

sions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance Order under section 113(d) of the Clean Air Act (the Act). EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by EPA, Source compliance with its terms would preclude Federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Indiana SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedure for EPA's issuance, approval, and disapproval of Orders under section 113(d) of the Act. In addition, Part 65 will contain sections summarizing Orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

(42 U.S.C. 7413, 7601)

Dated: August 29, 1978.

VALDAS V. ADAMKUS,
*Acting Regional
Administrator, Region V.*

[FR Doc. 78-25034 Filed 9-6-78; 8:45 am]

[6712-01]

**FEDERAL COMMUNICATIONS
COMMISSION**

[47 CFR Parts 31, 33, 42 and 43]

[Docket No. 78-196; FCC 78-453]

**REVISION OF ACCOUNTS AND FINANCIAL
REPORTING FOR TELEPHONE COMPANIES**

Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: The inaccurate reference to Appendix C appearing in a note in

FR Doc. 78-20883 at 43 FR 33571, July 31, 1978, is corrected to read: "Separations manual" (February 1971).

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

**FOR FURTHER INFORMATION
CONTACT:**

Dr. David Chessler, Common Carrier Bureau, 202-632-7084.

Released August 29, 1978.

In the matter of revision of the uniform system of accounts and financial reporting requirements for telephone Companies (Parts 31, 33, 42 and 43 of the FCC's rules), CC Docket No. 78-196.

In the above captioned matter, Notice of Proposed Rulemaking, FCC 78-453, released July 21, 1978 (43 FR 33571, July 31, 1978), the Note at the end re Appendix C "Separations manual" (February 1978) is in error and should read: "Separations manual" (February 1971) * * *

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-25033 Filed 9-6-78; 8:45]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 172 and 173]

[Docket No. HM-139 Notice No. 78-10]

**INDIVIDUAL EXEMPTIONS, CONVERSION TO
REGULATIONS OF GENERAL APPLICABILITY**

Proposed Rulemaking

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments by October 10, 1978.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S.

Department of Transportation, Washington, D.C. 20590.

**FOR FURTHER INFORMATION
CONTACT:**

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION:

Each of the proposed amendments described in the following table is founded upon either; (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations. Primary drafters of this proposal are Darrell L. Raines, and John C. Allen, Office of Hazardous Materials Regulation, and Evan Braude, Office of the Chief Counsel, Research and Special Programs Administration. These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR part 107, subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated. Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo

PROPOSED RULES

vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an

exemption has been issued. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal applica-

tion is pending; the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 2901-No	Ozark-Mahoning Co	§ 172.101	Authorizes shipment of tungsten hexafluoride, a corrosive material, in DOT specification cylinders aboard cargo-only aircraft up to 110 lb per cylinder. Tungsten hexafluoride is similar to hydrogen fluoride which is authorized for shipment in this manner aboard cargo-only aircraft. (Mode 5).	To add an entry in § 172.101 for "Tungsten hexafluoride" to read as follows:

(1) #/ U/ A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Labels (or) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
				(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
				(Add)	Tungsten hexafluoride	Corrosive (material)	Corrosive	None	§ 173.284	Forbidden

To add § 173.284 to read as follows:

§ 173.284 *Tungsten hexafluoride.*

(a) Specification 3A, 3AA, 3BN or 3E (§§ 178.36, 178.37, 178.39, 178.42 of this subchapter). Cylinders. Cylinders shall be equipped with a valve protection cap or be packed in a strong outside shipping container adequate to protect valves. Outlets of any valves must be capped or plugged. As an alternate, the cylinder opening may be closed by the use of a metal plug. All specification 3E cylinders must be shipped in an overpack. Authorized for transportation by air only when capacity does not exceed 110 lb in one outside container and only when shipped by cargo-only aircraft.

(b) In containers prescribed in § 173.245. Not authorized for transportation by air.

To amend the last sentence in § 173.252(a)(4) to read:
The total quantity loaded must not be less than 95 pct of the quantity the tank is authorized to carry.

To add paragraph (b)(2) to read:

(2) Specification 58 (§ 178.252 of this subchapter). Portable tank. Tank must be capable of maintaining a pressure of 2 psig and pressure relief valve must have a maximum setting of 3 psig. For loading and unloading purposes, the tank may be pressurized with nitrogen and have a grounding lug welded to the tank.

To amend the table in § 173.314(c) by revising the entry for monobromotrifluoromethane to read as follows:

E 3822-No	Dow Chemical Co	§ 173.252(a)(4)	Authorizes shipments of bromine as prescribed in § 173.252(a)(4) except that the total quantity loaded must not be less than 95 pct of the quantity the tank is authorized to carry. (Mode 1).
E 7423-No	do	§ 173.220	Authorizes shipment of magnesium metallic powder, a flammable solid, in DOT specification 58 metal portable tanks. (Modes 1, 2, 3).
E 7524-No	E. I. du Pont de Nemours & Co.	§ 173.314(c), § 173.315(a).	Authorizes the shipment of monobromotrifluoromethane, a refrigerant gas, in DOT specification MC 331 cargo tanks, DOT 51 portable tanks, and DOT 105A500W tank car tanks. (Modes 1, 2, 3).

Kind of gas	Maximum Permitted filling density, Note 1		Required tank car, See § 173.31(a)(2) and (3)
	Percent		
Monobromotrifluoromethane	124	-----	DOT 110A800W, Notes 7 and 13 DOT 10SA500W, Note 13
	140	-----	

To add an entry in the table in § 173.315(a) to read as follows:

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section).	Type (see Note 2)	Minimum design pressure (psig)
Monobromotrifluoromethane (See Note 9)	133	-----	See Note 7	DOT-51, MC 331 365

- E 7897-No Kerr-McGee Chemical Co § 173.850(a) ... Authorizes shipments of calcium oxide, an ORM-B, in portable tanks. (Mode 3). To add par. (a)(8) to read:
(8) Portable tanks with gross weight not over 7,000 lb.
- E 7773-No Valley Chemical Co and Kerr-McGee Chemical Co. § 173.358(a) ... Authorizes shipments of parathion, methyl parathion, organic phosphate compound, parathion mixtures, methyl parathion mixtures and organic phosphate compound mixtures in a DOT specification MC 312 cargo tank by private motor vehicle under certain conditions. (Mode 1). To revise par. (a)(14) to read:
(14) Specification MC 310, MC 311, MC 312, MC 330, or MC 331 (§§ 178.343, 178.337 of this subchapter). Tank motor vehicle. Bottom outlets, if any, must be equipped with valves conforming with § 178.337-11(c) of this subchapter. MC 311 or MC 312 must have a minimum material thickness of 3/16 inch and designed for a product weight of 13 lb per gallon or over. Contents of the tank must be under no gas pressure except its own vapor pressure. Authorized for parathion, methyl parathion and organic phosphate compound only, and by private motor carrier only.
- Dodo § 173.359(a)do To revise par. (a)(16) to read:
(16) Specification MC 310, MC 311, MC 312, MC 330, or MC 331 (§§ 178.343, 178.337 of this subchapter). Tank motor vehicle. Bottom outlets, if any, must be equipped with valves conforming with § 178.337-11(c) of this subchapter. MC 311 or MC 312 must have a minimum material thickness of 3/16 inch and designed for a product weight of 13 lb per gallon or over. Contents of the tank must be under no gas pressure except its own vapor pressure. Authorized for parathion mixtures, methyl parathion mixtures and organic phosphate compound mixtures only, and by private motor carrier only.
- E 7810-No Allied Chemical Corp § 173.314(c) ... Authorized the shipment of certain flammable and nonflammable refrigerant gases in DOT specification 106A and 110A multiunit tank car tanks aboard cargo vessel. These gases were accommodated by addition of note 25 to the table in § 173.314(c) (HM-139, 43 FR 8519). However, the Bureau received a number of comments to include other compressed gases in this amendment, including some that were previously authorized under 48 CFR prior to docket HM-112. (Modes 2, 3). To add a reference to note 25 in the third column of the table in § 173.314(c) for the entries chlorine, anhydrous ammonia, hexafluoropropylene, and sulfur dioxide.
- E 7918-No W. R. Grace & Co § 172.101 Authorizes shipment of a certain soda lime which does not meet the definition of a corrosive material even though commodity is listed by name in § 172.101. Shipments are excepted from the hazardous materials regulations. (Modes 1, 2, 3, 4, 5). To revise the entry for "Soda lime solid" in § 172.101 by putting an asterisk immediately before the entry in column 1.

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- E 7947-No Air Products & Chemicals, Inc. § 173.314(c).... Authorizes methylamines to be shipped in DOT specification 105A300W and 112A340W tank cars with start-to-discharge pressures of 247.5 and 280.5 psig, respectively. (Mode 2).
 To add a reference to note 26 in the third column of the table in § 173.314(c) for the entries dimethylamine, monomethylamine, and trimethylamine. Note 26 to be added after note 25 to read as follows:
 Note 26: For these materials only, specifications 105A300W and 112A340W tank cars may be equipped with safety relief devices with a start-to-discharge pressure setting of 247.5 psi and 280.5 psi respectively.
- E 7968-No SCM Corp..... § 172.101, § 173.224, § 173.224 (a)(4). Authorizes shipments of pinane hydroperoxide solution containing not more than 45 pct by weight of pinane hydroperoxide in nonvolatile solutions. (Mode 1).
 To add pinane hydroperoxide solution to the table in § 172.101; to revise § 173.224 by adding pinane hydroperoxide solution and to revise § 173.224(a)(4) to read:
 (4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Authorized for parmenthane hydroperoxide of strength not exceeding 60 pct in a nonvolatile solvent. Authorized for pinane hydroperoxide solution containing not more than 45 pct by weight of pinane hydroperoxide in a nonvolatile solvent. Authorized for cumene hydroperoxide of strength not exceeding 90 pct in a nonvolatile solvent in MC 311 or MC 312 cargo tanks only.

(1) * / W / A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard clauses	(4) Labels (a) required (if not excepted)	(5) Packaging			(6) Maximum net quantity in one package			(7) Water shipments		
				(a)		(b)	(a)		(b)	(a)	(b)	(c)
				Exemptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements		
	(Add) Pinane hydroperoxide solution, not over 45% peroxide.	Organic peroxide	Organic peroxide	§ 173.153	§ 173.224	1 quart	1 quart	1, 2	4			

- E 7986-N The Aluminum Association, Inc. § 173.232(a) ... Requested an exemption to authorize shipments of aluminum flake powders which have been rendered nondusting by agglomerating or other treatment of the individual particles, aluminum granules, aluminum atomized powder and aluminum paste as nonhazardous. (Modes 1, 2, 3, 4, 5).
 To revise par. (a) to read:
 (a) Aluminum flake powders which have been rendered nondusting by agglomerating or other treatment of the individual particles, aluminum granules, aluminum atomized powder and aluminum paste are not subject to the requirements of this subchapter.
- E 8001-N E. I. du Pont de Nemours & Co. § 173.119(m) (15). Authorizes shipments of acrylonitrile in DOT specification 112A200W tank car tanks. (Mode 2).
 To amend par. (m)(15) to include the DOT specification 112A200W tank car.
- 8040-N Mobil Chemical Co § 172.101 Authorizes shipments of Di-(2-ethylhexyl) phosphoric acid which does not meet the definition of a corrosive material as defined in § 173.240(a)(1). (Modes 1, 2, 4, 5).
 To revise the entry for Di-(2-ethylhexyl) phosphoric acid in § 172.101 by adding an asterisk in column 1.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102).

The Materials Transportation Bureau has determined that this notice will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available in the public docket.

Issued in Washington, D.C. on August 30, 1978.

ALAN I. ROBERTS,
 Associate Director for Hazardous Materials
 Regulation,
 Materials Transportation Bureau.

[FR Doc. 78-24927 Filed 9-6-78; 8:45 am]