

## RULES AND REGULATIONS

William Opdyke, 202-343-5914.

**SUPPLEMENTARY INFORMATION:** The primary author of this rule is William Opdyke, Division of Procurement and Grants, Office of Administrative and Management Policy, Department of the Interior, 202-343-5914.

**NOTE.**—The Department of the Interior has determined that this document does not contain a major rule requiring preparation of an inflation impact statement under Executive Order 11821 or OMB Circular A-107.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, the amendments contained herein are entirely administrative in nature. Therefore, the public rulemaking process is waived.

Accordingly, pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, 41 CFR is amended as stated below.

Dated: October 19, 1978.

RICHARD R. HITE,  
Deputy Assistant  
Secretary of the Interior.

**Subpart 14-3.3—Determinations, Findings, and Authorities**

1. Section 14-3.305-51 is amended by deleting "(g) [Reserved]"; by adding paragraph (g) and by revising paragraph (i). As amended, paragraphs (g) and (i) read as follows:

**§ 14-3.305-51** Summary of required determinations and findings.

(g) *Other types of contracts.* The use of a time and materials contract or a labor-hour contract pursuant to §§ 1-3.406-1 and 1-3.406-2 of this title requires a determination and findings signed by the contracting officer.

(i) *Waiver of audit of proposals.* The determination and findings required to waive the audit of proposals pursuant to § 1-3.809(b) of this title will be signed by the contracting officer.

**Subpart 14-63.1—Audit of Contractor's Records**

2. Section 14-63.103 is amended by revising paragraphs (a) and (e) to read as follows:

**§ 14-63.103 Requirements.**

(a) A preaward audit of proposals shall be made as required by § 1-3.809 of this title, for each negotiated contract and modification which is firm fixed-price or fixed-price with economic adjustment where the cost to the

government exceeds or may exceed \$100,000 or negotiated contract and modification of any other type where the cost to the Government exceeds or may exceed \$250,000.

(e) Contracts and contract modifications aggregating more than the amounts stated in paragraph (a) of this § 14-63.103 shall not be divided into separate transactions to avoid the audit requirements.

3. At the end of paragraph (c) of § 14-63.103, the words "Office of Management Services" are amended to read "Office of Administrative and Management Policy."

4. In the first line of paragraph (d) of § 14-63.103, the phrase "of the clause § 14-63.104-1" is amended to read "of the clause in § 14-63.104-1."

[FR Doc. 78-30638 Filed 10-27-78; 8:45 am]

**[4310-84-M]**

**Title 43—Public Lands: Interior**

**CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**

**APPENDIX—PUBLIC LAND ORDERS**

[Public Land Order 5652; C-24228]

**COLORADO**

**Modification of Public Land Orders  
No. 1637 and No. 1800**

**AGENCY:** Bureau of Land Management (Interior).

**ACTION:** Final rule.

**SUMMARY:** Modification of PLO's No. 1637 and No. 1800 to permit an exchange of certain national forest lands. The lands remain withdrawn under the mining laws (30 U.S.C., Ch. 2).

**EFFECTIVE DATE:** October 30, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Keith Corrigall, 202-343-8731.

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Orders No. 1637 and No. 1800 of May 16, 1958, and February 19, 1959, respectively, which withdrew certain public lands within the Arapaho National Forest from all forms of appropriation under the public land laws, including the mining laws, are hereby modified to delete the following words: "From all forms of appropriation under the public land laws, including," so far as they relate to the following described lands:

**ARAPAHO NATIONAL FOREST**

**SIXTH PRINCIPAL MERIDIAN**

**Snake River Campground**

T. 5 S., R. 76 W.

Sec. 18, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ /4;

Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ /4, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  (EXCEPTING THOSE PORTIONS WITHIN HES No. 110).

Containing 81.50 acres, more or less.

**Tenderfoot Campground**

T. 5 S., R. 77 W.

Sec. 13, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ /4, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ /4SE $\frac{1}{4}$  (EXCEPTING THAT PORTION WITHIN HES No. 110);

Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ /4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  (EXCEPTING THOSE PORTIONS WITHIN HES No. 110).

Containing 109 acres, more or less.

The above described lands aggregate 190.50 acres in Summit County.

2. Effective immediately the above described lands shall be open to applications for the disposal of the lands under the General Exchange Act of March 20, 1922, 42 Stat. 465, as amended, 16 U.S.C. 485, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands remain withdrawn under the mining laws, 30 U.S.C., Ch. 2.

GUY R. MARTIN,  
Assistant Secretary of  
the Interior.

OCTOBER 24, 1978.

[FR Doc. 78-30625 Filed 10-27-78; 8:45 am]

**[6730-01-M]**

**Title 46—Shipping**

**CHAPTER IV—FEDERAL MARITIME COMMISSION**

**SUBCHAPTER A—GENERAL PROVISIONS**

[General Order 16, Amdt. 26]

**PART 502—RULES OF PRACTICE AND PROCEDURE**

**Time for Review by the Commission in Absence of Exceptions or Appeal**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rules.

**SUMMARY:** The rules of practice and procedure are amended to eliminate the current confusion regarding the time within which the Commission on its own initiative may determine to review initial decisions or orders of dismissal of administrative law judges or settlement officers in agency proceedings. The change is necessary because

under the current rules it is unclear whether the time limit is 30 or 45 days. These amendments clearly establish the period as 30 days.

EFFECTIVE DATE: October 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

**SUPPLEMENTARY INFORMATION:** The Commission recently published amendments to its rules of practice regarding time limits for filing of exceptions or appeal of decisions of the administrative law judges and of settlement officers, and review by the Commission in the absence of such filings (43 FR 33721; August 1, 1978). The Commission provided therein that review by the Commission in the absence of exceptions or appeal shall not be accomplished unless such review is requested by an individual Commissioner within 30 days of the decision or order (emphasis ours). Any such request would be sufficient to bring the matter before the Commission. The amendment further stated that decisions of the administrative law judge or settlement officer would become the decision of the Commission in the absence of exceptions or appeal unless within 45 days the Commission decides on its own motion to review the decision.

These two provisions are inconsistent and confusing. One would limit accomplishment of review to actions of the Commission taken within 30 days and the other would seem to permit review upon an action taken within 45 days. In order to rectify this confusion appropriate changes are hereby being made in the Commission's rules of practice to prescribe 30 days as the time within which such determinations to review may be accomplished.

Therefore, pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 841a) and 5 U.S.C. 553, part 502 of title 46 CFR is amended as follows:

1. The fourth sentence of paragraph (a) of § 502.227 is revised to read: "Whenever the officer who presided at the reception of the evidence, or other qualified officer, makes an initial decision, such decision shall become the decision of the Commission 30 days after date of service thereof (and the Secretary shall so notify the parties), unless within such 30-day period, or greater time as enlarged by the Commission for good cause shown, request for review is made in exceptions filed or a determination to review is made by the Commission on its own initiative."

2. The last sentence of paragraph (a) of § 502.227 is amended by deleting the phrase "within 45 days after date of

service of the initial decision" which appears at the end thereof.

3. Paragraph (c) of § 502.227 is amended by changing all references to "45 days" to read "30 days."

4. The reference in the second sentence of § 502.304(g) to "45 days" is amended to read "30 days."

5. The reference in § 502.318 to "45 days" is amended to read "30 days."

Effective date: Notice, opportunity to comment on these amendments and delayed effective date are not necessary because the amendments involve internal agency procedural matters. The amendments shall be effective October 30, 1978, and will apply to initial decisions, settlement officer decisions, and orders of dismissal served after that date.

By the Commission.

FRANCIS C. HURNY,  
Secretary.

[FR Doc. 78-30620 Filed 10-27-78; 8:45 am]

[7555-02-M]

#### Title 47—Telecommunications

### CHAPTER II—NATIONAL SECURITY AND EMERGENCY PREPAREDNESS TELECOMMUNICATIONS

#### ESTABLISHMENT OF NEW CHAPTER

AGENCY: Office of Science and Technology Policy.

ACTION: Notice of Amendments.

**SUMMARY:** Executive Order 12046 (March 29, 1978, 43 FR 13349 et seq.) abolished the Office of Telecommunications Policy (OTP) and transferred certain telecommunications emergency preparedness responsibilities to the National Security Council (NSC) and to the Director, Office of Science and Technology Policy (OSTP). These amendments to 47 CFR Chapter II document the transfer of telecommunications responsibilities.

DATES: Effective Date: March 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Wayne G. Kay, 395-3272.

#### AMENDMENTS

1. Chapter II is retitled to read as set forth above, consisting of Parts 201 through 215.

#### PARTS 201—210 [RESERVED]

2. Parts 201 and 202 are revoked. Parts 201 through 210 are reserved.

3. Parts 211, 212, 213, 214, and 215 are revised to read as set forth below.

FRANK PRESS,  
Director, Office of Science  
and Technology Policy.

### PART 211—EMERGENCY RESTORATION PRIORITY PROCEDURES FOR TELECOMMUNICATIONS SERVICES

See.

- 211.0 Purpose.
- 211.1 Authority.
- 211.2 Definitions.
- 211.3 Scope and coverage.
- 211.4 Policy.
- 211.5 Priorities.
- 211.6 Submission and processing of restoration priority requests.
- 211.7 Obligation of carriers.

AUTHORITY: 84 Stat. 2083 and Executive Order 12046, FR 43, 13349 et seq., March 29, 1978.

#### § 211.0 Purpose.

This part establishes policies and procedures under which government and private entities will be furnished restoration priorities to insure that leased intercity private line telecommunications services vital to the national interest will be maintained during the continuance of a war in which the United States is engaged. It supersedes the Director of Telecommunications Management Order of January 15, 1967 (32 FR 791, 47 CFR 201), which is hereby canceled. To assure the effective ability to implement its provisions, and also in order that government and industry resources may be used effectively under all conditions ranging from national emergencies to international crises, including nuclear attack, a single set of rules and procedures is essential, and they must be applied on a day-to-day basis so that the priorities they establish can be implemented at once when the occasion arises. As provided for in Part 18 of Executive Order 11490, as amended (3 CFR, 1966-1970 Comp., p. 820), policies, plans, and procedures developed pursuant to that Executive order shall be in consonance with the plans and policies contained in this part.

#### § 211.1 Authority.

(a) Authority to direct priorities for the restoration of communications services in national emergencies is vested in the President, including authority conferred by section 103 of the National Security Act of 1947, as amended (50 U.S.C. 404), section 101 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2070), section 201 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281), section 1 of Reorganization Plan No. 1 of 1958, as amended (3

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CFR, 1954-1958 Comp., p. 447), and section 606 of the Federal Communications Act of 1934, as amended. (47 U.S.C. 606).

(b) Authority to develop plans policies, and procedures for the establishment of such restoration priorities has been delegated to the National Security Council, by Executive Orders 11051, 11490, and by the President's Memorandum of August 21, 1963 (28 FR 9413, 3 CFR Part 858 (1959-63 comp.)), all as amended by Executive Order 12046, (FR 43, 13349 et seq).

#### § 211.2 Definitions.

The following definitions apply herein—

(a) "Communications common carrier" or "carrier" means any person engaged in communications common carriage for hire, in intrastate, interstate, or international telecommunications.

(b) "Circuit" means a carrier's specific designation of the overall facilities provided between, and including, terminals for furnishing service. When service involves network switching, "circuit" includes those circuits between subscriber premises and switching centers (access lines) and those between switching centers (trunks).

(c) "Station" means transmitting or receiving equipment or combination transmitting and receiving equipment, at any location, on any premise, connected for private line service.

(d) "Private line service" means leased intercity private line service provided by carriers for intercity domestic and international communications over integrated communications pathways, and includes interexchange facilities, local channels, and station equipment which may be integral components of such communications service.

(e) "Restoration" means the recommencement of service by patching, rerouting, substitution of component parts, and other means, as determined necessary by a carrier.

(f) "Government" means Federal, foreign, State, county, municipal, and other local government agencies. Specific qualifications will be supplied whenever reference to a particular level of government is intended, e.g., "Federal Government," "State government." "Foreign Government" includes coalitions of governments secured by treaty, including NATO, SEATO, OAS, UN, and associations of governments or government agencies, including the Pan American Union, International Postal Union, and International Monetary Fund. "Quasi-government" includes eleemosynary relief organizations, such as the Red Cross organizations.

(g) "National Communications System (NCS)" means that system established by the President's Memorandum of August 21, 1963, "Establishment of a National Communications System" (28 FR 9413, 3 CFR, 1959-1963 Comp., p. 858).

(h) "Executive Agent" means the Executive Agent of the National Communications System.

(i) "Commission" means the Federal Communications Commission.

#### § 211.3 Scope and coverage.

(a) The priority system and procedures established by this part are applicable to:

(1) U.S. domestic leased intercity private line services, including private line switched network services;

(2) U.S. international leased private line services to the point of foreign entry;

(3) Foreign extensions of U.S. international leased private line services to the extent possible through agreement between U.S. carriers and foreign correspondents;

(4) International leased private line services terminating in or transiting the United States;

(5) Federal Government-owned and leased circuits.

(b) The priority system and procedures established by this part are not applicable to operational circuits or order wires of the carriers needed for circuit reactivation and maintenance purposes, which shall have priority of restoration over all other circuits and shall be exempt from interruption for the purpose of restoring priority services.

#### § 211.4 Policy.

During the continuance of a war in which the United States is engaged and when the provisions of this part are invoked, all communications common carriers shall comply with the following principles insofar as possible:

(a) Whenever necessary to maintain or restore a service having a designated priority, services having lower priority, lower subpriority, or no priority, will be interrupted in the reverse order of priority starting with nonpriority services.

(b) When services are interrupted to restore priority services, carriers will endeavor if feasible to notify users of the reason for the preemption.

(c) When public correspondence circuits are needed to satisfy requirements for priority services, idle circuits will be selected first. A minimum number of public correspondence circuits shall at all times be kept available so as to provide for the transmission of precedence-type messages and calls.

(d) Communications common carriers will not interrupt conversations having priority classification except

insofar as necessary to restore services of higher priority.

(e) It is recognized that as a practical matter in providing for the maintenance or restoration of a priority service or services operating within a multiple circuit-type facility (such as a carrier band, cable, or multiplex system), lower priority, lower subpriority, or nonpriority services on paralleled channels within a band or system may be restored concurrently with higher priority services. Such reactivation shall not, however, interfere with the expedited restoration of other priority services.

(f) The Executive Agent is authorized to instruct the carriers on the percentage of government-switched network intermachine trunks to be restored to provide capacity for priority access line traffic.

(g) The carriers are authorized to honor NCS-certified priorities from other authorized carriers for leased facilities.

(h) The carriers are authorized to honor restoration priorities certified by the Executive Agent.

(i) To ensure the effectiveness of the system of restoration priorities established by this part it is essential that rigorous standards be applied. Users are requested and directed to examine their private line service requirements in light of the criteria specified in this part and with regard to the availability of alternate communications facilities such as public correspondence message services, and Government-owned emergency communications systems.

#### § 211.5 Priorities.

There are hereby established four levels of restoration priority. Within each level, subpriorities may be established by the Executive Agent, with the concurrence of the National Security Council, for both government and nongovernment services. The subpriority categories currently in use, which have been established by the Executive Agent will remain in effect until modified. Compatibility of subcategories applicable to government and non-government users is essential to achieve the objective of a single restoration priority system.

(a) *Priority 1.* Priority 1 shall be the highest level of restoration priority, and shall be afforded only to Federal and Foreign Government private line services, and to Industrial/Commercial services which are designated for pre-arranged voluntary participation with the Federal Government in a national emergency. Circuit requirements in this level of priority shall be limited to those essential to national survival if nuclear attack occurs for:

(1) Obtaining or disseminating critical intelligence concerning the attack.

or immediately necessary to maintain the internal security of the United States;

(2) Conducting diplomatic negotiations critical to the arresting or limiting of hostilities;

(3) Executing military command and control functions essential to defense and retaliation;

(4) Giving warning to the U.S. population;

(5) Maintaining Federal Government functions essential to national survival under nuclear attack conditions.

(b) *Priority 2.* Priority 2 shall be the second highest level of restoration priority, and shall be afforded only to Federal and Foreign Government private line services, and to Industrial/Commercial services which are designated for prearranged voluntary participation with the Federal Government in a national emergency. Circuit requirements in this level shall be limited to those essential, at a time when nuclear attack threatens, to maintain an optimum defense posture and to give civil alert to the U.S. population. These are circuit requirements whose unavailability would present serious danger of:

(1) Reducing significantly the preparedness of U.S. defense and retaliatory forces;

(2) Affecting adversely the ability of the United States to conduct critical preattack diplomatic negotiations to reduce or limit the threat of war;

(3) Interfering with the effectual direction of the U.S. population in the interest of civil defense and survival;

(4) Weakening U.S. capability to accomplish critical national internal security functions;

(5) Inhibiting the provision of essential Federal Government functions necessary to meet a preattack situation.

(c) *Priority 3.* Priority 3 shall be the third highest level of restoration priority and shall be afforded to government, quasi-government, and Industrial/Commercial private line services: *Provided, however,* That Priority 3 will be afforded circuits serving Industrial/Commercial, State, county, municipal, and quasi-state and local government agencies only where, during an emergency, at least one station in the circuit (or in connected circuits if switched service is involved) will be manned continually, or where such circuits are automated and will be under constant surveillance from a remote location. Circuit requirements in this level shall be limited to those necessary for U.S. military defense and diplomacy, for law and order, and for national health and safety in a national emergency involving heightened possibility of hostilities. These are circuit requirements needed to:

(1) Insure performance of critical logistic functions, public utility services, and administrative-military support functions;

(2) Inform key diplomatic posts of the situation and of U.S. intentions;

(3) Secure and disseminate urgent intelligence;

(4) Distribute essential food and other supplies critical to health;

(5) Provide for critical damage control functions;

(6) Provide for hospitalization;

(7) Continue critical Government functions;

(8) Provide transportation for the foregoing activities.

(d) *Priority 4.* Priority 4 shall be the fourth highest restoration priority and shall be afforded to government, quasi-government, and Industrial/Commercial private line services: *Provided, however,* That Priority 4 will be afforded circuits serving Industrial/Commercial, State, county, municipal, and quasi-state and local government agencies only where, during an emergency, at least one station in the circuit (or in connected circuits if switched service is involved) will be manned continually, or where such circuits are automated and will be under constant surveillance from a remote location. Circuit requirements in this level shall be limited to those necessary for the maintenance of the public welfare and the national economy in a situation short of nuclear attack, or during reconstitution after attack. These include circuit requirements needed to continue the more important financial, economic, health, and safety activities of the Nation.

#### § 211.6 Submission and processing of restoration priority requests.

(a) Except as otherwise provided below, all requests for restoration priority assignments will be submitted to the Executive Agent in the format prescribed by him for processing and certification.

(b) Priority 3 and 4 applications from county and municipal governments, quasi-state and local government agencies and private entities shall be forwarded to the Federal Communications Commission for its approval and for certification to the carriers. These submissions will be in the form prescribed by the Commission.

(c) Industrial/Commercial entities designated for prearranged voluntary participation with the Federal Government in a national emergency should submit separate applications to the Commission when requesting the assignment of priorities in category 1 or 2. Such assignments will require the approval of the National Security Council in order to continue to be effective during a war emergency. In all

cases the justification for restoration priorities will contain a validation statement from the Government agency with whom participation is prearranged.

(d) Requests for restoration priority assignments made by Foreign Government agencies, except for NATO, NATO national military authority, and such other requests as the Executive Agent may be designated, will be submitted to the Department of State for initial evaluation and review. The Department will forward to the Executive Agent for processing and approval such of these requests as it finds acceptable.

(e) Requests for restoration priority assignments made by NATO, NATO national military authority, and such other requests as the Executive Agent may designate, will be forwarded through established Allied Long Lines Agency (ALLA) channels to the Secretary of Defense. The Secretary will forward to the Executive Agent for processing and approval such of these requests as he finds acceptable pursuant to approved NATO/U.S. procedures.

(f) Requests for temporary upgrading of restoration priority assignments occasioned by special critical conditions, including natural disasters, heightened diplomatic and political tenseness, and tracking and control of manned space operations, may be submitted to the Executive Agent together with such information as he may require for expedited processing decision.

(g) All assignments, denials and changes of restoration priorities and subpriorities are subject to review and modification by the National Security Council.

(h) When requesting service from the carriers the user must include the certified restoration priority on the service authorization.

#### § 211.7 Obligation of carriers.

(a) During the continuance of a war in which the United States is engaged, and when the provisions of this part are invoked, all carriers shall accord restoration priority assignments certified pursuant to this part priority over all other circuits.

(b) To promote the national interest and defense preparedness, carriers shall:

(1) Maintain such records of restoration priority assignments certified pursuant to this part as may be necessary to enable prompt implementation;

(2) Enter into agreements, to the extent possible, with their foreign correspondents to effect restoration of the foreign portion of leased international services in accordance with this part;

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(3) Notify the Executive Agent of foreign correspondent procedures affecting Federal Government services that are not reasonably consistent with the priority requirements of this part.

**PART 212—PROCEDURES FOR OBTAINING INTERNATIONAL TELECOMMUNICATION SERVICE FOR USE DURING A NATIONAL EMERGENCY**

## Sec.

- 212.0 Authority.
- 212.1 Purpose.
- 212.2 Scope.
- 212.3 Circuit restoration procedures.
- 212.4 Responsibilities.
- 212.5 Other requirements.
- 212.6 Coordination of requirements.
- 212.7 Implementation.

AUTHORITY: E.O. 10995, E.O. 11084, 3 CFR 1959-1963 Comp., pp. 535 and 719; Memorandum of Aug. 21, 1963, 3 CFR 1959-1963 Comp., p. 858; E.O. 12046, 43 FR 13349, Mar. 29, 1978.

## § 212.0 Authority.

(a) Authority to prescribe procedures for obtaining telecommunication resources during an emergency is contained in Executive Order 12046 (43 FR 13349 et seq.), and the President's National Communications Memorandum of August 21, 1963 (28 FR 9413, 3 CFR, 1959-1963 Comp., p. 858).

(b) These procedures are applicable to the communications common carriers and non-Federal Government users under the President's authority contained in subsection 606(a) of the Communications Act of 1934, as amended. The authority under subsection 606(a) has been delegated by Executive Order 12046 to the Director of the Office of Science and Technology Policy. This authority may be exercised only during the continuance of a war in which the United States is engaged.

## § 212.1 Purpose.

The purpose of this part is to replace Annex 2 of EMO 3000.1, 32A CFR, Chap. I, and to provide specific guidance to Government and private entities who may have new requirements for international telecommunication service during national emergencies.

## § 212.2 Scope.

The procedures in this part provide guidance for the submission of emergency requirements for telecommunication channels between the United States and overseas or foreign points. Guidance on this subject was previously contained in Annex 2 of DMO 3000.1 and Mobilization Plan IX-3.

Mobilization Plan IX-3 has been canceled.

## § 212.3 Circuit restoration procedures.

The restoration priority procedures for these emergency requirements shall be in accordance with the order entitled "Priority System for the Use and Restoration of Leased Intercity Private Line Services During Emergency Conditions," FCC Order 67-51.

## § 212.4 Responsibilities.

(a) Executive departments and agencies of the United States, whether or not components of the National Communications System (NCS), shall submit their international emergency telecommunications requirements to the Executive Agent, National Communications System, for coordination and consolidation of mobilization requirements.

(b) The Department of Defense shall coordinate NATO requirements in consonance with approved NATO/U.S. procedures for subsequent processing by the Executive Agent, National Communications System.

(c) The Department of State shall coordinate and approve foreign government circuit requirements and then forward them to the Executive Agent, NCS, for further processing.

## § 212.5 Other requirements.

Those entities, other than Executive department and agencies of the United States, having need for emergency international telecommunication service shall present their requirements to the Federal Communications Commission (FCC).

## § 212.6 Coordination of requirements.

(a) The NCS and FCC shall meet periodically to review the total mobilization requirements and to evaluate the impact of these requirements upon the common carriers' capability. If the situation develops in which emergency requirements cannot be provided by the communications common carriers, the Executive Agent, NCS, or the FCC, as appropriate, shall immediately notify the Director of the Office of Telecommunications Policy of that situation.

(b) The Director of the Office of Science and Technology Policy will assume the responsibility for coordinating and integrating mobilization requirements which are presented to him, making use of the knowledge, information, and advice of the FCC. These requirements shall be evaluated with due regard to facilities which must remain under the control of the commercial companies and those which must be generally available to the public and the Government.

## § 212.7 Implementation.

Executive departments and agencies of the United States are authorized to issue such additional orders as are necessary to effect implementation of this part.

**PART 213—GOVERNMENT AND PUBLIC CORRESPONDENCE TELECOMMUNICATIONS PRECEDENCE SYSTEM**

## Sec.

- 213.0 Authority.
- 213.1 Background and purpose.
- 213.2 Scope.
- 213.3 Cancellation.
- 213.4 Definitions.
- 213.5 Precedence designators.
- 213.6 Criteria.
- 213.7 Policies.
- 213.8 Implementation.

AUTHORITY: Sec. 606, 48 Stat. 1104; '47 U.S.C. 608, E.O. 10705, 3 CFR, 1954-1958 Comp. E.O. 10995, 3 CFR, 1959-1963 Comp., President's Memorandum of August 21, 1963; 3 CFR, 1959-1963 Comp., p. 858; E.O. 12046, 43 FR 13349, Mar. 29, 1978.

## § 213.0 Authority.

(a) The voice and message precedence procedures for departments and agencies of the Federal Government prescribed by this part are prescribed pursuant to Executive Order No. 12046 (43 FR 13349 et seq.) and the President's Memorandum of August 21, 1963, which established the National Communications System (28 FR 9413; 3 CFR, 1959-1963 Comp., p. 858).

(b) The procedures applicable to communications common carriers and non-Federal Government users prescribed by this part are prescribed by authority conferred upon the President by subsection 606(a) of the Communications Act of 1934, as amended, and delegated to the National Security Council by Executive Order 12046. That authority under section 606(a) may be exercised only during the continuance of a war in which the United States is engaged.

## § 213.1 Background and purpose.

(a) The National Security Council and the Federal Communications Commission have agreed upon a precedence system for the expeditious handling of messages and calls transmitted over Government and public correspondence facilities in all types of situations from peacetime to massive nuclear attack. Effectuation of that system requires that the Director issue a circular and that the Commission concurrently issue an order prescribing the standards, procedures, policies, and regulations that together, constitute this single integrated precedence system.

(b) In conformity with that agreement the National Security Council is issuing this circular the purpose of which is to prescribe, on behalf of the President, that part of those standards, procedures, policies, and regulations which are within the cognizance of the NSC.

No significance should be attached to the fact that slightly different terms are used in this circular from those used in the companion order of the FCC. Those differences result from differences in terms in the basic legal authorities of the Director and the Commission rather than from an intent to denote a distinction in purpose or effect.

#### § 213.2 Scope.

The precedence system contained herein is applicable to:

(a) Users of Government service facilities, whether owned or leased.

(b) Users of public correspondence service facilities of the communication common carriers, to U.S. domestic and international communication common carriers, and to the extent possible by agreement between the latter and their foreign correspondents.

#### § 213.3 Cancellation.

This circular cancels:

(a) Attachments A and B to Annex 3 of DMO 3000.1, dated November 8, 1963 (28 FR 12273).

(b) That portion of the memorandum of the Special Assistant to the President for Telecommunications, dated August 27, 1964, pertaining to message precedences.

#### § 213.4 Definitions.

As used herein:

(a) Public correspondence services means those services offered to the general public for communications between all points served by a carrier or by interconnected carriers on a nonexclusive message by message or call by call basis, as differentiated from leased private line services.

(b) The term "precedence" means the order in which messages and calls are processed. Transmission of information and call completion is therefore to be accomplished in the order required by the precedence designator. Any such properly categorized communications precede noncategorized communications.

(c) The term "Government" where used alone means Federal, foreign, State, county, or municipal government agencies. Specific reference will be made whenever it is intended to apply to less than the whole, e.g., "State Government," "Federal Government," etc.

(d) The term "Foreign Government" includes those foreign diplomatic and consular establishments and those co-

alitions or associations of governments such as NATO, SEATO, OAS, UN, and associations of governments or governmental agencies such as Pan American Union, International Postal Union, International Monetary Fund, and similar organizations.

(e) The term "message" means a written or other form of record communication prepared for transmission and delivery at the destination.

(f) The term "call" means a request from a user for a connection to another station whether for telephone or record communication.

#### § 213.5 Precedence designators.

(a) The following precedence designators are available for Government and public correspondence users:

| Federal<br>Government | Domestic public correspondence<br>and international telephone calls |
|-----------------------|---|
| Flash                 | Flash emergency.  |
| Immediate             | Immediate emergency.  |
| Priority              | Priority emergency.   |
| Routine               | (No domestic equivalent.)   |

(b) Government and non-Government users of public correspondence services will handle their international messages in accordance with current ITU Telegraph Regulations. Government users should note that, generally, the only precedence designator available for their use for international messages sent over public correspondence circuits is Etat Priorite. The ITU Regulations do not contain precedence designators which equate to Flash, Immediate, or Priority. Accordingly, Government messages whether Flash, Immediate, or Priority precedence when sent over international public correspondence circuits will be handled as Etat Priorite messages. Thus, Priority messages will receive the same treatment in transmission and processing as Immediate or Flash messages. Conversely, Etat Priorite messages received in the United States shall be transmitted and processed in the order of receipt, to the extent possible. The precedence designator available for non-Government users of public correspondence services is Urgent. The Urgent designator is limited for use only during wartime conditions, as declared pursuant to section 606 of the Communications Act of 1934.

(c) Domestic and International U.S. common carriers, insofar as practicable by agreement with their foreign correspondents, shall endeavor to arrange the proper level of precedence handling of international messages and calls originating, terminating in, or transiting the United States: *Provided, however, That insofar as international messages are concerned the level of precedence shall be consistent with the International Telecommunication Conventions and regulations thereunder.*

(d) The Government designators shall be used throughout the Federal Government. All messages and telephone calls sent via public correspondence services shall use domestic or international public correspondence designators as appropriate. Thus, the responsibility is on Government and public correspondence users to recognize and use the appropriate designators when using public correspondence services.

(e) On international telephone calls the carrier's operator will convert to the appropriate international designator.

#### § 213.6 Criteria.

(a) *Flash, Flash Emergency.* (1) This is the highest order of precedence and shall be strictly limited to Federal and Foreign Government agencies.

(2) Flash, or Flash Emergency telephone calls or messages shall be handled in the order received and ahead of all calls or messages except as indicated for international messages in ITU Regulations. When necessary to obtain a circuit for a Flash, or Flash Emergency call any call in progress of a lesser precedence will be interrupted, if feasible. Any message of a lesser precedence in the process of transmission will be halted, if feasible, to clear the channel for the Flash or Flash Emergency transmission. Flash or Flash Emergency precedence shall be reserved for calls and messages having an immediate bearing on:

(i) Command and control of military forces essential to defense and retaliation.

(ii) Critical intelligence essential to national survival.

(iii) Conduct of diplomatic negotiations critical to the arresting or limiting of hostilities.

(iv) Dissemination of critical civil alert information essential to national survival.

(v) Continuity of Federal governmental functions essential to national survival.

(vi) Fulfillment of critical U.S. internal security functions essential to national survival.

(vii) Catastrophic events of national or international significance, such as Presidential Action Notices essential to national survival during attack or preattack conditions.

(b) *Immediate, Immediate Emergency, Urgent.* Immediate, Immediate Emergency, or Urgent telephone calls or messages shall be handled as fast as possible and ahead of all other calls or messages except those having a higher precedence. Any message or call of a lower precedence in the process of transmission will be halted, if feasible, to clear the channel for this transmission. It will be reserved generally for calls or messages pertaining to:

- (1) Situations which gravely affect the security of national and allied forces.
- (2) Reconstitution of forces in a postattack period.
- (3) Intelligence essential to national security.
- (4) Conduct of diplomatic negotiations to reduce or limit the threat of war.
- (5) Implementation of Federal Government actions essential to national survival.
- (6) Situations which gravely affect the internal security of the United States.
- (7) Civil defense actions concerning direction of our population and its survival.
- (8) Disasters or events of extensive seriousness having an immediate and detrimental effect on the welfare of the population.
- (9) Vital information having an immediate effect on aircraft, spacecraft, or missile operations.
- (c) *Priority, Priority Emergency, Urgent.* Priority, Priority Emergency, or Urgent messages and calls shall take precedence over messages or calls designated "Routine," or in the case of common carriers, over all nonprecedence traffic. Priority, Priority Emergency, or Urgent precedence is generally reserved for calls or messages which require expeditious action. Examples are calls or messages pertaining to:
  - (1) Information on locations where attack is impending or where fire or air support will soon be placed.
  - (2) Air-ground integrated operations.
  - (3) Important intelligence.
  - (4) Important diplomatic information.
  - (5) Important information concerning the launch, operation, or recovery of spacecraft or missiles.
  - (6) Movement of naval, air, and ground forces.
  - (7) Coordination between governmental agencies concerning the performance of emergency preparedness functions.
  - (8) Major civil aircraft accidents.
  - (9) Maintaining the public health, safety, and the welfare of our population.
  - (10) Critical logistic functions, provisions of critical public utility services, and administrative military support functions.
  - (11) Distributing essential food and supplies critical to health.
  - (12) Accomplishing tasks necessary to insure critical damage control functions.
  - (13) Preparations for adequate hospitalization.
  - (14) Continuity of critical Government functions.

(15) Arranging minimum transportation for accomplishing the aforesaid functions.

(16) Continuing or reestablishing our more important financial, economic, health, and safety activities. Producing, procuring, and distributing food materials and supplies which are considered necessary to the immediate support of a war effort, the national defense, or for expediting the means of meeting the effects of natural disasters.

(17) Prompt delivery of information by press representatives to news media organizations and newspapers covering news of national or widespread disasters.

(d) *Routine; no domestic equivalent.* Routine precedence designation applies to those normal day-to-day communications which require rapid transmission by telephone or message, but do not require urgent or preferential handling.

#### § 213.7 Policies.

(a) Calls and messages in each precedence classification above shall have no precedence over others within the same classification, except where, within the same classification, they cannot be handled simultaneously. Then, they shall be handled in the order of their receipt.

(b) Individuals whose requirements qualify them to use the precedence system share the responsibility for insuring its effectiveness. Users must familiarize themselves with the purposes to be served by the use of each precedence designator. It must be remembered that the entire system will operate successfully only if the use of the precedence designator is limited strictly to the intended purposes. Each user must consider whether each message or call requires any special precedence and exercise care not to specify a higher precedence than circumstances require.

(c) For public correspondence message services, the domestic or international precedence designators shall be shown in full by the sender as the first word preceding the name of the addressee.

(d) For public correspondence call services, the user should first attempt to complete the call in the normal manner. In the event the user is unable to complete the call and the type of communication falls within one of the precedence categories listed herein, the call should be filed with an operator for completion and the user must specify the required precedence handling by stating that this is a Flash Emergency, Immediate Emergency, or Priority Emergency call, whichever the case may be.

(e) Any apparent misuse of precedence indicators by non-Federal Gov-

ernment activities brought to the attention of the communication common carriers shall be referred to the FCC on an after-the-fact basis.

(f) Any apparent misuse by Federal Government activities brought to the attention of the communication common carriers shall be referred to the Executive Agent, National Communications System. The Executive Agent will refer any matter which cannot be resolved with the cognizant Government activity to the National Security Council, for decision.

(g) It is essential to provide public message and call capability for the transmission of military, governmental, and essential non-Government precedence messages and calls. Private line services for military, governmental, and other essential users are protected under a Priority System for Intercity Private Line Services promulgated by the FCC (FCC Order 67-51) and the National Security Council. However, during national emergencies, military, governmental, and other essential users will have additional requirements for prompt completion of precedence traffic over public correspondence communication common carrier facilities. Therefore, notwithstanding the provisions of the above-described Priority System for Intercity Private Line Services, communication common carriers shall have available a minimum number of public correspondence circuits at all times so as to provide for the transmission of precedence type messages and calls. Normally, the communication common carriers shall use their judgment in determining this minimum number of circuits required for public correspondence precedence traffic. However, the authority is reserved to the National Security Council or the Federal Communications Commission, as appropriate to the time and situation, to revise the decisions of the carriers respecting the allocation of circuits, and to resolve any questions which are referred to them by the carriers or the users.

#### § 213.8 Implementation.

Federal departments and agencies are authorized to issue such additional orders as are necessary to effect implementation of this circular.

### PART 214—PROCEDURES FOR THE USE AND COORDINATION OF THE RADIO SPECTRUM DURING A NATIONAL EMERGENCY

Sec.

- 214.0 Authority.
- 214.1 Purpose.
- 214.2 Scope.
- 214.3 Assumptions.
- 214.4 Planned actions.
- 214.5 Responsibilities.
- 214.6 Postattack procedures and actions.

AUTHORITY: 84 Stat. 2083 and E.O. 12046 (43 FR 13349 et seq., Mar. 29, 1978.)

#### § 214.0 Authority.

The provisions of this Part 214 are issued pursuant to Reorganization Plan No. 1 of 1970, 84 Stat. 2083, and Executive Order 12046 (43 FR 13349 et seq.). This Part 214 replaces Annex 1 of DMO 3000.1, dated November 8, 1963. (28 FR 12273).

#### § 214.1 Purpose.

The purpose of this part is to provide guidance for the use of the radio spectrum in a period of war, or a threat of war, or a state of public peril or disaster or other national emergency.

#### § 214.2 Scope.

This part covers procedures for the use of radio frequencies upon proclamation by the President that there exists war, or a threat of war or a state of public peril or disaster or other national emergency or in order to preserve the neutrality of the United States. These procedures will be applied in the coordination, application for, and assignment of radio frequencies upon order of the Director, OSTP. These procedures are intended to be consistent with the provisions and procedures contained in emergency plans for use of the radio spectrum.

#### § 214.3 Assumptions.

When the provisions of this part become operative, Presidential emergency authority, including Executive Order 11490, 12046 (3 CFR, 1966-1970 Comp., p. 820), and other emergency plans regarding the allocation and use of national resources will be in effect. In a postattack period, the Director, OSTP, will have authority to make new or revised assignments of radio frequencies in accordance with authority delegated by the President.

#### § 214.4 Planned actions.

(a) Whenever it is determined necessary to exercise, in whole or in part, the President's emergency authority over telecommunications, the Director, OSTP, will exercise that authority as specified in Executive Order 12046, FR 43, 13349 et seq.

(b) In this connection, and concurrently with the war or national emergency proclamation by the President, the Director will:

(1) Authorize the continuance in force of all outstanding frequency authorizations issued by the Director, OSTP, and the Federal Communications Commission (FCC), except as those authorization may be modified by emergency plans for use of the radio spectrum and except as they

may otherwise be modified or revoked by the Director in the national interest;

(2) Redelegate to the Secretary of Defense authority necessary to control the use of the radio spectrum in areas of active combat, where such control is necessary to the support of U.S. military operations;

(3) Close all non-Government radio stations in the international broadcasting service as defined in the FCC rules and regulations, except those carrying or scheduled to carry U.S. Government-controlled radio broadcasts;

(4) Close all amateur radio stations, except those operating as a part of the Radio Amateur Civil Emergency Service (RACES).

#### § 214.5 Responsibilities.

(a) The Director, OSTP, will issue such policy guidance, rules, regulations, procedures, and directives as may be necessary to assure effective frequency usage during war or national emergency conditions.

(b) The FCC shall issue appropriate rules, regulations, orders, and instructions and take such other actions not inconsistent with the actions of the Director, OSTP, as may be necessary to ensure the immediate availability of the frequencies and facilities between 10 and 25,000 kHz provided for in emergency plans for use of the radio spectrum.

(c) The FCC shall assist the Director in the preparation of emergency plans pursuant to Part 18, Executive Order 11490 (3 CFR, 1966-1970 Comp., p. 820).

(d) Each Federal Government agency concerned shall develop and be prepared to implement its own plans, and shall make necessary preemergency arrangements with non-Government entities for the provision of desired facilities or services, all subject to the guidance and control of the Director.

#### § 214.6 Postattack procedures and actions.

(a) The frequency management staff supporting the Director, OSTP, will be comprised of predesignated personnel from the frequency management staffs of the government user agencies and the FCC, will have proceeded to the OSTP relocation site in accordance with alerting orders in force.

(b) Government agencies having need for new radio frequency assignments or for modification of existing assignments involving a change in the frequency usage pattern shall unless otherwise provided submit applications therefor to the Director, OSTP, by whatever means of communication are available and appropriate, together with a statement of any preapplication coordination accomplished. The

Director, OSTP, will review such applications, accomplish the necessary additional coordination insofar as practicable, consider all pertinent views and comments, and grant or deny, as he shall determine, the assignment of such frequencies. All concerned will be informed promptly of his decisions.

(c) Non-Government entities having need for new radio frequency assignments or for modifications of existing assignments will continue to submit applications therefor to the FCC, or in accordance with FCC instructions. Such applications shall be coordinated with the Director, OSTP, and granted subject to the approval of the Director, OSTP, or his delegate.

(d) All changes of radio frequency usage within U.S. military theaters of operation will be coordinated with the Director, OSTP, where harmful interference is likely.

(e) Where submission to the Director, OSTP, is impracticable, the applicant shall:

(1) Consult emergency plans for use of the radio spectrum and the Frequency Assignment Lists;

(2) Accomplish such coordination as appropriate and possible;

(3) Act in such manner as to have a minimum impact upon established services, accepting the responsibility entailed in taking the temporary action required;

(4) Advise the Director, OSTP, as soon as possible of the action taken, and submit an application for retroactive approval.

## PART 215—FEDERAL GOVERNMENT FOCAL POINT FOR ELECTROMAGNETIC PULSE (EMP) INFORMATION

Sec.

215.0 Purpose and authority.

215.1 Background.

215.2 Assignment of responsibilities.

AUTHORITY: 84 Stat. 2083, and E.O. 12046, 43 FR 13349, March 29, 1978.

#### § 215.0 Purpose and authority.

The purpose of this part is to designate a focal point within the Federal Government for electromagnetic pulse (EMP) information concerning telecommunications. It is issued pursuant to the authority of Reorganization Plan No. 1 of 1970, 84 Stat. 2083, Executive Order 12046 (43 FR 13349 et seq.) and the President's memorandum of August 21, 1963, "establishment of a National Communications System." (28 FR 9413, 3 CFR, 1959-1963 Comp., p. 858).

#### § 215.1 Background.

(a) The nuclear electromagnetic pulse (EMP) is part of the complex environment produced by nuclear explo-

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sions. It consists of transient voltages and currents which can cause malfunctioning and serious damage to electrical and electronic equipment.

(b) The Defense Nuclear Agency (DNA) is the overall technical coordinator for the Army, Navy, Air Force, and DOE laboratories on matters concerning nuclear weapons, nuclear weapons effects, and nuclear weapons testing. It acts as the focal point between the service laboratories and other agencies. The Defense Communications Agency (DCA) maintains a data base for telecommunications for the National Communications System (NCS) and provides a capability for conducting telecommunications survivability studies for civil and military departments and agencies.

(c) In order to disseminate among affected Federal agencies information concerning the telecommunications effects of EMP and available protective measures, and in order to avoid duplication of research efforts, it is desirable to designate a focal point within the Federal Government for telecommunications EMP matters.

#### § 215.2 Assignment of responsibilities.

The Executive Agent, NCS, shall be the focal point within the Federal Government for all EMP technical data and studies concerning telecommunications. It shall provide such data and the results of such studies to all appropriate agencies requesting them. It shall coordinate and approve EMP telecommunications tests and studies, and shall keep the National Security Council informed regarding such tests and studies being conducted and planned.

[FIR Doc. 78-30649 Filed 10-27-78; 8:45 am]

[4910-22-M]

#### Title 49—Transportation

### CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

(BMCS Docket No. MC-69-2, Adm. No. 78-2)

#### PART 395—HOURS OF SERVICE OF DRIVERS

##### Driver's Daily Log and Multiday Log, Extension of Use

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment deletes sections of the Federal Motor Carrier Safety Regulations (FMCSR) which

were previously added and which provided a time extension for using the driver's daily log and multiday log forms. Action is taken because the Office of Management and Budget (OMB) has authorized the use of these forms for a short term and may continue extending this authorization in the future. This amendment provides information on the current status of these forms.

EFFECTIVE DATE: October 1, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Gerald Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, 202-426-9767; Mr. Gerald Tierney, Office of Chief Counsel, 202-426-0346, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) has advised the Department of Transportation that driver's daily log (form MCS-59) and multiday log (forms MCS-139 and 139A) have been authorized for continued use through June 1979. Further extensions may continue to be granted, provided the Bureau meets certain requirements as specified by OMB. Therefore, sections 395.8(u) and 395.9(x) of the Federal Motor Carrier Safety Regulations are being deleted to eliminate the necessity of future rulemaking, should OMB grant further extensions.

Because this action is procedural in nature and contains no substantive changes, notice and comments are unnecessary.

Accordingly, 49 CFR chapter III is amended as follows:

1. Section 395.8 is amended by revising paragraph (a) to delete reference to paragraph (u).

##### § 395.8 Driver's daily log.

(a) Except as provided in § 895.9 and paragraph (t) of this section, every motor carrier shall require that a driver's daily log, form MCS-59, shall be made in duplicate by every driver used by the carrier and every driver who operates a motor vehicle shall make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and the carrier liable to prosecution. Driver's logs shall be prepared and retained in accordance with the provisions of paragraphs (b) through (s) of this section.

#### §§ 395.8 and 395.9 [Amended]

2. Sections 395.8(u) and 395.9(x) of the FMCSR are being deleted.

NOTE: The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

(49 U.S.C. 304; 49 CFR 1.48, 301.60.)

Issued on October 19, 1978.

KENNETH L. PIERSON,  
*Acting Director,*  
*Bureau of Motor Carrier Safety.*

[FIR Doc. 78-30621 Filed 10-27-78; 8:45 am]

[4910-59-M]

### CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket 71-18, Notice 11; Docket 25, Notice 27]

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

#### PART 575—CONSUMER INFORMATION REGULATIONS

##### Uniform Tire Quality Grading and Temperature for Tire Testing

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends the uniform tire quality grading (UTQG) standards to revise the grading symbols used to indicate traction grades and responds to a petition for reconsideration of the effective dates for the information requirement regarding first purchasers of motor vehicles. The notice, further, responds to petitions for reconsideration submitted by the Rubber Manufacturers Association and the Goodyear Tire & Rubber Co., regarding an amendment of the tire testing temperature employed in the UTQG regulation and the non-passenger-car tire safety standard, which established a single test temperature for the performance requirements of the two standards. The notice also withdraws a NHTSA proposal to modify the tread label requirements of the uniform tire quality grading standard. These actions are intended to aid consumer understanding of the UTQG grading system and facilitate industry tire testing.

EFFECTIVE DATE: October 23, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Dr. F. Cecil Brenner, Office of Auto-