translator applicatons listed in the attached Appendix will be considered ready and available for processing. Pursuant to Sections 1.227(b)(1) and 1.591(b) of the Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on March 22, 1979, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on March 22, 1979.

Any party in interest desiring to file pleadings concerning any pending TV or FM translator application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 1.580(i) of the Rules, which specifies the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

VHF TV Translator Applications

BPTTV-780905ID (new) Chemult & Crescent, Oregon, Walker Mountain Translator Association. Req: Channel 7, 174-180 MHz, 10 watts. Primary: KOBI-TV, Medford, Oregon.

BPTTV-780905IF (new) Howard Rural Community, Montana, Howard TV Club. Req: Channel 12, 204-210 MHz, 1 watt. Primary: KULR-TV, Billings, Montana.

BPTTV-780907IB (new) Camas Valley, Oregon, Southwest Oregon Television Broadcasting Corporation. Req: Channel 7, 174-180 MHz, 5 watts. Primary: KPIC-TV, Roseburg, Oregon.

BPTTV-780911IG (new) Powderhorn Valley, Colorado, Gunnison County Television, Inc., Req: Channel 12, 204-120 MHz, 1 watt. Primary: KBTV-TV, Denver, Colorado.

BPTTV-780912IB (new) Coral Bay, Virgin Islands, Virgin Island Public Television System. Req: Channel 3, 60-66 MHz, 10 watts. Primary: WTJX-TV, Charlotte Amalie, St. Thomas, U.S. Virgin Islands.

BPTTV-780915IA (new) Felch, Michigan, Felch Area TV Corporation, Req: Channel 9, 186-192 MHz, 1 watt. Primary: WLUK-TV, Green Bay, Wisconsin.

BPTTV-780919IB (new) Divide Creek & Rifle Creek, Colorado, Garfield County, Req: Channel 12, 204-210 MHz, 10 watts. Primary: KBTV-TV, Denver, Colorado.

BPTTV-781117IA (new) Ganado, Arizona, Ganado Community TV Club, Inc., Req: Channel 7, 174-180 MHz, 10 watts. Primary: KOB-TV, Albuquerque, New Mexico.

BPTTV-781206IA (new) Talkeetna, Alaska, Midnight Sun Broadcasters, Inc., Req: Channel 9, 186-192 MHz, 1 watt. Primary: KENI-TV, Anchorage, Alaska.

BPTTV-781219IA (K09KN) Dryden, Washington, Upper Wenatchee Valley TV Association, Inc. Req: Change frequency to Channel 8, 180-186 MHz.

BPTTV-781219IB (K11KZ) Dryden, Washington, Upper Wenatchee Valley TV Association, Inc. Req: Change frequency to Channel 10, 129-198 MHz.

BPTTV-781219IC (K13LH) Dryden, Washington, Upper Wenatchee Valley TV Association, Inc. Req: Cnange frequency to Channel 12, 204-210 MHz.

UFH TV TRANSLATOR APPLICATIONS

BPTT-3641 (new) Ukiah, California, Television Improvement Association. Req: Channel 67, 788-794 MHz, 20 watts. Primary: KGSC-TV, San Jose, California.

BPTT-3642 (K70FG) Ukiah, California, Television Improvement Association. Req: Change primary TV Station to KNTV-TV, Channel 11, San Jose, California.

BPTT-780905IE (new) Antimony, Utah, University of Utah. Req: Channel 56, 722-728 MHz, 20 watts. Primary: KUED-TV, Salt Lake City, Utah.

BPTT-780907IC (K70AW) LaGrande, Oregon, Grand Ronde Television Association, Inc. Req: Change frequency to Channel 60, 746-752 MHz.

BPTT-780907ID (K76AE) LaGrande, Oregon, Grand Ronde Television Association, Inc. Req: Change frequency to Channel 58, 734-740 MHz.

BPTT-780907IE (K80AW) LaGrande, Oregon, Grande Ronde Television Association, Inc. Req: Change frequency to Channel 56, 722-728 MHz.

BPTT-780922IB (new) Letcher, Kentucky, Kentucky Authority For Educational Television. Req: Channel 67, 788-794 MHz, 10 watts. Primary: WKHA-TV, Hazard, Kentucky.

BPTT-780928IG (new) Cawood & Cranks Rural Area, Kentucky, Kentucky Authority For Educational Television. Req: Channel 66, 782-788 MHz, 10 watts. Primary: WKHA-TV, Hazard, Kentucky.

BPTT-781013IF (new) Verde Valley, Camp Verde, Rimrock, Cornville, Arizona, Verde Valley TV Club Committee. Req: Channel 59, 740-746 MHz, 10 watts. Primary: KTVK-TV, Phoenix, Arizona.

BPTT-781013IG (new) Verde Valley, Camp Verde, Rimrock & Cornville, Arizona, Verde Valley TV Club Committee. Req: Channel 61, 752-758 MHz, 10 watts. Primary: KPHO-TV, Phoenix, Arizona.

BPTT-781013IH (new) Verde Valley, Camp Verde, Rimrock & Cornville, Arizona, Verde Valley TV Club Committee. Req: Channel 63, 764-770 MHz, 10 watts. Primary: KAET-TV, Phoenix, Arizona.

BPTT-781013II (new) Verde Valley, Camp Verde, Rimrock & Cornville, Arizona, Verde Valley TV Club Committee. Req: Channel 65, 776-782 MHz, 10 watts. Primary: KOOL-TV, Phoenix, Arizona.

BPTT-781013IJ (new) Verde Valley, Camp Verde, Rimrock & Cornville, Arizona, Verde Valley TV Club Committee. Req: Channel 67, 788-794 MHz, 10 watts. Primary: KTAR-TV, Phoenix, Arizona.

BPTT-781016IA (new) St. James, Minnesota, Hubbard Broadcasting, Inc. Req: Channel 38, 614-620 MHz, 1000 watts. Primary: KSTP-TV, St. Paul, Minnesota.

BPTT-781114IB (K74BU) Rockaway & Vicinity, Oregon, North Tillamook County TV Translators, Inc. Req: Change principal community to Manzanita & Vicinity, Oregon and increase output power to 100 Watts.

BPTT-781219ID (K81B1) Leadville, Buena Vista, Salida & Alamosa, Colorado Pikes Peak Broadcasting, Co. Req: Add Mosca, Colorado to present principal community.

BPTT-790115IA (new) San Jose, Los Gatos, Santa Clara, Saratoga, Los Altos, Sunnyvale, Palo Alto & Mountain View, California, KNTV, Inc. Req: Change frequency to Channel 22, 518-524 MHz.

BMPTT-780818IA (W65AI) Bolivar & Richburg, New York, Board of Cooperative Educational Services of Allegany County. Req: Change frequency to Channel 68, 794-800 MHz.

FM TRANSLATOR APPLICATIONS

BPFT-780905IB (new) Bishop, California, Melvin L. Lindsey. Req: Channel 221, 92.1 MHz, 1 watt. Primary: KSRN-FM, Reno, Nevada.

BPFT-780906IB (new) Albuquerque, New Mexico, David Briggs. Req: Channel 269, 101.7 MHz, 10 watts. Primary: KBSO-FM, Espanola, New Mexico.

BPFT-780907IA (new) Altoona, Pennsylvania, Calvary Baptist Church. Req: Channel 272, 102.3 MHz, 1 watt. Primary: WDBA-FM, DuBois, Pennsylvania.

BPFTB-781024IA (new) La Jolla, California, KGB, Incorporated. Req: Channel 268, 101.5 MHz, 10 watts. Primary: KGB-FM, San Diego, California.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-780911IH (K13KS) Nenana, Alaska, Midnight Sun Broadcasters, Inc. Req: Change name to City of Anderson, add Anderson, Alaska to present principal community, increase output power to 10 watts.

[FR Doc. 79-5379 Filed 2-21-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CI79-221]

ARKANSAS LOUISIANA GAS CO.

Petition for Declaratory Order

FEBRUARY 8, 1979.

On January 15, 1979, Arkansas Louisiana Gas Company (Arkla) filed a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) requesting that the Commission issue an order resolving certain regulatory issues involved in a controversy arising out of a bankruptcy application filed by Leben Oil Corporation (Leben), a wholly owned subsidiary of Tilco, Inc. (Tilco).

Arkla states that Leben filed an application, through Howard T. Carey, the trustee in bankruptcy for Tilco, to reject both interstate and intrastate gas purchase agreements made between itself and Arkla. The Bankruptcy court, the United States District Court for the Western District of Kansas, is currently considering this application in *The Matter of Tilco, Inc.*, Case No. 23, 662-B-2. Arkla further states that, under the Bankruptcy Act, contracts can be rejected only upon a finding that the rejection would be beneficial to the bankrupt, which finding, Arkla asserts, assumes an entitlement to a higher rate. Arkla requests that the Commission determine whether the continuing service obligation imposed by § 7 of NGA would apply if the contracts were rejected and whether the successor to Leben's contracts is entitled to a higher rate under either the Natural Gas Act (NGA) or the Natural Gas Policy Act (NGPA).

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 1, 1979, 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 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. 79-5481 Filed 2-21-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Docket No. ER79-168]

CENTRAL KANSAS POWER CO., INC.

Notice of Filing of Interconnection Agreement and Rate Schedules

FEBRUARY 7, 1979.

Take notice that on January 23, 1979, Central Kansas Power Company, Inc. (CKP) tendered for filing, intended as initial rate schedules, an Interconnection Contract between CKP and the City of Colby, Kansas, together with Service Schedule A—Firm Service and a Letter of Intent dated May 11, 1978 in supplement thereof, Service Schedule B—Economy Energy Service and Service Schedule C—Emergency Service. The requested effective date is February 1, 1977.

CKP states that under Service Schedule A, as supplemented by the Letter of Intent, it will furnish to the City of Colby a maximum of 1.9 MW of capacity from June 1, 1978 through May 31, 1979. Service Schedule B provides for the purchase and sale of economy energy when mutually desired by both parties, on a "dividing-the-savings" basis. Service Schedule C provides for the service under emergency conditions (as therein defined) where one of the parties is temporarily unable to obtain power and energy from sources normally available.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 16, 1979. 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. 79-5502 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER77-529]

COLUMBUS & SOUTHERN OHIO ELECTRIC CO.

Notice of Proposed Settlement Agreement

FEBRUARY 13, 1979.

Take notice that on January 26, 1979, Columbus & Southern Electric

Company and its wholesale customers filed for approval by the Commission an executed Settlement Agreement purporting to resolve all issues present in this docket. On January 31, 1979, the Presiding Administrative Law Judge in this proceeding certified the Settlement Agreement and the record in this proceeding to the Commission for approval.

Any person desiring to be heard or to protest said settlement proposal should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 12, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this proposal are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5482 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-182]

COMMONWEALTH EDISON CO.

Notice of Proposed Tariff Change

FEBRUARY 12, 1979.

Take notice that Commonwealth Edison Company (Com Ed) on January 30, 1979 Tendered for filing proposed changes in its FERC Electric Service Tariff, Rate 78. The proposed changes would increase revenues from jurisdictional sales and service by $5,500,000 based on the 12-month period ending March 31, 1979, according to Com Ed.

The proposed increase in charges is made necessary by increases in operating costs, investment and money costs which have been experienced by Commonwealth Edison Company in providing electric service, according to Com Ed.

Copies of the filing were served upon the public utility's jurisdictional customers and the Illinois Commerce Commission according to Com Ed.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 23, 1979. 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 of file with the Commission and are availalbe for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5483 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-179]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Filing

FEBRUARY 12, 1979.

Take notice that Consolidated Edison Company of New York, Inc. (Con Edison) on January 29, 1979, tendered for filing a rate schedule for the sale to the Power Authority of the State of New York (PASNY) of emergency capability and associated energy during the period January 26, 1979-1996, and thereafter, and of return power and energy during the summer periods of the years 1982-1996, and thereafter. Con Edison states that any sales by Con Edison to PASNY will be to assist PASNY in meeting its obligations to the Quebec Hydro-Electric Commission and will be incidental to PASNY sales to Con Edison.

Con Edison requests an effective date of January 26, 1979, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon PASNY and the New York Service Commission, according to Con Edison.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 23, 1979. 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. 79-5484 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-177]

CONSUMERS POWER CO.

Notice of Filing

FEBRUARY 12, 1979.

Take notice that on January 29, 1979, Consumers Power Company (Consumers) tendered for filing a Letter Agreement between Consumers and Edison Sault Electric Company providing for an increase in contract capacity reservation from 36,000 kW to 43,000 kW, effective January 22, 1979.

Consumers states that the increase in capacity reservation is required to provide for the growth in load on Edison Sault Electric Company's system.

Consumers proposes an effective date of January 22, 1979, and therefore requests waiver of the Commission's notice requirements.

Consumers further states that copies of the filing were served on Edison Sault Electric Company and the Michigan Public Service 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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 23, 1979. 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. 79-5485 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-180]

CONSUMERS POWER CO.

Notice of Proposed Tariff Change

FEBRUARY 12, 1979.

Take notice that Consumers Power Company (Consumers) on January 29, 1979, tendered for filing a revision to the monthly fixed facilities charge due Consumers from Wolverine Electric Cooperative, Inc., under the terms of the Blendon Interconnection Facilities Agreement (designated Supplement No. 16 to Consumers Power Company Rate Schedule FERC No. 34).

Consumers states that due to determination of the actual installed cost of certain facilities owned by Consumers used to provide service at the Blendon interconnection point, and to the redetermination of the annual fixed charge rate, effective May 1, 1978, the monthly fixed facilities charge is reduced from $6,966 to $6,601.

Consumers respectfully requests that the notice requirements of section 35.3 of the Commission's Rules of Practice and Procedure be waived, and that the revision to the monthly fixed facilities charge due to determination of the actual installed cost of the facilities be made effective April 7, 1978, and the redetermination of the fixed charge rate be made effective on May 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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 23, 1979. 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. 79-5486 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-175]

DELHI GAS PIPELINE CORP.

Notice of Petition for Declaratory Order

FEBRUARY 14, 1979.

Take notice that on February 5, 1979, Delhi Gas Pipeline Corporation (Petitioner), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP79-175 a petition for a declaratory order to the effect that since December 1, 1978, Petitioner is and has been an "intrastate pipeline" as defined in Section 2(16) of the Natural Gas Policy Act of 1978, all as more fully set forth in the petition on file with the Commission and open to public inspection. Petitioner states that an order, as requested, is essential to permit Petitioner to continue to transport gas for interstate pipelines pursuant to Section 311(a) of the Natural Gas Policy Act of 1978, to assign gas purchase contracts pursuant to Section 312 of the Natural Gas Policy Act of 1978, and to sell gas to interstate pipelines pursuant to Section 311(b) of the Natural Gas Policy Act of 1978.

Petitioner states that it is a natural gas pipeline company, engaged in the gathering, treating, compressing, transporting, and delivering of natural gas in the intrastate market, principally in Texas and Oklahoma. It is said to operate a number of non-interconnected, non-integrated pipeline systems. All of the purchased system gas is said to be transported, delivered, and consumed in the state in which it is produced. Petitioner's only interstate gas sales are said to have been made within the contemplation of Section 2.68 of the Commission's General Policy and Interpretations, Section 157.22 of the Regulations under the Natural Gas Act, or Section 6 of the Emergency Natural Gas Act of 1977.

Petitioner states that on December 12, 1978, it implemented an agreement assigning certain of its contractual rights to purchase gas to United Gas Pipe Line Company (United) on an interruptible basis for 120 days. The gas assigned pursuant to that agreement is said to have been declared surplus by the Railroad Commission of Texas. The petition states that the agreement pertains to 200,000 Mcf of gas per day and that Petitioner is currently delivering approximately 50,000 Mcf of this gas per day to United. The petition further states that pursuant to an agreement within the contemplation of Section 311(a) of the Natural Gas Policy Act of 1978, Petitioner is transporting the assigned gas for United. Petitioner states further that it is currently negotiating a similar new assignment and transportation agreement with United for a period of longer than 120 days and that it is negotiating with other interstate pipelines to sell or assign gas pursuant to Section 311(b) or Section 312 and transport gas pursuant to Section 311(a) of the Natural Gas Policy Act of 1978.

In support of its request for a declaratory order Petitioner states that in 1967 it entered into an exchange agreement with Lo-Vaca Gathering Company (Lo-Vaca) to receive interstate natural gas from Transcontinental Gas Pipe Line Corporation (Transco) for Lo-Vaca's account (for redelivery to one of Lo-Vaca's customers) into its Blessing-Victoria system. That gas is said not to have been purchased by Petitioner and not to have been commingled with gas in any of Petitioner's other pipeline systems. In order to receive the exchange gas for Lo-Vaca, Petitioner states, it applied for and received a declaration of exemption with respect to the Blessing-Victoria system from the Federal Power Commission (FPC) pursuant to Section 1(c) of the Natural Gas Act of 1967 prior to Petitioner's receipt of any gas from Transco. Petitioner alleges that at no time before or since the FPC granted the declaration of exemption has the Railroad Commission of Texas for the purposes of Section 1(c) of the Natural Gas Act certified to the FPC that the Railroad Commission of Texas had or was exercising jurisdiction over any other system or operations of Petitioner. Petitioner states that no gas has been received from Transco for the account of Lo-Vaca for several years and that Petitioner's agreement with Lo-Vaca was terminated in 1975.

In July 1977 Petitioner and United are said to have entered into a seasonal/locational exchange agreement pursuant to which during the winter months Petitioner would deliver gas to United from its East Texas systems and during the summer months Petitioner would receive an equivalent quantity of gas from United into Petitioner's Blessing-Victoria system. This service is said to have been certificated by the Commission on January 16, 1978, for one year. Petitioner states that it began making deliveries to United in June 1978 and that it has received no gas back from United.

The instant petition states that at no time has Petitioner ever purchased any interstate gas, that it has had no exempted gas (within the contemplation of Section 1(c) of the Natural Gas Act) in its Blessing-Victoria system for the past several years, and that the 1967 exchange gas in the Blessing-Victoria system was never commingled with gas in any part of any other system of Petitioner. On December 26, 1978, the facilities comprising the Blessing-Victoria system of Petitioner were transferred by Petitioner to B-V Gathering, Inc., Petitioner states. Accordingly, Petitioner asks that the Commission find and conclude that Petitioner is an intrastate pipeline for reasons other than solely because of the declaration of exemption issued pursuant to Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 7, 1979, 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 person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to in-

tervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5487 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-181]

DUKE POWER CO.

Notice of Filing

FEBRUARY 12, 1979.

Take notice that Duke Power Company (Duke Power) tendered for filing on January 29, 1979 a supplement to the Company's Electric Power Contract with York Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 146.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand: Delivery Point No. 1, from 3,100 Kw to 3,700 Kw, Delivery Point No. 3 from 4,500 Kw to 5,500 Kw, Delivery Point No. 4 from 7,000 Kw to 10,000 Kw, Delivery Point No. 5 from 3,300 Kw to 4,800 Kw, Delivery Point No. 6 from 6,500 Kw to 10,200 Kw, Delivery Point No. 7 from 2,400 Kw to 3,500 Kw, Delivery Point No. 8 from 1,400 Kw to 1,700 Kw, Delivery Point No. 9 from 1,500 Kw to 2,600 Kw, and Delivery Point No. 10 from 3,400 Kw to 4,500 Kw.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes and effective date of March 20, 1979.

According to Duke Power Copies of this filing were mailed to York Electric Cooperative, Inc. and the South Carolina Public Service 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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 23, 1979. 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. 79-5503 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-591]

EMPIRE DISTRICT ELECTRIC

Notice of Compliance Filing

FEBRUARY 13, 1979.

Take notice that the Empire District Electric Company on January 29, 1979, tendered for filing pursuant to paragraph (c) of the Commission's Order of October 27, 1978, revisions of FERC Electric Tariff Original Volume No. 1.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before February 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5488 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-185]

FLORIDA POWER & LIGHT CO.

Notice of Cancellation of Delivery Point

FEBRUARY 13, 1979.

Take notice that on February 1, 1979, Florida Power & Light Company (FPL) submitted a notice of cancellation of a delivery point for service to Glades Electric Cooperative, Inc. at South of Clewiston. FPL states that effective January 24, 1979, service formerly provided at this point of delivery was transferred to the Clewiston point of delivery.

FPL requests waiver of the Commission's notice requirement to allow Exhibit A of FPL's Electric Tariff First Revised Volume No. 1 which is applicable to South of Clewiston to be cancelled effective January 24, 1979, the date upon which service to South of Clewiston ceased.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 26, 1979. 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. 79-5490 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-187]

HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Purchase Agreement

FEBRUARY 12, 1979.

Take notice that on February 2, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement with Respect to Middletown Station (Purchase Agreement), dated November 1, 1978, between HELCO and Washington Electric Cooperative, Inc. (WEC).

HELCO states that the Purchase Agreement provides for a sale to WEC of a specified percentage of capacity and energy from four oil-fired steam generating units (Middletown Unit Nos. 1, 2, 3 and 4) during the period from November 1, 1978 to October 31, 1979, together with related transmission service.

HELCO requests that the Commission waive the thirty-day notice period and permit the schedule filed to become effective on November 1, 1978.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts of winter capability which WEC is entitled to receive. The energy charge is based on WEC's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut and WEC, East Montpelier, Vermont.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 26, 1979. 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 appilication are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5504 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-189]

HARTFORD ELECTRIC LIGHT CO.

Notice of Amendment to Purchase Agreement With Respect to Middletown Station

FEBRUARY 13, 1979.

Take notice that on February 5, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Amenment to Purchase Agreement With Respect to Middletown Station (Amendment) dated November 1, 1978 between HELCO and Village of Morrisville Water and Light Department (Morrisville).

HELCO states that a change has been made to the text of the Purchase Agreement With Respect to Middletown Station (Purchase Agreement). The change increases Morrisville's entitlement in Middletown Station from 500 kilowatts to 2,000 kilowatts for the period from November 1, 1978 to October 31, 1979.

HELCO states that they were not notified to Morrisville's intent to increase their entitlement to capacity of Middletown Station until a date which prevented the filing of the Amendment thirty days prior to the expected effective date of the Amendment. Therefore, HELCO requests that the Commission waive the thirty-day notice period and permit the amendment to become effective as of November 1, 1978.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut and Morrisville, Horrisville, Vermont.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 28, 1979. 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 proceedings. 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. 79-5505 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. RA79-9]

H & K OIL CO., INC.

Notice of Filing of Petition for Review Under 42 U.S.C. 7194

FEBRUARY 13, 1979.

Take notice that H & K Oil Company (H & K) on December 15, 1978 filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy, issued on October 16, 1978, denying H & K's application for an exception from the Mandatory Petroleum Price Regulations.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before March 2, 1979 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with of the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5506 Filed 2-21-79; 8:45am]

[6450-01-M]

[Docket No. ER79-188]

ILLINOIS POWER CO.

Notice of Filing Revised Exhibit B2

FEBRUARY 13, 1979.

Take notice that Illinois Power Company (Illinois Power) on February 5, 1979, tendered for filing Revised Exhibit B2 to an Interconnection Agreement dated August 19, 1974 between Illinois Power Company (Illinois Power) and the City of Peru, Illinois (Peru).

Illinois Power states that the purpose of the filing is to revise the Agreement to reflect the actual costs of providing the interconnection between the parties.

According to Illinois Power, copies of this filing have been mailed to Peru and the Illinois Commerce Commission, Springfield, Illinois.

Illinois Power requests an effective date of November 8, 1978 and therefore requests waiver of the Commission's notice requirements.

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, N.E., Washington, D.C. 20246, in accordance with Sections 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 February 28, 1979. 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. Copies of this Application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5491 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-190]

ILLINOIS POWER CO.

Notice of Filing Revised Apendix B

FEBRUARY 13, 1979.

Take notice that Illinois Power Company (Illinois Power) on February 6, 1979, tendered for filing Revised Appendix B to an Interconnection Agreement dated January 17, 1956 between Illinois Power Company (Illinois Power) and Central Illinois Public Service Company (CIPS).

Illinois Power states that the purpose of the filing is to revise Appendix B to the Agreement to reflect the cost of reconductoring 0.85 miles of 138 kV steel tower transmission line and the relocation of an Illinois Power substa-

tion necessary to interconnect the facilites of Illinois Power and CIPS. This line is used exclusively by CIPS.

According to Illinois Power, copies of this filing have been mailed to CIPS and the Illinois Commerce Commission, Springfield, Illinois.

Illinois Power requests an effective date of May 15, 1977 and therefore requests waiver of the Commission's notice requirements.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 28, 1979. 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. Copies of this Application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

FR Doc. 79-5492 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-183]

IOWA ELECTRIC LIGHT & POWER CO.

Notice of Proposed Rate Schecule Changes

FEBRUARY 12, 1979.

Take notice that Iowa Electric Light and Power Company on January 31, 1979 tendered for filing with the Federal Energy Regulatory Commission (FERC) proposed changes to its Rate Schedules RES-1 and RES-2 contained within its FERC Electric Service Tariff, Original Volume No. 1. The proposed changes would increase revenues from expected jurisdictional sales by $914,422 for the 12-month period ending June 30, 1978, according to Iowa Electric.

The reasons for this increase in Iowa Electric's rates are increased costs of capital wages, property, and payroll taxes, and fixed costs associated with the placing in service of generating facilities necessary to meet its customers' requirements. The Company contends that increased revenues are necessary to provide a reasonable return to the Company and its investors.

Copies of this filing were served upon the Company's jurisdictional customers and the Iowa State Commerce Commission, according to Iowa Electric.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 23, 1979. Protests shall 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. 79-5493 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-186]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Agreement Between the City of Lafayette and Louisiana Power & Light Co.

FEBRUARY 13, 1979.

Take notice that on February 2, 1979, the Louisiana Power & Light Company (LP&L) tendered for filing an Agreement dated June 5, 1978 providing for the transmission of electric service to the Town of Jonesboro, Louisiana (Town) from the City of Lafayette, Louisiana (City).

LP&L stated that a copy of this filing was mailed to the City of Lafayette, Louisiana.

Waiver of the Commission's notice requirements is requested to allow for an effective date of June 19, 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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before February 26, 1979. 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. 79-5494 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. RP78-77]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

FEBRUARY 12, 1979.

Take notice that on January 26, 1979 Mississippi River Transmission Corporation ("Mississippi") filed Third Substitute Seventieth Revised Sheet No. 3A and Substitute Seventy-First Revised Sheet No. 3A to its Federal Energy Regulatory Commission Gas Tariff, First Revised Volume No. 1, which bear effective dates of January 1, 1979 and February 1, 1979, respectively.

Mississippi states that Third Substitute Seventieth Revised Sheet No. 3A is being submitted in accordance with a Commission Letter Order dated January 12, 1979, accepting Mississippi's Second Substitute Seventieth Revised Sheet No. 3A, effective January 1, 1979, subject to downward modification to reflect proper pipeline rates being incurred on that date. Mississippi has received a rate change filing from United Gas Pipe Line Co. different from rates included in the Second Substitute Seventieth Revised Sheet No. 3A, and a new rate change filing from Natural Gas Pipeline Co. of America. Both filings carry proposed effective dates of January 1, 1979, the same effective date as Mississippi's revised rates.

Mississippi states that Substitute Seventy-First Revised Sheet No. 3A is being submitted solely for the purpose of reflecting the appropriate cumulative cost adjustment in a PGA rate change filing submitted to the Commission on December 19, 1978 to track a rate change filing of Trunkline Gas Company which carried a proposed effective date of February 1, 1979. This change is necessitated by virtue of the revised pipeline supplier rates submitted by Mississippi to become effective January 1, 1979.

Mississippi has requested waiver of the Commission's rules and regulations, to the extent necessary, in order that the tariff sheets included in the instant filing may become effective on the dates proposed.

Mississsippi has informed the Commission that copies of its filing, including computations in support thereof, have been served on its jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

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, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such peti-

tions or protests should be filed on or before February 22, 1979. 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. 79-5507 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-3]

NATIONAL FUEL GAS SUPPLY CORP.

Notice of Petition for Declaratory Order

FEBRUARY 12, 1979.

Take notice that on January 30, 1979, National Fuel Gas Supply Corporation (Petitioner), 10 Lafayette Square, Buffalo, New York 14240, filed in Docket No. TC79-3 a petition for a declaratory order to the effect that the natural gas it receives and transports in furtherance of the agreement of January 19, 1979, between National Fuel Gas Distribution Corporation (Distribution) and Consolidated Edison Company of New York, Inc. (Con Edison), the subject of a petition for declaratory order filed in Docket No. TC79-2, will not be considered as either a supply or a market in Petitioner's market-supply profile for purposes of past, present, or future allocation plans on any system of Petitioner's own suppliers, all as more fully set forth in the petition on file with the Commission and open to public inspection.

The petition states that pursuant to the agreement of January 19, 1979, Con Edison will purchase 30,000 to 75,000 dekatherms equivalent of natural gas per day from Distribution for two years to displace imported oil as fule for the generation of election power and steam and that the sale of such gas will be on a best-efforts basis when gas is available in excess of the quantities needed to serve the anticipated needs for Distribution's customers and the storage customers of Petition and of National Gas Storage Corporation. Deliveries from Distribution to Con Edison would be effected initially through Petitioner which would transport the gas to others for ultimate delivery to Con Edison, at no cost to Distribution. Petitioner states that it would transport the gas pursuant to Section 311(a) of the Natural Gas Policy Act of 1978.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 22, 1979, 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 made 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. 79-5508 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP78-124, CP78-123, *et al.*]

NORTHERN BORDER PIPELINE CO.

Notice of Application

FEBRUARY 12, 1979.

Take notice that on January 26, 1979, Northern Border Pipeline Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP78-124 an application pursuant to Section 7(c) of the Natural Gas Act for the transfer of interest to Applicant in the conditional certificate of public convenience and necessity issued in said docket on December 16, 1977, and for authority to construct a portion of what would be Applicant's segment of the Alaska Natural Gas Transportation System for the purpose of transporting Canadian gas from Alberta prior to the time of commencement of delivery of Alaskan gas to the lower 48 states, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been reorganized so as to create, in effect, a new partnership distinct from the partnership granted the conditional certificate issued December 16, 1977, although retaining the same name for continuity and identification. It is indicated that the new partnership consists of four partners which are subsidiaries of Northern Natural Gas Company (Northern), Northwest Energy Company, Panhandle Eastern Pipeline Company (Panhandle), and United Gas Pipe Line Company (United). Accordingly, Applicant requests that the new partnership succeed to all right, title and interest in and to the conditional certificate issued December 16, 1977.

Further, Applicant requests that an amended certificate be issued to it authorizing the construction of facilities required to transport gas to be imported from Canada pursuant to import authorization granted to Northwest Alaskan Pipeline Company (Northwest Alaskan) in Docket No. CP78-123, *et al.* Applicant proposes to construct approximately 809 miles of 42-inch pipeline extending from a point near Port of Morgan, Montana, to a point near Ventura, Iowa, along precisely the same route as that authorized by the President's *Decision and Report on an Alaskan Natural Gas Transportation System* and one 16,200 horsepower compressor station in MacKenzie County, North Dakota. It is indicated that the estimated total capital cost of the facilities is approximately $770,000,000 in 1975 constant dollars, the cost estimating basis on which the President's Decision was based. Applicant anticipates the actual total capital cost to be incurred prior to completion of the proposed facilities would be approximately $1,400,000,000, including AFUDC based on a January 1980 to November 1981 construction schedule.

Applicant states that the facilities proposed are required to transport 800,000 Mcf per day of Canadian gas to be purchased by Northwest Alaskan from Pan-Alberta Gas, Ltd., of Canada, and resold by Northwest Alaskan at Monchy, Saskatchewan to United, Northern, and Panhandle.

Applicant proposes to finance the proposed facilities on a "project financing" basis, with equity funds being subscribed by the partnership participants, in proportions to be agreed upon among them and debt funds being obtained by Applicant from traditional sources.

Applicant alleges that transportation of Canadian gas through the proposed facilities is specifically described as an advantage in the President's Decision on an Alaskan Natural Gas Transportation System. Applicant further alleges that such early construction would greatly facilitate the financing of the Alaskan System in its entirety and would also significantly improve the economics of transporting Alaskan gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1979, 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. Persons who have heretofore intervened in the proceedings in Docket No. CP78-123, *et al.*, need not do so again.

KENNETH F. PLUMB,
Secretary

[FR Doc. 79-5509 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-150]

NORTHWEST PIPELINE CORP.

Notice of Application

FEBRUARY 14, 1979.

Take notice that on January 17, 1979, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP79-150 an 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 certain facilities and the transportation of natural gas for itself and for Northern Natural Gas Company (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that Northern has acquired approximately 50 percent of the gas reserves presently developed or to be developed in the Painter Reservoir Field of Uintah County, Wyoming, and that Applicant proposes herein to provide a transportation service for Northern of up to 35,000 Mcf of gas per day from the Painter Reservoir Field. It is shown that Applicant would construct and operate facilities and transport gas from the Painter Reservoir Field through such facilities and through Applicant's mainline facilities for redelivery to El Paso Natural Gas Company (El Paso) at an existing point of interconnection in La Plata County, Colorado, for Northern's account, for further transportation and/or exchange El Paso for ultimate redelivery to Northern. Deliveries and redeliveries of gas would, to the extent possible, be balanced monthly on a heating value basis, it is said. Further, it is stated that the initial term of the proposed service is 15 years.

It is indicated that the charge for the proposed gathering service would initially be 16.81 cents per Mcf and that the direct transportation charge for redeliveries to El Paso would initially be 20.69 cents, with redeliveries to El Paso be displacement being at an initial rate of 10.345 cents per Mcf.

Further, Applicant states that is has purchased 50 percent of the volumes of gas produced by Chevron U.S.A. Inc. from the Ryckman Creek Field, in Unitah County, Wyoming, and that it proposed to construct a pipline from the Ryckman Creek Field to a point of interconnection with the pipeline proposed herein to be constructed from the Painter Reservoir Field, together with the necessary compression facilities at Ryckman Creek.

In order to effectuate the subject proposals, Applicant proposes to construct and operate the following facilities:

1. 6.38 miles of 10¾-inch pipeline from Ryckman Creek to the Rychman-Painter Junction.
2. 15.8 miles of 16-inch pipeline from Painter Reservoir to the Ryckman-Painter Junction.
3. 26.2 miles of pipeline from the Ryckman-Painter Junction to Aplicant's existing Big Piney Lateral.
4. 0.32 mile of 16-inch yard pipeline to the Opal Plant inlet.
5. A four unit compressor station totaling 3,390 horsepower at Ryckman Creek.
6. Miscellaneous metering, regulating and appurtenant facilities.

The proposed facilities would cost approximately $19,923,000, it is stated.

Applicant asserts that the proposed transportation service would enable Northern to make additional volumes of gas available to its market areas and that the construction and operation of the proposed facilities would enable Applicant to make additional gas available to its markets and would provide ready access to the remaining undedicated reserves in the Ryckman Creek and Painter Reservoir Fields and to other reserves which may be developed in the vicinity of the proposed pipeline facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 7, 1979, 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 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. 78-5510 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Project No. 1835]

NEBRASKA PUBLIC POWER DISTRICT

Application for Approval of an Exhibit R

FEBRUARY 13, 1979.

Take notice that on June 27, 1977, Nebraska Public Power District filed an application under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r) (1976), for approval of an Exhibit R (Recreation Plan) for its constructed Sutherland Project (FERC Project No. 1835). The project is located on the South Platte River in Lincoln County, Nebraska. Copies of correspondence regarding the application should be sent to: Mr. D. W. Hill, General Manager, Nebraska Public Power District, P.O. Box 499, Columbus, Nebraska 68601, and to Thomas C. Watson, Esq., Morgan, Lewis and Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

The Exhibit R provides for improvement and expansion of existing recreation facilities at the Inlet and Outlet Recreation Areas and the creation of a new day-use area to be known as Hershey Beach Recreation Area. Nebraska Public Power District would construct the proposed recreation facilities and then lease the lands and facilities to the Nebraska Game and Parks Commission which could operate and maintain them.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance

with the requirements of the Commission's Rules of Practice and Procedure ("Rules"), 18 C.F.R. §1.10 or §1.8 (1978). 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 March 26, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5495 Filed 2-21-79; 8:45 am]

[6450-01-M]

NORTHERN STATES POWER CO.

[Docket No. ER79-184

Supplement No. 2 to the Firm Power Service Resale Agreement With the City of Anoka

FEBRUARY 12, 1979.

Take notice that Northern States Power Company, on January 31, 1979, tendered for filing Supplement No. 2, dated January 8, 1979, to the Firm Power Service Resale Agreement, dated April 4, 1967, with the City of Anoka, Minnesota.

Supplement No. 2 provides for delivery of power and energy to the City at the high voltage side of the substations. The rate schedule is First Revised A-1, Transmission Voltage, providing for deliver at transmission voltage.

An effective date of February 28, 1979, is requested.

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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 23, 1979. 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. 79-5496 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER 79-191]

PUBLIC SERVICE CO. OF OKLAHOMA

Filing of Rate Agreement

FEBRUARY 13, 1979.

Take notice that the Public Service Company of Oklahoma (PSO) tendered for filing its request for a change in the rates of the Markham Ferry Coordinating Agreement identified as Rate Schedule FERC No. 208 for Calendar year 1979. The agreement coordinates the operations through the interchange and sale of electric power and energy between Public Service Company and the Grand River Dam Authority of Oklahoma (Authority), according to PSO.

The filing contends that the agreement provides for annual review of the capacity and energy rates charged by the parties to reflect changes in production and investment costs. The filing revises the capacity and energy charge rates to reflect those costs as of December 31, 1978.

Public Service Company requested that the Commission waive its rules on notice requirement in order that the proposed rate schedule can become effective on January 1, 1979.

According to Public Service Company, the Oklahoma Corporation Commission and the Authority have been served a copy of the filing.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 28, 1979. Protests will be considered by the Commission in determining the appropirate 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. 79-5497 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-154]

TEXAS EASTERN TRANSMISSION CORP.

Application

FEBRUARY 8, 1979.

Take notice that on January 22, 1979, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-154 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 Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that its affiliate, Transco Exploration Company and certain of its distribution company customers or their affiliates have participated in the Robert Mosbacher/Transco Joint venture which has discovered and developed several successful wells in the West Hicksbaugh Field, Tyler County, Texas. Applicant further states that it has contracted to purchase quantities of the West Hicksbaugh production for its own account and is obligated to arrange transportation to its system for the other joint venture working interest owners. This natural gas production is gathered through facilities owned by the working interest owners and Atlantic Richfield Company (ARCO) and delivered to ARCO's Silsbee Processing Plant in Hardin County, Texas, it is said.

Pursuant to the terms of a service agreement dated January 8, 1979, between Applicant and Transco, acting individually and as agent for owners of certain working interests in the field, Applicant requests authorization to transport up to 700 dekatherms equivalent of natural gas per day, pursuant to its TS-2 Rate Schedule, from a point of receipt at an existing point of interconnection between Applicant and ARCO's Silsbee Processing Plant, to Transco at the existing point of interconnection at Ragley, Louisiana.

It is asserted that the proposed transportation service would help alleviate curtailments on Transco's resale customers system by using Applicant's system to transport gas which they, through their own negotiations and efforts, have been able to secure.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1979, 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 inter-

vene 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 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. 79-5498 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. RP75-73 (AP79-3)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

FEBRUARY 12, 1979.

Take notice that Texas Eastern Transmission Corporation on January 29, 1979 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Forty-seventh Revised Sheet No. 14
Forty-seventh Revised Sheet No. 14A
Forty-seventh Revised Sheet No. 14B
Forty-seventh Revised Sheet No. 14C
Forty-seventh Revised Sheet No. 14D

Texas Eastern is reducing its rates due to repayment of advance payments for gas pursuant to Article V of the Stipulation and Agreement under Docket No. RP75-73. The proposed effective date of the above tariff sheets is March 1, 1979.

Copies of the filing were served on the company's jurisdictional customers and interested 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 Sections 1.8, 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 February 22, 1979. 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. 79-5499 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-173]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

FEBRUARY 14, 1979.

Take notice that on February 5, 1979, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP79-173 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Commission's Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing May 30, 1979, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Citing the effects of inflation and the additional cost associated with pipeline construction, Applicant requests waiver of the single project and total cost limitations prescribed by Section 157.7(b) of the Regulations in order to construct under the requested authorization single onshore and offshore projects not to exceed $2,200,000 and $3,600,000, respectively, with the total cost limitation not to exceed $17,500,000. Applicant states that such costs would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 7, 1979, 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 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. 79-5511 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. OR78-1]

TRANS ALASKA PIPELINE SYSTEM

Notice of Petition for Relief

FEBRUARY 9, 1979.

Take notice that on January 31, 1979, a petition was filed on behalf on the eight owners of the Trans Alaska Pipeline System. The petitioners seek certain relief they allege is necessary to avoid injury by the Commission through what petitioners describe as violations of separation of functions principles in the conduct of two related proceedings, namely a valuation audit under Section 19a of the Interstate Commerce Act 49 USC §§ 1, *et. seq.*, ("Act") and a tariff proceeding under Section 15 of that Act.

Petitioners allege there is substantial overlap between questions of allowing certain TAPS expenditures as

prudent investments for purposes of the Section 19a audit and for purposes of the tariff proceeding.

Petitioners set forth reasons for believing that continued communications between the Commission's staff, Division of Audits and Touche Ross constitute prohibited ex parte communications. Petitioners request that the Commission: "(1) order a complete separation between the adversary parties in the TAPS tariff proceedings * * * and all other Commission personnel and consultants and specifically direct that there be no further off-the-record contacts between the Division of Audits and Touche Ross or Staff Counsel; (2) require that the Division of Audits return all documents and data prepared by or obtained from Touche Ross of Staff Counsel and provide petitioners with a copy of all such documents; and (3) require that all written communications and written summaries of all oral communications between the Division of Audits and Touche Ross or Staff Counsel be placed on the public records. * * *"

Any person desiring to file comments on the above-referenced petition should file such comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. It appears that a period for filing comments of less than ten days is reasonable and consistent with the public interest. Accordingly, all such comments should be filed on or before February 20, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5512 Filed 2-21-79; 8:45 a.m.]

[6450-01-M]

[Docket No. CP79-149]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

FEBRUARY 14, 1979.

Take notice that on January 15, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-149 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for Florida Gas Transmission Company (Florida Gas), on a best efforts basis, up to 1,800 dekatherms equivalent per day of natural gas produced from the D. R. Deen Well and the G. L. Deen Well, Bassfield Field area, Jefferson Davis County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it would receive the gas by means of its facilities presently connected to the subject wells and would deliver thermally equivalent quantities to Florida Gas at a proposed interconnection near the No. 1 Booth Well, Jefferson Davis County. It is indicated that Applicant will charge an initial rate of 3.5 cents per dekatherm delivered.

Further, Applicant states that Florida Gas would reimburse it for the actual cost of minor facilities, consisting of a tap valve assembly and a measuring and regulating station, to be installed near the No. 1 Booth Well. Such facilities are estimated to cost $19,355.00, it is said.

Applicant asserts that the subject proposal is the most practical and economic means of making vitally needed gas supplies available to Florida Gas' customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 7, 1979, 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 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. 79-5513 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-162]

TRANSCONTINENTAL GAS PIPE LINE

Notice of Application

FEBRUARY 14, 1979.

Take notice that on January 26, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-162 an 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 certain pipeline and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has the right to purchase all of the production from Blocks 58 and 59, Chandeleur Sound Area, in state waters offshore St. Bernard Parish, Louisiana, pursuant to gas purchase contracts with Amoco Production Company (Amoco), Transco Exploration Company (TXC), McMoRan Exploration Co. (McMoRan) and Texas No. Z Corp. (Texas Z), and a ratification agreement with the following small producers which have agreed to sell their share of the production in Blocks 58 and 59 to Applicant pursuant to the same terms and provisions as those contained in TXC's gas purchase contract with Applicant: Piedmont Exploration Company, Inc. (Piedmont), Karlcorp, UCG Energy Corporation (UCG), Tar Heel Energy Corporation (Tar Heel), Rockingham Exploration Company (Rockingham) and NCNG Exploration Corporation (NCNG).

Applicant indicates that in order to effect delivery of these reserves to its pipeline system, it requests authorization to construct, install and operate 10.81 miles of 8-inch pipeline from Amoco's production platform in Block 58 to a subsea tap on Texas Eastern Transmission Corporation's (Texas Eastern) 24-inch pipeline in Block 7, Main Pass Area, and a meter and regulator station on Amoco's platform.

It is stated that Texas Eastern would receive into its system at Main Pass Block 7 gas available to Applicant at Blocks 58 and 59, and, in exchange, Texas Eastern would deliver equivalent quantities to Applicant at Block 66, South Marsh Island Area, pursuant to a transportation and exchange agreement between the two companies date November 2, 1978. Such exchange

arrangement is pending certification in Docket No. CP79-79, it is said.

Applicant states that the proposed facilities would cost an estimated $3,500,000 and the cost of the facilities would be financed by Applicant with available company funds and short-term borrowings. Permanent financing would be arranged as a part of an overall long-term financing program to be arranged by Applicant in the future, it is said.

It is asserted that Applicant's proposed 8-inch pipeline from Block 58 to Texas Eastern's 24-inch pipeline in Main Pass Block 7 would have an estimated maximum capacity of 16,000 Mcf per day, and that deliverability from Blocks 58 and 59 during 1980 is estimated to be approximately 15,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 7, 1979, 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 fule 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 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. 79-5514 Filed 2-21-79; 8:45am]

[6450-01-M]

[Docket No. TC79-6

TRANSCONTINENTAL GAS PIPE LINE CORPORATION SYSTEM

Order Providing for Investigation, Requiring Report, and Establishing Procedures

FEBRUARY 13, 1979.

The Commission by this order provides for the examination of supply shortages on the Transcontinental Gas Pipe Line (Transco) system to comply fully with the November 29, 1976, order of the United States Court of Appeals for the District of Columbia Circuit in *Transcontinental Gas Pipe Line Corporation* v. *FPC*, 563 F. 2d 664, (1976), D.C. Cir., No. 74-2036, *et al.*

I. BACKGROUND

This case involves the FPC's rejection of a settlement agreement, filed by Transco in September 1974, proposing an interim curtailment plan on the Transco system for the period November 16, 1974 to November 15, 1975.

The FPC rejected the plan because it included a compensation scheme under which customers who received more natural gas than the system-wide average would financially compensate customers who received less gas than the average. 52 F.P.C. 1288, 1293-1295 (1974), 53 F.P.C. 120, 122-125 (1975). The Commission held that under the Natural Gas Act, 15 U.S.C. § 717-717w, the proposed compensation scheme was "patently unlawful and beyond our jurisdiction to either approve or enforce." 52 F.P.C. at 1293.

Transco then filed, under protest, an interim curtailment plan without the offending compensation feature. However, it also sought from the D.C. Circuit and order directing the implementation of the 1974-1975 plan that the Commission had rejected. The court granted Transco's request, and also ordered that compensation payments under the plan be paid into an escrow account pending determination of the lawfulness of the compensation feature. *Consolidated Edison Co.* v. *FPC*, 511 F.2d 372, 381 (D.C. Cir. 1974).[1]

On August 1, 1975, the court directed the Commission to examine Transco's claimed need for curtailment. It required the Commission to subpoena Transco's books and records, complete the investigation and report back to the Court within 30 days.

On the FPC's petition for a writ of certiorari, the Supreme Court summarily reversed. *FPC* v. *Transcontinental Gas Pipe Line Corp.*, 423 U.S. 326 (1976). It held that the court of appeals had exceeded its authority in "dictating to the agency the methods, procedures and time dimension of the needed inquiry and ordering the results to be reported to the Court without the opportunity for further consideration on the basis of the new evidence by the agency." 423 U.S. at 333. The Court left to the court of appeals, however, the options of (1) determining that "the lawfulness of the proposed compensation is partially a function of the severity of the shortage [on the Transco system for the period involved]" (423 U.S. at 334), and (2) of either deciding the issues on the present record or remanding to the Commission for a further inquiry, (*Ibid.*).

On February 6, 1976, the court of appeals remanded the case to the Commission stating that it "* * * could [not] consider 'the lawfulness of the proposed compensation scheme' unless the Commission had first fulfilled its duty to determine whether a real shortage exists."

On June 25, 1976, the Commission issued its order on the remand. It found a natural gas shortage on the Transco system that necessitated some curtailment of service. The Commission lodged this order together with a stipulation of the parties that Transco had and continues to have an insufficient gas supply, and an affidavit of a Commission expert verifying Transco's deliverability estimates on the basis of a study of selected fields.

On November 29, 1976, the court of appeals issued the decision now in question. It remanded the record to the Commission for the third time. (MacKinnon, J. dissented) 562 F.2d 664. The court ruled that it could not pass on the validity of the compensation scheme "without substantial information regarding the duration, shape and causation of the alleged shortage on the Transco system." 562 F.2d at 668-669. The Court determined that such information was not provided by deliverability data alone. 562 F.2d at 669. Although only the 1974-1975 plan was at issue, the court stated (562 F.2d at 669):

We believe that the legality of compensation may well turn, at least in part, on answers to the following sorts of questions. Are sufficient volumes of gas available as proved or provable reserves so that greater total deliverability can be foreseen in the short-term future? Are present levels of curtailment likely to continue for the indefinite future, or to deepen? And more specifically: will compensation be a short-term financial adjustment between customers of the pipeline to keep some of those customers financially aflot until the supply situation stabilizes, or will it be a permanent cross-subsidization.

The Commission has not to date developed the information requested by

[1] Present litigation over the 1974-1975 plan now concerns disposition of this fund for the closed-end period involved.

the Court. This delay was due to certain developments subsequent to the Court's order of November 29, 1976. On June 17, 1977, Transco filed a petition for writ of certiorari in the Supreme Court (*Transco* v. *FPC*, No. 76-1799). On September 13, 1977, the Commission filed a memorandum agreeing with Transco's contentions but recommending that the Supreme Court defer ruling on Transco's petition pending the D.C. Circuit's decision in *Elizabethtown Gas Co.* v. *FPC*, D.C. Cir., No. 76-1465.[2]

On January 26, 1978, the D.C. Circuit decided the *Elizabethtown* case, holding that the Commission has authority to allow compensation as part of a curtailment plan. *Elizabethtown Gas Co.* v. *FERC*, —— U.S. App. D.C. ——, 575 F.2d 885 (D.C. Cir. 1978).[3] The Court stated (575 F.2d at 888-889):

The question of whether, and how, to provide compensation may well turn on the fairness of balancing the benefit accorded a high-priority purchaser with a charge that offsets, at least in part, the added expense imposed by a curtailment plan upon a lower-priority on the present facts. We hold, merely, that it is open to the Commission to consider employing a compensation feature. [footnote omitted]

On May 8, 1978, the Commission filed a supplemental memorandum with the Supreme Court (supp. memorandum, p. 4):

suggest[ing] that the petition for a writ of certiorari in this case should be granted, the order of the Court of Appeals remanding the record to the Commission for supplementation in accordance with the Court's opinion of November 29, 1976, should be vacated, and the case should be remanded with instructions that the Court of Appeals return it to the Commission for the Commission to determine whether to authorize for the petitioner's system a curtailment plan with a compensation feature. [footnote omitted]

The Commission reasoned as to the effect of the *Elizabethtown* decision on the instant proceeding as follows (supp. memorandum, p. 4):

The terms of the remand by the court of appeals in this case restrict the Commission to finding whether an actual shortage or gas supplies exists on the petitioner's system, as a factual predicate for determination by the court of appeals of the question that has now been decided in *Elizabethtown*. We submit that, in view of the decision in *Elizabethtown*, any need for that inquiry has been eliminated and the restriction should therefore be lifted.

The Supreme Court, however, denied certiorari on May 30, 1978, 46 U.S.L.W. 3740.[4]

The question of the lawfulness of compensation, therefore, was unresolved for some time after the Court of Appeals November 29, 1976 order. Although the Fifth Circuit had ruled on the question,[5] the D.C. Circuit did not do so until the *Elizabethtown* decision. In its supplemental memorandum of May 8, 1978, filed in the Supreme Court in the *Transco* case, the Commission stated (pp. 3-4):

The Commission has decided not to seek review by this Court of the decision in *Elizabethtown*. That decision has established in the District of Columbia Circuit, to the Commission's satisfaction, that notwithstanding the Commission's rulings in *Elizabethtown* and this case, the Commission does have authority to approve the inclusion of compensation schemes in curtailment plans. Accordingly, we believe that there is no reason for further litigation of that issue in this case. Instead, we suggest that the case should be remanded to the Commission so that it may, as in *Elizabethtown*, "consider whether compensation should be provided."

As noted, *supra*, the Supreme Court denied certiorari on May 30, 1978.

In a separate proceeding (Docket No. RP75-51, *et al.*) initiated January 8, 1975, the Commission undertook an investigation of the causes of Transco's increased curtailment above the levels projected in its Form 16 filing of September 30, 1974; the Commission also requested that evidence be submitted as to the adequacy of the gas reserves held or controlled by Transco or dedicated to Transco. On July 1, 1975, the Commission broadened the scope of that investigation to encompass all facts bearing upon the alleged need for any curtailment by Transco of deliveries to its customers and to Transco's efforts to improve deliverability on its system consistent with its obligations to provide adequate and reliable service to its customers.

On July 21, 1977, the Presiding Judge issued on initial decision in Docket No. RP75-51, wherein he described the scope of the investigation as "a factual investigation into (1) the facts and circumstances surrounding Transcontinental Gas Pipe Line Corporation's increased curtailment during the fall and early winter of 1974 over that projected in its Form 16 filing of September 30, 1974, (2) the necessity for any curtailment of service by Transcontinental Gas Pipe Line Corporation, and (3) Transcontinental Gas Pipe Line Corporation's efforts to improve deliverability on its system."

The Commission has under consideration the Presiding Judge's initial decision, which is pending before it on exceptions. While the inquiry and record in Docket No. RP75-51 may to some extent overlap the specific inquiry directed herein, it would unduly delay the disposition of Docket No. RP75-51 to consolidate it with any new inquiry. The Commission therefore concludes that the initiation of a new—specifically directed—docket is appropriate in the circumstances.

II. Discussion

In this regard, we direct that a specific record be made in this new docket in light of the Court's November 26, 1976, remand. Such parts of the record in Docket No. RP75-51, *supra*, which are material to this inquiry may be incorporated herein. The Presiding Judge shall then prepare a report to the Commission responsive to those questions raised in the Court's order.

Transco and others shall produce those books, records, or materials, deemed, necessary by the Presiding Judge to this proceeding. Further, Transco and others shall supply those witnesses necessary to compile a full and clear record in this matter.

The Staff is directed to provide a witness to explain what materials, if any, are already on file with the Commission which may be helpful to the Presiding Judge in preparation of his report. In this regard, the Presiding Judge may, of course, take offical notice of any FPC or FERC forms on file with the Commission. Staff is further directed to compile exhibits showing the level of service and depth of curtailment on the Transco system during the period 1974 to present.

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[2] The *Elizabethtown* case, had been placed in abeyance pending the instant proceeding [hereinafter "*Transco*"]. On February 9, 1977, the Court asked the parties to submit their views as to whether the *Elizabethtown* case should be similarly remanded for the development of evidence as ordered by the panel in *Transco*. The Commission opposed the remand on the ground that evidence of actual shortages of gas-supply in *Elizabethtown* involving a pipeline other than Transco was undisputed. By order of March 29, 1977, the Court, apparently agreeing with the Commission, set *Elizabethtown* for argument.

[3] *See Elizabethtown*, 575 F.2d at 890-891 n. 5 for a discussion of that proceeding procedural history with respect to the *Transco* case.

[4] During the same period, Transco's permanent curtailment plan was pending before the D.C. Circuit. On July 13, 1978 the Court issued its decision remanding that case to the Commission. *North Carolina* v. *FERC*, No. 76-2102 (D.C. Cir. July 13, 1978), clarification granted (Aug. 29, 1978). Among its rulings, the panel determined that the Commission has the authority to allow a compensation feature and directed the Commission to consider the merits of compensation on remand on the basis of an adequate record.

[5] *Mississippi Public Service Comm'n* v. *FPC*, 522 F. 2d 1345 (5th Cir. 1975), cert. denied, 429 U.S. 870 (1976); *Fort Pierce Utility Authority* v. *FPC*, 526 F. 2d 993 (5th Cir. 1976).

The Commission by this order provides for an immediate pre-hearing conference before the Presiding Judge. He is directed to expedite his consideration of the questions presented by the Court of Appeals and report back to the Commission at the earliest possible date.

By this order, we also direct the Solicitor to file with the Court of Appeals a motion seeking the remand of the *Transco* case (D.C. Cir., No. 74-2036, *et al.*), so that the Commission can exercise in the first instance the authority to decide whether a compensation feature was appropriate for the 1974-75 curtailment plan on the Transco system. The inquiry provided for by this order is necessary because the Court's order of November 26, 1974, resulted in the accumulation of escrowed funds. Assuming remand of the case by the Court of Appeals, the Commission must determine the disposition of these funds for the locked-in period during which the 1974-75 curtailment plan was in effect under the Court's order.

The Commission finds.—It is necessary and appropriate in the public interest and in response to the November 29, 1976, remand of the Court of Appeals that an on the record proceeding be initiated as discussed above.

The Commission orders.—(A) An on-the-record proceeding is hereby instituted in the above-captioned docket to examine supply shortages on the Transco system.

(B) The Presiding Administrative Law Judge designated by the Chief Administrative Law Judge for that purpose [See Delegation of Authority, 18 CFR § 3.5(d)] shall promptly schedule a prehearing conference at which procedures for the expeditious response to the inquiry directed by the Court of Appeals are to be established. The Presiding Administrative Law Judge shall issue a *Report to the Commission* at the earliest possible date.

(C) The Solicitor is authorized to file with the Court of Appeals a motion seeking a remand of the case in *Transcontinental Gas Pipe Line Company* v. *FERC* (D.C. Circuit No. 74-2036, *et al.*).

(D) Notices of intervention and petitions to intervent in this proceeding may be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 28, 1979, in accordance with the Commission's Rules of Practice and Procedure.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Secretary.

FR Doc. 79-5489 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-178]

UNION ELECTRIC CO.

Filing

FEBRUARY 12, 1979.

Take notice that on January 29, 1979, Union Electric Company (Union) tendered for filing a Letter Agreement revising the reservation charge for Maintenance Energy Transactions under the Interconnection Agreement dated November 1, 1969 between the Tennessee Valley Authority and Central Illinois Public Service Company, Illinois Power Company, and Union.

Union indicates that the Letter Agreement provides for an increase in the reservation charge for Maintenance Energy Transactions and that the proposed reservation charge was arrived at through negotiations.

Union requests waiver of the Commission's notice requirements to allow for an effective date of March 1, 1979.

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, N.E., Washington, D.C. 20426, in accordance with Sections 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 February 23, 1979. 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. 79-5500 Filed 2-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-107]

UPPER PENINSULA POWER CO.

Order Accepting Proposed Rate Schedules for Filing, Suspending Proposed Rates, Summarily Disposing of Certain Issues, Requiring Refiling and Establishing Procedures

ISSUED FEBRUARY 12, 1979.

On December 14, 1978, Upper Peninsula Power Company (UPP) submitted for filing proposed revisions to its WR-1 rate schedules for service to seven wholesale-for-resale customers.[1] UPP requests in its transmittal letter that these revisions be made effective on January 31, 1979. The proposed rates would result in increased revenues of approximately $630,214 based on sales for the historical test year ending May 31, 1978.

Under the proposed rate schedules the monthly demand component of UPP's rates will be increased from $2.60 per kw to $3.40 per kw and the energy charge will be increased from $0.0163 per kwh to $0.02949 per kwh. UPP also proposes to increase the fuel cost base in its fuel adjustment clause from 8.646 mills per kwh to 16.484 mills per kwh.

Public notice of UPP's filings was issued on December 27, 1978, with responses due on or before January 12, 1979. On January 12, 1979, the Village of Baraga, Michigan—a UPP customer—submitted a letter which opposed the increase in UPP's rates but did not raise any substantive cost of service issues.

Our review of UPP's filings in the present case indicates the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. We note that UPP has included certain accumulated deferred investment tax credits (ADITC) in its capital structure with return on ADITC measured by the rate of return for common equity. UPP has also used a 48 percent Federal income tax rate in computing its cost of service tax expense and has functionalized General Plant on the basis of the plant ratios.

Accordingly, we shall summarily dispose of UPP's use of the 48 percent tax rate as well as the inclusion of ADITC in the common equity component of UPP's capital structure. UPP is directed to refile within 60 days new cost support and rates to reflect 1) the use of the current 46 percent Federal income tax rate and 2) the treatment of ADITC as specified in *Carolina Power & Light Company*, Opinion No. 19, issued August 2, 1978 (return allowed on ADITC shall be measured by the overall rate of return rather than the common equity return rate).

UPP is further directed to include all costs of refiling in its Account Number 426.5 (18 CFR, Part 101) so that the expense will not be borne by ratepayers. UPP should have reflected the 46 percent tax rate in its December 14, 1978, filings because the company could have and should have known prior to that date that the tax rate had previously been reduced from 48 percent and would become effective January 1, 1979, prior to UPP's requested effective date. The cost of reflecting the summary disposition of the ADITC issue shall also be included in Account No. 426.5 because that cost will add little, if anything, to the cost

[1] See Attachment A for rate schedule designations.

of incorporating the proper Federal income tax rate in the refiling. [2]

We shall accept for filing UPP's proposed rate schedules and shall suspend the proposed rates for five months to become effective July 13, 1979, subject to refund. With regard to functionalization of General Plant, UPP is hereby advised that it must show the use of labor ratios is unreasonable in its case and not merely that its alternative method might be reasonable. This requirement is consistent with prior Commission action. [3]

The Commission orders:

(A) The WR-1 rate schedules filed by Upper Peninsula Power Company (UPP) on December 14, 1978, are accepted for filing, suspended for a period of five months and permitted to become effective thereafter on July 13, 1979, subject to refund.

(B) Pursuant to the provisions of the Federal Power Act, particularly Sections 205, 206 and 308 thereof, and the Commission's Rules and Regulations, a public hearing shall be held for the purpose of determining the justness and reasonableness of the proposed rate schedules.

(C) On or before May 30, 1979, the Commission Staff shall prepare and serve top sheets summarizing the Staff investigations and recommendations.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at a prehearing conference in this proceeding to be held within ten (10) days after the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate and sever, and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(E) Summary disposition of the Federal income tax and ADITC issues is ordered. UPP is ordered to refile cost support data and rates to reflect the summary disposition of these issues and to include all costs of refiling in its Account No. 426.5 (18 CFR Part 101).

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

UPPER PENINSULA POWER CO. RATE SCHEDULE DESIGNATIONS, DOCKET NO. ER79-107

Filed: December 14, 1978.

Other Parties: As indicated.

Descriptions: (a) WR-1—Wholesale Service to Electric Utilities. (b) Fuel Clause Adjustment.

(1) Wisconsin Electric Power Company, successor (Wisconsin Michigan Power Company), Rate Schedule FPC No. 2:

(a) Supplement No. 8 (Supersedes Supp. No. 6).

(b) Supplement No. 9 to (Supersedes Supp. No. 7).

(2) Wisconsin Electric Power Company, successor (Wisconsin Michigan Power Company), Rate Schedule FPC No. 3:

(a) Supplement No. 9 (Supersedes Supp. No. 7).

(b) Supplement No. 10 to (Supersedes Supp. No. 8).

(3) Village of Baraga, Michigan, Rate Schedule FPC No. 6:

(a) Supplement No. 8 (Supersedes Supp. No. 6).

(b) Supplement No. 9 to (Supersedes Supp. No. 7).

(4) Village of L'Anse, Michigan, Rate Schedule FPC No. 7:

(a) Supplement No. 8 (Supersedes Supp. No. 6).

(b) Supplement No. 9 to (Supersedes Supp. No. 7).

(5) City of Negaunee, Michigan, Rate Schedule FPC No. 11:

(a) Supplement No. 6 (Supersedes Supp. No. 4).

(b) Supplement No. 7 to (Supersedes Supp. No. 5).

(6) City of Gladstone, Michigan, Rate Schedule FPC No. 13:

(a) Supplement No. 5 (Supersedes Supp. No. 3).

(b) Supplement No. 6 (Supersedes Supp. No. 4).

(7) Alger-Delta Cooperative Electric Association, Rate Schedule FPC No. 14:

(a) Supplement No. 8 (Supersedes Supp. No. 5).

(b) Supplement No. 9 (Supersedes Supp. No. 6).

(8) The Ontonagon County Rural Electrification Association, Rate Schedule FPC No. 15:

(a) Supplement No. 8 (Supersedes Supp. No. 5).

(b) Supplement No. 9 (Supersedes Supp. No. 6).

[6450-01-M]

[Project No. 2739]

VANCEBURG ELECTRIC LIGHT, HEAT & POWER SYSTEM AND THE CITY OF VANCEBURG, KY.

Notice of Application for Major License

FEBRUARY 13, 1979.

Take notice that Vanceburg Electric Light, Heat and Power System and the City of Vanceburg, Kentucky (Applicant) filed on April 3, 1978, an application for major license pursuant to the Federal Power Act, 16 U.S.C. § 791a-825r, for its proposed Meldahl Project No. 2739. The proposed project would be located at the Army Corps of Engineers' Captain Anthony Meldahl Locks and Dam on the Ohio River in Bracken County, Kentucky. The proposed project would affect approximately 24 acres of lands of the United States under the jurisdiction of the Corps of Engineers. Copies of correspondence concerning this application should be addressed to: William T. Love, Superintendent of Utilities, Vanceburg Electric Light, Heat and Power System, Vanceburg, Kentucky 41179; and Philip P. Ardery, Brown, Todd & Heyburn; 1600 Citizens Plaza, Louisville, Kentucky 40202.

The proposed project would consist of: (1) and existing intake canal section upstream of the dam, connecting with; (2) a new intake canal section approximately 120 feet long; (3) a combined intake-powerplant structure, with the powerplant section some 183 feet long and 220 feet wide containing 3 submerged bulb-type generating units with a total installed capacity of 70,300 kW; (4) a tailrace canal, approximately 100 feet long and 154 feet wide; (5) a step-up transformer substation; (6) a single circuit 138 kV transmission line extending approximately 5 miles from the powerhouse to the vicinity of Lenoxburg, Kentucky to interconnect with the transmission system of East Kentucky Rural Electric Cooperative Corporation; (7) various recreational facilities, including parking areas and day use facilities; and (8) appurtenant facilities.

The Applicant proposes to use the powerhouse to meet its system loan requirements and sell any excess energy East Kentucy Power Coop., Corp.

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 April 16, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5515 Filed 2-21-79; 8:45 am]

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[2] *See, Georgia Power Company,* Docket No. ER79-88, issued January 30, 1979, and *Central Kansas Power & Light Company,* Docket No. ER79-90, issued January 31, 1979.

[3] *See,* Order dated August 25, 1978 in *Public Service Company of Indiana,* Docket No. ER78-513; Order of October 12, 1978, *Arkansas-Missouri Power Company,* Docket No. ER78-489; and Order issued October 12, 1978, in *Public Service Company of Oklahoma,* Docket No. ER 78-511.

[6450-01-M]

[Docket No. ER78-512]

WISCONSIN ELECTRIC POWER CO.

Notice of Proposed Settlement Agreement

FEBRUARY 13, 1979.

Take notice that on January 22, 1979, Wisconsin Electric Power Company and its wholesale customers filed for approval by the Commission an executed Settlement Agreement purporting to resolve all issues present in this docket. On January 26, 1979, this Settlement Agreement and the record in this docket were certified by the Presiding Judge to the Commission for review and disposition.

Any person desiring to be heard or to protest said settlement proposal should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 8, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this proposal are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

FR Doc. 79-5516 Filed 2-21-79; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

PRIVACY ACT OF 1974

Notice of System of Records

Notice is hereby given that the Federal Maritime Commission, pursuant to 5 U.S.C. 552a(e) (4) and (11) of the Privacy Act of 1974 (P.L. 93-579), proposes to adopt the following additional notice of system of records.

Interested parties may participate in this proceeding by filing with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, an original and 15 copies of their views and comments pertaining to the routine use portion of the notice. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired changes and should be accompanied by supportive statements and arguments. If no comments are received on or before March 26, 1979, the routine uses described herein will be adopted as proposed by the Commission.

By the Commission February 8, 1979.

FRANCIS C. HURNEY,
Secretary.

FMC-23

System name:

Parking Applications—FMC.

System location:

Division of Office Services, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Categories of individuals covered by the system:

Employees and their carpool members desiring agency controlled parking.

Categories of records in the system:

Names; office locations and telephone numbers; home addresses; make, year, model, and license number of vehicles; carpool usage; handicap and special designations, signatures.

Authority for maintenance of the system:

Federal Property Management Regulations § 101-20.111 and § 101-20.117.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Agency employees responsible for allocation and control of parking spaces, and to assist in creating carpools.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

By applicant name or space assignment.

Safeguards:

Records are maintained in a file cabinet in a locked room, with 24 hour building security guards.

Retention and disposal:

Records voided upon update or parking permit cancellation. Files destroyed after second overall reallocation of permits.

System manager and address:

Chief, Division of Office Services, Federal Maritime Commission, 1100 L St. N.W., Washington, D.C. 20573.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Privacy Act Officer, Federal Maritime Commission, 1100 L St. N.W., Washington, D.C. 20573.

Record access procedure:

Requests for access to a record should be directed to the Privacy Act Officer listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in Section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record pertaining to him shall direct such a request to the Privacy Act Officer at the above listed address. Such request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

Individuals to whom the records pertain.

[FR Doc. 79-5416 Filed 2-21-79; 8:45 am]

[6730-01-M]

[Independent Ocean Freight Forwarder License No. 1250]

ADOLFO FERRER LUCHESSI

Notice Vacating Revocation

By Decision served July 24, 1978, in Docket No. 77-53, *Licensing of Independent Ocean Freight Forwarders*, (FEDERAL REGISTER, Vol. 43, No. 146, P. 32776, July 28, 1978), the Federal Maritime Commission amended its General Order 4 (46 CFR Part 510) to require all licensed independent ocean freight forwarders to file with the Commission a surety bond in the amount of $30,000. The amendment stated that if a licensee fails to file such bond on or before December 1, 1978, the license shall be revoked in accordance with Rule 510.9 of General Order 4.

The Commission published a Notice of Revocation in the FEDERAL REGISTER on January 3, 1979 (Vol. 44, No. 2, pp. 953-955), wherein notice was given of Adolfo Ferrer Luchessi's failure to file with the Commission a surety bond in the amount of $30,000 and the revocation of Independent Ocean Freight Forwarder license No. 1250, effective December 2, 1978.

Evidence now before the Commission demonstrate that Adolfo Ferrer Luchessi had, in fact, obtained a valid surety bond in accordance with the Commission's Order of July 24, 1978, on or before December 1, 1978, although such bond had not been received by the Commission until a date subsequent to December 1, 1978. Con-

sequently, the licensee was fully covered by the required increased bond, and it is found that substantive compliance with the Commission's new bonding requirement has been achieved.

Therefore, the revocation of Independent Ocean Freight Forwarder License No. 1250 is vacated based upon the newly discovered evidence that the new $30,000 bond was in effect continuously from December 1, 1978.

A copy of this Notice Vacating Revocation shall be published in the FEDERAL REGISTER and served upon Adolfo Ferrer Luchessi.

By the Commission January 31, 1979.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79—5520 Filed 2-21-79; 8:45 am]

[6730-01-M]

[Independent Ocean Freight Forwarder License No. 1692]

BLAIS FORWARDING

Notice Vacating Revocation

By Decision served July 24, 1978, in Docket No. 77-53, *Licensing of Independent Ocean Freight Forwarders*, (FEDERAL REGISTER, Vol. 43, No. 146, P. 32776, July 28, 1978), the Federal Maritime Commission amended its General Order 4 (46 CFR Part 510) to require all licensed independent ocean freight forwarders to file with the Commission a surety bond in the amount of $30,000. The amendment stated that if a licensee fails to file such bond on or before December 1, 1978, the license shall be revoked in accordance with Rule 510.9 of General Order 4.

The Commission published a Notice of Revocation in the FEDERAL REGISTER on January 3, 1979 (Vol. 44, No. 2, Pp. 953-955), wherein notice was given of Eva A. Blais d/b/a Blais Forwarding's failure to file with the Commission a surety bond in the amount of $30,000 and the revocation of Independent Ocean Freight Forwarding License No. 1692, effective December 2, 1978.

Evidence now before the Commission demonstrates that Eva A. Blais d/b/a Blais Forwarding had, in fact, obtained a valid surety bond in accordance with the Commission's Order of July 24, 1978, on or before December 1, 1978, although such bond had not been received by the Commission until a date subsequent to December 1, 1978. Consequently, the licensee was fully covered by the required increased bond, and it is found that substantive compliance with the Commission's new bonding requirement has been achieved.

Therefore, the revocation of Independent Ocean Freight Forwarder License No. 1692 is vacated based upon the newly discovered evidence that the new $30,000 bond was in effect continuously from December 1, 1978.

A copy of this Notice Vacating Revocation shall be published in the FEDERAL REGISTER and served upon Eva A. Blais d/b/a Blais Forwarding.

By the Commission, January 31, 1979.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-5521 Filed 2-21-79; 8:45 am]

[4110-88-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of March 1979:

Board of Scientific Counselors, NIMH.
March 29-30; 9:30 a.m. March 29 and 9:00 a.m. March 30.
Conference Room 1B-07, Building 36, National Institutes of Health, Bethesda, Maryland 20014.
Open—March 29; 9:30-10:00 a.m.
Closed—Othewise.
Contact: Dr. John C. Eberhart, Room 1A-05, Building 36, National Institutes of Health, Bethesda, Maryland 20014, 301-496-3501.

Purpose. The Board of Scientific Counselors, NIMH provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda. The Board will meet in Conference Room 1B-07, Building 36, Bethesda, Maryland, for approximately 30 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the two-day session will be devoted to the review of intramural research projects from the Biological Psychiatry Branch, and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIMH Information Officer who will furnish summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4573.

Dated: February 15, 1979.

ELIZABETH A. CONNOLLY,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc 79-5524 Filed 2-21-79; 8:45 am]

[4110-89-M]

Office of the Assistant Secretary for Education

COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY; CORRECTION

In FR Doc. 79-1462 appearing at page 3319 in the FEDERAL REGISTER of January 16, 1979, the following change should be made:

On page 3320, item 5 in column 1 is changed to read: "Mandatory" instead of "Voluntary."

Dated: February 14, 1979.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

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[4110-89-M]

COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Comments

Pursuant to Section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics, the National Institute of Education, and the U.S. Office of Education have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the

National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before March 26, 1979, and should be addressed to Administrator, National Center for Education Statistics ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: February 14, 1979.

MARIE D. ELDRIDGE,
Administrator National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Survey of Noncredit Adult and Continuing Education Activities in Colleges and Universities, 1979-80.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2300-8.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"* * * Section 501(a) * * * The National Center (for Education Statistics) shall * * * collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States * * *" (P.L. 93-380; 20 U.S.C. 1221e-1).

5. VOLUNTARY/OBLIGATORY NATURE OF THE RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Information collected from colleges and universities in the sample will be used to develop national estimates on the number of institutions offering adult and continuing education activities, on the number of registrations in those activities, the types of courses or activities involved, and how institutions administer and staff these programs. Taken in conjunction with information from prior surveys in this series, the data will be used to provide a clearer picture of trends in this field. Postsecondary education planners will use the data to develop better programs to serve adult, part-time learners.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.

b. Time of collection: June-September 1980.

c. Frequency: Biennially.

8. RESPONDENTS

a. Type: Colleges and universities.

b. Number: 500.

c. Estimated average man-hours per respondent: 2 hours.

9. INFORMATION TO BE COLLECTED

a. Adult and continuing education program offerings by colleges and universities.

b. Identification of units on the campus responsible for adult and continuing education.

c. Number of registrations in adult and continuing education and in continuing professional education by broad subject areas.

d. Sources of teachers for these activities.

e. Subjects or types of activities involved.

f. Special fee provisions for the elderly or the disadvantaged.

g. Use of continuing education units.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Survey of Noncollegiate Postsecondary Schools With Occupational Programs.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2358, 2358-1, and 2358-2.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

" * * * The (National) Center (for Education Statistics) shall * * * collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States * * *." (Sec. 501(a) of Pub. L. 93-380; 20 U.S.C. 1221e-1).

5. VOLUNTARY/OBLIGATORY NATURE OF THE RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Basic information collected on all schools will be used as the basis for publishing a directory of these schools and will serve as a sampling frame for the collection of data on the schools and on the students enrolled.

Information on student enrollment by sex in each program offering will aid the U.S. Office of Education's mandated research and evaluation study (Title II, Section 523(a) of the Education Amendments of 1976) on the extent of sex discrimination and sex stereotyping in certain occupational training fields.

The scope and role of public and private noncollegiate schools in helping to meet labor demand for specific occupations will be analyzed by the State Occupational Information Coordinating Committees (SOICC's) and by State and local education and manpower planners by evaluating the enrollments in training for these occupations. The inclusion of the private sector broadens for educational decision makers the information base from which to plan changes in program offerings at the State and local levels.

Information from the Directory on programs offered and accreditation status of schools will help provide more informed guidance to students planning a career.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.

b. Time of collection: Winter 1979/80.

c. Frequency: Biennially.

8. RESPONDENTS

NCES Form Number 2358 or 2358-1.

a. Type: Vocational/technical postsecondary schools.

b. Number: 1,400—sample.

c. Estimated average manhours per respondent: 20 minutes.

NCES Form Number 2358-2.

a. Type: Vocational/technical postsecondary schools.

b. Number: 6,400—universe, less sample of 1,400.

c. Estimated average manhours per respondent: 5 minutes.

9. INFORMATION TO BE COLLECTED

NCES Form Number 2358-2.

Name and address of school.

Type of control and ownership.

Programs offered.

Enrollments—total, sex, and full-time/part-time for each program.

Completions for each program.

NCES Form Number 2358 or 2358-1.

In addition to above:

Length of each program—total hours and hours per week.

Tuition and charges for each program.

Number of students who left with a marketable skill, who dropped out of the program, and who are continuing the program.

Staff—total, full-time/part-time, and sex, by function.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

National Assessment of Educational Progress (NAEP).

Survey of Reading/Literature skills of students in public and private elementary and secondary schools.

NAEP is a project of the Education Commission of the States and is funded by the National Center for Education Statistics under the Office of the Assistant Secretary for Education, U.S. Department of Health, Education, and Welfare.

NAEP is an annual survey of the educational attainment of young Americans at three age levels: 9, 13 and 17. Young adults, aged 26-35, are assessed when funding is available. Subject areas assessed change each year, with the above subject areas being assessed in FY 80. The forms listed below are used for data acquisition and analysis purposes.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBERS

New and reinstated forms (clearance to be requested under OMB No. 051-R1204):

New Forms: NCES 2371-65; NCES 2371-66; NCES 2371-67; NCES 2371-68; NCES 2371-69; NCES 2371-70; NCES 2371-71; NCES 2371-72; NCES 2371-73.

Reinstated Forms: NCES 2371-2, NCES 2371-3; NCES 2371-4; NCES 2371-9; NCES 2371-10; NCES 2371-11; NCES 2371-14; NCES 2371-36; NCES 2371-41.

Reinstated Forms: NCES 2371-42; NCES 2371-51; NCES 2371-64.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"* * * The (national) center (for education statistics) shall * * * collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States * * *" (sec. 501.(a) of Pub. L. 93-380; Sec. 406. (b) of the General Education Provision Act, 20 U.S.C. 1221e-1).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The primary purpose of NAEP is to gather information concerning the degree to which educational goals are being met nationally and to make this information available to the public, and particularly to persons in the field of education, so that problem areas can be specifically identified, priorities can be established, and progress over time can be determined.

During the 1979-80 school year NAEP will conduct the first integrated assessment of reading and literature. In 1971 reading and literature were assessed as separate areas. In 1975 reading was assessed for a second time. During the present development, experts in the fields of reading and literature felt that many of the objectives and skills in these areas overlapped and should be assessed as a single area.

In 1971 literature survey students were assessed with respect to their understanding of imaginative language, responding to literature, recognizing literary works and characters, and reading habits. In the 1971 and 1975 reading survey students were assessed with respect to literal comprehension, inferential comprehension and reference skills. The upcoming assessment will assess changes in the above areas as well as provide new information on the combined reading and literature objectives areas of valuing, comprehension, responding and study skills.

In addition to the reading/literature survey, 5 art questions will be asked of 13 year olds. These were questions which could not be included in the 1979 assessment because of time limitations. By assessing these exercises NAEP will provide reporting coverage of art objectives 4 and 5 in addition to being able to report the same exercises across ages.

The information collected by NAEP is used by the Federal Government, national educational organizations, state and local departments of education, and other external research users. Right to Read, recognizing the advanced technology of the NAEP model, asked for a "mini-assessment" of the functional literacy or 17 year olds during FY 75 and 76. The Food and Drug Administration used NAEP in FY 77 to collect consumer information at the young adult age level. Again, in 1979 they will collect information on how knowledgeable 17 year olds are about packaging information contained on labels. In FY 78-79 NIE funded a study through National Assessment to try to determine what factors lead to lower participation among women in advanced math courses. The study, Attitudes and Achievement in Mathematics, used items, sampling, data collection and design capabilities from NAEP. In 1979 NAEP will assist the Department of Defense Dependents Schools in an assessment of writing mechanics at ages 9, 13 and 17, through use of items, procedures and analysis capabilities. DoDDS will assess students between January and March, 1979.

A valuable contribution of NAEP is its ability to aid states and localities in making their own assessments. To date, 36 states have asked NAEP for assistance in developing their own evaluation programs. Acting as a consultant in these state assessments, NAEP provides a model for the design and administration of local assessments, allows use of its released test items, and helps design or modify additional items tailored to the smaller assessment needs.

A sample of other organizations that have reviewed NAEP data or used NAEP materials for further studies in their fields include:

American Association of Colleges for Teacher Education.
Association of American Publishers.
American Bar Association.
American Educational Research Association.
Association for Supervision and Curriculum Development.
Council of the Great City Schools.
International Reading Association.
Music Educators National Conference.
National Association of State Boards of Education.
National Council for Social Studies.
National Council of Teachers of English.
National Council of Teachers of Mathematics.
National School Boards Association.
National Science Teachers Association.
North Central Association of Secondary Schools and Colleges.
National Reading Conference.

Textbook publishers, curriculum planners, and superintendents of school systems are also being encouraged to make use of NAEP data in developing their projects for the future.

Because it provides frequently updated factual information concerning educational progress or decline, NAEP can show change as it is happening, pinpointing remedial action and monitoring the progress of new educational programs. NAEP presents the field of education with a new and valid resource for determining whether the goals of an educated democracy are being met in the classroom.

7. DATA ACQUISITION PLAN

a. Method of collection: Group Administration.

b. Time of collection: October 1979-May 1980.

c. Frequency: Annual basis.

8. RESPONDENTS.

a. Type: School Officials.

b. Number: Sample.

Forms previously cleared under OMB No. 051-R1194:

NCES 2371-41—585.

c. Estimated average man-hours per respondent:

New Forms: NCES 2371-66—.05; NCES 2371-69—.05; NCES 2371-70—.05.

Forms previously cleared under OMB No. 051-1204:

NCES 2371-2, 3, 4—1.0; NCES 2371-9—.10; NCES 2371-10—.10; NCES 2371-11—.10; NCES 2371-51—.03.

Forms previously cleared under OMB No. 051-R1194:

NCES 2371-41—.10.

9. INFORMATION TO BE COLLECTED

a. From school principals:

New Forms: NCES 2371-67; NCES 2371-68—Used to obtain information on resources available to support reading and literature programs in the school.

NCES 2371-65—Used to determine the reasons why students were not available for the assessment session when called.

NCES 2371-72; NCES 2371-73—Used as quality control instruments to ascertain if initial contacts with school officials were satisfactory. This form has been used in the past (NCES 2371-5, 6) but is being revised and updated.

Forms previously cleared under OMB No. 051-R1204:

NCES 2371-14—This form is used to provide information on split or modular sessions in a school to aid scheduling administration sessions.

New Forms: NCES 2371-65—600; NCES 2371-67—1200; NCES 2371-68—600; NCES 2371-72—1800; NCES 2371-73—900.

Forms previously cleared under OMB No. 051-R1204:

NCES 2371-14—900; NCES 2371-64—600.

Forms previously cleared under OMB No. 051-R1194:

NCES 2371-36—1800; NCES 2371-42—39.

c. Estimated average man-hours per respondent:

New Forms: NCES 2371-65—.02; NCES 2371-67—.15; NCES 2371-68—.15; NCES 2371-72—.08; NCES 2371-73—.08.

Forms previously cleared under OMB No. 051-R1204:

NCES 2371-14—.10; NCES 2371-64—.50.

Forms previously cleared under OMB No. 051-R1194:

NCES 2371-36—.25; NCES 2371-42—.05.

a. Type: Student.

b. Number: Sample.

New Forms: NCES 2371-66—100,000; NCES 2371-69—27,500; NCES 2371-70—35,000.

Forms previously cleared under OMB No. 051-R1204:

NCES 2371-2, 3, 4—1,800; NCES 2371-9—28,600; NCES 2371-10—33,800; NCES 2371-11—36,400; NCES 2371-51—2,500.

NCES 2371-64—Used to list age 17 eligible students who have withdrawn from schools between the time that the subcontractor staff selected the 17 year old sample during the age 9 assessment and the time they return to conduct the age 17 assessment. This list allows the age 17 student sample to be updated prior to assessment.

Forms previously cleared under OMB No. 051-R1194:

NCES 2371-36—Used to obtain data needed for sample selection and analysis. Test boooklet assignments and student sample size are based on the data provided: several of the questions are used to define NAEP analysis and reporting variables.

NCES 2371-42—Used to verify that student sample selection procedures were conducted by the test adminstrator according to specifications.

b. From students:

New Forms: NCES 2371-66—Used to obtain subject areas background information for analysis and reporting purposes.

NCES 2371-69; NCES 2371-70—Used to obtain respondent background information for analysis and reporting purposes.

Forms previously cleared under OMB No. 051-R1204:

NCES 2371-9: NCES 2371-10; NCES 2371-11—Used to obtain respondent background information for analysis and reporting purposes.

NCES 2371-51—Used to obtain respondent subject background information for change analysis and reporting purposes.

NCES 2371-2, 3, 4—These forms are used to list student names and birthdates allowing the test administrator to select the sample.

Forms previously cleared under OMB No. 051-R1194:

NCES 2371-41—Used to verify that the selected students actually did participate in the assessment, also verifies that specific procedures were carried out by the subcontractor.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Survey of Adult Education by Home Study, 1980.

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBER

NCES 2390.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Section 501(a)—the National Center (for Education Statistics) shall collect, collate and from time to time, report full and complete statistics on the conditions of education in the United States" (P.L. 93-380; 20 USC 1221e-1).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Postsecondary education planners will use the data to integrate information on home study educational programs with residential activities sponsored by other institutions.

DATA ACQUISITION PLAN

a. Method of Collection: Mail.

b. Time or Collection: Summer 1980.

c. Frequency: Single Time.

8. RESPONDENTS

a. Type: Home Study Institutions (either wholly or partially home study).

b. Number: Universe 300.

c. Estimated Average Person-Hours per Respondent: ⅔ (range of ⅓ to 1½ hours).

9. INFORMATION TO BE COLLECTED

a. Programs and courses offered.

b. Enrollments and completions.

c. Average length of course along with tuition and other fees.

d. Instructional media used.

e. Number of male and female, full-time and part-time staff by administrative or teaching function.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

The Study of Vocational Education.

2. AGENCY/BUREAU/OFFICE

National Institute of Education.

3. AGENCY FORM NUMBER

NIE 193-C.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

The mandate for this study appears in Section 523(b) of the Education Amendments of 1976 (P.L. 94-482). It is reproduced below in its entirety.

Section 523(b)(1) in additon to the other authorities, responsibilities, and duties conferred upon the National Institute of Education (hereinafter in this section referred to as the "Institute") by section 405 of the General Education Provisions Act, as amended by this Act, the Institute shall undertake a thorough evaluation and study of vocational education programs, including such programs conducted by the States, and such programs conducted under the Vocational Educa-

tion Act of 1963, and other related programs conducted under the Comprehensive Employment and Training Act of 1973 and by Post-Secondary Commissions authorized by the Education Amendments of 1972. Such a study shall include—

(A) A study of the distribution of vocational education funds in terms of services, occupations, target populations, enrollments, and educational and a governmental level and what such distribution should be in order to meet the greatest human resource needs for the next 10 years:

(B) an examination of how to achieve compliance with, and enforcement of, the provisions of applicable laws of the United States;

(C) an analysis of the means of assessing program quality and effectiveness;

(D) depending on the level of funding available to the Institute, not more than three experimental studies to be administered by the Institute, in cases where the Institute determines that such experimental programs are necessary to carry out the purpose of clauses (A) through (C) and the Commissioner of Education and the Secretary of Labor are authorized, notwithstanding any provision of any other law, at the request of the Institute, to approve the use of grants which educational or other agencies are eligible to receive under such Acts (in cases where such agencies agree to the uses of such grants), in order to carry out such experimental programs;

(E) findings and recommendations, including recommendations for changes in such Acts or for new legislation, with respect to the matters studied under clauses (A) through (E); and

(F) a review and evaluation of the effectiveness of programs funded under subpart 5 of part A of the Vocational Education Act of 1963 (as such Act is in effect on October 1, 1977), and to make recommendations for the redirection and the improvement of programs at all levels funded under such subpart.

(2) The Institute shall make an interim report to the President and to the Congress no later than September 30, 1980, and shall make a final report to the President and to the Congress no later than September 30, 1981, on the result of its study conducted under this section. Any other provision of law, rule, or regulation to the contrary notwithstanding, such reports shall not be submitted to any review outside of the Institute before their transmittal to the Congress, but the President and the Commissioner may make to the Congress such recommendations with respect to the content of the reports as such may deem appropriate.

(3) Sums made available pursuant to section 102 of the Vocational Education Act of 1963 (as such Act is in effect on the date of the enactment of the Act) and sections 102 and 103 of the Vocational Education Act of 1963 (as such Act is in effect on October 1, 1977), shall be available to carry out the administrative and direct cost requirements of the provisions of this subsection concerning the National Institute of Education. These funds shall not exceed $1,000,000 per year for each of the fiscal years ending prior to October 1, 1981. Ten per centum of the funds made available under this section shall be made available for purposes of carrying out the provisions of paragraph (1)(F).

(4)(A) The Institute shall submit to the Congress, within 10 months after the date appropriations become available to carry out this section, a plan for the study to be conducted under this section. The Institute shall not commence such study until the first day after the close of the first period of 30 calendar days of continuous session of the Congress after the date of the delivery of such plan to the Congress.

(B) For purposes of subparagraph (A)—

(i) continuity of session is broken only by an adjournment of the Congress sine die; and

(ii) the days on which either House is not in session because of an adjournment of more than 30 days to a day certain are excluded in the computation of the 30-day period.

5. VOLUNTARY/OBLIGATORY NATURE OF THE RESPONSES

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED

The information collected through the various projects in this study will be used by Congress to assist them in legislating on vocational education in the future. This was the Congress intention in writing the mandate; the topics specified for investigation and the timing of the final report show this intention. The final report is due September 30, 1981, so that it can be used during the reauthorization hearings for the Vocational Education Act which will take place that year. The topics set forth in the mandate will be investigated through a variety of separate projects, four of which require original data collection.

In developing the plan for data collection, we were mindful of the requirements for data generation and collection present in various other surveys and studies also mandated. By relying on existing data, utilizing the information generated as a result of the other mandated studies and other requirements of Pub. L. 94-482 and by taking advantage of data from surveys undertaken by other offices (e.g., the Vocational Education Data Survey, the OCR Survey scheduled to take place in 1979, the evaluation projects at the Office of Education and the National Center for Research in Vocational Education), we were able to reduce greatly the amount of original data collection and to avoid completely the necessity of conducting a nationwide survey. All four projects involve in-depth studies in a limited number of States (5 to 15, depending on the project) to complement the national data being produced by other studies or surveys.

The proposed data collection strategy was developed after extensive consultation with representatives of pertinent interest groups, members of the vocational education community, a consulting group of scholars and practitioners, and officials in Federal executive agencies, State Education Agencies (SEA's) and Local Education Agencies (LEA's).

Reports and Dissemination: The findings from all projects, including the four involving original data collection, will be synthesized by the study staff into an interim and a final report which will be transmitted, as the law requires, to the Congress and the President. These reports will furnish information needed by Congress to assist them in legislating on vocational education. They will also furnish information needed by executive agencies and State and local education agencies in formulating policy for vocational education. Reports will be made available to all interested parties.

THE DATA ACQUISITION PLAN (ITEM 7), THE RESPONDENTS (ITEM 8), AND THE INFORMATION TO BE COLLECTED (ITEM 9) ARE PRESENTED BELOW SEPARATELY FOR EACH OF THE FOUR PROJECTS

Project Title: Descriptive Study of the Distribution of Federal, State and Local Vocational Education Funds.

7. DATA ACQUISITION PLAN

A. Method of collection: Mailed survey form and some personal interviews.

B. Time of collection: January 1980 to March 1980.

C. Frequency: One time only.

8. RESPONDENTS

a. Type: Local Education Agencies.

b. Number: 1000.

c. Estimated average person hours per respondent: Approximately 2-6 per agency depending on accessibility of the extant data.

a. Type: Public Secondary Schools.

b. Number: 1200.

c. Estimated average person hours per respondent: Approximately 2-6 per

school depending on accessibility of extant data.

a. Type: Vocational/Technical post-secondary institutions.

b. Number: 250.

c. Estimated average person hours per respondent: Approximately 2-6 per institution depending on accessibility of the extant data.

a. Type: Adult education administrators.

b. Number: 150.

c. Estimated average person hours per respondent: Approximately 2-6 per administrator depending on the accessibility of the extant data.

9. INFORMATION TO BE COLLECTED

The following information will be collected from each type of respondents listed above;

a. expenditures for vocational education by program, services, target populations for all educational levels.

b. program enrollments by student characteristics.

c. demographic and economic profiles of schools and districts.

d. student placement information.

e. education (vocational education) revenues by source according to legislative intent.

f. vocational education staff and organizational characteristics.

g. district expenditures and enrollments for all education.

h. utilization of resources by institutions.

Some of this information will be available from existing documents and existing data files such as the new Vocational Education Data System (VEDS), the OCR Survey, and other data files at the National Center for Education Statistics. For each institution sampled we will examine the existing information and construct the mailed survey form to collect supplementary information. The availability of VEDS data will reduce greatly the burden here. For selected sites, such as some State Education Agencies and central cities where the data requirements may be more complex, investigators will administer the survey form on-site.

Project title: Analysis of State and Local Administrative, Compliance, and Evaluation Practices for Vocational Education.

7. DATA ACQUISITION PLAN

A. Method of collection: Personal Interviews.

B. Time of collection: September 1979 to June 1980.

C. Frequency: One time only.

8. RESPONDENTS

a. Type: Federal agencies.

b. Number: 1 (HEW).

c. Estimated average person hours per respondent: 1 per respondent; maximum 50 respondents in HEW.

a. Type: State-level Administrative Units for Vocational Education.

b. Number: 15.

c. Estimated average person hours per respondent: 1 per respondent; average of 15 respondents per administrative unit.

a. Type: State Commissions/Committees/Advisory Councils.

b. Number: 60.

c. Estimated average person hours per respondent: 1 per respondent; average of 3 respondents per unit.

a. Type: Local Education Agencies or Community College Districts.

b. Number: 90.

c. Estimated average person hours per respondent: 1 per respondent; average of 5 respondents per agency.

a. Type: Public Elementary/Secondary Schools.

b. Number: 60.

c. Estimated average person hours per respondent: Average of ½ hr. per respondent; averge of 10 per school.

a. Type: Vocational/Technical post-secondary institutions.

b. Number: 30.

c. Estimated average person hours per respondent: Average of ½ hr. per respondent; average of 10 respondents per institution.

a. Type: CETA Prime Sponsors.

b. Number: 45.

c. Estimated average person hours per respondent: 1 per respondent; average of 4 respondents per agency.

a. Type: Students.

b. Number: maximum 400.

c. Estimated average person hours per respondent: Average of ½ hr. per respondent.

a. Type: Employers.

b. Number: maximum 180.

c. Estimated average person hours per respondent: Average of ½ hr. per respondent.

9. INFORMATION TO BE COLLECTED

From the respondents at the Federal, State, and local level information will be obtained on the manner in which State and local education agencies implement Federal policy for vocational education, particularly in regard to matters of compliance and evaluation. Specific information to be collected will involve answers to questions about the degree of State and local compliance, the manner in which State and local conditions affect the implementation of Federal vocational education policy, the process of achieving compliance, the manner in which evaluation results affect program activity, the consequence of utilizing particular evaluation criteria, the impact of multiple Federally mandated evaluation activities, and the nature of relationships between vocational education programs and those training activities operated through Comprehensive Employment and Training Act programs.

Project Title: Meeting the Needs of Special Needs Groups.

7. DATA ACQUISITION PLAN

A. Method of Collection: Personal interviews, observation.

B. Time of collection: January to June, 1980.

C. Frequency: One time only.

8. RESPONDENTS

a. Type: Local Education Agencies.

b. Number: 15.

c. Estimated average person hours per respondent: 1 hr. (personnel responsible for programs to special needs populations).

a. Type: State-level Administrative Units for Vocational Education.

b. Number: 5.

c. Estimated average person hours per respondent: 1 hr. (personnel responsible for programs to special needs populations).

a. Type: State Commissions/Committees/Advisory Councils.

b. Number: 5.

c. Estimated average person hours per respondent: 1 hr. (personnel responsible for programs to special needs populations).

a. Type: Public Secondary Schools.

b. Number: 45.

c. Estimated average person hours per respondent: 1 hr. (administrators, students with special needs, teachers, and counselors).

a. Type: Vocational/Technical post-secondary institutions (public and private).

b. Number: 45.

c. Estimated average person hours per respondent: 1 hr. (administrators, students with special needs, teachers, and counselors).

a. Type: State and Local Employment and Training Organizations.

b. Number: 150.

c. Estimated average person hours per respondent: 1 hr. (administrators of programs, advocates of special needs groups).

a. Type: State and Local Employment and Training Organizations.

b. Number: 45.

c. Estimated average person hours per respondent: 1 hr. (administrators and program personnel).

a. Type: Community-Based Organizations.

b. Number: 45.

c. Estimated average person hours per respondent: 1 hr. (administrators and program personnel).

a. Type: Local Employers.

b. Number: 45.

c. Estimated average person hours per respondent: 1 hr.

a. Type: CETA Prime Sponsors.
b. Number: 45.
c. Estimated average person hours per respondent: 1 hr.
a. Type: School Dropouts.
b. Number: 45.
c. Estimated average person hours per respondent: 1 hr.
a. Type: State and Local Public Employment Services.
b. Number: 45.
c. Estimated average person hours per respondent: 1 hr.

9. INFORMATION TO BE COLLECTED

State personnel will be interviewed to determine State strategies for dealing with special needs groups and how those strategies fit Federal intent. On the local level, program deliverers, local employers, advocacy groups, and program participants will be interviewed to determine how objectives and intent of legislation fit into the employment and training needs of the special needs groups.

Project Title: Responsiveness of the Consumer and Homemaking Education System to the Intent of Congress.

7. DATA ACQUISITION PLAN

A. Method of collection: Personal interviews, classroom observation.
B. Time of collection: October to December 1979 for State data. December 1979 for Federal data. October 1980 to January 1981 for local data.
C. Frequency: One time only.

8. RESPONDENTS

a. Type: Local Education Agencies.
b. Number: 50.
c. Estimated average person hours per respondent: 1-2 per agency (administrators or supervisors).
a. Type: Public elementary/secondary schools.
b. Number: 100 approximately.
c. Estimated average person hours per respondent: 4 per institution (within institutions to principals, teachers, students in class size groups).
a. Type: Public junior colleges.
b. Number: 25 approximately.
c. Estimated average person hours per respondent: 2 per institution (within institutions to administrators or teachers).
a. Type: Federal agencies.
b. Number: 1 agency, 3 people.
c. Estimated average person hours per respondent: 1-2.
a. Type: State Commissions/Committees/Advisory Councils.
b. Number: 10.
c. Estimated average person hours per respondent: 1.
a. Type: State-level Administrative Units for Vocational Education.
b. Number: 10.
c. Estimated average person hours per respondent: 8 per institution (within institutions to administrators).
a. Type: Vocational/technical post-secondary and adult education institutions.
b. Number: approximately 50.
c. Estimated average person hours per respondent: 2 per institution (within institutions to administrators, supervisors, teachers).

9. INFORMATION TO BE COLLECTED

Interviews with State agency personnel will obtain information on how States conduct their leadership, management, and review functions for consumer and homemaking education, as well as information on the allocation of funds for ancillary services. Interviews with Federal agency personnel will obtain information on the extent to which the Federal government provides leadership to consumer and homemaking education programs. Local consumer and homemaking education program personnel will be interviewed to determine whether the programs are responsive to legislative intent and whether there are differences between Federally funded and non-Federally funded programs. Classroom observation will be used to confirm interview data.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Study of the R&D Utilization (RDU) Program.

2. AGENCY/BUREAU OFFICE

National Institute of Education.

3. AGENCY FORM NUMBER

NIE Form 199 A & B.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"The Institute shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs—

"(E)" *improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and institutions in the application of such results and knowledge.* (Emphasis added).

"In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; . . ." (Section 405 of the General Education Provisions Act as amended, 20 USC 1221e.)

5. VOLUNTARY/OBLIGATORY NATURE OR RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Background

The Research and Development Utilization (RDU) program was established by the National Institute of Education (NIE) in 1976. Regarded as an "action-research" endeavor, this program has been designed to achieve three major objectives:

(a) to help schools alleviate specific, locally defined problems in the areas of basic skills and career education;

(b) to help school and community personnel learn about the products of educational R&D; and

(c) to increase understanding of how the local program improvement process can be better managed and become more effective.

The RDU program sponsors seven projects; four under the direction of State Education Agencies (Pennsylvania, Georgia, Florida, and Michigan) and three managed by multi-state consortia (The National education Association, based in Washington, D.C.; the NETWORK Consortium, based in Andover, Massachusetts; and the northwest Reading Consortium, based in the State Education Agency in Olympia, Washington). A total of approximately 240 sites (school districts or individual schools) are involved in the seven projects. Overall coordination of the RDU program is the responsibility of NIE's Program on Dissemination and Improvement of Practice.

Study

This study aims to make major contributions to the understanding of rational problem solving in local schools by examinating how schools utilize externally developed R&D products to improve administrative procedures and instructional practices. The study also promises to increase the store of relevant information about the design, operation, and results of dissemination programs in education. It addresses six major issues:

(1) how relationships are managed between various agencies which have the expertise and resources to help local schools solve problem;

(2) to what degree an intervention program such as RDU can help schools overcome barriers to successful problem solving (limited access to

information, lack of planning skills, etc.);

(3) to what degree the products of educational R&D are relevant to the problems and contexts of local schools;

(4) what the impact is of the products of educational R&D once they have been adopted and implemented;

(5) what factors contribute to the institutionalization of the RDU approach within a variety of organizations;

(6) how linking agents coordinate the flow of external resources to schools, and whether this helps the schools solve problems.

In order to address these issues, a variety of data collection strategies will be used, including field visits to the seven RDU projects and selected sites, case studies written about a sample of sites and linking agents, and mail surveys of teachers and school principals. Only the latter involves the use of forms.

Use

The data collected by this effort will be used by the National Institute of Education for policy and planning development in the area of dissemination. Moreover, NIE has identified three priority target groups for the results of the Abt Associates study. These groups are the ones most able to make immediate contributions to the improvement of existing structures and practices for managing change. They are the managers of change programs (including school-based based practitioner), policy makers, and researchers. Managers and practitioners need to know what really works if they are to solve educational problems. Policy makers at the State the Federal levels require information that will allow them to design programs that will have the highest probability of impact, given limited budgets and other constraints. Researchers, particularly applied researchers, need accurate information about programs and their results in order to develop more refined concepts and models of change which will lead to improved practices in the future.

(7) a. Method of collection: Mail.

b. Time of collection: Fall, 1979.

c. Frequency: Single time.

(8) a. Type: School principals.

(b) Number: Universe (approximately 240).

c. Estimated average person-hours per respondent: .75.

(9) a. Type: Teachers.

b. Number: Sample (approximately 1440—an average of 6 teachers per school × 240 schools).

c. Estimated average person-hours per resondent: .75.

(10) Information to be collected: *Principals:* The T4 Principal Survey is designed to provide information on the structure and environment of participating schools. In addition to various school characteristics such as school organization, pupil attendance, and size of staff in the school, respondents will be asked about the site's previous experience with Federal Programs and school-wide effects of the RDU program, covering such issues as the extent of change in various aspects of school operation, incorporation of the problem solving process, and involvement of personnel from outside the school site.

Teachers: The T4 Teacher Survey is designed to provide information on the status of the R&D product implemented as a potential solution to the site's identified problem. The instrument will be administrated to teachers involved in the use of the solution. Topics addressed will include: level of product use and scope of implementation; degree of satisfaction with the product; and extent of adaptations or modifications of the product for classroom use. In addition, information will be collected on changes in teacher classroom behavior and attitudes, perceived pupil outcomes, and overall attitudes towards R&D products.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Computer-Assisted Instruction and Compensatory Education.

The ETS/LAUSD Study.

2. AGENCY/BUREAU/OFFICE

National Institute of Education/Program on Teaching and Learning.

3. AGENCY FORM NUMBER

NIE-208A thru S.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"In order to carry out the objectives of the Institute, the Director is authorized * * * to conduct educational research; collect and disseminate findings of educational research; * * * assist and foster such research, collection, dissemination * * * through grants * * * or jointly financed cooperative arrangements with public or private organizations * * *." (Sec. 405(e)(1) of the General Education Provisions Act as amended; 20 U.S.C. 1221e.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary, so far as contractor is concerned. (School personnel who administer curricular tests may use them as part of their regular classroom instructional program.)

6. HOW INFORMATION COLLECTED WILL BE USED

The purpose of the ETS/LAUSD computer-assisted instruction study is to answer the question of whether drill-and-practice in three curriculums for elementary school students can provide a solution to the nation's problem of compensatory education. One curriculum is in mathematics (grade levels 1-6); one is in reading (grade levels 2.5-6); and the third is in language arts (grade levels 3-6). The curricula supplement regular classroom instruction and are sufficiently general in content to complement most plausible teaching styles and textbooks. Though other CAI curriculums exist, only this package of three is presently available to address all the needs of students through most of their elementary school experience.

State and local educational authorities could be assured of having a satisfactory compensatory program at their disposal. The objective of this study is to make an assessment of the program's effectiveness and to provide potential users with information on such questions as:

1. Are these CAI curriculums effective in the short run, i.e., for one or one and one-half years?

2. Can the CAI curriculums continue to assist students over the bulk of their elementary school experience, i.e., for two and one-half or three and one-half years?

Depending in part on the availability of funds, it may also provide the following information:

1. Do different amounts of CAI per week affect student performance, or is there a threshold dosage level?

2. How is a student's performance affected in the years subsequent to his or her use of CAI?

3. Through what mechanisms does CAI have its effects?

Also, research on children's solution processes was initiated to increase understanding of possible effects on student performance in terms of both the answers given to test questions and the process by which students reach these answers. The major objectives here are to investigate the nature of the skills, concepts, and understanding which underlie any observed CAI effects on test scores to document common misconceptions and sources of difficulty in elementary mathematics across curricula.

Confidentiality of individuals and schools, but not city or state, will be maintained.

Project reports will be submitted periodically as will articles for professional educational research journals.

7. DATA ACQUISITION PLAN

a. Method of collection: Personal interview, written questionnaires, written tests.

b. Time of collection: Teacher interviews, June 1979; questionnaires and tests, spring 1979 and fall 1979.

c. Frequency: interviews annually; questionnaires and tests semiannually.

8. RESPONDENTS

a. Type: Students, public elementary schools.

b. Number: Estimate 2450 students.

c. Estimated average man-hours per respondent: Grades 1 & 2—110 minutes per respondent (approximately 600 students); Grade 3—190 minutes per respondent (approximately 550 students); Grades 4, 5, & 6—250 minutes per respondent (approximately 1300 students).

a. Type: Teacher, public elementary schools.

b. Number: Estimate 90 teachers.

c. Estimate average man-hours per respondent: 30 minutes.

9. INFORMATION TO BE COLLECTED

Students: Achievement by means of standardized tests (CTBS OR ITBS), a short test of curriculum specific achievement, demographic information about students, student attitudes toward school, and rates of student progress through the CAI curriculums.

Teachers: A pupil survey instrument describing student background and demographic variables will be completed by the teachers as were questionnaires describing their own background and training; their classroom instruction in math, reading, and language arts; and certain of their attitudes.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Teacher Corps Program Evaluation.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education/Office of Evaluation and Dissemination/Division of Occupational, Handicapped and Developmental Programs.

3. AGENCY FORM NUMBER

OE 636-1 thru -17.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"The Commissioner is authorized to provide planning, technical assistance, monitoring, documenting, dissemination, and evaluation services for arrangements made under this Title." (P.L. 89-329 Title V, Sec. 513(a)(7)(B); 20-USC-1103.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION COLLECTED WILL BE USED

Program Management. The Teacher Corps Program Evaluation is a five-year longitudinal study of this Federal program, viewed from a number of perspectives. A major objective of this multipurpose evaluation will be to gather information that can be used by decision-makers to draw inferences on future funding levels and on key issues such as teacher training, institutionalization, and dissemination. At another management level findings will help guide the Teacher Corps Washington office to provide better service and better utilize staff and resources. The local project level will benefit from the collection and assessment of data on problems, successes, and failures encountered in program implementation.

Evaluation. Primary study questions pivot around the four major program outcomes specified in the Teacher Corps Rules and Regulations and key features stated in authorizing legislation. Emphasis will be placed on assessing to what extent projects implement those key features, and how projects achieve the four outcomes. Questions to be answered include: How do Federal laws and policy become implemented at the local level? Can what is learned from Teacher Corps be generalized to other Federal agencies in terms of implemeting Federal Legislation and working collaboratively at local and Federal levels? What can be learned from Teacher Corps experience about how to improve teacher training and teaching, and how change may be effected in various institutions such as schools and universities? What is the impact of the program (in human terms) on children, teachers, professors, community members, and other school and university personnel?

Research. First, the evaluation will provide information for the education profession at large for better understanding of the implementation of a field-based training program. It will also provide more specific information to the profession, such as information about factors influencing collaboration between institutes of higher education and local education agencies.

Additional research issues of interest to educators, psychologists, and sociologists include: (1) the state of the art of teacher training; (2) the question of how teachers develop, and the factors that facilitate or inhibit the growth or maturation of teachers; (3) a greater understanding of the general principles of the development of organizations.

7. DATA ACQUISITION PLAN

a. Method of collection: Interviews and questionnaires.

b. Time of collection: For mail-back questionnaires completed by respondents in non-sample projects, administration in fall; in-person interviews administered to respondents in sample projects in fall and spring; mail-back questionnaires administered to respondents in sample projects, fall, winter, and spring; case study interviews in a subset of sample projects bimonthly. All in school years 1979/80; 1980/81; 1981/82; 1982/83.

c. Frequency: In non-sample projects annually. In sample projects in-person interviews twice annually; mail-back questionnaires thrice anually. In subset of sample projects, case study interviews bimonthly.

8. RESPONDENTS

a. Type: Teacher Corps project directors.

b. Number: 120.

c. Estimated average man-hours per respondent: 1.

a. Type: Project documentors.

b. Number: 30.

c. Estimated average man-hours per respondent: 1.

a. Type: Teacher Corps program development specialists.

b. Number: 20.

c. Estimated asverage man-hours per respondent: 1.

a. Type: Other Teacher Corps staff members.

b. Number: 60.

c. Estimated average man-hours per respondent: 1.

a. Type: Project Policy Board Members (includes Deans of IHE Schools of Education, School District Superintendents, Community Council Chairpersons and others).

b. Number: 600.

c. Estimated average man-hours per respondent: 1.

a. Type: Faculty members, Schools of Education—IHE.

b. Number: 120.

c. Estimated average man-hours per respondent: 1.

a. Type: Principals, Vice-principals (school)—LEA.

b. Number: 500.

c. Estimated average man-hours per respondent: 1.

a. Type: Teacher Corps liaison—LEA.

b. Number: 30.

c. Estimated average man-hours per respondent: 1.25.

a. Type: Teacher Corps team leaders.

b. Number: 120.

c. Estimated average man-hours per respondent: 1.

a. Type: Teachers elementary/secondary—LEA.

b. Number: 2,000.

c. Estimated average man-hours per respondent: 1.25.

a. Type: Teacher aides—LEA.

b. Number: 400.

c. Estimated average man-hours per respondent: 1.25.

a. Type: School counselors—LEA.

b. Number: 400.

c. Estimated average man-hours per respondent: 1.

a. Type: Students, grades 7-12, public schools.

b. Number: 19,500.

c. Estimated average man-hours per respondent: .5.

a. Type: Teacher Corps interns.

b. Number: 500.

c. Estimated average man-hours per respondent: 1.

a. Type: Parents.

b. Number: 300.

c. Estimated average man-hours per respondent: .5.

a. Type: Teacher union representatives.

b. Number: 15.

c. Estimated average man-hours per respondent: .5.

a. Type: Teacher Corps Network Executive Secretaries.

b. Number: 12.

c. Estimated average man-hours per respondent: .5.

9. INFORMATION TO BE COLLECTED

Project directors. Demographics; project dissemination and information gathering conducted; attitudes toward and perceptions of project development, implementation, and impacts; attitudes and concerns about teaching; participation and level of involvement in assessment of pre- and in-service training needs; development, implementation, and evaluation of teacher training program.

Project documentors. Demographics, dissemination and information gathering activities; attitudes toward and perceptions of project development, implementation, and impacts.

Program development specialist/Teacher Corps liaison. Demographics, attitudes toward and perceptions of project development, implementation, and impacts; attitudes about teaching.

Teacher Corps staff members. Attitudes toward and perceptions of project development, implementation and impacts.

Community Council Chairpersons, Deans of Schools of Education, Superintendents, other members of Project Policy Board. Demographics attitudes toward and perceptions of project development, implementation and impacts.

Faculty members, Schools of Education, Colleges and Universities. Demographics; attitudes about teaching; attitudes toward and perceptions of project development, implementation and impacts; participation and level of involvement in assessment of pre- and in-service training needs; development, implementation, and evaluation of training program.

Principals. Demographics; attitudes about teaching; attitudes toward and perceptions of project development, and implementation impacts; perceptions of school climate; participation and level of involvement in assessment of pre- and in-service training needs; development, implementation and evaluation of training program.

Team leaders, teachers. Same information as for principals with an additional measure of teaching concerns.

Interns. Demographics; attitudes about teaching; teaching concerns; attitudes toward and perceptions of project development, implementation, and impacts; perceptions of school climate; participation and level of involvement in development and assessment of training program.

Teacher aids, volunteers. Demographics; attitudes about teaching; attitudes toward and perceptions of project development, implementation and impacts; perceptions of school climate.

Teacher union representatives. Participation and level of involvement in development and assessment of training program; attitudes toward and perceptions of project development, implementation, and impacts.

Students. Demographics; rating of instructor; perceptions of school climate; views of project implementation and impacts.

Parents. Views of project implementation and impacts.

Teacher Corps Network Secretaries. Patterns of project interaction and communication; dissemination/information gathering activities overall.

Data collection sheets to be completed at IHE, LEA schools, (responsibility of contractor). Institutional demographic data such as enrollment, ethnicity, sex, turnover rate of students and teaching staff, size and nature of surrounding community, funding information.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

An Assessment of the Operation of the Adult Education Act State Grant Program.

2. AGENCY/BUREAU/OFFICE

Office of Education/Office of Evaluation and Dissemination/Division of Occupational, Handicapped, and Developmental Programs.

3. AGENCY FORM NUMBER

OE 667-1 thru -5.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"The Commissioner shall directly, and through grants and contracts with public and private agencies, institutions and organizations, evaluate the effectiveness of programs conducted under section 304 of this Act." (P.L. 91-230; Sec. 309(a)(1)).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Program Management. Assessment of program effectiveness; needs for technical assistance at state and local levels; basis for design of longitudinal impact evaluation.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail and Personal Interview.

b. Time of collection: Summer, 1979.

c. Frequency: Annually (single time).

8. RESPONDENTS

a. Type: Adult Education Administrators.

b. Number: Sample, 550.

c. Estimated average man-hours per respondent: .75 hour.

a. Type: Adult Education Students.

b. Number: Sample, 1650.

c. Estimated average man-hours per respondent: .25 hour.

a. Type: Non-profit Organizations.

b. Number: Sample, 660.

c. Estimated average man-hours per respondent: .33 hour.

a. Type: State Education Agencies.

b. Number: Census, 51.

c. Estimated average man-hours per respondent: .75 hour.

a. Type: Teachers, Elementary/Secondary.

b. Number: Sample, 660.

c. Estimated average man-hours per respondent: .33 hour.

a. Type: State Education Agencies.

b. Number: Sample, 20.

c. Estimated average man-hours per respondent: .75 hour.

9. INFORMATION TO BE COLLECTED

Adult Education Administrators: Program structure and organization; support services rendered and received; participant characteristics; recruitment techniques and barriers to participation; recommendations for program improvement and a longitudinal evaluation design.

Adult Education Students: Description of services received; reasons for participation; barriers to participation; benefits received;

Non-profit Organizations: Target population characteristics; barriers to participation; recommendations for

program improvement and for a longitudinal evaluation design.

Teachers, Elementary/Secondary: Classroom description, state and local instructional support and constraints; prior educational experience; benefits to particpants; recommendations for program improvement;

Other Data Sources: Existing data from the following sources will be used: (1) USOE 437 Reports; (2) Project SAGE (Air under contract to NCES); (3) NCES-CENSUS participant data; and (4) Reports and designs from the National Advisory Council on Adult Education.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Needs Assessment to Serve Handicapped Populations: Vocational Administrator Survey, Vocational Teacher Educator Survey, and Vocational Teacher Survey.

2. AGENCY/BUREAU/OFFICE

Office of Education, Bureau of Occupational and Adult Education.

3. AGENCY FORM NUMBER

OE Forms 689-1, 689-2, and 689-3.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Section 171(a). Funds reserved to the Commissioner * * * shall be used * * * for contracts * * * for—

"(1) activities authorized by sections 131 (applied research and development in vocational education) * * *." (P.L. 94-482, Title II, Section 202; 20 U.S.C. 2401).

5. VOLUNTARY OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

The research data collected will be used to identify the personnel training needs of vocational teachers instructing handicapped students. A rank ordering of the needs identified will be produced from the responses.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.

b. Time of collection: September, 1979.

c. Frequency: Single time.

8. RESPONDENTS

a. Type: School administrators and supervisors.

b. Number: 300 (Sample).

c. Estimated average man-hours per respondent: 0.5.

a. Type: Colleges and universities (vocational teacher educators).

b. Number: 200 (Sample).

c. Estimated average man-hours per respondent: 0.5.

a. Type: Teachers, secondary.

b. Number: 1000 (Sample).

c. Estimated average man-hours per respondent: 0.5.

a. Type: Employees in post-secondary education.

b. Number: 500 (Sample).

c. Estimated average man-hours per respondent: 0.5.

9. INFORMATION TO BE COLLECTED

The needs assessment will require all respondents to rank each competency/knowledge statement from one (low) to five (high) concerning their present performance ability. Respondents are also asked to rank their desired performance level by circling a number on a scale from one (low) to five (high).

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Instructions for Application for Federal Assistance: Career Education Incentive Act (P.L. 95-207, Sections 10 and 11, Discretionary Grants).

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Office of Career Education.

3. AGENCY FORM NUMBER

OE Form 692.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"Sec. 10. (a) From funds reserved under section 5(a)(2)(A) of this Act, the Commissioner is authorized to make grants directly to State and local educational agencies, institutions of postsecondary education, and other nonprofit agencies and organizations to support projects, including projects of proven effectiveness, to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models particularly projects designed to eliminate bias and stereotyping on account of race, sex, age, economic status, or handicap.

Sec. 11. (a) The Commissioner is authorized to arrange by way of grant, contract, or other arrangement with institutions of higher education, public agencies and nonprofit private organizations for the conduct of postsecondary educational career demonstration projects which—

(1) may have national signficance or be of special value in promoting the field of career education in postsecondary educational programs,

(2) have unusual promise of promoting postsecondary career guidance and counseling programs, particularly postsecondary guidance and counseling programs designed to overcome bias and stereotyping on account of race, sex, age, economic status, or handicap, or

(3) show promise of strengthening career guidance, counseling, placement, and followup services.

(b) The Commissioner shall approve arrangements under subsection (a) of this section if he finds—

(1) that the funds for which assistance is sought will be used for one of the purposes set forth in subsection (a) of this section, and

(2) that effective procedures, including objective measurements, will be adopted for evaluating at least annually the effectiveness of the project * * *."

(P.L. 95-207; 20 U.S.C. 2609-10.) (45 CFR § 161a.11-23) (FR, p. 58918) (Proposed Regulations).

MODEL PROGRAM

§ 161a.11 Purposes.

The Commissioner may award grants to eligible applicants to support projects at elementary and secondary levels that demonstrate effective techniques of:

(a) Eliminating or counteracting discrimination, bias, and stereotyping based on race, sex, age, economic status, and handicap in career awareness, exploration, decisionmaking, and planning;

(b) Promoting and sustaining diverse community and parent collaboration in the delivery of career awareness, exploration, decisionmaking, and planning; or

(c) Accommodating handicapped students in regular classrooms to enable them to effectively engage in career awareness, exploration, decisionmaking, and planning.

(Sec. 10(a), 20 U.S.C. 2609.)

§ 161a.12 Eligibe applicants.

(a) Those eligible to apply for grants for model career education projects are:

(1) State educational agencies;

(2) Local educational agencies;

(3) Institutions of postsecondary education; and

(4) Other non-profit agencies and organizations.

(b) New applicants as well as those that have conducted projects of proven effectiveness may apply under this program.

(Sec. 10(a), 20 USC 2609.)

§ 161a.13 Criteria for review of applications.

The Commissioner uses the criteria in § 161a.41 to review applications for model project grants.

(Implements Sec. 10(a), 20 U.S.C. 2609.)

§§ 161a.14-20 (Reserved)

POSTSECONDARY CAREER EDUCATION DEMONSTRATION PROGRAM

§ 161a.21 Purposes.

(a) The Commissioner may conduct a postsecondary career education program that supports demonstration projects that:

(1) Promote career education in postsecondary education programs;

(2) Promote postsecondary career guidance and counseling programs designed to overcome bias and discrimination based on race, sex, age, economic status, or handicap;

(3) Strengthen career guidance, counseling, placement, and followup services.

(b) Each project assisted under Sec. 11 of the Act must be:

(1) Of national significance;

(2) Of special value to others; and

(3) Free of discrimination, bias, and stereotyping based on race, sex, age, economic status, and handicap.

(c) The Commissioner may make awards for postsecondary career education demonstration projects that show promise of fostering communication and collaboration with similar projects assisted under this Part.

(Sec. 11(a)(1)-(3), 20 U.S.C. 2610.)

§ 161a.22 Eligible applicants.

Those eligible to apply for awards are:

(a) Institutions of higher education;

(b) Public agencies; and

(c) Non-profit private organization.

(Sec. 11(a), 20 U.S.C. 2610.)

§ 161a.23 Criteria for review of applications.

(a) The Commissioner uses the criteria in § 161a.41 to review applications for grants.

(Implements Sec. 11, 20 U.S.C. 2610.)

(b) The Commissioner does not approve an application unless:

(1) The applicant addresses at least one of the purposes specified in § 161a.21; and

(2) The applicant includes adequate provisions for evaluating overall project effectiveness and the extent to which each objective is achieved.

(Sec. 11(b), 20 U.S.C. 2610.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED

The information will be used to determine an applicant's eligibility for grant awards, and for determining the amount of award if applicant is found to be eligible.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: Spring.
c. Frequency: Annually.

8. RESPONDENTS

a. Type: State education agencies, local education agencies, institutions of higher education, non-profit organizations.
b. Number: 800.
c. Estimated average man-hours per respondent: 40.

9. INFORMATION TO BE COLLECTED

Applications request information on the following topics:

I. Identifying Data—applicant's name, project title, etc.

II. Approval Information—related assistance on project, if any.

III. Project Budget—budget summary, budget by categories, forecasted cash needs, estimates of Federal funds needed for balance of project, direct and indirect charges.

IV. Narrative—(conforming to Review Criteria 45 CFR § 161a.41).

A. Abstract—specifies model or postsecondary demonstration project, purpose, brief description.

B. Description.

(1) Need.

(2) Rationale.

(3) Objectives.

(4) Project objectives address elimination of discrimination based on race, sex, age, economic status and handicap.

(5) Operational Plan.

(6) Personnel.

(7) Evaluation Plan.

(8) Exemplary nature of project.

(9) Budget and project size.

V. Assurances.

A. Compliance with all pertinent regulations, policies, guidelines and requirements.

B. Applicant is legally authorized to apply; will prohibit employees from using positions for private gain; will give Comptroller General access to project records; will comply with grantor's special requirements; will insure that project facilities do not appear on Environmental Protection Agency's list of Violating Facilities.

C. Specific compliance with: Title VI of Civil Rights Act of 1964; Uniform Relocation Assistance & Real Properties Acquisition Act of 1970; Hatch Act; Federal Fair Labor Standards Act; Flood Disaster Protection Act of 1973, Sec 102(a); National Historic Preservation Act of 1966 (as amended in Executive Order 11593), Sec. 106; and Archeological & Historic Preservation Act of 1966.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISTION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Fiscal Operations Report for the College Work-Study Grant for Students of Amercian Samoa or the Trust Territory of the Pacific Islands.

2. AGENCY/BUREAU/OFFICE

Office of Education, Bureau of Student Financial Assistance, Division of Program Operations.

3. AGENCY FORM NUMBER

OE 1285-1.

4. LEGISLATIVE AUTHORITY FOR THE ACTIVITY

"Sec. 443 (a), * * * The Commissioner is authorized to enter into agreements with eligible institutions under which the Commissioner will make grants to such institutions to assist in the operation of work-study programs as hereinafter provided." (P.L. 88-452; 42 U.S.C. 2753).

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to maintain benefits.

6. HOW INFORMATION COLLECTED WILL BE USED

The information collected will be used to evaluate the program and to provide data to project the amount needed for the coming year.

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.
b. Time of collection: Winter.
c. Frequency: Annually.

8. RESPONDENTS

a. Type: Directors of student financial aid.
b. Number: 82.
c. Estimated average man-hours per respondent: 1.

9. INFORMATION TO BE COLLECTED

The standard Financial Status Report in OMB Circular No. A-102 will be used. The number of students who reside in but attend eligible institutions outside of American Samoa or the Trust Territory of the Pacific, the total compensation earned, the Federal share and administrative expenses are data items to be collected.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Applications for Grants Under Education for the Handicapped Programs.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education/Bureau of Education for the Handicapped.

3. AGENCY FORM NUMBER

OE Form 9037.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

a. "The Commissioner is authorized to arrange by contract, or otherwise * * * for the development and carrying out * * * of experimental preschool and early education programs for handicapped children * * *." (P.L. 91-230, Part C, Section 623, 20 U.S.C. 1432; 45 CFR 121d.)

b. "The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining * * * programs for training personnel * * * as teachers of handicapped children or as supervisors of such teachers." (P.L. 91-230, Part D, Section 632; 20 U.S.C. 1432; 45 CFR 121f.)

c. "The Commissioner is authorized to make grants * * * for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children * * *." (P.L. 91-230, Part E, Section 641; U.S.C. 1441; 45 CFR 121h.)

d. "The Commissioner is authorized to * * * provide by grant and contract for the conduct of research in the use of educational and training films and other educational media for the handicapped * * *." (P.L. 91-230, Part F, Sections 651 and 652 as amended by P.L. 93-380; U.S.C. 1451, 1452; 45 CFR 121i.)

e. "The Commissioner is authorized to make grants * * * for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons." (P.L. 93-380, Part C, Section 625; U.S.C. 142a.)

f. "The Commissioner is authorized to make grants * * * for projects for: (1) encouraging * * * work in various fields of education of handicapped children and youth * * * or (2) disseminating information * * *." (P.L. 91-230, Part D, Section 633; 20 U.S.C. 1433; 45 CFR 121g.)

g. No grant may be awarded unless a completed application has been received (20 U.S.C. 1401-1461.)

5. VOLUNTARY-OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION WILL BE USED

Program Management. The application packages for each BEH program covered by OE Form 9037 provide instructions and information necessary to submit a request for federal assistance. The information submitted by potential grantees will be used by the Federal Government to determine grant eligibility, technical acceptability of applications and/or amount of grant award. The following BEH programs are covered by this application form:

Research and Demonstration (CFDA 13.443).

Early Childhood Assistance (CFDA 13.444).

Media Services and Captioned Films (CFDA 13.446).

Personnel Preparation (CFDA 13.451) (SEA's or LEA's only).

Teacher Recruitment and Information (CFDA 13.452).

Regional Education Programs for Deaf and Other Handicapped Persons (CFDA 13.560).

7. DATA ACQUISITION PLAN

a. Method of collection: Mail.

b. Time of collection: Throughout the fiscal year. Closing dates for the transmittal of applications will be published periodically in the FEDERAL REGISTER.

c. Frequency: Annual (for each CFDA program).

8. RESPONDENTS

a. Colleges and Universities.

1. Number: Sample—678.

2. Burden: 38 hours per applicant.

b. Local Education Agencies and Nonprofit Elementary/Secondary Schools.

1. Number: Sample—372.

2. Burden: 38 hours per applicant.

c. Nonprofit Organization.

1. Number: Sample—443.

2. Burden: 38 hours per applicant.

d. Profit Organizations.

1. Number: Sample—51.

2. Burden: 38 hours per applicant.

e. State Agencies.

1. Number: Sample—149.

2. Burden: 38 hours per applicant.

9. INFORMATION TO BE COLLECTED

The information/data to be provided is similar across all respondent categories; any differences in the type/quantity of information submitted are due to the various handicapped programs soliciting applications and whether the application is for new or continuation funding or supplemental assistance. Where requirements are not applicable to all grant programs, a note has been placed beside that requirement. The application form is divided into four parts and a supplementary questionnaire.

1. Part I of the application consists of the standard face page (SF 424) for Federal applications and accompanying instructions.

2. Part II consists of two items which request information on required clearances within the states and whether there are related requests for federal assistance.

3. Part III is budget information, primarily for the first budget period (a year).

4. Part IV is the program narrative:

a. Objectives and need for assistance.

b. Results or benefits expected.

c. Approach to accomplishing the proposed work.

d. Other information:

(1) Biographical sketch of program director;

(2) Accomplishments to date and a schedule of milestones anticipated with new funding request (this is the only element in Part IV responded to by applicants requesting continuation funding; new applicants do not address this element).

5. Supplementary Questionnaire—for proposed programs involving demonstration/service activities and/or preservice or inservice training activities.

a. Number of handicapped children (by type of handicap) to be served by age category.

b. Project staff providing services to those children noted in (a) above.

c. Ancillary services provided handicapped children (i.e., screening, diagnosis, evaluation, other).

d. Numbers of persons to receive preservice or inservice training specified according to area of primary concentration (i.e., administration or handicap conditions).

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Application for Grants Under Handicapped Personnel Preparation Program (IHE's and Private Non-Profit Organizations).

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education/Bureau of Education for the Handicapped.

3. AGENCY FORM NUMBER

OE Form 9047

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

a. "The Commissioner is authorized to make grants to institutions or agencies * * * in providing training of pro-

fessional personnel * * * ." (P.L. 91-230, Part D, Section 631; 20 U.S.C. 1431; 45 CFR 121f.)

b. No grant may be awarded unless a completed application form has been received. (20 U.S.C. 1431.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION WILL BE USED

The application package provides instructions and information necessary to submit a request for federal assistance. The information submitted by potential grantees will be used by the Federal government to determine grant eligibility, technical acceptability of applications and/or amount of grant award.

7. DATA ACQUISITION PLAN

a. Method of Collection: Mail.

b. Time of Collection: Closing dates for the transmittal of applications will be published in the FEDERAL REGISTER.

c. Frequency: Annual (for continuation and new applications)

8. RESPONDENTS

a. Institutions of Higher Education.

1. Number: Sample—1230.

2. Burden: 27 hours per applicant (average of new and continuation applications).

b. Private Non-profit Organizations.

1. Number: Sample—53.

2. Burden: 27 hours per applicant (average of new and continuation applications).

9. INFORMATION TO BE COLLECTED

The application package consists of the following parts:

a. Title Section (standard Form 424 and Table of Contents).

b. Budget (primarily for first budget period).

c. Project Description.*

(1) Problem, Goals, and Objectives.

(2) Methodology and Procedures.

(3) Achievements—Planned and Accomplished (new applicants only respond to planned achievements).

d. Statistical Tables.

(1) Preparation Program Profile—purpose of this table is to specify project sub-components and to show their relationship to state personnel needs, impact on handicapped children and relative magnitude of the program in relationship to staff training capabilities, priorities and needs in the field.

(2) Staff Profile—purpose of this table is to specify the faculty or staff that will be used on the project, their degree level, academic rank and tenure, and their utilization across project activities/subcomponents.

(3) Report of Project Graduates (continuation applicants only)—the purpose of this table is to record how many students were graduated, certified, and where they were employed (i.e., special or regular education programs).

[FR Doc. 79-5465 Filed 2-21-79; 8:45 am]

* The project description (and the budget) are prepared according to project components predefined as Degree Program, Non-Degree or Certification Program, or other components. Each component is defined in the application package.

[4110-85-M]

Office of the Assistant Secretary for Health

ADVISORY COMMITTEES

Reestablishments

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 (5 U.S.C. Appendix I), the Office of the Assistant Secretary for Health announces the restablishment by the Secretary, HEW, with concurrence by the General Services Administration, of the following advisory committees:

Designation: Health Care Technology Study Section.

Purpose: The Study Section shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, on research grant and contract applications in the information sciences (computer science, communications technology) and decision sciences (operations research, industrial engineering, health-care administration) bioengineering and related fields as applied to community health services, hospital medicine, and patient care. The members of this Study Section shall survey, as scientific leaders, the status of research in their field.

Designation: Health Services Research Study Section.

Purpose: The Study Section shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, on research grant or contract applications relating to the delivery and acceptance of health services.

Designation: Health Services Developmental Grants Study Section.

Purpose: The Study Section shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, concerning scientific and technical merit of health services developmental grant and contract applications reviewed.

Authority for these Committees will expire on May 9, 1979, unless the Secretary, HEW, with the concurrence of the General Services Administration, formally determines that continuance is in the public interest.

Dated: February 15, 1979.

WAYNE RICHEY, Jr.,
Acting Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-5466 Filed 2-21-79; 8:45 am]

[4110-02-M]

Office of Education

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting

Notice is hereby given, pursuant to PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, March 9 and on Saturday, March 10, 1979. The meeting will be held on Friday from 9 a.m. until 5 p.m., and on Saturday from 9 a.m. until 12 noon. The two-day meeting will be held at 425-13th Street NW., Suite 1012, Washington, D.C., 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The Council is holding the meeting for planning for future NACEDC activities, and reviewing of the Final Annual and Special Reports.

The entire meeting will be open to the public. Because of limited space, all persons wishing to attend should call for reservations by March 6, 1979, area code 202/724-0114 and speak with Mrs. Lisa Haywood.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children located at 425-13th Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on February 16, 1979.

GLORIA B. STRICKLAND,
Acting Executive Director.

[FR Doc. 79-5467 Filed 2-21-79; 8:45 am]

[4110-83-M]

Health Resources Administration

ADVISORY COUNCIL AND SUBCOMMITTEE

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee

Act (Public Law 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1979:

Name: National Guidelines, Goals, Priorities, and Standards Subcommittee of the National Council on Health Planning and Development.

Date and Time: March 8, 1979, 10:00 a.m.

Place: Room 703A, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The objectives of the National Guidelines, Goals, Priorities, and Standards Subcommittee are to study the experience nationwide in the public and private sectors with the adoption and/or adjustment of the National Guidelines for Health Planning and their impact and recommend changes as appropriate; study the experience of the Health Systems Agencies and State Health Planning and Development Agencies nationwide in implementation of high priority goals and sub-goals and their impact; advise the Council in identifying additional high priority goals and sub-goals; investigate and coordinate information on demonstrations underway by provider, reimbursement, regulatory, labor, industry, and community groups on sub-goals, such as those on alcoholism and prevention; study, investigate and identify research needs appropriate to the formulation, adjustment and refinement of the National Guidelines, and study and develop improved indicators to assess the impact of the Guidelines or the need for revisions; and recommend to the Council on the need for futher development and/or revision of the National Guidelines.

Agenda: Status reports will be presented on Goals Regulation, American Public Health Association Plans for Guidelines meetings, and Institute of Medicare contract on Health Planning Research agenda. There will also be a discussion of future subcommittee workplans.

Name: Ad Hoc Subcommittee on Policy Communications of the National Council on Health Planning and Development.

Date and Time: March 8, 1979, 2:00 p.m.

Place: Rooms 703A-727, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The Ad Hoc Subcommittee on Policy Communications is charged with reviewing with HRA staff the experience with the HOTLINE experiment in Regions I and X, and making recommendations to the Council regarding its future.

Agenda: The subcommittee will meet to review and discuss the HOTLINE experiment in Regions I and X.

Name: Technology and Productivity Subcommittee of the National Council on Health Planning and Development.

Date and Time: March 8, 1979, 7:00 p.m.

Place: Hyatt Regency, Grand Teton Room, 400 New Jersey Avenue NW., Washington, D.C. 20001.

Open for entire meeting.

Purpose: The objective of the Technology and Productivity Subcommittee is to advise the full Council on matters related to the productivity of the health care delivery system and to the implications of new medical technology for the organization, delivery and equitable distribution of health care services. "Technology" includes the drugs, devices and medical and surgical procedures used in medical care and the organizational and supportive systems within which such care is delivered. "Productivity" is the efficiency with which health care is delivered.

The Subcommittee is to deliberate and to make recommendations to the full Council on matters chosen from among those brought to it by Council members, HEW staff and advisory committees, other Federal departments, congressional committees and staff, provider groups and the public at large. The Subcommittee in addition will study and investigate the current needs for assistance of HSAs and SHPDAs in the area of evaluating productivity improvement and new medical technology, help transmit concerns of HSAs and SHPDAs to appropriate Federal agencies, and review the current resources both within the Federal Government and among the educational, research and other development agencies for providing needed assistance to HSAs and SHPDAs. In addition, it will review technology assessment activities within the Department in order to assure they are relevant to the needs of the HSAs and are useful in the development and implementation of national standards, goals, and guidelines, and for the establishment of priorities with those goals.

Agenda: The subcommittee will meet to receive a status report on its productivity workplan.

Name: Implementation and Administration Subcommittee of the National Council on Health Planning and Development.

Date and Time: March 8, 1979, 8:00 p.m.

Place: Hyatt Regency, Concord Room, 400 New Jersey Avenue NW., Washington, D.C. 20001.

Open for entire meeting.

Purpose: The objective of the Implementation and Administration Subcommittee is to study and make recommendations on the implementation and administration of Titles XV and XVI of the Public Health Service Act. Specific areas for the Subcommittee's consideration are (1) the impact of HEW's implementation/administration on the effectiveness of Health Systems Agencies and State Health Planning and Development Agencies; (2) the effectivenss of the interrelationships between health planning agencies and HEW, Central and Regional Offices; (3) the timing and strategy of implementation and of the dissemination and distribution of regulatory and technical material; (4) how to better meet the needs of HSAs and SHPDAs; and (5) the review of the Council's responsibilities under section 1122 of the Social Security Act.

Agenda: Agenda items include status reports on current evalution studies and performance standards, review of 1,122 cases, and consideration of subcommittee workplan.

Name: National Council on Health Planning and Development.

Date and Time: March 9, 1979, 8:45 a.m.

Place: Main Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Public Law 93-641, (2) the implementation and administration of Title XV and XVI of Public Law 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there

would otherwise be exclusion of reimbursement for such expenses.

Agenda: Discussion of capital formation issues; consideration of Ad Hoc Subcommittee on Policy Communications' recommendation on HOTLINE continuance; reports from subcommittee Chairmen; discussion of future Council meeting plans and locations; status reports from the Bureaus—Director, Bureau of Health Planning; and Director, Bureau of Health Facilities, Financing, Compliance, and Conversion.

Anyone requiring information regarding the subject Council should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782. Telephone (301) 436-7175.

Agenda items are subject to change as priorities dictate.

Dated: February 13, 1979.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 79-5450 Filed 2-21-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 011902 d]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way additions 78619 through 78621, for the Piceance Creek Gathering System of approximately 2.215 miles of pipeline on the following Public land:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLORADO

T. 2 S., R. 95 W.
Sec. 19: Lot 4;
Sec. 30: Lots 1, 2;
Sec. 31: W½NE¼, SE¼NW¼, SW¼.
T. 2 S., R. 96 W.
Sec. 24: E½E½, NW¼NE¼;
Sec. 25: SE¼NE¼, E½SE¼.

The above-named gathering system will enable the applicant to collect natural gas and to convey it to its customers. The purposes of this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) To give all interested parties the opportunity to comment on the application; (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.* Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team, Branch of Adjudication.

[FR Doc. 79-5451 Filed 2-21-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

CLEAN AIR ACT ENFORCEMENT ACTION

Consent Judgment

In accordance with Departmental policy, 28 C.F.R. § 50.7, 38 Fed. Reg. 19029, notice is hereby given that a proposed consent decree in *United States, et al.* v. *City of Manchester, N.H.* has been lodged with the United States District Court for the District of New Hampshire. The decree requires that the City comply with applicable provisions of the federally-approved New Hampshire state implementation plan by shutting down its municipal refuse incinerator on or before June 1, 1979, and that it pay a civil penalty in the amount of seventy-five thousand dollars. It provides, however, for forgiveness of all or a portion of the civil penalty in the event the City undertakes certain studies that could lead to a reduction in air pollution levels.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent judgment. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States, et al.* v. *City of Manchester,* D. J. Ref. 90-5-2-1-184.

The consent decree may be examined at the office of the United States Attorney, United States Post Office and Court House, Pleasant Street, Concord, New Hampshire 03301, at the United States Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, and at Room 2625, Pollution Control Section, Land and Natural Resources Division, Department of Justice, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

JAMES W. MOORMAN,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc 79-5454 Filed 2-21-79; 8:45 am]

[4410-01-M]

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION

Judicial Nominating Commission for the District of Puerto Rico

The Judicial Nominating Commission for the District of Puerto Rico will have its first meeting on March 1, 1979, at 2:00 p.m. on the First Floor Theatre of the Fredrico de Getau Federal Building, Chardon Street, Hato Rey, Puerto Rico. The purpose of the meeting will be to advise the Commission members of the needs of the District Court and to meet with members of the Court. The meeting will be open to the public.

Because of emergency scheduling, this notice falls short of the 15 day requirement.

JOSEPH A. SANCHES,
Advisory Committee, Management Officer.

FEDRUARY 15, 1979.

[FR Doc. 79-5452 Filed 2-21-79; 8:45 am]

[4410-01-M]

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION

Northern Ninth Circuit Panel, Chairman: John L. Schwabe. The Northern Ninth Circuit Panel of the United States Circuit Judge Nominating Commission will have its third meeting on March 23 and 24, 1979, at 9:30 a.m. in the Conference Room of Souther, Spaulding, Kinsey, Williamson & Schwabe, Twelfth Floor, Standard Plaza, 1100 S.W. Avenue, Portland, Oregon.

This meeting will be closed to the public pursuant to Pub. L. 92-463, Section 10(D) as amended. (CF. 5 U.S.C. 552b (c)(6).)

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

FEBRUARY 15, 1979.

[FR Doc. 79—5453 Filed 2-21-79; 8:45 am]

[6820-98-M]

NATIONAL COMMISSION ON AIR QUALITY

Meeting Scheduled for March 5, 1979

The National Commission on Air Quality hereby gives notice that public testimony will be taken during the early afternoon of its March 5 meeting. This will provide an opportunity for a number of persons who requested to testify at the Commission's January 8, or February 12 public hearings, but were unable to do so because of scheduling difficulties, to present oral testimony. The Commission will be meeting in the Judicial Executive Room of the Quality Inn Capitol Hill located at 415 New Jersey Avenue, N.W., Washington, D.C.

The Commission is soliciting public comment with respect to the appropriate focus of its activities during its life. The Commission is required by law to submit to the Congress recommendations for legislative changes and regulatory modifications necessary to most effectively pursue national air quality objectives.

Specifically, the Commission invites public comment regarding the following issues and how the Commission should organize its plan of study to address them:

—Effects of air pollution on health and health care costs;

—Impact of air pollution and air pollution controls on regional economic development;

—Costs of compliance with the requirements of the Clean Air Act, as amended, as interpreted by the Environmental Protection Agency;

—Effectiveness of present statutory requirements and success of current regulatory efforts in accomplishing the general purposes set forth in the Clean Air Act, as amended;

—Appropriate automobile emission standards and best available technologies needed to meet them;

—Most appropriate and cost-effective means of preserving air quality in areas in which the air is not cleaner than the national ambient air quality standards;

—Most appropriate and cost-effective means of enhancing air quality in those areas in which established air quality standards are not met; and

—Special problems of small business and governmental agencies in obtaining reduction of emissions from existing sources to offset increased emissions from new sources.

The Commission also invited comment on such issues as alternatives to regulation as a means of reducing pollution, the special problems inherent in efforts to diminish pollution levels in high altitude areas, and the practical relationship of established environmental regulations to other governmental policies such as encouraging the increased use of coal as a substitute for oil and natural gas.

Because of an expectation that there will be more who wish to testify than time would normally allow, witnesses are requested to limit there oral statements to a maximum of five minutes in order to ensure sufficient time for questions and answers. Both witnesses and those unable to testify at the March 5 meeting may submit material of any length for inclusion in the meeting record.

Pursuant to the established rules of the Commission, each witness scheduled to testify at any Commission meeting must provide at least twenty-five copies of prepared testimony in advance of the meeting. Those wishing to have their statements available for the media, however, should provide at least twenty-five copies in addition to the twenty-five required by the Commission rules.

Those wishing to testify should notify Paul Freeman at (202) 634-7138 by February 28, in order to schedule at time for submission of prepared oral testimony and should send at least twenty-five copies of such testimony to the attention of Paul Freeman at the Office of the National Commission on Air Quality, 1730 K Street, N.W., Suite 207, Washington, D.C. 20006.

The National Commission on Air Quality is a 13-member Commission created by the 1977 Clean Air Act Amendments. It is required to report to Congress on the effectiveness of that law and on alternative approaches to controlling air pollution. The Commission Chairman is Senator Gary W. Hart (D.-Colorado) and the Vice Chairman is State Representative Thomas McPherson of Florida.

FEBRUARY 16, 1979.

WILLIAM H. LEWIS, Jr.,
Director.

[FR Doc. 79-5574 Filed 2-21-79; 9:28 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-305, Amendment to License No. DPR-43, (Increase Spent Fuel Storage Capacity)]

WISCONSIN PUBLIC SERVICE CORP. WISCONSIN POWER AND LIGHT CO. AND MADISON GAS AND ELECTRIC CO. (KEWAUNEE NUCLEAR POWER PLANT)

FEBRUARY 4, 1979.

Cancellation of Hearing

The Licensees, the NRC Staff, the Intervenors and the State of Wisconsin have jointly moved this Board for an order approving the withdrawal of Intervenors from this proceeding in accordance with a settlement agreement entered into among Intervenors, Licensees and the NRC Staff dated February 5, 1979. In the same motion, all three parties and the State of Wisconsin moved the Board for an order dismissing this proceeding.

The withdrawal of the only Intervenors removes both the need and the occasion for further evidentiary hearings in this proceeding. There are no longer any matters which the parties wish to resolve and, consequently, there are no issues to be heard by the Board. In addition, the Board is satisfied that the issues raised by the two Board questions posed in the Order October 11, 1978, have been adequately addressed in the submissions of Licensees and the NRC Staff. Accordingly, the Board has granted the joint motion and issued an order dismissing the proceeding which will terminate the proceeding before this Board.

Therefore, please take notice that the evidentiary hearing in this proceeding scheduled to convene on Tuesday, March 13, 1979, in Two Rivers, Wisconsin, is cancelled.

Dated at Bethesda, Md., this 14th day of February 1979.

It is so ordered.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 79-5528 Filed 2-21-79; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-8]

MARINE ACCIDENT REPORT AND SAFETY RECOMMENDATIONS

Availability

The National Transporatation Safety Board has released its investigation report concerning the July 28, 1977, collision of the French tankship SS SITALA with a moored fleet of marine construction vessels near Greenville Bend on the Mississippi River. The report, No. NTSB-MAR-78-10, was released February 14.

Investigation showed that the upbound, loaded tankship was lightering crude oil from very large crude carriers located in the Gulf of Mexico to refineries near New Orleans. The SITALA sustained minor hull damage; 20 moored vessels were either or sunk. Total property damage was estimated to be $1,500,000. There were no deaths or injuries caused by the accident.

The Safety Board determined that the probable cause of the accident was the failure of the steering gear which resulted from inadequate maintenance and inspection of the steering gear by the ship's crew, which permitted leaks in the steering system to reduce the hydraulic oil level in the single hydraulic reservoir until discharge pressure was lost from the hydraulic charge pumps in the control mechanism. Contributing to the cause of the accident were the inadequate inspection of the steering gear by a classification society surveyor on July 26, 1977, and the design of the steering gear which utilized a single control path to the steering gear power units.

As a result of its analysis of this accident, the Safety Board on December 29, 1978, forwarded seven safety recommendations to the U.S. Coast Guard. Among the goals of these recommendations are: Steering standards for all sea-going vessels entering U.S. waters which reduce the time allowed for alarms to alert a crew of a system failure, and to restore steering control; steering gear test devices which show whether operation is normal; an expanded program for boarding foreign vessels to inspect steering gear and determine the adequacy of its maintenance; and expanded U.S. efforts, through the Inter-Governmental Maritime Consultative Organization, toward more comprehensive and uniform annual inspections of all types of vessels rather than tankers only. (See 44 FR 6536, February 1, 1979.)

MARINE SAFETY RECOMMENDATIONS

About 1625 e.d.t. on June 6, 1977, the charter fishing boat DIXIE LEE II capsized during a sudden, severe thunderstorm in the Chesapeake Bay near Norfolk, Va., with 27 persons on board. Shortly after the accident, a commercial fishing boat passed near the accident scene and rescued 14 persons. Twelve persons died and another is missing and presumed dead. The DIXIE LEE II suffered minor damage due to flooding, and after being repaired and recertified by the U.S. Coast Guard, was returned to serve.

Even though the DIXIE LEE II met the Coast Guard's stability requirements for wind and passenger heel, the Safety Board determined that the boat was unable to survive the high winds generated by the storm. The passengers reacted to the intense wind and rain by seeking shelter away from the windward side of the boat. The overturning effect of this passenger movement could have significantly reduced the boat's resistance to wind heel. Although the Coast Guard evaluates wind heel and passenger heel separately, this accident demonstrates that they are not always independent of each other. Because the Coast Guard's wind heel criteria are not sufficiently conservative to protect against passenger reaction to high beam winds which can occur on the Cheaspeake Bay, small passenger vessel certification should be based on the combined heeling effects of wind and off-center weight. Accordingly, on February 12 the Safety Board recommended that the U.S. Coast Guard:

Revise stability requirements to include the effect of offcenter passenger weight in the wind heeling criteria for small passenger vessels. (M-79-1)

State on the Certificate of Inspection for small passenger vessels the approximate wind speed equivalent used to certify the vessel's stability. (M-79-2)

Revise the Miscellaneous Operating Requirements in 46 CFR 185.20 to include a requirement for operators of small passenger vessels to check the National Weather Service forecast before getting underway and periodically while underway and to proceed to the nearest harbor of safe refuge when a watch or warning is issued for wind speeds that exceed the wind speed equivalent used to certify the vessels' stability. (M-79-3)

Require the operators of small passenger vessels to post an Operating Safety Checklist, in a conspicuous place accessible to crew and passengers, which states the pertinent requirements of 46 CFR 185.20. (M-79-4)

Require small passenger vessels that are certified to operate on partially protected waters to have a weather monitor radio receiver at the operator station which can be automatically activated by the Warning Alarm Device of the National Weather Service. (M-79-5)

Revise its procedures for broadcasting severe weather statements to provide more frequent, timely, and complete weather information. (M-79-6)

Require tethering of lifeboats and buoyant apparatus to keep such devices from drifting from vessels which are partially submerged, are capsized but remain afloat, or sink in shallow water. (M-79-7)

The Safety Board further determined that the DIXIE LEE II was capsized by the overturning effect of winds exceeding 50 kns. In its continuous marine weather broadcasts, the National Weather Service advised that a severe thunderstorm was approaching the vicinity of the accident and that the storm, which was moving nearly 50 mph, would give little advance warning. Although broadcasts warning of the severe thunderstorm were sufficiently accurate and timely, the Safety Board believes that the use of the term "severe thunderstorm" without a statement of wind speeds may not be widely understood to mean that wind gusts can be expected to exceed 50 kns. Accordingly, also on February 12, the Safety Board recommended that the National Oceanic and Atmospheric Administration:

Provide sufficient information in its severe weather statements to indicate the severe weather condition, such as wind speed, for which the statement is valid. (M-79-8)

Each of the above recommendations is designated "Class II, Priority Action." Copies of the Safety Board's formal investigation report on the DIXIE LEE II accident are being prepared for release and will be made available in the near future.

On June 17, 1978, the steam showboat WHIPPOORWILL overturned while in transit on Pomona Lake, Kans. A waterspout (a tornado occurring over water) passed near the vessel at the time of the accident. Of the 60 persons on board the vessel, 15 were killed and 6 were injured. The vessel sustained minor damage and was returned to passenger service shortly after the accident.

Because Pomona Lake is not "navigable waters" of the United States, the WHIPPOORWILL did not have to comply with the U.S. Coast Guard's rules and regulations in 46 CFR Part 179 for small passenger vessels. As designed and constructed, the WHIPPOORWILL did not meet the stability requirements for these vessels. The vessel was subject solely to the laws and regulations of the State of Kansas. The Kansas Boating Act, however, regulates recreational boating and does not address commercial vessel safety issues, such as stability criteria. The Safety Board's analysis of this accident concluded that the WHIPPOORWILL may not have capsized had it met these criteria.

Further, the Safety Board determined that a wind speed of about 25 kns or more could have capsized the WHIPPOORWILL in the condition the vessel was in at the time of the accident. The waterspout was determined to have developed peripheral winds of about 50 kns which struck the vessel. The Board also determined that if the WHIPPOORWILL had met the Coast Guard stability requirements, it would have been able to withstand a wind speed of up to 54 kns without capsizing.

In view of its findings in the investigation of the WHIPPOORWILL accident, the Safety Board on February 12 addressed the following recommendations to:

Kansas Steamboat Company, Inc., of Silver Lake, Kans., and the Lakeside Players, of Vassar, Kans. (owner and operator of the WHIPPOORWILL)—

Alter the WHIPPOORWILL's bilge drainage system to prevent the accumulation of water in its integral hull tanks. (M-79-9)

Install a means to accurately determine the presence of water in the WHIPPOORWILL's integral hull tanks. (M-79-10)

Improve the stability of the WHIPPOORWILL to comply with the U.S. Coast Guard's stability criteria in 46 CFR Part 179

Install a VHF radio receiver in the WHIPPOORWILL's pilothouse, and monitor the National Weather Service's Weather Radio broadcasts while the vessel is underway. (M-79-12)

Establish written instructions requiring the person in charge of the WHIPPOORWILL to obtain weather forecast information before departure. (M-79-13)

Governor of Kansas—

Amend the Kansas Boating Act and applicable regulations to require all commercial vessels carrying six or more passengers and operating in the State of Kansas to meet the U.S. Coast Guard stability criteria in 46 CFR Part 179 for small passenger vessels. (M-79-14)

Amend the Kansas Boating Act and applicable regulations to require all operators of commercial vessels carrying six or more passengers and operating in the State of Kansas to obtain weather information before departure. (M-79-15)

National Association of State Boating Law Administrators (NASBLA)—

Amend the NASBLA model State Boating Act to require commercial, small passenger vessels operating exclusively on State waters to meet the U.S. Coast Guard stability criteria in 46 CFR Part 179 for small passenger vessels. (M-79-16)

Each of the above recommendations is designated "Class II, Priority Action." Copies of the Safety Board's formal investigation report will be made available in the near future.

NOTE: Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of the Board's recommendation letters are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries 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.

FEBRUARY 16, 1979.

[FR Doc. 79-5555 Filed 2-21-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10591]

KEYSTONE CUSTODIAN FUNDS, INC. AND CORNERSTONE FINANCIAL SERVICES, INC.

Notice of Filing of Application Pursuant to Section 6(c) of the Act for an Exemption From Section 22(d) of the Act and Pursuant to Section 11(a) of the Act To Permit Offers of Exchange

FEBRUARY 12, 1979.

NOTICE IS HEREBY GIVEN that Keystone Custodian Funds, Inc. ("Keystone"), as trustee of the Keystone Custodian Funds, Series B-1, B-2, B-4, K-1, K-2, S-1, S-3 and S-4 (the "Series Funds"), Polaris Fund Inc. ("Polaris") and American Liquid Trust ("ALT") (collectively the "Funds"), each of which is registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 (the "Act"), and The Keystone Company of Boston ("Keystone-Boston") and Cornerstone Financial Services, Inc. ("Cornerstone") (collectively referred to with the Funds as "Applicants"), filed an application on January 12, 1979, and an amendment thereto on February 9, 1979, for an order of the Commission (1) pursuant to Section 11(a) of the Act to permit offers to exchange shares of the Funds on a basis other than their relative net asset values and (2) pursuant to Section 6(c) of the Act granting an exemption from Section 22(d) of the Act in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants state that Keystone, in addition to being trustee for the Series Funds, also serves as the investment adviser to Polaris. ALT Management Corporation, a subsidiary of Keystone, serves as investment adviser to ALT. Keystone-Boston and Cornerstone act as principal underwriters of the shares issued by each of the Series Funds and Polaris. Cornerstone has an underwriting agreement with ALT.

Applicants state that Keystone-Boston and Cornerstone maintain a continous public offering of shares of the Series Funds and Polaris at net asset value plus a sales charge. Shares of Polaris and the Series Funds other than B-1 Fund are sold with a sales charge 8.5 percent or less; shares of B-1 Fund are sold with a sales charge of 4.25 percent or less. The respective sales charge for each of the Series Funds and Polaris is reduced on purchases of $15,000 or more. Shares of ALT, a money market mutual fund, are sold without a sales charge.

Applicants state that on December 8, 1977, the Commission entered an order (the "1977 Order") pursuant to Section 11(a) of the Act permitting offers to exchange shares of the Series Funds on a basis other than their relative net asset values and pursuant to Section 6(c) of the Act granting an exemption from Section 22(d) of the Act in connection with such exchanges (Investment Company Act Release No. 10050). Under the 1977 Order each of the Series Funds, except B-1 Fund, is authorized to offer to exchange shares in one Series Fund for shares in another Series Fund at net asset value plus a $5 transaction fee. B-1 Fund shares may be exchanged for shares of the other Series Funds upon payment of an additional sales charge equal to the difference between the sales charge on a purchase of B-1 Fund shares and the sales charge on a purchase of shares in the other Series Funds. The 1977 Order permits shares of B-1 Funds held as of October 13, 1977, or acquired after October 13, 1977, by conversion from another Series Fund to be exchanged for a $5 transaction fee but without an additional sales charge.

Applicants now seek to permit shareholders of Polaris and ALT to exchange their shares for those of any other Fund on a basis similar to that permitted the Series Funds under the 1977 Order. Applicants represent that if the order requested is granted, shares of Polaris would be exchanged for shares of the other Funds at net asset value plus a $5 transaction fee. Shares of ALT purchased for cash would be exchanged for shares of other Funds plus the applicable current sales charge on the shares acquired. Exchanges from ALT at net asset value plus a $5 transaction fee would be permitted when the ALT shares were acquired through conversion from Polaris or a Series Fund other than B-1 Fund and are being exchanged back for shares in Polaris or a Series Fund other than B-1 Fund. Similarly, shares of ALT acquired by converison from B-1 Fund, may be exchanged back into B-1 Funds at net asset value plus a $5 transaction fee or exchanged for shares in the other Series Funds or Polaris on the same basis as any exchange originating from B-1 Fund.

Applicants state that requests for conversion of shares will be effected to eliminate or reduce, as far as possible, the payment of a sales load upon such conversion and therefore shares requiring the payment of no sales load upon conversion will be transferred first, shares requiring the payment of a reduced load will be transferred next and finally shares requiring a full sales load will be transferred. Shares acquired by reinvestment of capital gains or investment income dividends assume the conversion status of the shares on which they were paid.

Applicants also request authorization of an arrangement whereby shareholders who have redeemed shares of B-1 Fund acquired through a cash purchase after October 31, 1977, or shareholders of ALT who acquired their shares upon conversion of B-1 Fund shares acquired for cash after October 31, 1977, may purchase, with the proceeds of that redemption, shares of any other Series Fund or Polaris by paying a sales charge equal in amount to the difference between the sales charge on a purchase of shares in B-1 Fund and the sales charge on a purchase in the other Series Funds or Polaris subject to the following conditions: (1) the offer is made to all shareholders of B-1 Fund and share-

holders of ALT who acquired their shares upon conversion from B-1 Fund (where the B-1 Fund shares were acquired for cash after October 31, 1977) on the same basis and is described in their prospectuses, (2) such sale does not exceed the amount of the redemption proceeds (or the nearest full share if fractional shares are not purchased), (3) no such sale may be made to any shareholder who has exercised the reinvestment privilege previously with respect to any redeemable security issued by B-1 Fund, (4) such redemption did not involve a refund of sales charges pursuant to Section 27(d) or 27(f) of the Act, and (5) such sale is effected within thirty (30) days after such redemption or within such lesser time as is described in the prospectus.

Section 6(c) of the Act provides, in 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 or provisions of the Act or any rule or regulation thereunder, if and to the extent that 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 March 8, 1979, 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 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 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.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 79-5455 Filed 2-21-79; 8:45 am]

[4710-07-M]

DEPARTMENT OF STATE

[Public Notice CM-8/158]

ADVISORY COMMITTEE ON INTERNATIONAL INVESTMENT, TECHNOLOGY, AND DEVELOPMENT

Meeting

The Department of State will hold a meeting on March 9 of the Working Group on UN/OECD Investment Undertakings of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:30 a.m. until 12:00 p.m. The meeting will be held in Room 1105 of the State Department, 2201 C Street NW., Washington, D.C. 20520. The meeting will be open to the public.

The subject of the meeting will be the ongoing negotiations in international bodies aimed at codes of conduct related to international investment. In particular, the Working Group will discuss the March 12-23 meeting of the U.N. Intergovernmental Working Group on a Code of Conduct. In addition, the Working Group will discuss the OECD review of the 1976 Investment Instruments.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the working group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: February 12, 1979.

RICHARD D. KAUZLARICH,
Executive Secretary.

[FR Doc. 79—5456 Filed 2-21-79; 8:45 am]

[4710-07-M]

[Public Notice CM-8/159]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 1:30 p.m. on March 15, 1979, in Room 8442, Department of Transportation, 400 Seventh, Street SW., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the Twentieth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London on March 26-30, 1979. In particular, the working group will discuss the following topics:

—Survival craft radio equipment.
—Operational requirements for future EPIRES.
—Operational standards for shipboard radio equipment.
—Maritime distress system.

Requests for further information should be directed to Lt. R. F. Carlson, United States Coast Guard (G-OTM/74), telephone number (202) 426-1345.

The Chairman will entertain comments from the public as time permits.

FEBRUARY 9, 1979.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

[FR Doc. 79—5457 Filed 2-21-79; 8:45 am]

[4710-01-M]

[Public Notice CM-81]

ADVISORY COMMITTTEE TO THE UNITED STATES NATIONAL SECTION OF THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas will be held on March 7, 1979, in the Harbor Room of the Ramada Inn, 225 McClellan Highway (Route 1A), East Boston, MA., at 9:00 a.m.

The meeting will be open to the public and the public may participate in the discussions subject to the instructions of the Committee Chairman. Subjects to discussed include: The Technical Basis for the Management Proposal for Atlantic Bluefin Tuna; Review of the Management Proposal and Several of the More Viable Alternatives; Legal Relationships Among the Tunas Convention Act, The ICCAT Recommendations and the Proposed U.S. Regulations; Impact of the Management Proposal on Dealing with the Japanese Longline Fishing Effort Off U.S. Shores; and Discussion and Recommendations of the Advisory Committee.

Requests for further information on the meeting should be directed to Brian Hallman, OES/OFA/FA, Room 5806, Department of State. He may be reached by telephone on (202) 632-1073

Dated: February 14, 1979.

JOHN D. NEGROPONTE.
Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc 79-5526 Filed 2-21-79; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

APPLICATIONS FOR RENEWAL OR MODIFICATION OF EXEMPTIONS OR APPLICATIONS TO BECOME A PARTY TO AN EXEMPTION

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

Dates: Comment period closes March 9, 1979.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Copies of the applications are available for inspection in the Dockets Branch, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Application No.	Applicant	Renewal of exemption
2708-X	Gardner Cryogenics, Bethlehem, Pa. (See Footnote 1).	2708
4698-X	American Bosch Marketing, Springfield, Mass.	4698
5038-X	Synthatron Corp., Parsippany, N.J.	5038
5038-X	M&T Chemicals, Inc., South San Francisco, Calif.	5038
5196-X	Air Products & Chemicals, Inc., Allentown, Pa.	5196
5206-X	Gulf Oil Chemicals Co., Merriam, Kans.	5206
5206-X	Austin Powder Co., Cleveland, Ohio.	5206
5403-X	Halliburton Services, Duncan, Okla. (See Footnote 2).	5403
5923-X	Union Carbide Corp., Tarrytown, N.Y.	5923
6016-X	Welding & Cutting Supply Co., Cleveland, Ohio.	6016
6218-X	Liquid Carbonic Corp., Chicago, Ill.	6218
6432-X	Chemetron Corp., Chicago, Ill	6432
6498-X	Luxfer USA Limited, Riverside, Calif. (See Footnote 3).	6498
6564-X	Castle & Cooke, Inc., San Francisco, Calif.	6564
6626-X	Airco Welding Products, Murray Hill, H.J.	6626
6927-X	Dow Chemical U.S.A., Midland, Mich. (See Footnote 4).	6927
6969-X	State of Alaska, Juneau, Alaska.	6969
6984-X	Powder River Explosives, Billings, Mont.	6984
7005-X	Eurotainer, Paris, France	7005
7005-X	Bignier Schmid-Laurent, Paris, France (See Footnote 5).	7005
7005-X	Compagnie des Containers Reservoirs (CCR), Neuilly-sur-Seine, France.	7005
7010-X	Dow Chenical U.S.A., Midland, Mich.	7010
7052-X	Tadiran, Israel Electronics, Ind., Ltd., Rehovot, Israel.	7052
7078-X	Carroll Air Service, Inc., Kingston, N.Y.	7078
7201-X	Delta Air Lines, Inc., Atlanta, Ga.	7201
7235-X	Luxfer U.S.A. Limited, Riverside, Calif. (See Footnote 6).	7235
7244-X	United Airlines, San Francisco, Calif.	7244
7489-X	Micor, Co., Milwaukee, Wisc	7489
7513-X	Burdett Oxygen, Co., Norristown, Pa.	7513
7520-X	Dow Chemical U.S.A., Midland, Mich.	7520
7590-X	National Motor Freight Traffic Association, Inc., Washington, D.C. (See Footnote 7).	7590
7605-X	General Dynamics, Fort Worth, Tex. (See Footnote 8).	7605
7726-X	Hughes Aircraft, Co., Culver City, Calif.	7726
7755-X	Varian Associates, Inc., Palo Alto, Calif. (See Footnote 9)	7755
7862-X	General Electric, Milwaukee, Wis. (See Footnote 10)	7862
7950-X	Martin Marietta, Corp., Charlotte, N.C. (See Footnote 11).	7950
7966-X	The Enterprise, Cos., Wheeling, Ill.	7966

[1]To provide for newly designed cargo tank for the shipment of liquefied hydrogen.

[2]To authorize the shipment of additional corrosive liquids in tank motor vehicles.

[3]To remove the filling charge restriction against poison gas.

[4]To requalify certain portable tanks for a greater rated gross weight capacity.

[5]Renewal and to provide for portable tanks having a greater volumetric capacity.

[6]Renewal and to provide for certain modification e.g. cylinder size, authorized gases, glass fibers, autofrettage pressure, burst pressure, etc.

[7]To authorize Lovelace Motor Freight, Inc., as a participating carrier in lieu of Consolidated Freightways.

[8]To authorize various modifications to the canopy assembly containing various explosives.

[9]Renewal and to provide for an alternate packaging for analytical standards.

[10]Renewal and to provide various modifications to the present xenon detector.

[11]To authorize shipment by rail as an additional mode of transportation.

Application No.	Applicant	Parties to exemption
4453-P	Wycoff Co. Inc., Salt Lake City, Utah.	4453
6614-P	Jones Chemicals, Inc., Caledonia, N.Y.	6614
6793-P	ACT Services, New York, N.Y.	6793
6798-P	Koppers Co., Inc., Pittsburgh, Pa. (See Footnote 1).	6798
6806-P	Norton Co., Worcheter, Mass..	6806
6898-P	J. T. Baker Chemical Co., Phillipsburg, N.J.	6898
7052-P	EG&G Environmental Equipment, Herdon, Va.	7052
7052-P	Texas Instruments, Inc., Dallas, Tex.	7052
7840-P	General Dynamics, Fort Worth, Tex.	7840
7846-P	Air Products & Chemicals, Inc., Allentown, Pa.	7846
7853-P	ISIS Chemicals, ., Stamford, Conn.	7853
7887-P	Small Sounding Rocket Systems, Mountlake Terrace, Wash. (See Footnote 2).	7887
7924-P	Eagle-Picher Ind., Inc., Joplin, Mo.	7924
8002-P	Eurotainer, Paris, France	8002
8006-P	Bland Brothers, Inc., New York, N.Y.	8006
8047-P	Westwind Overseas Limited, New York, N.Y.	8047

Application No.	Applicant	Parties to exemption
8077-P....	Saracco Tank & Manufacturing, Corp., San Francisco, Calif..	8077
8088-P....	U.S. Steel Products, Pittsburgh, Pa.	8088

[1]To become a party to the exemption and to remove the restrictions to intra-city movements.

[1]To become a party to and to authorize shipment of toy propellant devices each containing not in excess of 62.5 grams of a propellant.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on February 14, 1979.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-5571 Filed 2-21-79 10:05 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Ab 2 (SDM)]

LOUISVILLE & NASHVILLE RAILROAD CO.

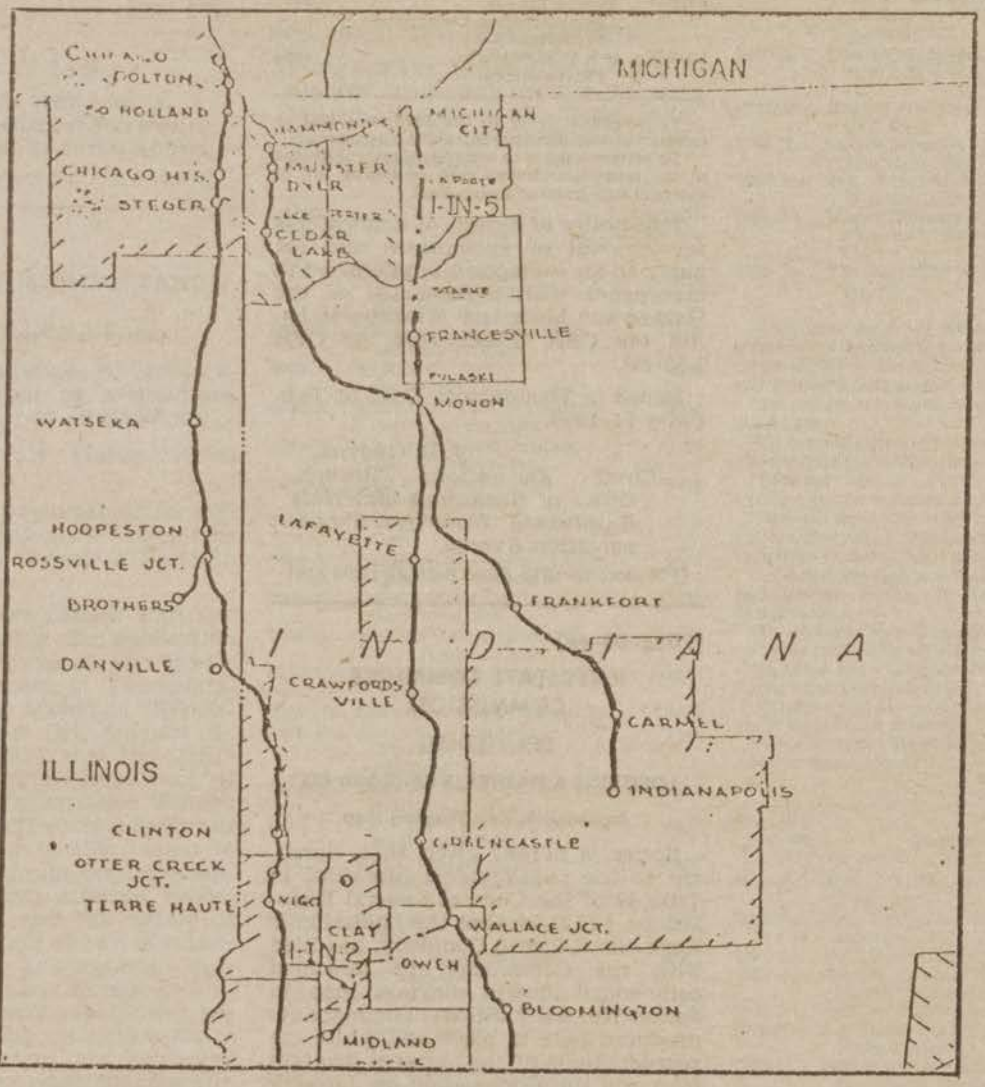
Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Louisville & Nashville Railroad Company, has filed with the Commission its amended color-coded system diagram map in docket No. AB 2 (SDM). The maps reproduced here in black and white are reproductions of that system diagram map and the Commission on January 2, 1979, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 2 (SDM).

H. G. HOMME, Jr.,
Secretary.

[7035-01-C]



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
NORTHERN INDIANA

LEGEND

CATEGORY 1 — · — · — · —
CATEGORY 5 ————————

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Revised 11-14-78
January 11, 1978

[7035-01-M]

LOUISVILLE & NASHVILLE RAILROAD CO.

AB-2

Description of lines shown on system diagram map in categories 1, 2 or 3

Category: 1—State: Indiana—Segment: 5

1121.21(a) (Designation)
Portion of Michigan City Branch—Louisville Division.
1121.21(b) (State)
Indiana.
1121.21(c) (Counties)
Pulaski-Starke-LaPorte.
1121.21(d) (Mile Posts)
QB-10.85 to QB-60.03—49.18 miles.
1121.21(e) (Agencies)
Terminal Points: Francesville, Ind. to Michigan City, Ind.
Agency Stations: Medaryville (M.P. 15), San Pierre (M.P. 23), Wilders (M.P. 28), LaCrosse (M.P. 32), So. Wanatah (M.P. 38), Wanatah (M.P. 39), Haskells (M.P. 43), Alida (M.P. 45), Westville (M.P. 47), Otis (M.P. 51), Coleman (M.P. 53), and Michigan City (M.P. 60) served by mobile agency with base station at Monon, Ind.

[FR Doc. 79-5428 Filed 2-21-79; 8:45 am]

[7035-01-M]

[AB 55 (SDM)]

SEABOARD COAST LINE RAILROAD CO.

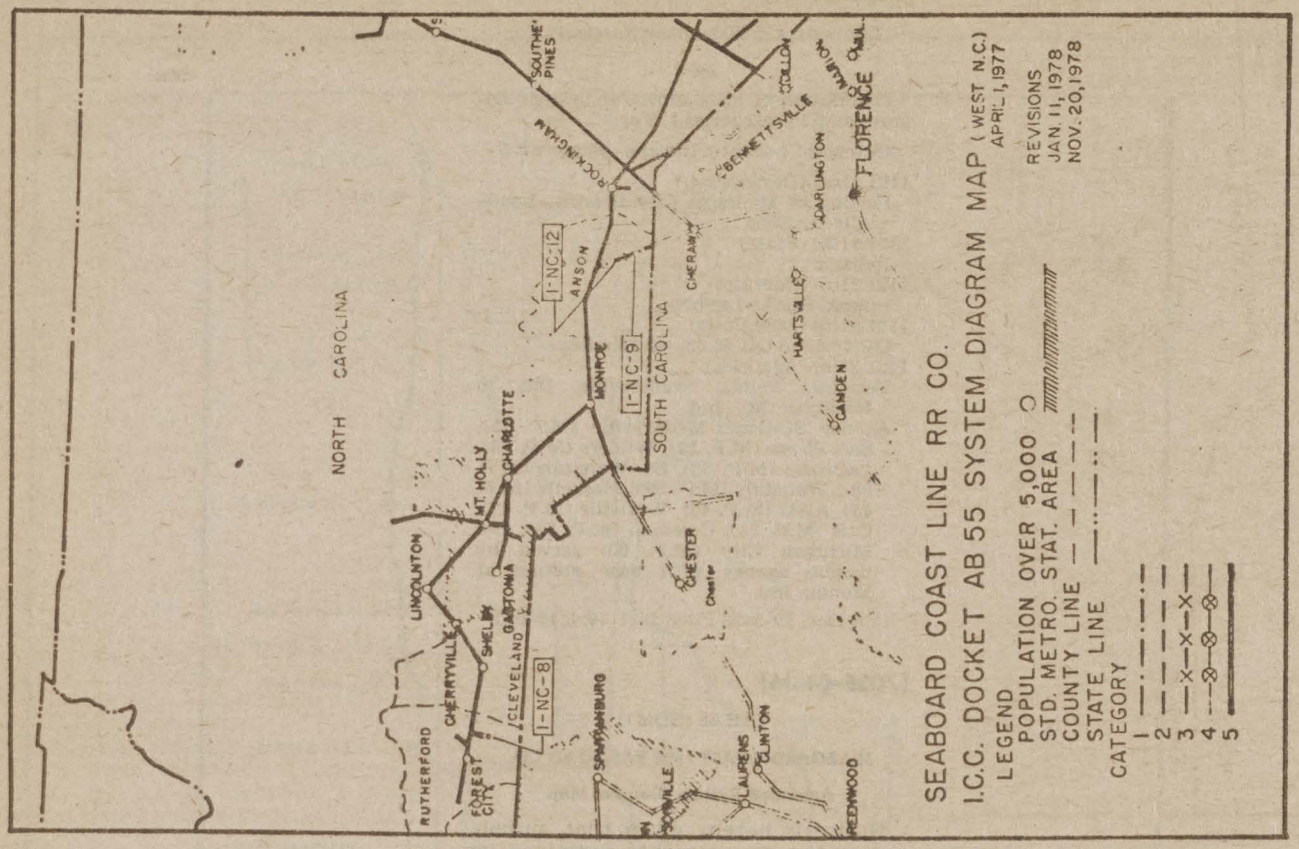
Amended System Diagram Map

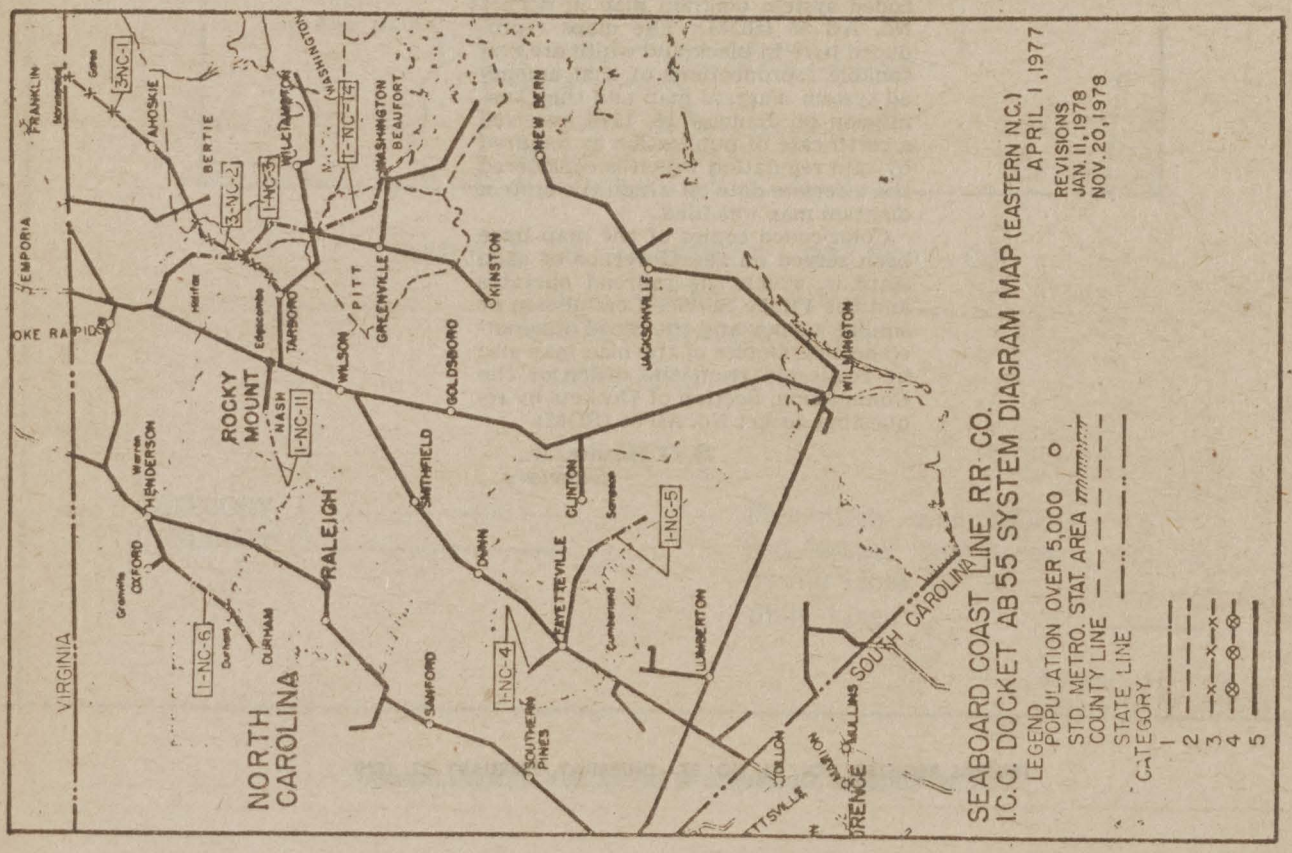
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Seaboard Coast Line Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 55 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on January 16, 1979, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 55 (SDM).

H. G. HOMME, Jr.,
Secretary.

[7035-01-C]


NORTH CAROLINA
SOUTH CAROLINA
RUTHERFORD
CHERRYVILLE
FOREST CITY
SHELBY
LINCOLNTON
MT. HOLLY
CHARLOTTE
GASTONIA
CLEVELAND
MONROE
ANSON
ROCKINGHAM
SOUTHERN PINES
CHERAW
BENNETTSVILLE
HARTSVILLE
CAMDEN
DARLINGTON
FLORENCE
CHESTER
LAURENS
CLINTON
REDWOOD
SPARTANBURG
1-NC-8
1-NC-9
1-NC-12
SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP (WEST N.C.)
APRIL 1, 1977
REVISIONS
JAN. 11, 1978
NOV. 20, 1978
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5


VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
EMPORIA
ROKE RAPIDS
FRANKLIN
AHOSKIE
BERTIE
WELDON
WASHINGTON
BEAUFORT
PITT
GREENVILLE
KINSTON
NEW BERN
JACKSONVILLE
WILMINGTON
ROCKY MOUNT
NASH
TARBORO
WILSON
GOLDSBORO
SMITHFIELD
RALEIGH
DURHAM
OXFORD
HENDERSON
SANFORD
DUNN
FAYETTEVILLE
CLINTON
LUMBERTON
SOUTHERN PINES
FLORENCE
MARION
CHERAW
1-NC-6
1-NC-11
1-NC-14
3-NC-1
3-NC-2
1-NC-3
1-NC-4
1-NC-5
SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP (EASTERN N.C.)
APRIL 1, 1977
REVISIONS
JAN. 11, 1978
NOV. 20, 1978
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
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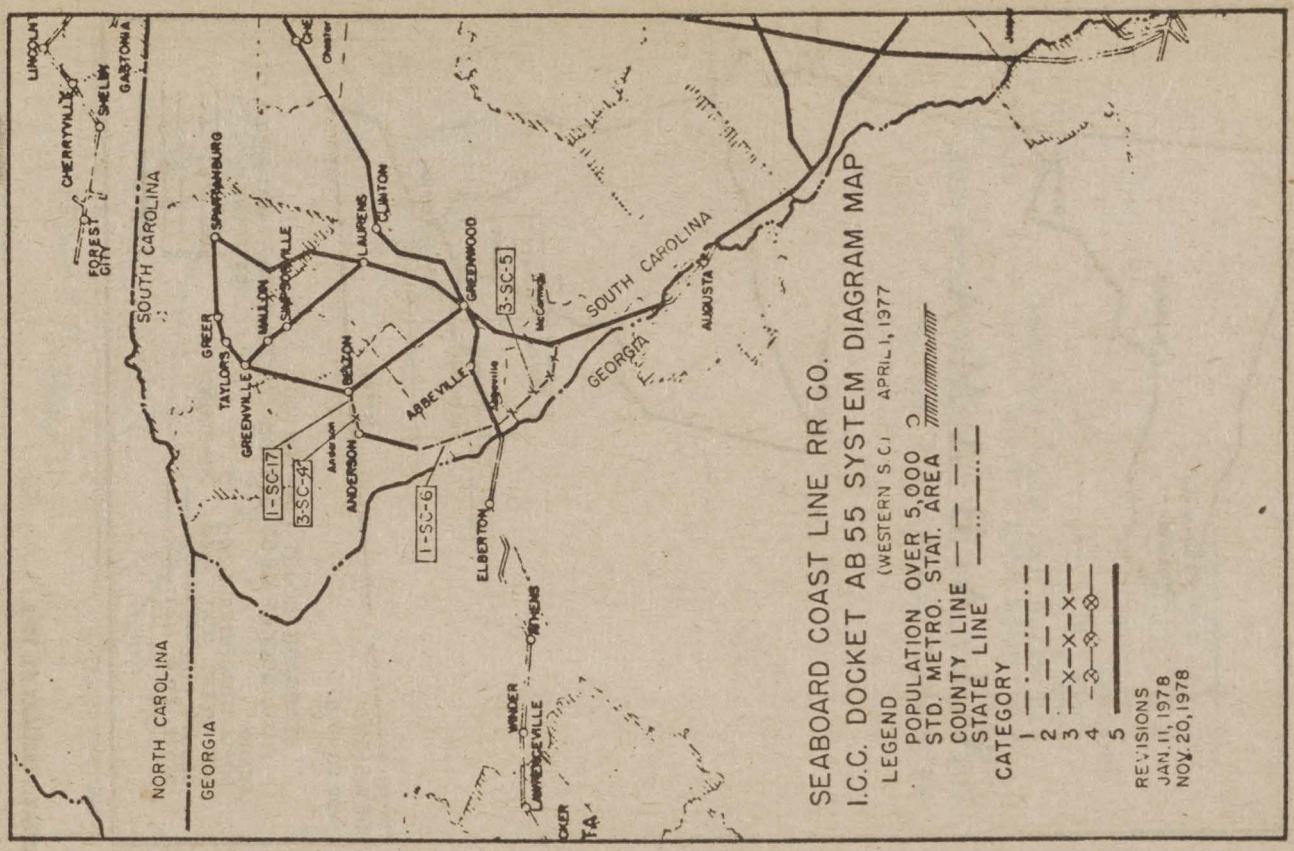
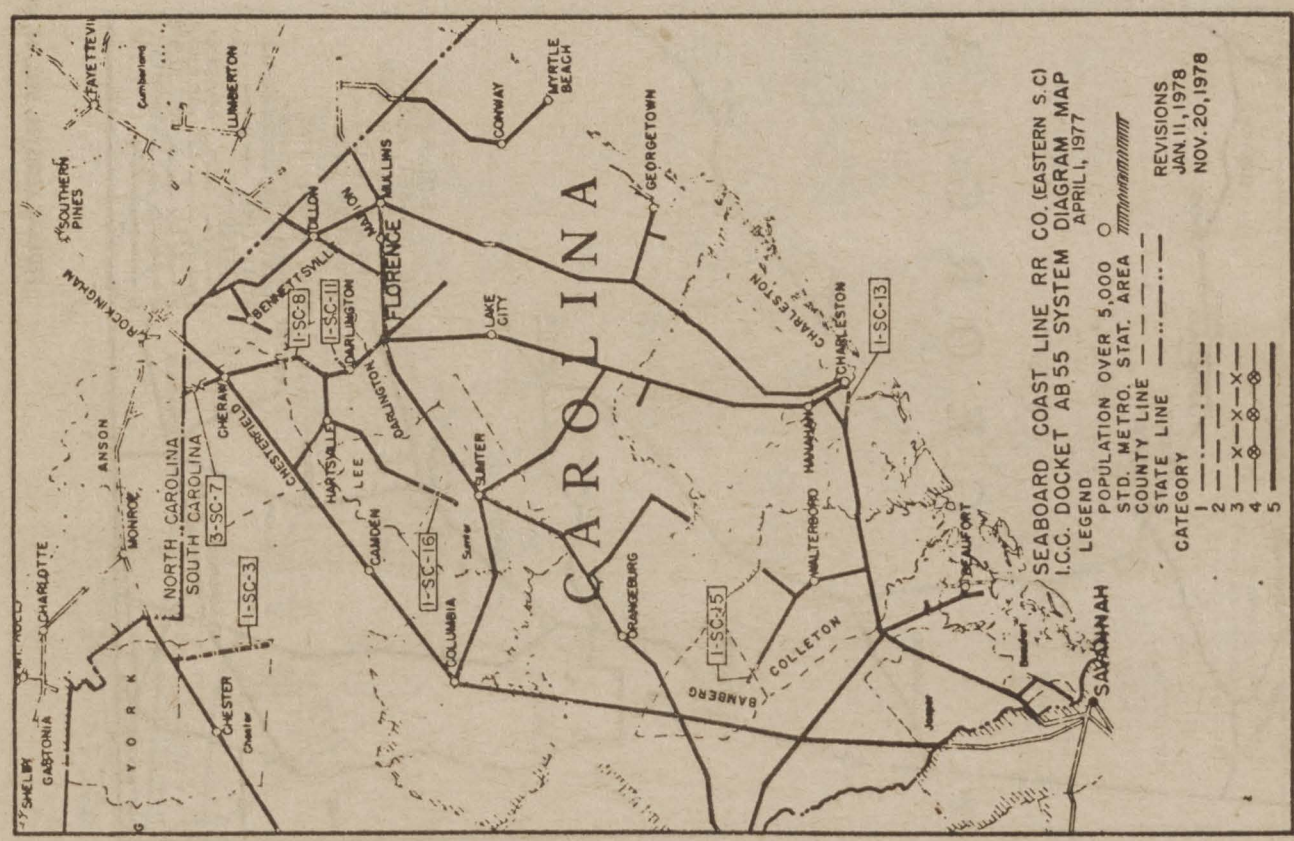
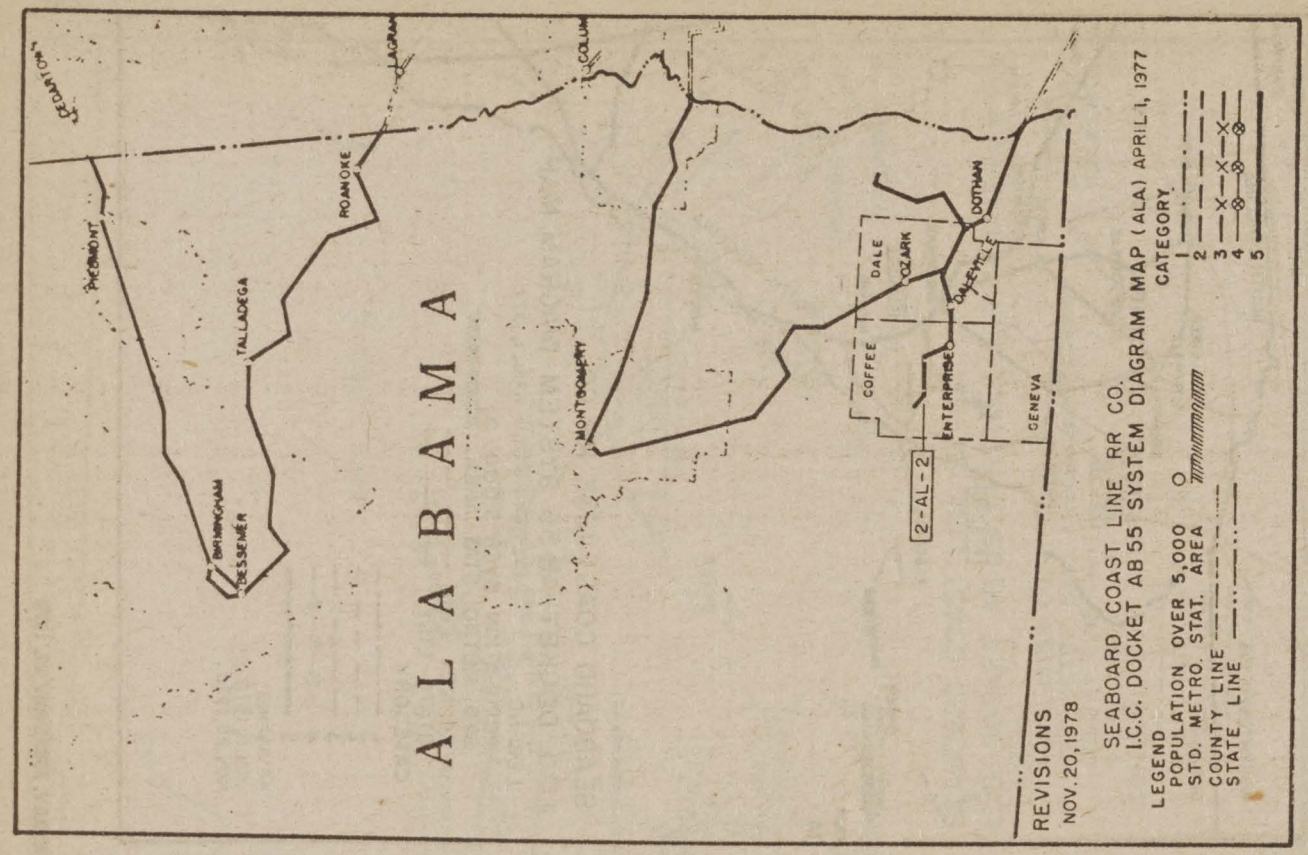
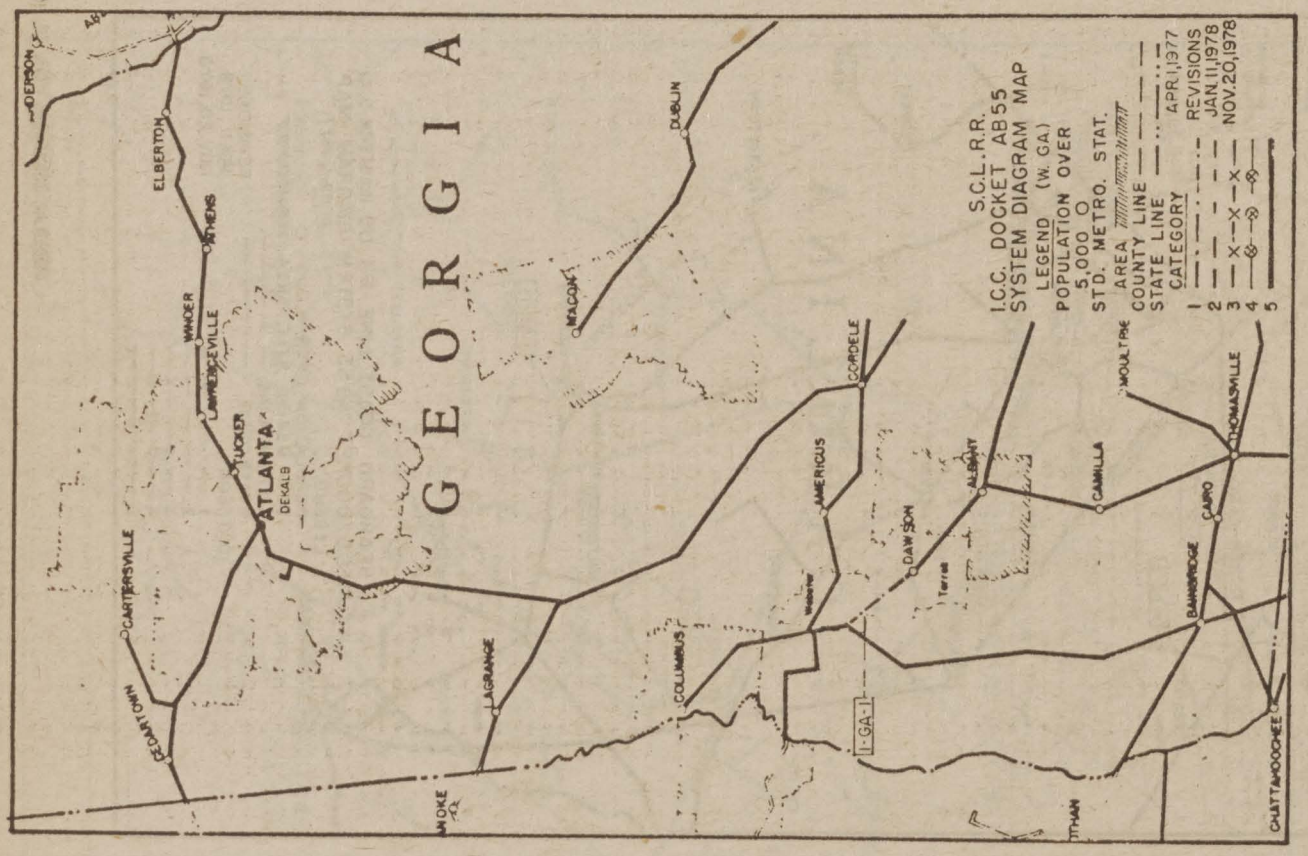
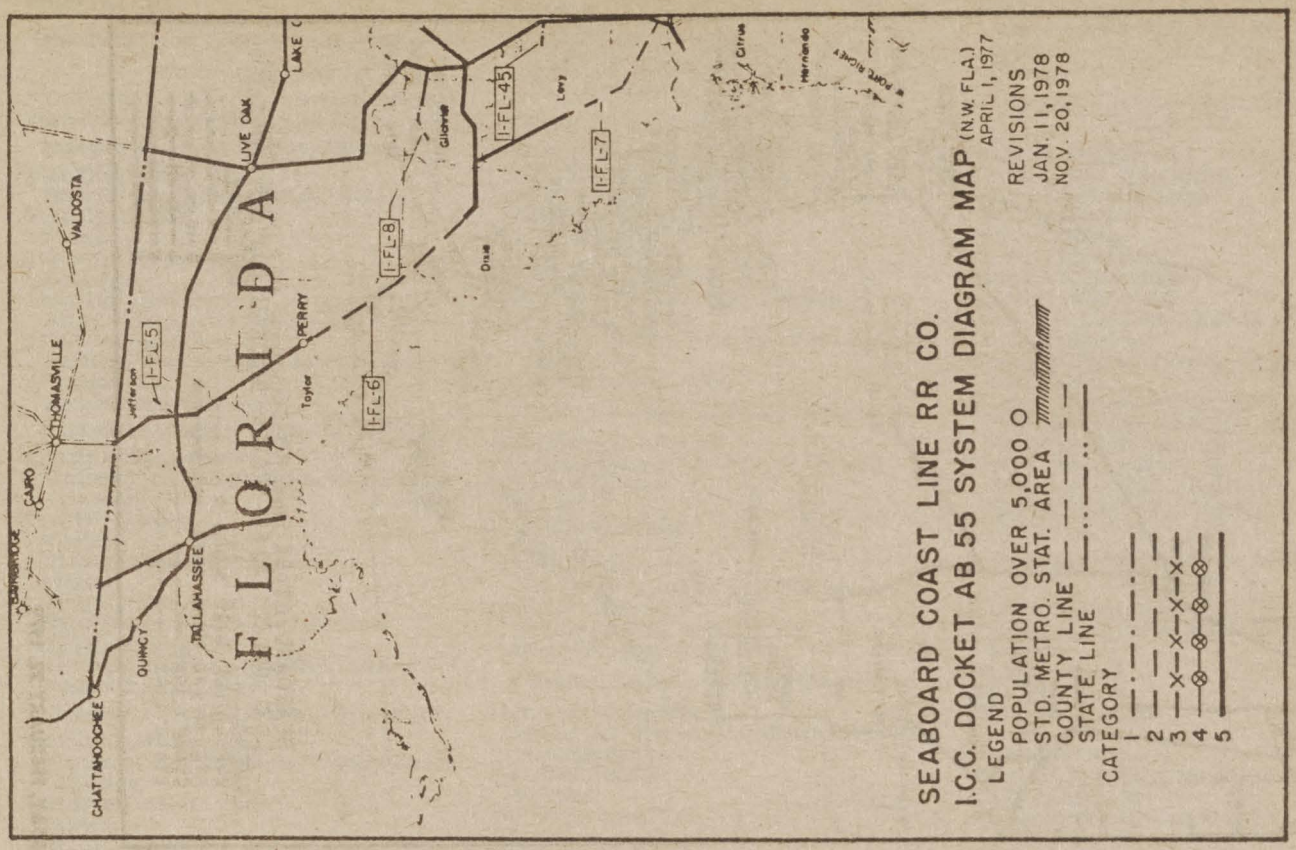
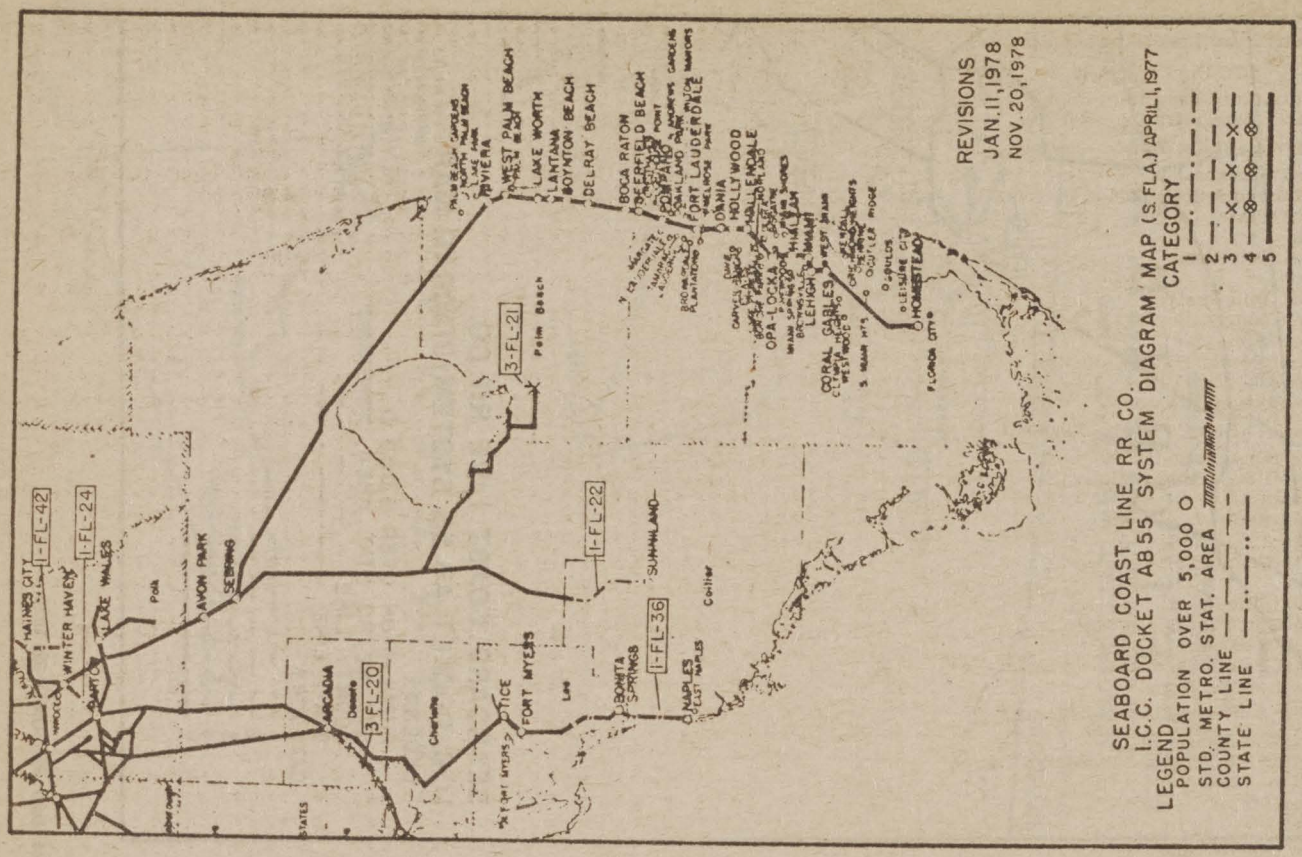

SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP
(WESTERN S.C.) APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5
REVISIONS
JAN. 11, 1978
NOV. 20, 1978
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
LINCOLN
CHERRYVILLE
SHELBY
GASTONIA
FOREST CITY
SPARTANBURG
GREER
TAYLORS
GREENVILLE
WALLACE
SENECA
ANDERSON
LAURENS
CLINTON
ABBEVILLE
GREENWOOD
ELBERTON
WINDER
ATHENS
AUGUSTA
1-SC-17
3-SC-47
1-SC-6
3-SC-5

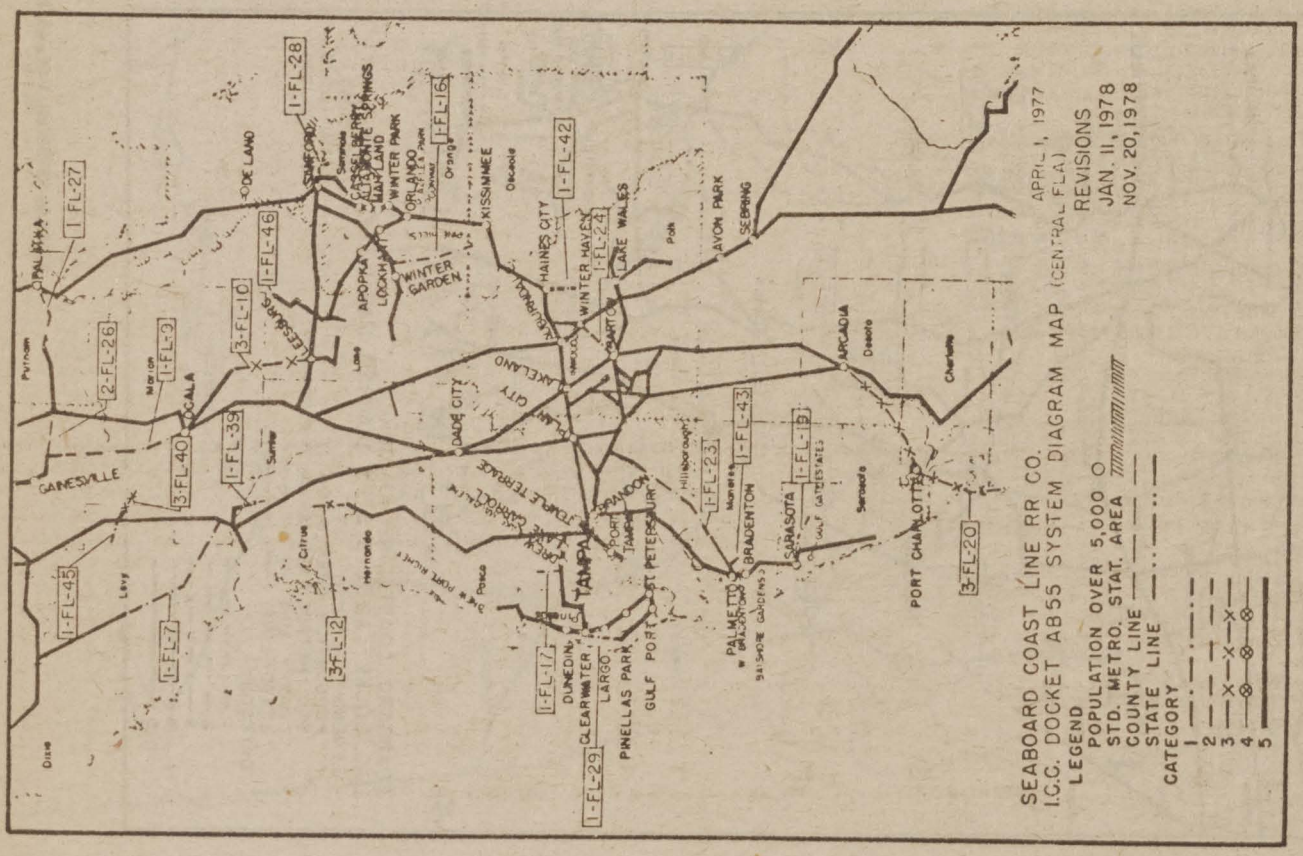

SEABOARD COAST LINE RR CO. (EASTERN S.C.)
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP
APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5
REVISIONS
JAN. 11, 1978
NOV. 20, 1978
NORTH CAROLINA
SOUTH CAROLINA
CAROLINA
YORK
GASTONIA
SHELBY
CHARLOTTE
ANSON
MONROE
ROCKINGHAM
SOUTHERN PINES
FAYETTEVILLE
LUMBERTON
CHESTER
CHERAW
CHESTERFIELD
BENNETTSVILLE
DILLON
MARION
FLORENCE
MULLINS
CONWAY
MYRTLE BEACH
GEORGETOWN
CHARLESTON
HARTSVILLE
LEE
DARLINGTON
CAMDEN
COLUMBIA
SUMTER
LAKE CITY
ORANGEBURG
BAMBERG
COLLETON
WALTERBORO
HARDEEVILLE
BEAUFORT
SAVANNAH
3-SC-7
1-SC-3
1-SC-8
1-SC-11
1-SC-16
1-SC-15
1-SC-13


ALABAMA
PIEDMONT
ROANOKE
LAGRANGE
TALLADEGA
BIRMINGHAM
BESSEMER
MONTGOMERY
COLUM
COFFEE
DALE
CLARK
ENTERPRISE
OZARK
DOTHAN
GENEVA
2-AL-2
REVISIONS
NOV. 20, 1978
SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP (ALA) APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5


GEORGIA
DERSON
ELBERTON
ATHENS
WINDER
LAWRENCEVILLE
TUCKER
ATLANTA
DEKALB
CARTERSVILLE
CEDARTOWN
MACON
DUBLIN
LAGRANGE
COLUMBUS
AMERICUS
CORDELE
DAWSON
ALBANY
CAMILLA
MOULTRIE
THOMASVILLE
BAINBRIDGE
CAIRO
CHATTAHOOCHEE
1-GA-1
S.C.L.R.R.
I.C.C. DOCKET AB55
SYSTEM DIAGRAM MAP
LEGEND (W. GA.)
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
APR. 1, 1977
REVISIONS
JAN. 11, 1978
NOV. 20, 1978


SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP (N.W. FLA.)
APRIL 1, 1977
REVISIONS
JAN. 11, 1978
NOV. 20, 1978
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5
FLORIDA
CHATTAHOOCHEE
QUINCY
TALLAHASSEE
CAIRO
THOMASVILLE
VALDOSTA
LAKE OAK
PERRY
LAKE C
Jefferson
Taylor
Gadsden
Leon
Wakulla
Franklin
Liberty
Gulf
Calhoun
Jackson
Madison
Dixie
Levy
Citrus
Hernando
Pasco
Hillsborough
Polk
Hardee
Manatee
Sarasota
Charlotte
Desoto
Highlands
Glades
Hendry
Collier
Lee
Pinellas
Pasco
Hernando
Citrus
Sumter
Lake
Orange
Osceola
Polk
Brevard
Indian River
Martin
Okeechobee
Palm Beach
Broward
Dade
Monroe
I-FL-5
I-FL-6
I-FL-7
I-FL-8
I-FL-45
I-FL-27
I-FL-26
I-FL-9
I-FL-10
I-FL-39
I-FL-46
I-FL-28
I-FL-16
3-FL-40
3-FL-12
JACKSONVILLE
FERNANDINA
ORANGE PARK
STARKE
GAINESVILLE
OCALA
DE LAND
SANFORD
LEESBURG
APOPKA
LAKE CITY
WINTER GARDEN
ORLANDO
KISSIMMEE
SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP (N.E. FLA.)
APRIL 1, 1977
REVISIONS
JAN. 11, 1978
NOV 20, 1978
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5


SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB55 SYSTEM DIAGRAM MAP (S. FLA.) APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5
REVISIONS
JAN. 11, 1978
NOV. 20, 1978
HAINES CITY
WINTER HAVEN
LAKE WALES
AVON PARK
SEBRING
ARCADIA
FORT MYERS
BONITA SPRINGS
NAPLES
SUNNILAND
WEST PALM BEACH
LAKE WORTH
LANTANA
BOYNTON BEACH
DELRAY BEACH
BOCA RATON
DEERFIELD BEACH
POMPANO
FORT LAUDERDALE
DANIA
HOLLYWOOD
HALLANDALE
OPA-LOCKA
CORAL GABLES
HOMESTEAD
LEISURE CITY
FLORIDA CITY
3-FL-21
1-FL-22
1-FL-36
3-FL-20
1-FL-42
1-FL-24


SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB55 SYSTEM DIAGRAM MAP (CENTRAL FLA.)
APRIL 1, 1977
REVISIONS
JAN. 11, 1978
NOV. 20, 1978
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5
PALATKA
GAINESVILLE
OCALA
DE LAND
SANFORD
ORLANDO
WINTER PARK
WINTER GARDEN
APOPKA
LOCKHART
KISSIMMEE
HAINES CITY
WINTER HAVEN
LAKE WALES
AVON PARK
SEBRING
ARCADIA
DADE CITY
LAKELAND
TAMPA
PORT TAMPA
BRANDON
ST PETERSBURG
GULF PORT
PINELLAS PARK
LARGO
CLEARWATER
DUNEDIN
PALMETTO
BRADENTON
SARASOTA
PORT CHARLOTTE
1-FL-27
2-FL-26
1-FL-9
3-FL-10
1-FL-46
1-FL-28
1-FL-16
1-FL-42
1-FL-24
3-FL-40
1-FL-39
1-FL-45
1-FL-7
3-FL-12
1-FL-17
1-FL-29
1-FL-23
1-FL-43
1-FL-19
3-FL-20

[7035-01-M]

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB-55

Description of lines shown on system diagram map in categories 1, 2, or 3.

Category: 1—State: Florida—Segment: 28

1121.21(a) (Designation)
Beck Hammock Spur Tampa Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Seminole.
1121.21(d) (Mile Posts)
AUA-770.00 to AUA-773.93—3.93 miles.
1121.21(e) (Agencies)
Terminal Points: S & E Junction to Beck Hammock.
Agency Stations: None.

Category: 1—State: Florida—Segment: 29

1121.21(a) (Designation)
Portion of Bay Pines Subdivision—Tampa Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Pinellas.
1121.21(d) (Mile Posts)
SY-876.00 to SY-879.31—3.31 miles.
1121.21(e) (Agencies)
Terminal Points: Clearwater to Largo.
Agency Stations: None.

Category: 1—State: Florida—Segment: 36

1121.21(a) (Designation)
Portion of Fort Myers Subdivision-Tampa Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Collier-Lee.
1121.21(d) (Mile Posts)
AX-980.31 to AX-1001.24—20.93 miles.
1121.21(e) (Agencies)
Terminal Points: Estero, Fla. to Naples, Fla.
Agency Stations: Bonita Springs (M.P. AX-988), Vanderbilt Beach (M.P. AX-992) and Naples (M.P. AX-1001) served by mobile agency with base station at Fort Myers, Fla.

Category: 1—State: Florida—Segment: 42

1121.21(a) (Designation)
Portion of Haines City Subdivision-Tampa Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Polk.
1121.21(d) (Mile Posts)
AVC-828.50 to AVC-838.50—10.00 miles.
1121.21(e) (Agencies)
Terminal Points: Haines City, Fla. to Waverly, Fla.
Agency Stations: Prine (M.P. AVC-832), Lake Hamilton (M.P. AVC-834), Dundee (M.P. AVC-836) and Waverly (M.P. AVC-838) served by mobile agency with base station at Lakeland, Fla.

Category: 1—State: Florida—Segment: 43

1121.21(a) (Designation)
Manavista Spur—Tampa Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Manatee.
1121.21(d) (Mile Posts)
SW-870.19 to SW-871.00—0.81 miles.
1121.21(e) (Agencies)
Terminal Points: Palmetto Jct., Fla. to Manavista, Fla.
Agency Stations: Manavista (M.P. 871) served by mobile agency with base station at Bradenton, Fla.

Category: 1—State: Florida—Segment: 45

1121.21(a) (Designation)
Williston Spur—Jacksonville Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Levy.
1121.21(d) (Mile Posts)
SR-729.18 to SR-735.15—5.97 miles.
1121.21(e) (Agencies)
Terminal Points: Williston, Fla. to Montbrook, Fla.
Agency Stations: None.

Category: 1—State: Florida—Segment: 46

1121.21(a) (Designation)
Umatilla Subdivision—Tampa Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Lake.
1121.21(d) (Mile Posts)
ASC-819.05 to ASC-820.62—1.57 miles.
1121.21(e) (Agencies)
Terminal Points: Umatilla, Fla.
Agency Stations: None.

Category: 1—State: Georgia—Segment:1

1121.21(a) (Designation)
Portion of Kimbrough Subdivision—Savannah Division.
1121.21(b) (State)
Georgia.
1121.21(c) (Counties)
Webster-Terrell.
1121.21(d) (Mile Posts)
SLB-45.35 to SLB-63.52— 18.17 miles
1121.21(e) (Agencies)
Terminal Points: Kimbrough, Ga. to Dawson, Ga.
Agency Stations: Parrott (M.P. SLB-56) served by mobile agency with base station at Richland, Ga.

Category: 1—State: North Carolina—Segment: 6

1121.21(a) (Designation)
Portion of Durham Subdivision—Raleigh Division.
1121.21(b) (State)
North Carolina.
1121.21(c) (Counties)
Granville—Durham.
1121.21(d) (Mile Posts)
SB-139.00 to SB-150.00—11.00 miles.
1121.21(e) (Agencies)
Terminal Points: Creedmoor, N.C. to Joyland, N.C.
Agency Stations: None.

Category: 1—State: North Carolina—Segment: 8

1121.21(a) (Designation)
Portion of Caroleen Subdivision—Raleigh Division.
1121.21(b) (State)
North Carolina.
1121.21(c) (Counties)
Rutherford.
1121.21(d) (Mile Posts)
SFA-402.69 to SFA-402.81; SFB-402.26 to SFB-403.46—2.32 miles.
1121.21(e) (Agencies)
Terminal Points: Point of Switch to Caroleen, N.C., Cliffside Jct., N.C. to Henrietta, N.C.
Agency Stations: Caroleen (M.P. SFA-402) and Henrietta (M.P. SFB-403) Served by mobile agency with base station at Shelby, N.C.

Category: 1—State: North Carolina—Segment: 14.

1121.21(a) (Designation)
Portion of Washington Subdivision—Rocky Mount Division.
1121.21(b) (State)
North Carolina.
1121.21(c) (Counties)
Martin-Pitt-Beaufort.
1121.21(d) (Mile Posts)
AAB-134.14 to AAB-158.85 24.71 miles.
1121.21(e) (Agencies)
Terminal Points: Parmele, N.C. to Washington, N.C.
Agency Stations: Stokes (M.P. AAB-141), Witchard (M.P. AAB-143) and Pactolus (M.P. AAB-148) served by mobile agency with base station at Tarboro, N.C. Washington (M.P. AAB-159) served by mobile agency with base station at Jacksonville, N.C.

Category: 1—State: South Carolina—Segment: 3

1121.21(a)(Designation)
Portion of Catawba Subdivision—Atlanta Division.
1121.21(b)(State)
South Carolina.
1121.21(c)(Counties)
Chester—York.
1121.21(d)(Mile Posts)
SGA-331.83 to SGA-351.68—19.85 miles.
1121.21(e)(Agencies)
Terminal Points: Catawba, S.C. to Great Falls, S.C.
Agency Stations: Fort Lawn (M.P. SGA-342), Flick (M.P. SGA-348) and Great Falls (SGA-352) served by mobile agency with base station at Chester, S.C.

Category: 1—State: South Carolina—Segment: 6

1121.21(a) (Designation)
Portion of Anderson Subdivision—Florence Division.
1121.21(b) (State)
South Carolina.
1121.21(c) (Counties)
Abbeville-Anderson.
1121.21(d) (Mile Posts)
AKH-527.86 to AKH-543.25—15.39 miles.
1121.21(e) (Agencies)
Terminal Points: Calhoun Falls, S.C. to Iva, S.C.
Agency Stations: None.

Category: 1—State: South Carolina—Segment: 11

1121.21(a) (Designation)
Mont Clare Spur—Florence Division.
1121.21(b) (State)
South Carolina.
1121.21(c) (Counties)
Darlington.
1121.21(d) (Mile Posts)
AG-285.82 to AG-292.71—6.89 miles.
1121.21(e) (Agencies)
Terminal Points: Darlington, S.C. to Mont Clare, S.C.
Agency Stations: None.

Category: 1—State: South Carolina—Segment: 16

1121.21(a) (Designation)
Portion of Hartsville Subdivision—Florence Division.

1121.21(b) (State)
South Carolina.
1121.21(c) (Counties)
Lee
1121.21(d) (Mile Posts)
SJA-331.17 to SJA-337.35—6.18 miles.
1121.21(e) (Agencies)
Terminal Points: Bishopville, S.C. to Ashwood, S.C.
Agency Stations: Manville (M.P. SJA-335) and Ashwood (M.P. SJA-337) served by mobile agency with base station at Lugoff, S.C.

Category: 1—State: South Carolina—Segment: 17

1121.21(a) (Designation)
Portion of the Belton Subdivision—Florence Division.
1121.21(b) (State)
South Carolina.
1121.21(c) (Counties)
Anderson.
1121.21(d) (Mile Posts)
AKM-0.00 to AKM-2.00—2.0 miles.
1121.21(e) (Agencies)
Termial Points: Belton, S.C.
Agency Stations: None.

Category: 2—State: Alabama—Segment: 2

1121.21(a) (Designation)
Portion of Elba Subdivision—Waycross Division.
1121.21(b) (State)
Alabama.
1121.21(c) (Counties)
Coffee.
1121.21(d) (Mile Posts)
ANG-821.00 to ANG-837.16—16.16 miles.
1121.21(e) (Agencies)
Terminal Points: Enterprise, Ala. to Elba, Ala.
Agency Stations: None.

Category: 1—State: Florida—Segment: 10

1121.21(a) (Designation)
Portion of Ocala Subdivision—Jacksonville Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Marion—Lake.
1121.21(d) (Mile Posts)
AS-781.19 to AS-800.79—19.60 miles.
1121.21(e) (Agencies)
Terminal Points: Candler to Leesburg;
Agency Stations: None.

Category: 3—State: Florida—Segment: 21

1121.21(2) (Designation)
Portion of Okeelanta Subdivision—Jacksonville Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Palm Beach.
1121.21(d) (Mile Posts)
AVF-972.16 to AVF-978.10—5.96 miles.
1121.21(e) (Agencies)
Terminal Points: Cane to Duda.
Agency Stations: None.

Category: 3—State: Florida—Segment: 40

1121.21(a) (Designation)
Portion of Early Bird Spur—Jacksonville Division.
1121.21(b) (State)
Florida.
1121.21(c) (Counties)
Marion.
1121.21(d) (Mile Posts)
SR-743.82 to SR-745.00—1.18 miles.
1121.21(e) (Agencies)
Terminal Points: Minehead, Fl. to Early Bird, Fl.
Agency Stations: Early Bird (SR-744) served by Mobile Agency with base station at Ocala, Fl.

Category: 3—State: North Carolina—Segment: 2

1121.21(a) (Designation)
Portion of East End Subdivision—Rocky Mount Division.
1121.21(b) (State)
North Carolina.
1121.21(c) (Counties)
Edgecombe-Halifax-Bertie.
1121.21(d) (Mile Posts)
AB-137.30 to AB-161.73—24.43 miles.
1121.21(e) (Agencies)
Terminal Points: Tarboro, N.C. to Kelford, N.C.
Agency Stations: Speed (AB-143); Palmyra (AB-152) (Served by Mobile Agency with base station at Tarboro, N.C.)

Category: 3—State: South Carolina—Segment: 4

1121.21(a) (Designation)
Belton Subdivision of Florence Division.
1121.21(b) (State)
South carolina.
1121.21(c) (Counties)
Anderson.
1121.21(d) (Mile Posts)
AKM-2.0 to AKM-10.0—8.0 miles.
1121.21(e) (Agencies)
Terminal Points: Anderson, S.C. to Belton, S.C.
Agency Station: None.

Category: 3—State: South Carolina—Segment: 7

1121.21(a) (Designation)
Portion of Wadesboro Subdivision—Florence Division.
1121.21(b) (State)
South Carolina.
1121.21(c) (Counties)
Chesterfield.
1121.21(d) (Mile Posts)
AJ-335.0 to AJ-342.13—7.13 miles.
1121.21(e) (Agencies)
Terminal Points: Cheraw, S.C. to N.C. State Line.
Agency Stations: None.

[FR Doc. 79-5429 Filed 2-21-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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[6320-01-M]

1

[M-196 Amdt. 1; Feb. 15, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the February 21, 1979 meeting agenda.

TIME AND DATE: 9:30 A.M.—February 21, 1979.

PLACE: 1 thru 21 Room 1027, 22—Room 1011, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 6a. Request for public comments regarding a report that the Board must make to Congress about direct sale of charter (Memo 8490, OGC, OI, OEEO, BCAA, BLJ, BIA, BPDA, OEA, and BCP.

17a. Tariff rule governing acceptance of stretcher patients proposed by United (Memo 8493, BPDA).

STATUS: 1 thru 21—Open; 22—Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 6a is being added to the February 21, 1979 agenda because the Board must meet a statutory deadline for its final report to Congress. This request for comments must be issued in time to allow the public to respond and the Board to consider the comments. Accordingly, the following Member have voted that agency business requires the addition of Item 6a to the February 21, 1979 agenda and that no earlier announcement of this addition was possible:

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer

Item 17a is being added to the February 21, 1979 meeting because if the Board desires to suspend the proposal, it must do so by February 21, 1979, or lose the authority to do so under section 1002 of the Federal Aviation Act of 1958. Accordingly, the following Members have voted that agency business requires the addition of Item 17a to the February 21, 1979 agenda and that no earlier announcement of this addition was possible:

Member Richard J. O'Melia
Member Elizabeth E. Bailey
Member Gloria Schaffer

[S-350-79 Filed 2-21-79; 9:41 am]

Federal Register

THURSDAY, FEBRUARY 22, 1979

PART II

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

■

TRANSPORTATION OF HAZARDOUS SUBSTANCES

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 171, 172, 173, 174, 175, 176, 177]

[Docket No. HM-145B; Notice No. 79-2]

Transportation of Hazardous Substances

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Hazardous Materials Regulations to specifically address the transportation of hazardous substances that may threaten public health and safety or property when discharged in certain quantities. This proposal, which is a product of a joint Department of Transportation-Environmental Protection Agency (DOT-EPA) effort, is necessary to recognize some of the harmful characteristics of such materials which resulted in their designation as hazardous substances by EPA. The proposed regulations would apply only to materials listed now or later in the Hazardous Materials Table and identified therein as hazardous substances. This proposal applies to such materials in both interstate and intrastate transportation. Finally, this notice schedules public hearings on the proposals contained herein.

DATES: *Comment:* Comments must be received on or before April 23, 1979.

Hearings: Public Hearings are to be held on February 27, 1979; 9:00 a.m.-5:00 p.m. in Washington, D.C., and on March 14, 1979; 9:00 a.m.-5:00 p.m.; in San Francisco, California.

These will be informal rather than evidentiary type hearings and there will be no cross examination of persons presenting statements. Oral comments will be limited to seven minutes unless additional time is available before the close of the hearing.

ADDRESSES: *Comments:* Comments should be addressed to Dockets Branch, Materials Transportation Bureau, Washington, D.C. 20590 (telephone: 202-472-2726). It is requested that five copies be submitted.

Hearing: Any person wishing to present an oral statement should notify the Dockets Branch at the above address at least five days prior to the hearing. Each request should identify the speaker and the length of presentation, not to exceed seven (7) minutes.

Hearings will be held at the following locations:

February 27, 1979: Room 3201 Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

March 14, 1979: Garden Room, Fleet Admiral Nimitz Officers Club, Building 140, Treasure Island, San Francisco, California.

(AC Transit bus "T" from East Bay Terminal, Oakland or Alameda). Parking spaces will be available.

FOR FURTHER INFORMATION CONTACT:

L. Metcalfe, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, DOT, Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: When Congress enacted the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*) (FWPCA) it declared in subsection 311(b)(1) of the FWPCA that it is the policy of the United States that there should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone. Section 311(b)(2) requires the Administrator of the EPA to designate as hazardous substances such elements and compounds which, when so discharged, "present an imminent and substantial danger to the public health or welfare including, but not limited to, fish, shellfish, wildlife, shorelines and beaches." Section 311(b)(5) of the FWPCA requires that any person in charge of a vessel or an onshore or offshore facility is to report discharges of certain quantities of these hazardous substances. Failure of a person in charge to make such report as soon as he has knowledge of such discharge subjects him to criminal penalties. Section 311 of the FWPCA also has numerous provisions concerning civil liability of owners and operators for the discharge, cleanup and removal of oil and hazardous substances.

Section 311(1) of the FWPCA authorizes the President to delegate administration of Section 311 of the FWPCA to appropriate heads of Federal departments and agencies. It also directs each such department and agency to use, whenever appropriate, the services of other departments and agencies, so as to avoid duplication of effort. By Executive Order 11735 of August 7, 1973, the President assigned some duties under Section 311 of the FWPCA to EPA, some others to DOT, and still others to both.

The Clean Water Act of 1977 (Pub. L. 95-217) enacted December 27, 1977, amended Section 311 of the FWPCA in many details. Among other things, it increased the maximum liability for removal and mitigation costs. The Clean Water Act did not change reporting requirements or penalties for failure to report other than to extend the applicability to the Outer Continental Shelf in the case of persons otherwise subject to the jurisdiction of the United States.

On March 13, 1978, EPA published in the FEDERAL REGISTER (43 FR 10474) a set of regulations, including 40 CFR Part 116, which designated 271 substances as hazardous in accordance with Section 311 of the FWPCA. On the same day, EPA proposed an additional 28 compounds to be so designated. It is expected that before the rules proposed herein become effective, all of the 28 proposed compounds will have been added to the list of 271.

The March 13, 1978, FEDERAL REGISTER also contained 40 CFR Parts 117-119, in which EPA classified hazardous substances in various respects, i.e., removability, reportable quantities and potential penalties. These regulations have never become effective because of delayed effective dates, court orders, and finally the passage of Pub. L. 95-567 in November of 1978. That law voided some of the provisions on which the proposed regulations were based. Accordingly, 40 CFR Parts 117-119 are being withdrawn. EPA, however, proposes to retain regulations to be renumbered 40 CFR Part 117, which spell out the minimum quantity of designated hazardous substance which, if discharged, must be reported.

IMPACT OF EPA'S RULES ON THE TRANSPORTATION INDUSTRY

According to Section 311 of the FWPCA, it is the person in charge of a vessel or an onshore or offshore facility who must report immediately the discharges of designated hazardous substances in quantities which may be harmful. Section 311(a)(10) of the FWPCA defines an onshore facility to include, but not be limited to, motor vehicles and rolling stock.

In practice, it is expected that, for example, the manufacturer of a chemical substance will have no difficulty identifying the substance or that the substance has been designated by EPA to be hazardous. But the master of a vessel carrying a hazardous substance, even though the loading plan may show what is being carried, may not be familiar with the EPA designations. Also, as has been pointed out by representatives of the railroad and trucking industries, a common carrier may be required to carry a mixture identified under a commercial trademark or a chemical product not sufficiently descriptive to permit even a expert to determine the chemical identity of the cargo. The transportation industry has expressed concern that a person in charge of a truck or a train may be subject to criminal penalties

for failing to report a discharge in spite of the absence of positive information identifying the cargo as falling under the EPA regulations.

DOT-EPA COOPDINATION

Coordination of DOT and EPA activities to minimize or abate environmental pollution by the transportation industry is not new. The FWPCA itself assigns some duties to the Administrator of EPA, others to the Secretary of the department in which the Coast Guard is operating, i.e. DOT. Executive Order 11735 similarly divides responsibilities between these two agencies. However, to simplify reporting of a hazardous substance discharge, the Coast Guard's National Response Center has been designated as the single reporting point to which discharges of hazardous substances are to be reported. This response center then will alert the proper office, Coast Guard or EPA, to respond to the particular events.

ADVANCE NOTICE OF PROPOSED RULEMAKING—HM-145

On December 9, 1978, DOT published HM-145 as an advance notice of proposed rulemaking (41 FR 53824) covering the subject of this proposal. All comments received concerning this advance notice have been given full consideration in relation to the rules proposed herein. A number of commenters expressed concern over jurisdictional matters such as EPA's apparent infringement on DOT's authority and the question of overlapping jurisdiction. Also, several commenters indicated that DOT should not attempt to develop criteria for such materials and that the regulations should not be applicable to materials in quantities of less than 110 gallons per package.

Under the rules proposed herein, the transportation of substances designated as hazardous pursuant to the FWPCA would not be subject to a completely new set of regulations but an existing body of transportation regulations would be extended using DOT's authority under the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1801 *et. seq.*). In the handling of discharge incidents, EPA or DOT is required by Section 311 of the FWPCA to respond. This is still true whether or not any transportation regulations are adopted under this rulemaking. Concerning alleged jurisdictional infringement, it should be understood that EPA and DOT are each attempting to accomplish their statutory responsibilities, and the Materials Transportation Bureau (MTB) believes that it is not a matter of infringement but rather the simple question of whether DOT or EPA should administer the regulations pertaining to the transportation of materials that are hazardous substances and which also may be considered to pose an unreasonable risk to health and safety or property.

Concerning the development of criteria, the MTB agrees with the commenters who suggested that DOT should not attempt to develop the criteria for materials that are subject to the FWPCA unless they fall within the realm of the existing defining criteria for materials presently designated as hazardous materials. The MTP believes the EPA has both the expertise and the technical resources necessary to deal with the determination and designation of those materials which should be considered for inclusion in the reporting requirement mandated by the FWPCA. Despite EPA's role in this proposal, it should be understood that the authority for the proposed requirements is the HMTA.

Concerning the suggested 110-gallon breakpoint, it has been determined by EPA that certain materials pose a significant risk at much smaller quantities, depending on the toxicity of the material under consideration. Therefore, the suggestion has not been adopted in this proposal.

RELATIONSHIP TO DOCKET HM-145A—HAZARDOUS WASTES

It is expected that many interested persons may be concerned about the relationship between this proposed rulemaking and the proposals made for hazardous wastes under Docket HM-145A on May 25, 1978 (43 FR 22626). In order to maintain a cooperative relationship with EPA and, recognizing the difficulties of timing the implementation of two major actions within that agency, the MTB's proposals for hazardous wastes and hazardous substances are being dealt with separately. However, it should be recognized that many of the proposed changes are common to both proposals and that, barring errors and omissions, there should be no overlaps or conflicts if both actions are completed as proposed. This is the case even if the implementation dates of final regulations are different.

PROPOSED APPLICABILITY OF REGULATIONS

It is proposed to make the regulations applicable to all hazardous substances, regardless of quantity, when they are listed by the EPA as subject to the FWPCA. Thus, any hazardous substance would be readily identifiable from shipping paper entries regardless of amount actually carried on a transport vehicle. This proposal also would require discharge reporting to be *based* not on actual amounts released, but on amounts loaded at one loading point, so that transporters would not have to keep a running total in multiple pickup and delivery operations, and would not have to estimate spill size to decide whether an immediate report is required. It is the view of the MTB that determinations of what constitutes a reportable discharge should be kept as simple as possible, consistent with the purposes of the HMTA, in order to encourage compliance and to facilitate effective enforcement. Therefore, the MTB is proposing that no immediate report of a release is required unless a reportable quantity is loaded at one location, e.g., a shipper's facility or freight terminal, and that fact noted on the shipping paper by quantites associated with the descriptions and by the notification statement. The accumlation of packages of a particular substance loaded in less than reportable quantities at more than one loading site would not be a reportable quantity under this proposal.

Also, in making the reportable quantity determination at one loading site, different substances would not be added together to make that determination. In order words, as long as a reportable quantity of a single hazardous substance is not loaded at one location, a carrier would not be required to report a release under proposed §171.17. However, in determining a reportable quantity, concentrations of a material are not required to be shown on a shipping paper and may not be considered in making that determination, i.e., ten pounds of a 50% mixture of a hazardous substance would be treated the same as ten pounds of the pure hazardous substance. Similarly, once the presence of a reportable quantity in transportation is signalled on the shipping paper(s), a discharge of *any* hazardous substance from that transport vehicle, aircraft, vessel or facility to the environment requires a report to the National Response Center on all hazardous substances in the transport vehicle, aircraft, vessel or in the area of the discharge if the discharge occurs in a facility and the source of the discharge cannot readily and safely be determined for the report.

This would preclude the necessity of a transport worker (e.g., truck driver or warehouseman) making a determination of the actual quantity discharged in deciding when a discharge report is required.

Although serious consideration was given to requiring different materials to be added on a proportional basis in determining a reportable quantity, the related computation, paperwork and difficulty of enforcement does not appear to be justified, especially since all the packages are unlikley to be simultaneously involved in a release. In-

stead, the MTB is proposing a simpler system which is equivalent in overall stringency. Comment is specifically solicited on whether the adding of different substances to determine unity is desirable in calculating a reportable quantity.

It is proposed to make the regulations in this proposed rulemaking applicable to transportation in both intrastate and interstate commerce consistent with the applicability of the FWPCA and DOT's authority under the HMTA.

REVIEW BY SECTIONS

SECTION 171.1. It is proposed to revise § 171.1 to specify the applicability of the proposed regulations to the motor vehicle transportation of hazardous substances by intrastate carrier. No such distinction is considered necessary relative to transportation by rail car, aircraft or vessels since such operations are subject to DOT's regulations without regard to the intrastate or interstate nature of individual shipments.

SECTION 171.8. Section 171.8 contains proposed definitions of "EPA," "hazardous substance," and "reportable quantity."

SECTION 171.17. Section 171.17 proposes a reporting requirement in addition to those presently specified in § 171.15 and 171.16, although compliance with proposed § 171.17 would satisfy the requirements of § 171.15(a) and (b). Notification to the National Response Center, U.S. Coast Guard would be required when any discharge of a *hazardous substance* occurs during transportation, if a reportable quantity is present as indicated by a shipping paper having the statement required by § 172.203(j)(2).

SECTION 172.101. Present §§ 172.100 and 172.101 would be combined into a revised and amended § 172.101 in order that the Hazardous Materials Table and the language introducing the Table would be contained in one section of the regulations. The introductory sentence to Paragraph (b) would be modified to include the letter "E" as an identifier in column 1 for material in column 2 that has been identified by the EPA as a hazardous substance and to subject those materials to transportation requirements by all modes. The letter "E" would be required to precede the proper shipping name on each shipping paper, package and name of the material in each portable tank, cargo tank or tank car for identification purposes during the transportation of any hazardous substance.

Paragraph (b)(1) would be revised to provide for changing the hazard class of certain materials from that specified in column 3 of the Hazardous materials Table. When a shipper determines that, because of a manufacturing process or other reason, a material is changed so that its basic hazard(s) is changed, a material would be reclassed and offered for transportation under the provisions of the new class. It is important to note that although a hazardous substance could be reclassed according to its hazard(s), if it did not meet the definition of any other hazard it would be reclassed as an ORM-E. If it were reclassed to any hazard class except ORM-E, it would be shipped under its proper shipping name within that class with the name of the hazardous substance entered in parentheses after the proper shipping name. However, if it were reclassed as an ORM-E, it would retain its original proper shipping name since there is no ORM-E, n.o.s. or hazardous substance, n.o.s. proposed.

Paragraphs (b)(2) and (3) would be modified to exclude from single mode applicability those materials which are identified by the letter "E" in column 1 and to subject those materials to transportation requirements regardless of the mode of transportation involved.

Paragraph (c)(8) would be added to explain the addition of the reportable quantity as an italicized entry in parentheses following the proper shipping name of hazardous substances in § 172.101. This would make the reportable quantity for each hazardous substance readily available for reference and for determination of when the notification statement on a shipping paper is required.

Hazardous Materials Table: The Hazardous Materials Table would be amended to include hazardous substances designated by the EPA under 40 CFR Part 117 and not presently subject to the regulations. Also, the Table would be amended to identify presently regulated hazardous materials that have been designated by the EPA as hazardous substances. These latter materials would be in two major categories. One would be materials that are now listed by name in § 172.101, and the other would be materials not now identified by name but which are now regulated under the n.o.s. listings in 172.101. Of the 165 materials being added by name, 45 are presently regulated under a n.o.s. listing, such as Beryllium fluoride which is regulated under the listing of Beryllium compound, n.o.s. The total number of materials that would be identified as hazardous substances under this proposal would be 359. These are listed and discussed in this preamble individually or in groups to identify the criteria for designating each as a hazardous material.

Although there appears to be a discrepancy between the number of newly identified materials in this proposal and the number of materials in the EPA list of hazardous substances, the materials in this proposal are those covered in the EPA list. The difference in the number of materials results from the necessity to identify in § 172.101 the different forms, mixtures or solutions of a material for proper regulation. For example, "Aldrin" appears once in the EPA list and six times in § 172.101

Hazard Class Determinations. The additions to § 172.101 to accommodate the hazardous substances would consist of 92 materials classed as ORM-E, 45 materials that are now regulated under n.o.s. listings which would be identified by name, and 28 that would be classed as ORM-A or ORM-B. Provisions are also made in § 172.101 to identify 194 materials currently being regulated by name that EPA has designated as hazardous substances.

Other Regulated Materials—ORM-A. Nineteen hazardous substances would be identified as ORM-A. This is based on the chemical, physical and other comparable properties of the compounds. The properties of these compounds are such that each compound can cause extreme annoyance or discomfort to passengers and crew in the event of leakage during transportation. These ORM-A materials are listed below:

Ammonium carbamate
Ammonium carbonate
Ammonium oxalate
Captan
Chlorpyrifos
2,4-Dichlorophenoxyacetic acid esters
Maleic acid
Maleic anhydride
Paraformaldehyde
TDE
Toxaphene
Trichlorfon
Trichlorophenol
2,4,5-Trichlorophenoxyacetic acid
2,4,5-Trichlorophenoxyacetic acid amines
2,4,5-Trichlorophenoxyacetic acid esters
2,4,5-Trichlorophenoxyacetic acid salts
2,4,5-Trichlorophenoxypropionic acid
2,4,5-Trichlorophenoxypropionic acid esters

Other Regulated Materials—ORM-B. Nine hazardous substances would be identified as ORM-B. This is based on the chemical, physical and other comparable properties of the compounds. The properties of these compounds are such that each compound is capable of causing significant damage to a transport vehicle, aircraft or vessel from leakage during transportation. These ORM-B materials are listed below:

Aluminum sulfate
Ammonium bisulfite, solid
Ammonium fluoborate
Ammonium silicofluoride
Calcium hydroxide
Ferrous chloride, solid
Lead fluoborate
Lead fluoride
Zirconium sulfate

Other Regulated Materials—ORM-E. Ninety-two materials would be classed as ORM-E. This is based on the EPA designation of certain materials as hazardous substances on March 13, 1978 (42 FR 10494), and the fact that according to our evaluation they do not meet the defining criteria of any other hazard class. These ORM-E materials are listed below:

Adipic acid
Ammonium acetate
Ammonium benzoate
Ammonium bicarbonate
Ammonium chloride
Ammonium chromate
Ammonium citrate
Ammonium sulfamate
Ammonium sulfite
Ammonium tartrate
Ammonium thiocyanate
Ammonium thiosulfate
Antimony trioxide
Benzoic acid
n-Butyl phthalate
Cadmium acetate
Cadmium bromide
Cadmium chloride
Calcium chromate
Calcium dodecylbenzenesulfonate
Chromic acetate
Chromic sulfate
Chromous chloride
Cobaltous bromide
Cobaltous formate
Cobaltous sulfamate
Cupric acetate
Cupric oxalate
Cupric sulfate
Cupric sulfate, ammoniated
Cupric tartrate
Dicamba
Dichlorbenil
Dichlone
Dinitrotoluene
Diquat
Diuron
Dodecylbenzenesulfonic acid
Ethylenediaminetetraacetic acid
Ferric ammonium citrate
Ferric ammonium oxalate
Ferric fluoride
Ferric sulfate
Ferrous ammonium sulfate
Ferrous sulfate
Fumaric aid
Isopropanolamine didecylbenzenesulfonate
Kelthane
Kepone
Lead acetate
Lead iodide
Lead stearate
Lead sulfide
Lead thiocyanate
Lithium chromate
Mercaptodimethur
Methoxychlor
Naled
Napthenic acid
Nickel ammonium sulfate
Nickel chloride
Nickel hydroxide
Nickel sulfate
Nitrophenol
Nitrotoluene
Nitrotoluene
Pentachlorophenol
Polychlorinated biphenyls
Potassium chromate
Propargite
Pyrethrins
Quinoline
Resorcinol
Sodium chromate
Sodium dodecylbenzenesulfonate
Sodium phosphate, dibasic
Sodium phosphate, tribasic
Strontium chromate
Triethanolamine dodecylbenzensulfonate
Vanadyl sulfate
Xylenol
Zinc acetate
Zinc ammonium chloride
Zinc borate
Zinc bromide
Zinc carbonate
Zinc chloride, solid
Zinc fluoride
Zinc formate
Zinc phenolsulfonate
Zinc silicofluoride
Zinc sulfate
Zirconium potassium fluroide

The 45 materials from various n.o.s. classes would be identified within the flammable liquid, combustible liquid, flammable solid, oxidizer, poison B, radioactive material, and corrosive material hazard classes as follows:

Flammable Liquids/Combustible Liquids. Three hazardous substances would be identified as flammable liquids and one as a combustible liquid. Closed cup flash points, except for epichlorohydrin, were obtained from the literature. Based on the open cup flash point of 105°F. reported for epichlorohydrin, the MTB estimates the closed cup flash point to be 95°F. These liquids and their respective closed cup flash point are listed below:

Material	Flash Point (°F.) CC.
Benzonitrile	167
Dichloropropene	95
Epichlorohydrin (estimated)	95
Ethylenediamine	93

Flammable Solids. Three hazardous substances would be identified as flammable solids. This is based on the chemical and physical properties of the compounds, and the fact that similar compounds (e.g., sodium phoshide) are classed as flammable solids. Sodium hydrosulfide, solid is listed as a "substance liable to spontaneous combustion" in the United Nations document entitled *Transport of Dangerous Goods.* These flammable solids are listed below:

Sodium hydrosulfide, solid
Zinc hydrosulfite
Zinc Phosphide

Oxidizers. Seven hazardous substances would be identified as oxidizers. Each compound is a nitrate and has been subject to the regulations under the proper shipping name "Nitrate, n.o.s." In addition, five of the nitrates are listed by name as oxidizing substances in the United Nations document entitled *Transport of Dangerous Goods.* These oxidizers are listed below:

Beryllium nitrate
Cupric nitrate
Ferric nitrate
Mercuric nitrate
Nickel nitrate
Zinc nitrate
Zirconium nitrate

Poison B. Seventeen hazardous substances would be identified as Poison B materials. Data on oral toxicity using rats (orl-rat LD50: mg/kg) was obtained from the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (1977 Edition) for 12 compounds. Data on toxicity by skin absorption using rabbits (skn-rbt LD50: mg/kg) was obtained from the NIOSH Registry for dichlorovos. Three compounds are currently subject to the Poison B regulations as "n.o.s." entries. Arsenic trisulfide is covered by the proper shipping name "Arsenical compound, n.o.s., solid". Beryllium chloride and beryllium fluoride are covered by the proper shipping name "Beryllium compound, n.o.s." No data is available for selenium oxide. However, based on chemical and pyhsical properties and the toxicity of other selenium compounds (e.g., sodium selenite), it is the MTB's opinion that selenium oxide meets the criteria for this hazard class. These poison B materials are listed below:

Material	Toxcity (orl-rat LD50: mg/kg)
Arsenic trisulfide	—
Beryllium chloride	—
Beryllium fluoride	—
Carbofuran	5
Coumaphos	16
Dichlorovos (skn-rbt)	107
Disulfoton	10
Endosulfon	18
Endrin	3
Ethion	13
Guthion	16
Heptachlor	40
Mevinphos	4
Mexacarbate	14
Selenium oxide	—
Sodium selenite	7
Vanadium pentoxide	10

Corrosive Material. Ten hazardous substances would be identified as corrosive materials. This is based on the chemical and physical properties of the compounds and the fact that several similar type compounds are classed as corrosive materials. These corrosive materials are listed below:

Ammonium bisulfite solution
Ammonium hydrogen fluoride, solid
Antimony tribromide, solid
Antimony tribromide solution
Antimony trifluoride, solid
Antimony trifluoride solution
Cresol
2,2-Dichloropropionic acid
Ferrous chloride solution
Hexachlorosyclopentadiene

Sodium bifluoride, solid
Sodium bifluoride solution
Sodium hydrosulfide solution

Radioactive Material. One hazardous substance, uranyl acetate, would be identified as a radioactive material. This compound has been subject to the regulations under one of several proper shipping names for n.o.s. entries for radioactive materials (e.g., Radioactive material, n.o.s.).

Section 172.200. Section 172.200(b) would be amended to remove the ORM exceptions as to the shipping paper requirements when a material being offered or transported is a hazardous substance.

Section 172.202. Section 172.202 would be amended to provide for identifying the quantity of a hazardous substance in pounds or kilograms on a shipping paper so a reportable quantity can be calculated.

Section 172.203. Section 172.203 would include a new paragraph (j) requiring the inclusion of the letter "E" within parentheses, brackets or a circle on the shipping paper immediately before the proper shipping name for each material identified in § 172.101 as a hazardous substance. Also a notification statement would be required to be placed on the shipping paper anytime a transport vehicle, aircraft, vessel, or freight container is loaded with a reportable quantity of any hazardous substance at any one loading site, transported by vessel.

Section 172.316. Section 172.316 would be amended to include ORM-E materials in the package marking requirements for ORMs.

Section 172.324 would be added and §§ 172.326, 172.328 and 172.330 would be revised to provide for including the letter "E" in a circle immediately before the proper shipping name on each package containing a material identified in § 172.101 as a hazardous substance.

Section 173.2. Section 173.2 would be amended to add ORM-E to the "order of hazards" listing for classification purposes.

Section 173.118a. Section 173.118a would be amended to exclude from the 110 gallons or less exception a combustible liquid when it is a hazardous substance identified in § 172.101.

Paragraph (b)(5) would be amended to reference the special reporting requirements in proposed § 171.17.

Section 173.500. Section 173.500 would be amended to clarify the definition of ORM materials. This clarification is essential to the implementation of the ORM-E class which is included in new paragraph (a)(5). Note that the ORM-E definition would include hazardous substances subject to 40 CFR Part 117 but is stated so that other materials may be included within this class at a future time.

Section 173.505. Section 173.505(a) would be revised for clarification of the exceptions for ORM-A, B, and C materials packaged in limited quantities since a basic function of the regulations is to exclude certain materials from specific packaging requirements when packages containing limited quantities of these ORMs are offered for transportation. This proposal more coherently restates this function.

Section 173.510. Section 173.510 would be amended to more clearly set forth the basic packaging requirements applicable to ORMs and a new subsection (b)(5) would be added requiring that transport vehicles used to transport ORM materials be free from leaks and have all openings securely closed. The proposed prohibition against use of open-top freight containers and transport vehicles for bulk shipments is significant. This prohibition would apply to the use of open or tarp-covered dump trucks for the transport of hazardous substances. Commenters opposed to such a prohibition are invited to submit suggestions concerning appropriate controls of tarp-covered vehicles that would assure compliance with § 173.24.

Section 173.1300. A new Subpart O would be added to Part 173 to address ORM-E materials generally and a new § 173.1300 would be added to address hazardous substances. No specific packaging requirements are being proposed in this rulemaking for such materials other than a reference to the basic requirements for ORMs in § 173.510. For example, if a hazardous substance is to be offered for transportation by aircraft, the requirement of § 173.6 in Subpart A would apply since Subpart A is referenced for such shipments in § 173.510.

Modal Parts: Sections 174.24 and 176.11 would be amended to exclude hazardous substances from the exceptions specified for materials classed as ORMs.

Sections 174.45, 175.45, 176.48 and 177.807 would be amended to reference the proposed new § 171.17 concerning the reporting of discharges involving hazardous substances.

The primary drafters of this notice are Alan I. Roberts, Lee E. Metcalfe, and George E. Cushmac of the Materials Transportation Bureau, and David Ortez of the Office of Chief Counsel of the Research and Special Programs Administration. Also, assistance was provided by Alexandre R. Tarsey of the Environmental Protection Agency.

In accordance with the foregoing, it is proposed to amend Parts 171, 172, 173, 174, 175, 176, and 177 of Title 49, Code of Federal Regulations, as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. § 171.1 would be revised to read as follows:

§ 171.1 Purpose and scope.

This subchapter prescribes the requirements of the Department of Transportation governing—

(a) The transportation of hazardous materials by, and their offering to—

(1) Carriers by rail car, aircraft and vessel (except as delegated at 49 CFR 1.46(t)).

(2) Interstate carriers by motor vehicle; and

(3) Intrastate carriers by motor vehicle so far as this subchapter relates to—

(i) Hazardous substances.

(b) The manufacture, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold for use in such transportation as specified in paragraph (a) of this section.

2. Section 171.8 would be amended to add the following definitions in their proper alphabetical sequence:

§ 171.8 Definitions and abbreviations.

* * * * *

"EPA" means the U.S. Environmental Protection Agency. "Hazardous substance" means any material—

(a) That may pose an unreasonable risk to health and safety or property when transported in commerce;

(b) Which when discharged into or upon the navigable waters of the United States or adjoining shorelines may be harmful to the public health or welfare of the United States, including but not limited to fish, shellfish, wildlife, and public and private property, shorelines, and beaches, and

(c) That is subject to the regulations of the EPA found in 40 CFR Part 117.

* * * * *

"Reportable quantity" means the numbers in pounds and kilograms following the proper shipping name of each hazardous substance listed in § 172.101 of this subchapter for use as the reference quantity for the calculations to determine whether the statement specified by § 172.203(j)(2) of this subchapter is required to be entered on a shipping paper.

* * * * *

3. § 171.17 would be added to read as follows:

§ 171.17 Hazardous substance discharge report.

(a) When any amount of a hazardous substance (when a reportable

quantity of a hazardous substance is present as indicated on a shipping paper by the statement required by § 172.203(j)) is discharged (accidentally or intentionally) during transportation, the carrier (person in charge of the aircraft, vessel, transport vehicle or facility) shall—

(1) Contact as soon as practicable (day or night) the U.S. Coast Guard National Response Center at 800-424-8802 (District of Columbia: 426-2675);

(2) Furnish the official to whom the discharge report is made the following information:

(i) Name of person reporting the discharge;

(ii) Name and address of carrier represented by person reporting the discharge;

(iii) Phone number where reporter can be contacted;

(iv) Date, time, and location of incident (indicate pollution of land, water, or public water supply, if known);

(v) Type of vehicle (motor vehicle, aircraft, rail car, or vessel);

(vi) Type of incident (fire, breakage, intentional or accidental discharge);

(vii) As identified by the letter "E" on the shipping paper(s), the proper shipping name, hazard class, and quantity of hazardous substances present in the transport vehicle, aircraft or vessel, or in the area of the discharge if within the facility, and the amount discharged, to the extent available; and

(viii) The extent of injuries, if any.

(3) Enter on Part H of DOT Form F5800.1 the following information concerning the incident:

(i) If known, location of discharge in relation to surface waters, public water supply, ground water, wildlife habitats, and agricultural production areas;

(ii) Quantity of material removed, disposition of the material; and

(iii) Quantity of unremoved material and disposition (neutralized, etc.).

(b) Compliance with paragraphs (a)(1) and (a)(2) of this section satisfies the requirements of § 171.15(a) and (b).

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

4. § 172.100 would be deleted. The material in § 172.100 paragraphs (a) through (h) would be redesignated § 172.101 paragraphs (a) through (h) with the following amendments: the heading and paragraphs (a) and (b) would be revised as set forth below; paragraph (c)(8) would be added as set forth below; the Hazardous Materials Table would be amended by changing the entries as indicated in the first listing and by adding in their proper alphabetical sequence the materials in the second listing as set forth below.

§ 172.100 [Deleted]

§ 172.101 Purpose and use of the Hazardous Materials Table.

(a) The Hazardous Materials Table set forth in this section constitutes a designation of the materials listed therein as hazardous materials for the purpose of transporation of those materials in commerce. In addition, it classifies and specifies requirements and refers to other requirements set forth elsewhere in this subchapter pertaining to the packaging, labeling and transporation of those materials.

(b) Column 1 contains the following symbols as appropriate: *, and upper case letters: A,W, and E.

(1) An asterisk before a proper shipping name means that the material described in column 2 may be subject to the regulations under class shown, may be subject to the regulations under another class, or may not be subject to the regulations of this subchapter.

(i) If the material meets the definition of the class listed in column 3, it shall be offered for transporation accordingly.

(ii) If a material does not meet the definition of the class listed in column 3, the shipper shall determine if the material meets the definition of any other hazard class and shall offer the material for transporation accordingly.

(iii) If the material does not meet the definition of the class listed, and the material is or contains a hazardous substance as indicated by the letter "E" in column 1 before a proper shipping name, the material shall be reclassed according to its hazard(s) and described by adding the name of the hazardous substance(s) in parentheses after the proper shipping name. However, such a material shall be reclassed as an ORM-E if it does not meet the hazard definition of any class. Each hazardous substance, as a chemical, mixture, or solution, is subject to the regulations of this subchapter notwithstanding the defining criteria for other hazardous materials.

(iv) If the material does not meet the definition of any hazard class and does not have the letter "E" in column 1 before the proper shipping name, it is not a hazardous material and is not subject to the regulations of this subchapter.

(2) The letter "A" in column 1 before a proper shipping name means that the material described in column 2 is subject to the requirements of this subchapter only for transporation by aircraft unless the letter "E" also appears in association with the entry.

(3) The letter "W" in column 1 before a proper shipping name means that the material described in column 2 is subject to the requirements of this subchapter only for transporation by vessel unless the letter "E" also appears in association with the entry.

(4) The letter "E" in column 1 before a proper shipping name means that the material described in column 2 is subject to the requirements of this subchapter regardless of the mode of transporation or hazard class.

(c) * * *

(8) The numbers in italic immediately following a proper shipping name of a material identified as a hazardous substance by the letter "E" in § 172.101 specify, in pounds and kilograms, the minimum quantity of the material as designated by EPA in 40 CFR Part 117 that for the purposes of § 172.203(j) constitutes a reportable quantity. For example: Sodium arsenate (RQ-1,000/454) means that the minimum reportable quantity is 1,000 pounds or 454 kilograms.

* * * *

§172.101 Hazardous Materials Table

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in one package		Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	* (CHANGE) *									
E A *	Acetaldehyde ammonia (*RQ-1000/454*)	ORM-A	None	None	173.510	No limit	No limit			
E *	Acetaldehyde (*ethyl aldehyde*) (*RQ-1000/454*)	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
E *	Acetic acid (*aqueous solution*) (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	Stow separate from nitric acid or oxidizing materials.
E *	Acetic acid, glacial (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	Stow separate from nitric acid or oxidizing materials. Segregation same as for flammable liquids.
E *	Acetic anhydride (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	1 quart	1 gallon	1,2	1,2	
E *	Acetone cyanohydrin (*RQ-10/4.54*)	Poison B	Poison	None	173.346	Forbidden	55 gallons	1	5	Shade from radiant heat. Stow away from corrosive materials.
E *	Acetyl bromide (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.247	1 quart	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E *	Acetyl chloride (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.244	173.247	1 quart	1 gallon	1	1	Stow away from alcohols. Keep cool and dry. Separate longitudinally by an intervening complete compartment or hold from explosives.
E *	Acrolein, inhibited (*RQ-1/0.454*)	Flammable liquid	Flammable liquid and Poison	None	173.122	Forbidden	1 quart	1,2	5	Keep cool. Stow away from living quarters.
E *	Acrylonitrile (*RQ-100/45.4*)	Flammable liquid	Flammable liquid and Poison	None	173.119	Forbidden	1 quart	1,2	5	Keep cool.
E A *	Aldrin, cast solid (*RQ-1/0.454*)	ORM-A	None	None	173.510	No limit	No limit			
E A *	Aldrin mixture, dry, with 65% or less aldrin (*RQ-1/0.454*)	ORM-A	None	None	173.510	No limit	No limit			
E *	Aldrin mixture, dry (*with more than 65% aldrin*) (*RQ-1/0.454*)	Poison B	Poison	173.364	173.376	50 pounds	200 pounds	1,2	1,2	
E *	Aldrin mixture, liquid (*with more than 60% aldrin*) (*RQ-1/0.454*)	Poison B	Poison	173.345	173.361	1 quart	55 gallons	1,2	1,2	If flash point less than 141 DEG F, segregation same as for flammable liquids.
E A *	Aldrin mixture, liquid, with 60% or less aldrin (*RQ-1/0.454*)	ORM-A	None	None	173.510	No limit	No limit			
E *	Aldrin (*RQ-1/0.454*)	Poison B	Poison	173.364	173.376	50 pounds	200 pounds	1,2	1,2	
E *	Allyl alcohol (*RQ-100/45.4*)	Flammable liquid	Flammable liquid and Poison	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Allyl chloride (*RQ-1000/454*)	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
E *	Ammonia, anhydrous (*RQ-100/45.4*)	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	Stow in well ventilated space.
E *	Ammonia solution (*containing more than 44% ammonia*) (*RQ-1000/454*)	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	Stow in well ventilated space.
E *	Ammonium dichromate (*ammonium bichromate*) (*RQ-1000/454*)	Oxidizer	Oxidizer	173.153	173.154 173.235	25 pounds	100 pounds	1,2	1,2	
E A *	Ammonium fluoride (*RQ-5000/2270*)	ORM-B	None	None	173.510 173.800	25 pounds	100 pounds			
E *	Ammonium hydrogen fluoride solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	1,2	1,2	Keep dry.
E *	Ammonium hydroxide (*containing not more than 44% ammonia*) (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	2 gallons	2 gallons	1	4	
E *	Ammonium sulfide solution (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
E *	Amyl acetate (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
E *	Aniline oil, liquid (*RQ-1000/454*)	Poison B	Poison	None	173.347	Forbidden	55 gallons	1,2	1,2	Stow away from oxidizing materials and acids.

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E *	Antimony pentachloride (*RQ-1000/454*)	Corrosive material	Corrosive	None	173.247	1 quart	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E *	Antimony pentachloride solution (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 pints	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E A *	Antimony potassium tartrate solid (*RQ-1000/454*)	ORM-A	None	None	173.510	No limit	No limit			
E *	Antimony trichloride, solid (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry.
E* *	Antimony trichloride solution (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 pints	1	1	Keep dry.
E *	Arsenic pentoxide, solid (*RQ-5000/2270*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
E *	Arsenic trichloride, liquid (*RQ-5000/454*)	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
E *	Arsenic trioxide, solid (*RQ-5000/454*)	Poison B	Poison	173.364	173.366 173.368	50 pounds	200 pounds	1,2	1,2	
E *	Barium cyanide, solid (*RQ-10/4.54*)	Poison B	Poison	173.370	173.370	25 pounds	200 pounds	1,2	1,2	Stow away from acids.
E *	Benzene (benzol) (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Benzoyl chloride(*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.247	1 quart	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E *	Benzyl chloride (*RQ-100/45.4*)	Corrosive material	Corrosive	173.244	173.295	Forbidden	1 quart	1	4	Keep dry.
E *	Butyl acetate (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Butylamine (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Butyric acid (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
E *	Calcium arsenate, solid (*RQ-1000/454*)	Poison B	Poison	173.364	173.367 173.368	50 pounds	200 pounds	1,2	1,2	
E *	Calcium arsenite, solid (*RQ-1000/454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
E *	Calcium carbide (*RQ-5000/2270*)	Flammable solid	Flammable solid and dangerous when wet	None	173.178	Forbidden	25 pounds	1,2	1,2	Keep dry. Stow away from copper, its alloys, and salts.
E *	Calcium cyanide, solid *or* Calcium cyanide mixture, solid (*RQ-10/4.54*)	Poison B	Poison	173.370		25 pounds	200 pounds	1,2	1,2	Stow away from corrosive liquids. Keep dry.
E *	Calcium hypochlorite mixture, *dry*. (*Containing more than 39% available chlorine*) (*RQ-10/4.54*)	Oxidizer	Oxidizer	173.153	173.217	50 pounds	100 pounds	1,2	1,2	Keep cool and dry.
E A W *	Calcium oxide (*RQ-5000/2270*)	ORM-B	None	None	173.850	25 pounds	100 pounds	1,2	1,2	Keep dry. Stow away from explosives, acids, combustible materials, and ammonium salts.
E A *	Carbaryl (*RQ-100/45.4*)	ORM-A	None	None	173.510	No limit	No limit			
E *	Carbolic acid, liquid *or* Phenol, liquid (*liquid tar acid containing over 50% benzophenol*) (*RQ-1000/454*)	Poison B	Poison	173.345	173.349	1 quart	55 gallons	1,2	1,2	
E *	Carbolic acid, *or* Phenol (*RQ-1000/454*)	Poison B	Poison	173.364	173.369	50 pounds	250 pounds	1,2	1,2	
E *	Carbon bisulfide, *or* Carbon disulfide (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	None	173.121	Forbidden	Forbidden	1	5	Keep cool. Not permitted on any vessel transporting explosives.
E A W *	Carbon tetrachloride (*RQ-5000/2270*)	ORM-A	None	None	173.620	1 quart	55 gallons	1,2	1,2	Stow away from living quarters.
E *	Chlordane, liquid (*RQ-1/0.454*)	Combustible liquid	None	173.118a	None	No limit	No limit	1,2	1,2	
E *	Chlorine (*RQ-10/4.54*)	Nonflammable gas	Nonflammable gas and Poison	None	173.304 173.314 173.315	Forbidden	Forbidden	1,2	5	Stow in a well-ventilated space. Stow away from organic materials.
E *	Chlorobenzol (*RQ-100/45.4*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in one package		Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E A W *	Chloroform (*RQ-5000/2270*)	ORM-A	None	None	173.630	10 gallons	55 gallons	1,2	1,2	Stow away from living quarters and foodstuffs.
E *	Chlorosulfonic acid (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.254	1 quart	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E *	Chromic acid mixture, dry (*RQ-1000/454*)	Oxidizer	Oxidizer	173.153	173.164	25 pounds	100 pounds	1,2	1,2	Stow away from foodstuffs.
E *	Chromic acid, solid (*RQ-1000/454*)	Oxidizer	Oxidizer	173.153	173.164	25 pounds	100 pounds	1,2	1,2	Stow away from foodstuffs. Stow separate from flammable liquids and solids.
E *	Chromic acid solution (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.287	1 quart	1 gallon	1	1	
E *	Copper acetoarsenite, solid (*emerald green, imperial green, King's green, moss green, meadow green, mitis green, parrot green, Vienna green*) (*RQ-100/45.4*)	Poison B	Poison	173.364	173.367	50 pounds	200 pounds	1,2	1,2	
A E *	Copper chloride (*RQ-10/4.54*)	ORM-B	None	None	173.510 173.800	25 pounds	100 pounds			
E *	Crotonaldehyde (*RQ-100/45.4*)	Flammable liquid	Flammable liquid and Poison	173.118	173.119	1 quart	1 gallon	1,2	1	
E *	Cyanogen chloride *containing less than 0.9% water* (*RQ-10/4.54*)	Poison A	Nonflammable gas and Poison Gas	None	173.328	Forbidden	Forbidden	1	5	Shade from radiant heat.
E *	Cyclohexane (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
E A *	DDT *or* Dichlorodiphenyltrichloroethane (*RQ-1/0.454*)	ORM-A	None	None	173.510	No limit	No limit			
E A *	Diazinon (*RQ-1/0.454*)	ORM-A	None	None	173.510	No limit	No limit			
E A *	Dichlorobenzene, ortho, liquid (*RQ-100/45.4*)	ORM-A	None	None	173.510	No limit	No limit			
E A *	Dichlorobenzene, para, solid (*RQ-100/45.4*)	ORM-A	None	None	173.510	No limit	No limit			
E A *	2,4-Dichlorophenoxyacetic acid (*RQ-100/45.4*)	ORM-A	None	None	173.510					
E *	Dichloropropene and propylene dichloride mixture (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
E A *	Dieldrin (*RQ-1/0.454*)	ORM-A	None	None	173.510	No limit	No limit			
E *	Diethylamine (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	5 pints	1,3	4	
E *	Dimethylamine, anhydrous (*RQ-1000/454*)	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	
E *	Dimethylamine, aqueous solution (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Dinitrobenzene, solid, *or* dinitrobenzol, solid (*RQ-1000/454*)	Poison B	Poison	173.364	173.371	50 pounds	200 pounds	1,2	1,2	
E *	Dinitrobenzene solution (*RQ-1000/454*)	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
E *	Dinitrophenol solution (*RQ-1000/454*)	Poison B	Poison	173.345	173.362a	1 quart	65 pounds	1,2	1,2	Stow away from heavy metals and their compounds. If flash point is 141 DEG F or less segregation same as for flammable liquids.
E *	Ethyl benzene (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E A W *	Ethylene dibromide (1,2-dibromethane) (*RQ-1000/454*)	ORM-A	None	None	173.620	1 quart	55 gallons	1,2	1,2	Stow away from living quarters.
E *	Ethylene dichloride (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E A *	Ferric chloride, solid, *anhydrous* (*RQ-1000/454*)	ORM-B	None	None	173.510	25 pounds	100 pounds			
E *	Ferric chloride solution (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	10 quarts	1,2	1,2	
E A W *	Formaldehyde, *or* formalin solution (*in containers of 110 gallons or less*) (*RQ-1000/454*)	ORM-A	None	None	173.510	10 gallons	55 gallons	1,2	4	
E *	Formaldehyde, *or* formalin solution (*in containers over 110 gallons*) (*RQ-1000/454*)	Combustible liquid	None	173.118a	None	10 gallons	55 gallons	1,2	1,2	
E *	Formic acid (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245 173.289	1 quart	5 gallons	1,2	1,2	Glass carboys in hampers not permitted under deck.
E *	Formic acid solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245 173.289	1 quart	5 gallons	1,2	1,2	
E *	Furfural (*RQ-1000/454*)	Combustible liquid	None	173.118a	None	No limit	No limit	1,2	1	
E *	Hydrochloric acid, anhydrous. *See* Hydrogen chloride.									
E *	Hydrochloric acid mixture (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.263	1 quart	1 gallon	1	1	Glass carboys not permitted on passenger vessel.
E *	Hydrochloric acid solution, inhibited (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.263	1 quart	1 gallon	1	1	Glass carboys not permitted on passenger vessel.
E *	Hydrochloric (*muriatic*) acid (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.263	1 quart	1 gallon	1	1	Glass carboys not permitted on passenger vessel.
E *	Hydrocyanic acid, liquefied (*RQ-10/4.54*)	Poison A	Flammable gas and Poison gas	None	173.332	Forbidden	Forbidden	1	5	
E *	Hydrocyanic acid (*prussic*), solution (*5% or more hydrocyanic acid*) (*RQ-10/4.54*)	Poison A	Flammable gas and Poison gas	None	173.332	Forbidden	Forbidden	1	5	Shade from radiant heat. Aqueous solutions containing more than 20 percent hydrogen cyanide are not permitted in transportation by water.
E *	Hydrocyanic acid solution, less than 5% hydrocyanic acid (*RQ-10/4.54*)	Poison B	Poison	None	173.351	Forbidden	25 pounds	1	5	Shade from radiant heat.
E *	Hydrofluoric acid solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.264	1 quart	1 gallon	1	4	
E *	Hydrofluoric and sulfuric acids, mixture (*RQ-5000/2270*)	Corrosive material	Corrosive	None	173.290	Forbidden	1 gallon	1	5	
E *	Hydrogen sulfide (*RQ-100/45.4*)	Flammable gas	Flammable gas and Poison	None	173.304 173.314	Forbidden	300 pounds	1	5	
E *	Isoprene (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	10 gallons	1,3	4	
E *	Lead arsenate, solid (*RQ-5000/2270*)	Poison B	Poison	173.364	173.367	50 pounds	200 pounds	1,2	1,2	
E A *	Lead chloride (*RQ-5000/2270*)	ORM-B	None	None	173.510 173.800	25 pounds	100 pounds			
E *	Lead nitrate (*RQ-5000/2270*)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	Stow away from foodstuffs.
E *	Lead sulfate, solid (*containing more than 3% free acid*) (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	
E A *	Lindane (*RQ-1/0.454*)	ORM-A	None	None	173.510	No limit	No limit			
E A *	Malathion (*RQ-10/4.54*)	ORM-A	None	None	173.510	No limit	No limit			
E *	Mercuric cyanide, solid (*RQ-1/0.454*)	Poison B	Poison	173.370		25 pounds	200 pounds	1,2	1,2	Stow away from acids.
E *	Mercuric sulfate, solid (*RQ-10/4.54*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
E *	Mercuric sulfocyanate, solid or mercuric thiocyanate, solid (*RQ-10/4.54*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
E *	Mercurous nitrate, solid (*RQ-10/4.54*)	Oxidizer	Oxidizer	173.153	173.154	50 pounds	100 pounds	1,2	1,2	
E *	Methyl mercaptan (*RQ-100/45.4*)	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
E *	Methyl methacrylate monomer, inhibited (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E *	Methyl methacrylate monomer, uninhibited (*high-purity, if acceptable under Sec. 173.21 of this subchapter*) (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	Forbidden	1,2	1	
E *	Methyl parathion, liquid (*RQ-100/45.4*)	Poison B	Poison	None	173.358	Forbidden	1 quart	1,3	1,3	
E *	Methyl parathion mixture, dry (*RQ-100/45.4*)	Poison B	Poison	173.377	173.377	50 pounds	200 pounds	1,2	1,2	
E *	Methyl parathion mixture, liquid, (*containing 25% or less methyl parathion*) (*RQ-100/45.4*)	Poison B	Poison	None	173.359	1/2 pint	1 quart	1,2	1,2	
E *	Methyl parathion mixture, liquid, (*containing over 25% methyl parathion*) (*RQ-100/45.4*)	Poison B	Poison	None	173.359	Forbidden	1 quart	1,2	1,2	
E *	Monoethylamine (*RQ-1000/454*)	Flammable liquid	Flammable liquid	None	173.148	Forbidden	5 pints	1,2	5	Segregation same as for flammable gas.
E *	Monomethylamine, anhydrous (*RQ-1000/454*)	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	
E *	Monomethylamine, aqueous solution (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	Stow away from mercury and its compounds.
E A W *	Naphthalene *or* Naphthalin (*RQ-5000/2270*)	ORM-A	None	None	173.655	25 pounds	300 pounds	1,2	1,2	Segregation same as for flammable solids.
E *	Nitric acid, 40% or less (*RQ-1000/454*)	Corrosive material	Corrosive	None	173.268	Forbidden	5 pints	1	5	Stow away from hydrazine, separate from diethylenetriamine.
E *	Nitric acid, fuming (*RQ-1000/454*)	Oxidizer	Oxidizer and Poison	None	173.268	Forbidden	Forbidden	1	5	Segregation same as for corrosive materials. Stow away from hydrazine, separate from diethylenetriamine.
E *	Nitric acid (*over 40%*) (*RQ-1000/454*)	Oxidizer	Oxidizer and Corrosive	None	173.268	Forbidden	5 pints	1	5	Segregation same as for corrosive materials. Stow away from hydrazine, separate from diethylenetriamine.
E *	Nitrobenzol, liquid (*oil of mirbane, nitrobenzene*) (*RQ-1000/454*)	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
E *	Nitrogen dioxide, liquid (*RQ-1000/454*)	Poison A	Oxidizer and Poison gas	None	173.336	Forbidden	Forbidden	1	5	Segregation same as for nonflammable gases. Stow away from organic materials.
E *	Oleum (*sulfuric acid fuming*) (*RQ-1000/454*)	Corrosive material	Corrosive	None	173.272	Forbidden	5 pints	1,2	1	Under deck stowage must be in metal drums only. Keep dry.
E *	Parathion and compressed gas mixture (*RQ-1/0.454*)	Poison A	Poison gas	None	173.334	Forbidden	Forbidden	1,3	5	
E *	Parathion, liquid (*RQ-1/0.454*)	Poison B	Poison	None	173.358	Forbidden	1 quart	1,3		
E *	Parathion mixture, dry (*RQ-1/0.454*)	Poison B	Poison	173.377	173.377	50 pounds	200 pounds	1,3	1,3	
E *	Parathion mixture, liquid (*RQ-1/0.454*)	Poison B	Poison	None	173.359	Forbidden	1 quart	1,3	1,3	
E *	Phosgene (diphosgene) (*RQ-5000/2270*)	Poison A	Poison gas	None	173.333	Forbidden	Forbidden	1	5	
E *	Phosphoric acid *or* Phosphoric Acid Solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	Glass carboys in hampers not permitted under deck.
E *	Phosphorus, amorphous, red (*RQ-1/0.454*)	Flammable solid	Flammable solid	None	173.189	Forbidden	11 pounds	1,2	1,2	
E *	Phosphorus oxychloride (*RQ-5000/2270*)	Corrosive material	Corrosive	None	173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E *	Phosphorus pentasulfide (*RQ-1000/454*)	Flammable solid	Flammable solid and Dangerous when wet	None	173.225	Forbidden	11 pounds	1,2	1,2	Separate from oxidizing material.
E *	Phosphorus trichloride (*RQ-5000/2270*)	Corrosive material	Corrosive	None	173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E *	Phosphorus, white *or* yellow, dry (*RQ-1/0.454*)	Flammable solid	Flammable solid and Poison	None	173.190	Forbidden	Forbidden	1,2	5	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
E *	Phosphorus, white *or* yellow, in water (*RQ-1/0.454*)	Flammable solid	Flammable solid and Poison	None	173.190	Forbidden	25 pounds	1,2	5	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
E *	Potassium arsenate, solid (*RQ-1000/454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
E *	Potassium arsenite, solid (*RQ-1000/454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*./W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E *	Potassium cyanide, solid (*RQ-10/4.54*)	Poison B	Poison	173.370		25 pounds	200 pounds	1,2	1,2	Stow away from acids.
E *	Potassium cyanide solution (*RQ-10/4.54*)	Poison B	Poison	173.345	173.352	1 quart	55 gallons	1,2	1,2	Stow away from acids.
E A *	Potassium dichromate (*RQ-1000/454*)	ORM-A	None	None	173.510	No limit	No limit			
E *	Potassium hydroxide, dry solid, flake, bead, *or* granular (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry. Do not stow with metals or alloys such as brass, copper, tin, zinc, aluminum, solder, or lead.
E *	Potassium hydroxide, liquid *or* solution (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.249	1 quart	10 gallons	1,2	1,2	
E *	Potassium permanganate (*RQ-100/45.4*)	Oxidizer	Oxidizer	173.153	173.154 173.194	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds and hydrogen peroxide.
E *	Propionic acid (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	1,2	1,2	Separated by a complete compartment or hold from organic peroxides.
E *	Propionic acid solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	Separated by a complete compartment or hold from organic peroxides.
E *	Propionic anhydride (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1	Keep dry.
E *	Propylene dichloride (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Propylene oxide (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	1 gallon	1,3	4	
E *	Silver nitrate (*RQ-1/0.454*)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	Stow away from foodstuffs.
E *	Sodium arsenate (*RQ-1000/454*)	Poison B	Poison	173.364	173.365 173.368	50 pounds	200 pounds	1,2	1,2	
E *	Sodium arsenite (*solution*) liquid (*RQ-1000/454*)	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
E *	Sodium cyanide, solid (*RQ-10/4.54*)	Poison B	Poison	173.370		25 pounds	200 pounds	1,2	1,2	Stow away from acids.
E *	Sodium cyanide solution (*RQ-10/4.54*)	Poison B	Poison	173.345	173.352	1 quart	55 gallons	1,2	1,2	Stow away from acids.
E A *	Sodium dichromate (*RQ-1000/454*)	ORM-A	None	None	173.510	No limit	No limit			
E A *	Sodium fluoride, solid (*RQ-5000/2270*)	ORM-B	None	None	173.510	No limit	No limit			
E *	Sodium fluoride solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	1,2	1,2	Stow away from acids.
E A *	Sodium hydrogen sulfite, solid (*RQ-5000/2270*)	ORM-B	None	None	173.800	25 pounds	100 pounds			
E *	Sodium hydroxide, dry solid, flake, bead, *or* granular (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245b	25 pounds	200 pounds	1,2	1,2	Keep dry.
E *	Sodium hydroxide, liquid *or* solution (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.249	1 quart	5 gallons	1,2	1,2	
E *	Sodium, metal dispersion in organic solvent (*RQ-1000/454*)	Flammable solid	Flammable solid and Dangerous when wet	None	173.230	Forbidden	10 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet.
E *	Sodium, metal liquid alloy (*RQ-1000/454*)	Flammable solid	Flammable solid and Dangerous when wet	None	173.202	Forbidden	1 pound	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet.
E *	Sodium, metal or metallic (*RQ-1000/454*)	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet.
E *	Sodium methylate, alcohol mixture (*RQ-1000/454*)	Combustible liquid	None	173.118a	None	No limit	No limit	1,2	1,2	
E *	Sodium methylate, alcohol mixture (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Sodium methylate, alcohol mixture (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
E *	Sodium methylate, dry (*RQ-1000/454*)	Flammable solid	Flammable solid	173.153	173.154	25 pounds	100 pounds	1,2	1	Segregation same as for flammable solids labeled Dangerous When Wet.
E *	Sodium nitrite (*RQ-100/45.4*)	Oxidizer	Oxidizer	173.153	173.234	25 pounds	100 pounds	1,2	1,2	Stow separate from ammonium compounds and cyanides. Bagged material not permitted on passenger vessels.

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in one package		Water shipments		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E *	Strychnine salt, solid (*RQ-10/4.54*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
E *	Strychnine, solid (*RQ-10/4.54*)	Poison B	Poison	None	173.377	Forbidden	200 pounds	1,2	1,2	
E *	Styrene monomer, inhibited (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
E *	Sulfur chloride (*mono and di*) (*RQ-1000/454*)	Corrosive material	Corrosive	None	173.247	Forbidden	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E *	Sulfuric acid (*For fuming sulfuric acid, see Oleum*) (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.272	1 quart	1 gallon	1	1	Keep dry. Under deck stowage is permitted on cargo vessels only in metal drums.
E *	Sulfuric acid, spent (*RQ-1000/454*)	Corrosive material	Corrosive	None	173.248	Forbidden	1 quart	1	1	Under deck stowage is permitted on cargo vessels only in metal drums.
E *	Tetraethyl lead, liquid (*including flash point for export shipment by water*) (*RQ-100/45.4*)	Poison B	Poison	None	173.354	Forbidden	55 gallons	1	5	If flash point is 141 deg F. or less, segregation must be the same as for flammable liquids.
E *	Tetraethyl pyrophosphate and compressed gas mixture (*RQ-100/45.4*)	Poison A	Poison gas	None	173.334	Forbidden	Forbidden	1	5	Shade from radiant heat. Stow away from living quarters. Segregation same as for nonflammable gases.
E *	Tetraethyl pyrophosphate, liquid (*RQ-100/45.4*)	Poison B	Poison	None	173.358	Forbidden	1 quart	1,2	5	
E *	Tetraethyl pyrophosphate mixture, dry (*RQ-100/45.4*)	Poison B	Poison	None	173.377	Forbidden	200 pounds	1,2	5	
E *	Tetraethyl pyrophosphate mixture, liquid (*RQ-100/45.4*)	Poison B	Poison	None	173.359	Forbidden	1 quart	1,2	5	
E *	Thallium sulfate, solid (*RQ-1000/454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
E *	Toluene (*toluol*) (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E A *	Trichloroethylene (*RQ-1000/454*)	ORM-A	None	None	173.510 173.605	10 gallons	55 gallons			
E *	Triethylamine (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Trimethylamine, anhydrous (*RQ-1000/454*)	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1	4	
E *	Trimethylamine, aqueous solution (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	Stow away from mercury and mercury compounds.
E *	Uranyl nitrate, solid (*RQ-5000/2270*)	Radioactive material	Radioactive and Oxidizer	173.392	173.393 173.396			1,2	1,2	Separate longitudinally by an intervening hold or compartment from explosives.
E *	Vinyl acetate (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Vinylidene chloride, inhibited (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
E *	Xylene (*xylol*) (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
E *	Zinc chloride solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
E *	Zinc cyanide (*RQ-10/4.54*)	Poison B	Poison	173.370		25 pounds	200 pounds	1,2	1,2	Stow away from acids.
E *	Zinc nitrate (*RQ-5000/2270*)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	2	2	
E *	Zirconium tetrachloride, solid (*RQ-5000/2270*) * (ADD) *	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	
E *	Adipic acid (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	Aluminium sulfate (*RQ-5000/2270*)	ORM-B	None	None	173.510	25 pounds	100 pounds	2	2	
E *	Ammonium acetate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ammonium benzoate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ammonium bicarbonate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in one package		Water shipments		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E A *	Ammonium bisulfite, solid (*RQ-5000/2270*)	ORM-B	None	None	173.510	25 pounds	100 pounds	2	2	
E *	Ammonium bisulfite solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	2	2	
E A *	Ammonium carbamate (*RQ-5000/2270*)	ORM-A	None	None	173.510	50 pounds	No limit	2	2	Keep away from heat.
E A *	Ammonium carbonate (*RQ-5000/2270*)	ORM-A	None	None	173.510	50 pounds	No limit	2	2	Keep away from heat, acids, alum and salts of iron or zinc.
E *	Ammonium chloride (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ammonium chromate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ammonium citrate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	Ammonium fluoborate (*RQ-5000/2270*)	ORM-B	None	None	173.510	25 pounds	100 pounds	2	2	
E *	Ammonium hydrogen fluoride, solid (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	2	2	
E *	Ammonium oxalate (*RQ-5000/2270*)	ORM-A	None	None	173.510	25 pounds	100 pounds	2	2	
E A *	Ammonium silicofluoride (*RQ-1000/454*)	ORM-B	None	None	173.510	25 pounds	100 pounds	2	2	
E *	Ammonium sulfamate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ammonium sulfite (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ammonium tartrate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ammonium thiocyanate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ammonium thiosulfate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Antimony tribromide, solid (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry.
E *	Antimony tribromide, solution (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 pints	2	2	Keep dry.
E *	Antimony trifluoride, solid (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry.
E *	Antimony trifluoride, solution (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 pints	2	2	Keep dry.
E *	Antimony trioxide (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Arsenic disulfide. *See* Arsenic sulfide, solid									
E *	Arsenic trisulfide (*RQ-5000/2270*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E *	Benzoic acid (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Benzonitrile (*RQ-1000/454*)	Combustible liquid	None	173.118b	None	No limit	No limit	2	2	
E *	Beryllium chloride (*RQ-5000/2270*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E *	Beryllium fluoride (*RQ-5000/2270*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E *	Beryllium nitrate (*RQ-5000/2270*)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	2	2	
E *	n-Butyl phthalate (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cadmium acetate (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cadmium bromide (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cadmium chloride (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	1,2	1,2	If stowed under deck, must be stowed in A RECOVERABLE LOCATION)

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E *	Calcium chromate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Calcium dodecylbenzenesulfonate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	Calcium hydroxide (*RQ-5000/2270*)	ORM-B	None	None	173.510	50 pounds	100 pounds	2	2	
E A *	Captan (*RQ-10/4.54*)	ORM-A	None	None	173.510	100 pounds	No limit	2	2	
E *	Carbofuran (*RQ-10/4.54*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E A *	Chlorpyrifos (*RQ-1/0.454*)	ORM-A	None	None	173.510	100 pounds	No limit	2	2	
E *	Chromic acetate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Chromic sulfate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Chromous chloride (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cobaltous bromide (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cobaltous formate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cobaltous sulfamate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Coumaphos (*RQ-10/4.54*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E *	Cresol (*RQ-1000/454*)	Corrosive material	Corrosive	173.244	173.245	1 gallon	55 gallons	2	2	
E *	Cupric acetate (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cupric nitrate (*RQ-100/45.4*)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	2	2	
E *	Cupric oxalate (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cupric sulfate (*RQ-10/4.54*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cupric sulfate, ammoniated (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Cupric tartrate (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	2,4-D esters. *See* 2,4-Dichlorophenoxyacetic acid esters									
E *	Dicamba (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Dichlobenil (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Dichlone (*RQ-1/0.454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	*1,1-Dichloro-2,2-bis (parachlorophenyl) ethane. See* TDE									
E A *	2,4-Dichlorophenoxyacetic acid esters (*RQ-100/45.4*)	ORM-A	None	None	173.510	50 pounds	No limit	2	2	
E *	Dichloropropane. *See* Propylene dichloride									
E *	Dichloropropene (*RQ-5000/2270*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	2	2	
E *	2,2-Dichloropropionic acid (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	2 gallons	10 gallons	2	2	
E *	Dichlorvos (*RQ-10/4.54*)	Poison B	Poison	173.364	173.365	Forbidden	1 quart	2	2	
E *	Dinitrotoluene (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Diquat (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E *	Disulfoton (*RQ-1/0.454*)	Poison B	Poison	173.364	173.365	Forbidden	1 quart	2	2	
E *	Diuron (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Dodecylbenzenesulfonic acid (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	EDTA. *See* Ethylenediaminetetraacetic acid									
E *	Endosulfan (*RQ-1/0.454*)	Poison B	Poison	173.364	173.365	1 pound	10 pounds	1,2	1,2	If stowed under deck, must be stowed in A RECOVERABLE LOCATION)
E *	Endrin (*RQ-1/0.454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	If stowed under deck, must be stowed in a recoverable location.
E *	Epichlorohydrin (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	2	2	
E *	Ethion (*RQ-10/4.54*)	Poison B	Poison	173.364	173.365	Forbidden	1 quart	2	2	
E *	Ethylenediamine (*RQ-1000/454*)	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	1 quart	2	2	
E *	Ethylenediaminetetraacetic acid (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ferric ammonium citrate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ferric ammonium oxalate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ferric fluoride (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ferric nitrate (*RQ-1000/454*)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	2	2	
E *	Ferric sulfate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Ferrous ammonium sulfate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	Ferrous chloride, solid (*RQ-100/45.4*)	ORM-B	None	None	173.510	No limit	No limit	2	2	
E *	Ferrous chloride, solution (*RQ-100/45.4*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	2	2	
E *	Ferrous sulfate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Fumaric acid (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Guthion (*RQ-1/0.454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E *	Heptachlor (*RQ-1/0.454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	If stowed under deck, must be stowed in a recoverable location.
E *	Hexachlorocyclopentadiene (*RQ-1/0.454*)	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	2	2	
E *	Isopropanolamine dodecylbenzenesulfonate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Kelthane (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Kepone (*RQ-1/0.454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Lead acetate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	Lead fluoborate (*RQ-5000/2270*)	ORM-B	None	None	173.510	25 pounds	100 pounds	2	2	
E A *	Lead fluoride (*RQ-1000/454*)	ORM-B	None	None	173.510	25 pounds	100 pounds	2	2	
E *	Lead iodide (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Lead stearate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Lead sulfide (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Lead thiocyanate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quantity in one package		Water shipments		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E *	Lime, slaked. *See* Calcium hydroxide									
E *	Lithium chromate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	Maleic acid (*RQ-5000/2270*)	ORM-A	None	None	173.510	25 pounds	100 pounds	2	2	Keep tightly closed.
E A *	Maleic anhydride (*RQ-5000/2270*)	ORM-A	None	None	173.510	25 pounds	100 pounds	1	1	
E *	Mercaptodimethur (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Mercuric nitrate (*RQ-10/4.54*)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	If stowed under deck, must be stowed in a recoverable location.
E *	Methoxychlor (*RQ-1/0.454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Mevinphos (*RQ-1/0.454*)	Poison B	Poison	173.364	173.365	Forbidden	1 quart	2	2	
E *	Mexacarbate (*RQ-1000/454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E *	Naled (*RQ-10/4.54*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Napthenic acid (*RQ-100/45.4*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Nickel ammonium sulfate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Nickel chloride (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Nickel hydroxide (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Nickel nitrate (*RQ-5000/2270*)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	2	2	
E *	Nickel sulfate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Nitrophenol (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Nitrotoluene (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	Paraformaldehyde (*RQ-1000/454*)	ORM-A	None	None	173.510	25 pounds	200 pounds	2	2	
E *	PCBs. *See* Polychlorinated biphenyls									
E *	Pentachlorophenol (*RQ-10/4.54*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Polychlorinated biphenyls (*RQ-10/4.54*)	ORM-E	None	None	173.510	No limit	No limit	1,2	1,2	If stowed under deck, must be stowed in A RECOVERABLE LOCATION)
E *	Potassium chromate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Propargite (*RQ-10/4.54*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Pyrethrins (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Quinoline (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Resorcinol (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Selenium oxide (*RQ-1000/454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E *	Sodium bifluoride, solid (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	2	2	
E *	Sodium bifluoride, solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	2	2	
E *	Sodium chromate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Sodium dodecylbenzenesulfonate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Sodium hydrosulfide, solid (*RQ-5000/2270*)	Flammable solid	Flammable solid	173.153	173.154	25 pounds	100 pounds	2	2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E *	Sodium hydrosulfide, solution (*RQ-5000/2270*)	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	2	2	
E *	*Sodium hypochlorite. See* Hypochlorite solution *or* Hypochlorite solution containing not more than 7% available chlorine									
E *	Sodium phosphate, dibasic (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Sodium phosphate, tribasic (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Sodium selenite (*RQ-1000/454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E *	Strontium chromate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	2,4,5-T. *See* 2,4,5-Trichlorophenoxyacetic acid.									
E A *	2,4,5-T amines, esters, *or* salts. *See* 2,4,5-Trichlorophenoxyacetic acid, amines, esters, *or* salts									
E *	TDE (*1,1-dichloro-2,2-bis(para-chlorophenyl) ethane*) (*RQ-1/0.454*)	ORM-A	None	None	173.510	50 pounds	No limit	2	2	
E *	2,4,5-TP. *See* 2,4,5-Trichlorophenoxypropionic acid									
E *	2,4,5-TP esters. *See* 2,4,5-Trichlorophenoxypropionic acid esters									
E *	Toxaphene (*RQ-1/0.454*)	ORM-A	None	None	173.510	25 pounds	100 pounds	2	2	
E *	Trichlorfon (*RQ-1000/454*)	ORM-A	None	None	173.510	25 pounds	100 pounds	2	2	
E *	Trichlorophenol (*RQ-10/4.54*)	ORM-A	None	None	173.510	100 pounds	No limit	2	2	
E A *	2,4,5-Trichlorophenoxyacetic acid (*RQ-100/45.4*)	ORM-A	None	None	173.510	50 pounds	No limit	2	2	
E A *	2,4,5-Trichlorophenoxyacetic acid amines, esters, *or* salts (*RQ-100/45.4*)	ORM-A	None	None	173.510	50 pounds	No limit	2	2	
E A *	2,4,5-Trichlorophenoxypropionic acid (*RQ-100/45.4*)	ORM-A	None	None	173.510	50 pounds	No limit	2	2	
E A *	2,4,5-Trichlorophenoxypropionic acid esters (*RQ-100/45.4*)	ORM-A	None	None	173.510	50 pounds	No limit	2	2	
E *	Triethanolamine dodycylbenzenesulfonate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Uranyl acetate (*RQ-5000/2270*)	Radioactive material	Radioactive material	173.391	173.395	Not applicable	Not applicable	2	2	
E *	Vanadium pentoxide (*RQ-1000/454*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	2	2	
E *	Vanadyl sulfate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Xylenol (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zinc acetate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zinc ammonium chloride (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zinc borate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zinc bromide (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zinc carbonate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zinc chloride, solid (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	1,2	1,2	
E *	Zinc fluoride (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zinc formate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
E *	Zinc hydrosulfite (*RQ-1000/454*)	Flammable solid	Flammable solid	173.153	173.154	25 pounds	100 pounds	2	2	
E *	Zinc phenolsulfonate (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zinc phosphide (*RQ-1000/454*)	Flammable solid	Flammable solid and Poison	173.153	173.154	Forbidden	25 pounds	2	2	Keep away from oxidizing agents.
E *	Zinc silicofluoride (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zinc sulfate (*RQ-1000/454*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E *	Zirconium nitrate (*RQ-5000/2270*)	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	2	2	
E *	Zirconium potassium fluoride (*RQ-5000/2270*)	ORM-E	None	None	173.510	No limit	No limit	2	2	
E A *	Zirconium sulfate (*RQ-5000/2270*)	ORM-B	None	None	173.510	100 pounds	No limit	2	2	

5. In § 172.200 paragraphs (b)(1), (b)(2) and (b)(3) would be revised to read as follows:

§ 172.200 Applicability.

* * * * *

(b) *Exceptions.* This subpart does not apply to any material that is—

(1) An ORM-A, B or C unless it is offered or intended for transportation by aircraft and is subject to the regulations pertaining to transportation by aircraft as specified in § 172.101 or is a hazardous substance;

(2) An ORM-A, B or C unless it is offered or intended for transportation by vessel and is subject to the regulations pertaining to transportation by vessel as specified in § 172.101 or is a hazardous substance; or

(3) An ORM-D unless it is offered or intended for transportation by aircraft, or is a hazardous substance.

6. In § 172.202 paragraph (a)(4) and the introductory text of paragraph (c) would be revised; paragraph (c)(3) would be added to read as follows:

§ 172.202 Description of hazardous material on shipping papers.

(a) * * *

(4) Except for empty packagings and a hazardous substance, the total quantity (by weight, volume, or as otherwise appropriate) of the hazardous material covered by the description. The total quantity of a hazardous substance covered by the description shall be entered in pounds or kilograms.

* * * * *

(c) Except for a hazardous substance, the total quantity of the material covered by one description must appear before or after, or both before and after, the description required and authorized by this subpart.

* * * * *

(3) The weight of a hazardous substance in pounds or kilograms shall be entered after the description. Any other appropriate quantity designation may be entered before the basic description.

7. In § 172.203 paragraph (j) would be added to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(j) *Hazardous substances.* If the letter "E" appears in column 1 of the Hazardous Materials Table before the proper shipping name in column 2, a letter "E" shall be entered on the shipping paper in parentheses, brackets or a circle immediately in front of the proper shipping name of each hazardous substance. For example: (E) Cresol, Corrosive material, or [E] Adipic acid, ORM-E.

(1) Each hazardous substance identified by the letter "E" in column 1 in § 172.101 that is reclassed as provided by § 172.101(b) shall have on the shipping paper following the proper shipping name, the name of the hazardous substance in parentheses. For example: (E) Flammable liquid, n.o.s. (beryllium chloride).

(2) When a transport vehicle, aircraft, vessel, or fright container is loaded with a reportable quantity of any hazardous substance at one loading location, the shipping paper must bear the following statement in a clear and legible manner:

FEDERAL LAW REQUIRES PROMPT NOTIFICATION TO 800-424-8802 IF THE HAZARDOUS SUBSTANCE(S) DESCRIBED IN THIS DOCUMENT IS DISCHARGED DURING TRANSPORTATION

8. In § 172.316 the introductory text of paragraph (a) and paragraph (c) would be revised; paragraph (a)(7) would be added to read as follows:

§ 172.316 Packagings containing material classed as ORM.

(a) Except as provided in § 173.505 of this subchapter, each package containing a material classed as ORM-A, B, C, D, or E shall be plainly, durably, and legibly marked on at least one side or end with the appropriate ORM designation immediately following or below the proper shipping name of the material. The appropriate ORM designation shall be placed within a rectangle that is approximately ¼-inch (6.3 mm.) larger on each side than the designation. The appropriate designation for each ORM shall be:

* * * * *

(7) ORM-E for an ORM-E.

* * * * *

(c) The marking ORM-A, B, C, D, or E is the certification by the person offering the package for transporation that the material is properly described, classed, packaged, marked and labeled (when appropriate) and in proper condition for transporation according to the applicable regulations of the Department. This form of certification does not preclude the requirement for a certificate on a shipping paper when required by § 172.204.

9. Section 172.324 would be added to read as follows:

§ 172.324 Packagings containing hazardous substances.

The letter "E" within a circle shall be entered immediately before the proper shipping name on each package containing a hazardous substance. This section does not apply to a portable tank, cargo tank or tank car.

10. In § 172.326 paragraph (a) would be revised to read as follows:

§ 172.326 Portable tanks.

(a) A portable tank containing a hazardous material shall be marked with the proper shipping name of the material. This marking must be in lettering two inches (50.8 mm.) or more in height and legibly displayed on two opposing sides. Additionally, when the material is a hazardous substance, the letter "E" in a circle shall be marked before the proper shipping name.

* * * * *

11. In § 172.328 paragraph (b) would be revised to read as follows:

§ 172.328 Cargo tanks.

* * * * *

(b) *Required markings: Hazardous materials other than gases.* When transporting a hazardous material other than a compressed gas in a cargo tank required by Part 173 of this subchapter to be marked with the proper shipping name of the contents, it must be marked as specified in this Part on each end and each side. When a cargo tank is marked with the proper shipping name or name of a material and the material is a hazardous substance, the letter "E" in a circle shall be marked before the proper shipping name or name of the material as required by paragraph (a) of this section.

* * * * *

12. In § 172.330 paragraph (a)(3) would be added to read as follows:

§ 172.330 Tank cars.

(a) * * *

(3) Letter "E" in a circle before the proper shipping name or name of the material, as appropriate, when the material is a hazardous substance.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

13. In § 173.2 paragraph (a)(16) would be added to read as follows:

§ 173.2 Classification of a material having more than one hazard as defined in this Part.

(a) * * *

(16) ORM-E.

* * * * *

14. In § 173.118a paragraphs (a) and (b)(5) would be revised to read as follows:

§ 173.118a Exceptions for combustible liquids.

(a) Unless otherwise stated for a specific material, the regulations in this subchapter do not apply to a material classed as a combustible liquid in a packaging having a rated capacity of 110 gallons or less, except a combustible liquid that is also a hazardous substance as identified by the letter "E" in column 1 of § 172.101 of this subchapter.

(b) * * *

(5) Reporting incidents as prescribed by §§ 171.15, 171.16 and 171.17 of this subchapter.

15. In § 173.500 paragraph (a) introductory text preceding Note 1 would be revised; a paragraph (b) introductory text and paragraph (b)(5) would be added; paragraphs (a) (1), (2), (3) and (4) would be redesignated paragraphs (b) (1), (2), (3) and (4) and new paragraphs (a)(1) and (a)(2) would be added to read as follows:

§ 173.500 Definitions.

(a) An Other Regulated Material (ORM) is a material that may pose an unreasonable risk to health and safety or property when transported in commerce and—

[Note 1 remains unchanged] * * *

(1) It does not meet any of the definitions of the other hazard classes specified in this subchapter; or

(2) It has been reclassed an ORM (specifically or permissively) according to this subchapter.

(b) ORMs are divided into classes as follows:

* * * * *

(5) An ORM-E is a material that is not included in any other hazard class, but is subject to the requirements of this subchapter. Materials in this class include—

(i) Hazardous substances subject to the regulations of the EPA found in 40 CFR Part 117.

16. In § 173.505 the section heading and the introductory text of paragraph (a) would be revised to read as follows:

§ 173.505 Exceptions for Other Regulated Materials (ORMs).

(a) The following ORM materials, unless otherwise provided in § 172.101 of this subchapter, are not subject to the requirements of this subchapter, except §§ 173.6, 173.21 and 173.24 and Subparts C and D of Part 172, when packaged as follows:

* * * * *

17. In § 173.510 paragraph (a)(1) would be revised; paragraph (b) would be added to read as follows:

§ 173.510 General packaging requirements.

(a) * * *

(1) Each material must be offered for transportation and transported in compliance with § 171.2 of this subchapter, Subparts B, C, and D of Part 172 of this subchapter and Subparts A and B of this Part.

* * * * *

(b) Portable tanks, tank cars, cargo tanks, hopper and dump type transport vehicles must be free from leaks and all openings must be securely closed during transportation. Open-top freight containers and transport vehicles are not permitted for bulk shipments.

18. A new Subpart O consisting of § 173.1300 would be added immediately following § 173.1200 to read as follows:

Subpart O—Other Regulated Material; ORM-E

§ 173.1300 Hazardous substances classed as ORM-E.

A hazardous substance classed as an ORM-E may not be offered for transportation unless packaged in accordance with § 173.510.

PART 174—CARRIAGE BY RAIL

19. In § 174.24 paragraph (b) would be revised to read as follows:

§ 174.24 Shipping papers.

* * * * *

(b) This subpart does not apply to a material classed as ORM-A, B, C, or D unless it is a hazardous substance as provided by § 172.101 of this subchapter.

20. § 174.45 would be revised to read as follows:

§ 174.45 Reporting hazardous materials incidents.

When an incident occurs during transportation in which a hazardous material is involved, a report may be required (see §§ 171.15, 171.16 and 171.17 of this subchapter.)

PART 175—CARRIAGE BY AIRCRAFT

21. In § 175.45 paragraph (d) would be added to read as follows:

§ 175.45 Reporting hazardous materials incidents.

* * * * *

(d) Each operator who transports a reportable quantity of a hazardous substance shall comply with the reporting requirements of § 171.17 of this subchapter when a discharge of any amount of a hazardous substance to the environment occurs during transportation.

PART 176—CARRIAGE BY VESSEL

22. In § 176.11 paragraph (e) would be revised to read as follows:

§ 176.11 Exceptions.

* * * * *

(e) Hazardous material classed and shipped as ORM-D is not subject to the requirements of this Part unless it is a hazardous substance as provided by § 172.101 of this subchapter.

23. In § 176.48 paragraph (b) would be revised to read as follows:

§ 176.48 Situation requiring report.

* * * * *

(b) When an incident occurs during transportation in which a hazardous material is involved, a report may be required. (See §§ 171.15, 171.16, and 171.17 of this subchapter.)

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

25. § 177.807 would be revised to read as follows:

§ 177.807 Reporting hazardous materials incidents.

When an incident occurs during transportation in which a hazardous material is involved, a report may be required. (See §§ 171.15, 171.16, and 171.17 of this subchapter.)

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53; 49 CFR Part 1, Appendix A; and 49 CFR Part 106, Appendix A, paragraph (a)(4).)

NOTE.—The Materials Transportation Bureau has determined that the proposals in the notice, if implemented, would not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9583). A regulatory evaluation is available in the public docket.

Issued in Washington, D.C. on February 13, 1979.

ALAN I. ROBERTS,
Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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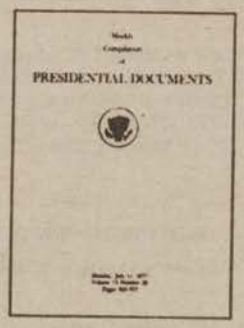

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