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Thursday
May 3, 1979

Highlights

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts)

7 CFR Part 907

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period May 4–10, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: May 4, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on May 1, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is slow.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.764. Navel Orange Regulation 464.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period May 4, 1979, through May 10, 1979, are established as follows:

(1) District 1: 796,104 cartons;

(2) District 2: Unlimited movement;

(3) District 3: Unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

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

Dated: May 2, 1979.

D. S. Kuryloski

Acting Director, Fruit and Vegetable Division Agricultural Marketing Service.

[Navel Orange Reg. 464]

[FR Doc. 79-14088 Filed 5-2-79; 11:35 am]

BILLING CODE 3410-02-M

7 CFR Part 908

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period May 4–10, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: May 4, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on May 1, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is improving.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective

date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 908.910 Valencia Orange Regulation 610.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period May 4, 1979, through May 10, 1979, are established as follows:

(1) District 1: Unlimited;

(2) District 2: Unlimited;

(3) District 3: 242,504 cartons.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

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

Dated: May 2, 1979.

D. S. Kuryloski

Acting Director, Fruit and Vegetable Division Agricultural Marketing Service.

[Valencia Orange Reg. 610]

[FR Doc. 79-14087 Filed 5-2-79; 11:35 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR 39

Airworthiness Directive; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: FAA Airworthiness Directive (AD) 78–05–08 (Amendment 39–3155 (43 FR 9592)) requires X-ray inspection of emergency escape system cool gas generator propellant cartridges in Boeing 747 airplanes. The AD is amended herein to allow an alternate inspection method.

EFFECTIVE DATE: May 14, 1979.

FOR FURTHER INFORMATION, CONTACT: Mr. Joseph M. Starkel, Airframe Section, ANW–212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2516.

SUPPLEMENTARY INFORMATION: AD 78–05–08 requires annual X-ray inspections of cool gas generator cartridges used in escape systems on Boeing Model 747 airplanes. This AD was necessary to preclude use of defective cartridges which, when fired, could produce overpressure leading to a structural failure of the generator. Subsequent to the issuance of the AD, the FAA has determined that an annual X-ray inspection is not required on cartridges installed on an airplane if the cool gas generator has not been exposed to temperatures in excess of 100°F. This finding is supported by recent additional laboratory and service testing by The Boeing Company. The results indicate that no serious overpressures will occur if generators in service are not exposed to temperatures in excess of 100°F. It has been concluded that several excursions through the high temperature phase change region is required before the cartridge can become swollen or otherwise defective leading to a serious overpressure when fired. An approved temperature sensing tab may be installed on the generator which will monitor exposure to temperatures in excess of 100°F. Therefore, the AD is being amended to require annual X-ray inspections only if the cool gas generator is exposed to temperatures in excess of 100°F.

Since this amendment is relieving and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 78–05–08 (Amendment 39–3155, 43 FR 9592), as follows:

Delete paragraph B and replace with the following new Paragraph B.

B. Inspect all cool gas generator propellant cartridges installed on airplanes (regardless of flight hours or date installed) in accordance with Paragraph E at intervals not to exceed one year. However, if an approved 100°F temperature tab (Telatemp Corporation Part Number Hotspot 100°, William Wahl Corporation Part Number 210 or Part Number 240, or an alternate tab approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region) has been installed on the cool gas generator casing at the time a new propellant cartridge or one that has been inspected in accordance with paragraph E has been installed, annually inspect the temperature tab. If the tab indicates that 100°F has not been reached, X-ray inspection of the propellant cartridge in accordance with paragraph E is not required. If temperature indication on temperature tabs exceeds 100°F, X-ray inspection of the cartridge in accordance with paragraph E is required.

This amendment becomes effective May 14, 1979.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on April 24, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[Docket 79-NW-8-AD; Amdt. 39-3458]

[FR Doc. 79-13718 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71, 73, and 75

Extension of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the **Federal Register** of April 12, 1979, Vol. 44, Page 21766, the description of Victor Airway V–298 between Seattle and Yakima, Washington was incorrectly published. This action corrects that error by changing the Seattle 106° radial to Seattle 107° radial.

EFFECTIVE DATE: May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulation Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 426–8525.

SUPPLEMENTARY INFORMATION: **Federal Register** Document 79–11182 was published on April 12, 1979, (44 FR 21766) detailing V–298 from Seattle to Yakima, Washington. An error was made in the description of V–298 and this action corrects that mistake.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, **Federal Register** Document 79–11182 as published in the **Federal Register** on April 12, 1979 (44 FR 21766), is amended as follows:

"From Seattle, Wash., via INT Seattle 106° and Yakima, Wash., 331° radial to Yakima" is deleted and "From Seattle, Wash., via INT

Seattle 107° and Yakima, Wash., 331° radials; to Yakima," is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this document involves a regulation which is not significant under the procedures and criteria prescribed by Executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on April 27, 1979.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[Docket No. 79-NW-20]

[FR Doc. 79-13720 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR 71

Alteration of Tullahoma, Tenn., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This rule alters the Tullahoma, Tennessee, Transition Area. The name of William B. Northern Field has been changed to Tullahoma Municipal Airport; Soesbe-Martin Field. The action by the Tullahoma Municipal Airport Authority, officially changing the name requires this to be reflected in the transition area description.

EFFECTIVE DATE: 0901 G.m.t., June 1, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In a regular meeting on January 11, 1979, the Tullahoma Municipal Airport Authority officially changed the name of the William B. Northern Field to Tullahoma Municipal Airport; Soesbee-Martin Field, therefore, it is necessary to alter the description of the Tullahoma, Tennessee, Transition Area to reflect this name change. Since this alteration is editorial in nature, notice and public procedures hereon are not considered necessary.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t., June 1, 1979, as follows:

Tullahoma, Tenn.

"* * * William Northern Field * * *" is deleted and "* * * Tullahoma Municipal Airport; Soesbe-Martin Field * * *" is substituted therefor.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in East Point, Georgia, on April 24, 1979.

Phillip M. Swatek,

Director, Southern Region.

[Airspace Docket No. 79-SO-27]

[FR Doc. 79-13717 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination.—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase.—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription.—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.

FOR FURTHER INFORMATION CONTACT: Lewis O. Ola, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure

identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, and effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

** * * Effective July 12, 1979*

Bennettsville, SC—Bennettsville, VOR/DME-A, Amdt. 1.

** * * Effective June 28, 1979*

Lake City, FL—Lake City Municipal, VOR/DME-A, Amdt. 2.
Urbana, IL—Illini, VOR-A, Amdt. 8.
Urbana, IL—Illini, VOR/DME-B, Amdt. 2.
Detroit, MI—Detroit Metropolitan Wayne County, VOR Rwy 9, Amdt. 8.
LaCrosse, WI—LaCrosse Municipal, VOR Rwy 36, Amdt. 21.

** * * Effective June 14, 1979*

Los Angeles, CA—Van Nuys, VOR-A, Amdt. 2, cancelled.
Los Angeles, CA—Van Nuys, VOR/DME-B, Amdt. 2, Cancelled.
Van Nuys, CA—Van Nuys, VOR-A, Original.
Van Nuys, CA—Van Nuys, VOR/DME-B, Original.
Grand Haven, MI—Grand Haven Memorial Park, VOR-A, Amdt. 9.
Springfield, MO—Springfield Muni, VOR Rwy 19, Amdt. 14.
Knoxville, TN—McGhee-Tyson, VOR Rwy 22L, Amdt. 2.
Knoxville, TN—McGhee-Tyson, VOR Rwy 22R, Amdt. 3.
Bellingham, WA— Bellingham International, VOR 2 Rwy 16, Amdt. 4, cancelled.
Bellingham, WA— Bellingham International, VOR Rwy 16, Amdt. 5.

** * * Effective April 23, 1979*

Rolla/Vichy, MO—Rolla National, VOR Rwy 22 Amdt. 6.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * * Effective June 14, 1979*

Los Angeles, CA—Van Nuys, LDA-C, Amdt. 2, cancelled.
Los Angeles, CA—Van Nuys, LOC/DME-D, Original, cancelled.
Van Nuys, CA—Van Nuys, LDA-C, Original.
Van Nuys, CA—Van Nuys, LOC/DME-D, Original.
Poplar Bluff, MO—Earl Fields Memorial, SDF Rwy 36, Original.
Springfield, MO—Springfield Muni, LOC BC Rwy 19, Amdt. 14.
Enid, OK—Enid Woodring Muni, LOC Rwy 35, Original.
Bellingham, WA—Bellingham International, LOC Rwy 16, Original.

** * * Effective May 17, 1979*

San Luis Obispo, CA—San Luis Obispo County, LOC Rwy 11, Original.
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Int'l., LOC (BC) Rwy 22, Amdt. 5, cancelled.

** * * Effective April 20, 1979*

Hawthorne, CA—Hawthorne, Muni, LOC Rwy 25, Amdt. 3.

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective August 9, 1979*

Portland, IN—Steed Fld, NDB Rwy 27, Amdt. 4.
Celina, OH—Lakefield, NDB Rwy 8, Amdt. 2.

** * * Effective July 12, 1979*

Goldsboro, NC—Goldsboro-Wayne Muni, NDB Rwy 22, Amdt. 1.
Bennettsville, SC—Bennettsville, NDB Rwy 6, Amdt. 2.

** * * Effective June 28, 1979*

Perry, FL—Perry-Foley, NDB Rwy 36, Amdt. 2.
Detroit, MI—Detroit Metropolitan Wayne County, NDB Rwy 21C, Amdt. 7.
Plymouth, NC—Plymouth Municipal, NDB Rwy 2, Amdt. 1.

** * * Effective June 14, 1979*

San Diego, CA—San Diego Intl-Lindbergh Field, NDB Rwy 9, Amdt. 18.
Pratt, KS—Pratt Muni, NDB Rwy 17, Amdt. 1.
Benson, MN—Benson Municipal, NDB Rwy 14, Amdt. 2.
Vicksburg, MS—Vicksburg Municipal, NDB Rwy 1, Amdt. 3.
Poplar Bluff, MO—Earl Fields Memorial, NDB Rwy 36, Original.
Poplar Bluff, MO—Earl Fields Memorial, NDB Rwy 36, Amdt. 3 cancelled.
Springfield, MO—Springfield Muni, NDB Rwy 1, Amdt. 13.
Springfield, MO—Springfield Muni, NDB Rwy 13, Amdt. 9.
Whiteville, NC—Columbus County Municipal, NDB Rwy 5, Amdt. 1.
DuBois, PA—DuBois-Jefferson County, NDB Rwy 25, Amdt. 6.
Williamsport, PA—Williamsport-Lycoming County, NDB-A, Amdt. 4.
Bellingham, WA—Bellingham International, NDB Rwy 16, Amdt. 1 cancelled.

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective June 14, 1979*

Los Angeles, CA—Van Nuys, ILS Rwy 16R, Original, cancelled.
San Diego, CA—San Diego Intl-Lindbergh Field, ILS Rwy 9, Amdt. 10.
Van Nuys, CA—Van Nuys, ILS Rwy 16R, Original.
Springfield, MO—Springfield Muni, ILS Rwy 1, Amdt. 13.
DuBois, PA—DuBois-Jefferson County, ILS Rwy 25, Amdt. 3.
Williamsport, PA—Williamsport-Lycoming County, ILS Rwy 27, Amdt. 11.
Knoxville, TN—McGhee-Tyson, ILS Rwy 4L, Amdt. 2.
Knoxville, TN—McGhee-Tyson, ILS Rwy 22R, Amdt. 4.

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective June 14, 1979*

Knoxville, TN—McGhee-Tyson, RADAR-1, Amdt. 18.

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective August 9, 1979*

Celina, OH—Lakefield, RNAV Rwy 26, Amdt. 2.

** * * Effective June 28, 1979*

Perry, FL—Perry-Foley, RNAV Rwy 18, Amdt. 1.
Detroit, MI—Detroit Metropolitan Wayne County, RNAV Rwy 21C, Amdt. 3.

** * * Effective June 14, 1979*

Springfield, MO—Springfield Muni, RNAV Rwy 13, Amdt. 3.

** * * Effective April 23, 1979*

Rolla/Vichy, MO—Rolla National, RNAV Rwy 22, Amdt. 1.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on April 27, 1979.

James M. Vines,
Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[Docket No. 19103; Amdt. No. 1137]
[FR Doc. 79-13719 Filed 5-2-79; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 235

Mortgage Insurance and Assistance Payments for Homeownership and Project Rehabilitation; Changes in Downpayment Requirements and Maximum Subsidy Payments

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule lowers the downpayment required under the Section 235 program relating to mortgage insurance and assistance payments for homeownership and project rehabilitation and increases the maximum subsidy payment. The result will be to make participation in the program possible for many eligible families which cannot meet the current program requirements.

EFFECTIVE DATE: June 4, 1979.

FOR FURTHER INFORMATION CONTACT: William A. Rolfe, Director, Single Family Insured Housing Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-6887. This in not a toll-free number.

SUPPLEMENTARY INFORMATION: By interim rule published March 7, 1978 (43 FR 9273) the Secretary amended Part 235 to reduce the minimum downpayment and increase the maximum subsidy permitted under the Section 235 program.

Comments were invited through June 5, 1978. Since the one comment received endorsed the Department's effort in this regard, the interim regulations are adopted without change.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 was made in connection with the interim rule and is applicable to this final rule. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, the Secretary of Housing and Urban Development amends Chapter II of 24 CFR as follows:

1. In § 235.2, paragraphs (a) and (d) are revised to read as follows:

§ 235.2 Basic program outline.

* * * * *

(a) Assistance will be in the form of monthly payments by the Secretary to the mortgagee to reduce effective interest costs to a homeowner on an insured market rate home mortgage to as low as four percent if the homeowner cannot afford the full mortgage payment with 20 percent of his income.

* * * * *

(d) The mortgagor must have paid in cash or its equivalent at least 3 percent of the acquisition cost.

* * * * *

2. In § 235.35 paragraph (b) is revised to read as follows:

§ 235.35 Mortgagor's investment.

* * * * *

(b) The mortgagor shall have paid, at the time the mortgage is insured, on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition.

* * * * *

3. § 235.335 is amended by revising paragraphs (a)(2) (ii) and (iii) to read as follows:

§ 235.335 Assistance payments and handling charges.

(a) * * *

(2) * * *

(ii) With respect to mortgages approved for insurance under this Part by the Secretary on or after January 5, 1976, but before March 7, 1978, the difference between the required monthly payment under the mortgage for principal, interest, and mortgage insurance premium and the monthly payment which would be required for principal and interest if the mortgage bore an interest rate of 5 percent.

(iii) With respect to mortgages approved for insurance under this Part by the Secretary on or after March 7, 1978, the difference between the required monthly payment under the mortgage for principal, interest, and mortgage insurance premium and the monthly payment which would be required for principal and interest if the mortgage bore an interest rate of 4 percent.

* * * * *

(Sec. 221(a)(6), Pub. L. 93-383, 88 Stat. 633, (12 U.S.C. 1715z); sec. 101(c)(4), Pub. L. 90-448, 82 Stat. 476, 484 (12 U.S.C. 1707-1715y); sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d).)

Issued at Washington, D.C., on April 27, 1979.

Lawrence B. Simons,
Assistant Secretary for Housing—Federal Housing Commissioner.

[Docket No. R-79-512]
[FR Doc. 79-13791 Filed 5-2-79; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

Establishing the Position of Special Counsel

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order establishes the Position of Special Counsel in the Department of Justice to investigate and prosecute any offenses against the United States arising from financial transactions between the Carter Warehouse and the National Bank of Georgia or any other financial institution, from related financial or business transactions, or from the use of loan proceeds, and to initiate appropriate civil actions concerning these transactions.

EFFECTIVE DATE: March 23, 1979.

FOR FURTHER INFORMATION CONTACT: Philip B. Heymann, Assistant Attorney General, Criminal Division, U.S. Department of Justice, Washington, D.C. 20530 (202-633-2601).

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, there is hereby established in the Department of Justice, the Position of

Special Counsel. Accordingly, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.1 of subpart A, which lists the organizational units of the Department, is amended by adding "Position of Special Counsel" immediately after "Executive Office for United States Attorneys."

2. A new subpart J–1 is added immediately after subpart J, to read as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart J–1—Position of Special Counsel

Sec.

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

Subpart J–1—Position of Special Counsel

§ 0.53 General functions.

The Special Counsel shall be appointed by the Attorney General. The Attorney General shall delegate to the Special Counsel pursuant to 28 U.S.C. 515(a) the duties and authorities, and shall provide to the Special Counsel the Staff and other resources, described in § 0.54 of this chapter.

§ 0.54 Specific functions.

(a) The Special Counsel shall have the Attorney General's authority for investigating and prosecuting any offenses against the United States arising from financial transactions between the Carter Warehouse and the National Bank of Georgia or any other financial institution, from related financial or business transactions, or from the use of loan proceeds. The Special Counsel shall have full authority to initiate appropriate civil actions concerning these transactions.

(b) In exercising his authority, the Special Counsel will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Counsel's decisions or actions. The Special Counsel will determine whether and to what extent he will consult with the Attorney General or any other official about the conduct of his duties and responsibilities.

(c) The Special Counsel shall have full authority, with respect to these transactions, including the power:

(1) To conduct proceedings before grand juries, and to conduct any other investigations he deems necessary.

(2) To obtain and review all documentary evidence from any source, and to have full access to such evidence.

(3) To determine whether any assertion of testimonial privilege should be contested, and to conduct any legal proceedings, including appeals, necessary to contest such privilege.

(4) To receive appropriate national security clearances and, if necessary, contest in court (including, where appropriate, participating in *in camera* proceedings) any claim of privilege, or attempt to withhold evidence, on grounds of national security.

(5) To make application to any Federal court for warrants, subpoenas, or other court orders necessary in the conduct of his investigation, and to conduct any legal proceedings necessary to obtain and enforce such orders, including appeals.

(6) To inspect, obtain, and use the original or a copy of any tax return, in accordance with applicable statutes and regulations.

(7) To determine whether or not application should be made to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, and to exercise the authority vested in the Attorney General for purposes of 18 U.S.C. 6004 and 6005.

(8) To determine whether a civil action against any individual, entity, or group of individuals is or is not warranted.

(9) To initiate and conduct civil actions, including appeals, in any court of competent jurisdiction. The Special Counsel may recommend in his sole discretion that a civil action should be handled by a Division of the Department of Justice or by a United States Attorney.

(10) To determine whether the prosecution of any individual, entity, or group of individuals is or is not warranted.

(11) To initiate and conduct prosecutions in any court of competent jurisdiction, including preparing and signing indictments, filing information, and handling all aspects of any case within his jurisdiction, including appeals. The Special Counsel may recommend in his sole discretion that a prosecution be handled by the Criminal Division of the Department of Justice or by a United States Attorney.

(12) To direct and coordinate the activities of Department of Justice personnel engaged in carrying out the functions of the Special Counsel.

(13) To hire staff in such numbers and with such qualifications as he may require, including attorneys, investigators, and supporting personnel and to designate attorneys under 28 U.S.C. 515(a) to conduct any kind of legal proceeding. The Special Counsel may request the Assistant Attorneys General and other officers of the Department of Justice to assign personnel and to provide other assistance, including funds and facilities, as he may require. All personnel in the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Counsel.

(14) To exercise full authority for investigating and prosecuting any other matters that he consents to have assigned to him by the Assistant Attorney General in charge of the Criminal Division, and initiating appropriate civil actions concerning these matters.

(15) To make such reports to the Congress as he deems appropriate, including appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to the committees. The Special Counsel shall submit a final report to the Attorney General and to the Congress.

§ 0.54a Restrictions on removal of the Special Counsel; termination of office.

(a) The Special Counsel may be removed from office only by the personal action of the Attorney General, and "only for extraordinary impropriety, physical disability, mental incapacity, or any other condition that substantially impairs the performance" of the Special Counsel's duties, see 28 U.S.C. 596(a)(1).

(b) If the Special Counsel is removed from office, the Attorney General shall promptly submit to the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for such removal.

(c) A Special Counsel so removed may seek judicial review of the removal.

(d) The Position of Special Counsel shall terminate when the Special Counsel notifies the Assistant Attorney General in charge of the Criminal Division that the investigation of all matters within the jurisdiction of the

Special Counsel has been completed and any criminal prosecutions or civil actions have been completed or have been determined by the Special Counsel in his sole discretion to be more suitably handled by a Division of the Department of Justice or a United States Attorney.

§ 0.54b Continued responsibilities of department personnel.

Except for the specific investigative and prosecutorial duties assigned or to be assigned to the Special Counsel, the Assistant Attorney General in charge of the Criminal Division, other Assistant Attorneys General, and the United States Attorneys shall continue to exercise all of the duties currently assigned to them.

Dated: March 23, 1979.

Griffin B. Bell,

Attorney General.

[Order No. 825-79]

[FR Doc. 79-13786 Filed 5-2-79; 8:45 am]

BILLING CODE 4410-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Veterans Administration Payment of Interest to Investors—Repurchase of Vendee Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is amending its regulation relating to the expenses that the VA will pay an investor when repurchasing a defaulted vendee loan from that investor. This amendment should give investors who have purchased loans from the VA greater latitude in servicing defaulted loan accounts. The VA expects that this amendment will reduce the number of loans in default which the VA must repurchase from investors.

The VA also is updating titles of the VA officers with authority to sell, assign, transfer, and repurchase loans.

EFFECTIVE DATE: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond L. Brodie, Assistant Director for Loan Management (261), Loan Guaranty Service, Veterans Administration, Washington, D.C. 20420 (202-389-3668).

SUPPLEMENTARY INFORMATION: Each year the VA, as a result of its home loan programs, acquires housing units through foreclosure of guaranteed and direct loans. These houses are then sold at current market value with the VA financing the sale with mortgages of up to 30 years. Many of these mortgages, which are called vendee loans, are sold to secondary market investors. The VA guarantees to the purchasing investors that if the loans go into default, the VA will repurchase them and pay certain expenses. These expenses are outlined in § 36.4600(e)(1) and formerly included the payment to the investor of up to 90 days' interest on a defaulted loan.

On October 2, 1978, the VA published for comment in the **Federal Register** (43 FR 45400) two proposed amendments to the loan guaranty regulations. The first amendment proposed increasing to 120 days the maximum period in which interest may be payable to an investor on a defaulted vendee loan. The second amendment proposed to update the formal titles of certain officials designated to sell, assign, transfer, and repurchase loans. The VA received 3 comments concerning these proposals, all of which were highly favorable. All commentators believed that the amendment would reduce the number of loans assigned from investors to the VA. Allowing investors an additional 30 days to service defaulted loans will most likely save the VA the cost of repurchasing the loan from the investor and the administrative expense of reestablishing the account. This amendment should also increase investor participation in future loan sales and increase the yield VA receives from such sales.

Section 36.4600(e)(1) is amended to allow the payment of up to 120 days' interest on a defaulted vendee loan. This increase in the allowable period in which interest may be payable encourages the investor, in appropriate cases, to grant additional forbearance to borrowers in default than otherwise might be granted and gives investors and their servicers an opportunity to perform additional loan servicing. Additional loan servicing will most likely result in a larger percentage of such loans being reinstated by the investor. When loan reinstatement is successful, the VA avoids substantial costs of loan repurchase from the investor.

The VA also is amending § 36.4600(g)(2) to update the formal titles of officials currently designated to sell, assign, transfer, and repurchase loans, and to update titles of VA installations.

In addition, minor editorial changes have been made to §§ 36.4600 (d)(3), (e)(1), and (e)(3) to reflect the agency policy of using precise terms to denote gender.

These amendments, therefore, are adopted under authority granted the Administrator by section 210(c)(1) of Title 38, United States Code.

Accordingly, the proposed regulations are hereby adopted and are set forth below.

Approved: April 26, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

§ 36.4600 [Amended]

Section 36.4600 is amended as follows: (a) By deleting the word "his" and inserting "the" in paragraph (d)(3). (b) By deleting "by him" in paragraph (e)(3). (c) By revising paragraphs (e)(1) and (g)(2) as set forth below:

§ 36.4600 Sale of loans, guarantee of payment.

* * * * *

(e)(1) A cash payment shall be made to the holder upon the repurchase of a loan by the Administrator and shall be an amount equal to the price paid by the purchaser when the loan was sold by the Administrator, less repayments received by the holder which are properly applicable to the principal balance of the loan, plus any advances made for the purposes described in paragraph (c)(9) of this section, but no payments shall be made for accrued unpaid interest, except that with respect to loans sold by the Administrator after July 15, 1970, payment will be made for unpaid accured interest from the date of the first uncured default to the date of the claim for repurchase, but not in excess of interest for 120 days. If, however, there has been a failure of any holder to comply with the provisions of paragraph (c) of this section the Administrator shall be entitled to deduct from the repurchase price otherwise payable such amount as the Administrator determines to be necessary to restore the Administrator to the position the Administrator would have occupied upon repurchase of the loan in the absence of any such failure. Incident to the repurchase by the Administrator, the holder will pay to the Administrator an amount equal to the balance, if any, remaining in the tax and insurance account.

* * * * *

(g)(1) * * *

(2) Designated positions:

Chief Benefits Director.
Director, Loan Guaranty Service.
Director, Regional Office.
Director, Medical and Regional Office Center.
Director, VA Center.
Loan Guaranty Officer.

Assistant Loan Guaranty Officer.

* * * * *

[FR Doc. 79-13738 Filed 5-2-79; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Final Rule Revising Michigan State Implementation Plan.

SUMMARY: Approved compliance schedules for the Cobb, Karn and Weadock plants of the Consumers Power Company were submitted to the Agency by the State of Michigan in 1973. The Administrator finds these compliance schedules approvable to permit the sources in question to exceed standards until January 1, 1980.

EFFECTIVE DATE: May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Lazaro, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2205.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10482) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the Michigan plan for implementation of the national ambient air quality standards and the dates for attainment of these standards. On September 18, 1973, three agreements were submitted to the Administrator by the State of Michigan for approval as revisions to the Michigan State Implementation Plan. The three agreements were negotiated between the State of Michigan and Consumers Power Company, Jackson, Michigan. Covered by the agreements are the Company's B C Cobb Plant Units 1-5, D E Karn Plant Units 1 & 2 and J C Weadock Plant Units 7 & 8. Contained therein are compliance schedules which defer until January 1, 1980 the date by which emissions of sulfur dioxide from these sources must be reduced to the limits prescribed by Michigan Air Pollution Control Commission (MAPCC) Rule 336.49. On February 19, 1974 (39 FR 6126) these compliance schedules were published as proposed revisions to the Michigan State Implementation Plan by the Administrator and public comment was invited. On September 10, 1974 (39 FR 32606) the Administrator indicated that evaluation of pertinent reports was necessary before a final approval/disapproval determination could be made with regards to the compliance schedules affecting Consumers Power Company's Karn-Weadock complex and Cobb Plant. Final approval of these three unapproved compliance schedules is the subject of today's rulemaking. The approved schedules referenced below were adopted by the State of Michigan and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules, and have been determined to be consistent with the approval control strategies of the State of Michigan. Each compliance schedule established a new date by which the individual sources must comply with the applicable emission limitation in the Federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." The three schedules are identified in this notice by source, location, applicable regulation, date schedule adopted and final compliance date. These schedules are available for public inspection at the Region V Office, 230 S. Dearborn Street, Chicago, Illinois 60604, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday. No written comments in connection with schedules which are the subject of today's rulemaking have been submitted to the Regional Administrator for consideration in the evaluation of the schedules. Evaluation reports for all compliance schedule plan revisions and technical support documents for the approved control strategy revisions are available for public inspection at the Region V Office of the Environmental Protection Agency, at the address set forth above. The Administrator has determined that the revisions meet the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, the schedules are approved as revisions to the Michigan State Implementation Plan.

The revisions are effective on May 3, 1979. The Administrator finds good cause for making those revisions immediately effective because the compliance schedules are already effective in the State of Michigan and Federal approval imposes no additional requirements on the affected sources.

Codified language:

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart X—Michigan

1. In § 52.1175, the following schedules are added to paragraph (e):

§ 52.1175 Compliance Schedules.

* * * * *

(e) * * *

Source	Location	Regulations involved	Date schedule adopted	Final compliance Date
	Bay County			
Consumers Power Company (Karn Plant Units 1 and 2).	Essexville	336.49	Sept. 18, 1973	Jan. 1, 1980.
Consumers Power Company (Weadock Plant Units 7 and 8).	Essexville	336.49	Sept. 18, 1973	Jan. 1, 1980.
	Muskegon County			
Consumers Power Company (Cobb Plant).	Muskegon	336.49	Sept. 18, 1973	Jan. 1, 1980.

(42 U.S.C. 7410)

Dated: April 26, 1979.

Douglas M. Costle,

Administrator.

[FRL 1211-8]

[FR Doc. 79-13840 Filed 5-2-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

SUBCHAPTER C—AIR PROGRAMS

Approval of Revision of the Maryland State Implementation Plan; Republication

In FR Doc. 79-10019, published at page 19192, on Monday, April 2, 1979, parts of the document were inadvertently left out. Therefore, for the convenience of

the reader, the document is being republished in its entirety.

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Rulemaking.

SUMMARY: This final rulemaking amends the Maryland State Implementation Plan (SIP) to include a Consent Order issued by the Circuit Court for Montgomery County, Maryland, for the Chalk Point Generating Station of the Potomac Electric Power Company (PEPCO). The Order requires PEPCO to bring the Chalk Point Station into compliance with final emission limitations for total suspended particulates (TSP) by December 31, 1981. Interim limitations adequate to protect National Ambient Air Quality Standards (NAAQS) will be in effect until that date. The Order also requires PEPCO to assure that this plant causes no violations of the NAAQS for sulfur dioxide (SO_2).

EFFECTIVE DATE: April 2, 1979.

ADDRESSES: Copies of the Order and accompanying support material are available for public inspection during normal business hours at the

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106. ATTN: Raymond D. Chalmers.

Bureau of Air Quality and Noise Control, State of Maryland, 201 W. Preston Street, Baltimore, Maryland 21201. ATTN: George Ferreri.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: On March 21, 1978 the then Acting Governor of Maryland, Blair Lee III, submitted to EPA, Region III, a proposed revision of the Maryland State Implementation Plan consisting of a Consent Order for the Chalk Point Generating Station of the Potomac Electric Power Company (PEPCO). The Governor certified that the Order was adopted in accordance with the public hearing and notice requirements of 40 CFR, Part 51.4 and all relevant State procedural requirements, and asked that EPA consider the Consent Order as a revision of the State Implementation Plan.

The Order requires PEPCO to bring the Chalk Point Station into compliance with Maryland's air pollution control regulations for particulates. The Order also requires PEPCO to assure that this plant causes no violations of sulfur dioxide air quality standards.

PEPCO must install cold electrostatic precipitators to bring Chalk Point into complete compliance with Maryland's particulate emission control regulation. Construction of the precipitators will proceed in accordance with the following schedule:

1. Not later than April 30, 1978, PEPCO shall award contracts for the engineering and construction services necessary for the project. (completed)

2. Not later than June 30, 1978, PEPCO shall award the contract for the cold electrostatic precipitators and begin site preparation. (completed)

3. Not later than May 31, 1979, PEPCO shall begin construction.

4. Not later than June 30, 1980, PEPCO shall begin installation of the cold electrostatic precipitators.

5. Not later than September 30, 1981, PEPCO shall have operational cold electrostatic precipitators. The unit shall be tested and be in full and continuous compliance with Maryland's particulate control regulation by not later than December 31, 1981.

PEPCO must also adhere to an interim program for control of particulate emissions while the electrostatic precipitators are being installed. Maryland has demonstrated by air quality modeling that this program will adequately protect air quality standards. The components of this program are:

1. PEPCO must operate Chalk Point's coal burning units #1 and #2 in compliance with the following TSP emission limitations based on million Btu per hour heat input. The plant may emit no more than 0.6 pounds of particulates per million Btu heat input from each unit when operating the units with a heat input of from 0 to 10 million Btu per hour. When operating the units in the range of heat input from greater than 10 up to 10,000 million Btu per hour the maximum permitted particulate emissions decrease linearly when plotted on a logarithmic scale from 0.6 to 0.20 pounds per million Btu heat input. When operating at greater than 10,000 million Btu per hour heat input the maximum permitted particulate emissions are fixed at 0.20 pounds per million Btu heat input.

The compliance status of each unit is determined by stack testing. If, following the test, it is necessary to operate a unit which does not comply with the interim requirements set forth above, that unit must be operated at a load reduced by an amount which is linearly proportional to the amount by which the stack test result exceeded the interim requirement. The Company thereafter may increase the load of a unit only for the purpose of testing the unit to determine compliance at an elevated level. The fixed load limit established by these tests assures continued compliance with the maximum interim emission limits.

2. The ash content of coal used as fuel by Chalk Point's Units #1 and #2 may not exceed an average of fifteen percent for any month, based on a minimum of four weekly composite samples collected and tested by the company.

3. Visible emissions from Chalk Point's coal burning units may not be darker in shade or appearance than that designated as #2 on the Ringlemann Smoke Chart or exceed an opacity greater than forty percent.

4. PEPCO must submit semi-annual progress reports to Maryland by July 10 and January 10 of each year until compliance is achieved.

The Order also requires PEPCO to take action to limit sulfur oxide emissions from the Chalk Point generating plant. Sulfur oxide emissions from the plant's coal burning units #1 and #2 are limited to 3.5 pounds per million Btu input averaged over a two-hour period as determined by continuous in-stack measurement. Emissions from the plant's oil burning unit #3 are limited by the requirement that it burn no more than two percent sulfur content residual oil.

These SO_2 emission control limitations, not Maryland's SO_2 control regulations, are established by the Order as the basis for controlling emissions from the Chalk Point facility. NAAQS have been shown by air quality modeling to be adequately protected by these new limitations. To further assure that the NAAQS are protected, PEPCO is required to report emissions and air quality levels in the vicinity of Chalk Point by July 1, 1979 for the period from February 27, 1978 to July 1, 1979, and to project emissions through 1985. Maryland will review the data to determine if applicable air quality standards are attained and will be maintained through 1985.

Should Maryland determine that any applicable ambient air quality standards for sulfur oxides or other compounds of sulfur is or will be exceeded at any time through the year 1985, PEPCO is required to purchase fuel which meets the requirements of Maryland's SO_2 emission control regulation in accordance with the following schedule:

October 1, 1979—PEPCO informed by Maryland of need to purchase complying fuel.

January 1, 1980—PEPCO required to select a supplier of a complying fuel. The Company will commence equipment modifications to enable this fuel to be burned.

May 1, 1980—PEPCO shall complete the equipment modifications.

November 1, 1980—PEPCO shall achieve full compliance with Maryland's SO_2 regulation.

A review, similar to that described above, will be repeated by Maryland in five-year intervals commencing with the year 1984 and continuing thereafter. If at any time Maryland determines that any applicable ambient air quality standard for sulfur oxides or other compounds of sulfur will be exceeded, PEPCO will submit a timetable for puchase and use of fuel in compliance with Maryland's SO_2 regulation similar to the above schedule.

This revision was proposed in the **Federal Register** on November 8, 1978 (40 FR 52033). During the public comment period, no comments were received.

The revision has been found to meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

In view of this finding, the Administrator approves the amendment of the Maryland SIP to include the Consent Order for PEPCO's Chalk Point power plant.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401)

Dated: March 26, 1979.

Douglas M. Costle,
Administrator.

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart V—Maryland

§ 52.1070 Identification of plan.

* * * * *

(c) Title of plan:

(22) A Consent Order for the Chalk Point power plant issued by the Circuit Court for Montgomery County on February 27, 1978.

[FRL 1084-6]

BILLING CODE 1505-01-M

40 CFR Part 65

Delayed Compliance Order for the Indiana Farm Bureau Cooperative Association, Inc.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to Indiana Farm Bureau Cooperative Association, Inc. (Indiana Farm Bureau). The Order requires the Company to bring air emissions from its gasoline loading and storage rack at Westfield, Indiana into compliance with certain regulations contained in the federally approved Indiana State Implementation Plan (SIP). Indiana Farm Bureau's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered in the Order.

DATES: May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Arthur E. Smith, Jr., Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On December 6, 1978 the Regional Administrator of U.S. EPA's Region V Office published in the **Federal Register** (43 FR 57164) a notice setting out the provisions of a proposed Federal Delayed Compliance Order for Indiana Farm Bureau. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order.

No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is issued to Indiana Farm Bureau by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1). The Order places Indiana Farm Bureau on a schedule to bring its gasoline storage and loading rack at Westfield, Indiana into compliance as expeditiously as practicable with Regulation APC-15, Sections 3 and 4, a part of the federally approved Indiana State Implementation Plan. Indiana Farm Bureau is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Indiana Farm Bureau to delay compliance with the SIP regulation covered by the Order until July 1, 1979.

Compliance with the Order by Indiana Farm Bureau will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Indiana Farm Bureau is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Indiana Farm Bureau on a schedule for compliance with the Indiana State Implementation Plan.

Authority: 42 U.S.C. 7413(d), 7601.

Dated: April 13, 1979.

Douglas M. Costle,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in § 65.400:

§ 65.400 Federal delayed compliance orders issued under section 113(d) (1), (3), and (4) of the Act.

Source	Location	Order number	Date FR proposal	SIP regulation involved	Final compliance date
* * * * * * *					
Indiana Farm Bureau Cooperative Association, Inc.	Westfield, Ind	EPA-5-79-A-25	12-6-78	APC-15 sections 3 and 4.	7-1-79
* * * * * * *					

[FRL 1202-4]
[FR Doc. 79-13736 Filed 5-2-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 65

Delayed Compliance Order for Indiana-Kentucky Electric Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Indiana-Kentucky Electric Corporation (IKEC). The Order requires the Company to bring air emissions from its fossil-fired steam electric generating plant at Madison, Indiana, into compliance with certain regulations contained in the federally approved Indiana State Implementation Plan (SIP). IKEC's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On February 1, 1979 the Regional Administrator of the U.S. EPA's Region V Office published in the **Federal Register** (44 FR 6465) a notice setting out the provisions of a proposed State Delayed Compliance Order for IKEC. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order.

No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to IKEC by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places IKEC on a schedule to bring its electric generating plant at Madison, Indiana, into compliance as expeditiously as practicable with Regulations APC-3 and APC-4R, a part of the federally approved Indiana State Implementation Plan. IKEC is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit IKEC to delay compliance with the SIP regulations covered by the Order until July 1, 1979.

Compliance with the Order by IKEC will preclude Federal enforcement covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that IKEC is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place IKEC on a schedule for compliance with the Indiana State Implementation Plan.

Authority: 42 U.S.C. 7413(d), 7601.

Dated: April 23, 1979.

Douglas M. Costle,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in § 65.191:

§ 65.191 U.S. EPA approval of State delayed compliance orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Order number	Date FR proposal	SIP regulation involved	Final compliance date
* * * * * * *					
Indiana-Kentucky Electric Corp.	Madison, Ohio	None	2-1-79	APC-3; APC-4R.	7-1-79
* * * * * * *					

[FRL 1092-1]
[FR Doc. 79-13735 Filed 5-3-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 65

Delayed Compliance Order for Eli Lilly & Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to Eli Lilly and Company (Eli Lilly). The Order requires the Company to bring air emissions from four plants (McCarthy Street Plant, 1202 Kentucky Avenue Plant, 1555 Kentucky Avenue Plant and Park Fletcher Plant) at Indianapolis,

Indiana, into compliance with certain regulations contained in the federally approved Indiana State Implementation Plan (SIP). Eli Lilly's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Bertram C. Frey, Attorney, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353–2082.

SUPPLEMENTARY INFORMATION: On February 9, 1979, the Regional Administrator of U.S. EPA's Region V Office published in the **Federal Register** (44 FR 8313) a notice setting out the provisions of a proposed Federal Delayed Compliance Order for Eli Lilly. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is issued to Eli Lilly by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Eli Lilly on a schedule to bring its four plants at Indianapolis, Indiana, into compliance as expeditiously as practicable with Regulation APC–15, Section 8, a part of the federally approved Indiana State Implementation Plan. Eli Lilly is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Eli Lilly to delay compliance with the SIP regulation covered by the Order until January 31, 1979, for Source No. 12, Pre-Coat Room at the McCarty Street Plant; by January 15, 1979, for the Surge Tank at the 1202 Kentucky Avenue Plant; by June 1, 1979, for Source No. 2, Coating area EF9 at the 1555 Kentucky Avenue Plant; by June 30, 1979, for Source No. 3, Granulation Dry Hours 100 EF/4 at the 1555 Kentucky Avenue Plant; and June 30, 1979, for Source No. 1, Ethyl Alcohol Antibiotic Drying (PI) and for Source No. 2, Methyl Alcohol Tablet Coating (P2) at the Park Fletcher Plant.

Compliance with the Order by Eli Lilly will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Eli Lilly is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Eli Lilly on a schedule for compliance with the Indiana State Implementation Plan.

Authority: 42 U.S.C. 7413(d), 7601.

Dated: April 10, 1979.

Douglas M Costle,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in § 65.190:

§ 65.100 Federal delayed compliance orders issued under section 113(d)(1), (3), and (4) of the act.

Source	Location	Order number	Date FR proposal	SIP regulation involved	Final compliance date
Eli Lilly and Co	Indianapolis, Ind.	EPA-5-79-A-26	2-9-79	APC-15	1-31-79
		EPA-5-79-A-27		Section 8	1-15-79
		EPA-5-79-A-28			6-1-79
		EPA-5-79-A-29			6-30-79

[FRL 1098-7]
[FR Doc. 79-13737 Filed 5-3-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 180

Tolerances and Exemptions From Tolerances For Pesticide Chemicals in or on Raw Agricultural Commodities; O,O-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate on mushrooms at 0.75 part per million (ppm). The regulation was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of the subject insecticide on mushrooms.

EFFECTIVE DATE: Effective on the May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Critchlow, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC (202/755–4851).

SUPPLEMENTARY INFORMATION: On March 12, 1979, the EPA published a notice of proposed rulemaking in the **Federal Register** (44 FR 13547) in response to a pesticide petition (PP 8E2071) submitted to the Agency by the Interregional Research Project No. 4 (IR–4), New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee and the State Agricultural Experiment Stations of Delaware, Maryland, and Pennsylvania. This petition proposed that 40 CFR 180.153 be amended by the establishment of a tolerance for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate in or on the raw agricultural commodity mushrooms at 0.75 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.153 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before June 4, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted and specify the provisions of the regulation

deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on May 3, 1979, Part 180, Subpart C, section 180.153 is amended by adding a tolerance for residues of the subject insecticide on mushrooms at 0.75 ppm as set forth below.

Dated: April 26, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Statutory Authority: Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

Part 180, Subpart C, § 180.153 is amended by alphabetically inserting the tolerance of 0.75 ppm on mushrooms in the table to read as follows:

§ 180.153 O,O-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; tolerances for residues.

* * * * *

Commodity:	Parts per million
* * * * *	
Mushrooms	0.75
* * * * *	

[FRL 1215-6; PP8E2071/R206]

[FR Doc. 79-13708 Filed 5-2-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 1

Fair and Equitable Compensation to Professional Employees

AGENCY: General Services Administration.

ACTION: Temporary Regulation.

SUMMARY: This supplement extends the expiration date of Federal Procurement Regulations Temporary Regulation 45 (43 FR 27235, June 23, 1978). The extension will allow more time for an orderly codification process. The intended effect is to lower administrative costs by including other anticipated changes in the codification of various temporary regulation provisions.

DATES: Effective date: March 15, 1979. Expiration date: This regulation will continue in effect until April 1, 1981, unless canceled earlier.

FOR FURTHER INFORMATION CONTACT: Phillip G. Read, Acting Director, Federal Procurement Regulations Directorate, 703-557-8947.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 1, FPR Temporary Regulation 45, Supplement 1 is added to the appendix at the end of the chapter.

Federal Procurement Regulations, Temporary Regulation 45, Supplement 1

To: Heads of Federal agencies

Subject: Fair and equitable compensation to professional employees under Federal contracts for services

1. *Purpose.* This supplement extends the expiration date of FPR Temporary Regulation 45.

2. *Effective Date.* This supplement was effective March 15, 1979.

3. . *Expiration date.* FPR Temporary Regulation 45 and this supplement will expire on April 1, 1981, unless canceled earlier.

4. *Explanation of changes.* Paragraph 3 of FPR Temporary Regulation 45 is revised to delete the expiration date of April 1, 1979, and to prescribe the revised expiration date which appears in paragraph 3.

Dated: April 23, 1979.

Paul E. Goulding,

Acting Administrator of General Services.

[Temporary Reg. 45, Supplement 1]

[FR Doc. 79-13790 Filed 5-2-79; 8:45 am]

BILLING CODE 6820-82-M

Proposed Rules

Federal Register
Vol. 44, No. 87
Thursday, May 3, 1979

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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Referendum Order; Determination of Representative Period for Voter Eligibility and Designation of Referendum Agents To Conduct the Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among growers of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, to determine whether they favor continuance of the marketing agreement and order program.

DATES: Referendum period May 14 through 23, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: 202–447–5975.

SUPPLEMENTARY INFORMATION: This action is taken pursuant to the marketing agreement and Order No. 929, both as amended (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island, New York. This order is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Section 929.68(d) of the marketing order specifies that a referendum shall be conducted during the month of May 1975, and during the month of May every fourth year thereafter, to ascertain whether growers favor continuance of this part. It is hereby directed that a referendum be conducted during the period May 14 through 23, 1979, among growers who, during the period September 1, 1978, through April 30, 1979 (which period is hereby determined to be a representative period for purposes of this referendum), were engaged, in the States specified above, in the production of cranberries for market to ascertain whether such growers favor the continuance of the amended marketing order.

Ronald L. Cioffi and William J. Doyle, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900.400 *et seq.*).

Copies of the text of the aforesaid amended marketing order may be examined in the office of the referendum agents or of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum may be obtained from the referendum agents and from their appointees. This action has not been determined significant under the USDA criteria for implementing Executive Order 12044.

Dated: April 27, 1979.

Jerry C. Hill,
Deputy Assistant Secretary.

[FR Doc. 79-13837 Filed 5-2-79; 8:45 am]
BILLING CODE 3410-02-M

[7 CFR Part 979]

Melons Grown in South Texas; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This regulation would require fresh market shipments of melons grown in designated counties in South Texas to be inspected and meet minimum grade, quality and container requirements. The regulation would promote orderly marketing of such melons and keep less desirable qualities from being shipped to consumers.

DATE: Comments due May 12, 1979.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments must be submitted; the comments will be made available for public inspection at the office of the Hearing Clerk during the regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 447–4722.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 156 and Order No. 979 (7 CFR Part 979) regulate the handling of melons grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Melon Committee, established under the order, is responsible for its local administration.

This proposed regulation is based upon recommendations made by the committee at its public meetings in McAllen and Weslaco, Texas, on April 17, 19 and 25, 1979. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1979 spring crop of South Texas melons and of the marketing prospects for the shipping season which is expected to begin about mid-May 1979.

The grade requirements are designed to prevent melons of poor quality from being distributed in fresh market channels.

Thus, not more than 50 percent of the melons may fail the requirements for U.S. Commercial grade. A tolerance of 20 percent would be allowed for serious damage of which not more than 10 percent could be for melons affected by soft decay. Black surface discoloration would not be considered a defect. Individual containers would be required

to contain at least 25 percent U.S. Commercial quality melons.

The container requirements would prevent the shipment of bulk loads of packing house culls which would adversely affect the reputation and returns of packed South Texas melons. However, they would require the use of containers customarily packed for the retail trade.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 120 pounds of melons could be handled, other than for resale, per person per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of melons.

The requirements with respect to special purpose shipments would allow the shipment of melons for charity, relief, canning and freezing. Shipments of melons for canning or freezing are exempt under the legislative authority for this part. Shipments for charity or relief would be exempt since no useful purpose would be served by regulating such shipments.

In order to maximize the benefits of orderly marketing the proposed regulation should become effective as quickly as possible to cover as much of the marketing season as possible. The marketing season is expected to begin about May 16th. The proposed regulation was discussed at three widely publicized open public meetings where interested persons were given opportunities to make comments. Producers and handlers attending the meetings strongly supported the proposal. It is hereby determined that the period allowed for additional comments should be sufficient under the circumstances and will effectuate the declared policy of the act.

It is proposed to amend 36 CFR 979 by adding the following new sections:

§ 979.301 Handling regulation.

During the period May 16 through August 31, 1979, no person shall handle cantaloup or honey dew melons unless they meet the requirements of paragraphs (a) through (c) or (d) or (e) and (f) of this section.

(a) *Grade requirements.* Not more than 50 percent of the melons in any lot may fail to meet the requirements of U.S. Commercial grade except no more than 20 percent shall be allowed for serious damage, and including in this latter amount not more than 10 percent for melons affected by soft decay. Black surface discoloration shall not be considered as a grade defect with respect to such grade. Individual containers shall contain not less than 25 percent U.S. Commercial or better quality.

(b) *Container requirements.*

(1) Except as provided in paragraphs (d) or (e) and (f) all cantaloups shall be packed in fiberboard cartons with inside dimensions of not more than 17¼ nor less than 16¾ inches in length, not more than 13 nor less than 12¾ inches in width, and not more than 10⅝ nor less than 9¾ inches in depth. All honey dew melons shall be packed in fiberboard cartons with inside dimensions of 17 inches long by 15¼ inches wide and not more than 7½ inches nor less than 6½ inches deep. A tolerance of ¼ inch for each dimension shall be permitted.

(2) Each container shall be marked to indicate the count; the name, address, and zip code of the shipper; the name of the product; and the words "Produce of U.S.A." or "Product of U.S.A."

(3) If the container in which the melons are packed is not clean and bright in appearance without marks, stains, or other evidence of previous use, the container shall be conspicuously marked with the words "USED BOX" in letters not less than three-fourths (¾) inch high.

(c) *Inspection.*—(1) No handler may handle any melons regulated hereunder except pursuant to paragraphs (d) or (e) and (f) of this section unless an inspection certificate has been issued covering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of melons for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable. A copy of such inspection certificate or committee document shall be surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Designated inspection stations will be located at the Texas Federal Inspection Service office, 1301 W. Expressway, Alamo (Phone (512) 787–4091 or 6881) and the official inspection station in Laredo, to be available for handlers who do not have permanent packing facilities recognized by the committee.

(5) Handlers shall pay assessments on all assessable melons according to the provisions of § 979.42, at the rate of 1½¢ per carton.

(d) *Minimum quantity exemption.* Not withstanding any other provisions of this section melons may be handled without regard to the provisions of §§ 979.42, 979.52, 979.60, and 979.80 and the regulations issued thereunder, if the shipment does not exceed 120 pounds net weight of melons to any one person during any one day, except that the exempted quantity shall not be included as a part of any shipment exceeding 120 pounds and further that such melons are not for resale.

(e) *Special purpose shipments.* (1) The requirements of paragraphs (a) through (c) of this section shall not be applicable to shipments for charity, relief, canning and freezing if a handler presents a Certificate of Privilege for such melons prior to handling them in accordance with § 979.155.

(2) Melons failing to meet the requirements of paragraphs (a) through (c) of this section and not exempt under paragraphs (d) or (e), and all melons discarded from the grading table shall be handled only in accordance with § 979.152.

(f) *Safeguards.* Each handler making shipments of melons for relief, charity, canning or freezing under paragraph (e) of this section shall:

(1) Notify the committee of the intent to ship melons under paragraph (e) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments.

(2) Obtain an approved Certificate of Privilege.

(3) Prepare on forms furnished by the committee a special purpose shipment report for each individual shipment.

(4) Forward copies of the special purpose shipment report to the committee office and to the receiver with instructions to the receiver to sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such shipments.

(g) *Definitions.* "U.S. melon standards" mean the United States Standards for Grades of Cantaloups (7 CFR 2851.475–2851.494), or the United States Standards for Grades of Honey

Dew and Honey Ball Type Melons (7 CFR 2851.3240–2851.3749), whichever is applicable, or variations thereof specified in this section. The term "U.S. Commercial" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 156 and this part.

Dated: April 27, 1979.

Note.—This proposed regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

D. S. Kuryloski,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-13722 Filed 5-2-79; 8:45 am]

BILLING CODE 3410-02-M

[7 CFR Part 979]

Melons Grown in South Texas; Proposed Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This subpart would establish the rules and regulations for the operation of Order No. 979, order regulating the handling of melons grown in South Texas, which became effective April 13, 1979. (44 FR 22038, April 13, 1979) The rules are necessary for implementation of the order and contain the general requirements relating to the conduct of meetings, setting of the fiscal period, eligibility of public members, special purpose shipment procedures and reporting requirements.

DATES: Comments due May 12, 1979.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments must be submitted. The comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 447–4722.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 156 and Order No. 979 (7 CFR Part 979) regulate the handling of melons grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

These proposed rules and regulations were recommended by the South Texas Melon Committee at its public meeting in McAllen, Texas, on April 17.

In order to maximize the benefits of orderly marketing the proposed rules and regulations should become effective as quickly as possible to cover as much of the marketing season as possible. The marketing season is expected to begin about May 16th. The proposed rules and regulations were discussed at three widely publicized open public meetings where interested persons were given opportunities to make comments. Producers and handlers attending the meetings strongly supported the proposal. It is hereby determined that the period allowed for additional comments should be sufficient under the circumstances and will effectuate the declared policy of the act.

The order would be defined in this subpart since the definition appears nowhere else in the part.

The fiscal period would be set at May 1 through April 30 of the following year. This would allow time for the budget to be prepared, recommended and approved prior to the time disbursements of committee funds would be made.

The proposed rules also contain eligibility requirements for the public members. The requirements would include representing a nonagricultural point of view, and not having a financial (or economic) interest in, or being closely associated with the production, processing, financing or marketing of melons. The public member and alternate would be nominated by the growers and handlers on the committee and would serve the same term of office as other committee members.

Nomination procedures for public members would also be included in the proposed rules. Under these proposed rules questionnaires could be sent to interested persons to determine their qualifications. The names and qualifications would then be submitted to the committee. The names of persons nominated for public member and alternate positions would be submitted to the Secretary by January 15.

The committee would be authorized to meet by telephone since it may not always be practical or expedient to hold an assembled meeting. Such telephone meetings could be called only by the chairman or vice-chairman acting in his stead, and seven affirmative votes would be required to approve any action. All votes would be promptly confirmed in writing.

Procedures for the handling of culls would be specified by the proposed rules. Melons failing the requirements contained in the handling regulation would be required to be either spiked or mechanically mutilated or be handled for special purpose outlets. This would preclude entry of poor quality or otherwise unsuitable melons into normal channels of trade to the detriment of the melon industry.

Handlers making shipments of melons for special purposes would be required to provide the committee with information regarding such shipments to preclude the entry of the melons into normal channels of trade. Handlers would be required to obtain a Certificate of Privilege from the committee and comply with all reporting requirements. This would give the committee the information necessary for determining compliance. The rules contain the necessary procedures for determining qualification, application for the Certificate, approval by the committee and disqualification.

In order to help the committee become informed on the size and quality of the crop, each handler would be required to furnish during the planting season, information on a bi-weekly basis to the committee. Such information would include the number of acres and location of cantaloups and honey dew melons planted by them or by growers for whom they pack.

The proposed new sections to be added to 36 CFR Part 979 read as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

Sec.

* * * * *

979.100 Order.
979.106 Registered handler.
979.110 Fiscal period.
979.122 Eligibility requirements for public members.
979.126 Nomination procedures for public members.
979.132 Procedure.
979.152 Handling of culls.
979.155 Safeguards.
979.180 Reports.

§ 979.100 Order.

"Order" means Order No. 979 (§§ 979.1 to 979.92; 44 FR 22038) regulating the handling of melons grown in South Texas.

§ 979.106 Registered handler.

For purposes of this part, a registered handler is a person who has adequate facilities for packing melons for market and who assumes initial responsibility for compliance with inspection, assessment, and other regulatory requirements on the handling of melons grown in the production area. Any person who wishes to become a

registered handler shall make application for registration with the committee on forms furnished by the committee. If such applicant has facilities available which are determined by the committee as adequate for the packing of melons, he may be approved as a registered handler. Growers who make deliveries of fieldrun melons to such registered handlers are hereby determined to be exempt from otherwise applicable regulations pursuant to this part.

§ 979.110 Fiscal period.

"Fiscal period" means the annual period beginning May 1 and ending on April 30 of the following year.

§ 979.122 Eligibility requirements for public members.

(a) A public member shall represent a nonagricultural point of view, and shall not have a financial (or economic) interest in, or be closely associated with the production, processing, financing or marketing of melons.

(b) Public members should be able to devote sufficient time and express a willingness to attend committee activities regularly and to familiarize themselves with the background and economics of the industry.

(c) Public members must be residents of the production area.

(d) Public members shall be nominated by the South Texas Melon Committee and shall serve a two-year term which coincides with the term of office of producer or handler members of the committee.

§ 979.126 Nomination procedures for public members.

(a) Names of candidates together with evidence of qualification for public membership on the South Texas Melon Committee shall be submitted to the committee at its business office.

(b) Questionnaires may be sent by the committee to those persons submitted as candidates, to determine their eligibility and interest in becoming a public member.

(c) The names of persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by January 15 with such information as deemed pertinent by the committee or as requested by the Secretary.

(d) Nomination of the initial public member shall be made as soon as possible but not later than 90 days after the first meeting of the committee.

§ 979.132 Procedure.

The committee shall be authorized to meet by telephone or other means of communication. Any vote at such a meeting shall be promptly confirmed in writing by each voter. On such occasions seven affirmative votes shall be necessary to approve any action. Telephone meetings shall be called only by the Committee chairman or vice-chairman acting in his stead.

§ 979.152 Handling of culls.

(a) The handling of culls, i.e., melons which fail to meet the grade, size, quality or other requirements established under § 979.52(b) of this part is prohibited unless such melons are:

(1) Mechanically spiked or mutilated at the packing shed rendering them unsuitable for fresh market; or

(2) Handled for special purpose outlets approved under § 979.54 of this part.

(b) As a safeguard against culls entering fresh market channels each handler under subparagraph (2) shall apply for and obtain a certificate from the committee which shall require the handler to furnish such reports or other information as the committee may request.

§ 979.155 Safeguards

(a) *Policy.* Whenever shipments of melons for special purposes pursuant to § 979.54 are relieved in whole or in part from regulations issued under § 979.52, the committee may require information and evidence on the manner, methods, and timing of such shipments as safeguards against the entry of any such melons in trade channels other than those for which intended. Such information and evidence shall include requirements set forth below with respect to Certificates of Privilege.

(b) *Qualification.* Before handling melons for special purposes which do not meet regulations issued pursuant to § 979.52, a handler, when required by such regulations, must qualify with the committee to handle shipments for special purposes. To qualify one must (1) apply for and receive a Certificate of Privilege indicating the intent to so handle melons, (2) agree to comply with reporting and other requirements set forth in § 959.155 with respect to such shipments, and (3) receive approval of the committee, or its duly authorized agents, to so handle melons. Such approval will be based upon evidence furnished in the application for Certificate of Privilege and other information available to the committee.

(c) *Application.* (1) Applications for a Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, quality and container of the melons to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the melons are to be used; and certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon, and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 979.155(a).

(2) The committee may require each handler making shipments of melons for export to include with his application a copy of the Department of Commerce Shippers Export Declaration Form No. 7525–V applicable to such shipment.

(d) *Approval.* The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon the determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period and specified qualities and quantities of melons to be sold or transported to a designated consignee for the purpose declared.

(e) *Reports.* Each handler of melons shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee, or its duly authorized agents, showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

(f) *Disqualification.* The committee from time to time may conduct surveys of handling of melons for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that the handler or consignee is failing to comply with requirements and regulations applicable to handling of melons in special outlets and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and subsequent certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee, but in no event shall it extend beyond the date of the succeeding fiscal period. Any handler who has a Certificate rescinded

or denied may appeal to the committee in writing for reconsideration of his disqualification.

§ 959.180 Reports.

Each handler shall furnish every two weeks during the planting season to the committee on a form provided by the committee the number of acres of cantaloups and honey dew melons planted by the handler or growers for whom the handler packs melons during such period and the location of such plantings. However, during the first season of operation under the order each handler need only report the number of acres each of cantaloups and honey dew melons planted together with the location of all such plantings.

Dated: April 27, 1979.

Note.—This proposed regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

D. S. Kuryloski,

Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

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FEDERAL RESERVE SYSTEM

[12 CFR Part 205]

Electronic Fund Transfers; Hearing

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule and notice of hearing.

SUMMARY: The Board is publishing for comment sections of Regulation E, electronic fund transfer regulations (including model disclosures) to implement those provisions of the Electronic Fund Transfer Act that become effective on May 10, 1980. The sections of Regulation E that implement sections 909 and 911 of the Act were issued by the Board on March 21, 1979. The Board is also proposing to amend § 205.3 (to expand the exemptions) and § 205.5—Liability of Consumer for unauthorized transfer, of the existing regulations (to make a clarifying amendment). The Board is publishing for comment an economic impact analysis, as required by section 904 of the Act. A public hearing will be held on the Board's proposal on June 18 and 19, 1979.

DATES: Comments must be received on or before July 2, 1979. Hearings will be held on June 18 and 19, 1979. Requests to appear at the hearing must be received on or before June 8, 1979.

ADDRESSES: Send comments and requests to appear at the hearing to: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted and all requests to appear at the hearing should refer to docket number R-0221. The hearing will be held before available members of the Board on the Terrace level of the Martin Building at 20th and C Streets, N.W., Washington, D.C., to begin at 9:30 a.m. each day.

FOR FURTHER INFORMATION CONTACT: Regarding the regulations: Dolores S. Smith, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412). Regarding the economic impact analysis: Frederick J. Schroeder, Economist, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2584).

SUPPLEMENTARY INFORMATION: (1) *Introduction; General Matters; Hearing.* The Board recently issued sections of Regulation E (44 FR 18468, March 28, 1979) implementing sections 909 and 911 of the Electronic Fund Transfer Act (Title XX, Pub. L. 95-630), which became effective on February 8, 1979. The Board is now publishing for comment regulatory provisions to implement the remainder of the Act that will go into effect on May 10, 1980. No implementing regulations are being proposed for the sections of the Act that deal with civil and criminal liability (sections 910, 915, and 916), or for those sections that are straightforward and need no regulatory clarification (sections 912, 913, and 914). Section 910(a)(1)(E) of the Act does authorize the Board to specify circumstances under which a financial insitution would not be liable for damages arising from the institution's failure to make an electronic fund transfer authorized by a consumer. Commenters are invited to specify circumstances not already contained in section 910(a)(1) that the Board may wish to particularize in implementing regulations.

Section 904(a)(1) of the Act requires the Board, when prescribing regulations, to consult with the other Federal agencies that have enforcement responsibilities under the Act. Members of the Board's staff have met with staff members from the enforcement agencies.

Federal savings and loan associations should note that they are subject to the provisions of Regulation E and that there may be some inconsistency between this regulation and the Federal Home Loan Bank Board's regulation governing remote service units (12 CFR 545.4-2). The Board of Governors has been advised by the Bank Board that § 545.4-2 will be promptly amended to conform to the Act and Regulation E.

Section 904(a)(2) requires the Board to prepare an analysis of the economic impact of the regulation on the various participants in electronic fund transfer systems, the effects upon competition in the provision of electronic fund transfer services among large and small financial institutions, and the availability of such services to different classes of consumers, particularly low-income consumers. Section 904(a)(3) requires the Board, to the extent practicable, to demonstrate that the consumer protections provided by the proposed regulation outweigh the compliance costs imposed upon consumers and financial institutions. The Board's preliminary statement on these issues is published in section (5) below. The statement and the proposed regulation have been transmitted to Congress, as required by section 904(a)(4).

Section 904(b) requires the Board to isue model disclosure clauses, writen in readily understandable language, that will make it easier for financial institutions to comply with the disclosure requirements of section 905 and that will aid consumer understanding of their rights and responsibilities. The proposed model clauses are discussed in section (4) of this material.

Section 904(c) permits the Board to modify the requirements of the Act as they affect small financial institutions if the Board determines that modifications are necessary to alleviate any undue compliance burden. The Board solicits comment on the extent to which compliance with the proposed regulation would impose undue cost and administrative or other burdens upon small financial institutions and what criteria should be use in determining what constitutes "small financial institutions" for purposes of section 904(c).

Section 904(d) requires the Board to assure that the requirements of the Act are imposed upon all persons that offer electronic fund transfer services to consumers. The Board previously solicited information regarding the offering of such services by non-financial institutions, a description of the services, and whether specific provision should be made in the regulation to insure that such persons are subject to the Act's requirements. Any further information or opinions would be welcome.

The Board also gives notice of a public hearing to be held on its proposed regulation on June 18 and 19, 1979. The hearing will be held before available members of the Board on the Terrace level of the Martin Building at 20th and C Streets, N.W., Washington, D.C. to begin at 9:30 a.m. each day.

The proceeding will consist of presentation of written or oral statements. Any person wishing to testify at the hearing should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before June 8, 1979, a written request containing a statement of the nature of the person's interest in the proceeding, a summary of the matters concerning which the person desires to give testimony, and the names and identity of witnesses who propose to appear. A request to appear at the hearing should include the docket number set forth above. The Board reserves the right to limit participation should time constraints so require.

(2) *Amendments to Existing Sections of Regulation.* The Board proposes to amend certain sections of Regulation E that are already in effect. The existing sections that would be amended are §§ 205.2 (Definitions), 205.3 (Exemptions), and 205.5 (Liability of Consumer for Unauthorized Transfers).

Section 205.2—Definitions. The Board proposes to amend two definitions that appear in existing Regulation E, and to add two new ones, in order to avoid relettering many of the existing definitions at this time, the new definitions appear as §§ 205.2(l) and (m), following the existing definitions.

(i) "Financial institution." The Board proposes to delete the last sentence, concerning agreements among financial institutions that share compliance responsibilities. The substance of this provision has been incorporated in proposed § 205.13(a).

(k) "Unauthorized electronic fund transfer." The definition would be revised by deleting, after "error," the phrase "committed by the financial institution," and inserting instead "except as defined in § 205.2(l)(1)."

The existing definition poses a technical problem in that it excludes errors, yet the definition of "error" includes unauthorized electronic fund transfers. The proposed amendment would eliminate the inconsistency.

(l) "Error." The proposed definition is similar to the corresponding definition in the Act. The Board wishes to point out that § 205.2(l)(1), which defines an unauthorized electronic fund transfer as an error, would include a consumer's notifying a financial institution of the loss or theft of an access device. Such a notification would alert the financial institution to the possibility that unauthorized transfers have occurred or may ocur. By interpreting § 205.2(l)(1) to include notification of loss or theft of an access device, the protections of the error resolution procedures will be triggered upon notification of loss or theft (which may involve *possible* unauthorized use), rather than upon the consumer's awareness and notification of an *actual* occurrence of unauthorized use.

In addition, the Board proposed, in §§ 205.2(l)(7) and (8), to include two other types of errors in the definition. Section 205.2(l)(7) defines as an "error" any failure to provide a consumer with documentation required by the regulation. this would insure that a consumer would be able to receive promptly a copy of any required documentation that was not provided. The Board anticipates that this additional type of error will be of particular importance where a consumer did not receive a receipt at a terminal either because of terminal malfunction or because the terminal is out of paper.

Section 205.2(l)(8) would define as an error any misidentified or insufficiently identified transfer or any transfer that was not in the amount or on the date indicated on or with any required documentation. This addition would cover types of errors that may not be covered by § 205.2(l)(2). For example, § 205.2(l)(2) would cover the instance in which a transfer should not have been made at all, while § 205.2(l)(8) would cover the instance in which a transfer was properly made, but incorrectly identified on the periodic statement.

(m) "Preauthorized electronic fund transfer." The proposed definition is identical to the one contained in section 903(9) of the Act.

Section 205.3—Exemptions. The Board is proposing amendment of two paragraphs of § 205.3, Exemptions.

First, it proposes to delete the words "through a broker-dealer registered with," in paragraph (c) as adopted. This proposal would exempt electronic fund transfers occurring under mutual funds, pension and profit-sharing plans. It may be appropriate to exempt them because such transfers are regulated under other Federal laws even when the transfer is not with a registered broker-dealer and such laws require written preauthorization and documentation of transfers.

This exemption, if adopted as proposed, would not exclude all electronic transfers involving the purchase or sale of securities or commodities, but only those in which the primary purpose of the transfer is such a purchase or sale. If the purchase or sale is incidental to the primary purpose of the transfer (e.g., the payment of a third party from a money market account), the regulation's requirements would apply.

The Board solicits comment on the proposed exemption, particularly on the costs and compliance burdens that would be incurred by mutual funds and pension and profit-sharing plans if such transfers were not exempted, the consumer protections to be gained from covering such transfers, and whether the disclosure requirements of Regulation E would be duplicative (and the extent of the duplication) of requirements imposed under other applicable Federal or State law.

The Board is also proposing amendment of § 205.3(d) of the regulation. The Board had solicited comment in the original proposal on whether the exemption should be expanded. A large number of commenters suggested expansion of the exemption in various ways, but the Board decided to defer action on the issue until public comment could be elicited on specified means of broadening the exemption.

The following table shows the automatic transfers that the proposal would exempt from the regulation's scope and gives examples of the types of transfers that would be exempted. Note that to be exempted, the transfers would have to be automatic (without an individual request from the consumer) under an agreement between the consumer and the financial institution.

Automatic transfers	*Example*
(1) Between a consumer's accounts at a financial institution	Savings or share accounts to checking, NOW or share draft accounts; checking, NOW or share draft accounts to savings or share accounts.
(2) To a consumer's account by a financial institution	Crediting of interest to interest-bearing accounts.
(3) From a consumer's account to the financial institution	Debiting of service charges; automatic loan payments where the institution is the creditor; payroll deductions for institution employees.

The Board solicits comment on whether some or all of the enumerated types of transfers should be exempted, the costs that would be incurred by financial institutions (e.g., major programming or statement system changes, administrative costs) if such transfers were not exempted, and the

consumer benefits that would result if such transfers were covered.

Section 205.3(d)(3) would exempt transfers from a consumer's account to the financial institution (such as automatic loan payments) from all the regulation's requirements, except the periodic statement requirements of § 205.8(b). With respect to § 205.3(d)(3), the Board proposes and solicits comment on the following alternatives: (a) consideration of a complete exemption of such transfers and (b) consideration of a partial exemption (by addition of the parenthetical phrase). Comment on (b) above should focus on whether or not documentation of such transfers is already provided to the consumer, whether consumers would gain any additional protection from a periodic statement requirement, and whether, if adopted by the Board in the proposed form, related sections of the regulation should also apply (for example, § 205.10 on error resolution).

The Board also solicits comment on whether other automatic transfers should be exempted. Comment on this question should specifically address the costs, compliance burdens and loss of consumer protections that would result from exemption of such other transfers.

Section 205.5—Liability of Consumer for Unauthorized Transfers. The introductory language of § 205.5(b) would be amended by changing the phrase "series of transfers arising from a single loss or theft of the access device" to "series of related transfers." Since unauthorized transfers can occur in circumstances other than those involving loss or theft of an access device, the liability limitations should apply to a series of unauthorized transfers occurring under any circumstances. The amended language would make clear, however, that the transfers in the series must be related. For example, the transfers could arise from a single loss or theft of the access device; where the access device is not lost or stolen, they could all be effectuated by the same person (or by a group of persons acting together).

(3) *Addition of New Sections to Regulation.* The Board proposes to add to Regulation E eight new sections, number § 205.6 through § 205.13.

Section 205.6—Initial Disclosure of Terms and Conditions. Section 205.6(a) implements section 905(a) of the Act and provides for disclosure to consumers of terms and conditions of electronic fund transfer services. The disclosures need be made by the financial institution only to the extent that they apply to the offered services. The Board proposes to require that the disclosures be made in a written statement that the consumer may retain. Aside from the requirement that the disclosures be made in readily understandable language, the regulation would not contain any requirements with respect to number of pages, size of type, front or reverse pages, or relative prominence.

The Act provides that the disclosures must be made "at the time the consumer contracts for an electronic fund transfer service," while the proposal would permit the disclosures to be made at the time the consumer contracts for the service or before the first electronic fund transfer is made involving a consumer's account. The Board believes early disclosure of the terms and conditions of EFT services is desirable, but is proposing this change because of the difficulty of determining when the consumer has contracted for the service, particularly when there is an oral application or a preexisting account relationship between the consumer and the institution. Consumers would have the right to cancel the EFT service after receiving the disclosures. Comment is solicited on whether disclosure at the later time should be permitted.

Sections 205.6(a) (1) and (2) provide for disclosure of the consumer's liability for unauthorized transfers, optional disclosure of the advisability of prompt reporting of unauthorized transfers, and the name and address for notification of such transfers. These disclosures are virtually unchanged from the Act.

Section 205.6(a)(3) would require disclosure of the institution's business days. The Board is proposing this additional disclosure (which has been adopted as a transitional disclosure to accompany unsolicited distribution of access devices under § 205.4) because the term "business day" is used throughout the disclosure and substantive requirements of the regulation (e.g., consumer liability for unauthorized transfers, error resolution procedures). It is thus important for consumers to be aware of the institution's business days.

Section 205.6(a)(4) would be virtually identical to the Act, except that the Board proposes to delete the words "and nature" as unnecessary after "type." It is the Board's opinion that the exception from the disclosure of the limitations on transfers if their confidentiality is necessary to maintain security of the system only obviates disclosure of the details of the limitations; the fact that such limitations exist must be disclosed.

The disclosure required by § 205.6(a)(5) is identical to the Act. It appears that this disclosure need only include those charges that relate to electronic fund transfers or to EFT capability on an account and would not include account maintenance charges (which must be disclosed on periodic statements under section 906(c)(2) of the Act and § 205.8(c)) or check charges.

The disclosure under § 205.6(a)(6) is identical to the Act. The Board's preliminary opinion is that the financial institution need disclose only that documentation at terminals will be made available, that the consumer will receive periodic statements on a monthly or quarterly basis, and that the consumer will receive notice of preauthorized credits or the means by which the consumer can determine whether the transfer has been completed. The disclosure would not have to include a description of the information that is required to be disclosed on the documentation or periodic statement. (See the model disclosure clause for an example of the type of disclosure envisioned.)

Sections 205.6(a) (7) and (8) are proposed in virtually the same form as in the Act. It should be noted that under the Board's proposal, § 910 of the Act would not be implemented in the regulation. The Board solicits comment on whether this section should be incorporated in the regulation, particularly as to whether the Board should add other instances where the institutions should not be liable for failure to make transfers, as permitted by Section 910(a)(1)(E).

Section 205.6(a)(9) is proposed in virtually the same form as it appears in the Act. The Board believes that this disclosure should include conditions under which the financial institution will in the ordinary course of business disclose any account information to third parties, and would not be limited to disclosure of information concerning electronic fund transfers.

The Board is proposing, in § 205.6(a)(10), a notice of the error resolution procedures of the Act as a required initial disclosure, to comply with Section 905(a)(7) of the Act. This notice will also be required as a subsequent disclosure under § 205.7. The notice has been drafted in what the Board believes is "readily understandable" language; comment is solicited on ways in which the notice could be redrafted to improve the format and style. Certain provisions of Section 908 of the Act have been summarized where it appears that the details of the statutory requirements would not be particularly useful (and might be somewhat confusing) to the consumer. The Board solicits comment on whether

greater or lesser detail should be provided in the notice.

The Board's intention is that this notice must be substantially similar to the form in which it appears in the regulation in order for the institution to be assured of compliance with the statutory requirements. Deletion of inapplicable provisions (e.g., requirement of written confirmation of oral notification) and substitutions (.e.g., of trade names) may be made by the financial institution.

Section 205.6(b) implements Section 905(c) of the Act and would require that the disclosures contained in paragraph (a) of § 205.6 must be given to consumers who hold accounts from or to which electronic fund transfers could be made before May 10, 1980. The disclosures would have to be given within 30 days of the effective date of the statute or with the first required periodic statement after the effective date, whichever is earlier.

Section 205.7—Subsequent Disclosures. Section 205.7(a) implements Section 905(b) of the Act and requires advance disclosure to the consumer of any unfavorable change in the account terms affecting the cost, liability for, or availability of electronic fund transfers. Paragraph (1) of § 205.7(a) requires that the financial institution mail or deliver a written notice to the consumer at least 21 days before the effective date of the change in terms. The changes that would be required to be disclosed are (a) increased fees or charges, (b) increased liability for the consumer, (c) fewer types of available EFTs, and (d) stricter limitations on the dollar or frequency amounts of transfers. The Board solicits comment on whether there are other types of unfavorable changes in terms or conditions of the account for which advance disclosure to the consumer should be made.

Paragraph (2) of § 205.7(a) provides an exception to the requirement of advance notice of changes in terms and conditions of the account, if an adverse change is immediately necessary to maintain or restore the security of the EFT system or a particular account, for example, when the security of an institution's EFT system has been breached by a thief. The paragraph would further provide that if an immediate change is later made permanent by the institution and disclosure will not jeopardize the security of the system or the account, the financial institution must provide written notice to the consumer within 30 days after the change has been made permanent. The Board proposes to specify 30 days as a reasonable time within which the subsequent notice must be given. The 30-day period would permit institutions, in most instances, to provide the notice with the next periodic statement after the change has been made permanent.

Section 205.7(b) implements § 905(a)(7) of the Act and would require that the financial institution mail or deliver the error resolution notice prescribed in § 205.6(a)(10) annually to the consumer.

Paragraph (2) of § 205.7(b) would permit an alternative method of compliance with the annual error resolution notice requirement. The proposed method is similar to that permitted under Regulation Z (12 CFR § 226.7(d)(5)). It would permit institutions to include a "short-form" notice on or with each periodic statement required by § 205.8(b) instead of sending the longer notice annually. The short notice is prescribed in the regulation and the limitations on amendment of the long notice referenced above would also apply to this shorter version. Comment is solicited on ways in which the style and format of the notice can be improved and whether it would convey sufficient information to the consumer to enable the consumer to notify the institution of an error or question.

It appears to the Board that a significant consumer benefit may accrue from permitting the alternative method of disclosure. Although the form of the notice is much abbreviated, the consumer will be able to know immediately how to assert an error in the periodic statement and where to call or write simply by looking at the back of the statement (or another piece of paper included with the periodic statement). Comment is solicited on whether such latitude should be permitted and whether institutions will take advantage of this alternative requirement.

The provision would also require institutions to send the consumer the long notice prescribed in § 205.6(a)(10) within 10 business days of receiving notice of an error from the consumer.

Section 205.8—Documentation of Transfers. Section 205.8(a) implements section 906(a) of the Act, which requires institutions to provide documentation to a consumer who initiates an electronic fund transfer from an electronic terminal. The documentation must include up to six items of information, to the extent the items are applicable to the transfer. These items correspond to the information set forth in section 906(a) (1) through (5) of the Act.

The introductory paragraph requires that the documentation be made "available" to the consumer. For example, the institution could instruct the customer to press a particular key at the time of the transfer, if he or she wishes to receive the documentation.

Footnote 1 relates to the phrase "directly or indirectly," which is taken from the statutory language. The Board believes that the use of the term "indirectly" simply permits an institution to fulfill its obligations under § 205.8(a) through a third party, most commonly a merchant at whose place of business the institution's point-of-sale terminal is located.

While the proposed regulation requires documentation to be in a written form retainable by the consumer, it does not impose any particular requirement regarding type size, the length of the document or similar factors. The section would require, however, that the information be "clearly" set forth. An institution would be obligated to adequately label the items of information on the documentation as to the type of information being conveyed. For example, the use of a series of numbers or codes for the various types of information, if unrelated to a category such as "terminal location" or "amount of transfer," would not be "clearly" set forth, within the meaning of the proposal.

The legislative history regarding section 906(a) indicates that the "type" of transfer referred to in § 205.8(a)(3) is intended to include transfers such as those listed. As proposed, this paragraph would permit financial institutions to use simple abbreviations or codes, such as "P" or "1." However, if an abbreviation or code is used, it must be explained elsewhere on the documentation—by a preprinted list on the back of the documentation, for example.

Section 906(a)(3) requires an identification of the consumer's account from or to which funds are transferred. The Board draws attention to two issues in § 205.8(a)(4), which implements this requirememt. First, the Board envisions that the means of identification chosen will usually be an account number, since this appears to be a unique and universal means of identification. However, the Board solicits comment on how financial institutions propose to identify the accounts, if not by account number. Second, the language would require, in cases where the consumer is transferring funds between accounts (from checking to savings, for example), that both accounts be identified on the terminal documentation. The Board solicits comment on any operational

problems which would arise from this requirement, and on any alternative means of identification which might be provided for transfers between a consumer's accounts.

Section 205.8(a)(5), which implements section 906(a)(5), requires an identification of the terminal at which the consumer initiated the electronic fund transfer. The Board wishes to focus special attention on two issues. First, the Board believes that the statutory language calling for the "location or identification" of the terminal is best served by providing the consumer with the location. The word "identification" is believed to be unnecessary in this provision since the proposal would permit use of a code, which is a type of identification. The location given should be specific enough to permit the consumer at a later time to recall the transfer. The Board envisions that in most cases a street address would be the most meaningful identification. In other cases, the name of the business establishment or the shopping center where the terminal is located may have greater meaning for the consumer than the street address. Where there is more than one terminal at a particular location, such as a department store or a bank, this paragraph would not require a more specific identification such as "housewares department" or "second floor."

The second issue relates to the use of a terminal code in place of a readily understandable location. The Congressional history of the Act indicates that Congress envisioned such an alternative. In addition, at the time of the transfer, the location of the terminal may not be an essential item of information to the consumer. It is only when the consumer later receives the periodic statement under § 205.8(c) that the location of the terminal, in readily understandable language, becomes important in assisting the consumer to identify that transfer. The Board proposes to require institutions using a code to show, on the periodic statement which reflects the transfer, the code given on the initial documentation and, in close proximity, the terminal location to which it relates. The Board believes that this alternative would provide consumers with needed information at the time when it is most useful to them. It would also take account of the present limitations of terminals, which may not be capable of generating a complete alphabetic description of location on the terminal documentation.

Section 205.8(a)(6) implements section 906(a)(4) of the Act and requires an institution to identify any third party to or from whom funds are transferred. Such transfers most often will involve a point-of-sale terminal in which a merchant is the third party. The merchant would also constitute the third party in transactions involving credits for returned goods, with the funds transferred from the merchant's account to that of the consumer.

As both the Act and the proposed regulation are written, however, the identification requirement is not limited to cases in which the third party is a seller of goods or services. This paragraph may apply as well to other types of transfers such as bill-paying services, in which consumers use a terminal to transfer funds from their accounts to, for example, a utility company. The operational limitations which warrant the use of codes in identifying a terminal location may also apply here. For this reason, paragraph (a)(6), as proposed, would permit a financial institution to use a code on the initial documentation in identifying the third party. If this option is used, however, the portion of the periodic statement which describes the transfer must provide both the code and the third party's name in a readily understandable form.

The exception for non-machine-readable documents in paragraph (a)(6) is intended to apply particularly to bill-paying services that use an automated teller machine. It is the Board's understanding that such systems may call for the consumer to key in information regarding the amount, date, and type of transfer (all of which are immediately captured by the terminal) but to provide information on the identity of the third-party payees by means of a written or other non-machine-readable document. This document is collected from the terminal and translated into a computer-readable form by the institution at a later time. The Board is particularly interested in comments relating to the availability of these services, operational problems which may prevent immediate identification of the third party in such systems, and the extent to which the exception for non-machine-readable documents proposed in paragraph (A)(6) would alleviate these problems. The Board wishes to emphasize that, if adopted, this exception would not relieve the institution of responsibility for identifying the third party, in readily understandable language, on the periodic statement which reflects the transfer.

Section 205.8(b) requires financial institutions, subject to certain exceptions, to provide consumers with periodic statements which summarize the electronic fund transfer activity occurring in the consumer's account during the period covered by the statement.

Section 205.8(b)(1) sets forth the timing requirements for the delivery of periodic statements. Together with § 205.8(b)(2), it implements § 906(c) of the Act and requires financial institutions to provide a written statement to the consumer for each month in which there was activity in the consumer's account. If no activity has occurred, the statement must be provided on at least a quarterly basis.

Section 205.8(b)(2) specifies the information which must be provided on the periodic statement. It should be noted that the statement containing electronic fund transfer information may be combined with information regarding other types of activity in the account. For example, the statement (which may encompass more than one page) may include information regarding electronic fund transfers, checking account transactions, and credit transactions subject to the Truth in Lending Act.

Section 205.8(b)(2)(i) requires that the periodic statement include, as applicable, the six items of information described in § 205.8(a). Although the content of the periodic statement is defined, in part, in terms of the initial documentation under paragraph (a), it should be emphasized that the transfers to be reflected on the periodic statement are not limited to transfers subject to that paragraph. For example, preauthorized electronic fund transfers credited to the consumer's account must also be described on the periodic statement. In such cases, the information described in paragraph (a) need only be shown on the periodic statement "as applicable." Thus, no terminal location would be shown on the periodic statement regarding a preauthorized credit. However, the "type of transfer" required by § 205.8(a)(3) must be stated with enough specificity to inform the consumer that the transfer shown was a preauthorized credit. In a transfer subject to paragraph (a) of this section, if the financial institution used a code to identify the terminal location or a third party on the initial documentation, the periodic statement must include both the code used originally and the location or name to which it relates. In all cases, the information shown under this paragraph must be sufficient to enable the consumer to identify the transfer to which it relates.

The Board recognizes that disclosure of the date of the transfer, as required

by this section, may present special difficulties. In certain cases, the date on which a consumer authorized or initiated a transfer of funds may not be the same date on which the funds were debited. This could occur, for example, in electronic bill payment systems in which the consumer instructs an automated teller machine to make a payment to a utility at a later date. Under § 205.8(a)(2), the date of the transfer would be the date of the consumer's instruction to the terminal. However, if this date is used on the periodic statement, the consumer may not know when the account was debited for the amount of the transfer. The Board solicits comment on whether this fact warrants the imposition of special requirements, such as disclosure of both the initiation date and the debiting date.

Section 205.8(b)(2)(ii) requires disclosure of the amount of any fees or charges related to electronic fund transfers. It specifically excludes any charges which constitute a finance charge pursuant to § 226.7(b) of Regulation Z (Truth in Lending), even though such fees or charges may also be related to an electronic fund transfer. Since finance charges will be reflected on the periodic statement required by Regulation Z or on the Truth in Lending portion of a combined periodic statement, it may be unnecessary and possibly confusing to disclose them twice. Under this paragraph, the financial institution must also disclose any charges which are imposed for "account maintenance." The Board notes that there is a discrepancy between this term and the term "right to make such transfers," which is used to describe one of the initial disclosures made under § 205.6. This variation reflects the statutory language.

Section 205.8(b)(2)(iv) requires disclosure of an address and telephone number to be used by the consumer for making inquiries or reporting errors regarding electronic fund transfers. This information must be labeled in some manner to indicate to the consumer that the address and number are to be used for these purposes. If the financial institution, utilizing the provisions of § 205.7(b)(2)(i), sends the error resolution notice containing the address and telephone number along with the periodic statement, the institution need not repeat that information elsewhere on the statement.

Section 205.8(b)(3) implements section 906(d) of the Act. If the consumer maintains a passbook account which cannot be accessed electronically except by preauthorized electronic credits, the financial institution need not provide a periodic statement for that account. Instead, whenever the consumer presents the passbook, the institution may at that time update the passbook or provide a separate written statement to the consumer setting forth the amount and date of each preauthorized credit occurring since the passbook was last presented.

Section 205.8(b)(4) implements section 906(e) of the Act and provides a limited exception to the timing requirements of § 205.8(b). Where a nonpassbook account cannot be accessed electronically except by preauthorized credits, the financial institution need only send the statement on a quarterly basis, although the statement must otherwise comply with the requirements of § 205.8(b).

Section 205.8(c) implements section 906(b) of the Act. The Act requires financial institutions, as a general rule, to inform consumers, by either a positive or a negative form of notice, whether a regularly scheduled preauthorized credit to the consumer's account has occurred. This section would apply only where the credit is from the same payor and is scheduled to take place at least every 60 days. Transfers such as direct deposits of payroll checks and Social Security payments would be subject to this provision. The Act and regulation provide an exception to the institution's responsibility to provide notice of the transfer, where the payor initiating the transfer provides positive notice to the consumer that the transfer has been initiated.

Section 906(b) gives the Board wide discretion in implementing this provision. As proposed by the Board, § 205.8(c) provides five methods of notifying consumers of preauthorized credits, any one of which may be chosen by the financial institution, subject to one exception discussed below. An institution utilizing paragraph (1)(i) would supply a notice whenever the transfer occurs as scheduled. If no transfer occurs, no notice need be given. If the institution elects to provide negative notice pursuant to paragraph (1)(ii), it would notify the consumer only in those instances in which a preauthorized credit is not made as expected. The two-business day period would permit the institution to wait a short time before sending the negative notice, to ascertain whether the payment has merely been delayed.

Paragraph (1)(iii) would permit the financial institution to utilize the periodic statement required by paragraph (b) as the notice, in those cases where the statement, reflecting the credit, is due to be mailed to the consumer within two business days after the credit is made.

Under paragraph (1)(iv), the financial institution may provide a telephone number which the consumer may call in order to find out whether the transfer took place. If the institution choose this option, it must inform the consumer, on either the initial disclosures or the periodic statement, that this service is available.

A financial institution which chooses to utilize paragraph (1)(v) would be required to notify a consumer only in those cases in which the institution's nonreceipt of a preauthorized credit results in an overdraft of the consumer's account or triggers an extension of credit to prevent an overdraft, provided that the institution pays any items presented for payment and imposes no overdraft or other charges.

Paragraph (2) would require financial institutions that accept preauthorized transfers of the type subject to this subsection to credit the amount of the transfers and make the funds available to consumers as of the date of receipt. While this requirement is not specifically mandated by the Act itself, the Board believes that such a provision may be considered a logical extension of the Act's requirements and that it could assist in carrying out the legislative purpose of section 906(b). The proposal would require institutions to credit direct deposits as of the opening of business on the transfer date; those institutions that receive direct deposits after the opening of business on the transfer date would be required to credit the transfer by the opening of business on the next business day. The Board specifically requests comment on this requirement.

Section 205.9—Preauthorized Transfers from a Consumer's Account. This section implements section 907 of the Act. Section 205.9(a) states the general rule that preauthorized transfers from an account must be authorized by the consumer in writing, and a copy of the authorization must be given to the consumer. Section 205.9(b) provides for the consumer's stopping payment of a preauthorized transfer by giving notice up to three business days before the transfer is scheduled to occur. Notice may be either oral or written. If it is given orally the financial institution may require written confirmation within fourteen days if the consumer, when giving notice, is advised of that requirement and of the address to which confirmation should be sent.

Section 205.9(c) requires the financial institution or designated payee of a preauthorized transfer to notify the

consumer when that transfer varies from the preauthorized amount. The notice must be in writing, contain the date and amount of the varying transfer, and must be mailed or delivered no later than 10 days before the scheduled transfer date. This pre-transfer notification is intended to give the consumer enough time to insure that there are sufficient funds in the account to cover the transfer, and to enable the consumer to stop payment of the transfer should circumstances warrant. Comment is solicited on the form that authorizations of varying transfers may take. For example, are such authorizations generally open-ended as to amount, or do they customarily require consumers to initially specify an amount as part of the authorization?

Section 205.9(c) would also provide that under certain circumstances a consumer may waiver the right to notice of preauthorized transfers that vary in amount. It permits consumers to establish an acceptable amount of variance, or a particular range of amounts. For transfers varying within these tolerances consumers can elect to forego notice so long as the election is made in writing and with the knowledge that the consumer is otherwise entitled to receive notice of all varying transfers. The proposal would be consistent with the rules of the National Automated Clearing House Association, which permit consumers and payors to agree to vary the NACHA advance notice requirement.

This proposal stems from concern about the cost of requiring notice of varying transfers in all cases, and about the effect that cost may have in discouraging a preauthorized debit service. The Board solicits comment about the desirability of providing consumers with this option.

Section 205.10—Error Resolution Procedure. Section 205.10(a) implements, in part, section 908(a) of the Act. Since sections 908(a) (1)–(3) describes *procedures* that the consumer must follow to trigger a financial institution's error resolution responsibilities, the Board proposes that the regulatory language implementing sections 908(a) (1)–(3) be included in § 205.10, rather than in the definitional section. In so structuring the regulation, the Board has placed the requirements imposed on both the consumer and the financial institution with regard to error resolution in one section of the regulation.

The language and structure of sections 205.10(a) (1) and (2) differ in several respects from that of sections 908(a) (1)–(3). While section 908(a)(1) requires that the financial institution be able to identify the name and account number of the consumer, § 205.10(a)(1)(i) would only require identification of the consumer's account number. The Board invites comment on whether identification of the consumer's name is in fact necessary and, if so, examples of instances in which such information would prove necessary. The Board also invites the opinions of commenters as to whether other common identifying means, other than account number, are in use.

Since the requirements of sections 908(a) (2) and (3) are closely related, they have been combined in § 205.10(a)(1)(ii). This section proposes to clarify what information is expected to be provided by the consumer in alleging an error, so as to minimize the possibility that a consumer could be denied the protections of § 205.10 simply by not understanding the error or knowing its amount. Consequently, the proposed regulation states that the reasons for the consumer's belief that an error has occurred and a description of the type and amount of the suspected error need only be provided to the extent possible. While the regulation contemplates that the consumer articulate at least a general assertion or description of the suspected error, a financial institution would not be relieved of error resolution responsibilities where a consumer is unable to describe the error or articulate the amount of or the reasons for the error.

The language of § 205.10(a)(1)(ii) contemplates that the error resolution procedures can be triggered by a notification of an error in a consumer's account even where the error is discovered by the consumer prior to its appearing on a periodic statement. This interpretation is supported by the definition of "error" in § 205.2(1) in that errors are not limited to information appearing on documentation.

It should be noted that the proposed regulation would permit a consumer to assert an error reflected on any documentation required by the regulation, including notices provided under § 205.9 for preauthorized debits. This interpretation would differ from the statutory provision that refers only to errors appearing on documentation required by § 906.

In order to simplify the calculation of the 60–day time period within which the consumer must notify the financial institution about a possible error, § 205.10(a)(2) provides that the consumer will have 60 days from the periodic statement that first reflects the suspected error to allege the error, rather than, as the statute provides, 60 days from documentation or notice provided pursuant to § 906. By including the word "first" in this provision, the Board intends to define precisely the time within which a consumer must allege a possible error.

Section 205.10(b)(1) implements the general rule in § 908(a) requiring the financial institution to investigate the alleged error, determine whether an error occurred, and report or mail the results of the investigation and determination to the consumer within 10 business days of receiving a notification of an error. The regulatory language is identical to that of the statute. However, the Board proposes to add language in the introduction to § 205.10(b) relieving a financial institution of its duty to comply with the error resolution procedures should the consumer agree, after having notified the financial institution of a suspected error, that no error in fact occurred.

Section 205.10(b)(2) implements section 908(c) of the Act which permits a creditor to take up to 45 days to resolve an alleged error, provided the financial institution provisionally recredits a consumer's account for the amount of the alleged error pending its resolution. Since section 908(c) of the Act requires that the consumer have full use of recredited funds, the Board proposes, in § 205.10(b)(2)(iii), to require a notification of the recrediting to insure that the consumer know of the availablility of the funds and that the funds will not be debited without further notice to the consumer.

A portion of the final paragraph of § 205.10(b)(2) implements language in Section 908(a) waiving the provisional recrediting requirement when a financial institution requires but does not timely receive written confirmation of an error. The Board proposes to add language to the final paragraph indicating that a financial institution is not relieved of its duty to comply with the error resolution procedures if written confirmation is not timely received. The proposal would also permit a financial institution to use the 45-day time limit in those instances in which written confirmation was required but not timely received. The Board is particularly interested in soliciting comments regarding these two interpretations of the Act. The Board also requests comment on whether a financial institution should have less than 45 days to resolve the alleged error in those cases in which written confirmation was required but not timely received.

In addition, the Board intends that the reference in § 205.10(b)(2)(i) to § 205.5(b), which states that any recrediting is subject to the liability limitations set forth in that paragraph, would permit financial institutions, when recrediting amounts allegedly resulting from unauthorized transfers, to withhold a maximum of $50 of the amount to be recredited pending the resolution of the investigation. This same interpretation would apply in correcting a consumer's account under § 205.10(c)(1)(i).

The Board is particularly interested in receiving comments on the investigation procedures that financial institutions anticipate conducting for alleged errors concerning preauthorized transfers and the documentation required for such transfers. The Board wishes to solicit comment on an interpretation that would require a financial institution's in-house investigation, in such cases, to be completed within 10 days. The financial institution, however, would be required to investigate the alleged error with the third-party payor where necessary to resolve the possible error, but the interpretation would give the financial institution more time to investigate without having to provisionally recredit the consumer's account.

Section 205.10(c) deals with correcting a consumer's account and providing a consumer with a notice of its findings after completion of its investigation and determination of whether an error has occurred. This section implements language in Sections 908 (a), (b), and (d) of the Act.

The Board proposes to add language in § 205.10(c)(1)(i) that would require the financial institution, in correcting a consumer's account, to refund any fees or charges imposed as a result of the error.

Section 205.10(c)(1)(ii) implements the general rule of Section 908(a) that the financial institution report or mail the results of the investigation and determination to the consumer within 10 business days. Where the financial institution agrees with the consumer, the Board proposes to require no more than a notice of the correction in the account, or if applicable, notice that a provisional recredit has been made final.

Section 205.10(c)(2) details the financial institution's responsibilities where it determines that no error occurred or that an error occurred in a manner differing from that described by the consumer. The regulatory language of § 205.10(c)(2)(i) regarding the financial institution's providing the consumer with an explanation of its findings is almost identical to the statute. However, the Board would interpret the language "deliver or mail" as requiring a *written* explanation.

The Board proposes to require in § 205.10(c)(2)(ii) that the financial institution notify the consumer prior to debiting a provisionally recredited amount in order to insure that consumers know they can use provisionally recredited funds.

Section 205.10(c)(2)(iii) deals with information that must be provided to the consumer in those instances where the financial institution does not agree with the consumer. The Board requests commenters to describe the types of documents or other data that may be used and relied upon in investigating and reaching conclusions about alleged errors.

The proposed language of § 205.10(d) explains the relationship between the error resolution provisions of the Truth in Lending and the Electronic Fund Transfer Acts where electronic fund transfers also involve credit extentions made under an agreement between a consumer and a financial institution to extend credit when the consumer's account is overdrawn or to maintain a specified minimum balance in the consumer's account. For example, an error may occur when a consumer uses an ATM to withdraw cash from an account and accessess an overdraft. An error in that transfer would be subject to the error resolution procedures of the EFT Act. An error in a cash advance loan obtained at an ATM or a credit purchase made at a merchant POS terminal with a combined EFT-credit card would be subject to the error resolution procedures of the TIL Act because, although the transaction is initiated electronically, no electronic fund transfer from a consumer's account has occurred.

The Board proposes and solicits comments on the addition of § 205.10(d) to provide that the Act and its corresponding regulatory provisions govern where an overdraft occurs in conjunction with an electronic fund transfer. This proposal would not only afford greater protection to the consumer, but would also simplify procedures for financial institutions where an electronic fund transfer results in both a debit to a consumer's account and a credit extension.

Section 205.11—Relation to State Law. Section 205.11(a) implements §§ 919 and 920 of the Act. Paragraph (a) states the general rule that State laws inconsistent with the Act and regulation are preempted, and explains that laws more protective of the consumer or identical to Federal law are not considered to be inconsistent.

Section 205.11(b) specifies some differences between State and Federal law that are deemed inconsistencies, states the right of appropriate parties to ask for Board review of State laws, and provides minimal requirements for requests for review. Examples of State laws that are deemed to be inconsistent include those that provide for greater consumer liability for unauthorized transfers, longer periods of time or different provisions for investigating errors alleged by consumers, or disclosure, documentation, or notification different in form from that required by the Act and regulation, except where the disclosure or information relates to substantive rights granted by State, but not Federal law. The Board requests comment on whether these and other areas of potential inconsistency should be specifically addressed in the regulation.

Section 205.11(c) states the general rule on exemption of classes of electronic fund transfers from the substantive requirements of the Act and regulation. Any State may apply for an exemption; it must show that a class of electronic fund transfers is subject to requirements that are substantially similar to those of Federal law, and that there is adequate provision for enforcement of the State law. As is the case in Regulations B and Z, concurrent jurisdiction of Federal and State courts over civil actions is specifically preserved when a class of transfers is exempted from the substantive provisions of Federal law. Once an exemption has been granted, however, the criminal penalty provisions contained in section 916(a) of the Act would not apply to violations of the State law. The Board solicits comment on its construction of the inapplicability of Federal criminal sanctions to State law violations.

Section 205.12—Administrative Enforcement. This section implements sections 915(d) and 917 of the Act. Section 205.12(a) lists the Federal agencies that are charged with responsibility for enforcing the Act and regulation. Section 205.12(b) prescribes procedures and criteria for issuance of staff interpretations.

Section 205.12(c) sets forth a general requirement that records evidencing compliance with the Act and regulation must be kept by all persons subject to the Act and regulation for a period of two years. In addition, if those persons are aware that they are the subject of an administrative, civil, or criminal enforcement action or investigation,

they must retain required records during the pendency of the action or investigation unless otherwise permitted by the appropriate agency or court. These record retention requirements are similar to those contained in Regulations B and Z, and the Board solicits comment as to any justification for varying them with respect to this regulation.

Section 205.13—General Disclosure Requirements. This section states some general rules that would apply in connection with many of the specific requirements of other sections of the regulation. Section 205.13(a) permits financial institutions to agree among themselves as to which one will carry out the duties imposed by the Act and regulation. This provision is now contained in § 205.2(i) of existing Regulation E.

Section 205.13(b)(1) would allow combined disclosures to be given to any consumer holding two or more accounts at a financial institution. For example, a single periodic statement could be used to cover all accounts. Section 205.13(b)(2) would permit financial institutions to give one copy of the disclosures required by the regulation to joint account holders.

Section 205.13(c) would parallel § 226.6(c) of Regulation Z. Financial institutions would be permitted to give additional information or other required disclosures, such as those required by Regulation Z, along with the Regulation E disclosures.

The Board solicits comment on the usefulness of these proposed general rules, as well as on whether other general provisions should be added to this section.

(4) *Model Disclosure Clauses.* Appendix A to the portions of Regulation E that took effect on March 30, 1979, contains seven model disclosure clauses. Those clauses may be used, at the option of financial institutions, to satisfy the requirements of §§ 205.4(b)(2), (b)(3), and (d)(1) through (d)(6) of Regulation E. In addition, use of sections A(2), A(3), and A(4) will fully comply with § 205.4(a)(3).

On May 10, 1980, the requirements of the Act concerning disclosures to be made upon the opening of an EFT account will become effective. The model clauses already adopted in final form are suitable for making some of the required initial disclosures. Sections A(2) through A(7), respectively, may be used at an institution's option to comply with proposed §§ 205.6(a)(1) through (5) and 205.6(a)(9).

There remain certain initial disclosure requirements for which no model clauses have previously been issued. Therefore, the Board proposes to add to Appendix A three new model disclosure clauses. Proposed § A(8) may be used to satisfy § 205.6(a)(6); proposed § A(9), to satisfy § 205.6(a)(7), part of § 205.6(a)(8), and § 205.9(c); and proposed § A(10), to satisfy the remainder of § 205.6(a)(8).

Use of clauses that apropriately reflect an institution's EFT program, in conjunction with other requirements of the regulation, will protect the institution from civil and criminal liability under §§ 915 and 916 of the Act. Again, however, the Board emphasizes that use of these clauses is optional.

Financial institutions may choose appropriate clauses from the alternatives available, may make changes such as deleting inapplicable words, phrases, and clauses, and inserting trade names. They may also change the order in which the model clauses appear, and may use some of the model clauses, while drafting others themselves.

The Board solicits comment on whether these clauses are readily understandable to consumers and whether other clauses are needed.

(5) *Economic Impact Analysis. Introduction.* Section 904(a)(2) of the Act requires the Board to prepare an analysis of the economic impact of the regulation that the Board issues to implement the Act. The following economic analysis accompanies proposed §§ 205.6 through 205.13 and proposed amendments to certain parts of §§ 205.1 through 205.5 of the regulation.[1]

The analysis must consider the costs and benefits of the regulation to suppliers and users of EFT services, the effects of the regulation on competition in the provision of electronic fund transfer services among large and small financial institutions, and the effects of the regulation on the availability of EFT services to different classes of consumers, particularly low-income consumers.

The regulation in part reiterates provisions of the statute and in part amplifies the statute. Therefore, the economic analysis considers impacts of both the regulation and the statute, and throughout the analysis a distinction will be made between costs and benefits of the regulation and those of the statute. *It is also important to note that the following analysis assumes that the regulation and the Act have no relevant economic impact if they are less restrictive than current industry practices or State law. In this case, the regulation will not affect costs, benefits, competition, or availability and will not inhibit the market mechanism. The following analysis of the regulation and the Act is relevant only if their provisions are more constraining than those provisions under which institutions would otherwise operate.*

Impact of the Act and regulation on costs and benefits to institutions, consumers and other users. The Act requires that consumers using electronic fund transfer (EFT) services receive disclosures of the terms and conditions of those services. Section 205.6 of the regulation changes the Act's provision requiring initial disclosures at the time the consumer contracts for EFT services, so that the financial institution must make the disclosures to the consumer before the first electronic transfer is made (or by June 9, 1980, in the case of accounts in existence on May 10, 1980). This regulatory provision eliminates none of the Act's protection and obviates the need to make a determination under State law when a contract for such services is created.

The initial disclosures will benefit consumers by providing them with more information than otherwise may have been readily available. With the disclosures consumers will be better able to assess the risks and benefits associated with EFT, to plan their financial transactions, and to compare EFT services offered by different institutions. By fostering greater awareness of the risks of liability associated with EFT use, the disclosures may encourage consumers to exercise greater care in the use of access devices. The required listing of offered services may have some marketing effect, leading to greater use of EFT services and, to the extent that scale economies are possible, to lower average cost of fund transfers. Finally, the disclosures benefit consumers by describing the steps they must take to guarantee the investigation and resolution of errors; proper use of the error resolution procedure will lead to greater recovery of consumer losses resulting from errors.

Financial institutions will benefit from their mandatory disclosures to the extent that consumer understanding of the terms and conditions leads to more widespread, careful use of EFT services. Consumers will know the correct channels through which to notify an institution of loss, theft, or suspected error. The Act and regulation do not preclude financial institutions from realizing cost savings by routinizing notification procedures and by

[1] Sections 205.1 through 205.5 of the regulation took effect on March 30, 1979. The analysis presented here is to be read in conjuction with the economic impact analysis that accompanies those sections at 44 FR 18474, March 28, 1979.

establishing shared or centralized reporting channels.

Financial institutions will incur drafting, legal advice, printing, distribution, and administrative costs in complying with the disclosure requirements of the Act. The regulation sets forth a mandatory disclosure statement regarding error resolution procedures, and the Board provides model disclosure clauses, but disclosure statements must be drafted by the institution to reflect its unique terms and conditions. The 1980 disclosure deadlines themselves will probably allow adequate time for all institutions to be able to include disclosure statements for existing accounts in regularly scheduled periodic statements. The deadlines are not likely to impose significant additional cost burdens on institutions by necessitating rushed compliance efforts or special mailings. The Board solicits estimates of the cost of sending the required disclosures.

Section 205.7 of the regulation reiterates the Act's requirements that financial institutions make subsequent disclosures of the error resolution procedures and prompt disclosure of any changes in their terms and conditions that increase consumer costs or restrict available services. The regulation permits financial institutions to choose either to send the full error resolution procedure disclosure, as given in § 205.6(a)(10), every year; or to send the abridged disclosure, as given in § 205.7(b)(2)(i), with every periodic statement, and to send the full disclosure within 10 business days of receiving an error notification from the consumer. These disclosures, which may be timed for distribution with periodic statements to avoid extra distribution costs, will benefit consumers by making useful information promptly available. At the same time, the requirements for subsequent disclosures will impose additional cost burdens on institutions. The Board solicits estimates of the costs of making these subsequent disclosures.

Section 205.8 of the regulation restates the Act's provisions for documentation of transfers. By requiring that written documentation be made available to the consumer for every transfer at every terminal, the Act forces every terminal to have a printing device; this provision may impose costs on society by restricting innovation in, or availability of, financial services. On the other hand, consumers and financial institutions can benefit from the record-keeping and error-detection opportunities inherent in such documentation. These benefits could outweigh the at-terminal documentation costs and encourage more widespread acceptance of EFT as a payments mechanism. The Board solicits information on the number of terminals that cannot provide the proposed documentation and the costs of modification or replacement of such terminals.

The Act, in requiring that a notification system be established for all recurring preauthorized credits to a consumer's account, allows three alternative methods of notification. The regulation allows six methods of notification, thereby expanding the range of choice for financial institutions and consumers and adding certain lower-cost alternative methods, such as a consumer-initiated telephone inquiry service. The notice alternatives that allow the institution to contact the consumer either after scheduled transfers have occurred or if scheduled transfers fail to occur would require that the institution know and monitor individual payment schedules. The costs of the monitoring and communication required by the alternative methods will offset some of the savings in transfer costs and document handling afforded by EFT. Telephone notification may be a less-costly means than written notification for some payors or institutions. The Board solicits estimates of the relative costs of telephone and written notifications and of the costs per typical account for each of these alternatives.

The Act requires that a periodic statement be delivered to the consumer not later than one month after any EFT, and at least quarterly if no EFT has occurred. This requirement may impose substantial cost burdens on those financial institutions that otherwise would issue periodic statements less frequently than monthly. The Act further requires that periodic statements, or documents accompanying them, present all the information required for atterminal documentation. Longer statements and costly changes in statement generation procedures may result. Estimates of additional costs imposed by these provisions are solicited by the Board.

Certain preauthorized transfers involving the consumer and his or her financial institutions would be exempted from the regulation by § 205.3(d), except that transfers from a consumer's account to the financial institution at which the account is held must be fully documented in the periodic statement according to § 205.8(b). This regulatory provision would ensure that the consumer would obtain adequate documentation of intrainstitutional transfers. In exempting such transfers, the regulation also allows financial institutions to pass on to the consumer the cost savings from automation of transfers. For example, institutions, in anticipation of cost savings, may offer lower mortgage interest rates or longer mortgage payment grace periods to consumers who choose automatic transfer of mortage payments.

The Act imposes certain notice requirements, as set forth in § 205.9 of the regulation, for all preauthorized transfers from a consumer's account. A written authorization must be provided to the financial institution only once to assure continuing automatic transfer service, and the consumer may specify that the transfers can be in variable amounts within set limits, so that payment services for variable-amount bills are not ruled out and benefits associated with these EFT services are not precluded.

Section 205.10 of the regulation reiterates the Act's error resolution provisions, adding specific deadlines and clarifying the definition of error for purposes of resolution. Prompt resolution of errors, as encouraged by the Act and regulation, benefits both consumers and institutions by reducing delays and errors in payments, thereby increasing efficiency in the payments mechanism. However, a consumer may lose rights to error resolution, including the provisional recrediting of disputed funds, by failing to comply with any of the Act's several error resolution procedure requirements. The provisional recrediting clause benefits consumers by protecting them from lengthy periods of illiquidity with respect to disputed amounts, while at the same time encouraging institutions through cost incentives to resolve error claims within 10 days. If an institution elects to take more than 10 days to investigate and resolve an alleged error, the institution may be required to generate as many as four different notices to a consumer, although the notices need not be written. Current industry practices regarding the reversibility of transfers that pass through automated clearing houses may provide more favorable error resolution opportunities to the consumer than the Act and regulation provide. The Board invites comments on the adequacy and cost of current industry error resolution practices and solicits estimates of the costs of the proposed error resolution procedure.

In addition, the instituition is required to furnish to the consumer, at his or her request, the information upon which its decision was based. Documents that are stored electronically or that contain confidential information on other

persons may be costly to duplicate. Consolidating the information into a report to the consumer may be costly for the institution. Another potential problem is that an allegation of an error, which triggers a costly investigation process, is almost a free good for consumers even though investigation costs may eventually be reflected in charges for EFT services or in other ways. The Board solicits estimates of error resolution procedure costs and of the costs of supplying to the consumer, in document copies or in a report, the information used to investigate an alleged error.

Sections 205.11 and 205.12 of the regulation determine under what circumstances the provisions of other sections are binding and which agencies shall enforce them. They impose no costs or benefits directly, except in the § 205.12(c) requirement that evidence of compliance be preserved for at least two years by any person subject to the Act and regulation. This requirement, which is not an explicit provision of the statute, may impose document storage and handling costs on financial institutions or their agents to the extent that these records would not otherwise be retained in the normal course of business.

Finally, § 205.13 modifies that Act's requirements so that financial institutions jointly providing EFT services may contract among themselves to comply with the Act. The regulation also specifies that an institution need send no more than one set of disclosures per customer or per joint account. These provisions encourage cost savings by institutions as they comply with the disclosure requirements of the Act.

Effects of the Act and regulation upon competition among large and small financial institutions in the provision of electronic transfer services. The proposed regulatory provisions probably will have less effect than the existing issuance and liability provisions on the ability of small financial institutions to compete with larger institutions.[2] Small institutions must spread fixed costs for the preparation and distribution of required disclosures over a smaller account and card base. Documentation printing requirements, if they make it necessary to modify existing terminals or statement generation procedures, could disadvantage small institutions, partly because they would be less able to get quantity discounts from vendors and partly because fixed costs would have to be spread over smaller bases. If smaller institutions tend to issue periodic statements less frequently, then a disproportionate cost burden may be placed on them by the Act's requirement that a periodic statement must be issued no later than one month after an EFT. Sharing arrangements might overcome these disadvantages. A recent survey of EFT services at depository institutions disclosed that small institutions may use correspondent bank or interstate interchange systems, and that 15 percent of all United States commercial banks offering non-shared EFT programs in 1978 had deposits of less than $50 million.[3]

Larger financial institutions might enjoy scale and specialization economies in error resolution, particularly if they were able to devote some staff members exclusively to it. Toll-free or 24-hour reporting services would be more costly relative to transaction volume for smaller institutions. On the other hand, if the disclosure, documentation, and error resolution provisions lead to greater consumer acceptance of EFT, small institutions can more easily build up an adequate card base for a given customer population.

The Board solicits comments on these or other size effects and on whether or not the regulation should have exceptions or special provisions for small financial institutions.

Effects of the Act and regulation on availability of electronic transfer services to different classes of consumers, especially low-income. The availability of EFT services to low-income consumers depends mainly on the already-adopted issuance and liability provisions of the regulations.[4] The provisions currently proposed would also affect availability to the extent that consumers receiving disclosures or other information about EFT services would not have known about or used them otherwise. The disclosures required by §§ 205.6 and 205.7 serve to convey information on the terms and conditions associated with other sections of the regulation. Because low-income consumers hold relatively fewer accounts at financial institutions than consumers with higher incomes, low-income consumers as a group will receive relatively less information through the disclosure statements about the availability and conditions of EFT services.[5] On the other hand, all consumers will benefit from more disclosure of information in that they will be better able to shop for financial services.

For low-income consumers who use EFT services, provisions of the Act and proposed regulation could provide the following benefits. First, by summarizing time and place information about financial transactions, the mandatory periodic statements could help all consumers organize, plan, and control their financial activities better. Second, because a transaction of a given size would likely represent a relatively larger share of his or her liquid assets, a lower-income consumer would benefit relatively more from the provisional recrediting of disputed amounts, as required by the error resolution procedures of § 205.10. Third, preauthorized transfers, especially bill payments, will benefit low-income consumers by eliminating postage costs, promoting promptness and regularity of payment and thereby serving to improve credit ratings, providing a safer means of payment, consolidating records of payments, and possibly encouraging saving. Finally, under the Act and § 205.11 of the regulation, State law provisions that are more protective of low-income consumers will not be preempted.

The Act and regulation, in requiring disclosures, documentation, and error resolution procedures that otherwise would not be offered, increase direct costs to financial institutions of providing EFT services. If institutions adopt cost-based user-charge pricing schemes, then low—income consumers may be priced out of the market. The Board invites comment on these and other aspects of the Act and regulation's probable impact on low-income consumers.

(6) Pursuant to the authority granted in Pub. L. 95–630 (to be codified in 15 U.S.C. 1693b), the Board proposes to amend Regulation E, 12 CFR Part 205, as follows:

1. Section 205.2 would be amended by deleting the last sentence of paragraph (i), by revised paragraph (k)(3), and by adding new paragraphs *(l) and (m), to read as follows:*

§ 205.2 Definitions.

* * * * *

(k) * * * (3) that constitutes an error, except as defined in § 205.2(1)(1).

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[2] See the economic impact analysis accompanying §§ 205.1 through 205.5 at 44 FR 18474, March 28, 1979.

[3] RoseMary Butkovik, *Consumer Use of Electronic Payments in the United States*, Brookfield, Illinois: November 1978, as quoted in *American Banker*, April 5, 1979, p. 2.

[4] These provisions became effective March 30, 1979, as 12 CFR §§205.4 and 205.5.

[5] For evidence of the distribution of consumer accounts by income class, see Thomas A. Durkin and Gregory E. Elliehausen *1977 Consumer Credit Survey* (Washington, D.C.: Board of Governors of the Federal Reserve System, 1977), tables 21–7, 21–8, and 21–9.

(l) "Error" means

(1) An unauthorized electronic fund transfer;

(2) An incorrect electronic fund transfer from or to the consumer's account;

(3) The omission from a periodic statement of an electronic fund transfer affecting the consumer's account that should have been included;

(4) A computational error or similar error of an accounting nature made by the financial institution;

(5) The consumer's receipt of an incorrect amount of money from an electronic terminal;

(6) A consumer's request for additional information or clarification concerning an electronic fund transfer or any documentation required by this regulation;

(7) Any failure to provide a consumer with documentation required by this regulation; or

(8) Any transfer that was misidentified, insufficiently identified, or was not in the amount indicated or on the date specified on or with any documentation required by this regulation.

(m) "Preauthorized electronic fund transfer" means an electronic fund transfer authorized in advance to recur at substantially regular intervals.

2. Section 205.3 would be amended, by revising paragraphs (c) and (d) to read as follows:

§ 205.3 Exemptions.

* * * * *

(c) *Certain securities or commodities transfers.* Any transfer the primary purpose of which is the purchase or sale of securities or commodities regulated by the Securities and Exchange Commission or the Commodity Futures Trading Commission.

(d) *Automatic transfers.* Any transfer under an agreement between a consumer and a financial institution which provides that the financial institution will initiate individual transfers without a request from the consumer

(1) Between a consumer's accounts within a financial institution;

(2) Into a consumer's accounts by a financial institution; or

(3) From a consumer's accounts to the financial institution (except that the financial institution must comply with the requirements of § 205.8(b)).

* * * * *

3. Section 205.5 would be amended by revising paragraph (b) to read as follows:

§ 205.5 Liability of consumer for unauthorized transfers.

* * * * *

(b) *Limitations on amount of liability.* The amount of a consumer's liability for an unauthorized transfer or a series of related transfers shall not exceed $50 or the amount of unauthorized transfers that occur before notice to the financial institution under paragraph (c) of this section, unless one or both of the following exceptions apply:

* * * * *

4. Sections 205.6 through 205.13 would be added, to read as follows:

§ 205.6 Initial disclosure of terms and conditions.

(a) *Content of disclosures.* At the time a consumer contracts for an electronic fund transfer service or before the first electronic fund transfer is made involving a consumer's account, a financial institution shall disclose to the consumer, in a readily understandable written statement that the consumer may retain, the following terms and conditions of the electronic fund transfer service, as applicable:

(1) The consumer's liability for unauthorized electronic fund transfers and, at the financial institution's option, the advisability of promptly reporting loss or theft of the access device or unauthorized transfers.

(2) The telephone number and address of the person or office to be notified when the consumer believes that an unauthorized electronic fund transfer has been or may be made.

(3) The financial institution's business days, as determined under § 205.2(d).

(4) The type of electronic fund transfers that the consumer may make and any limitations on the frequency and dollar amount of transfers. The details of the limitations need not be disclosed if their confidentiality is necessary to maintain the security of the electronic fund transfer system.

(5) Any charges for electronic fund transfers or for the right to make transfers.

(6) The consumer's right to receive documentation of electronic fund transfers, as provided in § 205.8.

(7) The consumer's right to stop payment of a preauthorized electronic fund transfer and the procedure for initiating a stop-payment order, as provided in § 205.9.

(8) The financial institution's liability to the consumer for its failure to make or to stop certain transfers under § 910 of the Act.

(9) The conditions under which a financial institution in the ordinary course of business will disclose information to third parties concerning the consumer's account.

(10) A notice that is substantially similar to the following notice concerning error resolution procedures and the consumer's rights under them:

In Case of Errors or Questions About Your Electronic Transfers

Telephone us at [insert telephone number] or Write us at [insert address] as soon as you can if you think your statement or receipt is wrong or if you need more information about a transfer listed on the statement or receipt. You must tell us no later than 60 days after the statement was sent to you.

(1) Tell us your name and account number (if any).

(2) Describe the error or the transfer you are unsure about, and explain (if you can) why you believe it is an error or why you need more information.

(3) Tell us the dollar amount of the suspected error.

If you tell us orally, we may require that you send us your complaint or question in writing within 10 business days.

We will tell you the results of our investigation within 10 business days and will correct any error promptly. However, we may instead take 45 days to investigate your complaint or question. If we decide to do this, we will recredit your account within 10 business days for the amount you think is in error, so that you will have the use of the money. If we ask you to put your complaint or question in writing and we do not receive it within 10 business days, we may not credit your account.

If we decide that there was no error, we will send you a written explanation within 3 business days after we finish our investigation. You may ask for copies of the documents that we used in our investigation.

(b) *Timing of disclosures for accounts in existence on May 10, 1980.* For any account from or to which electronic fund transfers could be made before May 10, 1980, a financial institution shall mail or deliver the information required by paragraph (a) of this section by June 9, 1980, or with the first periodic statement required by § 205.8(b) after May 10, 1980, whichever is earlier.

§ 205.7 Subsequent disclosures.

(a) *Change in terms.* (1) A financial institution shall mail or deliver a written notice to the consumer at least 21 days before the effective date of any change in a term or condition required to be disclosed under § 205.6(a) if the change would result in increased fees or charges, increased liability for the consumer, fewer types of available electronic fund transfers, or stricter limitations on the frequency or dollar amounts of transfers.

(2) A financial institution may change the terms and conditions disclosed under § 205.6(a) without prior notice if

an immediate change is necessary to maintain or restore the security of an electronic fund transfer system or an account. If the change is to be made permanent and disclosure will not jeopardize the security of the system or account, the financial institution shall provide written notice of the change to the consumer within 30 days after the change has been made permanent.

(b) *Annual error resolution procedure notice.* (1) For each account from or to which electronic fund transfers can be made, a financial institution shall mail or deliver to the consumer, at least once each calendar year, the notice set forth in § 205.6(a)(10).

(2)(i) As an alternative to the requirement of paragraph (b)(1) of this section, a financial institution may mail or deliver a notice that is substantially similar to the following notice on or with each periodic statement required by § 205.8(b):

In Case of Errors or Questions About Your Electronic Transfers

Telephone us at [insert telephone number] or write us at [insert address] as soon as you can if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt. You must tell us no later than 60 days after the statement was sent to you.

(1) Tell us you name and account number (if any).

(2) Describe the error or the transfer you are unsure about, and explain (if you can) why you believe there is an error or why you need more information.

(3) Tell us the dollar amount of the suspected error.

We will investigate your complaint and will correct any error promptly. We will also send you a complete explanation of your rights and obligations.

(ii) A financial institution that uses the alternative notice set forth in paragraph (b)(2)(i) of this section shall mail or deliver the notice set forth in § 205.6(a)(10) within 10 days of receiving an error notification.

§ 205.8 Documentation of transfers.

(a) *Transfers initiated by consumers at electronic terminals.* At the time an electronic fund transfer is initiated at an electronic terminal by a consumer, the financial institution shall, directly or indirectly,[1] make available to the consumer written documentation of the transfer that the consumer may retain and that clearly sets forth the following information, as applicable:

(1) The amount of the transfer.

(2) The date the transfer was initiated.

(3) The type of transfer, such as a purchase, payment, deposit or withdrawal. A code may be used if it is explained elsewhere on the documentation.

(4) The identification of the consumer's account(s) from or to which funds are transferred.

(5) The location of the terminal at which the transfer was initiated. A code may be used if it is explained on that portion of the periodic statement on which the transfer is reflected.

(6) The identification of any third party from or to whom funds are transferred, unless the information is provided by the consumer in a form that the electronic terminal cannot duplicate on the documentation. A code may be used if it is explained on that portion of the periodic statement on which the transfer is reflected.

(b) *Periodic statements.* (1) For each account that may be accessed by an electronic fund transfer, the financial institution shall mail or deliver a statement that the consumer may retain for each monthly cycle in which an electronic fund transfer has occurred, but at least quarterly if no transfer has occurred.

(2) The statement shall include the following, as applicable:

(i) For each electronic fund transfer occurring during the cycle, the information described in paragraphs (a)(1) through (6) of this section. This information may be provided on an accompanying document. If a code was used on the documentation required by paragraph (a) of this section to identify the terminal under paragraph (a)(5) or any third party under paragraph (a)(6), the code must be explained in readily understandable language on that portion of the periodic statement which reflects the transfer.

(ii) The amount of any fee or charge, other than a finance charge under 12 CFR 226.7(b)(1)(iv), assessed against the account for electronic fund transfers or for the right to make such transfers during the statement period.

(iii) The balances in the consumer's account at the beginning and the close of the statement period.

(iv) The address and telephone number to be used for inquiries or errors on the statement or other documentation preceded by "Direct Inquiries To:" or similar language. The address and telephone number may be provided on the notice of error resolution procedures set forth in § 205.7(b)(2)(i).

(3) If a consumer's passbook account may not be accessed by any electronic fund transfers other than preauthorized transfers crediting the account, the financial institution may satisfy the requirements of paragraph (b) of this section, upon presentation of the consumer's passbook, by entering in the passbok or providing on a separate document the amount and date of each electronic fund transfer since the passbook was last presented.

(4) If a consumer's account, other than a passbook account, may not be accessed by any electronic fund transfers other than preauthorized transfers crediting the account, the financial institution need only provide the periodic statement quarterly.

(c) *Preauthorized transfers to a consumer's account.* (1) Where a consumer's account is scheduled to be credited by a preauthorized electronic fund transfer from the same payor at least once every 60 days, except where the payor provides positive notice of the transfer, the financial institution shall notify the consumer as to whether the transfer occurred, by one of the following means:

(i) By providing oral or written notice to the consumer, within 2 business days after the transfer, that the transfer occurred.

(ii) By providing oral or written notice to the consumer, within 2 business days after the date on which the transfer was scheduled to occur, that the transfer did not occur.

(iii) By mailing or delivering a periodic statement that reflects the transfer and that is mailed or delivered to the consumer within 2 business days after the transfer occurred or was scheduled to occur.

(iv) By providing a telephone number that the consumer may call to ascertain whether a transfer occurred, if the financial institution has previously advised the consumer of this procedure and of the number to be used, on the initial disclosures required by § 205.6 or on the periodic statement required by paragraph (b) of this section.

(v) By providing oral or written notice to the consumer that the consumer's account is overdrawn, or that a line of credit has been accessed or an automatic transfer from a savings account to a checking account has occured to cover an overdraft, because a scheduled transfer did not occur, provided that the institution pays any items presented and imposes no overdraft or other charges.

(2) A financial institution that receives a preauthorized transfer of the type described in paragraph (c)(1) of this section shall credit the amount of the transfer and make the amount available for withdrawal or other use by the consumer no later than the opening of business on the day the transfer is received, or, if the transfer is not

[1] A financial institution may arrange to have a third party, such as a merchant, provide the documentation required by this paragraph.

received by the opening of business on the day the transfer is scheduled to occur, by the opening of business on the next business day.

§ 205.9 Preauthorized transfers from a consumer's account.

(a) *Authorization.* Preauthorized electronic fund transfers from a consumer's account may be authorized by the consumer only in writing, and a copy of the authorization shall be provided to the consumer by the financial institution or the designated payee.

(b) *Stopping payment.* A consumer may stop payment of a preauthorized electronic fund transfer by notifying the financial insitution orally or in writing at any time up to 3 business days before the scheduled date of the transfer. The financial institution may require written confirmation of the stop-payment order to be made within 14 days of an oral notification if, when the oral notification is made, the consumer is advised of the requirement and of the address to which confirmation should be sent.

(c) *Notice of varying amounts.* Where a preauthorized electronic fund transfer varies in amount from the preauthorized amount, the financial institution or the designated payee shall mail or deliver, at least 10 days before the scheduled transfer date, a written notice of the amount and scheduled date of the transfer. The consumer may modify this notice requirement if the financial institution or designated payee informs the consumer of the right to receive notice of all varying transfers and the consumer elects to receive notice only when a transfer does not fall within a specified range of amounts or, alternatively, only when a transfer differs from the most recent transfer by more than an agreed-upon amount.

§ 205.10 Error resolution procedure.

(a) *Notification of an error.* (1) A notification of an error is an oral or written notification that

(i) Enables the financial institution to identify the consumer's account, and

(ii) Indicates the consumer's belief, and the reasons for that belief, that the consumer's account is in error or that any documentation required by this regulation reflects an error, including the type and the amount of the error, to the extent possible.

(2) Notification of an error must be received by the financial institution no later than 60 days from transmitting to the consumer the periodic statement that first reflects the alleged error.

(3) The financial institution may require that written confirmation be received within 10 business days of an oral notification of error if, when the oral notification is made, the consumer is advised of the requirement and the address to which the confirmation should be sent.

(b) *Investigation of errors.* After the financial institution receives a notification of an error and unless the consumer subsequently agrees that no error has occurred

(1) The financial institution shall promptly investigate the alleged error, determine whether an error has occurred, and, in accordance with paragraph (c)(1)(ii) or (c)(2) of this section, report or mail the results of the investigation and determination to the consumer within 10 business days of receipt of a notification of an error.

(2) As an alternative to the requirements of paragraph (b)(1) of this section, the financial institution shall promptly investigate the alleged error, determine whether an error has occurred, and, in accordance with paragraph (c)(1)(ii) or (c)(2) of this section, report or mail the results of the investigation and determination to the consumer within 45 days after receipt of a notification of an error provided that

(i) The financial institution, pending its investigation and determination of whether an error occurred, provisionally recredits the consumer's account for the amount of the alleged error, including interest where applicable, but subject to the liability provisions of § 205.5(b), within 10 business days after receiving a notification of an error;

(ii) The consumer has full use of the funds provisionally recredited; and

(iii) The financial institution, promptly but no later than 2 business days after the recrediting, reports or mails notice to the consumer of

(A) The amount and date of the recrediting; and

(B) The fact that the consumer will be notified no later than 3 business days before debiting the consumer's account by an amount provisionally recredited, should the financial institution determine that an error did not occur as alleged by the consumer.

A financial institution that requires but does not timely receive written confirmation of an error as provided by paragraph (a) of this section need not provisionally recredit the consumer's account, but must nevertheless investigate the alleged error, determine whether an error occurred, and report or mail its findings to the consumer in accordance with paragraph (c)(1)(ii) or (c)(2) of this section, promptly but no later than 45 days after receipt of a notification of an error.

(c) *Correction of account and notice of findings.* (1) If the financial institution determines that an error occurred, it shall

(i) Promptly, but in no event more than 1 business day after determining that an error occurred, correct the error (subject to the liability provisions of § 205.5) including the crediting of interest where applicable, and the refunding of any fees or charges imposed as a result of the error, and

(ii) Promptly, but in no event later than the time set forth in paragraph (b)(1) or (b)(2) of this section, report or mail to the consumer notice of the correction in the account or, if applicable, notice that a provisional credit has been made final.

(2) If the financial institution determines that no error occurred or that the error occurred in a manner differing from that described by the consumer, it shall

(i) Deliver or mail to the consumer within 3 business days after concluding its investigation, but in no event later than the time set forth in paragraph (b)(1) or (b)(2) of this section, a written explanation of its findings;

(ii) If the consumer's account has been provisionally recredited under paragraph (b)(2) of this section, notify the consumer, no later than 3 business days before debiting the account, of the date and the amount of debiting the account by an amount provisionally recredited; and

(iii) Upon the consumer's request, promptly mail or deliver to the consumer copies of the documents, if possible, or a report containing the data that the financial institution relied on in reaching its conclusion. The explanation of the financial institution's findings provided under paragraph (c)(2)(i) of this section shall include notice of the right to request such information.

(d) *Relation to Truth in Lending.* The provisions of the Act and this regulation concerning error resolution, rather than those of the Truth in Lending Act and 12 CFR Part 226, shall govern those instances in which electronic fund transfers also involve extensions of credit under an agreement between a consumer and a financial institution to extend credit when the consumer's account is overdrawn or to maintain a specified minimum balance in the consumer's account.

§ 205.11 Relation to State law.

(a) *Inconsistent State laws.* Except as otherwise provided in this section, the Act and this regulation preempt only those State laws that are inconsistent with the Act and this regulation and

then only to the extent of the inconsistency. A State law is not inconsistent with the Act and this regulation if it is more protective of a consumer.

(b) *Preempted provisions of State law.* (1) A State law is deemed to be inconsistent with the Act and this regulation and less protective of a consumer within the meaning of section 919 of the Act to the extent that the State law:

(i) Requires or permits a practice or act prohibited by the Act or this regulation;

(ii) Provides for consumer liability for unauthorized electronic fund transfers which exceeds that imposed by the Act and this regulation;

(iii) Provides for longer time periods than does the Act and this regulation with respect to a financial institution's obligation to investigate and correct errors alleged by a consumer, or fails to provide for the financial institution's recrediting of an account during its investigation of account errors as set forth in § 205.10(b); or

(iv) Provides for initial disclosure, periodic statement disclosure, transfer documentation or notification that is different in content from that required by the Act and this regulation except to the extent that the disclosures or information relate to substantive rights granted to consumers by the State law and not by the Act or this regulation.

(2) Any State, financial institution, or other interested party, may apply to the Board for a determination of whether the State law offers greater protection to consumers than the comparable provisions of the Act and this regulation, or for a determination with respect to any issues not clearly covered by paragraph (b)(1) of this section as to the consistency or inconsistency of a State law with the Act or this regulation. All requests for such determinations shall include the following:

(i) A copy of the full text of the State law in question, including any regulatory implementation or judicial interpretation of that law;

(ii) A comparison of the provisions of State law to the corresponding provisions in the Act and this regulation, together with a discussion of reasons why specific provisions of State law are either consistent or inconsistent with corresponding sections of the Act and this regulation; and

(iii) A comparison of the civil and criminal liability for violation of State law with the provisions of sections 915 and 916(a) of the Act.

(c) *Exemption for State-regulated transfers.* (1) Any State may apply to the Board for an exemption from the requirements of the Act and the corresponding provisions of this regulation for any class of electronic fund transfers within the State. The Board will grant such an exemption if the Board determines that:

(i) Under the law of the State that class of electronic fund transfers is subject to requirements substantially similar to those imposed by the Act and the corresponding provisions of this regulation, and

(ii) There is adequate provision for State enforcement.

(2) To assure that the Federal and State courts will continue to have concurrent jurisdiction, and to aid in implementing the Act:

(i) No exemption shall extend to the civil liability provisions of section 915 of the Act; and

(ii) After an exemption has been granted, for the purposes of § 915 of the Act, the requirements of the applicable State law shall constitute the requirements of the Act and this regulation, except to the extent the State law imposes requirements not imposed by the Act or this regulation.

§ 205.12 Administrative enforcement.

(a) *Enforcement by Federal agencies.* (1) Administrative enforcement of the Act and this regulation for certain financial institutions is assigned to the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), National Credit Union Administration, Civil Aeronautics Board and Securities and Exchange Commission.

(2) Except to the extent that administrative enforcement is specifically committed to other authorities, compliance with the requirements imposed under the Act and this regulation will be enforced by the Federal Trade Commission.

(b) *Issuance of staff interpretations.* (1) Unofficial staff interpretations will be issued at the staff's discretion where the protection of section 915(d) of the Act is either not requested or not required, or where a rapid response is necessary.

(2)(i) Official staff interpretations will be issued at the discretion of designated officials. No interpretations will be issued approving financial institutions' forms or statements. Any request for an official staff interpretation of this regulation shall be in writing and addressed to the Director of the Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The request shall contain a complete staement of all relevant facts concerning the transfer or service, and shall include copies of all pertinent documents.

(ii) Within 5 business days of receipt of a request, an acknowledgement will be sent to the person making the request. If the designated officials deem issuance of an official staff interpretation to be appropriate, the interpretation will be published in the **Federal Register** to become effective 30 days after the publication date. If a request for public comment is received, the effective date will be suspended. The interpretation will then be republished in the **Federal Register** and the public given an opportunity to comment. Any official staff interpretation issued after opportunity for public comment shall become effective upon publication in the **Federal Register.**

(3) Any request for public comment on an official staff interpretation of this regulation shall be in writing and addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. It must be postmarked or received by the Secretary's office within 30 days of the interpretation's publication in the **Federal Register.** The request shall contain a statement setting forth the reasons why the person making the request believes that public comment would be appropriate.

(4) Pursuant to section 915(d) of the Act, the Board has designated the Director and other officials of the Division of Consumer Affairs as officials "duly authorized" to issue, at their discretion, official staff interpretations of this regulation.

(c) *Record retention.* (1) Evidence of compliance with the requirements imposed by the Act and this regulation shall be preserved by any person subject to the Act and this regulation for a period of not less than 2 years.

(2) Any person subject to the Act and this regulation which has actual notice that it is under investigation or is subject to an enforcement proceeding for an alleged violation of the Act or this regulation by an enforcement agency charged with monitoring that person's compliance with the Act and this regulation, or that has been served with notice of an action filed under §§ 915 or 916(a) of the Act, shall retain the information required in paragraph (c)(1) of this section until final disposition of the matter, unless an earlier time is allowed by order of the agency or court.

§ 205.13 General disclosure requirements.

(a) *Services offered by multiple financial institutions.* Two or more financial institutions that jointly provide electronic fund transfer services may contract among themselves to fulfill the requirements that the Act and this regulation impose on any or all of them.

(b) *Multiple accounts and account holders.* (1) If a consumer holds two or more accounts at a financial institution, the financial institution may combine the disclosures required by the regulation into one statement (for example, mail or deliver a single periodic statement or annual error resolution notice to a consumer for multiple accounts held by that consumer).

(2) If two or more consumers hold a joint account from or to which electronic fund transfers can be made, the financial institution need provide only one set of the disclosures required by the regulation for each account.

(c) *Additional information; disclosures required by other laws.* At the financial institution's option, additional information or disclosures required by other laws (for example, Truth in Lending disclosures) may be given to the consumer with the disclosures required by this regulation.

5. Appendix A would be amended by revising the first two paragraphs, and by adding a new Sections A(8), A(9) and A(10) to read as follows:

Appendix A—Model Disclosure Clauses

This appendix contains model disclosure clauses for optional use by financial institutions to facilitate compliance with the disclosure requirements of §§ 205.4(a)(3), (b)(2), and (b)(3), 205.6(a), and 205.9(c). Section 915(d)(2) of the Act provides that use of these clauses in conjunction with other requirements of the regulation will protect financial institutions from liability under sections 915 and 916 of the Act to the extent that the clauses accurately reflect the institutions' electronic fund transfer services.

Financial institutions need not use any of the provided clauses, but may use clauses of their own design in conjunction with the model clauses. The inapplicable portions of words or phrases in parentheses should be deleted. The underscored catchlines are not part of the clauses and should not be used as such. Financial institutions may make alterations, substitutions, or additions in the clauses in order to reflect the services offered, such as technical changes (e.g., substitution of a trade name for the word "card," deletion of inapplicable services), or substitution of lesser liability limits in section A(2).

* * * * *

Section A(8)—Disclosure of Right To Receive Documentation of Transfers (§§ 205.4(b)(2), 205.6(a)(6))

(a) *Terminal transfers.* You can get a receipt for each transfer to or from your account that was made at our (automated teller machines) (or) (point-of-sale terminals). You can get the receipt when the transfer is made.

(b) *Preauthorized credits.* If you have arranged to have direct deposits made to your account,

(we will tell you when the deposit is (not) made as scheduled.)

(the person who sends the money will tell you when that has been done.)

(your periodic statement will be sent soon after the deposit is scheduled and will show whether or not it has been made.)

(you can call us at [insert telephone number] to find out whether or not the deposit has been made.)

(and if a deposit is not made as scheduled, resulting in an overdraft to your account) of (use of your overdraft line of credit) (an automatic transfer from you savings to your checking account), we will tell you. We will pay any (checks) ([insert other appropriate description]) drawn on your account that would have been paid if the deposit had been made as scheduled.

(c) *Periodic statements.* You will get a (monthly) (quarterly) account statement (unless there are no transfers in a particular month. In any case you will get the statement at least quarterly).

(d) *Passbook account where only possible electronic fund transfers are preauthorized credits.* If you bring your passbook to us, we will record any electronic deposits that were made to your account since the last time you brought in your passbook.

Section A(9)—Disclosure of right to stop payment of preauthorized transfers, procedure for doing so, right to receive notice of varying amounts and financial institution's liability for failure to stop payment (§§ 205.4(b)(2), 205.6(a)(7) and (8), 205.9(c))

(a) *Right to stop payment and procedure for doing so.* If you have told us in advance to make regular payments out of your account, you can stop any of these payments. Here's how:

Call us at [insert telephone number], or write us at [insert address], in time for us to receive your request 3 business days or more before the payment is scheduled to be made. If you call, we may require you to put your request in writing and get it to us within 14 days after you call.

(b) *Notice of varying amounts.* (We) ([insert name of designated payee]) will tell you, 10 days in advance, the scheduled amount and date of the payment. (You may choose instead to get this notice only when the payment would differ by more than a certain amount from the previous payment, or when the amount would fall outside certain limits that you set.)

(c) *Liability for failure to stop payment of preauthorized transfer.* If you order us to stop one of these payments, and we do not do so, we will be liable for your losses or damages.

Section A(10)—Disclosure of Financial Institution's Liability for Failure to Make Transfers (§§ 205.4(b)(2), 205.6(a)(8))

(a) *Liability for failure to make transfers.* If we do not properly complete a transfer to or from your account as you have directed, we will be liable for your losses or damages. However, there are some exceptions. We will not be liable:

If your account does not contain enough money to make the transfer (unless we previously did not complete a deposit to your account which would have provided enough money);

Or if your account is frozen because of a court order or some similar reason;

Or if the transfer would go over the credit limit on your overdraft line;

Or if the automated teller machine where you are making the transfer does not have enough cash;

Or if the electronic fund transfer system is not working properly and you know this at the time of the transfer;

Or if circumstances beyond our control (such as fire or flood) prevent the transfer.

By order of the Board of Governors, April 26, 1979.

Theodore E. Allison,

Secretary of the Board.

[Reg. E; Docket No. R-0221]

[FR Doc. 79-13893 Filed 5-2-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate the Stone Harbor, N.J., Transition Area. the proposed action would lower the floor of controlled airspace outside the United States to permit a lower minimum en route altitude to accommodate helicopter activity to and from oil rig sites east of the State of New Jersey.

DATES: Comments must be received on or before June 4, 1979,

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 78-EA-74, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
Mr. John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before June 4, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a Stone Harbor, N.J., Transition Area. The proposed action is necessary to lower the floor of controlled airspace within the airspace from 2,000 feet MSL to 1,200 feet MSL. Such action would permit a reduction in the available minimum en route altitude from 2,300 feet MSL to 1,500 feet MSL to accommodate IFR helicopter over water operations to and from oil rig sites east of the State of New Jersey.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigation facilities and services nesessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdicion of a contracting state, derived form ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involved, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) as follows:

Under § 71.181 add:

Stone Harbor, N.J.

That airspace extending upward from 1,200 feet MSL beginning at Lat. 39°10'00"N., Long. 74°40'00"W.; to Lat. 38°48'00"N., Long. 74°08'00"W.; to Lat. 38°59'00"N., Long. 74°45'00"W.; to point of beginning.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under the procedures and criteria prescribed by Executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Washington, D.C., on April 26, 1979.

B. Keith Potts,
Acting Chief, Airspace and Air Traffic Rules Division.

[Airspace Docket No. 78-EA-74]
[FR Doc. 79-13716 Filed 5-2-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Part 71]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to alter the Medford, Oregon, Transition Area. This proposal is necessary to provide controlled airspace to protect the minimum holding pattern altitude at the MERLI Intersection (Rosenburg VOR (RBG) radial 154 and Medford VORTAC (MFR) radial 251). The proposed rule, if adopted, will expand the controlled airspace coverage in the Medford area.

DATES: Comments must be received on or before May 31, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:
Robert L. Brown, Airspace Specialists, Operations, Procedures and Airspace Branch (ANW-534), Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

Comment Invited

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before May 31, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available, before and after the closing dates for comments, in the official docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rule Making by submitting a request to the Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, ANW-530, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108 or by calling (206) 767-2610. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 6200 foot Medford, Oregon, Transition Area. A standard holding pattern procedure is needed at the MERLI Intersection for traffic segregation between Grants Pass Airport departures and other Medford terminal and en route operations. Establishment of this holding procedure will enhance and expedite the general flow of IFR traffic in the area. The requested Transition Area extension is designated so that the proposed holding pattern will lie completely within controlled airspace. Accordingly, the FAA proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

71.181 Medford, Oregon

Is amended as follows:

Replace all after "west by the east edge of V-23E"; on line nine with the following: "and that airspace extending upward from 5,500 feet MSL within 7 miles north and 11 miles south of the Medford VORTAG 271 radial extending from the west edge of V-23W and north edge of V-122 to the east edge of V-27."

Drafting Information

The principal authors of this document are Robert L. Brown, Air Traffic Division, and Hays V. Hettinger, Regional Counsel, Northwest Region, Federal Aviation Administration.

This amendment is proposed under authority of Section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on April 23, 1979.

C. B. Walk, Jr.,
Director, Northwest Region.

[Airspace Docket No. 79-ANW-05]
[FR Doc. 79-13715 Filed 5-2-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Part 121]

Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft; Wind Shear Equipment Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rule making.

SUMMARY: This notice duscusses the wind shear problem (the problem caused by a change in wind direction and/or speed in a very short distance in the atmosphere) and FAA research and development bearing on it. The notice requests comments and recommendations that will assist the FAA in determining what, if any, regulatory proposals should be developed.

DATE: Comments must be received on or before August 3, 1979.

ADDRESS: Send written comments in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 19110, 800 Independence Ave., S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

This advance notice of proposed rule making is issued to invite public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem. Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number, and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 19110 800 Independence Ave., S.W., Washington, D.C. 20591. All comments submitted will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. If it is determined to proceed further, after consideration of the available data and the comments received in response to this notice, a notice of proposed rule making will be issued and will be filed in the public docket.

Regulatory Evaluation

This ANPRM has been reviewed for economic effects under the Department of Transportation Regulatory Policies and Procedures published February 26, 1979 (44 FR 11034). A copy of the draft Regulatory Evaluation is filed in the public docket. Copies of this Evaluation may be requested from: Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; Telephone (202) 755-8716.

Availability of ANPRM

Any person may obtain a copy of this advance notice of proposed rule making (ANPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Ave., S.W., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this ANPRM. Persons interested in being placed on a mailing list for futue ANPRM's and NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

Since July 1973 there have been eight U.S. air carrier accidents attributed to encounters with strong low-level wind shears during terminal area flight operations. Additionally, during the year 1964 through 1975 there were 23 transport category airplane accidents that occurred during takeoff or approach, in which the involvement of a low-level wind shear was a distinct possibility.

In May 1977 the FAA adopted an amendment to Part 121 of the Federal Aviation Regulations which required air carriers to adopt an approved system for obtaining forecasts and reports of adverse weather conditions, including low altitude wind shear, that may affect safety of flight on each route to be flown and at each airport to be used. The FAA also issued Advisory Circular No. 00-50A, Low Level Wind Shear, to provide guidance in recognizing meteorological conditions that produce wind shear phenomena.

In addition, the FAA has established an engineering and development program for the purpose of examining the hazards associated with wind shear, developing solutions to the wind shear problem, and integrating those solutions into the National Airspace System.

Discussion of FAA Research and Development

The FAA research and development effort has taken a twofold approach to the wind shear problem. One approach has explored the feasibility of placing wind shear detection equipment on the ground and transmitting information to the pilot. The other approach has tried to determine whether equipment could be installed aboard the aircraft that would provide the pilot with wind shear information in "real time."

Research into the use of ground-based equipment has involved various arrays of anemometers, radar detectors, acoustic devices and laser sensors. Ground-based wind shear sensor systems have the potential of providing data for detecting the location and intensity of wind shears in the vicinity of an airport. The systems may be configured to alert the air traffic controller and the pilot to the probability of a wind shear encounter. Ground-based equipment can also be used to provide information to general aviation aircraft which do not have sophisticated wind shear avionics equipment installed. Additionally, ground-based detection systems can alert the pilot to likely wind shear encounters prior to takeoff.

The FAA program has identified certain possible near-term solutions to the wind shear hazard. These include use of a ground-based Low Level Wind Shear Alert System (LLWSAS) to detect the presence of hazardous wind shear in the vicinity of the airport at the surface. The LLWSAS is being installed at 60 major airports within the United States. This system will provide a warning, transmitted to the pilot by an air traffic controller, whenever the surface wind vector difference between any remote anemometers (usually installed in approach and departure corridors) and the centerfield anemometer exceeds 15 knots (7.7 mps). This system is particularly effective in detecting wind shear caused by thunderstorm gust fronts at the surface.

A forecasting technique, demonstrated in limited tests conducted by FAA and the National Weather Service (NWS), has been found to have some merit and further exploration is expected.

The following is a summary of those ground systems that have been explored and show limited promise of assisting pilots in wind shear situations:

1. Barometric Systems—This system was based upon the characteristic pressure-jump that precedes frontal wind shear.

2. Acoustic Doppler Systems—This system determined wind speed and direction by measuring frequency shift (Doppler effect) in signals reflected by the atmosphere. This system was found to be expensive and unable to operate under heavy precipitation.

3. Laser Systems—The laser system scans directly over the sensor using a CW laser. This system does not have the range required to scan the glidescope and takeoff flight path to detect wind shear. However, this capability may be available in the longer term using a pulsed doppler laser technique.

The second part of the FAA research and development approach to the wind shear problem concentrated on the airborne systems. The FAA, through a series of simulator experiments, has identified a number of airborne systems that may prove effective in warning a pilot of the existence of wind shear. These include:

1. Airspeed/Groundspeed (range rate) comparison—This is a concept that will provide a rationale and procedure for adding airspeed to the approach speed without compromising landing performance. It can be implemented in a variety of ways, including a digital display of groundspeed and a dual indicating airspeed/groundspeed instrument.

2. Modified Control Laws for Flight Director and Thrust Command—Acceleration augmentation and quickening of pitch steering commands have been found to provide the pilot with improved glidescope tracking during wind shear encounters. When combined with thrust commands based on a minimum groundspeed-augmented computation, the Flight Director indicator can provide the pilot with all the necessary commands for coping with moderate to severe wind shear.

3. Acceleration Margin—This concept compares known airplane acceleration potential with a predicted approximation of acceleration loss due to along-track wind difference (headwind loss), modified with altitude and altitude rate of change values.

Wind Shear Study Reports

The following reports based on studies made of the wind shear problem are available from the National Technical Information Center, 5285 Port Royal Road, Springfield, Virginia 22216.

Report No., Title, and Report Date

FAA-RD-76-114—Wind Shear: A Literature Search Analysis and Annotated Bibliography—Feb. 1977.

FAA-ED-15-2A—Engineering & Development Program Plan—Aug. 1977.

FAA-RD-77-36—Wind Shear Modeling for Aircraft Hazard Definition (Interim Report)—Mar. 1977.

FAA-RD-78-3—Wind Shear Modeling for Aircraft Hazard Definition (Final Report)—Mar. 1977.

FAA-RD-77-3—Wind Shear Characterization—Feb. 1977.

FAA-RD-77-166—Piloted Flight Simulation Study of Low-Level Wind Shear: Phase I, May 1977; Phase II, June 1977; Phase III, April 1978.

NASA-CR-3002—Turbulent Transport Model of Wind Shear Thunderstorm Gust Fronts—May 1978.

FAA-RD-77-184—Low-Level Frontal Wind Shear Forecasts Test Report—May 1978.

FAA-RD-78—Gust Front Model Verification Study—Sept. 1978.

FAA-RD-77-135—Derivation of Groundspeed Information from Airborne DME Interrogators—Nov. 1977.

FAA-RD-77-169—Large Aircraft Accident Analysis—December 1977.

FAA-RD-77-119—Gust From Analytical Study—December 1977.

FAA-RD-78-7—Simulation and Analysis of the Wind Shear Hazard—December 1977.

FAA-RD-77-120—Wind Shear Requirements and Their Application to Laser Systems—Feb. 1978.

Specific Questions

The FAA requests comments from interested persons which, in light of the foregoing information, will assist the agency in answering the following questions:

1. Is there a valid need to amend Part 121 and require wind shear detection equipment?

2. Which of the various systems is best suited to Part 121 operations, would be cost effective, and would provide a flightcrew with adequate and timely information to avoid wind shear hazards?

3. Have all practical solutions to the wind shear problem been explored, or are there other simpler and less costly solutions available?

4. How reliable would the various systems be in providing wind shear information and what operating and maintenance costs would each of them be likely to impose on aircraft operators?

(Secs. 313(a), 601 and 604, Federal Aviation Act of 1958. (49 U.S.C. 1354(a), 1421 and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)]).

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

Issued in Washington, D.C., on April 26, 1979.

Dorothy F. Gabor,
Certifying Officer.

[Docket No. 19110; Notice No. 79-11]
[FR Doc. 79-13721 Filed 5-2-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Parts 121 and 123]

Petition for Rule Making of the National Federation of the Blind

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition for rule making; request for comments.

SUMMARY: This notice publishes for public comment the petition of the National Federation of the Blind (NFB), dated September 14, 1977, for repeal and amendment of various sections of Parts 121 and 123 of the Federal Aviation Regulations, (FAR) 14 CFR Parts 121 and 123. In particular, the NFB asks that § 121.589(a) be amended to exclude from those items which must be stored away from passengers the canes carried by blind persons. Published with the NFB petition is a summary of a report entitled, "Considerations Relative to the Use of Canes by Blind Travelers In Air Carrier Aircraft Cabins" prepared by the FAA's Civil Aeromedical Institute (CAMI) in Oklahoma City, Oklahoma. This notice does not propose regulations for adoption or represent an FAA position on the merits of the petition.

DATES: Comments must be received on or before July 5, 1979.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, attn: Rules Docket (AGC-24), Docket No. 17320, 800 Independence Avenue, S.W., Washington, D.C., 20591.

FOR FURTHER INFORMATION CONTACT:

Edward P. Faberman, Regulations and Enforcement Division (AGC-20), Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-3073.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition for rule making as they may desire. Communications should identify the regulatory docket or petition notice number and be submitted in duplicate to: Federa Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before July 5, 1979, will be considered by the Administrator before taking action on the petition for rule making. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of Notice

Any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, Independence Ave., S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this document.

Background Information

On September 14, 1977, the NFB submitted a petition for rule making, in accordance with Part 11 of the FARs, to repeal and amend various sections of FAR Parts 121 and 123. This petition is published in its entirety as part of this notice.

The substantive FAR sections cited in the NFB petition were § 121.586 and § 121.589. Section 121.586 sets forth the conditions under which certificate holders may refuse transportation to a passenger on the basis that the passenger may need the assistance of another person to move expeditiously to an exit in the event of an emergency. Section 121.589 states in part:

§ 121.589 Carry-on baggage.

(a) No certificate holder may permit an airplane to take off or land unless each article of baggage carried aboard by passengers is stowed—

(1) In a suitable baggage or cargo stowage compartment;

(2) As provided in paragraph (c) of § 121.285; or

(3) Under a passenger seat.

(b) Each passenger shall comply with instructions given by crewmembers regarding compliance with paragraph (a) of this section.

* * * * *

Section 121.285 sets forth limitations for carriage of cargo in passenger compartments.

On March 10, 1978, the Administrator denied the petition. As to NFB's petition for the repeal of § 121.586, the "Denial of Petition" included the following statements:

The regulations cited by the NFB were established in the interest of the passenger. They ensure that safety is the only matter considered in restricting the carriage of persons who may need evacuation assistance. The rules emphasize the duty resting upon the air carriers to perform their services with the highest possible degree of safety in the public interest as required by the Federal Aviation Act of 1958.

* * * * *

Furthermore, the FAA believes it is in the public interest to require persons carrying canes to stow them prior to takeoff and landing to preclude them from becoming flying missiles during an aircraft accident, causing delay during an evacuation or damaging the evacuation slide during the escape from the aircraft.

* * * * *

In July, 1978, the Deputy Administrator of the FAA, Quentin Taylor, agreed that the agency would further study the safety problems associated with allowing passengers to keep canes at their seats during takeoff and landing. A study was undertaken by CAMI and a report was issued entitled, "Considerations Relative to the Use of Canes By Blind Travelers In Air Carrier Aircraft Cabins," dated January 17, 1979.

CAMI conducted three types of tests as part of the study: evacuation, crash simulation, and static loading tests. A

summary of the tests and the conclusions reached are as follows:

Evacuation Tests. Floor level and overwing exit configurations were employed as part of the test procedure. The tests indicate that for the floor-level exit, the evacuations proceeded more often without delay only when canes were *not* used by blind subjects. This result was reinforced during review of the photometric film coverage of the tests, where it was noted that in over half of the cases where canes were available to the blind subjects but there was "no delay," the canes were carried but not used for guidance. In the remainder of the tests, the canes were only used occasionally, with some reliance placed on other subjects and on seat backs to aid in guiding movement within the cabin. In the evacuation tests that used the overwing type exit, no difference was noted in the frequency of occurence of evacuation delays relative to the use or nonuse of canes. The added obstacle of a small exit opening, set above the floor, appears to be a sufficient barrier to mask any influence of cane use on frequency of occurrence of delay.

Crash Simulation Tests. The second element of the CAMI study was the crash simulation test utilizing anthropomorphic dummies equipped with canes. A dummy was seated in each of two rows of two-passenger seats and a cane was placed in a manner similar to its potential placement if it were being used by a passenger anticipating a normal landing. This configuration was then exposed to a nine "g" impact. In accordance with basic physical laws, an unrestrained cane in a crash will continue to move at the velocity of the crash until it hits something or something hits it. This was demonstrated in the first two crash tests. The study showed that the problems that result from this cane motion cannot be completely defined since the degree of injury or damage that occurs will depend on the force of the impact, the angle of impact and the location of the impact. However, the study did show that injuries to the eyes, neck and trachea are possible. For instance, the thyroid and cricoid cartilages, near the trachea, are relatively delicate and can be severly damaged by the forces a 'flying' cane is capable of transmitting (see static loading results).

An additional type of injury, discussed in the study, which could result from a "flying" cane would be a penetrating-type injury. The severity of potential penetrating injury would be dependent on: (1) the area of the penetrating source, with sharp-pointed sources being more dangerous than blunt sources; (2) the magnitude of the force causing the penetration; and (3) the site of the body where the source acts, with soft tissue being more liable to injury.

In the third and final crash test an effort was made to evaluate the possiblity of restraining canes with seatbelts. The results of this test demonstrated the injury—accentuating effect of an unavoidably slack seatbelt. During a crash, an occupant with a slack seatbelt will tend to impact the belt with sufficient speed to cause some injury, perhaps to internal organs.

Static Tests. Twenty-four canes were selected to determine the maximum load required to destroy the canes under conditions of bending or axial compressive loading. The results of these static tests indicated that canes in common use are capable of transmitting forces of sufficient magnitude to result in injury. The forces varied greatly, from 12 to 280 pounds in compression, and from 29 to 187 pounds in bending. The stronger canes could potentially block an exit if they are lodged crosswise to the exit. Furthermore, if canes are broken from whatever cause, it is possible to create sharp-pointed ends that would greatly increase the possiblity for penetrating injury or damage to inflated evaculation slides.

Interested persons desiring to read the complete CAMI study, only briefly summarized above, may review it in the Rules Docket or they may request a copy by contracting the Office of Public Affairs at the address set forth above.

The FAA solicits comments on the NFB petition, particularly in view of the results of the CAMI study. In addition to comments on the petition, the FAA asks for comments on the following in light of the CAMI study:

1. Can blind passengers evacuate an aircraft, in an emergency without the use of canes?

2. Would canes be of any benefit in a narrow aisle scattered with debris and crowded with people?

3. Can telescoping or folding canes be carried by passengers instead of rigid canes?

4. Can canes be safely stowed within the immediate area of a passenger?

5. If stowage of canes is only available at certain seats, are passengers wishing to carry canes willing to sit only in those seats?

Although this notice sets forth the contents of the NFB petition as received by the FAA without changes, it should be understood that its publication to receive public comment is in accordance with FAA procedures governing the processing of petitions for rule making. It does not propose a regulatory rule for adoption, represent an FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and to reach a conclusion on the merits of the NFB proposals after it has had an opportunity to carefully evaluate them in light of the comments received and other relevant matters presented. If the FAA concludes that it should initiate public rule-making procedures on the NFB petition, the appropriate rule-making action will be proposed by the FAA including its evaluation of the proposals.

The NFB Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rule making of the National Federation of the Blind, dated September 14, 1977.

Issued in Washington, D.C., on April 30, 1979.

Quentin S. Taylor,
Deputy Administrator.

National Federation of the Blind,
Washington, D.C., September 14, 1977.

Re: Petition for Repeal of Various Sections of FAR parts 121 and 123.

Langhorne Bond, Administrator,
Federal Aviation Administration, 800 Independence Avenue, Southwest, Room 1010, Washington, D.C. 20591.

Dear Mr. Bond: We hereby petition for the repeal of portions of parts 121 and 123 of the Federal Aviation Regulations as specified below. These sections were amended earlier this year and published in the **Federal Register** on April 7, 1977 (42 CFR 18392). This petition is made under the provisions of 14 CFR 11.25.

(1) We petition for repeal of the amendment to section 121.13(a) which inserts the phrase "121.586" after the phrase "121.575."

(2) We petition for repeal of section 121.586 of part 121.

(3) We petition for repeal of the amendment to section 123.27(k) which deleted the phrase "and 121.574" and inserted instead the phrase "121.574, and 121. 586."

In addition, we petition for amendment of section 121.589(a) to exclude from those items which must be stored away from the passenger the flexible travel canes of blind persons.

The petitioner, National Federation of the Blind, has no commercial interest in these

sections and will not gain or lose financially by any action taken in regard to them.

The National Federation of the Blind is a nonprofit organization incorporated in the District of Columbia. The NFB is a membership organization of blind persons and others, with more than 50,000 members organized into state and local affiliates which exist in every state and the District of Columbia. The NFB is directed by officers who serve as volunteers and receive no financial compensation and who carry out policies determined by the members of the organization meeting in democratic assembly. The NFB is the voice of the blind in this country.

Our interest in the repeal of the above-listed FAR sections is as follows: The sections enforce procedures for the carriage of the handicapped on air carriers. The procedures work unreasonable hardship on the blind citizens of the United States in pursuit of their constitutionally protected activities for the following reasons:

(1) The sections require blind citizens to follow procedures set up arbitrarily by private air carriers, which procedures are kept secret from those who must follow them.

(2) the sections enforce humiliating, discriminatory, and unnecessary procedures to ensure "safety," although there is no evidence that the safety hazards cited actually exist.

(3) The sections do not prohibit illegal discrimination in treatment of the handicapped by private air carriers.

(4) The sections were published by the FAA after a long rule-making process. The FAA published proposed regulations and elicited comment and held hearings on the proposed rules. The sections published as final regulations, however, bore so little similarity to the proposed rules as to nullify the validity of the process leading to their publication. These sections have not been submitted for public comment.

In support of these reasons, we enclose correspondence with the FAA, responses of various FAA officials, resolutions adopted by the National Federation of the Blind, and correspondence with private air carriers.

In addition, we have major objections to the preamble to the amendments published April 7th. These objections are the stronger since private air carriers have in general adopted procedures based on this preamble rather than on the regulations themselves. However, if section 121.586 is repealed, revoking the right of air carriers to develop binding procedures, this point will become moot.

Sincerely,

James Gashel,

Chief, Washington Office.

[Petition Notice No. PR-79-3]

[FR Doc. 79-13723 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Borough of Glenfield, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Glenfield, Allegheny County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Fire Hall, East Beaver Street, Glenfield, Pennsylvania. Send comments to: Honorable John W. Schwoegl, Mayor of Glenfield, R.D. 2, Hill Road, Glenfield, Sewickley, Pennsylvania 15143.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Glenfield, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Ohio River	Downstream Corporate Limits.	718
	Interstate Route 79	718
	Confluence of Kilbuck Run	718
	Upstream Corporate Limits	719

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administration.

[Docket FI-5398]

[FR Doc. 79-13757 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Borough of Haysville, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Borough of Haysville, Allegheny County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the residence of the Mayor, 18 River Road, Haysville, Pennsylvania. Send comments to: Honorable Charles F. Lang, Mayor of Haysville, 18 River Road, Haysville, Sewickley, Pennsylvania 15143.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410, 202–755–5581 or toll free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Haysville, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic, vertical datum
Ohio River	Downstream Corporate Limits.	717
	Confluence of Tributary to Ohio River.	717
	Upstream Corporate Limits	718

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: April 24, 1979

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket FI–5399]

[FR Doc. 79–13758 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Borough of Leetsdale, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Leetsdale, Allegheny County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, Broad Street, Leetsdale, Pennsylvania. Send comments to: Honorable Robert G. Mercer, Mayor of Leetsdale, 8 Beech Court, Leetsdale, Pennsylvania 15056.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–5581 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Leetsdale, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Downstream Corporate Limits.	711
	Upstream Corporate Limits	713

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket FI–5400]

[FR Doc. 79–13759 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Murray, Calloway County, Ky., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Murray, Calloway County, Kentucky.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Planner's Office, City Hall, 5th and Poplar Streets, Murray, Kentucky 42071.

Send comments to: Mayor Henley or Mr. Steve Zea, City Planner City Hall, 5th and Poplar Streets, Murray, Kentucky 42071.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or toll-free line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Murray, Calloway County, Kentucky, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic, vertical datum
Clarks River	Just downstram of Main Street (Highway 94).	466
	Just downstream of Old Concord Road.	468
Tributary 1 to Clarks River.	Just upstream of South Second Street.	480
	Just upstream of South Fourth Street.	485
Bee Creek	Just upstream of the eastern corporate limits.	464
	Just upstream of North Fourth Street.	468
Tributary to Bee Creek.	Just upstream of the confluence with Bee Creek.	478
	Just downstream of U.S. Highway 641 (North 12 S Street).	480
Tributary to Middle Fork Clarks Creek.	Just upstream of U.S. Highway 641 (South 12th Street).	496
	Just upstream of Meadow Lane.	509

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jiminez,
Federal Insurance Administrator.

[Docket FI–5384]

[FR Doc. 79–13743 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Park River, Walsh County, N. Dak., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Park River, Walsh County, North Dakota.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Park River, North Dakota.

Send comments to: Honorable Percy Walstad, Mayor, City of Park River, City Hall, P.O. Box 32, Park River, North Dakota 58270.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll-free line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Park River, North Dakota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 1	At Downstream Corporate Limits.	966
	Vernon Avenue (10 feet [1])	988
	Briggs Avenue (20 feet [1])	995
	4th Street (20 feet [1])	1014
	At Limit of Detailed Study (approximately 0.56 miles beyond the Corporate Limits).	1044
Tributary 3	At Downstream Corporate Limits.	1005
	At Upstream Extraterritorial Limits.	1054

[1] Upstream from center line.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administration, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket FI–5395]
[FR Doc. 79–13754 Filed 5–2–79; 8:45 am]
BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Newport, Lincoln County, Oreg., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Newport, Lincoln County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 810 Southwest Alder Street, Newport, Oregon. Send comments to: Mr. Donald A. Davis, City Manager, City of Newport, City Hall, 810 Southwest Alder Street, Newport, Oregon 97365.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–5581 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Newport, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Creek	Oregon Coast Highway 101 Culvert (Inlet) [1]	21
	Upstream Limit of Detailed Study [2]	27
Pacific Ocean	At mouth of Little Creek	27
	West of Park Drive	34
	West of Beach Drive (Loop)	28
	West of Intersection of Southwest Elizabeth Street and Fall Street.	32
	West of Intersection of Southwest Elizabeth Street and Government Street.	29
Yaguina Bay	Shoreline East of Southwest Bay Boulevard.	10
	Shoreline North of intersection of Ferry Slip Road and Oregon State University Drive.	9
	East of Ferry Slip Road	9

[1] Upstream from centerline.
[2] At centerline.

Source of flooding	Location	Depth in feet above ground
Big Creek	In Vicinity between Oregon Coast Highway 101 and Northwest Oceanview Drive.	2
Pacific Ocean	Along Beach Drive (Loop)	2

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: April 24, 1979.

Gloria M. Jiminez,
Federal Insurance Administrator.

[Docket FI–5396]
[FR Doc. 79–13755 Filed 5–2–79; 8:45 am]
BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Rensselaer, Rensselaer County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Rensselaer, Rensselaer County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Rensselaer City Hall. Send comments to: Honorable Joseph P. Mink, Mayor of Rensselaer, 505 Broadway, Rensselaer, New York 12144.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–5581 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Rensselaer, Rensselaer County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more strigent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	Dunn Memorial Bridge	21
	Albany Tidal Gauge Station	21
	Amtrak Railroad Bridge	21
	Interstate 90	22
Mill Creek	U.S. Route 9 & 20 (Exit Ramp).	22
	U.S.Route 9 & 20	22
	Broadway Avenue	22
	Washington Street	22
	Huyck Felt Mill Culvert	22
	Third Street	22
	Second Avenue	22
	Conrail	22
	South Avenue	22
	Abandoned Railroad crossing (Downstream).	22
	Abandoned Railroad crossing (Upstream).	23
	Second Avenue (Downstream).	24
	Second Avenue (Upstream)	27
	Dam (Downstream)	27
	Dam (Upstream)	132
	High Street	134
Quackenderry Creek	Rensselaer High School Culvert.	21
	Broadway Avenue	21
	Conrail	22
	East Street	27
	Lawrence Street	27
	Wilson Street	29
	Partition Street	33
	Harrison Street	34
	John Street	35
	Barn Over Creek	36

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket FI–5393]

[FR Doc. 79–13752 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Rye, Westchester County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Rye, Westchester County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Rye City Hall, Rye, New York. Send comments to: Mr. Philip J. McGovern, City Manager of Rye, Rye City Hall, Rye, New York 10580.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–5581 or toll-free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Rye, Westchester County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blind Brook	Oakland Beach Avenue	14
	Central Avenue	19
	Locust Avenue	24
	Highland Road	29
	Purchase Street	33
	Upstream Corporate Limits	35
Beaver Swamp Brook	Downstream Corporate Limits.	32
	Park Avenue	34
	Theodore Fremd Avenue	40
	Locust Avenue	43

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Upstream Corporate Limits	47
Long Island Sound	Entire Coastline	14

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-5394]

[FR Doc. 79-13753 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the City of Waycross, Ware County, Ga., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Waycross, Ware County, Georgia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Waycross, Georgia. Send comments to: Honorable Don James, Mayor, City of Waycross, City Hall, Waycross, Georgia 31501.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–5581 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Waycross, Georgia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Waycross Drainage Canal.	3rd Corporate Limits [1]	88
	Morningside Drive—100 feet [2]	90
	City Boulevard—20 feet [3]	94
	Plant Avenue—30 feet [3]	96
	Ricardo Street—60 feet [3]	99
	Darling Street—20 feet [3]	104
	Screven Avenue—20 feet [3]	113
	Knight Avenue—80 feet [3]	118
	Williams Street—20 feet [3]	121
	Reynolds Street—20 feet [3]	125
	Marion Street—20 feet [3]	127
	Lee Street—20 feet [3]	128
	Seaboard Coastline Railroad—.	
	20 feet [3]	129
	20 feet [2]	134
Tributary A	Morningside Drive—	
	80 feet [3]	88
	60 feet [2]	93
	Seminole Trail—20 feet [3]	96
	City Boulevard—	
	85 feet [3]	96
	100 feet [2]	102
	Central Avenue—	
	40 feet [3]	112
	50 feet [2]	117
	Corporate Limits [1]	118
Tributary B	Alice Street—40 feet [3]	103
	Tebeau Street—40 feet [3]	108
	Darling Avenue—20 feet [3]	119
	Riverside Avenue—70 feet [3]	124
Tributary C	Alice Street—20 feet [3]	110
	Tebeau Street [1]	111
Tributary D	Knight Avenue—20 feet [3]	115
	Carswell Avenue—20 feet [3]	117
	Pendleton Street—40 feet [3]	122
	McDonald Street—20 feet [3]	127
	Jane Street—20 feet [3]	131
	Ethel Street—30 feet [3]	132
Tributary F	Ball Street Extension [1]	134
Tributary G	Lewis Avenue—20 feet [3]	134
Tributary A-1	Knight Avenue—125 feet [3]	120
	Knight Avenue—125 feet [3]	130
	Reynolds Street—25 feet [3]	134
	Mosley Street—25 feet [3]	138
County Creek B	Seminole Trail—25 feet [3]	96

[1] At centerline.
[2] Upstream from centerline.
[3] Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket FI-5383]

[FR Doc. 79-13742 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for Clay County, Mo., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Clay County, Missouri, Kentucky.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

flood-prone areas and the proposed base (100-year) flood elevations are available for review at County Administrative Offices, 103 East Kansas Avenue, Liberty, Missouri. Send comments to: Mr. Wilfred G. Winholtz, Planning and Zoning Director, Clay County, County Administrative Offices, 103 East Kansas Avenue, Liberty, Missouri 64068.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202–755–5581 or toll-free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Clay County, Missouri, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	Downstream Clay County Limits [1].	722
	Confluence with Shoal Creek (100 feet [2]).	732
	State Route 291 (790 feet [3]).	734
Fishing River	Downstream Clay County Limits (500 feet [3]).	732
	State Highway 10 [1]	755
	Confluence with Clear Creek [1]	772
	State Highway 33 (500 feet [3]).	784
	Interstate Highway 35 (300 feet [2]).	792
	County Road (200 feet [3])	818
East Fork Fishing River.	Confluence with Fishing River [1].	744
	City of Excelsior Springs Downstream Corporate Limits [1].	751
Williams Creek	Southbound U.S. Highway 69 (1000 feet [3]).	762
	State Highway 92 [1]	807
	Confluence with Williams Creek Tributary [1].	815
Williams Creek Tributary.	Confluence with Williams Creek [1].	815
	Flood Water Retaining Structure [1].	849
Crockett Creek	City of Mosby Upstream Corporate Limits [1].	767
	County Road (150 feet [3])	783
	County Road, Upstream Study Limits (75 feet [2]).	810
Holmes Creek	Chicago, Milwaukee, St. Paul and Pacific Railroad [1].	767
	County Road [1]	770
	Upstream Study Limits (350 feet [2]).	775
Clear Creek	Confluence with Fishing River [1].	772
	State Highway 92 [1]	785
	State Highway 33 (200 feet [2]).	803
	County Road (Upstream Study Limits [1]).	808
Holt Creek	Confluence with Clear Creek (2500 feet [3]).	786
	Interstate Highway 35 (100 feet [3]).	812
	Clay County Limits [1]	865
Dry Fork	City of Excelsior Springs Upstream Corporate Limits (50 feet [3]).	795
	County Road (25 feet [3])	903
	Upstream Study Limits (50 feet [2]).	908
Brushy Creek	Clay County Limits (225 feet [3]).	984
	Atchison, Topeka & Santa Fe Railroad (100 feet [2]).	1008
	U.S. Highway 69 (150 feet [3]).	1021
Brushy Creek Tributary I.	Confluence with Brushy Creek (200 feet [3]).	1013
	U.S. Highway 69 [3]	1025
Brushy Creek Tributary II.	Confluence with Brushy Creek [1].	1008
	County Highway D (400 feet [3]).	1014
	Clay County Limits (100 feet [2]).	1042
Little Platte River	City of Smithville Downstream Corporate Limits [1].	811
	City of Smithville Upstream Corporate Limits [1].	815
First and Second Creeks.	City of Smithville Upstream Limits (300 feet [3]).	818
	State Highway 92 [1]	836
	County Road (700 feet [3])	848
Owens Branch	U.S. Highway 169 (650 feet [3]).	824
	County Road W (150 feet [23]).	918
Wilkerson Creek	City of Smithville Upstream Corporate Limits [1].	818
	State Highway 92 (800 feet [3]).	841
	County Road (200 feet [3])	862
	Upstream Study Limits (200 feet [2]).	871
Rocky Branch	Confluence with Wilkerson Creek (400 feet [3]).	848
	Upstream Study Limits (100 feet [2]).	865
Cates Branch	Southview Drive (75 feet [3])	758
	Ruth Ewing Road [1]	762
Town Branch	Burlington Northern [1]	733
	County Road:	
	(50 feet [2])	738
	(400 feet [3])	743
Shoal Creek	Burlington Northern (100 feet [3]).	732
	Birmingham Road (50 feet [2]).	743

[1] At centerline.
[2] Downstream of centerline.
[3] Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket FI–5388]

[FR Doc. 79–13747 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Town of Busti, Chautauqua County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Busti, Chautauqua County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, 124 Chautauqua Avenue, Lakewood, New York. Send comments to: Mr. Dale Robbins, Town Supervisor of Busti, 124 Chautauqua Avenue, Lakewood, New York 14750.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19567, April 3, 1979).

2–A03052 0032(02)(02–MAY–79–13:42:42)

Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202–755–5581 or toll-free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Busti, Chautauqua County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cottage Park Creek	Ashville Road (Upstream)	1,310
	Gleason Road (Upstream)	1,329
Goose Creek	Downstream Corporate Limits.	1,312
	State Route 394	1,315
	Upstream Corporate Limits	1,317
Lake Chautauqua	Lomis Road at Corporate Limits.	1,310
	Lakeside Road, 1,000 feet north of intersection with State Route 394.	1,310
	Confluence of Cottage Park Creek.	1,310

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–5389]

[FR Doc. 79–13748 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Town of East Greenbush, Rensselaer County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of East Greenbush, Rensselaer County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Assessor, Town Hall Annex, East Greenbush, New York. Send comments to: Mr. Michael Van Voris, Town Supervisor of East Greenbush, Town Hall Annex, Columbia Turnpike, East Greenbush, New York 12061.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202–755–5581 or toll-free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of East Greenbush, Rensselaer County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	Downstream Corporate Limits.	18
	Upstream Corporate Limits	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket FI–5391]

[FR Doc. 79–13750 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Town of Orange, New Haven County, Conn., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Orange, New Haven County, Connecticut. These base (100-year) flood elevations are the basis for the flood

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Town Engineer, Town Hall, Orange, Connecticut. Send comments to: Hon. Ralph Capecelatro, Mayor of Orange, Town Hall, 617 Orange Center Road, Orange Connecticut 06477.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–5581 or toll-free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Orange, New Haven County, Connecticut in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Housatonic River	Downstream Corporate Limits.	15
	Upstream Corporate Limits	20
Wepaug River	Downstream Corporate Limits.	67
	Derby Milford Road (Upstream).	73
	Prudden Lane (Upstream)	80
	Grassy Hill Road (Upstream).	83
	Old Grassy Hill Road (Upstream).	91
	Confluence of Race Brook	92
Race Brook	Confluence with Wepawaug River.	92
	Mapledale Avenue (Upstream).	97
	Orange Center Road (Upstream).	106
	Lambert Road (Downstream).	114
Indian River	Downstream Corporate Limits.	40
	Confluence of Silver Brook	40
	Boston Post Road (Downstream).	47
	Boston Post Road (Upstream).	54
	Old Tavern Road (Upstream).	63
	Lambert Road (Upstream)	115
	Arch Culvert (Downstream)	118
	Arch Culvert (Downstream)	134
	Hall Drive (Upstream)	134
	Tyler City Road (Upstream)	142
	State Route 114 (Downstream).	155
Silver Brook	Confluence with Indian River.	40
	Lambert Road (Upstream)	56
	Boston Post Road (Upstream).	64
	Old Tavern Road (Upstream).	80
	Race Brook Road (State Route 114) (Upstream).	93
	Smith Farm Road (Upstream)	102
	Unnamed Road (1,850 feet upstream of Smith Farm Road) (Upstream).	119
	Unnamed Road (2,100 feet upstream of Smith Farm Road) (Upstream).	123
	Dam (80 feet upstream of Unnamed Road) (Upstream).	126
	Telephone Easement (Upstream).	166
	New Haven Avenue (Upstream).	170
	Crickett Lane (Upstream)	172
	Kennedy Drive (Upstream)	183
	Russell Avenue (Upstream)	194
	Dam (500 feet upstream of Russell Drive) (Upstream).	200
	Earth Dam (900 feet upstream of Russell Drive) (Upstream).	204
	Dirt Road (2,500 feet downstream of Cumming Drive) (Upstream).	205
	Unnamed Road (250 feet downstream of Cummings Drive) (Upstream).	208
	Cummings Drive (Upstream)	209
	Derby Turnpike (Downstream).	209

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-13741 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR PART 1917]

Proposed Flood Elevation Determinations for the Town of Sabattus, Androscoggin County, Maine, Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Sabattus, Androscoggin County, Maine.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Office, Main Street, Sabattus, Maine. Send comments to: Mrs. Sturtevant, Chairman of the Board of Selectmen, Town of Sabattus, Town Office, Main Street, Sabattus, Maine 04280.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–5581 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Sabattus, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly published Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4 (a)).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sabattus River	Approximately 4090 feet downstream of Crowley Road at southern corporate limits.	188
	Just upstream of Crowley Road.	201
	Just upstream of Interstate 95.	202
	Just upstream of Old Lisbon Road.	204
	Just upstream of State route 126.	207
	Just downstream of Sabattus River Dam.	209
	Just upstream of Sabattus River Dam.	219
	Just upstream of Main Street.	222
	Approximately 200 feet downstream of Greene Street.	226
	Just downstream of Greene Street.	230
	Just upstream of Greene Street.	237
	Approximately 200 feet upstream of Greene Street.	241
	Just downstream of Sabattus Pond Dam.	243
	Just upstream of Sabattus Pond Dam.	248
Sabattus Pond	Shoreline areas	248
Maxwell Brook	Confluence with Sabattus River.	202
	Just upstream of Interstate 95.	203
	Just upstream of Centre Road.	210
	Just upstream of Furbush Road.	212
	Just upstream of Bowdoin Road.	217

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket FI–5385]

[FR Doc. 79–13744 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Town of Sunderland, Franklin County, Mass.; Under the National Flood Insurance Proram

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Sunderland, Franklin County, Massachusetts.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Main Street, Sunderland, Massachusetts. Send comments to: Mr. Paul Korpita, Chairman, Board of Selectmen, Town of Sunderland, Town Hall, Main Street, Sunderland, Massachusetts 01375.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202–755–5581 or toll free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Sunderland, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River	Downstream Corporate Limits.	129
	Sunderland Bridge (State Highway 116)—10 feet [1]	134
Dry Brook	State Highway 47—50 feet [1]	132
	Russell Street Culvert—25 feet [1]	135
Mohawk Brook	State Highway 47—50 feet [1]	130

[1] Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket FI–5386]

[FR Doc. 79–13745 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Town of Watertown, Middlesex County, Mass., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) **and Executive Order** 12127 (44 FR 19367, April 3, 1979).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Watertown, Middlesex County, Massachusetts.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or shows evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Office, Town Clerk, Main Street, Watertown, Massachusetts. Send comments to: Mr. Thomas J. McDermott, Chairman, Board of Selectmen, Town of Watertown, Town Office, Main Street, Watertown, Massachusetts 02172. Attention: Ms. Gretchen Williams.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, (202)–755–5581 or toll free line (800)–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Watertown, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Charles River	At downstream corporate limits.	3
	Just downstream of Watertown Dam.	3
	Just upstream of Watertown Dam.	12
	0.32 miles upstream of Watertown Dam.	14
	0.30 miles downstream of Bridge Street.	16
	Just upstream of Bridge Street.	18
	At Bemis Dam remnants	20
	Upstream corporate limits	22

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket FI–5387]

[FR Doc. 79–13746 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Township of Carroll, Washington County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Carroll, Washington County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, 130 Baird Street, Monongahela, Pennsylvania. Send comments to: Mr. James Koslosky, Chairman of the Township of Carroll, 106 Greenridge Drive, Monongahela, Pennsylvania 15063.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202–755–5581 or toll free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Carroll, Washington . County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

these elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River	Downstream Corporate Limits.	755
	Upstream Corporate Limits	760

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pigeon Creek	Downstream Corporate Limits.	755
	State Route 481 (Upstream)	756
	Mine Road (Extended)	762
	Mine Dump Access Road (Extended).	769
	Legislative Route 62016 (Crossing No. 1).	787
	Legislative Route 62016 (Crossing No. 2).	798
	Abandoned Railroad Bridge (Upstream).	812
	Legislative Route 62016 (Crossing No. 3).	820

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket FI–5397]

[FR Doc. 79–13756 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Village of Celoron, Chautauqua County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Celoron, Chautauqua County, New York.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Celoron, New York. Send comments to: Honorable Alan Hamilton, Mayor of Celoron, 21 Boulevard, Celoron, New York 14720.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202–755–5581 or toll-free line 800–424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Celoron, Chautauqua County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
School Creek	Jackson Avenue (Upstream)	1,316
	Dunham Avenue (Upstream)	1,332
	5th Street (Upstream)	1,343
Chautauqua Lake	Entire Shore line	1,310

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–5390]

[FR Doc. 79–13749 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–23–M

[24 CFR Part 1917]

Proposed Flood Elevation Determinations for the Village of Menands, Albany County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Menands, Albany County, New York.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municpal Building, 250 Broadway, Menands, New York. Send comments to: Honorable Thomas A. Gibbs, Mayor Menands, Municipal Building, 250 Broadway, Menands, New York 12204.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–5581 or toll-free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Menands, Albany County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	Downstream Corporate Limits.	22
	Upstream Corporate Limits	24

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 24, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-13751 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

Special Anchorage Area, Lower Harbor, Marquette, Mich.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the City of Marquette, Michigan, the Coast Guard is proposing to establish a special anchorage area in the lower harbor, Marquette, Michigan. Vessels not more than 65 feet in length, when at anchor in a special anchorage area, are not required to carry or exhibit anchor lights. The high density of boats in this area warrants establishment of a defined anchorage area. This proposal will provide a safe anchorage area for approximately 15 small craft.

DATES: Comments must be received on or before June 19, 1979.

ADDRESSES: Comments should be submitted to and are available for examination at the Office of the Commander, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander H.E. Snow, Office of Marine Environment and Systems (G–WLE/73), Room 7315, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 22590, (202) 426–1934.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the writers name and address, identify this notice (CGD 79–018) and give reasons for the comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this proposal are Lieutenant Commander H.E. Snow, Project Manager, Office of Marine Environment and Systems, and Lieutenant J.W. Salter, Project Attorney, Office of the Chief Counsel.

Discussion of Proposed Regulation

At the request of the City of Marquette, the Coast Guard is proposing to establish a special anchorage area in the lower harbor, Marquette, Michigan. Establishment of this special anchorage area will provide a safe anchorage for the increasing number of small craft frequenting this vicinity. The anchorage is well removed from recognized traffic channels to allow safe anchoring of unlighted vessels. In special anchorage areas, vessels not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights. The anchorage will be administered by the City of Marquette and all mooring or anchoring in the area will be under the jurisdiction of the local Harbormaster. With the exception of one parcel, the land adjacent to the proposed anchorage area is owned by the City of Marquette. The owner of the remaining parcel has indicated to the City that he has no objections to establishment of the anchorage.

An Environmental Assessment was completed in January 1979 which determined that there would be no impact on the quality of the human environment.

The Coast Guard has determined in accordance with DOT notice "Improving Government Regulations" (44 FR 11034) that this amendment is not significant. The economic impact of this amendment will be minimal and, accordingly, it does not warrant a full evaluation. The amendment imposes no economic burdens and benefits small vessel owners since they will not have to carry or display anchor lights, while anchored, in the special anchorage.

In consideration of the foregoing it is proposed to amend Part 110 of Title 33, Code of Federal Regulations by adding § 110.80b to read as follows:

§ 110.80b Marquette, Mich.

The area within Marquette Harbor beginning at Latitude 46°32'38"N., Longitude 87°22'46"W.; thence to Latitude 46°32'37"N., Longitude 87°22'54"W.; thence to Latitude 46°32'33"N., Longitude 87°22'54"W.; thence to Latitude 46°32'33"N., Longitude 87°22'46"W.; thence to point of origin.

Note.—An ordinance of the City of Marquette authorizes the Harbormaster to direct the location and length of time any watercraft may anchor in this area.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(b), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(b)); 49 CFR 1.46(c)(2))

Dated: April 26, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[CG79-018]

[FR Doc. 79-13862 Filed 5-2-79; 8:45]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 86]

Control of Nitrous Oxides From Motor Vehicles; Receipt of Application for Extension of Emission Standard; Guidelines for Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of Receipt of Application for Delay in Effective Date of 1981 and 1982 Model Year Light-Duty Vehicle

Emission Standard for Nitrous Oxides; Guidelines for Applications.

SUMMARY: The purpose of this notice is to announce the receipt of an application submitted by American Motors Corporation (AMC) for a two year delay in the effective date of the 1981 and later model year light-duty vehicle emission standards for nitrous oxides (NOx). This notice is also intended to announce guidelines concerning the information which should be provided in any other application.

Based upon a preliminary review of its application, AMC appears to qualify for a two year delay under section 202(b)(1)(B) of the Clean Air Act in complying with the statutory 1981 and later model year NOx emission standard. A final decision will be published in the near future in the **Federal Register**, and will be accompanied by a Notice of Final Rulemaking if the Administrator decides that AMC should receive such a delay.

DATES: Interested persons are invited to review and to comment by June 1, 1979, on the guidelines and on AMC's application located in the public docket listed below.

ADDRESSES: Public portions of AMC's application and other pertinent information will be made available for public inspection during normal working hours (8:00 a.m.—4:00 p.m.) Monday through Friday at the U.S. Environmental Protection Agency, Central Docket Section (Docket No. EN–792), Room 2903 B, Waterside Mall, 401 M Street, S.W. Washington, D.C. 20460.

WRITTEN COMMENTS SHOULD BE SENT TO: Central Docket Section, Docket No. EN–792, Room 2903 B, U.S. Environmental Protection Agency (A–130), Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Maureen D. Smith, Attorney-Advisor, Mobile Source Enforcement Division, U.S. Environmental Protection Agency (EN–340), 401 M Street SW., Washington D.C. 20460. (202) 426–9436.

SUPPLEMENTARY INFORMATION:

I. Background

In section 202(b)(1)(B) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(1)(B) ("Act"), the Administrator is directed to prescribe alternative NOx standards for light-duty vehicles produced by manufacturers meeting certain criteria in lieu of the statutory 1.0 gram per vehicle mile (gpm) standard for 1981 and later model year light-duty vehicles. The NOx standard may not exceed 2.0 gpm for any light-duty vehicle manufactured during model years 1981 and 1982 by any manufacturer meeting the following criteria: (i) the manufacturer's production, by corporate identity, for calendar year 1976 was less than three hundred thousand light-duty vehicles worldwide; (ii) the ability of such manufacturer to meet emissin standards in the 1975 and subsequent model years was, and is, primarily dependent upon technology developed by, and purchased from, other manufacturers; and (iii) such manufacturer lacks the financial resources and technological ability to develop such technology.

The legislative history of this provison indicates that Congress intended to give relief to those companies who must purchase and then adapt sophisticated pollution control systems because they lack the in-house engineering expertise and financial resources necessary to develop their own technology to meet the 1981 and later model year emission standards. *See, e.g.* 123 CONG. REC. 9223, (daily ed. June 8, 1977). The provision would postpone the effective date of the 1.0 gpm NOx standard by extending the applicability of the 1980 model year NOx standard of 2.0 gpm for those manufacturers which qualify for the extension.

II. AMC Application

On October 18, 1978, AMC requested the Administrator to prescribe a NOx standard of 2.0 gpm to be applied to its 1981 and 1982 model year passenger cars. On November 21, 1978, AMC was notified that the information accompanying its request was not sufficient to enable the Administrator to make the determinations required under the Act. AMC also was provided with guidelines for resubmittal of its request. Those guidelines appear below and should be followed by any other manufacturers planning to apply for a similar extension of the 2.0 gpm NOx standard.

On January 19, 1979, AMC submitted information to supplement its request that the Administrator prescribe alternative NOx standards for its 1981 and 1982 model year passenger cars. A preliminary review of this information indicates that AMC qualifies for the requested two year extension on the following bases: (1) the company's 1976 worldwide light-duty vehicle production figures bring it within the small volume criterion; (ii) AMC has documented its reliance upon the purchase of other vehicle manufacturers' technology in order to meet 1975 and later model year emission standards; (iii) AMC has shown that it is unable to develop the technology necessary to meet those standards due to the lack of facilities and personnel to engage in the necessary research and development programs and the probable lack of financial resources required to invest in such technological development. In addition, AMC has indicated that it cannot purchase technology being developed by others to meet the 1981 model year 1.0 gpm NOx standard, adopt it to its own equipment and then test it without two years additional lead time.

A decision on AMC's request will be published in the **Federal Register**, and a 2.0 gpm NOx standard will be prescribed for AMC's 1981 and 1982 model year light-duty vehicles if the final decision is to grant AMC's request.

III. Intent of Guidelines

The guidelines set out below are intended to elicit from any manufacturer seeking an extension under section 202(b)(1)(B) of the Act the information necessary to allow the Administrator to make the statutorily prescribed determinations. The issues which are addressed by the four major sections of the guidelines are:

(i) Whether the applicant is eligible for the extension as a small-volume manufacturer, as established by its 1976 worldwide light-duty vehicle sales figure;

(ii) Whether the applicant's ability to meet 1975 through 1982 model year emission standards was, and is, primarily dependent upon technology developed by, and purchased from, other manufacturers;

(iii) Whether the applicant lacks the technological ability to develop the technology necessary to meet 1975 and later model year emission standards; and

(iv) Whether the applicant lacks the financial resources necessary to develop the technology required to meet 1975 and later model year emission standards.

III. *Guidelines for Submittal of Requests for Extension of Federal NOx Emission Standard*

1. Provide figures for applicant's worldwide light-duty vehicle production in calendar year 1976.

a. List separately such production figures for affiliated or subsidiary corporations.

b. Indicate whether such numbers are included in applicant's calculation of 1976 worldwide production.

c. Describe the corporate relationship between parent and subsidiary corporations and indicate unit sales made under each organization.

2. List the emission-related systems used or expected to be used by the applicant in model years 1975 through 1982 in order to meet Federal emission standards which were or are expected to be (a) wholly developed by and purchased from other manufacturers, (b) partially developed by and purchased from other manufacturers, and (c) wholly developed by the applicant. List the major emission-related components, in terms used in Part I Federal Certification Applications, in each of the systems enumerated above and indicate (i) which were or will be purchased from other manuacturers; (ii) the manufacturer supplying each listed component; (iii) the extent to which each purchased component was or will be developed further by the applicant or other manufacturers for use in applicant's motor vehicles. Indicate the number of vehicles produced or projected to be produced by model year for (a), (b) and (c) above. The definition of manufacturer found in section 216(1) of the Clean Air Act should be used throughout the guidelines.

3. Provide reasons for applicant's technological inability to develop emission control systems and components necessary to meet 1975–1982 emission standards.

a. List the emission-related systems and major components the applicant would use if required to meet: (i) a 2.0 gpm NOx emission standard in model years 1981 and 1982; (ii) a 1.0 gpm NOx emission standard in model years 1981 and 1982.

Explain applicant's inability to purchase, develop or apply emission-related systems and components developed by other manufacturers or the applicant in order to meet 1981 and 1982 model year Federal emission standards, including such factors as lead time requirements.

b. Indicate why the applicant's research and development programs have not been sufficient since 1975 to develop the emission controls (described in the Part I Federal Certification Applications) necessary to meet the applicable Federal emission standards. List and describe all research and development programs in effect since 1975 directed toward developing emission-related systems and components. Describe the extent to which each program is related to or dependent upon technologies developed by another manufacturer, and the degree of the applicant's success in developing systems and components which are capable of achieving Federal emission standards for any model year between 1975–1982 without acquiring systems or components from other manufacturers.

c. List the emission control systems and components to be installed in each engine family projected to be certified to demonstrate compliance with California's 1980 and later model year emission requirements. Include, by engine family, the number of vehicles projected to be produced for sale in California in model years 1980, 1981 and 1982. Explain fully why the technologies the applicant plans to apply to vehicles to be produced for the 1980 and later model year California market cannot be applied to those vehicles to be produced for sale in all other States in model years 1981 and 1982.

d. Describe all arrangements with other manufacturers to develop emission control systems or components (including purchase agreements) which have been in effect since 1975. Include all joint engine and emission control system development projects.

e. List any corporate mergers or consolidations which have occurred between 1975 and the present, and indicate the extent to which emission-related research and development is shared and/or combined.

f. Indicate the impact which any anticipated mergers or consolidations through 1982 would have on the applicant's access to emission control technology.

4. Demonstrate that applicant lacks the financial resources to develop the technology necessary to meet Federal emission standards applicable in model years 1975 through 1982.

a. Provide the actual costs incurred to purchase and apply the emission control components and systems used to demonstrate compliance with Federal emission standards in each model year 1975 through 1982, the estimated costs to internally develop those components and systems and the bases for the applicant's decision to purchase rather than internally develop those components and systems for each subject model year.

b. Provide each of the following financial statements (from 1975 forecasted through the 1980 model year) under a scenario in which the applicant is required to meet an alternate NOx standard of 2.0 gpm in model years 1981 and 1982.

i. Cash and Earnings Requirements Statement (refer to Appendix A).

ii. Income Statements.

iii. Balance Sheets.

iv. Provide statements of assumptions made in i, ii, and iii above.

c. Provide the financial statements listed in (b) above under the following scenarios in which the applicant is required to meet the statutory 1981 and 1982 Federal emission standards (1.0 gpm NOx). (Include, if applicable, fuel economy penalties and increased cost to consumers. Include in each projection, the cost of applying technology used to meet California's 1980 and later model year emission standards to those engine families to be sold in all States)—

i. If the applicant were to develop and produce all of the emission control components and systems.

ii. If the applicant were to purchase and apply another manufacturer's technology to applicant's vehicles without internally developing any part of the utilized technology.

iii. If the applicant were to rely primarily on purchased technology and develop internally portions of the technology that the applicant would most likely develop if it were required to comply with the NOx standard of 1.0 gpm in 1981 and 1982.

iv. Provide statements of the assumptions made in the financial statements and conclusions on how these financial resources reflect a lack of financial resources necessary to meet the 1981 and 1982 statutory Federal emission standards.

v. Describe the reasons for applicant's financial inability to meet, in each model year 1981 and 1982, and the 1981–1982 Federal emission standards through cash management or other strategies, or through issuing equity or attracting debt.

d. Indicate the impact which any anticipated mergers, consolidations, or cooperative research efforts would have on the applicant's financial capablity to develop or purchase/apply such technology through model year 1982.

5. Since EPA attempts to make all information submitted by an applicant available for public review, an applicant should make every effort to provide only information which can be included in the public record. Information should be claimed to be confidential only where the release of such information would cause the applicant substantial harm and should only be submitted where the failure to submit such information would seriously jeopardize the success of the application. Information for which a claim of confidentiality has been made will be treated according to the following procedures.

In order to claim confidentiality, the applicant must submit the confidential information in a separate package identified by a label such as "trade secrets," "company confidential" or other appropriate label. Failure to assert a confidential claim in this manner will automatically result in the placing of the

information in the public record without further notice. Appropriately labeled information will be subject to an EPA determination under 40 CFR 2, Subpart B of whether the information is entitled to confidential treatment for reasons of business confidentiality.

Appendix A—

Future Cash and Earnings Requirements*

Cash Requirements

Capital Expenditures:
Normal Replacement
Environmental (total company)
Emission Control Technology**
Repayment of debt:
Present debt
Debt incurred—Emission Control Technology**
Working Capital and Other
Dividends
Interest and Operating Costs—Emission Control
Technology**
Total Requirements

Sources of Cash (Other than Income)

Borrowings (to finance Emission Control Technology**)
Sale of Stock
Sale of Plant and Equipment
Depreciation

Estimated Income Tax Payments

Required minimum pre-tax income

Dated April 27, 1979.

Douglas M. Costle,
Administrator
[FRL 1215-3]
[FR Doc. 79-13851 Filed 5-2-79; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 66]

National Research Service Awards Program

AGENCY: PHS, National Institutes of Health.

ACTION: Notice of Decision to Amend Regulations.

SUMMARY: Regulations are to be drafted for the program of National Research Service Awards to incorporate the amendments mandated by Pub. L. 95-622, Title II, Part D and Pub. L. 95-623, Section 11(d). These amendements were enacted on November 9, 1978. The amendments (1) expand the scope of the program, (2) withdraw certain review requirements, (3) revise the limitation on support, and (4) modify service, payback and recovery requirements.

FOR FURTHER INFORMATION CONTACT: William Raub, Ph. D., Associate Director of Extramural Research and Training, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-1096.

Dated: March 23, 1979.

Julius B. Richmond,
Assistant Secretary for Health.
[FR Doc. 79-13830 Filed 5-2-79; 8:45 am]
BILLING CODE 4110-08-M

* If the statement submitted varies in any material respect from the format shown here, identify and describe those variations.

** That technology necessary to meet Federal 1981 and 1982 model year emission standards applicable to light-duty vehicles.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 94]

Providing Regulations for Use of Radio in Public Utility Distribution Automation Systems; Order Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Order extending time for filing comments.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in this proceeding. Petitioner, The Utilities Telecommunications Council (UTC), states that the additional time is needed to complete the studies and surveys it now has underway and to enable them to prepare a responsible and comprehensive response.

DATES: Comments must be filed on or before May 30, 1979, and reply comments must be filed on or before June 30, 1979.

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

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau (202) 632-6497.

Adopted: April 24, 1979.
Released: April 25, 1979.

By the Chief, Private Radio Bureau.

In the matter of amendment of Part 94 of the rules to provide regulations for use of radio in public utility distribution automation systems.

1. The Utilities Telecommunications Council (UTC) has requested an extension of time until May 30, 1979, within which to file comments in the above-entitled matter. It also requested that the date for filing reply comments be extended to June 30, 1979. Comments and reply comments are now due April 30 and May 30, 1979, respectively.

2. In support of its request, the petitioner argues that the Commission's request for additional data on a number of technical and operating items required detailed studies and surveys. An extension of time is needed to complete the studies and surveys it now has underway and to enable them to prepare a responsible and comprehensive response.

3. It appears that good cause has been shown and that the public interest would be served by granting the additional period asked in order to afford the petitioner and other interested parties a full opportunity for the preparation and presentation of their views in this proceeding.

4. Accordingly, it is ordered, pursuant to Section 0.331 and 1.46 of the Commission's Rules, that the time for filing comments in the above-captioned proceeding is extended from April 30, 1979, to May 30, 1979, and for filing reply comments from May 30, 1979, to June 30, 1979.

Carlos V. Roberts,
Chief, Private Radio Bureau.

[SS Docket No. 79-18; RM-2824; RM-1835; RM-1849; RM-2045]
[FR Doc. 79-13776 Filed 5-2-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 171, 172, 173, 176, 178]

Proposed Miscellaneous Amendments

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) is proposing to make several miscellaneous amendments to the regulations pertaining to the shipment of hazardous materials. This action is necessary to update the regulations and to reduce MTB's backlog of rulemaking petitions.

DATE: Comments must be received on or before June 15, 1979.

ADDRESS: Address comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Five copies are requested.

FOR FURTHER INFORMATION: Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs

Administration, Washington, D.C. 20590, (202–755–4962).

SUPPLEMENTARY INFORMATION: This document is the second of a series of notices and amendments to incorporate changes in the hazardous materials regulations based on either petitions for rulemaking submitted in accordance with 49 CFR 106.31 or on MTB's own initiative. On November 30, 1978, MTB published the first notice of proposed rulemaking under Docket HM–166; Notice 78–11 (43 FR 56070). In view of the number of notices and amendments anticipated under Docket HM–166, starting with this issue, and all subsequent issues, a suffix letter will follow HM–166 (i.e., A, B, C, etc.) for specific identification purposes. The proposals to be considered in this notice of proposed rulemaking are thought to be non-controversial and are based upon either: (1) a petition for rulemaking with data and analysis supplied by the petitioner, or (2) on MTB's own initiative to clarify, simplify, update, or eliminate selected regulations.

In summary, these proposed amendments would (1) add a reference to the United States Department of Energy (USDOE) in § 171.7(c), (2) update § 171.7(d)(16)(i) to include Revision 1 and supplement for USDC, USDOE Material and Equipment Specification No. SP–9, and to include this reference in §§ 178.120–2(a), 178.120–2(f), 178.121–2(a) and 178.121–2(g), (3) revise the definition of "Hazardous material" in § 171.8 to read the same as the definition in the "Hazardous Materials Transportation Act," (4) correct the telephone number in § 171.15(b) for reporting hazardous materials incidents, (5) remove diisopropylethanolamine from § 172.101, (6) delete the entry "Empty cartridge case, primed" in § 172.101 and § 173.107(h), revise the description "empty cartridge cases primed," and "empty grenades primed" in § 173.107(h) to read "cartridge cases, empty, primed," and "grenade, empty, primed," respectively, delete the label requirement in column (4) of § 172.101 for all of the commodities named in § 173.107(h), (7) add paragraph (2) to § 173.7(a) to authorize any shipper to reship packagings which were originally shipped by the Department of Defense, (8) add paragraph (c) to § 173.7 to authorize the Bureau of Alcohol, Tobacco and Firearms to ship small samples of explosive materials in a specially designed container, (9) authorize in § 173.135(a)(9) the use of higher integrity cargo tanks for the shipment of diethly dichlorosilane, dimethly dichlorosilane, ethly dichlorosilane, ethly trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane, (10) correct the authorized net weight in § 173.245b(a)(6) to read 95 pounds, (11) add DOT Specifications MC 330 and MC 331 to § 173.247(a)(12), (12) revise § 173.1080(a) to authorize shipment of sulfur in sift-proof or lined freight containers, (13) revise §§ 176.30(a), 176.39(a), 176.39(a)(2), and 176.39(c) by clarifying that the preparation and accuracy of the dangerous cargo manifest is binding upon the ship's agents, vessel owners, operators, or any other person designated for this purpose by the carrier, (14) delete the authorization in § 178.59–21 in its entirety for the use of 4130X steel which waives the prescribed limitations of carbon content, yield point, and elongation, and (15) reinstate the requirement in § 178.83–11 that DOT Specification 5C barrels or drums used for nitric acid service must be embossed or stamped with the tare weight in pounds.

Primary drafters of this document are Darrell L. Raines, Office of Hazardous Materials Regulation, Exemptions and Regulations Termination Branch, and Evan C. Braude of the Office of the Chief Counsel, Research and Special Programs Administration.

Since this is a miscellaneous notice, it is not practical to group these proposed changes by subject area as stated in the preamble of the first HM–166 notice. Instead, a format similar to the one used for Docket No. HM–139 is being used.

Proposed Amendments of Hazardous Materials Regulations

Regulation Affected	Reason(s) for proposed change	Proposed amendment
§ 171.7(c)(16), § 171.7(d)(16)(i)	To change the reference USAEC: U.S. Atomic Energy Commission in § 171.7(c)(16) and § 171.7(d)(16)(i) to read USDOE: United States Department of Energy.	To revise § 171.7(c)(16) and § 171.7(d)(16)(i) to read: (c) * * * (16) USDOE: United States Department of Energy, Washington, D.C. 20545. Regulations of the USDOE are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Other publications by the USDOE may be obtained from the National Technical Information Center, U.S. Department of Commerce, Springfield, Virginia, 22151. (d) * * * (16) * * * (i) USDC, USDOE Material and Equipment Specification No. SP–9, Rev. 1, and Supplement, entitled "Fire Resistant Phenolic Foam."
§ 171.8	To revise the definition of "Hazardous Materials" to read as defined in the Hazardous Materials Transportation Act.	To revise the definition of "Hazardous material" in § 171.8 to read: "Hazardous material" means a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce.
§ 171.15(b)	To change the telephone number used by carriers for reporting hazardous materials incidents in order that toll free calls may be made.	To revise the first sentence in paragraph 171.15(b) to read: (b) Each notice required by paragraph (a) of this section shall be given the Department by telephone (toll-free) on 800–424–8802. * * *
§ 172.101	Recent information submitted by the Pennwalt Corp., indicates that diisopropylethanolamine is non-corrosive to tissue under the DOT definition.	To delete Diisopropylethanolamine from the Hazardous Materials Table in § 172.101.

Proposed Amendments of Hazardous Materials Regulations—Continued

Regulation Affected	Reason(s) for proposed change	Proposed amendment
§ 172.101 (Column (4), § 173.107(h)	Column (4) of § 172.101 requires Explosives C label for the following commodities: Cannon primers. Cartridge cases, empty, primed. Combination primer. Empty cartridge case, primed. Grenade, empty, primed. Percussion cap. Small arms primer. Paragraph (h) of § 173.107 states that no restrictions other than proper shipping name, packing and marking are prescribed in this part for the above commodities. Also, the entry Empty cartridge case, primed would be deleted in favor of Cartridge case, empty, primed.	To revise the Table in § 172.101 by deleting the entry for Empty cartridge case, primed and by deleting the requirement for the Explosive C label in Column (4) for the following entries: Cannon primers. Cartridge cases, empty, primed. Combination primer. Grenade, empty, primed. Percussion cap. Small arms primer.
§ 173.7(a)	To authroize non-DOD shippers to reship those packagings which were originally shipped by DOD under the provisions of paragraph (a) above.	To add paragraph (2) to § 173.7(a) to read: (2) Hazardous materials shipped by DOD under the provisions of paragraph (a) above may be reshipped by any shipper to any consignee provided the original packaging has not been damaged, opened, or altered in any manner.
§ 173.7	To authorize the Bureau of Alcohol, Tobacco and Firearms to ship not more than one gram samples of explosive materials to laboratories for analysis in support of criminal cases.	To add paragraph (c) to § 173.7 to read: (c) Shipments of explosive samples, not exceeding one gram net weight, offered by and consigned to the Bureau of Alcohol, Tobacco and Firearms (ATF) of the Department of the Treasury are not otherwise subject to the regulations in Parts 100–189 of this subchapter when placed in a specifically designed multi-unit assembly packed in a strong outside packaging. The packaging must be of a type accepted by ATF as capable of precluding a propagation of any explosion outside the packaging. The second component from the outside of the packaging must be marked or tagged to indicate the presence of an explosive.
§ 173.135(a)(9), § 173.247(a)(12)	To provide for the use of certain packagings that are equal to or greater in strength and efficiency than those already authorized.	To revise § 173.135(a)(9) and § 173.247(a)(12) to read: (9) Specification MC 300, MC 303, MC 304, MC 306, MC 307, MC 330 or MC 331 (§§ 178.340, 178.341, 178.342, and 178.337 of this subchapter). Tank motor vehicles having cargo tanks of steel or stainless steel construction. Tank bottom outlets must be equipped with valves conforming with § 178.342–5(a). (12) Specification MC 310, MC 311, MC 312, MC 330 or MC 331 (§§ 178.343, 178.337 of this subchapter. Tank motor vehicles.
§ 173.245(a)(6)	To correct the authorized net weight from 80 pounds to 95 pounds. The higher weight was added by HM–119 on July 14, 1977, and erroneously changed back to 80 pounds by HM–139 on August 22, 1977.	To revise § 173.245b(a)(6) to read: (6) Plastic drum or pail not exceeding 95 pounds net weight and not over 7-gallon capacity.
§ 173.1080(a)	To authorize the shipment of crude dry sulfur in sift-proof or lined freight containers. These containers should provide a level of safety equivalent to a tight rail car which is presently authorized in § 173.1080(a)(6).	To revise paragraph (5) and (6) of § 173.1080(a) and add paragraph (7) to read: (5) Sift-proof paper-lined burlap bag; (6) Tight rail car; or (7)Sift-proof or lined freight container.
§ 176.30(a), § 176 30(c), § 176.39(a), § 176.39(a)(2), § 176.39(c)	To clarify that the preparation and accuracy of the dangerous cargo manifest is binding upon the ships agents, vessel owners, operators, or any other person delegated for this purpose by the carrier.	To revise the first sentence of paragraph (a) of §§ 176.30, 176.30(c), 176.39(a), 176.39(a)(2), and 176.39(c) to read: § 176.30 Dangerous cargo manifest. (a) The carrier and its agents and any person designated for this purpose by the carrier or agents shall prepare a dangerous cargo manifest, list, or stowage plan. * * *. (c) The carrier and its agents shall ensure that the master, or a licensed deck officer designated by the master and attached to the vessel, or in the case of a barge, the person in charge of the barge, acknowledges the correctness of the dangerous cargo manifest, list or stowage plan by his signature. * * *. § 176.39 Inspection of cargo. (a) *Manned vessels.* (1) The carrier, its agents, and any person designated for this purpose by the carrier or agents shall cause an inspection of each hold or compartment containing hazardous materials to be made after stowage is complete, and at least once every 24 hours thereafter, weather permitting, in order to ensure that the cargo is in a safe condition and that no damage caused by shifting, spontaneous heating, leaking; sifting, wetting, or other cause has been sustained by the vessel or its cargo since loading and stowage. * * *. (2) The carrier, its agents, and any person designated for this purpose by the carrier or agents shall cause an entry to be made in the vessel's deck log book for each inspection of the stowage of hazardous materials performed. (c) The carrier, its agents, and any person designated for this purpose by the carrier or agents of each ocean-going vessel carrying hazardous materials shall, immediately prior to entering a port in the United States, cause an inspection of that cargo to be made.
§ 178.83–11	To reinstate a requirement that Specification 5C barrels or drums used for nitric acid service must be embossed or stamped with the tare weight in pounds. This requirement was inadvertently deleted by ICC Order 66, effective July 7, 1965.	To add paragraph (4) to § 178.83–11(a) to read: (4) By embossing or stamping, tare weight in pounds (for example, TW121).

Proposed Amendments of Hazardous Materials Regulations—Continued

Regulation Affected	Reason(s) for proposed change	Proposed amendment
§ 178.120-2(a), § 178.120-2(f), § 178.121-2(a), § 178.121-2(g).....	The references to Material and Equipment Specification No. SP-9 would be amended to add Rev. 1, and Supplement. In addition, § 178.120.2 (a) and (f) and § 178.121-2 (a) and (g) would be amended. The USDOE advises that many of the ingredients specified for use by SP-9, Rev. 1, are no longer available, or are difficult to obtain due to specified vender grade or mesh size.	In § 178.120-2, paragraphs (a) and (f) would be revised to read: (a) Phenolic foam insulation must be fire-resistant and fabricated in accordance with USDOE Material and Equipment Specification SP-9, Rev. 1, and Supplement, which is a part of this specification. (Note: Packagings manufactured under USAEC Specification SP-9 and Rev. 1 thereto are authorized for continued manufacture and use.) A 13.7 centimeter (5.4 inch) minimum thickness of foam must be provided over the entire liner except: (f) *Waterproofing.*—Each screw hole in the outer shell must be sealed with appropriate resin-type sealing material, or equivalent, during installation of the screw. All exposed foam surfaces, including any vent hole, must be sealed with waterproofing material as prescribed in USDOE Material and Equipment Specification SP-9, Rev. 1 and Supplement, or equivalent. In § 178.121-2, paragraphs (a) and (g) would be amended to read: (a) Phenolic foam insulation must be fire resistant and fabricated in accordance with USDOE Material and Equipment Specification SP-9, Rev. 1 and Supplement, which is a part of this specification. (Note: Packagings manufactured under USAEC Specification SP-9, and Rev. 1 thereto are authorized for continued manufacture and use.) A 14 centimeter (5.5 inch) minimum thickness of foam must be provided over the entire liner except where: * * * * * (g) *Waterproofing.*—Each screw hole in the outer shell must be sealed with appropriate resin-type sealing material, or equivalent, during installation of the screw. All exposed foam surfaces, including any vent hole, must be sealed with waterproofing material as prescribed in USDOE Material and Equipment Specification SP-9, Rev. 1 and Supplement, or equivalent.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and paragraph (a) of App. A to Part 106.)

NOTE.—The Materials Transportation Bureau has determined that this document will not have a major impact under Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on April 26, 1979.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[Docket No. HM-166A; Notice No. 79-6]

[FR Doc. 79-13499 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-60-M

NATIONAL TRANSPORTATION SAFETY BOARD

[49 CFR Part 830]

Proposed Limitation of Accident Reporting Requirements

AGENCY: National Transportation Safety Board.

ACTION: Proposed rule.

SUMMARY: This notice proposes to revise the Board's existing requirements for providing notice of and reporting aircraft accidents and incidents and certain other occurrences in the operation of aircraft, when they involve civil aircraft of the United States, by limiting the types of occurrences that require notice and reporting; to provide a definition of the term "incident" and to redefine the term "fatal injury" in a manner consistent with that now used by the International Civil Aviation Organization (ICAO); to add four types of incidents for which notification of the Board is required; and to make minor changes in the interest of clarity.

DATE: Comments must be received on or before July 2, 1979.

ADDRESS: Written comments may be submitted to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

FOR FURTHER INFORMATION CONTACT: Fritz L. Puls, General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594. 202-472-6034.

SUPPLEMENTARY INFORMATION: Part 830 of the rules of the National Transportation Safety Board contains the requirements pertaining to the initial notification and reporting of civil aircraft accidents, incidents, and overdue aircraft. Under the existing rules, reportable accidents include all accidents involving a civil aircraft of U.S. registry "wherever they occur." The Board now concludes that it is no longer necessary for the Board to receive notification or reports of accidents which occur in foreign states. Under the Chicago Convention, the state of occurrence is responsible for investigating accidents in its territory, and nearly all states require a pilot/operator report. The existing requirement that a report be filed with the Board is therefore duplicative and is no longer deemed necessary. It is therefore proposed to limit the Board's reporting requirements to accidents involving any civil aircraft which occur in the United States, its territories and possessions, and accidents involving civil aircraft of U.S. registry which occur at a location determined to be not in the territory of another state (i.e., high seas).

Two changes are proposed in the definitions set forth in § 830.2. The first involves the term "fatal injury." As proposed, the definition would include an injury which results in death within 30 days of the accident, rather than 7 days, as previously reflected in the definition. The change is prompted by an identical change being made in this definition in Annex 13 to the Chicago Convention.

The second change is the addition of a definition of the term "incident." The Annex 13 definition is proposed, i.e., "incident means an occurrence other than an accident, associated with the

operation of an aircraft, which affects or could affect the safety of operations."

It is further proposed to add five additional types of incidents for which the Board must receive notifications. These involve failure of turbine engines, and electrical and hydraulic systems; decompressions resulting in emergency descent; loss of two-thirds or more of available power; near midair or ground collisions; and occurrences involving large turbine engine aircraft which result in the emergency evacuation of such aircraft. These incidents, like the others presently set forth in § 830.5 may or may not be investigated by the Board and reports need only be filed if requested by the Board. Also, the listing of incidents in which notification is required does not mean the Board will not investigate other types of incidents, if deemed necessary.

Concerning notification and reporting of incidents, the Board, in its review of this subject, has given attention to a request made to the Board to undertake a comprehensive and active incident-reporting system. This submission was in the form of a request for rulemaking and has been considered while reviewing Part 830. The Board believes that a single, comprehensive incident-reporting system could provide a helpful basis for accident prevention. However, the Board at this time has neither the funds nor the manpower to assume such a responsibility. Further, there already exists a variety of programs to obtain incident information, and an expanded Board program would be duplicative. At present, the Federal Aviation Administrative (FAA) has several programs. Malfunctions or defect reports are received by the FAA on over 5,000 incidents annually. Air carriers file reports with the FAA in the form of Service Difficulty Reports. FAA inspectors file incident reports.

In addition, the FAA has the Aviation Safety Reporting System, utilizing the National Aeronautics and Space Administration for processing reports filed by pilots, mechanics, controllers and others. Such reports are handled in a manner to assure anonymity.

In view of the existing systems available and the absence of funds to expand its efforts, the Safety Board does not intend to undertake any new incident-reporting system. The proposed minor expansion of incidents requiring notification is the maximum the Board can pursue at this time. However, the Board is continuning to review aviation safety data needs in cooperation with the FAA.

Accordingly, the Board proposes to amend Part 830 to read as follows:

PART 830—NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Subpart A—General

Sec.
830.1 Applicability.
830.2 Definitions.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

830.5 Immediate notification.
830.6 Information to be given in notification.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

830.10 Preservation of aircraft wreckage, mail, cargo, and records.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

830.15 Reports and statement to be filed.

Authority: Title VII, Federal Aviation Act of 1958, as amended, 72 Stat. 781, as amended by 76 Stat. 921 (49 U.S.C. 1441 et seq.), and the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).

Subpart A—General

§ 830.1 Applicability.

This part contains rules pertaining to:

(a) Reporting, aircraft accidents and incidents and certain other occurrences in the operation of aircraft when they involve civil aircraft of the United States and occur in the United States, its territories or possessions or at a location determined to be not in the territory of another state (i.e., high seas) and foreign civil aircraft when such events occur in the United States, its territories or possessions.

(b) Preservation of aircraft wreckage, mail, cargo, and records.

§ 830.2 Definitions.

As used in this part the following words or phrases are defined as follows:

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

"Fatal injury" means any injury which results in death within 30 days of the accident.

"Incident" means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which (1) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) causes severe hemorrhages, nerve, muscle, or tendon damage; (4) involves any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

"Substantial damage" means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this part.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.5 Immediate notification.

The operator of an aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board), field office[1] when:

(a) An aircraft accident or any of the following listed incidents occur:

(1) Flight control system malfunction or failure;

(2) Inability of any required flight crewmember to perform normal flight duties as a result of injury or illness;

(3) Failure of structural components of a turbine engine excluding compressor and turbine blades and vanes;

(4) In-flight fire;

(5) Aircraft collide in flight;

(6) Complete failures of aircraft electrical or hydraulic systems;

(7) Decompression resulting in emergency descent;

(8) Any occurrences which cause the loss of two-thirds or more of the total available power (thrust); or

[1] The National Transportation Safety Board field offices are listed under U.S. Government in the telephone directories in the following cities: Anchorage, Alaska; Chicago, Ill.; Denver, Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Seattle, Wash.; Washington, D.C.

(9) Near midair or ground collisions if evasive action was taken by one or both aircraft.

(10) Any occurrence involving a large turbine engine aircraft which results in the emergency evacuation of such aircraft.

(b) An aircraft is overdue and is believed to have been involved in an accident.

§ 830.6 Information to be given in notification.

The notification required in § 830.5 shall contain the following information, if available:

(a) Type, nationality, and registraion marks of the aircraft;

(b) Name of owner, and operator of the aircraft;

(c) Name of the pilot-in-command;

(d) Date and time of the accident;

(e) Last point of departure and point of intended landing of the aircraft;

(f) Position of the aircraft with reference to some easily defined geographical point;

(g) Number of persons aboard, number killed, and number seriously injured;

(h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and

(i) A description of any explosives, radioactive materials, or other dangerous articles carried.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Record

§ 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft involved in an accident or incident for which notification must be given is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including all recording mediums of flight maintenance, and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen until the Board takes custody thereof or a release is granted pursuant to § 831.10(b).

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage; or

(3) To protect the public from injury.

(c) Where it is necessary to move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the original position and condition of the wreckage and any significant impact marks.

(d) The operator of an aircraft involved in an accident or incident shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.15 Reports and statements to be filed.

(a) *Reports.* The operator of an aircraft shall file a report on Board Form 6120.1 or Board Form 6120.2 [2] within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

(b) *Crewmember statement.* Each crewmember, if physically able at the time the report is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.

(c) *Where to file the reports.* The operator of an aircraft shall file any report with the field office of the Board nearest the accident or incident.

Note: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Report Act of 1942.

Approved by the National Transportation Safety Board on April 20, 1979.

Elwood T. Driver,

Vice-Chairman.

[FR Doc. 79-13793 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-58-M

[2] Forms are obtainable from the Board field offices (see footnote 1), the National Transportation Safety Board, Washington, D.C. 20594, and the Federal Aviation Administration, Flight Standards District Office.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Chapter VI]

Gulf of Mexico Fishery Management Council; Change of Address for Public Hearing

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of a change in the address of a public hearing on a draft environmental impact statement/draft fishery management plan for the reef fish fishery of the Gulf of Mexico.

SUMMARY: The Gulf of Mexico Fishery Management Council announced a series of Public Hearings on its proposed fishery management plan for the reef fish fishery of the Gulf of Mexico in (44 FR 21681). The hearing site originally scheduled as: Council Chamber of the City Hall, 1300 Berdich Street, New Orleans, Louisiana, has been changed to the Chamber of Commerce Auditorium, 301 Camp Street, New Orleans, Louisiana.

DATES: The schedule date, May 8, 1979, and time, 7:00 p.m. to 10:00 p.m., remain unchanged.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne E. Swingle, Gulf of Mexico Fishery Mangement Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

Dated: April 27, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-13778 Filed 5-2-79; 8:45 am]

BILLING CODE 3510-22-M

[50 CFR Part 602]

Interim Guidelines for Development of Fishery Management Plans; Extension of Comment Period

AGENCY: National Oceanic and Atmospheric Administration/National Marine Fisheries Service.

ACTION: Extension of Comment Period.

SUMMARY: The National Marine Fisheries Service (NMFS) is extending the period for comments on "Interim Guidelines for Development of Fishery Management Plans" and on several associated items in an advance notice of

proposed rulemaking (44 FR 7708, Feb. 7, 1979) from May 9, 1979, to June 4, 1979.

DATES: Written comments on the interim regulations and the subjects identified in the advance notice of proposed rulemaking must be received on or before June 4, 1979.

ADDRESSES: Comments should be submitted in writing to: Assistant Administrator for Fisheries, National Marine Fisheries Service (F37), Washington, D.C. 20235. Please mark "Joint Venture" on the envelope.

FOR FURTHER INFORMATION CONTACT: Mr. Alfred J. Bilik, Program Support Specialist, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634–7436.

SUPPLEMENTARY INFORMATION: On February 7, 1979, interim final regulations were published at 44 FR 7708, to implement Pub. L. 95–354, the so-called "joint venture" amendment of the Fishery Conservation and Management Act of 1976. The interim regulations were effective on publication and amended 50 CFR Part 602, "Guidelines for the Development of Fishery Management Plans." At the same time, NMFS sought to obtain comments on the regulations for the purpose of developing final regulations, and on the advance notice of proposed rulemaking. A public hearing was held on March 13 and written comments also were sought until April 9. As the result of a request for a 30-day extension of the comment period, NMFS extended the period to May 9, (44 FR 20441) on April 5.

NMFS now has received a written request from the North Pacific Fishery Management Council for an additional extension of the deadline for written comments. The Council has established an ad hoc working group to develop methods for closely estimating domestic allowable harvest and utilization of the U.S. harvest by domestic processors. The working group will address many of the issues listed in the advance notice of proposed rulemaking. NMFS believes the methods developed by this working group should be considered when final regulations are developed. Therefore, an additional extension for written comments to June 4, 1979, is being granted to provide the Council and other reviewers more time to develop their recommendations.

Authority: 16 U.S.C. 1801 et seq.

Signed at Washington, D.C., this the 26th day of April, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-13777 Filed 5-2-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 87
Thursday, May 3, 1979

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.

DEPARTMENT OF INTERIOR

Advisory Council On Historic Preservation

Public Information Meeting

Notice is hereby given pursuant to Section 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on May 31, 1979, at 7:30 p.m., a public information meeting will be held at the Jacksonville Elementary School, 525 East Street, Jacksonville, Oregon. The meeting is being called by the Executive Director of the Council in accordance with Section 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed improvements to the Jacksonville sewage system, an undertaking assisted by the Environmental Protection Agency that will adversely affect Jacksonville Historic District, National Historic Landmark, a property included in the National Resister of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by the Environmental Protection Agency.

III. A statement by the Oregon State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Time limits for speakers' statements will be established on the basis of time available and number of speakers. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, P.O. Box 25085, Denver, Colorado 80225, (303) 234–4946.

Robert M. Utley,
Deputy Executive Director.
[FR Doc. 79–13676 Filed 5–2–79; 8:45 am]
BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Forest Service

Deschutes National Forest; Finding of No Significant Impact of Noxious Weed Control Project

An Environmental Assessment that discusses direct application of herbicides on .129 acres for noxious weed control on the Deschutes National Forest, is available for public review in the Forest Service office in Bend, Oregon.

This project invoives the use of the herbicides 2, 4-D, Kovar I, and Roundup on the Deschutes National Forest. The Environmental Assessment does not indicate that this is a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an impact statement is not needed.

This determination was based upon consideration of the following factors, which are discussed in detail in the Environmental Assessment: (a) no irreversible resource commitments and irretrievable loss of production on the lands treated; (b) no apparent adverse cumulative or secondary effects; (c) physical and biological effects limited to the area of planned teatment; (d) no known threatened or endangered plants or animals within the affected area; and (e) the herbicides planned for use were approved for use in the 1978 Pacific Northwest Region, Forest Service Final Environmental Statement for vegetation Management with Herbicides.

Some public concern can be expected on the use of herbicides. The proposed plan of application includes measures designed to protect water quality. State and Federal water quality standards will be met.

No action will be taken prior to June 4, 1979.

The responsible official is Earl E. Nichols, Forest Supervisor, Deschutes National Forest, 211 N.E. Revere, Bend, Oregon 97701.

Dated: April 11, 1979.

Earl E. Nichols,
Forest Supervisor.
[FR Doc. 79–13681 Filed 5–2–79; 8:45 am]
BILLING CODE 3410–11–M

Finding of No Significant Impact of Control of Vegetation on Oregon State Maintained Highways Crossing the Umatilla National Forest

An Environmental Assessment evaluated four alternatives for vegetation control, on state highways crossing the Umatilla National Forest, by the Oregon State Highway Division. This E.A. is available for review by interested parties at the Umatilla National Forest headquarters, 2517 S. W. Hailey Avenue, Pendleton Oregon 97801. The project is on State Highways 204 and 244 in Union and Umatilla Counties, 207 in Morrow and Wheeler Counties, and U.S. 395 in Grant County. The herbicides to be used are: Karmex, Krovar I, Weedone 170, and Krenite. Approximately forty-four miles of highway shoulders are to be treated.

In the past, these type of projects were included in a Region-wide Environmental Impact Statement which lumped many programs and projects utilizing herbicides.

The Environmental Assessment does not indicate that this is a major Federal Action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideraton of the following factors, which are discussed in detail in the Environmental Assessment: (a) The selected herbicides have low toxicity and present no significant risk, except in the case of huckleberries, Endangered Species, or other critical areas. This risk will be essentially eliminated. (b) The

application of the herbicides used on Oregon highways present little risk when properly applied.

Some public and Forest Service concern has been expressed about protection of nearby habitat important for wildlife, fish, huckleberries, and a Lupine species with a proposed Endangered status. The proposed treatment of rights-of-way vegetation provides measures such as: careful and controlled application, low toxicity of selected herbicides, buffer or non-treatment areas, and licensed applicators, so that adjacent habitat will not be affected.

No action will be taken prior to June 4, 1979.

The responsible official is Herbert B. Rudolph, Forest Supervisor, Umatilla National Forest, 2517 S. W. Hailey Avenue, Pendleton, Oregon 97801.

Herbert B. Rudolph,

Forest Supervisor.

April 13, 1979.

[FR Doc. 79-13680 Filed 5-2-79; 8:45 am]

BILLING CODE 3410-11-M

Umatilla National Forest; Finding of No Significant Impact of Control of Noxious Weeds

An Environmental Assessment evaluted five alternatives for Noxious Weed Control, on the Umatilla National Forest, by the U.S. Forest Service and County Weed Control Districts of Grant, Union, and Umatilla Counties. This E.A. is available for review by interested parties at the Umatilla National Forest headquarters, 2517 S.W. Hailey Avenue, Pendleton, Oregon 97801. The project is on numerous widely scattered spots measuring form 1/100 acre up to several acres. One area consists of 45 contiguous acres. The herbicides to be used are: Picloram or Glyphosate (Tordon of Roundup).

In the past, these type of projects were included in a Region-wide Environmenal Impact Statement which lumped many programs and projects utilizing herbicides.

The Environmental Assessment does not indicate that this is a major Federal Action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors, which are discussed in detail in the Environmental Assessment: (a) The herbicides have low toxicity and present no significant risk, except in the case of non-target or other critical areas. This risk will be essentially eliminated. (b) The application of the herbicides used present little risk when properly applied.

Some public and Forest Service concern has been expressed about protection of nearby habitat important for wildlife, fish, huckleberries, and non-target species. The proposed treatment of noxious weeds provides measures such as: careful and controlled application, low toxicity of selected herbicides, buffer or non-treatment areas, and licensed applicators, so that adjacent habitat will not be affected.

No action will be taken prior to June 4, 1979.

The responsible official is Herbert B. Rudolph, Forest Supervisor, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, Oregon 97801.

Herbert B. Rudolph,

Forest Supervisor.

April 23, 1979.

[FR Doc. 79-13682 Filed 5-02-79; 8:45 am]

BILLING CODE 3410-11-M

Wallowa-Whitman National Forest, Union Ranger District; Finding of No Significant Impact of Roadside Weed Control Project

An Environmental Assessment that discusses roadside weed control along approximately thirty-five (35) miles of roads on National Forest lands in Baker and Union Counties, Oregon, is available for public review at the Wallowa-Whitman National Forest Headquarters in Baker, Oregon.

The Environmental Assessment does not indicate that this will be a major Federal action having a significant effect on the quality of the human environment. Therefore, it has been determined that an environmental impact statement will not be needed. The determination was based upon consideration of the following factors:

a. The project will have no negative long-term impacts on the ecosystem.

b. There will be no irreversible commitments of resources.

c. There will be no effects on threatened or endangered plants or animal species.

The herbicide to be used is Tordon. Use of this herbicide in accordance with Federal and State regulations and label instructions will provide controls which will guarantee protection of human health and welfare.

No public concern has been expressed about the proposed project.

No action will be taken prior to June 4, 1979.

The responsible official is A. G. Oard, Forest Supervisor, Wallowa-Whitman National Forest, P.O. Box 907, Baker Oregon.

A. G. Oard,

Forest Supervisor.

[FR Doc. 79-13678 Filed 5-2-79; 8:45 am]

BILLING CODE 3410-11-M

Willamette National Forest; Finding of No Significant Impact of Roadside Brush Control

An Environmental Assessment that discusses control of undesirable vegetation along 83.2 miles of roads in Linn and Marion Counties in Oregon is available for public review in the Forest Service Office in Eugene, Oregon.

This project involves the cutting of undesirable vegetation along the roadside and the application of the chemical 2,4-D and 2,4-DP to the stumps. The Environmental Assessment does not indicate that this is a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors, which are discussed in the Environmental Assessment: (a) all chemicals are approved by EPA for the proposed use; (b) application will comply with applicable EPA labels, State and Federal law and Forest Service policies; (c) the use of (2,4–D and 2,4–DP has been discussed extensively in the Final Environmental Statement, Vegetation Management With Herbicides—USDA, F. S.—R–6—FES (ADM) 75–18 (Revised); (d) no irreversible or irretrievable commitments of resources; (e) physical and biological effects limited to the area of the project; (f) no known threatened or endangered plants or animals are within the affected area.

Some public concern has been expressed about the possible effects of the project on water quality. The proposed project includes measures designed to protect the water quality. State and Federal water quality standards will be met.

No action will be taken prior to June 4, 1979.

The Responsible Official is John E. Alcock, Forest Supervisor, Willamette National Forest, 211 E. 7th Avenue, Eugene, Oregon.

April 19, 1979.

Gerald N. Patchen,

Assistant Forest Supervisor, Planning and Programming.

[FR Doc. 79-13679 Filed 5-2-79; 8:45 am]

BILLING CODE 3410-11-M

Science and Education Administration

Cooperative Forestry Research Advisory Board and Advisory Committee

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the Science and Education Administration announces the following meeting:

NAME: Cooperative Forestry Research Advisory Board and Advisory Committee.

TIME: May 15, 1979—Board 8:00 a.m.; Committee 1:00 p.m. May 16 and 17, 1979—Board and Committee 8:00 a.m.

PLACE: Green Hall, University of Minnesota, St. Paul, Minnesota; May 15—Board, Room 103; Committee, Room 14, May 16 and 17—Board and Committee, Room 14

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: Written statements may be filed with the Committee or Board before or after the meeting with the contact persons listed below and names of Board and Committee members may be obtained from them.

PURPOSE: The Advisory Board, in separate meeting, will consider recommendations on the allocation of research funds. The Advisory Committee, in separate meeting, will review program information and evaluate program activities. In joint sessions. the Board and Committee will review progress in regional-national planning and develop recommendations. Research of the host institution will be described and shown to the Board and Committee.

CONTACT PERSON FOR AGENDA AND MORE INFORMATION: Executive Secretary of the Board: W. I. Thomas (202) 447–4423) Executive Secretary of the Committee: J. D. Sullivan, (202) 447–3555.

Science and Education Administration, Cooperative Research, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., this 26th day of April, 1979.

Ralph J. McCracken,

Acting Director, Science and Education.

[FR Doc. 79–13706 Filed 5–2–79; 8:45 am]

BILLING CODE 3410–22–M

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the Science and Education Administration, Cooperative Research, announces the following meeting:

NAME: Committee of Nine.

DATES: June 6 and 7, 1979.

TIME: 8:30 a.m. both days.

PLACE: Room 3109-South Building, 12th Street and Independence Avenue, S.W., Washington, D.C.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: The public may file written comments before or after the meeting with the contact person listed below.

PURPOSE: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations.

CONTACT PERSON FOR AGENDA AND MORE INFORMATION: Dr. Estel H. Cobb, Recording Secretary, U.S. Department of Agriculture, Science and Education Administration, Cooperative Research, Washington, D.C. 20250, telephone: 202–447–4329.

Done at Washington, D.C., this 27th day of April, 1979.

W. I. THOMAS,

Deputy Director for Cooperative Research.

[FR Doc. 79–13707 Filed 5–2–79; 8:45 am]

BILLING CODE 3410–22–M

DEPARTMENT OF COMMERCE

Maritime Administration

Waterman Steamship Corp.; Application

On April 12, 1979, Notice was published in the **Federal Register** (44 FR 21839–21840) that an application dated March 30, 1979, had been filed with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended, for a twenty-year Operating Differential Subsidy Agreement for service on Trade Route 17 between U.S. Atlantic and Gulf ports and ports in Indonesia, Malaysia and Singapore, by Waterman Steamship Corporation.

Notice is hereby given that the closing date of this notice has been extended from April 26, 1979, to May 17, 1979. Comments from any interested person, firm or corporation having an interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board, should be submitted in writing, in triplicate, by the close of business May 17, 1979, to the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230. The Maritime Subsidy Board will consider such views and comments and take such actions with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS).)

By Order of the Maritime Subsidy Board.

Dated: May 1, 1979.

James S. Dawson, Jr.,

Secretary.

[Docket No. S–640]

[FR Doc. 79–13861 Filed 5–2–79; 8:45 am]

BILLING CODE 3510–15–M

National Oceanic and Atmospheric Administration

Sea Grant Review Panel; Open Meeting

The Sea Grant Review Panel will meet on May 30 and 31, 1979, from 8:30 a.m. to 4:30 p.m. each day, in Room 926 of the Washington Science Center Building No. 5, 6010 Executive Boulevard, Rockville, Maryland.

The Panel was established in December 1976 under Section 209 of the National Sea Grant Program Improvement Act (Public Law 94–461), and advises the Secretary of Commerce with respect to:

a. Applications or proposals for, and performance under, grants and contracts awarded under Sections 205 and 206 of the Act;

b. The Sea Grant Fellowship Program, established under Section 208 of the Act;

c. The designation and operation of Sea Grant Colleges and Sea Grant Regional Consortia, (which are provided for in Section 207 of the Act) and the operation of Sea Grant programs;

d. The formulation and application of the planning guidelines and priorities established by the Secretary under Section 204(2) of the Act and applied by the Director in accordance with Section 204(c)(1); and

e. Such other matters as the Secretary refers to the Panel for review and advice.

The Panel's meeting agenda is as follows:

May 30, 1979 (8:30 a.m. to 4:30 p.m.)

8:30 a.m.—Preliminary remarks, introduction and swearing in of new members.

9:00 a.m.—The nature and current posture of, and problems facing, the National Sea Grant College Program, and the tasks before the Panel. A discussion by the Director and the Panel Chairman.

2:30 p.m.—Discussion of Institutional and Coherent Area Programs reviewed since last meeting: University of Hawaii, Massachusetts Institute of Technology, University of Rhode Island, University of Michigan, and Oregon State University.
4:30 p.m.—Recess.

May 31, 1979 (8:30 a.m. to 4:30 p.m.)

8:30 a.m.—Continued discussion of Institute and Coherent Area programs reviewed since last meeting: Louisiana State University, Texas A&M University, Woods Hole Oceanographic Institution, University of Delaware, University of Southern California, New Jersey Consortium, and University of Georgia.
10:00 a.m.—Discussion of progress toward two-year review cycle. Report on second year negotiations with: University of Wisconsin and University of California.
10:30 a.m.—Sea Grant College Candidates Discussion. The following are eligible on the basis of time to be considered for designation as Sea Grant Colleges: University of Southern California and University of Georgia.
11:00 a.m.—Review of Panel Meeting format and discussion of changing role of panelists.
4:30 p.m.—Adjourn.

All agenda items will be open to public attendance. Approximately 30 seats will be available to the public on a first-come, first-served basis. If time permits before the scheduled adjournment, the Chairman will solicit oral comments by the attendees. Written statements may be submitted at any time before or after the meeting.

Minutes of the meeting will be available 30 days thereafter on written request addressed to the National Sea Grant College Program, 6010 Executive Boulevard, Rockville, Maryland 20852.

For further information, contact Dr. Hugh J. McLellan, Acting Executive Secretary of the Sea Grant Review Panel, at the above address. Telephone: (301) 443–8926.

Dated: April 27, 1979.

R. L. Carnahan,

Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc. 79–13683 Filed 5–2–79; 8:45 am]

BILLING CODE 3510–12–M

DEPARTMENT OF DEFENSE

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) For Issuance of a Permit To Dredge and Fill in Waters of the United States.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: To consider issuing a permit under Section 404 of the Federal Water Pollution Control Act to W. R. Grace & Company for the mining of phosphate in a 6,684 acre tract known as Hookers Prairie. The Hookers Prairie Mine is at the headwaters of the south prong of the Alafia River near Bradley, Polk County, Florida, in Sections 13, 23, and 24 of Township 31 South, Range 13 East, and Sections 7, 8, 9, 16, 17, 18, 21, 24, 27, 32, and 33 of Township 31 South, Range 24 East. Work would be performed by bulldozers, pans, draglines, graders, and other equipment to remove a total of about 192 million cubic yards of overburden and 126 million cubic yards of phosphate bearing matrix. Approximately half of the phosphate bearing matrix is beneath 3,000 acres of wetland. A beneficiation plant is located on the poverty. A reclamation plan to be carried out by the applicant includes establishment of lakes, wetlands, and reforested areas.

2. Alternatives are not mining and mining only those lands above wetlands.

3. a. The process for determining the scope of issues to be addressed in the DEIS was completed by June 1978, and included scoping meetings with concerned agencies and groups.

b. Significant issues concerned: Methods of slime disposal and treatment, protection of waterways and flood plains, protection and maintenance of integrity of surface water flow and quality groundwater effects, restoration process and timing, restoration of wetland functions.

c. The Hookers Prairie Mine has been determined to be an "existing source," not requiring an NPDES permit by EPA. The Corps of Engineers has recognized its jurisdiction over the 3,000 acres of wetlands, and is the lead agency in preparing the DEIS.

d. Upon completion of the DEIS, a copy will be sent to the U.S. Fish and Wildlife Service, identifying endangered species and threatened species that may be present, and assessing the work's impact on them. A request for consultation under Section 7 of the Endangered Species Act Amendments of 1978 will be made. The DEIS will be reviewed by the Environmental Protection Agency, State of Florida agencies, and other agencies and groups.

4. The DEIS is scheduled to be available to the public in August 1979.

ADDRESS: Questions about the proposed action and DEIS can be answered by Mr. Moray Harrell, Chief, Environmental Quality "Section; U.S. Arny Engineer District, Jacksonville, Florida 32201 (904) 791–3615.

Dated: April 26, 1979.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79–13684 Filed 5–2–79; 8:45 am]

BILLING CODE 3710–AJ–M

Intent; To prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS) for the Evansdale, Iowa, Local Flood Protection Project

AGENCY: U.S. Army Corps of Engineers, Rock Island District, DOD.

ACTION: The Supplement will describe and assess design modifications which have been made in the proposed project since the FEIS was filed with CEQ on 20 July 1976.

SUMMARY: I. *Description of Action.* The Corps of Engineers proposes to provide flood protection to the city of Evansdale, Blackhawk County, Iowa, by the construction of earthen levees along the Cedar River and Elk Run Creek. The protection project will utilize an embankment of the proposed I–380 highway as part of the total protection system. Two borrow areas, totaling about 41 acres, will be required to furnish material for levee stages I and II. The protective works will be about 3.2 miles in length, with a maximum height of 21 feet and an average height of 12 feet. The average base width will be 117 feet. In addition, the highway embankment being utilized as part of the protection system will be 1.1. miles long. There will be four ponding areas in the project. Their sizes are 11.0 acres, 2.8 acres, 6.0 acres, and 4.0 acres.

II. *Alternatives to the Proposed Action.* The following alternatives to the Evansdale Flood Control Project have been evaluated.

A. *No additional Program.*—If no additonal Federal action were taken, the threat of flooding would continue to limit community growth, community cohesion and the future plans for industrial activity within the city. This would not, however, preclude State or local action. State or local government, organizations, and individuals could participate in such measures as zoning, building codes, flood proofing, flood plain evacuation, and structural methods of flood control at local or State expense. If no action were taken, annual flood damage would continue to residences, community services and commercial activities. Average annual flood damages are estimated to be $347,000 (1981 dollars).

B. *Evacuation.*—Evacuation of the city of Evansdale would affect over 1,277 residences. Inasmuch as the major portion of the city is susceptible to

flooding, evacuation as a solution would eliminate the community. Because of the cost of relocation assistance, recent expenditures for urban renewal and development within Evansdale and an unfavorable benefit/cost ratio of 0.02:1, evacuation is not an economical or socially acceptable solution.

C. *Reservoirs.*—As part of Iowa-Cedar River Basin Study, multipurpose reservoirs in the watershed above Evansdale were investigated. Due to the shallow and narrow valleys of land around Evansdale only two reservoir sites were found that could be developed to store large amounts of water. Even if both sites were developed and operated together, the crest of the 100-year frequency flood could only be lowered by four feet at Evansdale. It is therefore not physically possible to adequately reduce the flood problems at Evansdale by means of the two reservoirs. In addition, this plan would affect approximately 3,100 acres of prime farmland.

D. *Floodproofing.*—The construction of embankments around individual structures, raising structures above the forecasted flood levels, and other floodproofing measures, would be costly. Floodproofing is unacceptable to local interests because of the unfavorable effect this would have on the aesthetics of the city of Evansdale. Although physical damage to the houses could be prevented during such floods, access to homes, public services and business would be greatly reduced. Estimates of the cost of implementation and the benefits showed a benefit/cost ratio in the order of 0.01:1. Approximately 1,277 residences and numerous commercial establishments would require floodproofing.

E. *Levee System.*—The method found to be the most desirable from a safety, economic, social and political standpoint was the construction of a levee system. This action will have adverse effects upon the natural and cultural elements of the existing environment.

III. *Public Involvement.* The Draft Environmental Impact Statement was filed with CEQ 23 November 1973, and the final statement was filed 20 July 1976. Copies of the draft and final Environmental Impact Statement were distributed to Federal, state, and local government agencies, and private groups and individuals for review and comment. Public meetings were held on 15 January 1973 and 28 November 1977 to give interested parties an opportunity to express their views. The draft Supplement to the FEIS will be sent to Federal, state, and local government agencies as well as private groups and individuals to provide review and comment on the project.

Coordination between the Rock Island District and interested agencies and individuals is being maintained during preparation of the draft Supplement. Any interested party is invited to coordinate with the District by writing to the address below.

IV. *Content of the Supplement to the Final Environmental Impact Statement.* The Supplement will discuss all changes that have been made in the original general design and additional cultural and environmental information. Topics concerning E.O. 11988 will be included in the report. In compliance with Section 404 of the Clean Water Act, a 404 Evaluation Report is being prepared. A state water quality certificate is being applied for through the Iowa Department of Environmental Quality, and a Public Notice will be issued.

V. *Scoping Meeting.* Due to the advanced stage of project planning and the imminent release of the draft Supplement to the FEIS, a scoping meeting will not be scheduled.

VI. *Estimated Release Date.* The draft Supplement to the FEIS will be released for Public Review on or about 25 May 1979.

ADDRESS: Questions about the proposed action and the Environmental Impact Statement should be directed to: F. W. Mueller, Jr., Colonel, Corps of Engineers, District Engineer, US Army Engineer District, Rock Island, Clock Tower Building, Rock Island, Illinois 61201.

Dated: April 10, 1979.

F. W. Mueller, Jr.,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-13700 Filed 5-2-79; 8:45 am]
BILLING CODE 3710-HV-M

Department of the Army

Intent To Prepare a Draft Environmental Statement (DES) for a Proposed Flood Control Project on Westerly Creek in Aurora and Denver, Colo.

AGENCY: U.S. Army Corps of Engineers, Omaha District.

ACTION: Notice of Intent to Prepare a DES.

SUMMARY: 1. The proposed action is to provide additional flood control along Westerly Creek in Aurora and Denver, Colorado and to protect the integrity of Kelly Road Dam located on Lowry Air Force Base.

2. There are no reasonable structural alternatives which by themselves would solve the flood problem. A reasonable nonstructural alternative would be evacuation of the flood plain. Reasonable combination structural/nonstructural alternatives include modification of Kelly Road Dam with downstream channel modifications, some downstream relocations, flood plain regulation, and emergency flood plain evacuation or modification of Kelly Road Dam with a new dam upstream, downstream channel modifications, possible relocations (depending on size of new dam), flood plain regulations, and emergency flood plain evacuation.

3. Any agency, organization, or individual desiring to participate in the DES process is encouraged to do so by contacting the individual identifier later in this notice. Public involvement to date has been limited to discussions with affected public bodies. There will be a public meeting to discuss a potential solution in the summer of 1979. There are no significant issues which have been identified. The project is also subject to the Historic Preservation Act; the Endangered Species Act; the Fish and Wildlife Coordination Act; Executive Order 11988 on Flood Plains; and Executive Order 11990 on Wetlands.

4. There will be no scoping meeting.

5. The DES should be available for public review in June 1979.

ADDRESS: Questions about the proposed action and DES can be answered by: Richard Gorton; Chief, Environmental Analysis Branch; Omaha District, CE; 6014 U.S.P.O. and Courthouse; Omaha, Nebraska 68102.

John E. Velehradsky, P.E.,
Chief, Planning Division, Omaha District, CE.

[FR Doc. 13779 Filed 5-2-79; 8:45 am]
BILLING CODE 3710-GW-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Regulatory Permit Action Involving an Oil Refinery Proposed by Brunswick Energy Co. (BECO) in Brunswick County, N. C., Near the Confluence of the Brunswick and Cape Fear Rivers

LEAD AGENCY: U.S. Army Corps of Engineers, Wilmington District, North Carolina.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: BECO's plans are to process imported crude oils in the refinery. The sources and properties of the oils to be processed have not been established at

this time, but this information will be provided when available. The nominal capacity of the refinery will be approximately 150,000 barrels per day. Among the products to be produced are unleaded gasoline, No. 2 and No. 6 fuel oils.

Construction of the refinery and related facilities is expected to span approximately 24 to 30 months, and to furnish employment over that period for an average work force of about 2,000 persons. Operation of the refinery will require a permanent work force of about 250 persons. The preliminary estimated cost to complete construction for the project is $450 million in 1979.

Present plans are to deliver crude oil to the plant site by pipeline from tankers to be docked in the nearby Brunswick or Cape Fear Rivers. The existing shipping channel in the Cape Fear River is maintained to a minimum depth of 38 feet. The Brunswick River is not maintained and would require significant dredging for docking facilities.

The alternatives that are presently being considered by BECO involve different pipeline routes for transporting crude oil and products between the plant and docking facilities either in the Brunswick or Cape Fear Rivers.

Two scoping meetings will be held to determine issues to be addressed in the DEIS and for identifying the significant issues related to the proposed action. The meetings are scheduled as follows:

1. May 22, 1979, 7:30 p.m.

Cafeteria,
Brunswick County Office Complex; Bolivia, NC.

2. May 23, 1979, 7:30 p.m.

Wake County Courthouse,
Seventh Floor, Room 700,
316 Fayetteville Mall,
Raleigh, NC.

All affected Federal, State, and local agencies, and all other interested persons or groups are encouraged to attend these meetings. Written and oral comments will be taken at the meetings and written comments accepted within 10 days after the meetings. As a result of these meetings a scope of work will be developed for the DEIS. This scope will be made available for public review and comment.

The merits of the applicant's proposal will not be debated at these meetings. The purpose of the meetings is to assist in developing the scope of the required EIS. The Wilmington District Corps of engineers will conduct an exhaustive "public interest review" of this proposal which will coincide with the publication of the Draft Environmental Impact Statement (DEIS). Public and agency comment on the merits of the project, both verbal and written, will be received in the administrative record of the permit application at that time. It is anticipated that the DEIS should be released for review and comment in the summer of 1980. Representatives of several North Carolina regulatory agencies will participate in conducting the scoping meetings. In addition BECO must receive some 12 state authorizations prior to construction and/or operation of the proposed facility. Also the state has formed a Technical Advisory Committee, of which the Corps is a member, to assist the applicant through the permit processes.

The significant issues to be analyzed indepth in the DEIS will probably be air pollution, oil spills, impacts on endangered and threatened species, energy needs, and socioeconomic impacts. Consultations under Section 7 of the Endangered Species act are anticipated regarding impacts on endangered and threatened species.

Questions about the proposed action and DEIS can be answered by Mr. Frank Yelverton, Special Projects Manager, Regulatory Functions Branch, Wilmington District Corps of Engineers, PO Box 1890, Wilmington, North Carolina 28402, telephone (919) 343–4640, (FTS) 671–4640.

A. A. Kopcsak,
Major, Corps of Engineers, Deputy District Engineer.

[FR Doc. 79-13780 Filed 5-2-79; 8:45 am]

BILLING CODE 3710-6N-M

Office of the Secretary of Defense

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 26 June 1979, at National Bureau of Standards, 325 Broadway, Boulder, Colorado 80303.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. section 552b(c) (1) (1976), and that accordingly, this meeting will be closed to the public.

H. E. Lofdahl,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

April 30, 1979.

[FR Doc. 79-13797 Filed 5-2-79; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session June 6, 1979 at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

H. E. Lofdahl,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

April 30, 1979.

[FR Doc. 79-13798 Filed 5-2-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Appalachian Exploration & Development, Inc., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 17, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of West Virginia, Department of Mines, Oil and Gas Division

FERC Control Number: JD79–5251
API Well Number: 47–0792–0923–0000
Section of NGPA: 103
Operator: Appalachian Exploration & Devel., Inc.
Well Name: Putnam Land B–10
Field: Union
County: Putnam
Purchaser: Cabot Corporation
Volume: 31.9 MMcf.

FERC Control Number: JD79–5252
API Well Number: 47–0812–0428–0000
Section of NGPA: 102
Operator: Appalachian Exploration & Devel., Inc.
Well Name: New River #10
Field: Town
County: Raleigh
Purchaser: Cabot Corporation
Volume: 80.3 MMcf.

FERC Control Number: JD79–5253
API Well Number: 47–0792–0871–0000
Section of NGPA: 103
Operator: Appalachian Exploration & Devel., Inc.
Well Name: McLean Heirs A–2
Field: Union
County: Putnam
Purchaser: Cabot Corporation
Volume: 7.7 MMcf.

FERC Control Number: JD79–5254
API Well Number: 47–0792–0866–0000
Section of NGPA: 103
Operator: Appalachian Exploration & Devel., Inc.
Well Name: Hardy Heirs B–3
Field: Union
County: Putnam
Purchaser: Cabot Corporation
Volume: 31.0 MMcf.

FERC Control Number: JD79–5255
API Well Number: 47–0792–0875–0000
Section of NGPA: 103
Operator: Appalachian Exploration & Devel., Inc.
Well Name: Hardy Heirs B–4
Field: Union
County: Putnam
Purchaser: Cabot Corporation
Volume: 25.6 MMcf.

FERC Control Number: JD79–5256
API Well Number: 47–0792–0904–0000
Section of NGPA: 103
Operator: Appalachian Exploration & Devel., Inc.
Well Name: Putnam Land B–8
Field: Union
County: Putnam
Purchaser: Cabot Corporation
Volume: 10.9 MMcf.

FERC Control Number: JD79–5257
API Well Number: 47–0792–0922–0000
Section of NGPA: 103
Operator: Appalachian Exploration & Devel., Inc.
Well Name: Putnam Land B–9
Field: Union
County: Putnam
Purchaser: Cabot Corporation
Volume: 21.9 MMcf.

FERC Control Number: JD79–5258
API Well Number: 47–0792–0870–0000
Section of NGPA: 103
Operator: Appalachian Exploration & Devel., Inc.
Well Name: Putnam Land B–7
Field: Union
County: Putnam
Purchaser: Cabot Corporation
Volume: 36.0 MMcf.

FERC Control Number: JD79–5259
API Well Number: 47–0392–2796–0000
Section of NGPA: 103
Operator: Appalachian Exploration & Devel., Inc.
Well Name: Shonk Land #31
Field: Cabin Creek
County: Kanawha
Purchaser: Consolidated Gas Supply Corporation
Volume: 20.0 MMcf.

FERC Control Number: JD79–5260
API Well Number: 47–005–1248
Section of NGPA: 103
Operator: Ashland Exploration, Inc.
Well Name: Southern Land #8—083121
Field: Logan-Wyoming
County: Boone
Purchaser: Consolidated Gas Supply Corp.
Volume: 146 MMcf.

FERC Control Number: JD79–5261
API Well Number: 47–005–01250
Section of NGPA: 103
Operator: Ashland Exploration, Inc.
Well Name: Southern Land #9—083131
Field: Logan-Wyoming
County: Boone
Purchaser: Consolidated Gas Supply Corp.
Volume: 40 MMcf.

FERC Control Number: JD79–5262
API Well Number: 47–039–03199
Section of NGPA: 103
Operator: Ashland Exploration, Inc.
Well Name: Bedford Land No. 12 079581
Field: Paint Creek Field
County: Kanawha
Purchaser: Columbia Gas Transmission Corp.
Volume:

FERC Control Number: JD79–5263
API Well Number: 47–005–01602
Section of NGPA: 103
Operator: Ashland Exploration, Inc.
Well Name: Southern Land #7—075031
Field: Logan-Wyoming
County: Boone
Purchaser: Consolidated Gas Supply Corp.
Volume: 107 MMcf.

FERC Control Number: JD79–5264
API Well Number: 47–005–00950
Section of NGPA: 103
Operator: Ashland Exploration, Inc.
Well Name: Pardee #59–074871
Field: Logan-Wyoming
County: Logan
Purchaser: Consolidated Gas Supply Corp.
Volume: 30.8 MMcf.

FERC Control Number: JD79–5265
API Well Number: 47–059–00870
Section of NGPA: 103
Operator: Ashland Exploration, Inc.
Well Name: Elk Creek Coal #21 078681
Field: Logan-Wyoming
County: Logan
Purchaser: Consolidated Gas Supply Corp.
Volume: 31.3 MMcf.

FERC Control Number: JD79–5266
API Well Number: 47–007–1209
Section of NGPA: 103
Operator: Trio Petroleum Corp.
Well Name: Humphreys No. 3
Field: Heaters
County: Braxton
Purchaser: Consolidated Gas Supply Corp.
Volume: 23.5 MMcf.

FERC Control Number: JD79–5267
API Well Number: 47–007–1345
Section of NGPA: 103
Operator: Trio Petroleum Corp.
Well Name: Humphreys No. 4
Field: Heaters
County: Braxton
Purchaser: Consolidated Gas Supply Corp.
Volume: 23.5 MMcf.

FERC Control Number: JD79–5268
API Well Number: 47–047–0689
Section of NGPA: 103
Operator: Texas International Petroleum Corp.
Well Name: Pocahontas Land Corp. #A–20
Field: North Fork
County: McDowell
Purchaser: Consolidated Gas Supply Corp.
Volume: 23.7 MMcf.

FERC Control Number: JD79–5269
API Well Number: 47–047–0737
Section of NGPA: 10e
Operator: Texas International Petroleum Corp.
Well Name: Pocahontas Land Corp. #A–44
Field: North Fork
County: McDowell
Purchaser: Consolidated Gas Supply Corp.
Volume: 23.7 MMcf.

FERC Control Number: JD79–5270
API Well Number: 47–049–00321
Section of NGPA: 103
Operator: Phillips Petroleum Company
Well Name: Barth-A No. 1
Field: Neel
County: Marion
Purchaser: Undedicated
Volume: 0.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is

treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E. Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correpondnece concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13827 Filed 5-2-79; 8:45 am]

BILLING CODE 6450-01-M

Beren Corp. et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 5, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Nebraska Oil and Gas Conservation Commission

FERC Control Number: JD79-5022
API Well Number: 26-105-21731
Section of NGPA: 102
Operator: Beren Corporation
Well Name: State of Nebraska "C" No. 1
Field: Undesignated
County: Kimball
Purchaser: None
Volume: 170 MMcf.

FERC Control Number: JD79-5023
API Well Number: 26-105-21649
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Mills No. 2
Field: West Shelda
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 11 MMcf.

FERC Control Number: JD79-5024
API Well Number: 26-105-21715
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Mills No. 3
Field: West Shelda
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 15 MMcf.

FERC Control Number: JD79-5025
API Well Number: 26-105-21639
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Nelson "F" No. 1
Field: Draw
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 21 MMcf.

FERC Control Number: JD79-5026
API Well Number: 26-105-21653
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Nelson "F" No. 2
Field: Draw
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 31 MMcf.

FERC Control Number: JD79-5027
API Well Number: 26-105-21716
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Nelson "F" No. 3
Field: Draw
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 18 MMcf.

FERC Control Number: JD79-5028
API Well Number: 26-105-21717
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Nelson "F" No. 4
Field: Draw
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 5 MMcf.

FERC Control Number: JD79-5029
API Well Number: 26-105-21699
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Rasmussen No. 1
Field: Draw
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 23 MMcf.

FERC Control Number: JD79-5030
API Well Number: 26-033-21801
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Terman No. 1
Field: Undesignated
County: Cheyenne
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 110 MMcf.

FERC Control Number: JD79-5031
API Well Number: 26-105-21654
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Nelson "D" No. 3
Field: West Shelda
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 3 MMcf.

FERC Control Number: JD79-5032
API Well Number: 26-033-21741
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Nelson "H" No. 1
Field: North Draw
County: Cheyenne
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 10 MMcf.

FERC Control Number: JD79-5033
API Well Number: 26-033-21739
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Nelson-Allen No. 2
Field: Draw
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 12 MMcf.

FERC Control Number: JD79-5034
API Well Number: 26-105-21743
Section of NGPA: 102
Operator: Beren Corporation
Well Name: Beal No. 1
Field: Undesignated
County: Kimball
Purchaser: None
Volume: 170 MMcf.

FERC Control Number: JD79-5035
API Well Number: 26-033-21702
Section of NGPA: 103
Operator: Beren Corporation
Well Name: Fleming No. 1
Field: Jennie
County: Cheyenne
Purchaser: None
Volume: 6 MMcf.

FERC Control Number: JD79-5036
API Well Number: 26-033-21755
Section of NGPA: 103
Operator: Beren Corporation
Well Name: Fleming No. 2
Field: Jennie
County: Cheyenne
Purchaser: None
Volume: 157 MMcf.

FERC Control Number: JD79-5037
API Well Number: 26-033-21832
Section of NGPA: 103
Operator: Beren Corporation
Well Name: Fleming No. 3
Field: Jennie
County: Cheyenne
Purchaser: None
Volume: 6 MMcf.

FERC Control Number: JD79-5038
API Well Number: 26-105-21698
Section of NGPA: 102
Operator: Beren Coporation
Well Name: Hansen No. 1
Field: Tyson
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 72 MMcf.

FERC Control Number: JD79-5039
API Well Number: N/A
Section of NGPA: 102
Operator: Evans Energy Inc.
Well Name: #1 Fleming-Brett
Field: Eggleston
County: Cheyenne
Purchaser: None
Volume: 100 MMcf.

FERC Control Number: JD79-5040
API Well Number: N/A
Section of NGPA: 102
Operator: Evans Energy Inc.
Well Name: #1 Nelson
Field: Rohlfing, NE
County: Cheyenne
Purchaser: None
Volume: 50 MMcf.

FERC Control Number: JD79-5041

API Well Number: 26–033–21777
Section of NGPA: 103
Operator: Quest Oil Company
Well Name: Owens No. 1
Field: S. W. Sidney
County: Cheyenne
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 36.5 MMcf.

FERC Control Number: JD79–5042
API Well Number: 26–033–21728
Section of NGPA: 102
Operator: Quest Oil Company
Well Name: Atkins No. 1
Field: S. W. Sidney
County: Cheyenne
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 90.0 MMcf.

FERC Control Number: JD79–5043
API Well Number: 26–105–21303
Section of NGPA: 102
Operator: Brownlie, Wallace, Armstrong and Bander
Well Name: Olsen #1
Field: Jade
County: Kimball
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 14.2000 MMcf.

FERC Control Number: JD79–5044
API Well Number: 26–033–21762
Section of NGPA: 103
Operator: Quest Oil Company
Well Name: Oakley No. 1
Field: S. W. Sidney
County: Cheyenne
Purchaser: Kansas-Nebraska Natural Gas Company
Volume: 36.5 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13809 Filed 5-2-79; 8:45 am]

BILLING CODE 6450-01-M

Croft Petroleum Co. et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 2, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Montana

FERC Control Number: JD79–5000
API Well Number: 25–101 21383
Section of NGPA: 108
Operator: Croft Petroleum Co.
Well Name: State of Montana 16, 639–75 No. 1 (13–9)
Field: Willow Ridge Gas Field NE SW Sec. 9–34N–2I
County: Toole
Purchaser: The Montana Power Co.
Volume: 5,838 Mcf.

FERC Control Number: JD79–5001
API Well Number: 25–101–21481
Section of NGPA: 108
Operator: Croft Petroleum Co.
Well Name: Sun Ag. Inc. (Great Falls) No. 1
Field: Willow Ridge Gas Field NE SW Sec. 21–34N–2I
County: Toole
Purchaser: The Montana Power Co.
Volume: 13, 585 Mcf.

FERC Control Number: JD79–5002
API Well Number: 25–101–21595
Section of NGPA: 108
Operator: Croft Petroleum Co.
Well Name: R. J. Christiaens No. 1
Field: Willow Ridge Gas Field NW SE Sec. 10–34N–2E
County: Toole
Purchaser: The Montana Power Co.
Volume: 10,826 Mcf.

FERC Control Number: JD79–5003
API Well Number: 25–073–21232–00
Section of NGPA: 102
Operator: Antares Oil Corporation
Well Name: State C–1
Field: Unnamed
County: Pondera
Purchaser: Not currently under contract
Volume: 73 MMcf.

FERC Control Number: JD79–5004
API Well Number: 25–071–21568
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 1771 1–1771 R. Anderson
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc
Volume: 18 MMcf.

FERC Control Number: JD79–5005
API Well Number: 25–107–21589
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 0771#1 Harrison-LaRoche Trust
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc
Volume: 30 MMcf.

FERC Control Number: JD79–5006
API Well Number: 25–071–21540
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 1570 1–15 Brown
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc
Volume: 48 MMcf.

FERC Control Number: JD79–5007
API Well Number: 25–071–21491
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 2470 1–24 Brown
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc
Volume: 28 MMcf.

FERC Control Number: JD79–5008
API Well Number: 25–085–21147–00
Section of NGPA: 102
Operator: True Oil Company
Well Name: Krogedal #31–5
Field: Medicine Lake Area
County: Roosevelt
Purchaser: Montana-Dakota Utilities
Volume: 56.0

FERC Control Number: JD79–5009
API Well Number: 25–017–21492
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 2770 1–27 Rose DeMontigny
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc
Volume: 60 MMcf.

FERC Control Number: JD79–5010
API Well Number: 25–071–21541
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 2370 1–23 Brown
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc
Volume: 24 MMcf.

FERC Control Number: JD79–5011
API Well Number: 25–071–21529
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 2871 1–28–37–31 LaRoche-Harrison
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska natural Gas Co., Inc.
Volume: 24 MMcf.

FERC Control Number: JD79–5012
API Well Number: 25–071–21553
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 1470 1–14 LaRoche-Harrison
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.

FERC Control Number: JD79–5013

API Well Number: 25 071 21493
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 3470 #1 Rosella Burns
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc
Volume: 30 MMcf.

FERC Control Number: JD79-5014
API Well Number: 25 101 21453
Section of NGPA: 108
Operator: Croft Petroleum Co.
Well Name: Kolstad-Edminster No. 2
Field: Willow Ridge Gas Field SE SW NW Sec. 15-34N-2E
County: Toole
Purchaser: The Montana Power Co.
Volume: 9483 Mcf.

FERC Control Number: JD79-5015
API Well Number: 33 053 00708
Section of NGPA: 103
Operator: Prosper Energy Corporation
Well Name: No. 1 Haugen 6207
Field: Charlson Deep (Silurian)
County: McKenzie
Purchaser: Contract Pending
Volume: 100* MMcf.

FERC Control Number: JD79-5017
API Well Number: 49 005 24900
Section of NGPA: 103
Operator: J. M. Huber Corporation
Well Name: Keeline-Chase No. 27-3
Field: Hilight
County: Campbell
Purchaser: McCulloch Gas Processing Corp.
Volume: 20 MMcf.

FERC Control Number: JD79-5018
API Well Number: 49 041 20161
Section of NGPA: 102
Operator: Mesa Petroleum Co.
Well Name: Burnt Hill State #2-31
Field: Yellow Creek
County: Uinta
Purchaser: Mountain Fuel Supply Co.
Volume: 3000 MMcf.

FERC Control Number: JD79-5019
API Well Number: 49-019-20377
Section of NGPA: 103
Operator: Phillips Petroleum Building
Well Name: Jepson Draw St. A No. 1
Field: Holler Draw
County: Johnson
Purchaser: Panhandle Eastern Pipe Line Company
Volume: 3 MMcf.

FERC Control Number: JD79-5020
API Well Number: 49-019-20382
Section of NGPA: 103
Operator: Phillips Petroleum Company
Well Name: Streeter C No. 1
Field: Holler Draw
County: Johnson
Purchaser: Panhandle Eastern Pipe Line Company
Volume: 2 MMcf.

FERC Control Number: JD79-5021
API Well Number: 25-071-21485
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 1671 State #1
Field: Bowdoin
County: Phillips
Purchaser: Kansas Nebraska Gas Co., Inc
Volume: 48 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-13822 Filed 5-2-79:8:45 am]
BILLING CODE 6450-01-M

Daniel Oil Co. et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 4, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Louisiana, Department of Natural Resources, Office of Conservation

FERC Control Number: JD79-5353
API Well Number: 1702321222
Section of NGPA: 103
Operator: Daniel Oil Company
Well Name: SL 6938 #1
Field: Grand Lake
County: Cameron Parish
Purchaser: Texas Gas Transmission Corp.
Volume: 600 MMcf.

FERC Control Number: JD79-5354
API Well Number: 1702321155
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: K B Hanszen No. 19-D
Field: Chalkley
County: Cameron Parish
Purchaser: Texas Gas Transmission Corp.
Volume: 365 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-13819 Filed 5-2-79: 8:45 am]
BILLING CODE 6450-01-M

Energy Development Corp.; *et al.*; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 13, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

West Virginia Department of Mines, Oil and Gas Division

FERC Control Number: JD79 5178
API Well Number: 47-047-695
Section of NGPA: 103
Operator: Energy Development Corporation
Well Name: EDC No. 5—McD-695
Field: Big Sandy
County: McDowell
Purchaser: Consolidated Gas Supply Corp.
Volume: 60 MMcf.

FERC Control Number: JD79 5179
API Well Number: 47-067-0418
Section of NGPA: 103
Operator: Texas International Pet. Corp.
Well Name: Mower Lumber Company #1
Field: Jefferson
County: Nicholas County
Purchaser: Equitable Gas Company
Volume: 73.0 MMcf.

FERC Control Number: JD79 5180
API Well Number: 47-109-789
Section of NGPA: 103
Operator: Texas Internaitonal Pet. Corp.
Well Name: Pocahontas Land Corp. A-52
Field: Barkers Ridge
County: Wyoming
Purchaser: Consolidated Gas Supply Corp.
Volume: 36.5 MMcf.

FERC Control Number: JD79 5181
API Well Number: 47-055-0066
Section of NGPA: 103
Operator: Texas International Pet. Corp.
Well Name: Pocahontas Land Corp.
Field: Rock
County: Mercer
Purchaser: Consolidated Gas Supply Corp.
Volume: 50.0 MMcf.

FERC Control Number: JD79 5182
API Well Number: 47-055-0065
Section of NGPA: 103
Operator: Texas International Pet. Corp.
Well Name: Pocahontas Land Corp. D-9
Field: Rock

County: Mercer
Purchaser: Consolidated Gas Supply Corp.
Volume: 25.0 MMcf.

FERC Control Number: JD79 5183
API Well Number: 47-047-750
Section of NGPA: 103
Operator: Energy Development Corporation
Well Name: EDC No. 9—McD-750
Field: Big Sandy
County: McDowell
Purchaser: Consolidated Gas Supply Corp.
Volume: 30 MMcf.

FERC Control Number: JD79 5184
API Well Number: 47-047748
Section of NGPA: 103
Operator: Energy Development Corporation
Well Name: EDC No. 7—McD-748
Field: Big Sandy
County: McDowell
Purchaser: Consolidated Gas Supply Corp.
Volume: 75 MMcf.

FERC Control Number: JD79 5185
API Well Number: 47-047-749
Section of NGPA: 103
Operator: Energy Development Corporation
Well Name: EDC No. 8—McD-749
Field: Big Sandy
County: McDowell
Purchaser: Consolidated Gas Supply Corp.
Volume: 10 MMcf.

FERC Control Number: JD79 5185
API Well Number: 47-047-749
Section of NGPA: 103
Operator: Energy Development Corporation
Well Name: EDC No. 8—McD-749
Field: Big Sandy
County: McDowell
Purchaser: Consolidated Gas Supply Corp.
Volume: 10 MMcf.

FERC Control Number: JD79 5186
API Well Number: 47-047-691
Section of NGPA: 103
Operator: Energy Development Corporation
Well Name: EDC No. 2—McD-691
Field: Big Sandy
County: McDowell
Purchaser: Consolidated Gas Supply Corp.
Volume: 20 MMcf.

FERC Control Number: JD79 5187
API Well Number: 47-047-703
Section of NGPA: 103
Operator: Energy Development Corporation
Well Name: EDC No. 4—McD-703
Field: Big Sandy
County: McDowell
Purchaser: Consolidated Gas Supply Corp.
Volume: 50 MMcf.

FERC Control Number: JD79 5188
API Well Number: 47-047-00776-0000
Section of NGPA: 103
Operator: Cities Service Company
Well Name: Malone "A" #4
Field: Bradshaw
County: McDowell
Purchaser: Columbia Gas Trans. Corp.
Volume: 60.2 MMcf.

The applications for determination in these proceedings together with a copy of description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13829 Filed 5-2-79; 8:45 am]
BILLING CODE 6450-01-M

El Paso Natural Gas Co.; Application

April 20, 1979.

Take notice that on April 2, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-251 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 2,500 Mcf of natural gas per day for the account of Western Gas Interstate Company (WGI), on a best efforts basis, to Southern Union Company (Southern) at certain existing points of delivery located on El Paso's inerstate transmission pipeline system situated in New Mexico and Texas, all as more fully set forth in the application which is on file with the commission and open to public inspection.

El Paso states that WGI has acquired natural gas supplies situated in the San Juan Basin area of New Mexico which are in proximity to El Paso's existing field gathering and other related facilities. WGI seeks to cause such quantities of gas to be tendered to El Paso at an initial point of receipt located in San Juan County, New Mexico, for transportation and delivery by El Paso to certain points on Southern's distribution system located in Curry County, New Mexico and Hutchinson County, Texas, it is stated. In order to assist WGI in making such quantities of gas available to southern, WGI and El Paso have entered into a gas transportation agreement dated January 31, 1979, whereby gas supplies acquired by WGI can be made available for sale by WGI to Southern, so that Southern may continue to serve its high priority end-use requirement customers, it is asserted.

El Paso states that it has agreed to accept at an existing point of receipt, and such other points of receipt as may hereinafter be agreed to, and to transport for WGI's account, up to 2,500 Mcf per day of natural gas acquired by WGI and to redeliver equivalent volumes of gas, less shrinkage if any, to southern for the account of WGI at delivery points in Curry County, New Mexico and Hutchinson County, Texas. It is indicated that El Paso shall have the right to purchase as excess gas, that volume of gas in excess of the gross transportation volume designated by WGI pursuant to the gas transportation agreement between WGI and El Paso.

El Paso also requests authorization to transport gas from additional points of receipt when additional volumes of gas become available to WGI, so long as the quantities of gas transported do not exceed the aggregate total of 2,500 Mcf per day. El Paso requests authorization as well, for the deletion by mutual consent, of points of receipt and delivery as conditions require.

El Paso states that any facilities constructed in furtherance of the agreement would be the responsibility of WGI, unless such facilities constitute an integral part of El Paso's existing interstate transmission pipeline system.

It is stated that pursuant to the agreement, WGI would compensate El Paso through the payment of an administrative fee consisting of one cent for each Mcf of gas delivered at the points of delivery. It is stated further that additional compensation would take the form of the rates in effect as set forth on Sheet No. 1-D.2 of El Paso's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 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 157.70). 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.

Lois D. Cashell,

Acting Secretary.

[Docket No. CP79-251]

[FR Doc. 79-13800 Filed 5-2-79; 8:45 am]

BILLING CODE 6450-01-M

El Paso Natural Gas Co. et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 4, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

New Mexico Oil Conservation Division

FERC Control Number: JD79-2642
API Well Number: 30045216730000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Brookhaven Com H #10
Field: Blanco-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 14.2 MMcf.

FERC Control Number: JD79-2643
API Well Number: 30039062070000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Johnston A Com #1
Field: Blanco, South-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 3.3 MMcf.

FERC Control Number: JD79-2644
API Well Number: 30039062400000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Hamilton Com C #6
Field: Ballard-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 3 MMcf.

FERC Control Number: JD79-2645
API Well Number: 30045064690000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Schultz Com #4
Field: Blanco, South-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 11 MMcf.

FERC Control Number: JD79-2646
API Well Number: 30039068130000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: San Juan 27-5 Unit #18
Field: Tapacito-Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 14 MMcf.

FERC Control Number: JD79-2647
API Well Number: 30045061870000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Huerfano Unit #15
Field: Kutz, West-Pictured Cliffs Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 1.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-13810 Filed 5-2-79; 8:45 am]

BILLING CODE 6450-01-M

Exxon Corp; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 2, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Florida

FERC Control Number: JD79-3037
API Well Number: 0911320172
Section of NCPA: 107
Operator: Exxon Corporation
Well Name: St. Regis Paper Co. No. 6-2
Field: Jay/LEC
County: Santa Rosa
Purchaser: Florida Gas Trans. Co.
Volume: 2300 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-13818 Filed 5-2-79; 8:45 am]

BILLING CODE 6450-01-M

Getty Oil Co. et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979

On April 9, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

New Mexico Oil Conservation Division

FERC Control Number: JD79-2746
API Well Number: N/A
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Getty "2" State No. 1
Field: Undesignated
County: Lea
Purchaser: TUCO Inc.
Volume: 600 MMcf.

FERC Control Number: JD79-2747
API Well Number: 30-025-25672
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Mexico "L" No. 26
Field: Dollarhide
County: Lea
Purchaser: El Paso Natural Gas Company
Volume: 6 MMcf.

FERC Control Number: JD79-2748
API Well Number: 30-025-26070
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: J.W. Sherrell No. 9
Field: Jalmat Gas
County: Lea
Purchaser: El Paso Natural Gas Company
Volume: 60 MMcf.

FERC Control Number: JD79-2749
API Well Number: 30-025-25677
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Myers Langlie-Mattix Unit No. 74
Field: Langlie Mattix

County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 8 MMcf.

FERC Control Number: JD79–2750
API Well Number: 30–025–25945
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Myers Langlie-Mattix Unit No. 60
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 3 MMcf.

FERC Control Number: JD79–2751
API Well Number: 30–025–25949
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Myers Langlie-Mattix Unit No. 168
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 8 MMcf.

FERC Control Number: JD79–2752
API Well Number: 30–025–25948
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Myers Langlie-Mattix Unit No. 131
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 8 MMcf.

FERC Control Number: JD79–2753
API Well Number: 30–025–25947
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Myers Langlie-Mattix Unit No. 92
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 8 MMcf.

FERC Control Number: JD79–2754
API Well Number: 30–025–25946
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Myers Langlie-Mattix Unit No. 76
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 5 MMcf.

FERC Control Number: JD79–2755
API Well Number: 30–025–25878
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Myers Langlie-Mattix Unit No. 75
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 8 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–13811 Filed 5–2–79; 8:45 am]

BILLING CODE 6450–01–M

Getty Oil Co.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 3, 1979, the Federal Energy Regulatory Commission received notice from the North Dakota Geological Survey of a determination pursuant to 18 CFR 274.104 and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

FERC Control Number: JD79–2713
API Well Number: 33053007850
Operator: Getty Oil Company
Well Name: Jens Robertson No. 11–27
Field: Charlson-Silurian
County: McKenzie
Purchaser: Aminoil USA, Inc.
Volume: 70 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–13813 Filed 5–2–79; 8:45 am]

BILLING CODE 6450–01–M

Guadalupe-Blanco River Authority; Petition for Declaratory Order

April 19, 1979.

Take notice that on November 22, 1978, the Guadalupe-Blanco River Authority (hereinafter GBRA or Petitioner) filed a petition under the Federal Power Act (Act), 16 U.S.C. §§ 791a–825r, for an order declaring that six hydroelectric projects and appurtenant facilities owned and operated by the GBRA on the Guadalupe River in Guadalupe and Gonzales Counties, Texas, are not subject to the Commission's licensing jurisdiction. Correspondence with the GBRA on this matter should be addressed to: Larry R. Veselka, Vinson & Elkins, 1101 Connecticut Avenue, NW., Washington, D.C. 20036, and John H. Specht, General Manager, Guadalupe-Blanco River Authority, P.O. Box 271, Seguin, Texas 78155.

The GBRA states that each of the six projects (the dams are named Dunlap, McQueeny, Seguin, Nolte, No. H–4, and No. H–5) was constructed prior to 1935, that the Guadalupe River is non-navigable above River Mile 175.9 and that all six projects are located above this point, and that there has been no constructin since 1935 that would require the filing of a declaration of intent pursuant to Section 23(b) of the Act (16 U.S.C. § 817).

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 June 4, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

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

Lois D. Cashell,
Acting Secretary.

[Docket No. EL79–4]

[FR Doc. 79–13801 Filed 5–2–79; 8:45 am]

BILLING CODE 6450–01–M

Gulf Oil Co. *et al.*; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 17, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

North Dakota State Industrial Commission, Oil and Gas Division

FERC Control Number: JD79–5271
API Well Number: 33–025–00064
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: State 1–18–3D
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 55 MMcf.

FERC Control Number: JD79–5272
API Well Number: 33–025–00063
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: P. Marinenko 1–32–1A
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 68 MMcf.

FERC Control Number: JD79–5273
API Well Number: 33–025–00067
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Martin Weber 1–18
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 91 MMcf.

FERC Control Number: JD79–5274
API Well Number: 33–025–00700
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Glovatsky 1–17–4A
Field: Little Knife
County: Dunn
Purchaser: Montana Dakota Utilities
Volume: 24 MMcf.

FERC Control Number: JD79–5275
API Well Number: 33–007–00226
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Tarnavsky 1–9–2D
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 176 MMcf.

FERC Control Number: JD79–5276
API Well Number: 33–007–00239
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Tedrow 2–11–4A
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 58 MMcf.

FERC Control Number: JD79–5277
API Well Number: 33–007–00210
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Kasimer Schmalz 1–12–4D
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 10 MMcf.

FERC Control Number: JD79–5278
API Well Number: 33–007–00243
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Radloff 1–28–1B
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 14 MMcf.

FERC Control Number: JD79–5279
API Well Number: 33–007–00267
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Burian 1–15–2B
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 21 MMcf.

FERC Control Number: JD79–5280
API Well Number: 33–007–00265
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Radloff 5–21–3B
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 38 MMcf.

FERC Control Number: JD79–5281
API Well Number: 33–007–00221
Section of NGPA: 102
Operator: Gulf Oil Corporation
Well Name: Zabolotny 1–3–4A
Field: Little Knife
County: Billings
Purchaser: Montana Dakota Utilities
Volume: 241 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79–13815 Filed 5–2–79; 8:45 am]
BILLING CODE 6450–01–M

Horace F. McKay, Jr.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 4, 1979, the Federal Energy Regulatory Commission received notice from the New Mexico Oil Conservation Division of a determination pursuant to 18 CFR 274.104 and Section 103 of the Natural Gas Policy Act of 1978 applicable to:

FERC Control Number: JD79–2773
API Well Number: 30–045–23265 00
Operator: Horace F. McKay, Jr.
Well Name: Sullivan No. 3A
Field: Aztec/Fruitland
County: San Juan County
Purchaser: El Paso Natural Gas Co.
Volume: 54 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E. Washington, D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79–13812 Filed 5–2–79; 8:45 am]
BILLING CODE 6450–01–M

Hunt Energy Corp. et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 5, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Michigan, Department of Natural Resources

FERC Control Number: JD79–5057.
API Well Number:
Section of NGPA: 102.
Operator: Hunt Energy Corporation, et al.
Well Name: Bray et al., No. 2–30, 32392.
Field: Winterfield–30 Field.
County: Clare.
Purchaser: Consumers Power Company.
Volume: 10 MMcf.

FERC Control Number: JD79–5058.
API Well Number:
Section of NGPA: 102.
Operator: Hunt Energy Corporation, et al.
Well Name: Bray et al., No. 1–30, 32385.
Field: Winterfield–30 Field.
County: Clare.
Purchaser: Consumers Power Company.
Volume: 10 MMcf.

FERC Control Number: JD79–5059.
API Well Number: 31804.
Section of NGPA: 102.
Operator: Northern Michigan Exploration Company.
Well Name: Miller Brothers State-Cleon "24".
Field: Cleon "24" Field.
County: Manistee.
Purchaser: Consumers Power Company.
Volume: 45 MMcf.

FERC Control Number: JD79–5060.
API Well Number: 3222.
Section of NGPA: 102.
Operator: Northern Michigan Exploration Company.
Well Name: NOMECO Can. Creek Ranch Assoc., Herzog 1–1.
Field: Montmorency "14" Field.
County: Montmorency.
Purchaser: Consumers Power Company.
Volume: 3.7 MMcf.

FERC Control Number: JD79–5061.
API Well Number: 31873.
Section of NGPA: 102.
Operator: Northern Michigan Exploration Company.
Well Name: Shell Drotleff No. 1–31.
Field: Cleon "21" Field.
County: Manistee.
Purchaser: Consumers Power Company.
Volume: 80 MMcf.

FERC Control Number: JD79–5062.
API Well Number: 32248.
Section of NGPA: 102.
Operator: Northern Michigan Exploration Company.
Well Name: NOMECO Shumsky 3–22.
Field: Blair "22A".
County: Grand Traverse.
Purchaser: Consumers Power Company.
Volume: 400 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–13821 Filed 5–2–79; 8:45 am]
BILLING CODE 6450–01–M

Michigan Wisconsin Pipe Line Co.; Petition To Amend

April 20, 1979.

Take notice that on April 17, 1979, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP70–22 a petition to amend further the order issued April 30, 1970, as amended, in said docket pursuant to Section 3 of the National Gas Act so as to authorize Petitioner to continue to import natural gas from Canada to the United States at the increased border price of $2.30 (U.S.) per million Btu's equivalent established by the National Energy Board of Canada (NEB), effective May 1, 1979, all as more fully set forth in the petition to amend further which is on file with the Commission and open to public inspection.

It is indicated that the subject gas is purchased from TransCanada Pipelines Limited (TransCanada) at the current border price of $2.16 (U.S.) per million Btu's and is imported at a point on the international boundary near Emerson, Manitoba. It is further indicated that TransCanada exports the gas pursuant to export license GL–38. Petitioner states that natural gas imported from Canada forms a vital portion of its gas supply and that unless Petitioner's existing import authorization is amended prior to May 1, 1979, to provide for payment of the increased rate, Petitioner would be faced with the termination of its gas supply from TransCanada.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 26, 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.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP70–22]
[FR Doc. 79–13802 Filed 5–2–79; 8:45 am]
BILLING CODE 6450–01–M

Midlands Gas Corp., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 6, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Montana Department of Natural Resources & Conservation, Board of Oil and Gas Conservation

FERC Control Number: JD79–5045.
API Well Number: 25 071 21308.
Section of NGPA: 102.
Operator: Midlands Gas Corporation.
Well Name: 3670 No. 1 State.
Field: Bowdoin.
County: Phillips.
Purchaser: Kansas-Nebraska Natural Gas Company, Inc.
Volume: 42 MMcf.

FERC Control Number: JD79–5046.
API Well Number: 25 071 21526.
Section of NGPA: 102.
Operator: Midlands Gas Corporation.
Well Name: 3471 1–34 Westergaard.
Field: Bowdoin.
County: Phillips.
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 30 MMcf.

FERC Control Number: JD79–5047.
API Well Number: 25 071 21441.
Section of NGPA: 102.
Operator: Midlands Gas Corporation.
Well Name: 3170 No. 1 Comptron.
Field: Bowdoin.
County: Phillips.
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 24 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–13808 Filed 5–2–79; 8:45 am]
BILLING CODE 6450–01–M

Monsanto Co.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 5, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Oil and Gas Conservation Commission, State of Wyoming

FERC Control Number: JD79–2880.
API Well Number: 491320634.
Section of NGPA: 102.
Operator: Monsanto Company.

Well Name: MDU Lybyer No. 1-38.
Field: Madden.
County: Fremont.
Purchaser: Colorado Interstate Gas Company.
Volume: 69 MMcf.

FERC Control Number: JD79-2881.
API Well Number: 4901320745.
Section of NGPA: 102.
Operator: Monsanto Company.
Well Name: Spratt No. 1-4.
Field: Madden.
County: Fremont.
Purchaser: Colorado.
Volume: 585 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13816 Filed 5-2-79; 8:45 am]
BILLING CODE 6450-01-M

The Montana Power Co.; Petition To Amend

April 20, 1979.

Take notice that on April 13, 1979,[1] the Montana Power Company (Montana Power), 40 East Broadway, Butte, Montana 59701, filed in Docket No. CP74-187 a petition to amend further the order issued March 21, 1975, as amended, in said docket pursuant to Section 3 of the Natural Gas Act by authorizing Petitioner to import natural gas from Canada at an increased border price of $2.30 per million Btu's equivalent of natural gas, effective May 1, 1979, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it currently is authorized in the subject docket to import from Canada natural gas purchased from Canadian-Montana Pipe Line Company at a price of $2.16 per million Btu's and that on March 28, 1979, the Canadian government increased the border price to $2.30 per million Btu's, effective May 1, 1979. Petitioner asserts that it imports from Canada more than 65 percent of the natural gas supply necessary to serve its market and that the ability of Petitioner to meet its customers' requirements and avoid curtailment of service directly depends on continued importation of gas under the authorization granted in the subject docket. Accordingly, Petitioner requests that the order of March 21, 1975, as amended, be further amended to permit Petitioner to import gas purchased at the increased price.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 26, 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.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP74-187]
[FR Doc. 79-13803 Filed 5-2-79; 8:45 am]
BILLING CODE 6450-01-M

[1] The application was initially tendered for filing on April 13, 1979; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 18, 1979; thus, filing was not completed until the latter date.

Natural Gas Pipeline Co. of America; Notice of Application

April 24, 1979.

Take notice that on April 5, 1979, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-255 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 connecting facilities in Jim Hogg and Nueces Counties, Texas, for receipt and redelivery of natural gas transported by Applicant for Houston Pipe Line Company (Houston), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant has been advised by Houston that Houston now owns or controls natural gas in close proximity to Applicant's North East Thompsonville gas supply facilities located in Jim Hogg County, Texas. Houston states that these supplies of gas exceed the capacity of its existing transmission system and has requested Applicant to transport and redeliver said volumes to Houston in Nueces County, Texas. Accordingly, Applicant and Houston have entered into a gas transportation agreement dated March 27, 1979 pursuant to which Applicant would accept on a best efforts basis, such gas delivered by Houston in Jim Hogg County, Texas, for transportation and redelivery of equivalent volumes, less fuel, to Houston at a point of delivery in Nueces County, Texas. Applicant states it would perform the transportation service pursuant to Subpart A of Part 284 of FERC's Regulations (18 CFR 284.101 *et seq.*) implementing Section 311(a)(1) of the Natural Gas Policy Act of 1978.

Applicant indicates that minor appurtenant facilities would have to be constructed in Jim Hogg County, Texas and that a measuring facility, tap connection, and other appurtenant facilities would be constructed in Nueces County, Texas in order to implement the proposed service.

Applicant estimates the cost of these facilities to be $113,000 which 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 May 16, 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.

[Docket No. CP79-255]
[FR Doc. 79-13804 Filed 5-2-79; 8:45 am]
BILLING CODE 6450-01-M

Northern Natural Gas Co.; Notice of Application

April 20, 1979.

Take notice that on March 29, 1979, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-246 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 small volume sales measuring stations, and the sale and deliver of additional volumes of natural gas in the states of Montana, South Dakota, Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas to 53 right-of-way grantors, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has received numerous requests for service from right-of-way grantors whose easements provide for the contractual right to gas service as partial consideration for the easement to construct and operate pipeline facilities across their property. Applicant requests authorization to construct and operate 46 small volume sales measuring stations in Minnesota, South Dakota, Iowa, Nebraska, Kansas, and Texas in order to sell natural gas to rights-of-way grantors through its Peoples Division. The firm volumes to be delivered would be provided from Peoples Division's presently authorized contract demand.

Applicant indicates that granting of the proposed service to the 5 right-of-way grantors in Oklahoma would result in an increase in annual sales to Southern Union Gas Company (So Union), under Rate Schedule X-46, of 8,234 Mcf, requiring an increase in the authorized annual sales from 746,469 Mcf to 754,703 Mcf. Applicant further indicates that the granting of the proposed service to 1 of its pipeline right-of-way grantors in Texas with annual heating requirements of 188 Mcf would result in a total annual authorized sales of 2,294,2407 Mcf to West Texas Gas, Incorporated (WTN) which resells the gas to Applicant's right-of-way grantors. Applicant states that it has received a request from one individual in rural Hill County, Montana, who, being right-of-way grantor desires natural gas service from Applicant's pipeline. Such service would be rendered pursuant to a farm tap service contract between Applicant and the new customer, it is stated.

The Applicant states that the small volume industrial, commercial and residential service would provide necessary natural gas volumes for individual rural dwellings for space heating, cooking, water heating and clothes drying appliances; seasonal use by farms as irrigation engine fuel; seasonal use by farms in direct firing of agricultural crop drying equipment and for space heating farm buildings.

The total cost of the facilities proposed to be constructed is $62,030, which cost Applicant proposes to finance from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 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.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP79-246]
[FR Doc. 79-13806 Filed 5-2-79; 8:45 am]
BILLING CODE 6450-01-M

Northwest Alaskan Pipeline Co.; Order Consolidating Proceedings, Establishing Procedures, Granting Interventions and Initiating Hearings

April 20, 1979.

In the matter of Northwest Alaskan Pipeline Co.; Northwest Pipeline Corp.; El Paso Natural Gas Co.; Pacific Interstate Transmission Co.; Northwest Alaskan Pipeline Co.; Pacific Gas Transmission Co.; Northwest Alaskan Pipeline Co.; Northern Border Pipeline Co.

On April 5, 1978, Northwest Alaskan Pipeline Company (Northwest Alaskan) filed in Docket Nos. CP78-123, *et al.*, two applications, pursuant to Section 3 of the Natural Gas Act and Sections 5 and 9 of the Alaska Natural Gas Transportation Act (ANGTA), requesting the Commission to grant conditional authorization for the importation of natural gas from Canada. In these applications, Northwest Alaskan requested authorization to import, on an average daily basis, up to 240,000 Mcf of gas at an existing import point on the U.S.-Canada Boundary near Kingsgate, British Columbia and up to 800,000 Mcf of gas per day at a proposed import point on the U.S.-Canadian Boundary in the vicinity of Monchy, Saskatchewan. Northwest Alaskan proposes to purchase such gas from Pan-Alberta Gas, Ltd. (Pan-Alberta) [1] pursuant to the terms of contracts dated March 9, 1978. It asserts that this purchase will facilities the pre-building of the southern portions of the Alaskan Natural Gas Transportation System (ANGTS). In one application, Northwest Alaskan requested import authorization for a sale to Pacific Interstate Transmission Company (Pac-Interstate) for ultimate delivery to markets served by Southern California Gas Company (So-Cal). In the second application, Northwest Alaskan requested the import authorization for a sale to United Gas Pipe Line Company (United), Northern Natural Gas Company (Northern), and Panhandle Eastern Pipe Line Company (Panhandle).

[1] Pan-Alberta is an affiliate of Alberta Gas Trunkline Company, Ltd., one of the sponsoring companies for the Canadian segment of the Alaskan Natural Gas Transportation System.

On June 7, 1978, the Commission granted conditional approval of the requested import authorizations. On July 24, and August 4, 1978, the Commission issued orders denying petitions for rehearing and reconsideration of the June 7, 1978 order.

The Commission's June 7, July 24 and August 4, 1978 orders granting conditional import authorizations were affirmed by the United States Court of Appeals for the District of Columbia Circuit in *Midwestern Gas Transmission Company* v. *FERC*, 589 F.2d 603 (1978).

Subsequent to the issuance of the conditional import authorization and judicial review thereof, other related applications have been filed as follows:

Western Leg

On November 6, 1978, as amended on February 15, 1979, Northwest Alaskan filed an application in Docket No. CP79–59, pursuant to the provisions of Section 7(c) of the Natural Gas Act and ANGTA, for a certification of public convenience and necessity authorizing the sale of a daily average volume of 240,000 Mcf of natural gas to Pac-Interstate for use in market areas served by So-Cal. The volumes to be sold by Northwest Alaskan to Pac-Interstate are those volumes Northwest Alaskan proposes to import pursuant to the prior Commission orders in Docket Nos. CP78–123, *et al.* In order to effectuate delivery of the Canadian gas to So-Cal, Pacific Gas Transmission Company (PGT), Northwest Pipeline Corporation (Northwest), El Paso Natural Gas Company (El Paso), and Pac-Interstate have entered into various arrangements whereby the gas to be imported and sold to Pac-Interstate for delivery to So-Cal would be transported utilizing existing and/or expanded facilities of PGT, Northwest and El Paso.

In its application Northwest Alaskan states that the volumes of natural gas would be delivered into the facilities of Pacific Gas Transmission Company by Alberta Natural Gas Company, Ltd. (ANG) for the accounts of Northwest Alaskan and Pan-Alberta. The sale by Northwest Alaskan to Pac-Interstate would be concurrent with delivery by ANG to PGT at the Kingsgate, British Columbia delivery point.

On November 6, 1978, PGT filed an application in Docket No. CP79–60, pursuant to Section 7(c) of the Natural Gas Act and Section 9 of ANGTA, for a certificate of public convenience and necessity authorizing PGT to construct and operate 160.5 miles of 36-inch pipeline loops to be installed in six sections on PGT's pipeline between the U.S.–Canada Boundary and Stanfield, Oregon and further authorizing the transportation of up to 240,000 Mcf of natural gas per day for Pac-Interstate. In its application, PGT states that the proposed facilities would be a "pre-built" portion of the Western leg of the Alaska Highway Pipeline Project approved by the President and Congress under ANGTA. PGT further states that it would receive the gas at the International Boundary and would transport the gas to Northwest's facilities near Stanfield, Oregon for the account of Pac-Interstate.

On November 6, 1978, Northwest filed an application in Docket No. CP79–56, pursuant to Section 7(c) of the Natural Gas Act and Section 9 of ANGTA, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of 240,000 Mcf per day of natural gas for Pac-Interstate. More specifically, Northwest requests authorization to transport 240,000 Mcf of gas per day from a point of interconnection with the facilities of PGT in the vicinity of Stanfield, Oregon to a point of interconnection with the facilities of El Paso in the vicinity of Ignacio, Colorado.

On November 6, 1978, El Paso filed an application in Docket No. CP79–57, 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 on its existing transmission system and the transportation and delivery of up to 240,000 Mcf of natural gas per day for the account of Pac-Interstate. In its application, El Paso states that it would transport the gas received from Northwest through utilization of its interstate transmission system, expanded as proposed in this application, and deliver said gas to So-Cal at an existing delivery point on the Arizona-California Boundary for Pac-Interstate's account.

On November 6, 1978, Pac-Interstate filed its application in Docket No. CP79–58, pursuant to Section 7(c) of the Natural Gas Act and the Alaska Natural Gas Transportation Act, for a certificate of public convenience and necessity authorizing the sale of natural gas to So-Cal. The Pac-Interstate application requests approval for the sale of up to 240,000 Mcf of natural gas per day to So-Cal.

The above applications for the transportation and sale of the volumes of gas to be imported by Northwest Alaskan were noticed by this Commission on December 4, 1978.

Eastern Leg

On February 1, 1979, as amended on February 15, 1979, Northwest Alaskan filed an application in Docket No. CP79–170, pursuant to Section 7(c) of the Natural Gas Act and the provisions of ANGTA, for a certificate of public convenience and necessity authorizing the sale of a daily average quantity of 800,000 Mcf of natural gas to Northern, Panhandle, and United for use in their respective market areas. The volumes to be sold by Northwest Alaskan to Northern, United and Panhandle are those volumes Northwest Alaskan proposes to import pursuant to the prior Commission orders in Docket Nos. CP78–123, *et al.*

Of the 800,000 Mcf, 200,000 Mcf per day would be initially allocated for sale to Northern, 150,000 Mcf per day would be allocated for sale to Panhandle, and 450,000 Mcf per day would be initially allocated for sale to United. Northwest Alaskan states that with the beginning of the third contract year and each year thereafter, Northern may elect to increase its average daily quantity to 250,000 Mcf and, if Northern so elects, the deliveries to United would be decreased by an equal amount.

Northwest Alaskan proposes to purchase such gas from Pan-Alberta and states that said gas would be delivered into the facilities of Northern Border Pipeline Company (Northern Border) by Foothills Pipeline Saskatchewan, Ltd. (Foothills Saskatchewan) for the accounts of Northwest Alaskan and Pan-Alberta and that this sale would be concurrent with the delivery by Foothills Saskatchewan to Northern Border at the Monchy, Saskatchewan delivery point.

On January 26, 1979, Northern Border filed a supplemental application in Docket No. CP78–124, pursuant to Section 7 of the Natural Gas Act and the provisions of ANGTA, for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation and delivery of those volumes of gas purchased by Northern, United, and Panhandle from Northwest Alaskan. More specifically, Northern Border proposes to prebuild 809 miles of the 42-inch pipeline, extending from a point near Port of Morgan, Montana on the International Border to a point near Ventura, Iowa, which was approved and authorized[2] by the President's Decision

[2] The approved system for the Eastern Leg is 1,117 miles of 42-inch pipeline, extending from the named point on the Canada-U.S. border to Dwight, Illinios (near Chicago). The size of the authorized pipeline is subject only to certification by the Secretary of Energy to the Commission: ". . . whether there has been any material change in the facts regarding

Footnotes continued on next page

and Report on the *Alaskan Natural Gas Transportation System*, issued September 22, 1977. Northen Border states that prebuilding this segment of the approved facilities will permit delivery of Canadian gas directly or by exchange arrangements to the systems of the proposed purchasers (United, Panhandle and Northern).

On February 7 and March 1, 1979, the Commission issued notices of Northwest Alaskan's application in Docket No. CP79–170. On February 7 and 12, 1979, the Commission issued notices of Northern Border's supplemental application.

In accordance with the Commission's Administrative Order No. 3, issued on February 21, 1979, the Director of the Alaska Gas Project Office presided over preliminary, on the record, conferences on March 16, 19 and 20, 1979. The purpose of these preliminary conferences was to encourage the participants to enter into stipulations or other formal or informal agreements that would serve to narrow and define the issues for adjudication. In accordance with Administrative Order No. 3, the Director has reported to the Commission summarizing the results of these on the record discussions and has made certain recommendations for expediting the Commission's consideration of these applications under the mandate of ANGTA. Under Section 9 of ANGTA, these related applications must be expedited and they take precedence over any similar applications before the Commission. We adopt the phasing procedures and expedited procedural dates recommended by the Director, including the consolidation of these related applications for the purposes of hearing.

Discussion

1. Consolidation For Hearing

As noted, the Commission previously has granted conditional import authorization to Northwest Alaskan. This import authorization was conditioned, *inter alia*, upon the related filings for the construction and operation of all necessary facilities, applications for the sale and transportation of the gas in question, final certification of these related arrangements, and final approval of the imports applied for. A majority of the requisite applications have now been filed.[3] Based on the stated interrelationship between these filings and the ANGTS, the Commission conditionally finds that the sales applications of Northwest Alaskan and all related transportation and downstream sales applications may be "necessary or related to the construction and initial operation of the [ANGTS]" within the meaning of ANGTA. Because Section 9 of ANGTA requires this Commission to expedite consideration of and rulings upon applications related to ANGTS, we shall provide for expedited consideration of the instant applications.[4]

For purposes of hearing, the import applications and all related Section 7 applications for both the Eastern and Western legs are consolidated, and the consolidated proceeding shall be subject to the expedited procedures as hereinafter detailed. The downstream Eastern leg applications will be consolidated when filed. The Commission reserves the right to issue separate decisions on the Eastern and Western legs if it subsequently develops after hearing that the applications with respect to one segment are ripe for decision prior to a decision on the applications for the other segment.

2. Phasing of Hearing

Pursuant to our statutory duty to expedite as mandated by ANGTA, the Commission establishes the following hearing procedures.

(1) There appears to be a concensus among the parties that phasing these proceedings will expedite final determination by the Commission.[5] The Commission will, therefore, phase the hearing in the manner hereinafter provided. In order to assure that the Presiding Law Judge is afforded the necessary flexibility to develop a full record in these proceedings, we shall permit him to deviate from the phasing and time schedule provided for in this order under certain limited circumstances. If the Presiding Law Judge is of the view that the state of the record requires augmentation or clarification in order to eliminate some deficiency or misunderstanding, he is free to deviate from the procedures set forth herein in order to cure such a defect. If at the time of Commission decision on the applications the requisite counterpart authorizations have not been issued by Canadian regulatory authorities, the Commission may condition any order approving any aspect of these imports to the issuance of satisfactory Canadian export authorizations.

(2) Phase I will be confined to examination of the relationship between the prebuild project and implementation of the ANGTS as approved by the President the Congress in the *Decision*. The objective of this phase will be development of specific terms and conditions defining the relationship between the prebuild project and the ANGTS as a whole, which conditions are to be attached to any Commission certificates for the prebuild project if subsequently approved by the Commission. In order to facilitate timely development of these conditions, the Presiding Administrative Law Judge is requested to close the record on this Phase and certify it to the Commission no later than July 13, 1979. Briefs to the Commission shall be filed by July 31, 1979, with reply briefs failed by August 13, 1979. To the extent consistent with this time schedule, Phase I should address such matters as: the relationship between the depreciation schedules for the facilities and the allocation of project risks of the pre-built facilities as well as the total ANGTS; the relationship of these imports and related applications to the overall construction and operation of the ANGTS; any specific benefits of the imports to the ANGTS including possible expedition; and the role of the prebuild project in obtaining financing for the project as a whole.

(3) Phase II will be a general examination of the merits of the prebuild project. Phase II will consider whether the proposed imports meet the standards of Section 3 of the Natural Gas Act and should, therefore, be approved in all respects. Phase II will also include issues relating to the Pan-Alberta—Northwest Alaskan gas purchase contracts; the desirability of these imports from a policy standpoint; the need for the gas to be imported; the Northern Border Partnership Agreement; all issues related to facilities utilized for importation, transportation and sale; gas supplies; the environment; right-of-way; all downstream transportation and exchange arrangements; all issues relating to the resale of the imported gas, including marketability; all cost

Footnotes continued from last page
future potential gas supplies for the East or West since the date of this Decision that would warrant certification of such facilities at a different rated capacity than authorized herein." *(Decision*, pp. 39–40).

[3] Additional filings relating to downstream delivery arrangements for gas moving through the Eastern Leg remain to be filed. When filed, the issues raised in such applications shall be heard in Phase II of the hearing process as more fully described hereinafter.

[4] The Court of Appeals for the District of Columbia Circuit in *Midwestern Gas Transmission Company* v. *FERC*, 589 F.2d 603 (1978), has upheld the Commission's determination that the apporved import authority is necessary or related to the construction and initial operation of the ANGTS within the ANGTA, and is therefore entitled to expedited consideration under Section 9 of that Act.

[5] Only a few parties filed comments that related to the proposed phasing of these proceedings. These comments did not express general opposition to phasing of the proceedings as provided for in this order.

estimates and financing plans; and any tariff-related issues which are not decided by the Commission in Docket No. RM 78–12.[6] Phase II shall also include any issue in Phase I whose consideration could not be completed by the date upon which the record in Phase I was certified to the Commission, but shall not reconsider any issue (in particular, the certificate conditions) that was already fully considered in Phase I.

(4) Phase III shall deal with the various proposals that certain parties contend are competitive with the instant proposal and the needs of these parties for continued or additional supplies of Canadian gas.

The Commission will make provision herein for the Presiding Administrative Law Judge designated to preside over these proceedings to convene a prehearing conference after this order issues for the purpose of fixing appropriate procedural dates for the final two phases of the hearing. The Presiding Judge will submit a report to the Commission on or before June 1, 1979, on the procedural schedule he has established.

Michigan Wisconsin Pipeline Company (Michigan Wisconsin) filed certain comments which, while posing no basic objection to the proposed phasing, did request some clarification of the phasing procedures, particularly those relating to the issues set forth above in Phase I as proposed by the project sponsors.[7] Michigan Wisconsin contends that the issue relative to the desirability of these imports and the relationship and benefits of these imports and related applications and facilities to the ANGTS should not be wholly restricted to their Phase I. Michigan Wisconsin asserts that the facts necessary to quantify any basically general testimony called for in Phase I will be presented in subsequent phases and that Phase III is especially relevant to the general desirability issue that the sponsors would have incorporated into Phase I of this hearing.

The basic reason for phasing the testimony in these proceedings is to fulfill our statutory duty, as mandated by ANGTA, to expedite the proceedings relating to the construction of ANGTS. The phasing of the testimony does not in any way preclude the utilization of detailed testimoney introduced in one of the later phases to either support or contest positions taken by parties on any general issues. We do recognize that there may be an essential relationship between the testimony introduced in the various phases provided for in this order. It would be difficult to perceive any objection to a party indicating on the record that portions of the testimony it had presented in a subsequent phase was in support or opposition to a particular presentation made in Phase I. However, no party should be permitted to reiterate any general testimony in any of the subsequent phases. The Presiding Judge has the authority to rule with respect to any disputes between the parties dealing with the scope of the evidence that may be introduced in the various phases.

Midwestern and those parties who contend that they are in a competitive posture with the applicants herein for prospective supplies of Canadian gas request advice relating to the phase in which this issue should be addressed. Phase III is the appropriate place in which to introduce matters relating to their specific needs for Canadian gas and other Canadian import proposals that may be in conflict or competition with the proposal of the applicants. The reservation of the competitive issues for the final phase should facilitate an expeditious and uninterrupted presentation by the applicants and provide those parties that may be in a competitive posture with this proposal with the opportunity of making a full response during the course of their own presentation.

In addition it is possible that the Canadian National Energy Board (N.E.B.) may, before the final phase of these proceedings is concluded, render a determination on one or more of the proposals that certain parties contend are competitive in nature with the proposals of the applicants in the instant proceedings. Such a determination by the N.E.B. could moot or otherwise help clarify the scope of proposals that may be considered as being competitive with the instant proposal to import additional Canadian gas supplies.

Michigan Wisconsin also requests that we clarify whether the "need for the gas to be imported", which is to be addressed by the parties in Phase I, relates to the national need for Canadian gas, or to the needs of the specific importers, or both. In view of the existing energy shortage confronting the nation it would seem that the importation of additional Canadian supplies would tend to ease both the over-all national needs as well as the needs of the specific importers to these consolidated proceedings. It is our opinion that testimony relating both to the national and individual implications of this importation will prove helpful in the development of a full record in these proceedings. However, it would be more consistent with the prescribed procedures to reserve for the final phase of the hearing the needs of those parties alleging that they are involved in proposals that are by nature competitive with those of the applicants.

On April 6, 1979, the Commission issued its Notice of Proposed Rulemaking in Docket No. RM78–12.[8] At this juncture it is not possible to gauge the impact that the final rule promulgated in Docket No. RM78–12 will have with respect to the need for adjudication of the issues that we have included in Phase II. There will of course be no need to adjudicate in these proceedings those tariff-related issues and other Phase II issues pertaining to the pre-delivery of Canadian gas involved herein to the extent that they are decided by the Commission in the rulemaking proceeding. As previously indicated, the Presiding Judge will establish procedural dates for adjudication of the issues set forth in Phase II and reschedule these dates if that becomes necessary due to the final rule that is ultimately issued in Docket No. RM78–12.

The Commission notes that the applicants have the burden of demonstrating that their applications, as filed, meet the requirements of the Natural Gas Act and the Alaska Natural Gas Transportation Act. As a corollary, any party in opposition to the applications, as filed, has the burden of filing evidence to the contrary if such opposition depends upon facts to be established of record. Provision may be made herein by the Presiding Judge for the filing of answering testimony and the parties opposing the applications filed in these proceedings may file such testimony setting forth the basis of their opposition to these applications.

3. Other-Procedural Matters

The project sponsors suggest that the Commission is mandated under the requirements of ANGTA to waive the intermediate decision procedure pursuant to Section 1.30(c) of its rules and regulations. Conversely the Commission Staff and several of the other parties contend that an initial decision from the Presiding Judge would be most helpful to the Commission and

[6] See Notice of Proposed Rulemaking to Set Values for Incentive Rate of Return, Approved Filed Tariffs and Establish Change of Scope and Inflation Adjustment Procedures in Docket No. RM78–12 issued on April 6, 1979.

[7] See Comments filed with the Director of the Alaska Gas Project Office by Michigan Wisconsin in a letter dated March 28, 1979, which comments were adopted by Midwestern Gas Transmission Company (Midwestern) by letter to the Director of the same date.

[8] See footnote 6, *supra*.

that the waiver requested by the project sponsors should not be granted. Motions for waiver of the intermediate decision procedure are normally made at the conclusion of a hearing before the Presiding Judge fixes a briefing schedule. There is usually no need for the Commission to determine, prior to the commencement of the formal hearing, whether the intermediate decision procedure should be waived. However, due to the importance that Phase I may have to the implementation of the over-all project, we find it appropriate to waive the intermediate decision procedure with respect to that phase at this time. The parties will be free to make such a motion with respect to the remaining two phases at the conclusion of the hearing and we will entertain such a request at that time. If at the conclusion of the hearing a request for such a waiver is made and granted, the Commission will also, at that time, fix a suitable briefing schedule.

One further procedural issue should be resolved at this time. While numerous parties have petitioned to intervene in these dockets, many parties have not requested a hearing nor indicated their intent to participate in any hearing. Accordingly, the Commission hereby directs the Presiding Administrative Law Judge to establish procedures for a limited service list for all future filings. While any party who has been granted intervention by our order issued today may be placed on the resticted service list, the Commission notes that in prior cases such as this, a large service list has constituted a burden on the Commission, its Staff and all filing parties. Therefore, the Commission requests that only those parties who find it necessary to receive all future pleadings, filings and evidence, request to be placed on the restricted service list. Of course, all parties to the proceeding will receive all notices and orders of the Commission.

Prior to this order, the Commission granted intervention to a large number of persons in the start-up phase of these proceedings relating to the application filed by Northwest Alaskan in Docket Nos. CP78–123, *et al.*[9] In our June 7, 1978, order we recognized that additional applications will be filed in the overall proceedings in Docket Nos. CP78–123, *et. al.* to cover all of its various phases and segments. We noted in that order that while we will entertain petitions to intervene with respect to these subsequent applications at the appropriate time, we will also extend the party status of a person permitted to intervene in a particular phase of these proceedings to all other phases of the over-all proceedings. We will continue the practice of extending party status, in applications subsequently filed, to any person previously permitted to intervene in the proceedings. Therefore, those persons already permitted to intervene herein are not obliged to make a further filing in order to attain party status in any subsequent applications filed in these proceedings.

The Commission publicly noticed the import applications in Docket Nos. CP78–123, *et al.* on April 12, 1978, and provided in that notice for the filing of petitions to intervene and protests on or before April 21, 1978. A large number of petitions to intervene filed in these proceedings, both timely and untimely, have been granted by the Commission. (See footnote 9, *supra.*). A number of additional untimely petitions and notices of intervention in Docket Nos. CP78–123, *et al.* have since been received by the Commission.[10] All of these petitions will be hereinafter granted.

In our June 7, 1978, order issued in Docket Nos. CP78–123, *et al.*, we made the observation that a number of applications remain to be filed in connection with Northwest Alaskan's application. In that order we granted untimely petitions to intervene, absent the required showing of good cause, because certain of the filings necessary to complete the consolidation were still outstanding. As we have previously indicated in this order, there are still a number of applications outstanding that must be filed before these proceedings can be concluded. Due to the unique problems associated with this complex matter, we will continue, as noted, our policy of authorizing a person permitted to intervene in one docket the right to participate in all other dockets that are now or will be consolidated therewith. Morever, in the unique circumstances of this case, good cause exists to permit all requests for intervention not withstanding that some may have been filed out of time with no showing of cause having been made.

A number of petitions have also been received requesting permission to intervene in the more recently filed applications that relate to specific segments of the over-all project. Some of these petitioners seeking to intervene in specific applications of these consolidated proceedings have not been afforded a party status in any other phase of the over-all proceedings in Docket Nos. CP78–123, *et al.* Therefore, we will grant all of the latter petitioners permission to intervene in the instant consolidated proceedings.[11]

We have attached for reference a copy of the memorandum submitted to the Commission by the Director of the Commission's Alaska Gas Project Office. The views expressed therein do not necessarily reflect the views of the Commission.

The Commission finds: (1) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act and the Alaska Natural Gas Transportation Act that the Commission enter upon a hearing concerning the applications of Northwest Alaskan Pipeline Company, Northern Border Pipeline Company, Pacific Gas Transmission Company, Pacific Interstate Transmission Company, Northwest Pipeline Corporation, El Paso Natural Gas Company and the applications to be filed by Panhandle Eastern Pipe Line Company, Northern Natural Gas Company, and United Gas Pipe Line Company for downstream delivery of the gas subject to these applications.

(2) Participation by the petitioners to intervene listed above may be in the public interest.

(3) Good cause exists to permit those petitioners filing untimely petitions the right to intervene in these proceedings.

[9] See Commission orders issued in these proceedings on June 7, 1978, and August 4, 1978, granting numerous petitions to intervene in the instant proceedings.

[10] Untimely applications to intervene in Docket Nos. CP78–123, *et al.* were filed by the following petitions: North Central Public Service Company, Division of Donovan Companies, Inc., Central Illinois Public Service Company, Wisconsin Natural Gas Company, *supra.* Firstmiss, Inc., Pacific Gas and Electric Company, Great Lakes Transmission Company, the Upper Tananna Development Corporation, General Service Customer Group, The Brooklyn Union Gas Company, Northern States Power Company (Wisconsin and Minnesota), United Mid-Continent Pipeline Company, Minnesota Gas Company, Metropolitan Utilities District of Omaha (2), and Iowa Public Service Company. The Wisconsin Public Service Commission and the Iowa State Commerce Commission have filed notices of intervention in these proceedings.

[11] Timely petitions by petitioners, not previously granted intervention in any of the applications consolidated in the instant proceedings, were filed in specific applications, consolidated for hearing purposes in this order, by the following persons: Entex Inc., Iowa Electric Light and Power Company, General Motors corporation, Washington Natural Gas Company and Southern Union Company. Untimely petitions by petitioners, not previously granted intervention herein, were filed by the following persons in connection with specific applications consolidated for hearing by this order: Public Service Company of Colorado, Western Slope Gas Company, Cheyenne Light Fuel and Power Company, The Department of Water and Power of the City of Los angeles, California, The City of Hawley, Minnesota, Mountain Fuel Supply Company, Property Owners Fruitland/New Plymouth Area, Payette County, Idaho, and The Villages of Hallock, Argyle, Lake Park, Stephen, Warren, Perham and New York Mills, Minnesota.

(4) The applications filed in Docket Nos. CP78–123, CP78–124, CP79–170, CP79–56, CP79–57, CP79–58, CP79–59 and CP79–60 and the applications to be filed by Panhandle Eastern Pipe Line Company, Northern Natural Gas Company and United Gas Pipe Line Company for downstream delivery of the gas subject to these applications, are conditionally found to be necessary or related to the construction and initial operation of the Alaskan Natural Gas Transportation System subject to a final determination that these applications are not inconsistent with the public interest under Section 3 of the Natural Gas Act and that such applications are required by the public convenience and necessity under Section 7 of the Natural Gas Act, where such standard is applicable.

(5) Due to common issues of fact and law consolidation of the foregoing applications is necessary.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7 and 9 thereof, the Alaska Natural Gas Transportation Act, and the Commission's rules and regulations, a public hearing shall be held on the above referenced applications, in the manner provided for in the instant order.

(B) The petitioners named or referenced herein are hereby permitted to intervene as requested subject to the rules of the Commission; provided that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the petitions to intervene, and that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order issued by the Commission in these proceedings.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [18 CFR 3.5(d)], shall convene and preside at a prehearing conference in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, for the purpose of determining an appropriate procedural schedule for the two final phases of the hearing as more fully described in this order. The date to be fixed for the convening of such a prehearing conference should be sufficiently early so that the Presiding Judge can file a report to the Commission, on or before June 1, 1979, with respect to the procedural schedule he has established.

(D) The Presiding Administrative Law Judge designated by the Chief Administrative Law Judge for the purposes set forth in ordering paragraph (C) above shall preside over the hearing provided for in this order, and shall consistent therewith assure its timely commencement, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further rules and any other procedural dates as provided for in this order and in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

Federal Energy Regulatory Commission

April 19, 1979.

Memorandum for the Commission.

From: John B. Adger, Jr., Director, Alaska Gas Project Office.

Subject: Hearing Schedule for "Pre-Build" Applications.

The Commission has now received and noticed almost all of the required filings for the ANGTS sponsors' proposals to construct, in advance of when they would be required for Alaska gas service, certain of the facilities authorized by the President and the Congress under the provisions of the Alaska Natural Gas Transportation Act (ANGTA).[1] The President's Decision and Report to Congress on the Alaska Natural Gas Transportation System [2] mentioned the possibility of a "prebuild project" (see, e.g., pp. 92–93), but left for the Commission any consideration of specific proposals which might be developed.

I held three on-the-record conferences regarding these filings (March 16, 19 and 20, 1979), with a fourth on tariff issues (March 27, 1979), some of which also impact the Eastern Leg proposal. The conferences were useful in getting the parties to substantially agree on what the issues are in this proceeding, and to agree that Commission consideration of the issues can and should be phased.

There are two important timing matters which the Commission should try to accommodate in its consideration of the proposals. First, I understand that the ANGTS sponsors will be seeking financial commitments for the project as a whole later on this year. They have asserted that the pre-build project could facilitate obtaining financing for the project. Thus, the role of the pre-build project in the financing of the entire project should be defined in time to be part presentations to the financial community if it is to have any beneficial effect.

Secondly, the Government of Canada is expected to begin in early summer consideration of specific projects to exports natural gas found surplus to Canada's requirements in the recent report of the National Energy Board.[3] Decisions are expected later this year. Representatives of the Canadian Government have publicly stated[4] that Canada would not approve the Canadian portions of the pre-build project without adequate assurances that the entire project would be completed. Accordingly the Commission at the earliest opportunity should speak to the relationship of the pre-build project to completion of the ANGTS.

In addition to the two timing matters, certain specific aspects of the pre-build project as proposed also require Commission evaluation on a threshold issue basis. In particular, trying the depreciation schedules for the pre-built segments to the length of the Canadian gas supply contracts involves some redistribution of risk from that which was inherent in Northwest's proposal filed with the Federal Power Commission in March of 1977. The short depreciation schedules also raise a question with regard to whether transportation charges based on such schedules would constitute ". . . a fee, surcharge, or other payment in relation to the [ANGTS] * * *", which payments are prohibited prior to completion of the system by finance condition 3 in the *Decision* (pp. 37–38).

Because of matters such as these, I recommend early Commission action in conditioning any approvals which might be granted to the pre-build project with respect to its role in implementation of the rest of the project. I believe the product of Commission consideration of these matters should be a list of specific conditions under which the Commission is prepared to further consider the pre-build applications. I would specifically encourage the Presiding Judge and all

[1] The filings also cover certain facilities which are in addition to those authorized under ANGTA.

[2] Executive Office of the President, Energy Policy and Planning: *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (referred to as "the *Decision*"); September, 1977.

[3] National Energy Board, *Canadian Natural Gas Supply and Requirements*, February, 1979.

[4] See, e.g., the testimony of the Honorable Mitchell Sharp, Commissioner of the Canadian Northern Pipeline Agency, before the Standing Committee in the House of Commons on February 13, 1979, and that of Mr. C. G. Edge, Vice Chairman of the National Energy Board, before the same Committee on February 15, 1979.

parties to explore such conditions fully and completely, but I believe a Commission decision would be best developed directly from the record, and would recommend waiving the initial decision.

[Docket Nos. CP78-123; CP79-56—60; CP79-170; CP78-124]
[FR Doc. 79-13805 Filed 5-1-79; 8:45 am]
BILLING CODE 6450-01-M

Patrich Petroleum Corp. of Michigan; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 5, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274. 104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Michigan Department of Natural Resources

FERC Control Number: JD79-2931
API Well Number: 2110131997
Section of NGPA: 103
Operator: Patrich Petroleum Corporation of Michigan
Well Name: State Springdale 3-27 MI 15425
Field: Springdale 26
County: Manistee
Purchaser: Consumers Power Company
Volume: 73.949 MMcf.

FERC Control Number: JD79-2932
API Well Number: 31804
Section of NGPA: 102
Operator: Northern Michigan Exploration Company
Well Name: NOMECO State-Kalkaska #1-10
Field: Kalkaska "10" Field
County: Kalkaska
Purchaser: Consumers Power Company
Volume: 168 MMcf.

FERC Control Number: JD79-2933
API Well Number: NA
Section of NGPA: 102
Operator: Hunt Energy Corporation et al
Well Name: Bray et al #3-30 32393
Field: Winterfield—30 Field
County: Clare
Purchaser: Consumers Power Company
Volume: 10 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-13820 Filed 5-2-79; 8:45]
BILLING CODE 6450-01-M

Santa Fe Energy Co., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 6, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of California—Resources Agency Department of Conservation Division of Oil and Gas

FERC Control Number: JD79-5048
API Well Number: 111-20765
Section of NGPA: 103
Operator: Santa Fe Energy Company
Well Name: ARCO 12
Field: Ojai-Silverthread
County: Ventura
Purchaser: ARCO Oil and Gas Company
Volume: 8 MMcf.

FERC Control Number: JD79-5049
API Well Number: 111-20813
Section of NGPA: 103
Operator: Santa Fe Energy Company
Well Name: ARCO 13
Field: Ojai-Silverthread
County: Ventura
Purchaser: ARCO Oil and Gas Company
Volume: 6 MMcf.

FERC Control Number: JD79-5050
API Well Number: 111-20843
Section of NGPA: 103
Operator: Santa Fe Energy Company
Well Name: ARCO 20RD
Field: Ojai-Silverthread
County: Ventura
Purchaser: ARCO Oil and Gas Company
Volume: 11 MMcf.

FERC Control Number: JD79-5051
API Well Number: 111-20818
Section of NGPA: 103
Operator: Santa Fe Energy Company
Well Name: Tar Creek 34-28
Field: Sespe
County: Ventura
Purchaser: Shell Oil Company
Volume: 17 MMcf.

FERC Control Number: JD79-5052
API Well Number: 111-20764
Section of NGPA: 103
Operator: Santa Fe Energy Company
Well Name: Tar Creek 43-28
Field: Sespe
County: Ventura
Purchaser: Shell Oil Company
Volume: 7 MMcf.

FERC Control Number: JD79-5053
API Well Number: 111-20844
Section of NGPA: 103
Operator: Santa Fe Energy Company
Well Name: Tar Creek 59V-28
Field: Sespe
County: Ventura
Purchaser: Shell Oil Company
Volume: 1 MMcf.

FERC Control Number: JD79-5054
API Well Number: 111-20835
Section of NGPA: 103
Operator: Santa Fe Energy Company
Well Name: Thornbury-Geis 62-29
Field: Sespe
County: Ventura
Purchaser: Shell Oil Company
Volume: 28 MMcf.

FERC Control Number: JD79-5055
API Well Number: 111-20777
Section of NGPA: 103
Operator: Santa Fe Energy Company
Well Name: Thornbury-Geis 72-29
Field: Sespe
County: Ventura
Purchaser: Shell Oil Company
Volume: 40 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of those final determinations may in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-13817 Filed 5-2-79; 8:45 am]
BILLING CODE 6450-01-M

Stevens Oil Co., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 17, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of New Mexico, Energy and Minerals Department, Oil Conservation Division

FERC Control Number: JD79-5248
API Well Number:
Section of NGPA: 103
Operator: Stevens Oil Company
Well Name: Citgo-State #4
Field: Twin Lakes San Andres

County: Chaves
Purchaser: Stevens Oil Co., Transwestern Pipeline Co.
Volume: 10.0 MMcf.

FERC Control Number: JD79–5249
API Well Number:
Section of NGPA: 103
Operator: Stevens Oil Company
Well Name: O'Brien "E" #2
Field: Twin Lakes San Andres
County: Chaves
Purchaser: Stevens Oil Co., Transwestern Pipeline Co.
Volume: .6 MMcf.

FERC Control Number: JD79–5250
API Well Number:
Section of NGPA: 103
Operator: Stevens Oil Company
Well Name: O'Brien "E" #1
Field: Twin Lakes San Andres
County: Chaves
Purchaser: Stevens Oil Co., Transwestern Pipeline Co.
Volume: 5.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–13823 Filed 5–2–79; 8:45 am]

BILLING CODE 6450–01–M

Terra Resources, Inc., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978.

April 25, 1979.

On April 13, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

North Dakota Geological Survey

FERC Control Number: JD79–5150
API Well Number: 5987 33–053–00676
Section of NGPA: 102
Operator: Terra Resources, Inc.
Well Name: Minnie Olsen 2–18
Field: Bicentennial
County: McKenzie
Purchaser: True Oil Company
Volume: 70 MMcf.

FERC Control Number: JD79–5151
API Well Number: 6026 33–053–00679
Section of NGPA: 102
Operator: Terra Resources, Inc.
Well Name: BNRR 1–19
Field: Bicentennial
County: McKenzie
Purchaser: True Oil Company
Volume: 26 MMcf.

FERC Control Number: JD79–5152
API Well Number: 6308 33–053–00723
Section of NGPA: 102
Operator: Terra Resources, Inc.
Well Name: BNRR 1–7
Field: Bicentennial
County: McKenzie
Purchaser: True Oil Company
Volume: 50 MMcf.

FERC Control Number: JD79–5153
API Well Number: 6508 33–033–00049
Section of NGPA: 102
Operator: Terra Resources, Inc.
Well Name: Messersmith 1–1
Field: Bicentennial
County: Golden Valley
Purchaser: True Oil Company
Volume: 94 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–13814 Filed 5–2–79; 8:45 am]

BILLING CODE 6450–01–M

Triad Oil & Gas Co., Inc., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 9, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

The State Oil and Gas Board of Mississippi

FERC Control Number: JD79–5083
API Well Number: 23–095–20215
Section of NGPA: 102 and 103
Operator: Triad Oil & Gas Co., Inc.
Well Name: Ladner Et Al Weyerhaeuser No. 1
Field: Buttahatchie River Field
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: .483,700 MMcf.

FERC Control Number: JD79–5084
API Well Number: 23–065–20086
Section of NGPA: 107
Operator: System Fuels, Inc.
Well Name: Armstrong 25–11 No. 1 Well
Field: Holiday Creek
County: Jefferson Davis
Purchaser: System Fuels, Inc.
Volume: 1.100 MMcf.

FERC Control Number: JD79–5085
API Well Number: 23–065–20098
Section of NGPA: 107
Operator: System Fuels, Inc.
Well Name: Olin Geiger No. 1 Well
Field: Holiday Creek
County: Jefferson Davis
Purchaser: System Fuels, Inc.
Volume: 330 MMcf.

FERC Control Number: JD79–5086
API Well Number: 23–065–20109
Section of NGPA: 107
Operator: System Fuels, Inc.
Well Name: H. Stringer 24–11 Well No. 1
Field: Holiday Creek
County: Jefferson Davis
Purchaser: None (from System Fuels)
Volume: 800 MMcf.

FERC Control Number: JD79–5087
API Well Number: 23–065–20095
Section of NGPA: 107
Operator: Placid Oil Company
Well Name: C. P. Price No. 1
Field: Bassfield
County: Jefferson Davis
Purchaser: Transcontinental Gas Pipeline Corp.
Volume: 350 MMcf.

FERC Control Number: JD79–5088
API Well Number: 23–07–300030
Section of NGPA: 108
Operator: Gulf Oil Corporation
Well Name: I. H. Bass Et Al CU–C G–3
Field: Baxterville
County: Lamar
Purchaser: United Gas Pipeline Co.
Volume: 15 MMcf.

FERC Control Number: JD79–5089
API Well Number: 23–09–120055
Section of NGPA: 102
Operator: Exxon Corporation
Well Name: HUB Gas Unit 11, No. 1
Field: Hub
County: Marion
Purchaser: Southern Natural Gas Company
Volume: 730 MMcf.

FERC Control Number: JD79–5090
API Well Number: 23–06–520024
Section of NGPA: 108
Operator: Gulf Oil Corporation
Well Name: M. W. Berry Well #3
Field: Gwinville Field
County: Jefferson Davis
Purchaser: United Gas Pipeline Company
Volume: 13 MMcf.

FERC Control Number: JD79–5091
API Well Number: 23–065–20105
Section of NGPA: 107
Operator: Amoco Production Company
Well Name: Sabine—Amoco Unit 32–6 No. 1
Field: Oakvale Field
County: Jefferson Davis
Purchaser: Transcontinental Gas Pipeline Corp.
Volume: 1825 MMcf

FERC Control Number: JD79–5092
API Well Number: 23–017–20013
Section of NGPA: 102
Operator: Ceja Corporation
Well Name: Baskin Heirs Well No. 2
Field: Trebloc
County: Chickasaw
Purchaser: Texas Eastern Transportation Corp.
Volume: 65 MMcf.

FERC Control Number: JD79–5093
API Well Number: 23–017–20015
Section of NGPA: 102 & 103
Operator: Ceja Corporation
Well Name: Pulliam Well No. 1
Field: Trebloc
County: Chickasaw
Purchaser: Texas Eastern Transportation Corp.
Volume: 280 MMcf.

FERC Control Number: JD79–5094
API Well Number: 23–001–21605
Section of NGPA: 102
Operator: Walter W. Heard, Jr.
Well Name: Armstrong—Oakland "A" No. 1
Field: North Cranfield Field
County: Adams County
Purchaser: Southern Natural Gas Company
Volume: 225 MMcf.

FERC Control Number: JD79–5095
API Well Number: 23–10–900077
Section of NGPA: 108
Operator: Gulf Oil Corporation
Well Name: P. E. Norris Well No. 2
Field: Pistol Ridge
County: Pearl River
Purchaser: United Gas Pipeline Company
Volume: 17 MMcf.

FERC Control Number: JD79–5096
API Well Number: 23–031–20042
Section of NGPA: 102
Operator: Mosbacher Production Co.
Well Name: Board of Supervisors 16–14 No. 1
Field: Jaynesville Field
County: Covington County
Purchaser: United Gas Pipeline Company
Volume: 54 MMcf.

FERC Control Number: JD79–5096–A
API Well Number: 23–031–20042
Section of NGPA: 103
Operator: Mosbacher Production Co.
Well Name: Board of Supervisors 16–14 No. 1
Field: Jaynesville Field
County: Covington County
Purchaser: United Gas Pipeline Company
Volume: 54 MMcf.

FERC Control Number: JD79–5097
API Well Number: 23–095–20210
Section of NGPA: 102 & 103
Operator: Triad Oil & Gas Co., Inc.
Well Name: Ladner Et Al Sam Creekmore No. 2
Field: Maple Branch Field
County: Monroe
Purchaser: Tennessee Gas Pipeline Company
Volume: 86,600 MMcf.

FERC Control Number: JD79–5098
API Well Number: 23–045–20057
Section of NGPA: 103
Operator: Phillips Petroleum Company
Well Name: Crosby Estate—C, Well No. 2
Field: Waveland Field
County: Hancock County
Purchaser: United Gas Pipeline Company
Volume: 1,460 MMcf.

FERC Control Number: JD79–5099
API Well Number: 23–031–20039
Section of NGPA: 102
Operator: Mosbacher Production Co.
Well Name: Stroud Polk Unit Well No. 1
Field: Jaynesville Field
County: Covington
Purchaser: United Gas Pipeline Company
Volume: 360 MMcf.

FERC Control Number: JD79–5100
API Well Number: 23–147–20107
Section of NGPA: 103
Operator: Getty Oil Company
Well Name: Stogner 12–8 No. 1
Field: Dexter
County: Walthall
Purchaser: Southern Natural Gas Company
Volume: 720 MMcf.

FERC Control Number: JD79–5101
API Well Number: 23–127–20030
Section of NGPA: 103
Operator: Amax Petroleum Corporation
Well Name: Gordon Reed 22–9 #1–D
Field: Martinville
County: Simpson
Purchaser: United Gas Pipe Line Company
Volume: 90 MMcf.

FERC Control Number: JD79–5102
API Well Number: 23–127–20026
Section of NGPA: 102
Operator: Amax Petrolum Corporation
Well Name: #1 MacGregor 22–9
Field: Martinville
County: Simpson
Purchaser: United Gas Pipe Line Company
Volume: 100 MMcf.

FERC Control Number: JD79–5103
API Well Number: 23–127–20026
Section of NGPA: 102
Operator: Amax Petroleum Corporation
Well Name: #1 MacGregor 22–9
Field: United Gas Pipe Line Company
County: 65 MMcf.
Purchaser:
Volume:

FERC Control Number: JD79–5104
API Well Number: 23–045–20027
Section of NGPA: 102 & 103
Operator: Spooner Petroleum Company
Well Name: Cinque Bambini No. 2 Well
Field: Waveland
County: Hancock
Purchaser: United Gas Pipeline Company
Volume: 550 MMcf.

FERC Control Number: JD79–5105
API Well Number: 23–045–20023
Section of NGPA: 102 & 103
Operator: Spooner Petroleum Company
Well Name: Cinque Bambini No. 1 Well
Field: Waveland
County: Hancock
Purchaser: United Gas Pipeline Company
Volume: 550 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79–13825 Filed 5–2–79; 8:45 am]
BILLING CODE 6450–01–M

Upper Peninsula Power Co.; Order Granting in Part and Denying in Part Application for Rehearing and Granting Intervention

Issued: April 24, 1979.

On March 14, 1979, Upper Peninsula Power Company (UPPCO) filed an application for rehearing of the Commission's order of February 12, 1979 in this docket. UPPCO contends, *inter alia*, that (1) it should be permitted to use the 48 percent Federal income tax rate in effect during its historic Period I test period in computing its cost of service; or that (2) if required to refile using the new 46 percent tax rate, which will be the statutory rate during the effective period of the proposed rate increase, its shareholders should not be required to bear the cost of refiling. UPPCO bases the latter argument on the fact that its use of unadjusted historic cost data was proper for a Period I filing under the Commission's regulations, § 35.13(b)(4)(iii).

The Commission has permitted utilities electing *not* to file an estimated Period II test period to propose adjustment for known and measurable changes to the historic cost data required.[1] Thus UPPCO's claims that the Commission has compelled reflection of the lower tax rate without providing the company an opportunity to show offsetting cost increases is incorrect. Moreover, the statutory change in the applicable federal income tax effective January 1, 1979 is a known and measurable change of such a substantial nature, and one unrelated to other cost of service changes, that the Commission

[1] *e.g., Boston Edison Company*, Docket No. E–8855, Order issued June 18, 1976, pages 7–8.

properly required UPPCO, as well as other utilities, to reflect this adjustment to its historic test year. We therefore deny UPPCO's application for rehearing of our determination that the company must adjust its proposed rates to reflect the 46 percent federal income tax rate in its cost of service.

However, since our regulations do not *require* the making of adjustments to Period I data, we shall grant rehearing on the limited question of whether UPPCO's shareholders should absorb the expense of the refiling. Since UPPCO's filing was in compliance with our regulations, we shall not require it to absorb the cost of refiling to reflect the 46 percent tax rate. However, we shall continue to require utilities filing Period II data to absorb this cost since the statutory federal income tax rate in effect during Period II is the only proper "estimate" of such tax. Since the net benefit to UPPCO's customer may not be more than the cost of refiling, which would ultimately be passed on to the consumer as a regulatory expense, we shall not require interim refiling to reflect the tax rate change in this case.

On March 6, 1979, Wisconsin Electric Power Company filed a late petition to intervene in this proceeding. We find that it may be in the public interest to grant this petition.

UPPCO also seeks rehearing of the Commission's determination that the company's proposed rate increase be suspended for the full five month statutory period. UPPCO contends that the suspension period should be shortened to one day in view of the company's poor current financial condition. Review of UPPCO's rate filing and the application for rehearing indicates that the utility has not demonstrated that its current financial condition warrants any reduction of the suspension period.

The Commission finds: (1) Good cause exists to grant rehearing on the limited issue of whether UPPCO's shareholders must absorb the costs of refiling its rates to reflect the 46 percent federal income tax rate.

(2) UPPCO has shown no new facts or law which would justify granting rehearing of the other issues raised in its application.

The Commission orders: (A) Rehearing is granted to the limited extent that ordering paragraph (E) of our February 12, 1979 order in this docket is hereby amended to delete the second sentence entirely.

(B) Rehearing of all other issues raised in UPPCO's application is hereby denied.

(C) Wisconsin Electric Power Company shall be permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by such intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* that the admission of these intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[Docket No. ER79-107]

[FR Doc. 79-13807 Filed 5-2-79; 8:45 am]

BILLING CODE 6450-01-M

Warrior, Inc., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 25, 1979.

On April 16, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Polciy Act of 1978.

State of New Mexico, Energy and Minerals Department, Oil Conservation Division

FERC Control Number: JD79-5355
API Well Number:
Section of NGPA: 108
Operator: Warrior, Inc.
Well Name: Ida White #2
Field: Eumont Yates Seven Rivers Queen
County: Lea
Purchaser: Phillips Petroleum Co.
Volume: 5 MMcf.

FERC Control Number: JD79-5356
API Well Number:
Section of NGPA: 108
Operator: Warrior, Inc.
Well Name: Alexander #1
Field: Eumont Queen—Gas
County: Lea
Purchaser: Getty Oil Co.
Volume: 10 MMcf.

FERC Control Number: JD79-5357
API Well Number:
Section of NGPA: 108
Operator: Warrior, Inc.
Well Name: Freedman State #2
Field: Jalmat Yates Seven Rivers
County: Lea
Purchaser: Phillips Petroleum Co.
Volume: 2 MMcf.

FERC Control Number: JD79-5358
API Well Number:
Section of NGPA: 108
Operator: Warrior, Inc.
Well Name: Freedman State #1
Field: Jalmat Yates Seven Rivers
County: Lea
Purchaser: Phillips Petroleum Co.
Volume: 1 MMcf.

FERC Control Number: JD79-5359
API Well Number:
Section of NGPA: 108
Operator: Warrior, Inc.
Well Name: State WE "B" #2
Field: Eumont Yates Seven Rivers Queen
County: Lea
Purchaser: Phillips Petroleum Co.
Volume: 3 MMcf.

FERC Control Number: JD79-5360
API Well Number:
Section of NGPA: 108
Operator: Warrior, Inc.
Well Name: State #2
Field: Eumont Yates Seven Rivers Queen
County: Lea
Purchaser: Phillips Petroleum Co.
Volume: 19 MMcf.

FERC Control Number: JD79-5361
API Well Number: 30-045-011228
Section of NGPA: 108
Operator: Consolidated Oil & Gas, Inc.
Well Name: Ripley No. 1 Well
Field: Blanco Mesaverde
County: San Juan
Purchaser: Southern Union Gas Company
Volume: 10.100 MMcf.

FERC Control Number: JD79-5362
API Well Number: 30-045-13142
Section of NGPA: 108
Operator: Consolidated Oil & Gas, Inc.
Well Name: Compass No. 1-22
Field: Basin Dakota
County: San Juan
Purchaser: Southern Union Gas Company
Volume: 10.950 MMcf.

FERC Control Number: JD79-5363
API Well Number:
Section of NGPA: 108
Operator: C & K Petroleum, Inc.
Well Name: Harold Olive Com. No. 1
Field: Carlsbad, South (Wolfcamp)
County: Eddy
Purchaser: El Paso Natural Gas Company
Volume: 13 MMcf.

FERC Control Number: JD79-5364
API Well Number: 30-045-010412
Section of NGPA: 108
Operator: Consolidated Oil & Gas, Inc.
Well Name: Templeton No. 1-27
Field: Basin Dakota
County: San Juan
Purchaser: Southern Union Gas Company
Volume: 9.125 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may in accordance with

18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13824 Filed 5-2-79; 8:45 am]
BILLING CODE 6450-01-M]

ENVIRONMENTAL PROTECTION AGENCY

Arkansas and Louisiana; Specific Exemptions To Use Avitrol To Control Blackbird Depredation on Newly Seeded Rice Fields

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemptions.

SUMMARY: EPA has issued specific exemptions to the States of Arkansas and Louisiana (hereafter referred to by State or as the "Applicants") to use Avitrol (0.03 percent active 4-aminopyridine) to control blackbird depredation of newly seeded rice fields. The specific exemptions end on June 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E-315, Washington, D.C., Telephone 202/755-4851.

SUPPLEMENTARY INFORMATION: According to the Applicants, blackbird depredation of small grains is a recurring problem in Arkansas and Louisiana. Although the problem is usually associated with maturing grain, in the case of rice, blackbirds consume the newly planted rice seeds and seedlings. Significant yield losses result from the activity of large flocks of blackbirds which roost in these areas or stop to feed as they migrate northward.

Aerial broadcast seeding, a common agricultural practice, has contributed to the problem. The exposed seed grain is vulnerable to blackbird attack from seed stage until such time as the seedlings become established. There is a 6-8 week critical period, depending on moisture conditions.

The Applicants reported that blackbird damage causes not only a significant reduction of yield at harvest, but also ncessitates reseeding. Louisiana reported that reseeding cost $30 per acre in 1978. Arkansas estimated a $30 million value loss to the rice industry due to the blackbird damage in 1979. The Applicants further reported that the number of blackbird roosts and blackbird population have been increasing significantly.

Prior to the suspension of most aldrin/dieldrin uses, seed rice was treated with aldrin, primarily against rice weevil larvae. According to the Applicants, aldrin also served as a bird repellent. In 1976, with aldrin-treated seed no longer available, blackbird depredation of rice fields became a serious problem. There are no available pesticides registered for bird damage control on rice. Alternatives to chemical control include noise devices, late planting and drill seeding. The Applicants claimed that noise devices become ineffective with their continued use as the birds become accustomed to them, reduced yields and frost damage may result from late planting, and drill seeding is not an acceptable alternative due to soil conditions at time of planting since rice fields are flooded until seeding. In addition, blackbirds attack seedlings as they break through the surface of the ground.

The Applicants proposed to use Avitrol Corn Chops-99 which is composed of a choice bird food impregnated with 4-aminopyridine. Avitrol is an acute poison that is highly toxic to both avian and mammalian species. Birds ingesting Avitrol react with distress symptoms and calls. By limiting the amount of bait available to relatively few birds (only one in one hundred kernels is treated with the toxic chemical), the remainder of the flock can be frightened away from feeding sites with a minimum of mortality. Avitrol Corn Chops-99 is registered for blackbird damage control on corn and sunflowers.

The greatest hazard associated with the use of Avitrol is to non-target avian species (migratory and native waterfowl, upland game birds, shore birds, and songbirds). Numerous waterfowl, upland game birds, shore birds, and songbirds). Numerous waterfowl species utilize rice fields as well as adjacent areas during early spring. Although many of these birds are beginning to migrate north by mid-March, birds that wintered farther south are continually using rice fields as stopover sites on their journey northward. Certain species of waterfowl may be found in these areas by late May. The greatest hazard is to the smaller avian species; however, treated corn kernels may contain more toxic chemical than is required to kill the target species and, therefore, can kill a bird larger than a blackbird. EPA has limited applications of Avitrol to one percent of the total rice acreage in each state to limit the extent of any adverse impact.

A tolerance of 0.1 part per million (ppm) has been established for negligible residues of the bird repellant 4-aminopyridine in or on the raw agricultural commodities corn grain, forage and fodder, and sunflower seeds. EPA has reviewed the data submitted for this use of Avitrol and has determined that residues in or on rice grain or straw would not be expected to exceed 0.1 ppm under this use.

After reviewing the application and other available information, EPA has determined that (a) bird depredation of seeded rice in Arkansas and Louisana is likely to occur; (b) there is no pesticide presently registered and available for use to control bird damage to rice crops; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if birds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until June 30, 1979, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. The EPA-registered product, Avitrol Corn Chops-99 (EPA Reg. No. 11649-12), will be used and applied at a maximum rate of three pounds of product per acre of treated swaths. Avitrol will be applied in 60-foot swaths with a 120-foot swath between treated areas;

2. A maximum of three applications may be made. The second and third applications, if necessary, will be made to untreated swaths to prevent double treatment of the same land;

3. A maximum of 30,000 pounds of Avitrol may be applied to 10,000 acres in Arkansas and a maximum of 18,000 pounds may be applied to 6,000 acres in Louisiana;

4. This product is extremely toxic to wildlife. Care must be taken to keep it out of lakes, streams, or ponds and to prevent contamination of water by cleaning of equipment or disposal of waste;

5. All applicable directions, restrictions and precautions on the EPA-approved label will be observed;

6. Applications will be limited to State-licensed commercial applicators. Records of sale and distribution wil be maintained;

7. A residue level not to exceed 0.1 ppm of 4-aminopyridine in or on rice grain or straw has been deemed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. The Applicants should recommend late seeding, drill seeding, trapping and scare devices as means of mitigating blackbird damage when efficacious and practical;

9. Applicator must report the time and place of application prior to application. Accurate records of these requests must be maintained and this information must be made available to those responsible for supervising applications of Avitrol. In Arkansas, the report may be made to one of the following: (a) State Plant Board, (b) State Cooperative Extension Service, (c) local county Cooperative Extension Service office, or (d) State Plant Board area specialist;

10. In Arkansas, on-site surveillance of all applications will be conducted by personnel of the State Cooperative Extension Service, State Plant Board, Arkansas Game and Fish Commission, or the U.S. Fish and Wildlife Service. In Louisiana, a sufficient number of qualified personnel from the Louisiana Department of Agriculture, Extension Service, State Fish and Game Agencies, and the U.S. Fish and Wildlife Service must be made available to conduct surveillance required under tis exemption. These personnel will be responsible for both pre- and post-treatment surveillance of applications of Avitrol;

11. On-site surveillance of all applications will be conducted. The purpose of the surveillance will be to:

a. Determine that there is a need for the treatment to prevent damage to newly seeded rice fields and that alternative methods of control (trapping and scare devices) are not efficacious or practical, or that bird populations of migratory birds (aside from those specified on the label) are found, and

b. Prohibit the application of Avitrol in areas where high populations of migratory birds (aside from those specified on the label) are found, and

c. Confirm that treatment was made in accordance with label precautions and directions and the requirements of the specific exemption;

12. In Arkansas, post-treatment monitoring will be conduted by personnel of the State Cooprative Extension Service, State Plant Board, Arkansas Game and Fish Commission, or the U.S. Fish and Wildlife Service. Post-treatment monitoring in Arkansas will be conducted on not less than one percent of the total acreage treated. Post-treatment monitoring in Louisiana will be conducted on no less than sixty acres. The purpose of post-treatment monitoring will be to:

a. Make observations concerning the effectiveness of the treatment in controlling blackbird damage,

b. Determine by observation and thorough search of the treated fields and of adjacent areas whether target and non-target species have been affected, and

c. Collect water, soil, and rice plant and grain samples from represenative fields for residue analysis;

13. The EPA shall be immediately informed of any adverse effects resulting from this use of Avitrol; and

14. A full report must be submitted to EPA by December 1, 1979.

Statutory Authority: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: April 29, 1979.

James M. Conlon,

Deputy Assistant Administrator for Pesticide Programs.

[FRL 1216-1; OOP-180277]

[FR Doc. 79-13847 Filed 5-2-79; 8:45 am]

BILLING CODE 6560-01-M

Florida Department of Agriculture and Consumer Services; Specific Exemption To Use Methamidophos To Control Leafminers on Celery

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of a Specific exemption.

SUMMARY: EPA has issued a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use Monitor (methamidophos) to control leafminers on 6,500 acres of celery in Florida. The specific exemption ends on June 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Room E-315, Washington, D.C. 20460, Telephone: 202/755-4851.

SUPPLEMENTARY INFORMATION: The primary damage by the vegetable leafminer is caused by the tunneling larvae which destroy the leaf tissue; heavily mined leaves sometimes have nearly 100 percent of their mesophyll (photosynthetic tissue) removed. Leafminer damage to celery results in reduced quality and leaf death; ultimately, the plant branches die. This damage necessitates stripping, trimming, and culling, which drastically reduce yield and quality, the Applicant stated; further, complete fields may be lost or marketed only as a salvage operation by the grower.

According to the Applicant, the registered pesticides are not effective and methamidophos is highly effective as a larvicide and is also an excellent adulticide.

The Applicant proposed to treat commercial celery in the following areas; Zellwood in Orange County; Belle Glade, Pahokee and South Bay in Palm County; Sanford and Oviedo in Seminole County; and Sarasota in Sarasota County. A maximum of five applications made at seven-day intervals was proposed.

EPA has determined that the residue levels of methamidophos in or on celery or celery flakes resulting from the proposed use should not exeed the levels deemed adequate to protect the public health. EPA has imposed limitations to ensure that methamidophos does not adversely affect the environment.

After reviewing the application and other available informtion, EPA has determined that (a) a pest outbreak of leafminers on celery has occurred or is about to occur; (b) there is no effective pesticide presently registered and available for use to control this pest in Florida; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the leafminer is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1979, to the extent and in the manner set forth in the application, subject to the following conditions:

1. The product Monitor 4 is authorized for use at rates of 0.5 to 1.0 active ingredient (a.i.) per acre;

2. A maximum of 6,500 acres may be treated;

3. Applications of Monitor are limited to commerical celery in the areas mentioned above;

4. A maximum of five applications at a rate of 0.5 to 1.0 pound a.i. per acre may be applied;

5. All applications of Monitor must be applied by ground equipment. The minimum spray mixture volume for ground equipment will be twenty-five gallons per acre;

6. Applications of Monitor shall be limited to areas where acceptable scouting techniques show a definite trend of an excessive build up of leafminers. Fields that are not scouted may be treated in accordance with the recommendations of the local extension service;

7. All applications will be made by qualified growers or by commerical State-certified applicators;

8. Field monitoring must be conducted to evaluate adverse effects on birds and small mammals;

9. Monitor is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied or allowed to drift to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

10. Precautions must be taken to avoid or minimize spray drift to non-target areas;

11. Celery treated according to the above provisions is not expected to have residues in excess of 2 parts per million (ppm) methamidophos. Residues of methamidophos in or on dried celery flakes are not expected to exceed 100 ppm. Celery and dried celery flakes with residues not exceeding these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

12. A twenty-one day pre-harvest interval for all treated celery will be observed;

13. The EPA shall be informed immediately of any adverse effects resulting from this use of Monitor;

14. All applicable directions, restrictions, and precautions on the product label must be followed; and

15. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by June 30, 1979.

Statutory Authority: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: April 27, 1979.

James M. Conlon,

Deputy Assistant Administrator for Pesticide Programs.

[PRL 1218-2; OPP-180282]

[FR Doc. 79-13886 Filed 5-2-79; 8:45 am]

BILLING CODE 6560-01-M

Idaho Department of Agriculture; Specific Exemption To Use Pydrin To Control Pear Psylla on Pears

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has issued a specific exemption to the Idaho Department of Agriculture (hereafter referred to as the "Applicant") to use Pydrin to control pear psylla on a maximum of 300 acres of pears in Canyon, Gem, Payette, Twin Falls, and Washington Counties. The specific exemption ends on June 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Room E-315, Washington, D.C. 20460, Telephone: 202/755-4851.

SUPPLEMENTARY INFORMATION: According to the Applicant, pear psylla is a very serious and difficult pest to control. The insect has three distinct developmental forms: the egg, the nymph, and the adult. In addition to a spring generation, there are three to five summer generations of this pest. Adults of the final summer generation are referred to as the over-wintering adults; they survive the winter in cracks and crevices of the bark and buds of pear and other trees. Although adults may be found on many different hosts, development of the immature insect occurs only on pears. Pear psylla causes serious damage, such as pear decline, decreased tree vitality, leaf blackening and leaf drop, tree death, fruit russeting, and reduced fruit size.

According to the Applicant, chemical control of pear psylla begins well before the growing season. In most orchards both a dormant and delayed-dormant (pre-bloom) spray of superior oil plus an insecticide(s) are applied to kill over-wintering adult psylla before they lay their eggs. Because there is little dispersal of pear psylla during the summer months, an effective dormant treatment is extremely important to reduce future summer populations. During the last ten years, perthane and endosulfan have been used in the pre-bloom program to reduce adult psylla populations; however, the Applicant stated that these chemicals have lost their effectiveness in controlling over-wintering adults. For example, endosulfan seems to be effective only during the early nymphal stages; pear psylla have also developed resistance to organophosphates. Therefore, according to the Applicant, the current problem is the unavailability of an efficacious pesticide to control the pest during the summer growing season. The problem has been intensified by the withdrawal of chlordimeform from the market; this pesticide had previously been effective in providing control during this season. Although chlordimeform is still registered for the proposed use, it was not available to pear growers last year and will be unavailable again this year.

The Applicant proposed to use Pydrin 2.4 E.C., manufactured by Shell Chemical Company, which contains cyano (3-phenoxyphenyl) methyl-4-chloro-alpha (1-methylethyl) benzeneacetate. Applications will be made by air and ground at a rate of up to 0.4 pound active ingredient (a.i.) per acre. A maximum of two applications will be made during the dormant to pre-bloom stages of pear tree development. The Applicant estimates losses at 25 to 40 percent of the total crop due to pear psylla damage if Pydrin is not used to control pear psylla. Idaho was tenth in the nation in pear production in 1977, producing 1,800 tons of pears valued at $360,000.

EPA has determined that the proposed use of Pydrin should not result in residue levels exceeding 0.01 part per million (ppm) in or on pears or apples. Secondary residues in meat, fat, and meat byproducts should not exceed the established 0.02 ppm temporary tolerances provided cover crops grown in treated orchards or not fed to livestock. These residue levels have been deemed adequate to protect the public health. After consultation with the Fish and Wildlife Service, U.S. Department of the Interior, EPA has concluded that the proposed use of Pydrin is not likely to jeopardize the continued existence of endangered species or adversely modify their critical habitats.

After reviewing the appliation and other available information, EPA has determined that (a) a pest outbreak of pear psylla has occurred; (b) there is no effective pesticide presently registered and available for use to control the pear psylla in Idaho; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1979 to the extent and in the manner set forth in the

application. The specific exemption is also subject to the following conditions:

1. Pydrin may be applied at a rate of up to 0.4 pound a.i. per acre per application;

2. A maximum of two applications may be made during the dormant to the pre-bloom stages of pear tree development. A maximum of 240 pounds a.i. may be applied;

3. Applications may be made with ground or air equipment;

4. Spray mixture volumes of 3 to 20 gallons will be applied by aircraft, 25 to 400 gallons with ground equipment;

5. A maximum of 300 acres may be treated;

6. All applications will be limited to commercial orchards in the counties named above;

7. All applications will be made by State-certified private or commercial applicators;

8. Precautions will be taken to avoid spray drift to non-target areas;

9. Pydrin is extremely toxic to fish and aquatic invertebrates. Care will be used when applying it in areas adjacent to any body of water. There will be no applications when weather conditions favor run-off or drift. Pydrin will be kept out of lakes, streams, and ponds. Contamination of water caused by cleaning of equipment or disposal of wastes is to be avoided;

10. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied, or allowed to drift, to weeds in bloom on which an economically significant number of bees are actively foraging. The Idaho Cooperative Agricultural Extension Service will provide information on protection of bees;

11. Pears with residue levels of Pydrin not exceeding 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

12. The feeding or grazing of orchard cover crops is prohibited;

13. All applicable directions, restrictions, and precautions on the product label must be followed;

14. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by August 31, 1979; and

15. The EPA shall be immediately informed of any adverse effects resulting from the use of Pydrin in connection with this exemption.

Statutory Authority: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: April 30, 1979.

James M. Conlon,

Deputy Assistant Administrator for Pesticide Programs.

[FRL 1216-3; OPP-180269]

[FR Doc. 79-13845 Filed 5-2-79; 8:45 am]

BILLING CODE 6560-01-M

New Jersey Department of Environmental Protection; Issuance of Specific Exemption To Use Azinphos Methyl To Control Carrot Weevil on Root Parsley and Moss-Curl Parsley

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has issued a specific exemption to the New Jersey Department of Environmental Protection (hereafter referred to as the "Applicant") to use azinphos methyl to control carrot weevil on 320 acres of root and moss-curl parsley in southern New Jersey. This exemption ends on August 15, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Room E-315, Washington, D.C. 20460, Telephone: 202/755-4851.

SUPPLEMENTARY INFORMATION: In the larval stage, the carrot weevil *(Listronotus oregonensis)* is a fat, white, legless grub whose tunneling in parsley destroys the tap root. According to the Applicant, this pest presents a serious threat to the parsley crop in Cumberland and Atlantic Counties, and unless an effective pesticide is made available, parsley growers may lose from $174,000 to $290,000. DDT had provided economic control of this pest, but this use of DDT was cancelled in the early 1970's. Currently, no insecticide is registered for control of carrot weevil on either root parsley or moss-curl parsley.

The Applicant proposed to use the products Guthion 2S (EPA Reg. No. 3125-123) and Guthion 50W (EPA Reg. No. 3129-193), containing the active ingredient (a.i.) azinphos methyl, at a dosage rate of 0.5 pound a.i. per acre. EPA has found azinphos methyl (Guthion) to be effective against carrot weevil on parsley at this rate.

EPA has imposed a 28-day pre-harvest interval restriction. Residues of azinphos methyl resulting from the proposed use will not exceed 2 parts per million (ppm) in root and moss-curl parsley at 28 days after treatment. This level has been deemed adequate to protect the public health. There is no expectation of residues in meat, milk, eggs, or meat by-products as a result of the proposed use and minimal hazard to the environment is anticipated.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of carrot weevil on root parsley and moss-curl parsley has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control the carrot weevil on this crop in New Jersey; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the carrot weevil is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 15, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The products Guthion 2S, EPA Reg. No. 3125-123, and Guthion 50W, Reg. No. 3129-193, manufactured by Chemagro, are authorized;

2. Guthion will be applied at a rate of 0.5 pound a.i. per acre. A maximum of three applications to root parsley and a maximum of five applications to moss-curl parsley may be made;

3. A maximum of 320 acres may be treated;

4. Application may be made by ground and air equipment;

5. No application will be made within 28 days of any harvest;

6. All applications will be made by qualified private and commercial applicators;

7. Residue levels of azinphos methyl are not expected to exceed 2 ppm in moss-curl parsley and in root parsley. Moss-curl parsley and root parsley with residues which are not in excess of these levels may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education and Welfare, has been advised of this action;

8. All applicable directions, restrictions, and precautions on the product label must be followed;

9. Precautions will be taken to avoid or minimize spray drift to non-target areas;

10. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are followed and must submit a report summarizing the results of this program by December 31, 1979;

11. The New Jersey Cooperative Extension Service shall determine the presence of carrot weevil prior to application; and

12. The EPA shall be immediately informed of any adverse effects resulting from the use of Guthion 2S and Guthion 50W in connection with this exemption.

Statutory Authority: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: April 30, 1979.

James M. Conlon,
Deputy Assistant Administrator for Pesticide Programs.

[FRL 1216-4; OPP-180284]
[FR Doc. 79-13844 Filed 5-2-79; 8:45 am]
BILLING CODE 6560-01-M

Office of Toxic Substances; Workshop on Subchronic Toxicity Testing

A workshop on Subchronic Toxicity Testing, sponsored by the Office of Toxic Substances, Environmental Protection Agency, will be held May 21–24, 1979 in the Cosmopolitan Hotel, Denver, Colorado.

The purpose of the workshop is to examine the scientific basis for the various factors incorporated into the experimental design of a subchronic toxicity study. The ultimate objective of the workshop is to provide the rationale for developing cost effective and scientifically sound subchronic toxicity testing procedures. The workshop is expected to provide EPA with a report which will aid the Agency in development of its testing standards and guidelines. Plans are being made to publish the workshop report in scientific journal.

Draft documents produced by working groups into which the workshop is divided will be presented to the workshop on May 24, 1979 from 9:30 a.m. to 2:00 p.m. Each presentation will be followed by an opportunity for public comment. The introductory presentations on May 21, 1979 9:00 a.m. will be open to the public. Public participation in working group meetings will be restricted due to limited conference room space.

Mr. Michael Ryon, Workshop Coordinator, Oak Ridge National Laboratory, Oak Ridge, Tennessee 37830, phone (615) 576–2378 or Dr. Wayne M. Galbraith, Workshop Project Officer, Office of Toxic Substances (TS–792), Environmental Protection Agency, Washington, D.C. 20460, phone (202) 426–2067 will provide additional information.

Dated: April 30, 1979.

Steven D. Jellinek,
Assistant Administrator for Toxic Substances.

[FRL 1215-8; OTS-046002; TS-788]
[FR Doc. 79-13848 Filed 5-2-79; 8:45 am]
BILLING CODE 6560-01-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: April 25, 1979.

Released: April 26, 1979.

By the 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 June 14, 1979, the TV and FM translator applications 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 June 13, 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 June 13, 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.

UHF TV Translator Applications

BPTT—780901IF (New) Jackson, Alabama, Alabama Educational Television Commission. Req: Channel 58, 734–740 MHz, 100 watts Primary: WIIQ–TV, Demopolis, Alabama.

BPTT—781010IK (New) Fergus Falls, Minnesota, Spokane Television, Inc. Req: Channel 55, 716–722 MHz, 100 watts Primary: KTHI–Fargo, North Dakota.

BPTT—781215IF (New) Durango, Colorado, Four States Television, Inc. Req: Channel 66, 782–788 MHz, 100 watts Primary: KIVA–TV, Farmington, New Mexico.

BPTT—781226ID (New) Lund & Preston, Nevada, White Pine Television District. Req: Channel 53, 704–710 MHz, 20 watts Primary: KLAS–TV, Las Vegas, Nevada.

BPTT—781226IE (New) Chautauqua County, Kansas, KOTV, Inc. Req: Channel 58, 734–740 MHz, 100 watts Primary: KOTV–TV, Tulsa, Oklahoma.

BPTT—781226IF (New) Grainola, Oklahoma, KOTV, Inc. Req: Channel 60, 746–752 MHz, 100 watts, Primary: KOTV–TV, Tulsa, Oklahoma.

BPTT—781226IG (New) Ponca City, Oklahoma, KOTV, Inc. Req: Channel 63, 764–770 MHz, 100 watts Primary: KOTV–TV, Tulsa, Oklahoma.

BPTT—781227IG (New) Worthington, Minnesota, Hubbard Broadcasting, Inc. Req: Channel 20, 506–512 MHz, 1000 watts Primary: KSTP–TV, St. Paul, Minnesota.

BPTT—790105IO (New) Silt & Rural Areas & Four Mile Creek, Colorado, Garfield County. Req: Channel 49, 680–686 MHz, 100 watts Primary: KRMA–TV, Denver, Colorado.

BPTT—790110IA (New) Silt & Rural Areas & 4 Mile Creek, Colorado, Garfield County. Req: Channel 47, 668–674 MHz, 100 watts Primary : KWGN–TV, Denver, Colorado.

BPTT—790112IA (New) Rulison & Rural Areas East of Rifle, Colorado, Garfield County. Req: Channel 66, 782–788 MHz, 100 watts Primary: KRMA–TV, Denver, Colorado.

BPTT—790129IH (New) Towaoc, Colorado, Ute Mountain Ute Tribe Of Indians. Req: Channel 57, 728–734 MHz, 1 watt Primary: KGGM–TV, Albuquerque, New Mexico.

BPTT—781222IC (New) Tuscon, Arizona, Seven Hills Television Company. Req: Channel 40, 626–632 MHz, 10 watts Primary: KTVW–TV, Phoenix, Arizona.

BPTT—790115IE (New) Susanville & Herlong, California, Honey Lake Community TV Corporation. Req: Channel 67, 788–794 MHz, 100 watts Primary: KHSL–TV, Chico, California.

BPTT—790116IA (New) Rulison & Rural Areas South Rifle, Colorado, Garfield County. Req: Channel 61, 752–758 MHz, 100 watts Primary: KBTV–TV, Denver, Colorado.

BPTT—790116IB (New) Rulison & Rural Areas East Rifle, Colorado, Garfield County. Req: Channel 63, 764–770 MHz, 100 watts Primary: KOA–TV, Denver, Colorado.

BPTT—790116IC (New) Rulison & Rural Areas South Rifle, Colorado, Garfield County. Req: Channel 68, 794–800 MHz, 100 watts Primary: KWGN–TV, Denver, Colorado.

BPTT—790122IE (New) Aitkin, Minnesota, Hubbard Broadcasting, Inc. Req: Channel 64770–776 MHz, 100 watts Primary: KSTP–TV, St. Paul, Minnesota.

BPTT—790123IA (New) Cauplin & Des Moines, New Mexico, Regents Of The University Of New Mexico And Board Of Education Of The City Of Albuquerque, New Mexico. Req: Channel 55, 716–722 MHz, 1 watt Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790123IB (New) Nolan & Wooton, New Mexico, Regents of the University Of New Mexico And Board Of Education Of The City Of Albuquerque, New Mexico. Req: Channel 58, 734–740 MHz, 1 watt Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790123IC (New) Durango, Colorado, Regents Of The University Of New Mexico And Board Of Education Of The City Of Albuquerque, New Mexico. Req: Channel 59, 740–746 MHz, 100 watts Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790123ID (New) Carrizozo, New Mexico, Regent Of The University Of New Mexico And Board Of Education Of The City Of Albuquerque, New Mexico. Req: Channel 62, 758–764 MHz, 1 watt Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790123IE (New) Las Vegas, New Mexico, Regents Of The University Of New Mexico And Board Of Education Of The City of Albuquerque, New Mexico. Req: Channel 65, 776–782 MHz, 1 watt Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790123IF (New) Wagon Mound, New Mexico, Regents Of The University Of New Mexico And Board of Education Of The City Of Albuquerque, New Mexico. Req: Channel 68, 794–800 MHz, 1 watt Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790123IG (New) Roy & Mosquero, New Mexico, Regents Of The University Of New Mexico And Board Of Education Of The City Of Albuquerque, New Mexico. Req: Channel 69, 800–806 MHz, 2 watts Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790123IH (New) Chama, New Mexico, Regents Of The University Of New Mexico And Board Of Education Of The City Of Albuquerque, New Mexico. Req: Channel 69, 800–806 MHz, 1 watt Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790123II (New) Sheridan, New Mexico, Regents Of The University Of New Mexico And Board Of Education Of The City Of Albuquerque, New Mexico. Req: Channel 69, 800–806 MHz, 1 watt Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790123IJ (New) Taos, New Mexico, Regents Of The University Of New Mexico And Board Of Education Of The City Of Albuquerque, New Mexico. Req: Channel 69, 800–806 MHz, 1 watt Primary: KNME–TV, Albuquerque, New Mexico.

BPTT—790212IC (New) Denver, Colorado, Trinity Broadcasting Of Denver, Inc. Req: Channel 57, 728–734 MHz, 100 watts Primary: KTBN–TV, Fontana, California.

BPTT—790212ID (New) Oklahoma City, Oklahoma, Trinity Broadcasting Of Oklahoma City, Inc. Req: Channel 14, 470–476 MHz, 100 watts Primary: KTBN–TV, Fontana, California.

BPTT—790312IA (New) Mayaguez, Puerto Rico, Ponce Television Corporation. Req: Channel 16, 482–488 MHz, 1000 watts Primary: WRIK–TV, Ponce, Puerto Rico.

BPTT—790102IE (K06AT) Sheridan & Fort Mackenzie, Wyoming, Sheridan TV Translator, Inc. Req: Change principal community to Ft. McKenzie & Big Goose Community, Wyoming, change primary TV Station to KTWO–TV, Channel 2, Casper, Wyoming.

BPTT—790103IA (New) Wrangell, Alaska, Wrangell Radio Group. Req: Channel 9, 186–192 MHz, 10 watts Primary: KENI–TV, KTVA–TV, KIMO–TV, KAKM–TV, KTOC–TV, Juneau, & Anchorage, Alaska.

BPTT—790108IQ (K04BJ) La Pine, Oregon, La Pine TV Corporation. Req: Change primary TV Station to KOIN–TV, Channel 6, Portland, Oregon.

BPTT—790115IF (New) Bat Cave, Gerton, Chimney Rock & Lake Lure, North Carolina, Wometco Skyway Broadcasting, Co. Req: Channel 6, 82–88 MHz, 1 watt Primary: WLOS–TV, Asheville, North Carolina.

BPTT—790122ID (New) Johnson Creek Area, Idaho, Lafe Cox. Req: Channel 13, 210–216 MHz, 1 watt Primary: KIVI–TV, Nampa, Idaho.

BPTT—790326IB (New) Ganado, Arizona, Ganado Community TV Club, Inc. Req: Channel 9, 186–192 MHz, 10 watts Primary: KOB–TV, Albuquerque, New Mexico.

BPTT—790326IC (New) Ganado, Arizona, Ganado Community Television Club. Req: Channel 7, 174–180 MHz, 10 watts Primary: KOAT–TV, Albuquerque, New Mexico.

BPTT—781114ID (New) Cook, Minnesota, Stereo Broadcasting, Inc. Req: Channel 280, 103.9 MHz, 10 watts Primary: WAKX–FM, Duluth, Minnesota.

BPTT—781116ID (New) Orr, Minnesota, Iron Range Broadcasting, Inc. Req: Channel 288, 105.5 MHz, 10 watts Primary: WEVE–FM, Eveleth, Minnesota.

BPTT—781120IO (K276AA) Salida & Buena Vista, Colorado, Chaffee County TV Translator, Association. Req: Change primary station to KCOL–FM, Ft. Collins, Colorado.

BPTT—781127IN (New) Okanogan & Omak, Washington, Omak Jaycees, Inc. Req: Channel 232, 94.3 MHz, 1 watt Primary: KHQ–TV, Spokane, Washington.

BPTT—781130ID (New) Virginia, Minnesota, Ray E. Kent. Req: Channel 269, 101.7 MHz, 10 watts Primary: WAKX–FM, Duluth, Minnesota.

BPTT—781114IC (K209AB) Placerville, Colorado, San Miguel Educational Fund. Req: Change frequency to Channel 288, 105.5 MHz.

BPTT—790412IA (New) Greenville & Erwin, Tennessee, The Moody Bible Institute Of Chicago. Req: Channel 202, 88.3 MHz, 1 watt Primary: WMBW–FM, Chattanooga, Tennessee.

BPTT—790412IB (W217AA) Johnson City, Kingsport & Bristol, Tennessee and Virginia, The Moody Bible Institute Of Chicago. Req: Change frequency to Channel 205, 88.9 MHz, delete Johnson City from present principal community.

BPTT—790412IG (W202AA) Elizabethton, Tennessee, The Moody Bible Institute Of Chicago. Req: Change frequency to Channel 218, 91.5 MHz, add Johnson City to present principal community.

[FR Doc. 79-13739 Filed 5-2-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Expedited Surcharges for Recovery of Carriers' Increased Fuel Costs in the Foreign Commerce of the United States; Order of Investigation and Hearing and Disposition of Petition for Relief

The carriers and conferences listed in Appendix A have filed bunker surcharges to become effective on 30 or more days' notice on the grounds that extraordinary circumstances, not within their control, justify effectiveness on less than the 90 days' notice ordinarily required by section 14b of the Shipping Act, 1916 (46 U.S.C. 813a) (the Act) and by their applicable dual rate Merchant Freighting Contracts.

The Commission also has before it a "Petition for Relief" filed jointly by the Council of American-Flag Ship Operators (CASO), Delta Steamship Lines, Inc. and Waterman Steamship Corporation (Petitioners). This Petition requests that the Commission authorize dual rate contract bunker surcharges on not more than 15 days' notice for ocean carriers in the foreign commerce of the United States "who are confronted with sudden, abnormal and uncontrollable increases in the price of fuel oil necessary for their operations."

Section 14b of the Shipping Act, 1916 (46 U.S.C. 813a) requires:

> . . . that whenever a tariff rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or conference of carriers, it shall not be increased before a reasonable period, but in no case less than 90 days. . . .

In *The Dual Rate Cases* (8 F.M.C. 16 (1964)), the Commission interpreted this part of the statute and prescribed standard dual rate contract clauses to meet such extraordinary circumstances where they exist. These prescribed clauses subsequently were adopted as Articles 14 (a) through (c) Uniform Merchant's Contract promulgated by the Commission in Part 538 of its Rules (46 C.F.R. 538.10). These Articles provide as follows:

> (a) In the event of war, hostilities, warlike operations, embargoes, blockades, regulations of any governmental authority pertaining thereto, or any other official interferences with commercial intercourse arising from the above conditions, which affect the operations of any of the Carriers in the trade covered by this Agreement, the Carrier or Carriers may suspend the effectiveness of this Agreement with respect to the operations affected, and shall notify the Merchant of such suspension. Upon cessation of any cause or causes of suspension set forth in this article and invoked by any Carrier or Carriers, said

Carrier or Carriers shall forthwith reassume its or their rights and obligations hereunder and notify the Merchant on fifteen (15) days' written notice that its suspension is terminated.

(b) In the event of any of the conditions enumerated in Article . . . [the clause set out above] the Carrier or Carriers may increase any rate or rates affected thereby, in order to meet such conditions in lieu of suspension. Such increase or increases shall be on not less than 15 days' written notice to the Merchant, who may notify the Carrier or Carriers in writing not less than 10 days before increases are to become effective of its intention to suspend this Agreement insofar as such increase or increases is or are concerned, and in such event the Agreement shall be suspended as of the effective date of such increase or increases, unless the Carrier or Carriers shall give written notice that such increase or increases have been rescinded and cancelled.

* * * * *

(c) In the event of any extraordinary conditions not enumerated in Article 14(a), which conditions may unduly impede, obstruct, or delay the obligations of the Carrier or Carriers, the Carrier or Carriers may increase any rate or rates affected thereby, in order to meet such conditions; provided, however, that nothing in this article shall be construed to limit the provisions of section 18(b) of the Shipping Act, 1916, in regard to the notice provisions of rate changes. The Merchant may, not less than 10 days before increases are to become effective, notify the Carrier or Carriers that this agreement shall be suspended insofar as the increases are concerned, as of the effective date of the increases, unless the Carrier or Carriers shall give notice that such increase or increases have been rescinded and cancelled.

The Commission has stated the criteria for determining whether a surcharge is permissible on less than 90 days' notice.

The criteria are apparent: The condition must be outside or beyond the carrier's control, the condition must impede or delay the carrier's service, and there must be an emergency, an abnormal condition, or an extraordinary circumstance. *Imposition of Surcharge at United States Atlantic and Gulf Ports on Cargo Moving Between Said Ports and Latin American Ports,* 10 F.M.C. 13, 22 (1966).

Applying these criteria to bunker surcharges, the Commission found, in 1970 and 1971, that certain bunker surcharges were not entitled to expedited effectiveness:

. . . for such conditions as rising salaries, costs of vessels, fuel or increased stevedoring expenses requiring additional freight revenue, 90 days' notice is required because the carrier is expected to anticipate these needs. (Emphasis in original). *Atlantic and Gulf/West Coast of South America Conference—Imposition of Bunker Surcharge on Less than 90-Day Tariff Filing Notice,* 14 F.M.C. 166, 170. *See also, Surcharge of North Atlantic Westbound Freight Association on Commodities Moving Under Wine and Spirits Contract,* 14 F.M.C. 292.

The filing Carriers and Petitioners herein allege that the circumstances of recent actions resulting in higher costs of bunker fuel are quite different from those in 1971 and that the imposition of surcharges on less than 90 days' notice therefore is justified. It is the Commission's responsibility to determine whether that in fact is the case.

Where it is obvious that surcharges do not meet the criteria set forth in standard dual rate contract clauses and Commission precedent, the Commission may summarily reject such filings under section 18(b)(4) of the Shipping Act, 1916. The Commission will not accept dual rate bunker surcharges filed to be effective on 15 days' notice since they do not meet the conditions specified in Paragraphs 14 (a) and (b) of the standard dual rate contract, and the Petition for Relief of CASO is denied to this extent.

On the other hand, dual rate bunker surcharges filed to become effective on 30 or more days' notice because of other extraordinary conditions as set forth in Paragraph 14(c) are not so unjustified on their face as to require summary rejection. Their acceptance for filing, however, does not establish their legality which will be determined by this proceeding. Because the rights of parties to a contract are involved, special permission under section 18(b)(2) of the Shipping Act, 1916 is inapplicable. Rather, an adjudication is necessary to interpret the applicable contract terms and in such a proceeding, the carriers seeking to invoke the emergency provisions of the Merchant's Freight Contract have the burden of proving that the emergency conditions actually exist, and (1) were beyond their control, (2) were not reasonably foreseeable, and (3) significantly impede their operation. This is true even though the bunker surcharges filed were not, or are not, initially rejected.

In addition to those parties and surcharges listed in Appendix A, we are providing that other similar bunker surcharges involving dual rate contract be made part of this proceeding as they are filed. Because time is of the essence, decisions in the individual Sub Dockets will be issued as each Sub Docket is completed. This should do much to alleviate the problem of delay which often accompanies multi-party litigation.

Wherefore, The Commission believes that a formal proceeding is necessary to determine whether or not the bunker surcharges listed in, or to be added to, Appendix A satisfy the extraordinary-conditions clause of the applicable dual rate contract so as to warrant effectiveness on 30 or more days' notice, and, if not, whether or not a violation of section 14b of the Shipping Act, 1916 has occurred.

Therefore, it is ordered, That pursuant to sections 14b, 18 and 22 of the Shipping Act, 1916, an investigation and hearing is hereby commenced to examine bunker surcharges filed by Respondents listed in Appendix A hereto. This investigation shall examine whether such charges:

1. Are the result of any extraordinary conditions, which conditions may unduly impede, obstruct, or delay the obligations of the carrier or carriers; whether they are outside or beyond the carrier's or carriers' control and whether the carrier or carriers, using a high degree of diligence and sound business judgment, should have foreseen or anticipated the conditions upon which the supercharges are based; and

2. Whether the impostions of such bunker surcharges on less than 90 days' notice violates section 14b of the Shipping Act, 1916;

It is further ordered, That those parties filing bunker surcharges shall have the burden of proof with respect to all issues described in the previous ordering paragraph and shall file a copy of their applicable dual rate contract forms;

It is further ordered, That this proceeding be limited to the submission of memoranda of law and affidavits of fact to the extent possible;

It is further ordered, That any requests for discovery or evidentiary hearing must be accompanied by a statement setting forth in detail the facts to be proven or developed, the relevance to the issues in this proceeding, and why such data could not be otherwise developed, or, in the case of requests for evidentiary hearing, why such data could not be submitted, through affidavit;

It is further ordered, That the Council of American Flag Ship Operators, Delta Steamship Lines, Inc., Waterman Steamship Corporation, and the conferences and carriers listed in Appendix A be named Respondents and that Hearing Counsel also be a party to this proceeding;

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties and to participate shall file a Petition for Leave to Intervene pursuant to Rule 72 of the Commission's Rules of

Practice and Procedure (46 C.F.R. 502.72);

It is further ordered, That to the extent necessary, this proceeding shall be divided into Sub Dockets as reflected in Appendix A; that additional Sub Dockets may be added by the Secretary upon his finding that newly filed bunker surcharges should be placed in issue; that the Secretary shall promptly notify such newly designated Respondents of this action; that, upon such notification, those Respondents are made parties to this proceeding; and that the Secretary will determine the various procedural deadlines for such new Sub Dockets commensurate with the procedures set forth below;

It is further ordered, That the following procedural sequence be adhered to in each Sub Docket:

May 11, 1979—Petitions to Intervene;

May 25, 1979—Opening Memoranda of Law and Affidavits of Fact of Petitioner, Respondents and Intervenors;

June 15, 1979—Reply Memoranda of Law and Affidavits of Fact of Hearing Counsel and any other parties to this proceeding desiring to file at this time;

June 22, 1979—Requests for discover, hearing and/or oral argument;

It is further ordered, That a notice of this Order be published in the **Federal Register** and that a copy be served upon all parties of record;

It is further ordered, That, except as provided in Rules 159 and 201(a) of the Commission's Rules of Practice and Procedure (46 C.F.R. 502.159 and 502.201(a)), all documents submitted by any party of record in a Sub Docket of this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 C.F.R. 502.118), as well as mailed directly to all parties of record in such Sub Docket;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, or any Sub Docket thereof, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,
Secretary.

Appendix A

Sub-Docket	Tariff and filer	Date filed	Effective date	Surcharge
	Dominick J. Manfredi, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.			
1	FMC 18, Supp. No. 1	Mar. 6, 1979	Apr. 9, 1979	$8.00 payable ton.
2	FMC 19, Supp. No. 1	Mar. 6, 1979	Apr. 9, 1979	$8.00 payable ton.
3	FMC 20, Supp. No. 1	Mar. 6, 1979	Apr. 9, 1979	$8.00 payable ton.
4	FMC 21, Supp. No. 1	Mar. 6, 1979	Apr. 9, 1979	$8.00 payable ton.
	Dominick J. Manfredi, Chairman, U.S. Great Lakes and St. Lawrence River Ports/West New York, New York 10004.			
5	FMC 5, Supp. No. 1	Mar. 6, 1979	Apr. 9, 1979	$8.00 payable ton.
6	FMC 6, Supp. No. 1	Mar. 6, 1979	Apr. 9, 1979	$8.00 payable ton.
	E. W. Norberg, Chairman, U.S. Atlantic and Gulf-Santo Domingo Conference, 11 Broadway, New York, New York 10004.			
7	FMC 1, 8th Rev. P. 7-A	Mar. 12, 1979	Apr. 11, 1979	$10.00 freight ton.
	E. W. Norberg, Chairman, Leeward and Windward Islands and Guianas Conference, 11 Broadway, New York, New York 10004.			
8	FMC 3, 1st rev. p. 15	Mar. 2, 1979	Apr. 5, 1979	$5.00 per ton W/M.
9	FMC 5, 1st rev. p. 15	Mar. 2, 1979	Apr. 5, 1979	$5.00 per ton W/M.
	E. W. Norberg, Chairman, East Coast Colombia Conference, 11 Broadway, New York, New York 10004.			
10	FMC 3, pp. 6, 7	Mar. 8, 1979	Apr. 9, 1979	$3.00 per ton.
	E. W. Norberg, Chairman, Atlantic and Gulf/West Coast of South America Conference 11 Broadway, New York, New York 10004.			
11	FMC 1	Mar. 8, 1979	Apr. 9, 1979	$3.00 per ton.
	D. Dick, Chairman/Secretary, New York Freight Bureau (Hong Kong), P & O Building, 16th Floor, Hong Kong.			
12	FMC 14, 1st rev. p. 49	Mar. 29, 1979	Apr. 1, 1979	$5.00 revenue ton.
	Henri P. Blok, Chairman, Latin America/Pacific Coast Steamship Conference, 417 Montgomery Street, San Francisco, California 94104.			
13	FMC 2, 12th rev. p. 19-A	Mar. 15, 1979	Apr. 15, 1979	$8.00 W/M.
14	FMC 3, 6th rev. p. 23-A	Mar. 15, 1979	Apr. 15, 1979	$16.00MBM $8.00 W/M.
15	FMC , 9th rev. p. 6	Mar. 15, 1979	Apr. 15, 1979	$16.00MBM $8.00 W/M.
	Eric Brown, Secretary, Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, 10, Place De La Joliette, Marseilles 2E, France.			$16.00MBM.
16	FMC 11, Orig. p. 7-A	Mar. 29, 1079	Apr. 28, 1979	9 Percent.
	Mr. James F. Nash, Chairman, Atlantic and Gulf-Inodonesia Conference, 40 Rector Street, New York, New York 10006.			
17	FMC 6, 1st rev. p. 34	Mar. 12, 1979	Apr. 12, 1979	$10.00 revenue ton.
	H. R. Rollins, Chairman, Pacific-Straits Conference, 320 California Street, Suite 600, San Francisco, California 94120.			
18	FMC 8, 3rd rev. p. 18	Apr. 2, 1979	May 2, 1979	$5.00 revenue ton.
	E. W. Norberg, Chairman, U.S. Atlantic and Gulf-Haiti Conference, 11 Broadway, New York, New York 10004.			
19	FMC 1, 21st rev. p. 8	Apr. 2, 1979	May 2, 1979	$5.00 W/M.
	Mr. M. Torbiak, U.S. Great Lakes/South and East Africa Rate Agreement No. 9509, c/o Farrell Lines, Ltd., One Whitehall Street, New York, New York 10004.			

Appendix A—Continued

Sub-Docket	Tariff and filer	Date filed	Effective date	Surcharge
20	FMC 5, 1st rev. p. 5	Mar. 19, 1979	Apr. 18, 1979	$25.00/cubic meter. $27.75/1,000 klg.
	E. W. Norberg, Chairman, U.S. Atlantic and Gulf-Jamaica Conference, 11 Broadway, New York, New York 10004.			
21	FMC 1, 26th rev. p. 13	Apr. 2, 1979	May 2, 1979	$11.00 freight ton.
	D. Dick, Chairman/Secretary, Trans Pacific Freight Conference, P & O Building, 17th Floor, Des Voeux Road Central, Hong Kong.			
22	FMC 21, 1st rev. p. 65	Mar. 29, 1979	May 1, 1979	$5.00 rev. ton.
	James F. Nash, Chairman, Atlantic and Gulf-Singapore, Malaya and Thailand Conference, 40 Rector Street, New York, New York 10006.			
23	FMC 6, 3rd rev. p. 22	Mar. 12, 1979	Apr. 12, 1979	$10.00 rev. ton.
	Louis P. Kopley, Chairman, North Altantic French Atlantic Freight Conference, 17 Battery Place, New York, New York 10004.			
24	FMC 4, 10th rev. p. 4	Apr. 4, 1979	May 5, 1979	$5.00/40 cu. ft. $8.25/2240 lbs.
	Gerald J. Flynn, Chairman, Far East Conference, 40 Rector Street, New York, New York 10006.			
25	FMC 12, 5th rev. p. 5	Mar. 30, 1979	May 1, 1979	$9.50 per ton.
	Louis P. Kopley, Chairman, North Atlantic United Kingdom Freight Conference, 17 Battery Place, New York, New York 10004.			
26	FMC 3, 9th rev. p. 3A	Apr. 4, 1979	May 5, 1979	$5.00/40 cu. ft. $8.25/2,240 lbs.
	Louis P. Kopley, Chairman, North Atlantic Baltic Freight Conference, 17 Battery Place, New York, New York 10004.			
27	FMC 4, 4th rev. p. 4A	Apr. 4, 1979	May 5, 1979	$5.00/40 cu. ft. $8.25/2240 lbs.
	E. H. Bosch, Chairman, Philippines North America Conference, 2d Floor, Heritage Condominium, 1851 Dr. A. Vasquez St., Malate, Manila, P.O. Box 1376, Manila 2801, Philippines.			
28	FMC 14, 1st rev. p. 8	Apr. 2, 1979	May 6, 1979	$4.00 rev. ton.
	Robert D. Grey, Chairman, Japan/Korea-Atlantic and Gulf Freight Conference, Sumitomo Seimei Yaesu Building, 2-1, Yaesu 2-Chome, Chuo-Ku, Tokyo 104 Japan.			
29	FMC 7, 1st rev. p. 7A	Mar. 30, 1979	May 1, 1979	$4.00 rev. ton.
	E. F. Reardon, Chairman, U.S. Atlantic and Gulf/Australia-New Zealand Conference, 19 Rector Street, Room 1116, New York, New York 10006.			
30	FMC 12, 2d rev. p. 3A	Apr. 6, 1979	May 7, 1979	10 percent.
	D. D. Day, Chairman, Pacific Westbound Conference, 320 California Street, San Francisco, California 94104.			
31	FMC 19, 6th rev. p. 78	Mar. 30, 1979	May 1, 1979	$5.00 rev. ton.
	H. Rollins, Chairman, Pacific/Indonesian Conference, 320 California Street, Suite 600, P.O. Box 7411, San Francisco, California 94120.			
32	FMC 9, 2d rev. p. 18	Apr. 2, 1979	May 2, 1979	$5.00 per ton.
	G. Ravera, Secretary, Mediterranean North Pacific Coast Freight Conference, P.O. Box 1070, Genoa, Italy.			
33	FMC 3, 1st rev. p. 1B	Apr. 5, 1979	May 5, 1979	13 percent.
	G. Ravera, Secretary, West Coast of Italy, Sicilian and Adriatic Port/North Atlantic Range Conference, P.O. Box 1070, Genoa, Italy.			
34	FMC 3, 2d rev. p. 79	Apr. 5, 1979	May 5, 1979	8.5 percent.
	R. H. Cabrera, Chairman, Iberian/U.S. North Atlantic Westbound Freight Conference, 40 Rector Street, New York, New York 10006.			
35	FMC 4, 3rd rev. p. 42	Apr. 5, 1979	May 5, 1979	8.5 percent.
	G. Retournat, Secretary, Marseilles North Atlantic U.S.A. Freight Conference, 10 Place De La Joliette, Marseilles 2E, France.			
36	FMC 13, 2d rev. p. 46	Apr. 5, 1979	May 5, 1979	$4.75 M or W/M rates. $8.75 on all other rates.
	D. D. Day, Chairman, Pacific Coast Australasian Tariff Bureau, 320 California Street, Suite 600, San Francisco, California 94104.			
37	FMC 11, 3rd rev. p. 31	Apr. 11, 1979	May 11, 1979	10 percent.
	R. H. Cabrera, Chairman, North Atlantic Mediterranean Freight Conference, 40 Rector Street, New York, New York 10006.			
38	FMC 6 (Italian Section) 13th rev. p. 6	Apr. 6, 1979	May 6, 1979	15 percent
39	FMC 7 (French Section) 4th rev. p. 21-A	Apr. 6, 1979	May 6, 1979	15 percent
40	FMC 8, 16th rev. p. 6	Apr. 6, 1979	May 6, 1979	15 percent
	Robert D. Grey, Chairman, Japan/Korea-Atlantic and Gulf Freight Conference, Sumitomo Seimei Yaesu Building 2-1, Yeasu 2-Chome, Chuo-Ku, Tokyo, Japan.			
41	FMC 7, 1st rev. p. 7-A	Mar. 30, 1979	May 1, 1979	$4.00 revenue ton.
	1st rev. p. 9-A	Mar. 30, 1979	May 1, 1979	$4.00 revenue ton.
	3rd rev. p. 27	Mar. 30, 1979	May 1, 1979	$4.00 revenue ton.
	R. A. Velez, Chairman, Pacific Coast European Conference, 417 Montgomery Street, San Francisco, California 94104.			

Appendix A—Continued

Sub-Docket	Tariff and filer	Date filed	Effective date	Surcharge
42	FMC 16, 9th rev. p. 5 C. J. Smith Chairman, Gulf/United Kingdom Conference, Suite 927—Whitney Building, New Orleans, Louisiana 70130.	Apr. 13, 1979	May 13, 1979	$7.80 per ton.
43	FMC 18, 14th rev. p. 8 (previously $3.50 effective through 5-15-79. William L. Hamm, Chairman, The India, Pakistan, Bangladesh, Ceylon and Burma Outward Freight Conference, 25 Broadway, New York, New York 10004.	Apr. 13, 1979	May 16, 1979	$5.00 W/M.
44	FMC 3, 7th rev. p. 5 G. Ravera, Secretary, Med-Gulf Conference, P.O. Box 1070, Genoa, Italy.	Apr. 13, 1979	May 16, 1979	$40.50 payable ton.
45	FMC 3, 1st rev. p. 2-A Henri P. Blok, Executive Administrator, Pacific Coast River Plate Brazil Conference, 417 Montgomery Street, San Francisco, California 94104.	Apr. 5, 1979	May 5, 1979	8.5 percent bunker.
46	FMC 5, 28th rev. p. 9	Apr. 10, 1979	May 10, 1979	$9.00 W/M. $9.00 MBM

[Docket 79-46]

[FR Doc. 79-13837 Filed 5-2-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: American Broadcasting Companies is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of stock of Chilton Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by American Broadcasting Companies. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 20, 1979.

FOR FURTHER INFORMATION CONTACT: Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires person contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in indivudual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-13836 Filed 5-2-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

National Institute of Arthritis, Metabolism, and Digestive Diseases; Board of Scientific Counselors Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, June 1-2, 1979, National Institutes of Health, Building 2, Room 102.

This meeting will be open to the public from 9:30 a.m. to 4:30 p.m. on June 1, and from 9:00 a.m. to 11:00 a.m. on June 2, and will be devoted to scientific presentations by various laboratories of NIAMDD intramural research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 4:30 p.m. to closing on June 1 and from 11:00 a.m. to adjournment on June 2 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Messrs. James N. Fordham or Irving Shapiro, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the members.

Dated: April 25, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH

[FR Doc. 79-13697 Filed 5-2-79; 8:45 am]

BILLING CODE 4110-08-M

Amended Notice of Meeting—Cancellation of Cancer Control and Rehabilitation Advisory Committee

Notice is hereby given of the cancellation of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, National Institutes of Health, Bethesda, Maryland, May 10-11, 1979, which was published in the **Federal Register** on April 12, 1979 (44 FR 21884). The meeting will be rescheduled at a later date and notice will be published in the **Federal Register.**

For further information, please contact Mr. H. C. Noyes, Acting Executive Secretary, National Cancer Institute, Blair Building, Room 720, Silver Spring, Maryland 20910, 301-427-8053.

Dated: April 27, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-13698 Filed 5-2-79; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Assistance for Construction and Modernization of Hospitals and Other Medical Facilities; Delegations of Authority

A. Notice is hereby given that pursuant to the delegations of authority to the Assistant Secretary for Health on March 13, 1968 (33 FR 4894) by the Acting Secretary of Health, Education, and Welfare, and on May 22, 1975 (40 FR 25079) by the Secretary of Health, Education, and Welfare, the following delegations have been made under Title VI, Assistance for Construction and Modernization of Hospitals and other Medical Facilities, of the Public Health Service Act (42 U.S.C. 291 *et seq.*), as amended:

1. Delegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration, of all the authorities delegated to the Assistant Secretary for Health under Title VI of the Public Health Service Act (42 U.S.C. 291 *et seq.*), as amended, excluding:

(a) the authorities under Section 610 and Part B of Title VI of the Public Health Service Act, as amended, which were delegated on June 19, 1978 by the Assistant Secretary for Health to the Administrator, Health Resources Administration (43 FR 31238); and

(b) the authority to prescribe regulations.

These delegated authorities may be redelegated.

2. Delegation from the Administrator, Health Resources Administration, to the Regional Health Administrators of:

a. Authority under Section 606(c) pertaining to the approval of requests by State agencies that portions of allotments be made available to pay expenditures found necessary for the proper and efficient State plan administration; and

b. Authority under Section 645(j) pertaining to the determination of the necessary cost of construction and modernization under a project.

These delegated authorities may be redelegated to officials within the Public Health Service Regional Offices, with further redelegation prohibited.

3. Delegation from the Administrator, Health Resources Administration, to the Director, Bureau of Health Facilities Financing, Compliance, and Conversion, Health Resources Administration, of the authority which was delegated to the Administrator, Health Resources Administration, under Title VI of the Public Health Service Act (42 U.S.C. 291 *et seq.*), as amended, excluding the authority delegated to the Regional Health Administrators, as specified in item 2. above, and the following authorities which the Administrator, Health Resources Administration, retains:

a. Authority to issue notes or other obligations under Section 626(b);

b. Authority to sell loans and guarantee such loans under Section 627(b) and Section 627(c); and

c. Authority to waive the Secretary's right of recovery under Section 623(e)(1) and Section 627(d).

These delegated authorities may be redelegated, with further redelegation prohibited.

The delegation to the Director, Bureau of Health Facilities Financing, Compliance, and Conversion, Health Resources Administration, includes the authority which was delegated to the Administrator, Health Resources Administration, on June 19, 1978 (43 FR 31238) by the Assistant Secretary for Health under Section 610 of the Public Health Service Act and Part B of Title VI of the Public Health Service Act.

B. The June 23, 1978 delegation (43 FR 29034–29035), from the Assistant Secretary for Health to the Administrator, Health Resources Administration, as it pertains to authorities delegated under Title VI of the Public Health Service Act, has been superseded. The March 1, 1970, delegation (38 FR 7387–7388), from the Administrator, Health Services and Mental Health Administration, to the Regional Health Administrators, as it pertains to authorities delegated under Title VI of the Public Health Service Act, has been superseded. The June 19, 1978 delegations (43 FR 31238), from the Assistant Secretary for Health to the Administrator, Health Resources Administration, of authorities under Section 610 and Part B of Title VI of the Public Health Service Act remain in effect.

C. The delegations specified under paragraph A. above became effective on April 20, 1979.

Dated: April 25, 1979.

John C. Drake,

Director, Office of Management, Public Health Service.

[FR Doc. 79-13685 Filed 5-2-79; 8:45 am]

BILLING CODE 4110-83-M

Health Resources Development; Delegations of Authority

A. Notice is hereby given that pursuant to the delegation of authority to the Assistant Secretary for Health on October 31, 1975 (40 FR 53611), by the Secretary of Health, Education, and Welfare, the following delegations of authority have been made under Title XVI, Health Resources Development, of the Public Health Service Act (42 U.S.C. 300o *et seq.*), as added by Public Law 93–641:

1. Delegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration, of all the authorities delegated to the Assistant Secretary for Health under Title XVI of the Public Health Service Act (42 U.S.C. 300o *et seq.*), as added by Public Law 93–641.

These delegated authorities may be redelegated.

2. Delegation from the Administrator, Health Resources Administration, to the Regional Health Administrators of:

a. Authority under Section 1604(d) to afford State agencies an opportunity for a hearing and to conduct such hearings;

b. Authority under Section 1611(a) to make payments to the States for an approved medical facility project;

c. Authority under Section 1612(c) to investigate complaints of noncompliance of an entity which is receiving or has received financial assistance under Title VI or Title XVI;

d. Authority under Section 1635 to provide technical assistance to entities developing applications under Section 1604; and

e. Authority under Section 1640 to make development grants for Area Health Services Development Funds.

These delegated authorities may be redelegated to officials within the Public Health Service Regional Offices, with further redelegation prohibited.

3. Delegation from the Administrator, Health Resources Administration, to the Director, Bureau of Health Planning, Health Resources Administration, of the authority which was delegated to the Administrator, Health Resources Administration, as specified in item 1. above, under Section 1640 of the Public Health Service Act (42 U.S.C. 300t), as added by Public Law 93–641, relating to functions required for, or involved in, the administration of the Area Health Services Development Fund program, excluding the authority under Section 1640 delegated to the Regional Health Administrators, as specified in item 2. above.

These delegated authorities may be redelegated, with further redelegation prohibited.

4. Delegation from the Administrator, Health Resources Administration, to the Director, Bureau of Health Facilities Financing, Compliance, and Conversion, Health Resources Administration, of the authority which was delegated to the Administrator, Health Resources

Administration, as specified in item 1. above, under Title XVI of the Public Health Service Act (42 U.S.C. 300o *et seq.*), as added by Public Law 93–641, excluding the authority delegated to the Regional Health Administrators as specified in item 2. above, and the Director, Bureau of Health Planning, Health Resources Administration, as specified in item 3. above, and the following authorities which the Administrator, Health Resources Administration, retains:

a. Authority under Section 1603(b) to afford State agencies an opportunity for a hearing and to conduct such hearings regarding the disapproval of State medical facilities plans and any modifications to such plans.

b. Authority under Section 1611(b)(2) to afford State agencies an opportunity for a hearing and to conduct such hearings regarding withholding of allotments pursuant to Section 1612;

c. Authority under Section 1612(a) and Section 1612(b) for withholding of payments and other compliance actions;

d. Authority under Section 1622(a)(2)(A) and Section 1622(b)(3) to waive the Secretary's right of recovery of any payment;

e. Authority under Section 1622(c)(1) and Section 1622(c)(3) concerning the sale of loans;

f. Authority under Section 1622(d)(2) concerning the issuance of notes and other obligations; and

g. Authority under Section 1630 to file in the United States Court of Appeals the record of the proceedings on which the Secretary based his action pursuant to Section 1612 of the Public Health Service Act.

These delegated authorities may be redelegated, with further redelegation prohibited.

The delegation to the Director, Bureau of Health Facilities Financing, Compliance, and Conversion, Health Resources Administration, includes the authority to provide technical assistance, technical materials, and the methodologies, policies, and standards necessary to carry out Section 1635 of the Public Health Service Act.

B. The June 23, 1978 delegation (43 FR 29034–29035), from the Assistant Secretary for Health to the Administrator, Health Resources Administration, and the June 19, 1978 delegation (43 FR 31238–31239), from the Assistant Secretary for Health to the Regional Health Administrators, as they pertain to authorities under Title XVI of the Public Health Service Act, as added by Public Law 93–641, have been superseded.

C. The delegations specified under paragraph A. above became effective on April 20, 1979.

Dated: April 25, 1979.

John C. Droke,

Director, Office of Management, Public Health Service.

[FR Doc. 79–13687 Filed 5–2–79; 8:45 am]

BILLING CODE 4110–83–M

Limitation on Federal Participation for Capital Expenditures; Delegations of Authority

A. Notice is hereby given that pursuant to the authority delegated to Assistant Secretary for Health on February 7, 1974 (39 FR 5809–5810), by the Secretary of Health, Education, and Welfare, the following delegations concerning the limitation on Federal participation for capital expenditures have been made under Section 1122 of the Social Security Act (42 U.S.C. 1320a–1), as amended:

1. Delegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, of authority to identify and deny payment of those amounts to be excluded from reimbursement under Title V of the Social Security Act (42 U.S.C. 1320a–1), as amended where such exclusion has been found necessary under subsections (d) or (e) of Section 1122 of the Social Security Act, as amended. This includes the authority to determine the amounts to be withheld from the reimbursements on a fixed fee or negotiated rate or per capita basis under Title V.

The delegated authority may be redelegated.

2. Delegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration, of the authority delegated to the Assistant Secretary for Health under Section 1122 of the Social Security Act (42 U.S.C. 1320a–1), as amended, excluding the authority delegated to the Administrator, Health Services Administration, as specified in item 1, above.

The delegated authority, except for that under Section 1122(f), may be redelegated.

3. Delegation from the Administrator, Health Resources Administrations, to the Regional Health Administrators of:

a. Authority to determine whether a proposed capital expenditure is subject to the provisions of Section 1122 of the Social Security Act;

b. Authority under Section 1122(b) of the Social Security Act to make agreements with the States;

c. Authority under Section 1122 to receive and review the findings and recommendations prepared by the State agency, to make initial determinations under Section 1122(d)(1), and to give the necessary notices under Section 1122(d); and

d. Authority to seek the advice of the National Council on Health Planning and Development under Section 1122(d)(2) as to whether reimbursements should not be excluded from payments and to make the determination as to inclusion or exclusion of reimbursements under Section 1122(d)(2).

The delegated authority may not be redelegated.

4. Delegation from the Administrator, Health Resources Administration, to the Director, Bureau of Health Planning, Health Resources Administration, of the authority which was delegated to the Administrator, Health Resources Administration, as specified in item 2 above, under Section 1122 of the Social Security Act (42 U.S.C. 1320a–1), as amended, excluding the authority under Section 1122(f) and the authority delegated to the Regional Health Administrators, as specified in item 3 above.

The delegated authority may not be redelegated.

B. The June 23, 1978 delegation (43 FR 29034–29035), from the Assistant Secretary for Health to the Administrator, Health Services Administration, and to the Administrator, Health Resources Administration, and the February 15, 1974 delegation (39 FR 5809–5810), from the Assistant Secretary for Health to the Regional Health Administrators, as they pertain to authorities under Section 1122 of the Social Security Act, as amended, have been superseded.

C. The delegations specified under paragraph A above become effective on April 20, 1979.

Dated: April 25, 1979.

John C. Droke,

Director, Office of Management, Public Health Service.

[FR Doc. 79–13686 Filed 5–2–79; 8:45 am]

BILLING CODE 4110–83–M

National Health Planning and Development; Delegations of Authority

A. Notice is hereby given that pursuant to the delegation of authority to the Assistant Secretary for Health on October 31, 1975 (40 FR 53611), by the Secretary of Health, Education, and Welfare, which was amended on October 28, 1977 (42 FR 57351–57353), the following delegations have been made under Title XV, National Health Planning and Development, of the Public

Health Service Act (42 U.S.C. 300k *et seq.*), as added by Public Law 93–641:

1. Delegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration, of all the authorities delegated to the Assistant Secretary for Health under Title XV of the Public Health Service Act (42 U.S.C. 300k *et seq.*), as added by Public Law 93–641.

These delegated authorities may be redelegated.

2. Delegation from the Administrator, Health Resources Administration, to the Regional Health Administrators of:

a. Authority under Section 1514 to provide technical assistance to entities desiring to be designed as health systems agencies;

b. Authority under Section 1516 to make grants to designated health systems agencies to assist in the performance of the functions of the agencies;

c. Authority under Section 1522 to approve State administrative programs and any modifications to such State programs, and to conduct the annual review for compliance of each State programs;

d. Authority under Section 1523(b)(1) to approve requests by the State Governors to enter into agreements for performance of functions by another agency of the State government;

e. Authority under Section 1525 to make grants to State health planning and development agencies to assist in meeting the costs of their operations;

f. Authority under Section 1532(a) to approve procedures for the review of proposed or existing health services and resources;

g. Authority under Section 1533(a)(1) and Section 1533(a)(3) to provide assistance to designated health systems agencies and State agencies in developing health plans, and authority to provide assistance concerning the performance of functions of designated health systems agencies and State agencies. This does not include the authority to develop or publish the materials specified under Section 1533(b);

h. Authority under Section 1534(a) to provide technical and consulting assistance to designated health systems agencies and State agencies to conduct research studies and analyses of health planning and resources development, and authority to assist entities in developing new centers and operating existing and new centers for multidisciplinary health planning development and assistance. This does not include the authority to make grants or contracts under Section 1534(a);

i. Authority under Section 1535(a) to review and approve or disapprove the annual budget of each designated health systems agency and State agency; and

j. Authority under Section 1535(c) and Section 1535(d) to review the structure, operations, and performance of the functions of designated health systems agencies and State agencies.

These delegated authorities may be redelegated to officials within the Public Health Service Regional Offices, with further redelegation prohibited.

3. Delegation from the Administrator, Health Resources Administration, to the Director, Bureau of Health Planning, Health Resources Administration, of the authority which was delegated to the Administrator, Health Resources Administration, as specified in item 1. above, under Title XV of the Public Health Service Act (42 U.S.C. 300k *et seq.*), as added by Public Law 93–641, excluding the authority delegated to the Regional Health Administrators, as specified in item 2. above, and the following authorities which the Administrator, Health Resources Administration, retains:

a. Authority under Section 1501 concerning national guidelines for health planning;

b. Authority under Section 1502 concerning national health priorities; and

c. Authority under Section 1511(b)(3)(B) concerning revision of health service area boundaries.

These delegated authorities may be redelegated, with further redelegation prohibited.

The delegation to the Director, Bureau of Health Planning, Health Resources Administration, includes the authority to provide technical assistance, technical materials, and the methodologies, policies, and standards necessary to carry out Section 1514; Sections 1533(a), 1533(b), and 1533(c); and Section 1534(a) of the Public Health Service Act, as added by Public Law 93–641.

B. The June 23, 1978 delegation (43 FR 29034–29035), from the Assistant Secretary for Health to the Administrator, Health Resources Administration, and the April 1, 1976 delegation (41 FR 15902–15903), from the Assistant Secretary for Health to the Regional Health Administrators, as they pertain to authorities under Title XV of the Public Health Service Act, as added by Public Law 93–641, have been superseded.

C. The delegations specified under paragraph A. above became effective on April 20, 1979.

Dated: April 25, 1979.

John C. Drake,

Director, Office of Management, Public Health Service.

[FR Doc. 79-13688 Filed 5-2-79; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Alabama (FDAA–578–DR), dated April 18, 1979, and related determinations.

DATED: April 18, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634–7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of April 18, 1979 to the Secretary, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from severe storms, high wind and flooding, beginning on or about April 11, 1979, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Alabama.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Arthur T. Doyle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Alabama to have

been affected adversely by this declared major disaster.

The following counties for Individual Assistance only:

Chambers, Chilton, Choctaw, Clay, Dekalb, Elmore, Fayette, Greene, Houston, Jefferson, Lamar, Marshall, Marengo, Randolph, Shelby, St. Clair, Sumter, Talladega, Tallapoosa, Tuscaloosa.

The following counties for both Individual and Public Assistance:

Autauga, Coosa, Dallas, Pickens, Walker.

(Catalog of Federal Domestic Asst. No. 14,701, Disaster Assistance)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FDAA-578-DR; Docket No. NFD-681]

[FR Doc. 79-13724 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-22-M

Arkansas; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Arkansas (FDAA-574-DR), dated April 11, 1979.

DATED: April 14, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: The Notice of major disaster for the State of Arkansas dated April 11, 1979, is hereby amended by the President in his amended declaration of April 14, 1979, as follows:

I have determined that the severe storms and tornadoes caused by the same weather system which produced a tornado April 8, 1979, have since that date caused additional damage in the State of Arkansas which is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288.

I therefore amend the April 11, 1979, declaration of a major disaster for the State of Arkansas (FDAA-574-DR) so as to provide Federal assistance under Public Law 93-288 as a result of severe storms and tornadoes beginning on or about April 8, 1979.

The Notice of major disaster for the State of Arkansas dated April 11, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 11, 1979.

For Both Individual and Public Assistance:

Polk County.

(Catalog of Federal Domestic Asst. No. 14,701, Disaster Assistance.)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FDAA-574-DR; Docket No. NFD-679]

[FR Doc. 79-13732 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-22-M

Arkansas; Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Arkansas (FDAA-574-DR), dated April 11, 1979, and related determinations.

DATED: April 11, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter on April 11, 1979 to the Secretary, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from a tornado April 8, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Arkansas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. William C. Tidball of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Arkansas to have been adversely affected by this declared major disaster.

For Individual Assistance Only:

Bradley County, Calhoun County, Howard County.

For Both Individual and Public Assistance:

Ashley County, Ouachita County.

(Catalog of Federal Domestic Asst. No. 14,701, Disaster Assistance)

William H. Wilcox,

Administrator, Federal Disaster Assistance, Administration.

[FDAA-574-DR; Docket No. NFD-680]

[FR Doc. 79-13733 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-22-M

Mississippi; Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Mississippi (FDAA-577-DR), dated April 16, 1979.

DATED: April 20, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: The Notice of major disaster for the State of Mississippi dated April 16, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 16, 1979.

For Only Individual Assistance:

Clarke County, Copiah County, Lauderdale County, Simpson County.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[FDAA-577-DR; Docket No. NFD-686]

[FR Doc. 79-13849 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-22-M

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Mississippi (FDAA-577-DR), dated April 16, 1979, and related determinations.

DATED: April 16, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance

Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634–7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of April 16, 1979 to the Secretary, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from severe storms, tornadoes and flooding, beginning on or about April 8, 1979, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Mississippi.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Paul E. Hall of the Federal Disaster Assistance Administratin to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster.

The following counties for Individual Assistance only:

Attala, Claiborne, Clay, Choctaw, Holmes, Issaquena, Kemper, Lawrence, Leake, Leflore, Madison, Marion, Monroe, Neshoba, Newton, Noxubee, Oktibbeha, Scott, Sharkey, Warren, Winston, Yazoo.

The following counties for both Individual and Public Assistance:

Hinds, Lowndes, Rankin.

(Catalog of Federal Domestic Asst. No. 14,701, Disaster Assistance.)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FDAA–577–DR: Docket No. NFD–682]

[FR Doc. 79–13725 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–22–M

Mississippi; Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Mississippi (FDAA–3077–EM), dated April 14, 1979, and related determinations.

DATED: April 14, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 634–7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–205; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974: (88 Stat. 143); notice is hereby given that, in a letter on April 14, 1979 to the Secretary, the President declared an emergency as follows:

I have determined that the impact of severe storms, tornadoes and flooding on the State of Mississippi beginning on or about April 11, 1979, is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93–288. I therefore declare that such an emergency exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to donate Government-owned mobile homes to the State of Mississippi for the purpose of providing temporary housing under the provisions of Section 404 of Public Law 93–288.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Developing under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Paul E. Hall of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency.

The Counties of: Issaquena, Leake, Sharkey, Warren, Yazoo.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FDAA–3077–EM: Docket No. NFD–684]

[FR Doc. 79–13728 Filed 5–2–79; 8:45 am]

BILLING CODE 4210–22–M

Modifications of the Revocation of Redelegation of Authority (Temporary Housing) and of the Redelegation of Authority (Temporary Housing)

AGENCY: Department of Housing and Urban Development, Federal Disaster Assistance Administration (FDAA).

ACTION: Modifications of the Revocation of Redelegation of Authority and the Redelegation of Authority concerning Temporary Housing Assistance as published in the **Federal Register** on January 4, 1979.

SUMMARY: This notice modifies the Revocation of Redelegation of Authority (Temporary Housing) to the Assistant Secretary for Housing-Federal Housing Commissioner, HUD (44 FR 1225, January 4, 1979) and the Redelegation of Authority by the Administrator, FDAA, to the Regional Directors, FDAA (44 FR 1226, January 4, 1979). Those two notices provided that each action was effective "for major disasters and emergencies declared on or after January 28, 1979." These modifications make the actions effective on January 28, 1979, for all temporary housing functions, regardless of the date of the declaration of major disaster or emergency under which temporary housing activities are conducted.

FOR FURTHER INFORMATION: Hugh Richardson, Individual Assistance Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7860).

NOTICE: Section A. The last two paragraphs of the Revocation of Redelegation of Authority (44 FR 1225, January 4, 1979) are deleted and the following paragraph is added as the final paragraph:

Accordingly, the redelegation of authority from the Administrator, FDAA, to the Assistant Secretary for Housing-Federal Housing Commissioner (41 FR 29719, July 19, 1976) is revoked effective January 28, 1979.

Section B. In the Redelegation of Authority to the Regional Directors, FDAA (44 FR 1226, January 4, 1979), the third paragraph under supplementary information and the final paragraph are deleted and the following is added as the final paragraph:

This redelegation of authority is effective January 28, 1979.

(Disaster Relief Act of 1974 (42 U.S.C. 5121 et. seq., PL 93–288); E.O. 11795 (39 FR 25939, dated July 11, 1974); Delegation of Authority (39 FR 28227, August 5, 1974).)

Issued at Washington, D.C., January 19, 1979.

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[Docket Nos. D-79-448, D-79-450]

[FR Doc. 79-13734 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-22-M

Oklahoma; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Oklahoma (FDAA-576-DR), dated April 13, 1979.

DATED: April 19, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICES: This Notice of major disaster for the State of Oklahoma dated April 13, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 13, 1979.

For Public Assistance in addition to Individual Assistance:

Jefferson County, Carter County.

For both Individual and Public Assistance:

Cotton County.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FDAA-576-DR; Docket No. NFD-683]

[FR Doc. 79-13726 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-22-M

Oklahoma; Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Oklahoma (FDAA-576-DR), dated April 13, 1979, and related determinations.

DATED: April 13, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-295; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter on April 13, 1979 to the Secretary, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and tornadoes beginning on or about April 10, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Oklahoma.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Donald G. Eddy of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Oklahoma to have been affected adversely by this declared major disaster.

For Individual Assistance Only:

Jefferson County, Carter County

For Both Individual and Public Assistance:

Tillman County, Comanche County, Stephens County

(Catalog of Federal Domestic Asst. No. 14.701, Disaster Assistance.)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FDAA-576-DR; Docket No. NFD-685]

[FR Doc. 79-13727 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-22-M

Texas; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Texas (FDAA-575-DR), dated April 11, 1979.

DATED: April 16, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administrtion, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: This Notice of major disaster for the State of Texas dated April 11, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 11, 1979.

For Public Assistance in addition to Individual Assistance:

Clay County

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FDAA-575-DR; Docket No. NFD-676]

[FR Doc. 79-13729 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-22-M

Texas; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Texas (FDAA-575-DR), dated April 11, 1979.

DATED: April 16, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 202-634-7825).

NOTICE: This Notice of major disaster for the State of Texas dated April 11, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 11, 1979.

For Public Assistance in addition to Individual Assistance:

Clay County

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

Thomas R. Casey,

Deputy Administrator, Federal Disaster Assistance Administration.

[FDAA-575-DR; Docket No. NFD-676]

[FR Doc. 79-13729 Filed 5-2-79; 8:45 am]

BILLING CODE 4210-22-M

Texas; Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Texas (FDAA–575–DR), dated April 11, 1979, and related determinations.

DATED: April 11, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634–7825).

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–265; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter on April 11, 1979 to the Secretary, the President declared a major disaster as follows:

> I have determined that the damage in certain areas of the State of Texas resulting from severe storms and tornadoes on April 10–11, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Texas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Texas to have been affected adversely by this declared major disaster.

The Counties of:

Wichita
Wilbarger

(Catalog of Federal Domestic Asst. No. 14,701, Disaster Assistance)

William H. Wilcox,
Federal Disaster Assistance Administration.

[FDAA–575–DR; Docket No. NFD–678]
[FR Doc. 79–13731 Filed 5–2–79; 8:45 am]
BILLING CODE 4210–22–M

DEPARTMENT OF INTERIOR

Bureau of Land Management

Idaho Falls District; Great Rift Wilderness Environmental Statement; Intent and Scoping meeting

To comply with Section 603(a) of the Federal Land Policy and Management Act of 1976, the Bureau of Land Management, Idaho Falls District intends to prepare an Environmental Statement (ES) on a wilderness suitability recommendation for the Grassland Kipuka Research Natural Area (160 acres) and associated roadless lands (308,060 acres). The associated roadless lands include the Craters of the Moon lava flow and the Wapi lava flow. The ES area is hereinafter referred to as the proposed Great Rift Wilderness Area.

This will be a site specific ES to analyze a proposal that would designate 308,220 acres (148,780 acres in the Idaho Falls District and 159,440 acres in the Shoshone District) of Public Lands as the proposed Great Rift Wilderness Area into the National Wilderness Preservation System. These acreages are approximate pending a final decision by the Idaho State Director regarding total acreage having wilderness characteristics. Alternatives to the proposal include:

(1) No Action; continue the administration of the Grassland Kipuka Research Natural Area and associated roadless lands under present management plans.

(2) Designate the Grassland Kipuka Research Natural Area and associated roadless lands and suitable adjacent Public Lands to the National Wilderness Preservation System as the Great Rift Wilderness Area (336,350 acres).

(3) Designate the Grassland Kipuka Research Natural Area and contiguous roadless lands (Craters of the Moon lava flow) to the National Wilderness Preservation System as the Great Rift Wilderness Area (263,460 acres).

In order to provide an early opportunity for public input in identifying significant issues and impacts associated with the proposed action and alternatives, the Idaho Falls District will be holding a scoping meeting on May 23, 1979, at 7:00 p.m., at the Intermountain Science Experience Center, Idaho Falls.

This meeting will be open to the general public, however, several of the participants will be there by special invitation. Those who will receive special invitations include:

County Commissioners

Butte, Blaine, Bingham, Minidoka, and Power Counties District Grazing Advisory Board Representatives, James Mays and Bob Waddoups.

State Government

Governor's Office—Natural Resource Advisor (Carey Jones)
State Representative—Aberdeen (Dwight Horsch)
Idaho Department of Lands—(Lou Benedict)

Federal Government

Senator McClure's Office (Mike Field)
National Park Service—Craters of the Moon National Monument (Cy Hentges)
Department of Energy—Chief, Geothermal Energy Branch (John Griffith)

News Media

Post Register—Idaho Falls (Robb Brady)
Times News—Shoshone (Jeff Sher)

Interested Groups

Idaho Conservation League (Jan Brown)
Idaho Environmental Council (Jerry Jayne)
Wilderness Society—Idaho Representative (Steve Payne)
Idaho State University (Jay Anderson)
Idaho Trail Machine Association (Steve Miller)
Idaho Wildlife Federation (Donald Zuck)
Magic Valley Gun Club (George Holmes)
Picabo Livestock Company (L. N. Purdy)
Public Lands Committee (Douglas Rose)
Recreation Development (C. A. Patterson)
Sun Valley Center for Arts and Humanities (George Holmes)

Input from the scoping meeting as well as input obtained during the public comment period (3–15–79 to 5–15–79) will be used to identify major issues and impacts that need to be addressed in the ES; and provide a partial data base on social attitudes and values for development of the social impacts section of the ES. The results of the scoping process will be used to identify the significant issues and allow the ES to only concentrate on the significant environmental issues and impacts.

If further information is required concernng the Great Rift Wilderness Area Proposal, contact: Dee Williamson, Team Leader-Great Rift Wilderness Area ES, 940 Lincoln Road, Idaho Falls, Idaho 83401, (208) 529–1020.

April 25, 1979.

O'dell A. Frandsen.
District Manager.

[FR Doc. 79–13690 Filed 5–2–79; 8:45 am]
BILLING CODE 4310–84–M

Availability of Final West-Central Colorado Coal Regional Environmental Statement for the Proposed Development of Coal Resources in West-Central Colorado

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental statement (FES) on possible development of coal resources in West-Central Colorado.

The FES analyzes the environmental effects that would result from six proposed underground mining and reclamation plans and examines the cumulative impacts of potential coal development through 1990 in Delta, Garfield, Gunnison, Mesa, Montrose, Ouray, and Pitkin Counties in West-Central Colorado.

Copies of the DES were sent to approximately 1,450 Federal, State, and local government agencies, nongovernmental organizations, and private citizens for their review and comment. Public hearings were also held in Delta, Grand Junction, and Denver, Colorado. All substantive comments received on the adequacy of the DES during the public review process have been responded to in the FES.

Single copies of the final statement can be obtained from the:

BLM District Manager, Montrose District Office, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401.
BLM District Manager, Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501.
BLM State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Copies of the statement are also available for inspection at the following locations:

Washington Office of Public Affairs, Bureau of Land Management, Room 5623, 18th and C Steets, N.W., Washington, D.C. 20240.
Montrose Regional Library, Montrose, Colorado 81401.
Delta City Public Library, Delta, Colorado 81416.
Paonia Public Library, Paonia, Colorado 81428.
Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206.
Glenwood Springs Public Library, Glenwood Springs, Colorado 81601.
Mesa College Library, Grand Junction, Colorado 81501.
Montrose County Courthouse, Montrose, Colorado 81401.
Delta County Courthouse, Delta, Colorado 81416.
Garfield County Courthouse, Glenwood Springs, Colorado 81601.
Ouray County Courthouse, Ouray, Colorado 81427.
Mesa County Courthouse, Grand Junction, Colorado 81501.
Gunnison County Courthouse, Gunnison, Colorado 81230
Pitkin County Courthouse, Aspen, Colorado 81611.

Roman H. Koenings,
Acting Associate Director, Bureau of Land Management.

Approved:

Larry E. Meierotto,
Assistant Secretary of the Interior.

[Int. FES 79-20]
[FR Doc. 79-13832 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Utah; Termination of Proposed Withdrawal and Reservations of Lands

Notice of an application filed by the Forest Service, U.S., Department of Agriculture, U-13044, for withdrawal and reservation of public lands was published as **Federal Register** Document 70-17168 on page 19371 of the issue for December 22, 1970. The Forest Service has canceled its application involving the lands described in the **Federal Register** publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1) such lands will be relieved of the segregative effect of the above-mentioned application at 10:00 a.m. on June 15, 1979.

Dated: April 25, 1979.

Paul L. Howard,
State Director.

[U-13044]
[FR Doc. 79-13781 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Wyoming; Application

April 24, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma filed an application for a right-of-way to construct three 4½ and two 6⅝ inch pipelines and appurtenant facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 22 N., R. 92 W.,
Sec. 36, SE¼SE¼.
T. 17 N., R. 93 W.,
Sec. 4, NW¼SW¼.
T. 18 N., R. 93 W.,
Sec. 22, SE¼SE¼;
Sec. 28, N½S½.
T. 21 N., R. 93 W.,
Sec. 22, W½SW¼, SE¼SE¼;
Sec. 26, NE¼NW¼.

The five proposed pipelines will transport natural gas from wells, to existing gathering lines in the area within Tps. 17 and 18 N., R. 93 W., Carbon County, and T. 22 N., R. 92 W., and T. 21 N., R. 93 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[Wyoming 67607]
[FR Doc. 79-13782 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Motorized Vehicles on Public Lands; Closure To Use

Notice is hereby given that use of motorized vehicles on the following described lands, in Franklin County, Washington, is prohibited in accordance with the provisions of 43 CFR 6010.4. These lands are located approximately fifteen air miles northeast of Pasco, Washington in the area known as Juniper Forest. The area contains approximately 4600 acres.

Willamette Meridian

T. 10 N., R. 31 E.,
Sec. 36 portion of.
T. 10 N., R. 32 E.,
Sec. 5 and 6.
T. 11 N., R. 32 E.,
Sec. 29 and 32;
Sec. 20, 28, 31, and 33-portions of all.

This closure does not apply to emergency, law enforcement, and federal or other government vehicles, while being used for official or emergency purposes, or vehicles authorized by permit or contract.

This area is unique to the State of Washington in that it contains the largest concentration of Western Juniper (*Juniperus occidentalis*), and the largest area of active sand dunes in the state. This area was previously closed under these regulations on February 14, 1972 and again under regulations contained in 43 CFR 6290, on June 1, 1975. A court decision in 1976 invalidated regulations in 43 CFR 6290 and they are presently being revised. This closure, which is

effective immediately, will remain in effect until April 1, 1980 or until the revised regulations are released and the area can be closed permanently, whichever date comes sooner.

This area was fenced and signed at the time of previous closures. However, increasing vandalism has resulted in the fence being cut in many places. ORV use is occuring within the fenced area and is damaging this unique area. This closure is necessary to protect the area from further degradation.

Violation of this closure could result in a fine of not more than $1000.00, or imprisonment for not more than 12 months, or both. A map of the closed area is available for inspection in the Spokane District Office, Bureau of Land Management, W. 920 Riverside, Spokane, Washington 99201.

Roger Burwell,
District Manager.
[FR Doc. 79-13783 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Meeting and Comments on Accelerated Wilderness Inventory for Certain Lands in Emery County, Utah in Connection with the Intermountain Power Project.

SUMMARY: A Public Meeting will be held in Castle Dale, Utah on May 29, 1979 and written comments will be received until July 14, 1979 on the results of the inventory. Information to be used for input into the Environmental Statement on the Intermountain Power Project.

The Moab District of the Bureau of Land Management is conducting a wilderness inventory of lands in Emery County, Utah associated with a proposal by the Intermountain Power Project which might include construction of power lines and a railroad if eventual authorization is given to construct the powerplant at the Salt Wash site in Wayne County, Utah. The results of the wilderness studies conducted will be used as input to an environmental statement currently being prepared by the Richfield District of the BLM which will assess the overall impacts of the powerplant proposal. The wilderness study in Emery County will determine whether or not those affected roadless areas do or do not have wilderness characteristics and whether or not areas or parts of areas should be recommended as Wilderness Study Areas. The Moab District had previously conducted studies on the proposed corridor only and now is considering the entire roadless area which is adjacent to the corridor. Ten roadless areas are being inventoried totaling about 315,000 acres of public lands.

A public meeting will be held in the Emery County Courthouse on May 29, 1979 at 7:00 p.m. to discuss the findings of this wilderness inventory and written comments will be accepted until July 14, 1979 concerning those findings. Comments should be addressed to:

District Manager, Moab District, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

A synopsis of the study findings can also be obtained by writing to the same address.

DATE: Published on or before April 29, 1979.

ADDRESS: District Manager, Moab District, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

FOR FURTHER INFORMATION CONTACT: District Manager, Moab District (801) 259-6111.

SUPPLEMENTARY INFORMATION: After review of the public comments received based on a study of the influence corridor alone, it was decided to complete the accelerated inventory of all of the affected roadless areas.

S. Gene Day,
District Manager.
[FR Doc. 79-13804 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Alaska Native Claims Selection

On April 2, 1975, Doyon, Limited filed Selection application AA-8103-2, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (Supp. V, 1975)), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Nikolai.

Doyon, Limited, in its April 2, 1975, application, excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the region pursuant to Sec. 12(c) of Alaska Native Claims Settlement Act. Additionally, in its April 2, 1975, application, Doyon, Limited failed to select T. 33 N., R. 29 W., Seward Meridian, Alaska. The township was withdrawn pursuant to Sec. 11(a)(1).

The acreage allocated to Doyon, Limited, pursuant to Sec. 12(c) will exceed the acreage available for selection in the Sec. 11(a)(1) withdrawals.

Section 12(c)(3) and 43 CFR 2652.3(a) provide that a regional corporation must, to the extent necessary to obtain its entitlement, select all available lands withdrawn pursuant to Sec. 11(a)(1) before selecting lands withdrawn pursuant to Sec. 11(a)(3). On August 2, 1974, Doyon, Limited entered into a stipulation and agreement, as amended, filed in *Doyon, Limited, et al.* v. *Rogers C.B. Morton* (Civil action No. 1586-73, D.D.C.). Paragraph 3.B.(1) of that stipulation and agreement provides that Doyon, Limited will be required to select all the so-called odd/odd, even/even townships within the lands in its region withdrawn pursuant to Sec. 11(a)(1) which are not otherwise unavailable. On November 6, 1975, Doyon, Limited, submitted its "Supplemental Application, 11(a)(1) Regional Selection" to amend applicaton AA-8103-2. In its amendment, Doyon, Limited requested:

> Any and all available public lands as defined by Section 3(e) and withdrawn pursuant to Section 11(a)(1) of the Alaska Native Claims Settlement Act, which are located in even numbered townships in even numbered ranges, and in odd numbered townships in odd numbered ranges.

For all of the above reasons, the water bodies which were improperly excluded in the April 2, 1975, application and all available lands in T. 33 N., R. 29 W., Seward Meridian, are considered selected by Doyon, Limited.

As to the lands described below, selection application AA-8103-2, as amended, submitted by Doyon, Limited pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entries perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c), aggregating approximately 60,595 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act.

Kateel River Meridian, Alaska (Unsurveyed)

T. 26 S., R. 22 E.,
Secs. 17 to 20, inclusive, all;
Secs. 29 to 32, inclusive, all.
Containing approximately 5,013 acres.

T. 26 S., R. 24 E.,
Secs. 12, 13 and 14, all;

Secs. 20 to 23, inclusive, all;
Secs. 24 and 25, excluding North Fork Kuskokwim River;
Secs. 26 to 34, inclusive, all;
Sec. 35, excluding Native allotment F-17322 Parcel B and North Fork Kuskokwim River;
Sec. 36, excluding North Fork Kuskokwim River.

Containing approximately 12,115 acres.

T. 27 S., R. 21 E.,
Secs. 1, 25, 26 and 27, all;
Sec. 28, excluding mineral survey application AA-12518;
Secs. 31 to 36, inclusive, all.

Containing approximately 6,828 acres.

T. 27 S., R. 23 E.,
Secs. 1 to 11, inclusive, all;
Sec. 12, excluding North Fork Kuskokwim River;
Secs. 16 to 19, inclusive, all;
Sec. 20, excluding North Fork Kuskokwim River;
Sec. 21, excluding Native allotment F-17262 Parcel A and North Fork Kuskokwim River;
The bed of East Fork Kuskokwim River located in protracted Sec. 36.

Containing approximately 11,379 acres.

T. 27 S., R. 25 E.,
The bed of East Fork Kuskokwim River located in protrated Sec. 31.

Containing approximately 25 acres.

T. 28 S., R. 22 E.,
Sec. 27, SW¼;
Sec. 32, SE¼;
Secs. 33, 34 and 35, all;
Sec. 36, SW¼.

Containing approximately 2,400 acres.

T. 28 S., R. 26 E.,
Sec. 3, all;
Secs. 4 and 5, excluding Native allotment F-17320;
Secs. 6 and 7, all;
Secs. 8 and 9, excluding Native allotment F-17320;
Secs. 17 to 20, inclusive, all.

Containing approximately 6,849 acres.

T. 29 S., R. 25 E.,
Secs. 1 to 6, inclusive, all.

Containing approximately 3,373 acres.

Seward Meridian, Alask (Unsurveyed)

T. 33 N., R. 25 W.,
Secs. 1 to 6, inclusive, all;
Secs. 9, 10 and 11, all;
Secs. 12 and 13, excluding Native allotment F-17262 Parcel B;
Secs. 14 and 19, all;
Secs. 29 to 32, inclusive, all.

Containing approximately 10,781 acres.

T. 33 N., R. 29 W.,
The beds of Pitka Fork and Middle Fork Kuskokwim River.

Containing approximately 1,225 acres.

T. 34 N., R. 26 W.,
Sec. 33, all.

Containing approximately 607 acres.

T. 34 N., R. 28 W.,
Secs. 31 to 36, inclusive, all.

Containing approximately 3,630 acres.
Aggregating approximately 64,225 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-16630-2, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 2 C3, D1, D9, L) An easement for an existing access trail twenty-five (25) feet in width from the junction of trail EIN 7 C3 in Sec. 36, T. 28 S., R. 24 E., Kateel River Meridian, easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 7 C3) An easement for an existing access trail fifty (50) feet in width from Nikolai easterly thence southeasterly along the Little Tonzona River to Public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

c. (EIN 8 L) An easement for an existing access trail twenty-five (25) feet in width from Medfra northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 10 D1, M) An easement for an existing access trail twenty-five (25) feet in width from Nikolai northerly to the North Fork Kuskokwim River and continuing to trail EIN 8. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 12 C3, D1, D9) An easement for an existing access trail fifty (50) feet in width from Medfra westerly to public lands and McGrath. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

f. (EIN 13 C3, D1) An easement for an existing access road sixty (60) feet in width from Medfra northerly to public lands and the Nixon Fork Mine. The uses allowed are those listed above for a sixty (60) foot wide road easement.

g. (EIN 28 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 26 S., R. 23 E., Kateel River Meridian, southwesterly to Sec. 1, T. 27 S., R. 22 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of lands shall be subject to:

1. Issuance of a patent conforming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date 1,096,628 acres of land, selected pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, have been approved for conveyance to Doyon, Limited.

Only the following water body within the described lands is considered to be navigable: North Fork Kuskokwim River.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the

Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until June 4, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board. If an appeal is taken, the adverse party to be served with a copy of the notice of appeal is:

Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Sue A. Wolf,
Chief, Branch of Adjudication.

[AA-8103-2]

[FR Doc. 79-13853 Filed 5-2-79; 8:45 am]

BILLING CODE 4310-84-M

Alaska Native Claims Selection

On April 2, 1975, Doyon, Limited filed Selection application AA-8103-2, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (Supp. V, 1975)), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Nikolai.

Doyon, Limited, in its April 2, 1975, application, failed to select T. 33 N., R. 29 W., Seward Meridian, Alaska. Further, while the written application properly selects T. 34 N., R. 28 W., Seward Meridian, Alaska, this township was not included in the map portrayal of the selection; and 43 CFR 2650.2(d)(5) provides the map shall be controlling in such cases. Both townships were withdrawn pursuant to Sec. 11(a)(1).

The acreage allocated to Doyon, Limited, pursuant to Sec. 12(c) will exceed the acreage available for selection in the Sec. 11(a)(1) withdrawals.

Section 12(c)(3) and 43 CFR 2652.3(a) provide that a regional corporation must, to the extent necessary to obtain its entitlement, select all available lands withdrawn pursuant to Sec. 11(a)(1) before selecting lands withdrawn prusuant to Sec. 11(a)(3). On August 2, 1974, Doyon, Limited entered into a stipulation and agreement, as amended, filed in *Doyon, Limited, et al. v. Rogers C. B. Morton* (Civil action No. 1586-73, D.D.C.). Paragraph 3.B. (1) of that stipulation and agreement provides that Doyon, Limited will be required to select all the so-called odd/odd, even/even townships within the lands in its region withdrawn pursuant to Sec. 11(a)(1) which are not otherwise unavailable. On November 6, 1975, Doyon, Limited, submitted its "Supplemental Application, 11(a)(1) Regional Selections" to amend application AA-8103-2. In its amendment, Doyon, Limited requested:

Any and all available public lands as defined by Sec. 3(e) and withdrawn pursuant to Section 11(a)(1) of the Alaska Native Claims Settlement Act, which are located in even numbered townships in even numbered ranges, and in odd numbered townships in odd numbered ranges.

For all of the above reasons, all available lands in T. 33 N., R. 29 W., Seward Meridian, and T. 34 N., R. 28 W., Seward Meridian, are considered selected by Doyon, Limited.

As to the lands described below, selection application AA-8103-2, as amended, submitted by Doyon, Limited pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entries perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c), aggregating approximately 187,212 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act.

Kateel River Meridian, Alaska (Unsurveyed)

T. 26 S., R. 22 E.,
Secs. 1 to 16, inclusive, all;
Secs. 21 to 28, inclusive, all;
Secs. 33 to 36, inclusive, all;
Containing approximately 17,856 acres.

T. 26 S., R. 24 E.,
Secs. 1 to 11, inclusive, all;
Secs. 15 to 19, inclusive, all;
Containing approximately 10,119 acres.

T. 26 S., R. 26 E.,
Secs. 1 to 36, inclusive, excluding North Fork Kuskokwim River.
Containing approximately 22,869 acres.

T. 27 S., R. 21 E.,
Secs. 2 to 15, inclusive, all;
Secs. 16 and 17, excluding mineral survey application AA-12517;
Secs. 18 and 19, all;
Secs. 20 and 21, excluding mineral survey applications AA-12517 and AA-12518;
Secs. 22, 23 and 24, all;
Sec. 29, excluding mineral survey application AA-12518;
Sec. 30, all;
Containing approximately 15,525 acres.

T. 27 S., R. 23 E.,
Secs. 34 and 35, all;
Sec. 36, excluding East Fork Kuskokwim River.
Containing approximately 1,850 acres.

T. 27 S., R. 25 E.,
Secs. 1 to 36, inclusive, excluding North Fork Kuskokwim River and East Fork Kuskokwim River.
Containing approximately 22,913 acres.

T. 28 S., R. 22 E.,
Sec. 1, excluding North Fork Kuskokwim River;
Sec. 8, excluding Kuskokwim River;
Sec. 9, all;
Sec. 10, excluding Native allotments F-17519 Parcel A, and F-17525, and South Fork Kuskokwim River;
Sec. 11, excluding South Fork Kuskokwim River;
Secs. 12 to 13, all;
Secs. 14 and 15, excluding South Fork Kuskokwim River;
Secs. 16 and 17, all;
Secs. 19, 20, and 21, all;
Secs. 22 to 26, inclusive, excluding South Fork Kuskokwim River;
Sec. 26, N½, SE¼;
Secs. 28 to 31, inclusive, all;
Sec. 32, N½, SW¼;
Sec. 36, N½, SE¼.
Containing approximately 14,971 acres.

T. 28 S., R. 26 E.,
Secs. 1 and 2, all;
Secs. 10 to 16, inclusive, all.
Secs. 21 to 36, inclusive, all.
Containing approximately 15,996 acres.

T. 29 S., R. 21 E.,
Secs. 1, 2 and 3, all;
Sec. 4, excluding Kuskokwim River;
Secs. 5 and 6, all.
Containing approximately 3,213 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 33 N., R. 25 W.,
Sec. 7, excluding Native allotment F-17261;
Sec. 8, all;
Secs. 15 to 18, inclusive, all;
Secs. 20 to 28, inclusive, all;
Secs. 33 to 36, inclusive, all.
Containing approximately 11,984 acres.

T. 33 N., R. 27 W.,
Secs. 1 to 36, inclusive, all.
Containing approximately 23,005 acres.

T. 33 N., R. 29 W.,
Secs. 1 to 5, inclusive, all;
Sec. 6, excluding Kuskokwim River;
Secs. 7, 8 and 9, excluding Middle Fork Kuskokwim River;
Sec. 10, all;

Secs. 11 to 14, inclusive, excluding Pitka Fork Kuskokwim River;
Sec. 15, excluding Native allotment F-17785 Parcel A and Pitka Fork and Middle Fork Kuskokwim River;
Sec. 16, excluding Middle Fork Kuskokwim River;
Secs. 17 and 18, excluding Native allotment F-17638 and Middle Fork Kuskokwim River;
Secs. 19 and 20, all;
Sec. 21, excluding Middle Fork Kuskokwim River;
Sec. 22, excluding Native allotment F-17785 Parcels A and B and Pitka Fork and Middle Fork Kuskokwim River;
Sec. 23, excluding Pitka Fork Kuskokwim River;
Secs. 24 and 25, all;
Secs. 26 and 27, excluding Middle Fork Kuskokwim River;
Secs. 28 to 34, inclusive, all;
Sec. 35, excluding Middle Fork Kuskokwim River;
Sec. 36, all.
Containing approximately 21,460 acres.

T. 34 N., R. 26 W.,
Secs. 34, 35 and 36, all.
Containing approximately 1,821 acres.
Aggregating approximately 186,582 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Sup. V, 1975)), the following pubic easements, reference by easement identification number (EIN) on the easement maps attached to this document, copies of which wil be found in case file AA-16630-2, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

a. (EIN 1 C5, M, L) An easement for an existing access trail fifty (50) feet in width from Sec. 6, T. 33 N., R. 29 W., Kateel River Meridian, easterly to the Salmon River. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

b. (EIN 3 C3, D1, D9, L) An easement for an existing access trail fifty (50) feet in width from Nikolai northwesterly to Medfra. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

c. (EIN 4 C5, M) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 34 N., R. 27 W., Seward Meridian, southwesterly to Sec. 1, T. 33 N., R. 28 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 5 C5, M) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 34 N., R. 29 W., Seward Meridian, southeasterly to Sec. 6, T. 33 N., R. 28 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

e. (EIN 11 M) An easement for an existing access trail twenty-five (25) feet in width from Medfra southwesterly paralleling the Kuskokwim River to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date 1,032,403 acres of land, selected pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, have been approved for conveyance to Doyon, Limited.

Only the following water bodies within the described lands are considered to be navigable:

Kuskokwim River (main branch); North Fork Kuskokwim River; and South Fork Kuksokwim River from its mouth upstream to the village of Nikolai.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until June 4, 1979 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

If an appeal is taken, the adverse party to be served with a copy of the notice of appeal is:

Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Sue Wolf,
Chief, Branch of Adjudication.

[AA-8103-2]
[FR Doc. 79-13854 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Alaska Native Claims Selection

On December 12, 1974, Sealaska Corporation filed selection application AA-14015, as amended, under the provisions of Sec. 14(h)(8) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 688, 705; 43 U.S.C. 1601, 1613(h)(8) (1976)) for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 16(a) for the Native villages in southeast Alaska.

The selection application identified lands in T. 76 S., R. 84 E., and T. 77 S., R. 85 E., Copper River Meridian, which are not available for selection.

Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since a portion of the lands encompassed in the subject Sec. 14(h)(8) application had been properly withdrawn by Power Site Classification (PSC) 192 and Power Projects (PP) 132, 186 and 664, the lands described below were not unreserved or unappropriated at the time of selection by Sealaska Corporation.

All unsurveyed lands within one-fourth mile of Lake Josephine, Lake Mellen, Summit Lake, Reynolds Creek, and two unnamed streams connecting Summit Lake and Lake Josephine to Lake Mellen.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 14(h)(8) of ANCSA, aggregating approximately 160,549 acres, are considered proper for acquisition by Sealaska Corporation and are hereby approved for conveyance pursuant to Sec. 14(h)(8) of ANCSA:

U.S. Survey 1885, Alaska, located on the north shore of Hetta Inlet, Prince of Wales Island. Containing 29.17 acres.

Copper River Meridian, Alaska (Unsurveyed)

T. 42 S., R. 60 E.,
Secs. 17 and 18 (fractional), all;
Sec. 19, all;
Secs. 20, 21, 22, and 25 (fractional), all;
Sec. 26 (fractional), excluding U.S. Surveys 1355 and 1475;
Sec. 27 (fractional), excluding U.S. Survey 1475;
Sec. 28 (fractional), all;
Secs. 29 to 34, inclusive, all;
Sec. 35 (fractional), excluding U.S. Survey 1355;
Sec. 36 (fractional), all.

Containing approximately 7,539 acres.

T. 43 S., R. 60 E.,
Secs. 1 to 11, inclusive, all;
Sec. 12, W½NW¼;
Sec. 14, all;
Secs. 17 to 20, inclusive, all;
Sec. 21, N½;
Sec. 28, SW¼;
Secs. 29 to 32, inclusive, all.

Containing approximately 13,276 acres.

T. 44 S., R. 60 E.,
Sec. 3 (fractional), all;
Sec. 4, all;
Secs. 9, 10 and 16 (fractional), all.

Containing approximately 1,555 acres.

T. 57 S., R. 73 E.,
Sec. 1, all;
Sec. 11 (fractional), E½NE¼, SE¼SW¼, SE¼;
Sec. 12, all;
Secs. 13 and 14 (fractional), all;
Sec. 15 (fractional), NE¼NE¼, S½N½, S½;
Sec. 23 (fractional), excluding historical place application AA–10485;
Secs. 24 and 25 (fractional), all.

Containing approximately 3,227 acres.

T. 72 S., R. 80 E.
Secs. 1, 2, 11 and 12, all;
Sec. 13 (fractional), all;
Secs. 14, 19 and 20, all;
Secs. 21 to 24 (fractional), inclusive, all;
Sec. 25 (fractional), N½, SW¼;
Secs. 26 to 29 (fractional), inclusive, all;
Sec. 30, all;
Secs. 31 and 32 (fractional), all;
Sec. 33 (fractional), excluding Mineral Survey 2201;
Sec. 34 (fractional), N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, excluding Mineral Survey 2201;
Sec. 35 (fractional), N½NW¼.

Containing approximately 8,957 acres.

T. 72 S., R. 81 E.,
Secs. 1 to 7, inclusive, all;
Secs. 8 to 11 (fractional), inclusive, all;
Sec. 12, all;
Secs. 13, 14 and 15 (fractional), all;
Sec. 16 (fractional), N½NE¼, SE¼NE¼, NW¼, W½SW¼, E½SE¼;
Secs. 17, 18 and 19 (fractional), all;
Sec. 20 (fractional), NW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 21 (fractional), E½;
Secs. 22 to 27, inclusive, all;
Sec. 28, NE¼, E½NW¼, S½;
Sec. 29 (fractional), S½SE¼;
Sec. 32, NE¼, S½;
Secs. 35 and 36, all.

Containing approximately 16,516 acres.

T. 72 S., R. 85 E.,
Secs. 5, 6, 7 and 8 (fractional), all;
Secs. 17, 18 and 19 (fractional), all;
Sec. 20, all;
Secs. 26 and 27 (fractional), all;
Secs. 28 to 34, inclusive, all;
Sec. 35 (fractional), all.

Containing approximately 9,449 acres.

T. 72 S., R. 86 E.,
Secs. 1 and 2, all;
Secs. 3 and 10 (fractional), all;
Secs. 11 to 14, inclusive, all;
Secs. 15, 22 and 23 (fractional), all;
Secs. 24 and 25, all;
Secs. 26, 35 and 36 (fractional), all.

Containing approximately 7,325 acres.

T. 73 S., R. 85 E.,
Secs. 1 and 2, all;
Sec. 3 (fractional), all;
Sec. 7 (fractional), S½N½, S½;
Sec. 10 (fractional), all;
Sec. 11 (fractional), N½, SW¼, N½SE¼, SW¼SE¼, excluding U.S. Surveys 1019, 1447 and 1784, and Mineral Survey application AA–24795;
Sec. 12 (fractional), N½, N½S½, excluding Mineral Survey application AA–24795;
Secs. 18, 19 and 20 (fractional), all;
Secs. 27 to 32 (fractional), inclusive, all;
Sec. 33 (fractional), excluding U.S. Survey 2836;
Sec. 34 (fractional), all.

Containing approximately 5,680 acres.

T. 74 S., R. 85 E.
Secs. 5 and 6 (fractional), all;
Secs. 7 and 8, all;
Secs. 17 to 20, inclusive, all;
Sec. 28, W½W½;
Secs. 29 to 32, inclusive, all;
Secs. 33 and 34 (fractional), all.

Containing approximately 8,429 acres.

T. 75 S., R. 80 E.
Secs. 9 and 10 (fractional), all;
Sec. 11 (fractional), W½W½;
Sec. 13 (fractional), S½SW¼; SW¼SE¼;
Sec. 14, SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Secs. 15, 16 and 17 (fractional), all;
Secs. 20, 21 and 22 (fractional), all;
Secs. 23 to 28, inclusive, all;
Secs. 29 and 33 (fractional), all;
Secs. 34, 35 and 36, all.

Containing approximately 8,675 acres.

T. 76 S., R. 83 E.
Secs. 1 to 5, inclusive, all;
Secs. 8 to 16, inclusive, all;
Secs. 17 and 20 (fractional), all;
Secs. 21 to 28, inclusive, all;
Sec. 29 (fractional), all;
Secs. 35 and 36, all.

Containing approximately 16,650 acres.

T. 76 S., R. 84 E.
Secs. 1 to 9, inclusive, all;
Sec. 10 (fractional), excluding U.S. Surveys 691 and 1885;
Sec. 11 (fractional), excluding Mineral Survey 743;
Sec. 12, excluding Mineral Survey 743;
Sec. 13 (fractional), excluding Mineral Survey 743;
Sec. 14 (fractional), exluding Mineral Surveys 743 and 562B;
Sec. 15 (fractional), excluding Mineral Survey 562B and U.S. Surveys 691 and 1885;
Secs. 16 and 17 (fractional), all;
Sec. 18 and 19, all;
Sec. 20 (fractional), all;
Sec. 21 (fractional), excluding Mineral Survey 562B;
Sec. 22, excluding Mineral Surveys 562A and 562B;
Secs. 23 and 24, all;
Sec. 28 (fractional), excluding U.S. Survey 1191 and Mineral Surveys 562B, 1525, 1542, 1596 and 1599;
Sec. 29 (fractional), all;
Sec. 30, all;
Secs. 31 and 32 (fractional), all;
Sec. 33 (fractional), excluding U.S. Survey 1191 and Mineral Surveys 562B, 1525 and 1596.

Containing approximately 15,972 acres.

T. 77 S., R. 82 E.
Sec. 5 (fractional), excluding AA–22286, request for designation under Sec. 3(e) of the Alaska Native Claims Settlement Act, Lively Island Aid to Navigation Site;
Secs. 7, 8 and 9 (fractional), all;
Secs. 16, 17 and 18 (fractional), all;
Secs. 19 and 20, all;
Sec. 21 (fractional), all;
Secs. 28 to 33 (fractional), inclusive, all.

Containing approximately 4,977 acres.

T. 77 S., R. 84 E.
Sec. 1 (fractional), N½, E½SW¼, SE¼;
Sec. 2, N½NE¼, NW¼;
Sec. 3, N½.

Containing approximately 1,100 acres.

T. 77 S., R. 85 E.

Secs. 1 and 2, excluding PSC 192 and Mineral Survey 1524;
Sec. 3, excluding PSC 192 and Mineral Surveys 419A, 886 and 1023;
Sec. 4 (fractional), excluding PSC 192 and Mineral Surveys 419A, 419B, and 1023;
Sec. 5 (fractional), excluding historical place application AA–10456;
Sec. 6 (fractional), all;
Sec. 8 (fractional), excluding Mineral Survey 419B;
Sec. 9 (fractional), excluding PSC 192 and Mineral Surveys 419B, 884B, 1522B and 1523B;
Sec. 10, excluding PSC 192 and Mineral Surveys 884A, 1522A and 1523A;
Sec. 11, excluding PSC 192 and Mineral Surveys 884A and 1523A;
Secs. 12 and 13, all;
Sec. 14, excluding Mineral Surveys 884A, 1522A and 1523A;
Sec. 15 (fractional), excluding Mineral Surveys 884A, 1522A and 1523A;
Sec. 16 (fractional), all;
Sec. 22 (fractional), excluding historical place applications AA–10458 and AA–10460;
Sec. 23, excluding historical place application AA–10458;
Secs. 24 and 25, all;
Sec. 26 (fractional), excluding historical place application AA–10458 and U.S. Survey 312;
Sec. 27 (fractional), excluding historical place applications AA–10458 and AA–10460 and U.S. Survey 315;
Sec. 34 (fractional), all;
Secs. 35 and 36, all.

Containing approximately 10,731 acres.

T. 78 S., R. 82 E.
Secs. 2, 3 and 4 (fractional), all;
Sec. 5, all;
Secs. 6 and 7 (fractional), all;
Secs. 8, 9 and 10, all;
Secs. 11 and 14 (fractional), all;
Sec. 15, all;
Secs. 16 and 17 (fractional), all;
Sec. 18, all;
Sec. 19, excluding Mineral Survey 2208;
Sec. 20 (fractional), excluding Mineral Survey 2208;
Secs. 21 and 22 (fractional), all;
Sec. 23 (fractional), excluding Mineral Surveys 1556, 1565 and 1567;
Sec. 25 (fractional), excluding Mineral Survey 2231;
Sec. 26 (fractional), excluding Mineral Surveys 1556, 1566, 1567 and 2231;
Sec. 27 (fractional), all;
Sec. 28 (fractional), excluding Mineral Survey 2208;
Secs. 29 to 33, inclusive, excluding Mineral Survey 2208;
Secs. 34, 35 and 36 (fractional), all.

Containing approximately 13,013 acres.

T. 78 S., R. 83 E.
Sec. 31 (fractional), all.

Containing approximately 30 acres.

T. 78 S., R. 85 E.
Sec. 1, all;
Sec. 2 (fractional), all;
Sec. 3, all;
Secs. 10 to 24 (fractional), inclusive, all;
Sec. 25, all;
Secs. 26 to 31 (fractional), inclusive, all;
Sec. 32 (fractional), excluding Mineral Survey 1430;
Secs. 33 to 36 (fractional), inclusive, all.

Containing approximately 7,419 acres.
Aggregating approximately 160,549 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

1. The right to itself, its permittees or licensees, to enter upon, occupy and use, any part or all of that portion lying within twenty-five (25) feet of the center line of the transmission line right-of-way of Power Project 2432, for the purposes set forth in and subject to the conditions and limitations of Sec. 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended (16 U.S.C. 818). Such portions located in T. 57 S., R. 73 E., Copper River Meridian, Alaska.

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA–18968–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

50 Foot Trail.—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road.—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

100 Foot Proposed Road.—The uses allowed on a one-hundred (100) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks. All roads in this category must be proposed for construction within a five-year period. If the road is not constructed the easement will be reduced to a trail width. If after the road has been constructed a lesser width is sufficient to accommodate the road, the easement shall be reduced to a 60 foot wide easement.

One Acre Site.—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

EASEMENTS TO BE RESERVED.—a. (EIN 1a C5) An easement for an existing access trail twenty-five (25) feet in width from a point on the selection boundary in Sec. 21, T. 74 S., R. 85 E., Copper River Meridian, westerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 6 G) An easement sixty (60) feet in width for an existing road the City of Kake easterly to a fork in the road in Sec. 1, T. 57 S., R. 73 E., Copper River Meridian. Thence northerly and southerly to areas of public lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. (EIN 30 G) An easement sixty (60) feet in width for an existing road from a point on the selection boundary in Sec. 1, T. 72 S., R. 81 E., Copper River Meridian, southerly to public lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

d. (EIN 31 G) An easement one hundred (100) feet in width for a proposed road from EIN 30 G in Sec. 24, T. 72 S., R. 81 E., Copper River Meridian, southerly to Black Lake. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

e. (EIN 33 G) An easement one hundred (100) feet in width for a proposed road from a point on the selection boundary in Sec. 27, T. 72 S., R. 85 E., Copper River Meridian, westerly to public lands. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

f. (EIN 35 G) An easement one hundred (100) feet in width for a proposed road from a point on the selection boundary in Sec. 36, T. 72 S., R. 86 E., Copper River Meridian, northerly to public lands. This uses allowed are those listed above for a one hundred (100) foot wide road easement.

g. (EIN 35a G) An easement one hundred (100) feet in width for a proposed road from a point on the selection boundary in the SW ¼ of Sec. 35, T. 71 S., R. 86 E., Copper River Meridian, southerly into Sec. 2, 72 S., R. 86 E., thence curving northeasterly into the SW ¼ of Sec. 36, T. 71 S., R. 86 E., Copper River Meridian. The uses

allowed are those listed above for a one hundred (100) foot wide road easement.

h. (EIN 35b G) An easement one hundred (100) feet in width for a proposed road from EIN 35c G in Sec. 24, T. 72 S., R. 86 E., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

i. (EIN 35c G) An easement one hundred (100) feet in width for a proposed road from EIN 35 G in Sec. 23, T. 72 S., 86 E., Copper River Meridian, easterly to public lands. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

j. (EIN 36 D9) An easement for an existing access trail twenty-five (25) feet in width from a point on the selection boundary in Sec. 36, T. 72 S., R. 86 E., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 48 G) An easement sixty (60) feet in width for an existing road from the shore of Hetta Inlet in Sec. 33, T. 76 S., R. 84 E., Copper River Meridian, easterly to public lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

l. (EIN 53 D1) An easement for an existing access trail twenty-five (25) feet in width from EIN 55 D9 in Sec. 24, T. 77 S., R. 85 E., Copper River Meridian, easterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

m. (EIN 55 D9) A site easement upland of the ordinary high water mark in Sec. 24, T. 77 S., R. 85 E., Copper River Meridian, on the east shore of Hetta Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

n. (EIN 56 D1) An easement for an existing access trail twenty-five (25) feet in width from Hetta Point in Sec. 22, T. 77 S., R. 85 E., Copper River Meridian, easterly to EIN 55 D9. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

o. (EIN 62 D1) An eastment for an existing access trail twenty-five (25) feet in width from View Cove in Sec. 20, T. 78 S., R. 82 E., Copper River Meridian, westerly to Manhattan Arm. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

p. (EIN 62a C5) A one (1) acre site easement upland of the mean high tide line in Sec. 20, T. 78 S., R. 82 E., Copper River Meridian, on the west shore of View Cove. The uses allowed are those listed above for a one (1) acre site.

q. (EIN 68 C5) A one (1) acre site easement upland of the mean high tide line in Sec. 33, T. 76 S., R. 84 E., Copper River Meridian, on the east shore of Hetta Inlet. The uses allowed are those listed above for a one (1) acre site.

r. (EIN 69 C5) An easement for a proposed access trail twenty-five (25) feet in width from a point below Nutkwa Falls in Sec. 12, T. 78 S., R. 85 E., Copper River Meridian, northerly approximately ¼ mile to a point above the falls. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

s. (EIN 70 C5) An easement for a proposed access trail fifty (50) feet in width from the beach in Sec. 13, T 43 S., R. 60 E., Copper River Meridian, westerly to isolated public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976 ed.)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. The following third-party interest, if valid, created and identified by the U.S. Forest Service, as provided by Sec. 14(g) of ANCSA: Special use permit dated October 15, 1970, issued to the Oregon-Portland Cement Company, for a road located within SW¼SW¼ Sec. 22, T. 78 S., R. 82 E., Copper River Meridian.

4. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k) (1976)), that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such mnanagement practices on adjacent national forest lands.

Sealaska Corporation is entitled to conveyance of a minimum of 220,201 acres of land selected pursuant to Sec. 14(h)(8) of ANCSA. By this decision, approximately 160,549 acres have been approved for conveyance. Patent to the surface and subsurface estates of the surveyed land herein approved will be issued when this decision becomes final; interim conveyance will be issued for the unsurveyed land. Conveyance of the remaining entitlement will be made at a later date.

There are no inland water bodies considered to be navigable within the above described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Southeast Alaska Empire (Juneau). Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until April 4, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the part to be served with a copy of the notice of appeal is:

Sealaska Corporation, One Sealaska Plaza Juneau, Alaska 99801.

Sue Wolf,
Chief, Branch of Adjudication.

[AA-14015]
[FR Doc. 79-13855 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Alaska Native Claims Selection

On April 2, 1975, Doyon, Limited filed selection application AA-8103-3, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (Supp. V, 1975)), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of McGrath (MTNT, Ltd.) The application excluded several water bodies as being navigable. As these are considered nonnavigable and as Sec. 12(c)(3) and 43 CFR 2652.3(c) require the region to select all avaialble lands within the township, these water bodies are considered selected.

As to the lands described below, selection application AA-8103-3, as amended, submitted by Doyon, Limited is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entries perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c), aggregating approximately 5,357 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act.

The bed of the unnamed lake located in protracted Secs. 12 and 13, T. 33 N., R. 31 W., Seward Meridian, Alaska. Containing approximately 85 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 32 N., R. 34 W.,
Secs. 19 and 20, all;
Sec. 28, excluding the Kuskokwim River;
Secs. 29, 30 and 31 all;
Sec. 32, excluding the Kuskokwim River.
Containing approximately 4,312 acres.

T. 31 N., R. 35 W.,
Sec. 2, all;
Sec. 11, N½
Containing approximately 960 acres.
Aggregating approximately 5,357 acres.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date 747,618 acres of land, selected pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, have been approved for conveyance to Doyon, Limited.

Within the above described lands, only the following inland water body is considered to be navigable:

Kuskokwim River.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until June 4, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

If an appeal is taken, the adverse party to be served with a copy of the notice of appeal is:

Doyon, Limited
First and Hall Streets
Fairbanks, Alaska 99701

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Sue Wolf,
Chief, Branch of Adjudication.

[AA-8103-3]
[FR Doc. 79-13856 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Alaska Native Claims Selection

On April 2, 1975, Doyon, Limited filed selection application AA-8103-3, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (Supp. V, 1975)), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of McGrath (MTNT, Ltd.)

As to the lands described below, selection application AA-8103-3, as amended, submitted by Doyon, Limited is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entries perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c), aggregating approximately 105,956 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act.

Seward Meridian, Alaska (Unsurveyed)

T. 33 N., R. 31 W.,
Secs. 1 to 36, inclusive, excluding the Kuskokwim River and the unnamed lake located in Secs. 12 and 13.
Containing approximately 22,505 acres.

T. 32 N., R. 32 W.,
Secs. 1 to 36, inclusive, all.
Containing approximately 22,806 acres.

T. 31 N., R. 33 W.,
Secs. 1 to 36, inclusive, all.
Containing approximately 22,872 acres.

T. 32 N., R. 34 W.,
Sec. 27, excluding the Kuskokwim River.
Containing approximately 625 acres.

T. 34 N., R. 34 W.,
Secs. 31 to 34, inclusive, all;
Sec. 35, excluding Native allotments F-16314 and F-16287;

Sec. 36, excluding Native allotments F-16287 and F-16314 and the Takotna River.

Containing approximately 3,350 acres.

T. 31 N., R. 35 W.,
Sec. 1, excluding Native allotment F-16091;
Secs. 3 to 10, inclusive, all;
Sec. 11, S½
Secs. 15 to 22, inclusive, all;
Secs. 26 to 34, inclusive, all.

Containing approximately 16,752 acres.

T. 33 N., R. 35 W.,
Secs. 7 to 18, inclusive, all;
Sec. 19, excluding Public Land Order 731;
Secs. 20 to 29, inclusive, all;
Secs. 30 to 33, excluding Public Land Order 731;
Secs. 34, 35 and 36, all.

Containing approximately 17,046 acres.
Aggregating approximately 105,956 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA-16630-3, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel-drive vehicles.

a. (EIN 5 D9) An easement for an existing access trail twenty-five (25) feet in width from the Iditarod Trail in Sec. 10, T. 33 N., R. 34 W., Seward Meridian, southwesterly to the Ophir Road in Sec. 12, T. 32 N., R. 36 W., Seward Meridian, near the Tatalina RCA site. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

b. (EIN 9 C1) An easement for an existing access trail twenty-five (25) feet in width from McGrath easterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

(EIN 20 C1, C3, D9) An easement for an existing access trail twenty-five (25) feet in width from McGrath westerly to Takotna along the old Iditarod Trail route. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

d. (EIN 35 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 32N., R. 33 W., Seward Meridian, southwesterly to Sec. 1, T. 31 N., R. 34 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 37 C5) An easement for a proposed access trail fifty (50) feet in width from Sec. 36, T. 32 N., R. 33 W., Seward Meridian, southeasterly to Sec. 6, T. 31 N., R. 32 W., Seward Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

f. (EIN 49 E) An easement for a proposed access trail fifty (50) feet in width from Sec. 31, T. 32 N., R. 35 W., Seward Meridian, southwesterly to Sec. 1, T. 31 N., R. 36 W., Seward Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date 742,261 acres of land, selected pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, have been approved for conveyance to Doyon, Limited.

Only the following water bodies within the described lands are considered to be navigable: Kuskokwim River; Takotna River.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until June 4, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

If an appeal is taken, the adverse party to be served with a copy of the notice of appeal is:

Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Sue Wolf,
Chief, Branch of Adjudication.

[AA-8103-3]
[FR Doc. 79-13857 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Alaska Native Claims Settlement Act

On April 3, 1975, Doyon, Limited filed selection application AA-8103-1, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (Supp. V, 1975)), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Telida.

As to the lands described below, selection application AA-8103-1, as amended, submitted by Doyon, Limited is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto.

These lands do not include any lawful entires perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c), aggregating approximately 199,591 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act:

Fairbanks Meridian, Alaska (Unsurveyed)

T. 18 S., R. 28 W.,
Secs. 1 to 11, inclusive, all;
Sec. 12, excluding Native allotment F–17524 Parcel A;
Secs. 13 to 36, inclusive, all.
Containing approximately 22,776 acres.

Kateel River Meridian, Alaska (Unsurveyed)

T. 23 S., R. 27 E.,
Secs. 1 and 2, excluding the North Fork Kuskokwim River;
Secs. 11 to 15, inclusive, excluding the North Fork Kuskokwim River;
Secs. 16 to 20, inclusive, all;
Sec. 21, excluding Native allotment F–16051 Parcel B and the North Fork Kuskokwim River;
Secs. 22 and 23, excluding the North Fork Kuskokwim River;
Secs. 24, 25 and 26, all;
Secs. 27 and 28, excluding the North Fork Kuskokwim River;
Secs. 29, 30 and 31, all;
Secs. 32, 33 and 34, excluding the North Fork Kuskokwim River;
Secs. 35 and 36, all.
Containing approximately 21,572 acres.

T. 22 S., R. 28 E.,
Secs. 1 and 2, all;
Secs. 3 and 4, excluding the North Fork Kuskokwim River;
Secs. 5, 6, 7 and 8, all;
Secs. 9 and 10, excluding the North Fork Kuskokwim River;
Secs. 11, 12, 13 and 14, all;
Sec. 15, excluding the Swift Fork Kuskokwim River;
Sec. 16, excluding the Swift Fork Kuskokwim River and the North Fork Kuskokwim River;
Sec. 17, excluding Native allotment F–17361 Parcel B and the North Fork Kuskokwim River;
Secs. 18 and 19, all;
Sec. 20, excluding Native allotment F–17361 Parcel B, the Swift Fork Kuskokwim River and the North Fork Kuskokwim River;
Sec. 21, excluding the Swift Fork Kuskokwim River and the North Fork Kuskokwim River;
Secs. 22 and 27, excluding the Swift Fork Kuskokwim River;
Sec. 28, all;
Secs. 29, 30 and 31, excluding the North Fork Kuskokwim River;
Secs. 32, 33 and 34, all.
Containing approximately 18,056 acres.

T. 24 S., R. 28 E.,
Secs. 1 to 36, inclusive, all
Containing approximately 23,004 acres.

T. 26 S., R. 28 E.,
Secs. 1 to 30, excluding the Slow Fork Kuskokwim River and the unnamed lake located in Secs. 8, 9, 16 and 17;
Sec. 32, N½
Sec. 33, N½ and SE¼
Secs. 34, 35 and 36, all.
Containing approximately 21,208 acres.

T. 23 S., R. 29 E.,
Sec. 1, all;
Secs. 2 and 3, excluding Native allotment F–17185 Parcel B;
Sec. 4, all;
Secs. 5 and 6, excluding the Swift Fork Kuskokwim River;
Sec. 7, all;
Sec. 8, excluding the Swift Fork Kuskokwim River;
Sec. 9, all;
Secs. 10 and 11, excluding Native allotment F–17185 Parcel B;
Secs. 12 to 16, inclusive, all;
Sec. 17, excluding the Swift Fork Kuskokwim River;
Secs. 18 and 19, all;
Sec. 20, excluding the Swift Fork Kuskokwim River;
Secs. 21 to 27, inclusive, all;
Sec. 29, excluding the Swift Fork Kuskokwim River;
Sec. 30, all;
Secs. 31 and 32, excluding the Swift Fork Kuskokwim River.
Containing approximately 19,487 acres.

T. 25 S., R. 29 E.,
Secs. 2 to 11, inclusive, all;
Secs. 14 to 23, inclusive, all;
Secs. 25 to 36, inclusive, all.
Containing approximately 20,240 acres.

T. 22 S., R. 30 E.,
Secs. 2 to 11, inclusive, all;
Secs. 14 to 23, inclusive, all;
Secs. 26 to 35, inclusive, all.
Containing approximately 19,417 acres.

T. 24 S., R. 30 E.,
Secs. 19 to 23, excluding the Swift Fork Kuskokwim River;
Secs. 26 to 35, excluding the Swift Fork Kuskokwim River.
Containing approximately 9,775 acres.

T. 26 S., R. 30 E.,
Secs. 1 to 36, excluding Grayling Lake.
Containing approximately 22,474 acres.

T. 25 S., R. 31 E.,
Secs. 30 and 31, all.
Containing approximately 1,582 acres.
Aggregating approximately 199,591 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

1. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–16630–1, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 2 C5) An easement for an existing access trail twenty-five (25) feet in width from Telida northwesterly to public lands in Sec. 34, T. 23 S., R. 28 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 3 D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 17, T. 22 S., R. 28 E., Kateel River Meridian, on the left bank of the North Fork Kuskokwim River at the juncture of the Swift Fork. The uses allowed are those listed above for a one (1) acre site.

c. (EIN 5 D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Telida southwesterly to Nikolai. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 6 C3, D9) An easement for an existing access trail twenty-five (25) feet in width from Telida southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 11 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 22 S., R. 29 E., Kateel River Meridian, southeasterly to Sec. 6, T. 23 S., R. 30 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 12 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 22 S., R. 29 E., Kateel River Meridian, southwesterly to Sec. 1, T. 23 S., R. 28 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 13 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 22 S., R. 27 E., Kateel River Meridian, southeasterly to Sec. 6, T. 23 S., R. 28 E., Kateel River Meridian. The uses allowed are those

listed above for a twenty-five (25) foot wide trail easement.

h. (EIN 14 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 23 S., R. 28 E., Kateel River Meridian, southwesterly to Sec. 1, T. 24 S., R. 27 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 15 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 25 S., R. 30 E., Kateel River Meridian, southwesterly to Sec. 1, T. 26 S., R. 29 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

j. (EIN 16 C5) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 25 S., R. 28 E., Kateel River Meridian, southeasterly to Sec. 6, T. 26 S., R. 29 E., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights, therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date 618,940 acres of land, selected pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, have been approved for conveyance to Doyon, Limited.

Only the following water bodies within the described lands are considered to be navigable: The North Fork Kuskokwim River; the Swift Fork Kuskokwim River from its mouth upstream to the village of Telida.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until June 4, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513. If an appeal is taken, the adverse party to be served with a copy of the notice of appeal is:

Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

Sue A. Wolf,
Chief, Branch of Adjudication.

[AA-8103-1]
[FR Doc. 79-13858 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Alaska Native Claims Settlement Act

On April 3, 1975, Doyon, Limited filed selection application AA-8103-1, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (Supp. V, 1975)), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Telida. The application excluded several water bodies as being navigable. As these are considered nonnavigable and as Sec. 12(c)(3) and 43 CFR 2652.3(c) require the region to select all available lands within the township, these water bodies are considered selected.

As to the lands described below, selection application AA-8103-1, as amended, submitted by Doyon, Limited is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entries perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c), aggregating approximately 17,365 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act:

The bed of the Slow Fork Kuskokwim River located in protracted T. 26 S., R. 28 E., Kateel River Meridian;
The bed of the unnamed lake located in protracted Secs. 8, 9, 16 and 17, T. 26 S., R. 28 E., Kateel River Meridian;
The bed of the Swift Fork Kuskokwim River located in protracted Secs. 19 to 23 and Secs. 26 to 35, T. 24 S., R. 30 E., Kateel River Meridian;
The bed of Grayling Lake located in protracted T. 26 S., R. 30 E., Kateel River Meridian.

Aggregating approximately 960 acres.

Fairbanks Meridian, Alaska (Unsurveyed)

T. 16 S., R. 28 W.,
Secs. 1 to 4, inclusive, all;
Secs. 9 to 16, inclusive, all;
Secs. 21 to 28, inclusive, all;
Secs. 33 to 36, inclusive, all.

Containing approximately 15,309 acres.

Kateel River Meridian, Alaska (Unsurveyed)

T. 26 S., R. 28 E.,
Sec. 31, all;
Sec. 32 S½;
Sec. 33, SW¼.

Containing approximately 1,096 acres.
Aggregating approximately 17,365 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

1. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-16630-1, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail.—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel

vehicles and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

a. (EIN 1 C3, D9) An easement for an existing access trail twenty-five (25) feet in width from Telida northeasterly toward Lake Minchumina. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights, therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of ANCSA, any valid exising right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date 636,305 acres of land, selected pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, have been approved for conveyance to Doyon, Limited.

There are no inland water bodies considered to be navigable within the above described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until June 4, 1979, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse party to be served with a copy of the notice of appeal is:

Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

Sue A. Wolf,
Chief, Branch of Adjudication.

[AA-8103-1]
[FR Doc. 79-13859 Filed 5-2-79; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Proposed Reauthorization of the Central Valley Project, California; Notice of Intent to Prepare an Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental statement on the proposed reauthorization of the Central Valley Project (CVP). The statement will identify all viable options for utilizing the currently uncontracted portion of the CVP yield and the impacts which would result from them.

The statement will include the viable options to and the impacts which result from renegotiation of the present draft agreement between the State and Federal Governments for the coordinated operation of the CVP and the State Water Plan.

The concepts presently contemplated for inclusion in the legislation are:

1. Authorize the Secretary to operate the CVP in accordance with current State Delta Standards.

2. Amend the CVP authorization statutes to provide that fish and wildlife are added as project purposes. Give equal consideration to fish and wildlife and Delta water quality in the allocation of future water supplies.

3. Authorize the relocation of the Contra Costa Canal intake from its present location to Clifton Court Forebay with the State of California, the Federal Government, and Contra Costa County Water District each sharing in the cost.

4. Provide funding for a conjunctive ground- and surface-water management program on Central Valley National Wildlife Refuges to increase water supplies to the refuges.

The first public meeting will be held on May 8, 1979, from 7:00 p.m. to 10:30 p.m. in the Sacramento Convention Center, Exhibit Hall B, 14 and K Street, Sacramento, California.

An additional public meeting will be held in each of the following cities: Fresno, Stockton, Concord and Redding. The meeting date, time and location will be announced in the local news media prior to the meeting.

For this environmental statement, the contact person will be: J. Bruce Kimsey, Office of Environmental Quality, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825, Telephone (916) 484-4792.

Dated: April 24, 1979

R. Keith Higginson,
Commissioner of Reclamation.

[FR Doc. 79-13895, Filed 5-2-79; 8:45 am]
BILLING CODE 4310-09-M

National Park Service

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held on Saturday, May 12, 1979, at 9:30 a.m (PDS) at West Marin School, Point Reyes Station, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman; Ms. Amy Meyer, Secretary; Mr. Ernest Ayala, Mr. Richard Bartke, Mr. Fred Blumberg, Ms. Daphne Greene, Mr. Peter Haas, Sr., Mr. John Jacobs, Ms. Gimmy Park Li, Mr. Joseph Mendoza, Mr. John Mitchell, Mr. Merritt Robinson, Mr. Jack Spring, Dr. Edgar Wayburn, and Mr. Joseph Williams.

The major agenda items will be a swearing in ceremony for two new Commissioners (Burr Heneman and Thomas Winnett); a public discussion on a proposed pet policy for areas within Point Reyes National Seashore; and update on Sir Francis Drake Quadricentennial activities; updates on committee reports; and an update on the General Management Plan progress. This meeting is open to the public. Any member of the public may file with the

Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Lynn H. Thompson, General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123, telephone 415–556–2920.

Minutes of the meeting will be available for public inspection by June 15, 1979 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA.

Dated: April 18, 1979.

Lynn H. Thompson,

General Superintendent, Golden Gate National Recreation Area.

[FR Doc. 79-13829 Filed 5-2-79; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

Carbon Steel Plate From Poland; Investigation and Hearing

Having received advice from the Department of the Treasury on April 17, 1979, that carbon steel plate from Poland produced by Stalexport is being, or is likely to be, sold at less than fair value, the United States International Trade Trade Commission, on April 27, 1979, instituted investigation No. AA1921–203 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. For the pruposes of its determination concerning sales at less than fair value, the Treasury Department defined carbon steel plate as hot-rolled carbon steel plate, not coated or plated with metal and not clad, other than black plate, not alloyed, and other than in coils, as provided for in item 608.8415 of the Tariff Schedules of the United States Annotated.

Hearing. A public hearing in connection with the investigation will be held on Thursday, May 24, 1979, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t. Requests to appear at the public hearing should be filed with the Secretary of the Commission, in writing, not later than noon, Monday, May 14, 1979.

The investigation to which this report relates was undertaken for the purpose of advising the President as to the probable economic effect on the domestic industry concerned of the termination of import relief provided for in items 923.20 through 923.26, inclusive, of the Appendix to the TSUS. Import relief presently in effect with respect to such articles is scheduled to terminate at the close of June 13, 1979, unless extended by the President. The relief is provided for in Presidential Proclamation 4445 of June 11, 1976 (41 F.R. 24101), as modified by Proclamaiton 4477 of November 16, 1976 (41 F.R. 50960), Proclamation 4509 of June 15, 1977 (42 F.R. 30829), and Proclamation 4559 of April 5, 1978 (43 F.R. 14433).

The investigation was instituted on December 11, 1978, following receipt on November 30, 1978, of a petition filed by the Tool and Stainless Steel Industry Committee and the United Steelworkers of America, AFL-CIO. Public notice of the investigation and hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and in the Commission's New York Office, and by publishing the notice in the **Federal Register** of December 22, 1978 (43 F.R. 59914). The public hearing in conneciton with this investigation was held on March 6–7, 1979, in the Commission's hearing room in Washington, D.C.

The information contained in this report was obtained from field work, from questionnaires sent to domestic manufacturers and importers, from the Commission's files, from other Government agencies, from information received at the public hearing, and from briefs filed by interested parties.

By order of the Commission.

Issued: April 30, 1979.

Kenneth R. Mason,

Secretary.

[AA1921–203]

[FR Doc. 79-13839 Filed 5-2-79; 8:45 am]

BILLING CODE 7020-02-M

Carbon Steel Plate From Poland; Investigation and Hearing

Having received advice from the Department of the Treasury on April 17, 1979, that carbon steel plate from Poland produced by Stalexport is being, or is likely to be, sold at less than fair value, the United States International Trade Commission, on April 27, 1979, instituted investigation No. AA1921–203 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. For the purposes of its determination concerning sales at less than fair value, the Treasury Department defined carbon steel plate as hot-rolled carbon steel plate, not coated or plated with metal and not clad, other than black plate, not alloyed, and other than in coils, as provided for in item 608.8415 of the Tariff Schedules of the United States Annotated.

Hearing. a public hearing in connection with the investigation will be held on Thursday, May 24, 1979, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t. Requests to appear at the public hearing should be filed with the Secretary of the Commission, in writing, not later than noon, Monday, May 14, 1979.

A prehearing conference in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.d.t., on Monday, May 14, 1979, in Room 117, U.S. International Trade Commission Building, 701 E Street, NW.

By order of the Commission.

Issued: April 30, 1979.

Kenneth R. Mason,

Secretary.

[AA1921–203]

[FR Doc. 79-13842 Filed 5-2-79; 8:45 am]

BILLING CODE 7020-02-M

Certain Precision Resistor Chips; Designation of Commission Investigative Attorney

Please take note that the Commission investigative attorney on Investigation No. 337–TA–65, Certain Precision Resistor Chips, is Robert D. Bannerman, Esq. Please serve Mr. Bannerman with all future papers filed in this investigation.

The Secretary is requested to have a notice to this effect published in the **Federal Register.**

Dated: April 30, 1979.

Earl Levy,

Deputy Director, Office of Legal Services.

[Investigation No. 337-TA-65]

[FR Doc. 79-13841 Filed 5-2-79; 8:45 am]

BILLING CODE 7020-02-M

Certain Precision Resistor Chips; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: April 27, 1979.

Donald K. Duvall

Chief Administrative Law Judge.

[Investigation No. 337-TA-65]

[FR Doc. 79-13843 Filed 5-2-79; 8:45 am]

BILLING CODE 7020-02-M

Sugar From Canada; Inquiry and Hearing

The United States International Trade Commission (Commission) received advice from the Department of Treasury (Treasury) on April 25, 1979, that during the course of determining whether to institute an investigation with respect to sugar provided for in items 155.20 and 155.30 of the Tariff Schedules of the United States from Canada in accordance with section 201(c) of the Antidumping Act, 1921 as amended (19 U.S.C. 160(c)), Treasury had concluded from the information developed during its preliminary investigation that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Therefore, the Commission on May 1, 1979, instituted inquiry AA1921-Inq.-27, under section 201(c)(2) of that act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public Hearing

A public hearing in connection with the inquiry will be held in Washington, D.C. on Thursday, May 10, 1979, at 10:00 a.m., e.d.t. The hearing will be held in the Hearing Room, United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at this public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(d)), should be received in writing in the office of the Secretary of the Commission not later than noon Monday, May 7, 1979.

Written statements.

Interested parties may submit statements in writing in lieu of, and in addition to appearance at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received not later than Tuesday, May 15, 1979.

Issued: May 1, 1979.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[AA1921-INQ-27]

[FR Doc. 79-13936 Filed 5-2-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Advisory Policy Board; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Crime Information Center (NCIC) Advisory Policy Board will be held on June 13-14, 1979, Holiday Inn, Durango, Colorado. The meeting will begin at 9 a.m. and terminate at 5 p.m. each day.

The purpose of this meeting will be to discuss policy matters relating to NCIC including the Wanted and Missing Persons File, Stolen Property Files and the Computerized Criminal History File.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board members must notify the Designated Federal Employee (DFE) identified below or the Assistant Director, Technical Services Division, FBI, Washington, D.C. 20535, at least 24 hours prior to the commencement of the session. Name, corporate designation, consumer affiliation or government designation must be provided along with a capsulized version of the statement to be given and an outline of the material to be offered.

Additional information may be obtained from the DFE, Mr. Lawrence G. Lawler, Chief, NCIC Section, Technical Services Division, FBI Headquarters, Washington, D.C. 20535, telephone 202/324-2606.

Minutes of the meeting will be available upon request from the above-designated FBI official.

William H. Webster,

Director.

[FR Doc. 79-13784 Filed 5-2-79; 8:45 am]

BILLING CODE 4410-02-M

Law Enforcement Assistance Administration

Program Announcement; Response to Public Comment and Notice of Issuance

AGENCY: Law Enforcement Assistance Administration, Justice

ACTION: Response to Public Comment and Notice of Issuance

SUMMARY: The Law Enforcement Assistance Administration (LEAA) published in the Federal Register on February 7, 1979 (44 FR 7845-7846) a DRAFT program announcement entitled "Improving Criminal Justice Planning and Coordination" for public review and comment. This notice summarizes the comments received and LEAA's response, and issues the final program announcement. The program is an addition to LEAA's 1979 *Guide for Discretionary Grant Programs* (M4500.1G) and constitutes a new paragraph 55 of that Guideline Manual.

ISSUANCE AND DISTRIBUTION: Copies of the program announcement have been sent to each State Planning Agency. Other interested persons may obtain copies by writing LEAA, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Persons requesting single copies of the 1979 *Guide for Discretionary Grant Programs*, which provides information about the major categorical programs sponsored by LEAA, should write the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850.

COMMENTS RECEIVED: The comments and LEAA's response are summarized below:

1. *Use of reverted Part B (planning grant) monies.* The draft program was to be supported by the reprogramming of reverted Part B (planning grant) monies awarded to the states under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Although most respondents endorsed the program's objectives, state planning agencies objected to the use of Part B funds in this way and urged that reverted planning monies be reallocated among the states as general supplements. As a result, LEAA has allocated $500,000 in FY 1979 Part C (action grant) discretionary funds in lieu of reverted Part B monies to the program.

2. *Local eligibility.* Three respondents urged that the program be expanded to extend specific eligibility to local planning units. Due to limited funds, such an expansion is not feasible at present. LEAA endorses the principle of extending eligibility to local units, but a

decision to do so in fiscal year 1980 is contingent upon fund availability.

3. *Clarification of program activities.* Two respondents raised issues concerning the types of activities to be supported under the program. Clarifying language has been added to the descriptions of options 1 and 2 in response to these comments.

4. *Other issues.* One respondent expressed concern that State Planning Agency planning and evaluation activities may be at the expense of the planning and evaluation activities of operating agencies. Another criticized the program for encouraging State Planning Agencies to engage in legislative activities. No modifications to the program were made in response to these comments.

The following individuals and organizations commented on the draft:

1. The National Conference of State Criminal Justice Planning Administrators (including individual replies from 15 State Planning Agencies).
2. Dr. Charles E. Becknell, Secretary, Criminal Justice Department, State of New Mexico.
3. Richard Sullivan, Senior Research Associate, Illinois Law Enforcement Commission, State of Illinois.
4. William M. Nugent, Acting Administrator, Office of Criminal Justice, Department of Management and Budget, State of Michigan.
5. The National Association of Criminal Justice Planners.
6. H. Lake Wise, Director, Criminal Justice Coordinating Council, City of New York.
7. John J. Henning, Illinois.
8. Neal Knox, Executive Director, National Rifle Association of America.
9. Manuel Dones Pinero, Executive Director, Commission for the Reorganization of the Executive Branch, Office of the Governor, Commonwealth of Puerto Rico.

FOR FURTHER INFORMATION CONTACT: John Thomas, Policy and Management Planning Staff, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue N.W., Washington, D.C. 20531 202/376–2279 (after April 27, 1979: 202/724–7669).

The text of the final program announcement follows:

55. IMPROVING CRIMINAL JUSTICE PLANNING AND COORDINATION

a. *Objective.* The objective of this program is to aid selected states to strengthen and improve their criminal and juvenile justice planning and coordination functions.

b. *Program Description.* (1) Problem Addressed. (a) Over the past ten years, State Governments have increased their criminal justice planning capabilities. They have analyzed problems, set goals and priorities, developed programs, and evaluated results.

(b) Nevertheless, several observers have pointed to the need to make improvements. These include greater involvement of key decisionmakers and especially elected officials; increased attention on non-federal resources; and more integration with normal government processes, such as budgeting and law-making.

(c) This program, "Improving Criminal Justice Planning and Coordination" builds upon the positive achievements of the past ten years while providing a catalyst for making improvements in criminal justice planning and coordination at the State level.

(2) Results Expected. (a) Greater involvement by State Criminal Justice Planning Agencies in criminal and juvenile justice issues, strategies, and resources outside the confines of the Federal grant program.

(b) Increased interaction between state criminal justice planning agencies and other key decision-makers, including the Governor, members of the legislature, relevant department heads, and local officials.

(c) Increased use of state planning agency skills, resources and work products in criminal and juvenile justice policy, programs and resource allocation decision-making.

c. *Program Strategy.* States may opt for any one of the following three approaches. However, in the event that there are more applications that meet the funding criteria than can be supported with available monies, priority for grant awards will be given to those applications under options 1 and 2.

(1) Option 1—Development and Execution of Legislative and/or Executive Branch Implementation Strategies for Major Program Priorities.

This option calls for state planning agencies in concert with the Governor's offices to take a leadership role in bringing about criminal and juvenile justice improvements through means not limited to the LEAA grant program. Activities to be supported under this option may include: detailed issue or problem analysis, development or identification of strategies for dealing with the priority issue or problem; implementation planning; and management and coordination of the execution of the implementation plan.

It assumes that states—as part of their planning efforts—have previously identified one or more major issues or problems that are of statewide priority, that are amenable to state action, and that, if resolved, are likely to lead to significant improvements. States applying under this option must demonstrate that the issues or problem to be addressed has been identified and documented as a priority in previous comprehensive criminal justice plans.

State planning agencies are to develop and/or identify programs that are likely to be effective in dealing with one or more priority problems or issues, and that have a broad base of support within the state. The process of developing and/or identifying programs must be a participatory one, with opportunities for involvement of state and local criminal justice officials, representatives of general local government, and elected officials. Programs developed and/or identified for implementation must be endorsed by the State Supervisory Board and the Governor.

State planning agencies are to develop comprehensive implementation strategies for the program(s) selected. In developing such strategies, states should consider:

(a) Gubernatorial-action (e.g., adoption of the program as a major policy initiative of the Governor; incorporation in gubernatorial statements—i.e., urban strategy or crime control messages; executive orders; preparation of legislative proposals and budget.)

(b) Legislative-action (e.g., enactment of state legislation authorizing the program; appropriations of state and/or federal funds.)

(c) Administrative-action (e.g., changes in rules and regulations; joint funding procedures.)

State planning agencies are expected to take the lead in executing these implementation strategies in concert with other relevant decision-makers.

An essential feature of this option is the involvement of the State Planning Agency in program development and implementation activities that significantly go beyond activities routinely carried out in administering the LEAA grant program and that enhance the SPAs ties with the Governor's office, the State Legislature, and other key public agencies.

(2) Option 2—Conduct of State Government Reorganization Studies and/or Implementation of State Reorganization Plans.

Under this option, funds would be available to assist states either considering or in the process of reorganization of the executive branch of State Government where reorganization is likely to impact on or be affected by criminal justice planning and coordination concerns.

"Reorganization" is not necessarily limited to formal, structural change, but may include changes in authority, function and relationships where such changes significantly improve the role of criminal juvenile justice planning and coordination in the governing process and are authorized or agreed to by the appropriate state officials. Possible activities that could be undertaken include, but are not limited to: government organization studies; management consulting assistance; and transition staffing.

The aim of this alternative is to help states that, as part of a general reorganization movement or a more limited focus on criminal justice, are moving in the direction of embedding criminal justice planning and coordination functions into the working of state government. This means greater integration of criminal justice planning and coordination with normal state processes such as budgeting, legislation, general state planning, etc., and increased acceptance of the planning approach in the state's criminal justice system.

(3) Option 3—Conduct of Program Evaluations.

This option provides state planning agencies an opportunity to improve their evaluation capabilities and to expand their role in criminal and juvenile justice evaluation. SPAs would conduct an evaluation of one (or more) high-priority, non-federally funded program or improvement in the state (e.g., a new law such as mandatory sentencing; a community restitution program).

In selecting evaluation topics, states should give special attention to the evaluability of the topic and the potential audience for and use of the evaluation results. The application must indicate the reasons why a particular topic has been selected, how the results will be used, and how the evaluation will be conducted. Principal users should be involved in planning the evaluation and a plan for utilization of results should be formulated, submitted to, and endorsed by the principal intended users.

d. *Application Requirements.* (1) In preparing applications, states must conform with the requirements set forth in M4500.1G, *Guide for Discretionary Grant Programs.* States must also describe each specific product that will result from the project, and the uses thereof.

(2) States must provide evidence that the Governor is aware of and committed to the project. To the extent feasible and appropriate, states should indicate the degree of coordination with and support from other key officials, including members of the legislature.

(3) States must describe clearly and succinctly how the proposed project will contribute to the objective and results expected under this program described above. They must fully address the respective program elements and requirements set forth under the various options.

(4) States should, as appropriate, provide supporting information regarding the responsibilities and operations of the SPA, its role in state government, and its relationship with other agencies.

(5) States must agree to provide at the conclusion of the project a final report documenting the activities undertaken and the results achieved.

e. *Dollar Range and Number of Grants.* It is estimated that five to ten grants ranging from about $25,000 to $100,000 will be awarded. Grants will require a ten percent cash match and will be for a 12–18 month period.

f. *Eligibility.* State Planning Agencies (SPAs) are eligible to receive grants.

g. *Deadline for Submission of Applications.* Applications must be received by June 25, 1979.

h. *Criteria for Selection.* Applications will be reviewed and selected for funding on a competitive basis, using the following criteria:

(1) Degree to which the proposed project is responsive to the objectives and requirements of the particular option selected (see paragraph c).

(2) Degree to which the application fully responds to the requirements of paragraph d.

(3) Degree to which the state has allocated non-federal resources (funds, staff, facilities, etc.) to the project.

(4) Evidence of the capability of the SPA to efficiently organize and manage the project.

(5) Extent to which the estimated cost of the project is reasonable considering the activities planned and the results anticipated.

i. *Evaluation.* Evaluation is not required, but grantees must comply with the self-assessment and monitoring requirements of Appendix 4, paragraphs 3 and 4, and Appendix 5 of the 1979 *Guide for Discretionary Grant Programs* (M4500.1G).

j. *Contact.* For further information, contact:

John Thomas, Policy and Management Planning Staff, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, Washington, D.C., 20531 202/376–2279. (After April 27, 1979: 202/724–7669.)

Henry S. Dogin,
Administrator

[FR Doc. 79-13709 Filed 5-2-79; 8:45 am]
BILLING CODE 4410-18-M

National Advisory Committee for Juvenile Justice and Delinquency Prevention; Meeting

Notice is hereby given that the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee) and its subcommittees will meet Wednesday, Thursday, Friday and Saturday, May 16, 17, 18 and 19, 1979, at the Boston Park Plaza Hotel in Boston, Massachusetts. The meeting will be open to the public.

On Wednesday evening, May 16, the Executive Committee will meet at 6:00 p.m. The 16th meeting of the full Committee is scheduled to convene at 9:00 a.m. on Thursay, May 17. The session will begin with reports from the Office of Juvenile Justice and Delinquency Prevention and the Law Enforcement Assistance Administration. At 10:30 a.m., following a brief recess, the four subcommittees: Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; Advisory Committee on Standards for Juvenile Justice; Advisory Committee to the Administrator of the Office; and Advisory Committee on the Concentration of Federal Effort, will meet. The Subcommittee to Advise the Administrator and the Subcommittee on the Concentration of Federal Effort will meet in joint session from 10:30 a.m. until 12:30 p.m. Following at 12:30 p.m.—1:30 p.m. luncheon recess, the subcommittees will reconvene in individual sessions for the remainder of the day. Topics scheduled to be addressed by the Subcommittees include: State Subsidies and Development of Regional Advisory Committees, Training Functions of the National Institute, Intervention and Supervision Standards and the Re-examination of the definition of juvenile detention and correctional facilities. The Advisory Committee on the National Institute has scheduled a presentation by members of the staff of the Learning Disabilities Study funded by the Institute.

On Friday, May 18, at 10:00 a.m., the full Committee will reconvene to hear reports from the Executive Committee and each of the four subcommittees. Following a 12:30 p.m.—1:30 p.m. luncheon recess, the full Committee will meet to hear a Panel Discussion by

Congressional Oversight Committee representatives of Reauthorization of the Juvenile Justice Act. After a brief recess at 3:30 p.m., the full Committee will reconvene at 3:45 p.m. to hear a presentation from a program and a study regarding juveniles who have committed violent offenses. This will be followed by an opportunity for public commentary.

The full Committee will reconvene on Saturday, May 19, at 9:00 a.m. to hear another presentation regarding juveniles who have committed violent offenses. This will be followed by discussion of recommendations on this issue. This discussion will be followed by a review of plans for the (next) meeting of the Committee. The meeting of the full Committee is scheduled to adjourn at 11:30 a.m.; an hour long meeting of the Executive Committee will follow.

For further information contact Mr. David D. West, Acting Associate Administrator, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

David D. West,

Acting Associate Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 79-13987 Filed 5-2-79; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL ENDOWMENT FOR THE ARTS

Folk Arts Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Folk Arts Advisory Panel to the National Council on the Arts will be held June 7, 8, and 9, 1979, from 9:00 a.m. to 5:30 p.m., in room 1422, Columbia Plaza Office Building, 2401 E St. NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: April 25, 1979.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-13710 Filed 5-2-79; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Planning); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Planning Section) to the National Council on the Arts will be held May 22, 1979, from 9:30 a.m. to 5:30 p.m. and May 23, 1979, from 9:30 a.m. to 5:00 p.m., in Room 1422, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

A portion of this meeting will be open to the public on May 22, 1979, from 9:30 a.m. to 5:30 p.m. and May 23, from 1:30 p.m. to 4:00 p.m. The topics of discussion will be Music Program Staff reports.

The remaining sessions of this meeting on May 23, 1979, from 9:30 a.m. to 1:30 p.m. and from 4:00 p.m. to 5:00 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register March 17, 1977, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: April 25, 1979.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 13711 Filed 5-2-79; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Accident Report, Responses to Safety Recommendations; Availability

Marine Accident Report No. NTSB-MAR-79-5

Capsizing and Sinking of the Self-Elevating Mobile Offshore Drilling Unit OCEAN EXPRESS near Port O'Connor, Texas, April 15, 1976.—The National Transportation Safety Board has released its formal report on the investigation of this accident. Investigation revealed that as the OCEAN EXPRESS arrived under tow at its new drilling site, it could not be set in place because of adverse seas. Three tugs held the OCEAN EXPRESS in position awaiting better weather, but the seas continued to increase. One tug's starboard reduction gear failed, and another tug's towline broke. With only one effective tug remaining, the OCEAN EXPRESS turned broadside to the wind and seas, drifted, grounded, capsized, and sank.

The bargemover was rescued by a Coast Guard helicopter. The crew abandoned the OCEAN EXPRESS in the unit's survival capsules. The 14 persons in one capsule were rescued without incident. The other capsule capsized with 20 persons inside; 7 persons escaped and 13 persons drowned. The vessel was valued at $20 million.

The Safety Board determined that the probable cause of the accident was the complete loss of control of the OCEAN EXPRESS because of equipment failures on two of the three assisting tugs, which allowed the unit to turn broadside to the wind and seas, drift, ground, and capsize. Contributing to the accident were the lack of preparation for towing emergencies, the lack of complete information in the unit's operating manual, and the inaccuracy of the National Weather Service's weather forecasts. Contributing to the loss of life was the capsizing of the No. 3 survival capsule because of extreme wave action alone or in combination with tripping forces imparted by a small line attached to the rescue tug.

Thirteen safety recommendations are incorporated in the Board's report on this accident. They were directed on April 17 to the U.S. Coast Guard (M-79-39 through 47); to Bethlehem Steel (M-79-48); to Ocean Drilling and Exploration Company, the owner of OCEAN EXPRESS (M-79-49); to the Whittaker Corporation, manufacturer of the survival capsules (M-79-50); and to the International Association of Drilling Contractors (M-79-51). (See also 44 FR

24657, April 26, 1979, for the full text of these recommendations.)

Responses to Safety Recommendations

Aviation

A–72–178 and 179.—Letter of April 9 from the Federal Aviation Administration advises as to the status of these recommendations, issued in connection with the Board's 1972 special study, "Air Taxi Safety." The recommendations asked FAA to amend Federal Aviation Regulation 135.136 to provide for daily, weekly, and monthly flight and duty time limitations (A–72–178), and to provide that all flying, including private as well as commercial, shall not exceed the prescribed flight and duty time set forth in that section (A–72–179).

In response, FAA reports that the following extract was provided as supplementary information at 43 FR 46744, October 10, 1978, for amended Part 135:

> Flight and Duty Time Limitations (Proposed Subpart F). An entire subpart dealing with flight crewmember flight and duty time limitations has been deferred for further consideration while the rulemaking proposed in Notice 78–3 is completed. That notice proposed changes in flight and duty time limitations governing Parts 121 and 123 operators. Since many of the concepts presented in Notice 78–3 are similar to those proposed in Notice 77–17, information received in response to Notice 78–3 will be helpful to the FAA in completing the Part 135 flight and duty time limitations rulemaking action. In view of the deferral, the present regulation is retained.

FAA states that further regulatory action will be taken when review of the comments has been completed. This is a top priority project, and FAA will advise the Board when action has been completed.

Highway

H–78–12.—Letter of April 10 from the Federal Highway Administration is in answer to the Safety Board's February 13 letter commenting on FHWA's response of September 6. The recommendation was issued after investigation of the March 8, 1977, collision of a tractor-semitrailer with a schoolbus near Rustberg, Va., and concerned enforcement practices of the Bureau of Motor Carrier Safety (BMCS).

Recommendation H–78–12 asked FHWA to revise its enforcement policy, which precludes filing charges against drivers and carriers in violation of the Federal Motor Carrier Safety Regulations (FMCSR) unless they have previously been served with a copy of the regulations, to permit the filing of charges for violations under severe circumstances such as preventable, fatal highway accidents. FHWA's September 6 response stated that BMCS has no such policy but has procedures for establishing knowledge and willfulness. The service of FMCSR on a carrier is useful in establishing knowledge and willfulness, but it is not a policy requirement before prosecution can be pursued. Also, FHWA stated that "willfulness" as used in 49 U.S.C. 322(a) has been interpreted as an intentional disregard or plain indifference to statutory duty. Knowledge means knowledge of facts as opposed to knowledge of the law. FHWA noted that the Rustburg case had no enforcement investigation because (1) the State of Virginia decided to prosecute, (2) there was no way to establish knowledge and willfulness, and (3) the geographic distribution in this case would cause the court administrative problems.

The Safety Board on February 13 acknowledged that BMCS policy is broader than suggested by recommendation H–78–12. BMCS Operations Manual Volume 7, Chapter VIII, Paragraph 2a reads, in part:

> "* * * it has been and will continue to be the *policy of the Bureau,* until further notice, to recommend criminal proceedings only against those who either have been advised of their duties and obligations or who are known to be familiar with such duties and obligations, or who because of circumstances can reasonably be expected to know of such duties and obligations."

The Board reiterated its belief that the issue of driver awareness of and compliance with the FMCSR is extremely important. Board highway accident investigations continue to identify truck operators involved in interstate commerce who are in violation of one or more of the FMCSR and who claim no knowledge of these regulations. The Board was aware that the BMCS Operations Manual was being revised, and expressed the hope that the revised version would include more encouragement to investigators to seek the needed information for prosecution.

FHWA's April 10 letter states that the matter of the legal requirements of section 322(a) of the Interstate Commerce Act (49 U.S.C. 322) and its practical implementation has been considered by BMCS and FHWA's Office of the Chief Counsel several times. FHWA states, "Changes in the policy and operational practices to which you refer will not overcome the statutory requirements, nor would they provide an enforcement tool useful in the kinds of situations that gave rise to your recommendation. A change in the authorizing statute is necessary. FHWA further states that a legislative change is being sought, either through an upgrading of present motor carrier safety enforcement sanctions in connection with a comprehensive bill addressing interstate commercial motor carriers, or as a separate bill to improve the sanctions available in administering this program.

H–79–3 and 4.—Letter of April 4 from the State of Washington Department of Transportation concerns recommendations issued following investigation of a grade crossing accident near Elbe, Wash., last July 31. The recommendations asked Washington DOT to improve the flashing light signals at rail-highway grade crossing 397–189–J on the Milwaukee Road at Milepost 2.5 of State Route 706 east of Elbe to assure that motorists are afforded ample warning of oncoming trains, and to survey all east-west rail-highway grade crossings within its jurisdiction to determine if glare from sunlight reduces the visibility of warning devices at the crossing and to take necessary corrective action. (See 44 FR 12784, March 8, 1979.)

Washington DOT's response states that the primary responsibility for installing railroad signals lies with the Milwaukee Road, not the State DOT, and suggests that the Safety Board correspond with the Milwaukee Road.

H–79–12.—On April 19 the National Highway Traffic Safety Administration responded to a recommendation issued March 20 in connection with the Safety Board's safety effectiveness evaluation of NHTSA's Passive Restraint Evaluation Program. The recommendation asked NHTSA to develop and publish by October 1, 1979, a formal evaluation program plan to effectively manage NHTSA evaluation activities related to the passive restraint standard, FMVSS 208 as amended July 5, 1977. (See 44 FR 18749, March 29, 1979.)

In response NHTSA reports a close study of the accident experience of automobiles equipped with automatic restraints that are now in use. An initial evaluation plan was develop in 1973 when General Motors was committed to producing approximately 100,000 full size and luxury cars with air cushion restraints in the 1974 model year. However, since actual production fell far below their original target, the evaluation could not be carried out. Because of the lower production levels for airbag equipped cars, NHTSA has investigated all reported crashes of such cars in which the air bags deployed or the car had to be towed from the scene.

The original evaluation plan was updated in 1976 as part of the occupant restraint rulemaking initiated by former Department of Transportation Secretary William Coleman.

NHTSA notes that evaluation of automatic belt performance has been primarily through the Fatal Accident Reporting system which has allowed a comparison between the fatality experience of otherwise similar cars with automatic and manual belts.

NHTSA now has a contract with the Center of Environment and Man, Inc., for a preliminary analysis of proposed sampling programs for the initial automatic restraint production in 1980 and 1981. Proposed data sources are State accident records, bilevel police studies, special investigation teams, and National Accident Sampling system sites, which will be used to acquire data for monitoring the field performance of cars with automatic restraints. NHTSA is looking at this analysis, and will soon decide on an evaluation plan design.

Further, NHTSA is reviewing Safety Board recommendations and will address the weaknesses identified by the Board. A fully detailed plan, containing a schedule of projects and analyses for the period before and after the effective date of the standard, will be published this fall. NHTSA's evaluation activities have three primary objectives: (1) to measure the fatality and injury reducing effectiveness of production automatic restraint systems; (2) to verify expected performance levels and use of automatic restraints; and (3) to continue assessment of the public acceptance of automatic restraints by monitoring the comfort, convenience, disconnection rates, and postcrash reinstallation rates of these systems.

Marine

M–78–70 through 72.—Halliburton Services of Duncan, Okla., on March 26 responded to recommendations issued last September 28 following investigation of the M/V HALLIBURTON 207 explosion and sinking at Garden Island Bay, Mississippi River, February 4, 1978. (See 43 FR 48742, October 19, 1978.)

Recommendation M–78–70 asked Halliburton Services to alter the cement discharge piping of all of its cementing vessels by installing a device at the outlet end of the piping to prevent flow from the well back into the vessel, and by providing a means to release entrapped pressure downstream of the device. Halliburton has taken these actions: (1) disconnected cross connect lines on all vessels to prevent any flow from wells to the hold of the vessels, and (2) instructed all operating personnel to install backpressure valves on all jobs where hydrocarbons are anticipated.

In response to M–78–71, which asked Halliburton to establish instructions requiring the hydrostatic testing of both the cement discharge lines and the mixing discharge lines before servicing petroleum wells, Halliburton has instructed all operating personnel to pressure test all discharge and mixing lines prior to each job to a pressure exceeding the pressure to be used on the job.

Recommendation M–78–72 asked Halliburton to establish instructions requiring its employees who supervise petroleum well servicing operations to formulate contingency plans with the person in charge of the well, before commencing service operations. Such plans should include, but not be limited to, the manning of key valves. To implement this recommendation, Halliburton has instructed all operating personnel to conduct pre-job safety and planning meetings including Halliburton and customer representatives covering work to be performed by Halliburton. Instruction was given to operating personnel at safety meetings in the first quarter of 1978. Instructions are bimonthly.

Pipeline

P–77–41 and 42.—Letter dated November 24, 1978, recently received by the Safety Board from the materials Transportation Bureau, Research and Special Programs Administration of the U.S. Department of Transportation, concerns recommendations stemming from the January 25, 1977, Pennsylvania Gas and Water Co. natural gas explosion at Williamsport, Pa.

Recommendation P–77–41 asked MTB to extend its Emergency Services Training Course contract to include a section on the hazardous materials aspects of flammable pipeline materials such as natural gas and liquid hydrocarbons; also, coordinate and cooperate with the American Gas Association (AGA), the American Petroleum Institute (API), and the Interstate Natural Gas Association of America (INGAA) to use their expertise in this area. The response notes that as the referenced contract had been completed, MTB entered into a new contract with the National Fire Protection Association (NFPA) which does include hazardous materials aspects of pipeline materials. In developing the instructional material, NFPA sought the input of AGA, INGAA, API, and others. A preview of the draft course was given by MTB on February 1, 1979; Safety Board staff members were included.

Recommendation P–77–42 asked MTB to instruct all Office of Pipeline Safety Operations Regional compliance offices and State agencies to inspect gas companies under their jurisdictions for compliance with amended 49 CFR 192.615 (emergency plans) effective October 1, 1976, particularly noting the provision that requires gas companies to train appropriate operating personnel to assure knowledgeability of emergency procedures and how the company tests employees to verify effectiveness of the training. MTB reports that Regional compliance officers and State agents have been instructed to review all provisions of 49 CFR 192.615. Increased attention is being given to the requirement that gas companies train and test operating personnel. This issue will be reemphasized at the next Regional Chief's meeting, MTB stated.

On April 17 the Safety Board acknowledged MTB's response and noted that both recommendations P–77–41 and P–77–42 have been classified as "closed-acceptable action." The Board further noted that the inclusion of an example inspection checklist with a section on 49 CFR 192.615 in MTB's "Procedural Guide for State's Gas Pipeline Safety Program" and the discussion of the topic of emergency plans at the January 1979 MTB Regional Chief's meeting in Houston, Texas, fulfill the intent of P–77–42. The Safety Board urged MTB to continue to make "615" compliance investigation and enforcement a priority item in its operations across the country. The Safety Board will observe the effectiveness of company emergency plans and address this issue in its reports on accident investigations as necessary.

Railroad

R–73–23, R–73–30, and R–73–38.—The Federal Railroad Administration on March 28 responded to the Safety Board's letter of December 22 commenting on FRA's September 28 responses to these three recommendations. (See 43 FR 50064, October 26, 1978.)

With respect to R–73–23, which resulted from investigation of the May 24, 1973, explosion of 12 carloads of bombs in a Southern Pacific Transportation Co. train near Benson, Ariz., the Safety Board noted that while Department of Defense studies may lead to improved bomb-loading configurations and heat-detector alarms,

in the last analysis, a mechanically sound car is a prerequisite for the safe transportation of explosives. The Board concurred with FRA that the requirements of 49 CFR 174.104, if given due attention by both the carrier and the shipper, offer the primary means to insure safe movement of cars of munitions. Accordingly, the Board advised that recommendation R–73–23 was being closed out as acceptable alternate action.

Regarding R–73–30, the Board on December 22 noted that many passenger-carrying commuter operations are still under FRA jurisdiction despite the recent rulings which resulted in the Urban Mass Transportation Administration's assuming responsibility for rail rapid transit agencies. The Board asked to be advised of FRA's intent to address an automatic train control system or other procedures appropriate to preventing a collision of high-speed commuter trains. FRA's March 28 response indicates intention to study and evaluate signal and train control devices in the operation of high-speed commuter and passenger trains. The intent of this study will be to determine which train control system will be most effective in the prevention of high-speed commuter train collisions. The information gathered from the FRA Safety Inquiry, held February 22–23, 1979, will be used to update FRA regulations and policy regarding signals and train control.

Recommendation R–78–38 issued following investigation of the head-on collision between freight trains at Taft, La., February 21, 1973, and called on FRA to incorporate in the Federal regulations on operating practices requirements which will govern the physical protection that will be provided main track to guard against unplanned and unauthorized movements onto the main track. The Safety Board's December 22 letter indicated that FRA's response may show the Board's need to clarify the objective of this recommendation. The Board said that what is sought is a device, such as a derail, that will afford positive protection to trains on the main track from any rolling equipment making an unplanned or unauthorized movement from an auxiliary track. While a yard track movement could be involved, the Board also thinks it could involve locations such as house tracks and industrial tracks leading to the main track, where an unprotected route can result in a collision.

FRA's March 28 response regarding R–73–38 states that its accident data for 1977 indicates that there were 242 train accidents resulting from a failure to properly secure rolling equipment. Although the reporting system does not identify the specific number of instances in these 242 accidents in which equipment moved uncontrolled from the auxiliary track to the main line, FRA is confident that they do not constitute the majority. These accidents accounted for 18 of the 61,028 injuries which occurred to employees on duty in 1977. None involved fatalities. FRA finds insufficient substantive data to indicate a need for Federal regulations requiring mechanical devices that afford protection to trains on the main track from rolling equipment making an unplanned or unauthorized movement from an auxiliary track. Thus, FRA does not consider any additional action on recommendation R–78–38 to be warranted.

R–77–1.—FRA's letter of April 19 is a followup to the agency's initial response of last July 5 (43 FR 34223, August 3, 1978) and to the Safety Board's subsequent inquiry of August 18. The recommendation called on FRA to investigate immediately the interaction between SDP–40F and P–30CH locomotives of passenger trains and track conditions to determine the causes for the widening of the track gage and act to correct the causes. The recommendation was adressed to FRA following investigation of the derailment of an Amtrak train on the Louisville & Nashville Railroad at New Castle, Ala., January 16, 1977.

FRA initially advised the Board that a four-party group, including Amtrak, the locomotive manufacturer, the Association of American Railroads, and FRA, had agreed to cooperate in the testing of six-axle locomotives. The Board also was informed that Amtrak was converting the SDP–40F units from their characteristic three-axle truck configuration, thus eliminating the principal cause of the condition cited in the recommendation. FRA now advises that testing on the Chessie System has also provided data which has led to a better understanding of the dynamics of 6-axle truck locomotives, including the SDP–40F type. The results of these tests are being considered by FRA in preparing revised safety standards now in progress.

R–78–5 and 6.—Letter of March 19 is in response to the Safety Board's comments of February 6 regarding FRA's January 4 reponse (44 FR 5217, January 25, 1979.) The recommendations emanated from the investigation of the rear end collision of Conrail freight trains at Stemmers Run, Md., June 12, 1977, and asked FRA to (R–78–5) analyze the data relating to the role of radio in train accidents and report its findings; and (R–78–6) unless refuted by that analysis, require railroads to install radios where appropriate on trains and to maintain them in operating condition, unless all personnel involved are notified to the contrary by appropriate railroad procedures.

To clarify any misunderstanding concerning R–78–5, the Board noted that FRA statistics concerning the number and type of radio-related accidents, although informative, do not offer the means to determine the accident prevention potential associated with proper radio usage. Using CY 76 FRA figures to illustrate the objective of the recommendation, the Board noted that there were 1,368 train accidents caused by collisions. An in-depth analysis of these collisions might disclose that the timely use of radio between the involved trains would have afforded a warning to the engine and train crews, thus averting the collision. "Certainly the subject accident, although caused by a substandard performance on the part of the engineer of the following train suggests that awareness of the leading train's being stopped would have resulted in more judicious train handling," the Board stated.

With respect to R–78–6, the Board on February 6 concurred with FRA's belief that compliance with operating rules is essential to safe train operations. The use of radio to complement the rules could substantially enhance safety. Accordingly, the Board suggested that the approach to radio-related accident analysis should be from the standpoint of prevention rather than cause. Should the analysis indicate that radio usage would produce the optimum level of operating safety, appropriate regulatory action would be a logical extension.

In rejecting the Safety Board's argument, FRA on March 19 stated that the suggested in-depth analysis of all train collisions on the basis of using radio to complement the rules would, of necessity, be extremely speculative. FRA stated, "Certainly, the functioning signal system provided a recognized, time-honored indication that the leading train was in the block. Speculation on our part as to the functioning of the engineer had there been related radio communication, would be pure conjecture. Injection of verbal radio communication into the area of compliance with visual signal indications must be minimized if the positive integrity of signal systems is to be maintained."

R–78–42.—FRA's letter of April 5 is in response to the Safety Board's February

1 request for time frames for completing the cost benefit analysis of right-of-way fences and the Hazard Analysis and Priority Determination System relative to this recommendation. The Board's request was made after reviewing FRA's initial response of last November 30 (43 FR 58436, December 14, 1978.)

FRA concludes that the impact on the number of trespasser casualties would not be reduced significantly by fencing the right-of-way. FRA says that fencing is a best an imperfect answer to the problem of trespassers, thieves and vandals. Maintaining fencing intact requires a vast increase in surveillance which would encompass large expenditures for carriers and municipalities, and FRA can see no practicality in fencing as a deterrent to trespassers as a permanent safety measure. FRA reports that the Hazard Analysis and Priority Determination Study is now in the developmental phase, and FRA does not anticipate the capability to establish meaningful rankings of cost effective safety improvement projects until the end of FY 81.

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, response letters and related correspondence 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.

April 30, 1979.

[N-AR 79-18]
[FR Doc. 79-13792 Filed 5-2-79; 8:45 am]
BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
An estimate of the number of forms that will be filled out;
An estimate of the total number of hours needed to fill out the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that requires one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for futher improvements to this notice, please send them to Stanley F. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

Department of Agriculture

(Agency Clearance Officer—Donald W. Barrowman—447-6202)

New Forms

Economics, Statistics, and Cooperatives Service
Study of Economic Information Needs of Farmers
Single time
Selected farmers, 252 responses, 252 hours
Charles A. Ellett, 395-5080

Office of General Sales Manager
*Regulations Covering Intermediate Credit Exports Sales Program for Breeding Animals
GSM-201
On occasion
U.S. exporters, 100 responses, 50 hours
Charles A. Ellett, 395-5080

Revisions

Food and Nutrition Service
Civil Rights Title VI Collection Reports
FNS-101, 191, and 86
On occasion
Institutions, 2,500 responses, 2,500 hours
Charles A. Ellett, 395-5080

Extensions

Farmer's Home Administration
Long-time Farm & Home Plan (Non-supervised FHA loans)
FHA 431-1
On occasion
FMHA loan borrowers, 22,098 responses, 7,366 hours
Charles A. Ellett, 395-5080

Department of Energy

(Agency Clearance Officer—Albert H. Linden—566-9021)

New Forms

Crude Oil Resellers Self Reporting Form
ERA-69 (Schedule I & V)
On occasion
Crude oil resellers, 5,220 responses, 30,860 hours
Jefferson B. Hill, 395-5867

Crude Oil Resellers Self-Reporting Form
ERA-69 (Schedules II, III, IV, VI)
Single time
Crude oil resellers, 800 responses, 484 hours
Jefferson B. Hill, 395-5867

Information Requirements for special Rule for Crude Oil Buy/Sell
ERA-183

On occasion
Refiners, 40 responses, 240 hours
Jefferson B. Hill, 395–5867

Department of Health, Education, and Welfare

(Agency Clearance Officer—Peter Gness—245–7488)

New Forms

National Institutes of Health
Medical Career Choice Study
Single time
Physicians/Clinical Fellows, 800 responses, 400 hours
Off. of Federal Statistical Policy and Standards, 673–7974

Revisions

Center for Disease Control
*Pilot Study for Toxoplasmosis Surveillance on Occasion
Physicians, 700 responses, 70 hours
Richard Eisinger, 395–3214

Department of Housing and Urban Development

(Agency Clearance Officer—John T. Murphy (Acting)—755–5190)

Extensions

Housing Management, Performance Funding System—Funding Formula Data Collection Form
HUD—52720, 52720A, and 52720B
Annually
Public Housing Agencies, 2,685 responses, 26,850 hours
Arnold Strasser, 395–5080

Housing Production and Mortgage Credit
Development Program of Indian Housing Authority
HUD–53045/54045A
On Occasion
Indian Housing Authorities, 100 responses, 1,200 hours
Charles A. Ellett, 395–5080

Department of Labor

(Agency Clearance Officer—Philip M. Oliver—523–6341)

New Forms

Bureau of Labor Statistics
Consumer Expenditure Surveys
CE–801, 802, 803(L)
Other (See SF–83)
Households in 102 selected areas, 5,470 responses, 28,717 hours
Off. of Federal Statistical Policy and Standard, 673–7974

Labor Management and Service Administration
Strikes and Strike Penalties in Public Sector
LMSA 57T
Single time
Public sector labor and management, 200 responses, 200 hours
Arnold Strasser, 395–5080

Revisions

Employment and Training Administration
Application for Alien Employment Certification
ETA 750 (FRM MA 7–50A, B & C)
On occasion
Emp. and aliens seek. adm. as immigrants and nonimmigrants, 150,000 responses, 115,000 hours
Arnold Strasser, 395–5080

Extensions

Employment and Training Administration
Questionnaire—National Longitudinal Survey of Labor Force Behavior Youth Cohorts
MT–292A
Other (see SF–83)
200 YT., ages 15–22; 50 Hisp.; 50 blk, 50 PR. W., 50 MIW, 12, 230 responses 11,211 hours
Arnold Strasser, 395–5080

Department of Transportation

(Agency Clearance Officer—Bruce H. Allen—426–1887)

New forms

Federal Aviation Administration
Vicon Program Evaluation.FAA Form NA 7233–12
Single time
Pilots, 1,144 responses, 227 hours
Susan B. Geiger, 395–5867

Revisions

Federal Highway Administration
Guide for Reporting Roadway, Travel, and Accident Data
Annually
50 St. Highway Agen., D.C., P.R., and U.S. Terr., 52 Responses, 12,896 hours
Susan B. Geiger, 395–5867

Extensions

Federal Aviation Administration
*Application for Type Certificate, Production Certificate or Supplemental Type Certificate
FAA form, 8110–12
On occasion
Aircraft owners and manufacturing firms, 2,500 responses, 1,250 hours
Susan B. Geiger, 395–5867

Environmental Protection Agency

(Agency Clearance Officer—John J. Stanton—245–3064)

New Forms

Contract Level Outlay Projections for Construction Grants Projects
EPA 5700–XX
Other (see SF–83)
Municipal governments of sewerage authorities, 4,500 responses, 4,500 hours
Edward H. Clarke, 395–5867

National Science Foundation

(Agency Clearance Officer—Herman Fleming—634–4070)

New Forms

Toward the Development of Science Education Indicators
Single time
Leading decisionmakers in education, 50 responses, 75 hours
Richard Sheppard, 395–3211

Railroad Retirement Board

(Agency Clearance Officer—Pauline Lohens—312–751–4693)

Extensions

*Statement by Divorced Woman Regarding Contributions and Support From Her Former Husband
G–134
On occasion
Applicants for benefit under RRA, 1,000 responses, 500 hours
Barbara F. Young, 395–6132

*Supplement to Application for Widow(er)'s Insurance Annuity
AA–17B
On occasion, 2,400 responses, 400 hours
Barbara F. Young, 395–6132

*Canadian Unemployment Insurance Benefit Information (Form)
UI–62–F
On occasion, 1,000 responses, 17 hours
Barbara F. Young, 395–6132

*Supplemental Report of Service or Compensation (By Employer for Periods Subsequent to Those Already Filed)
UI–41
On occasion, 5,000 responses, 833 hours
Barbara F. Young, 395–6132

*Claim for Sickness Benefits Due Employee . . . At Death
SI–62
On occasion,
Surviror(s) of deceased railroad worker, 3,000 responses, 500 hours
Barbara F. Young, 395–6132

*Authorization of Payment and Release of All Claims to Death Benefits and Annuity Payments

G–131
On occasion, 700 responses, 117 hours
Barbara F. Young, 395–6132

*Annuitant's Report of Earnings and Disability
RL–150
Annually, 1,000 responses, 250 hours
Barbara F. Young, 395–6132

*Application for Lump-Sum Death Payment and Annuities Unpaid at Death
AA–21
On occasion, 24,000 responses, 12,000 hours
Barbara F. Young, 395–6132

Tennessee Valley Authority

(Agency Clearance Officer—Eugene E. Mynatt—615–755–2915)

New Forms

*User Prefernces at TVA Recreation Areas
TVA 20027 and 20027A
Annually
Head of camping party—head of day-use party, 22,000 responses, 7,300 hours
Charles A. Ellett, 395–5080

United States International Trade Commission

(Agency Clearance Officer—Robert Cornell—523–0301)

New Forms

Sugar From Canada
Single Time
Producers of refined sugar and corn sweeteners, 41 responses, 830 hours
Susan B. Geiger, 395–5867

Veterans Administration

(Agency Clearance Officer—R. C. Whitt—389–2282)

New Forms

Study of Pension Benefits Paid To Persons Residing Overseas
Single Time
Pension Recipients Outside U.S., 2,780 responses, 695 hours
David P. Caywood, 395–6140

Revisions

*Veterans Administration—Application for Medical Benefits for Dependents and Survivors—CHAMPVA
VA 10–10D
On occasion, individuals applying for CHAMPVA benefits, 25,000 responses, 8,333 hours
David P. Caywood, 395–6140

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-13835 Filed 5-2-79; 8:45 am]

BILLING CODE 3110-01-M

POSTAL SERVICE

Implementation of Executive Order No. 12044, Improving Government Regulations; Report

AGENCY: Postal Service.

ACTION: Report on Implementation of Executive Order No. 12044.

SUMMARY: This notice responds to section 5(b) of Executive Order No. 12044, Improving Government Regulations (the Order). Section 5 (b) of the Order requires that each Executive Agency publish in the **Federal Register** a final report on its regulatory process, after having received comments from the public on its draft report. Although the Postal Service is not subject to the Order, it publishes this notice in voluntary compliance with section 5(b) of the Order.

EFFECTIVE DATE: June 1, 1979.

FOR FURTHER INFORMATION CONTACT: Neva R. Watson, (202) 245–4642.

SUPPLEMENTARY INFORMATION: On May 25, 1978, the Postal Service published for comment in the **Federal Register** a draft report in response to Executive Order No. 12044. 43 FR 22587.

We received two comments on our draft report. Our response to the comments follows.

One commenter requested that the Postal Service reconsider and reverse its determination that postal regulations implementing the recommended decisions of the Postal Rate Commission on rate and classification matters, placed into effect by the postal Governors, are not "significant regulations" within the meaning of Sections 2 and 3 of the Order. The commenter stated that because recommended decisions have such a substantial effect on the Postal Service and its customers the regulations implementing those decisions should be considered "significant". The commenter also suggested that the postal Governors apply the principles of the Order in determining whether to approve, modify or reject a Postal Rate Commission recommended decision.

The Postal Service did not adopt the commenter's suggestions. The purpose of designating a regulation as "significant" within the terms of the Order is to ensure that there will be advance opportunity for public participation and that alternatives to and possible effects of the proposal are considered before the regulation is adopted . The Order exempts from its coverage regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 556 and 557 because "those rulemakings tend to be narrowly focused and governed by specific procedural requirements that assure opportunities for public participation and careful analysis of issues." (Executive Order 12044, Summary and Analysis of Public Comments, 43 FR 12669). Before rendering a recommended decision, the Postal Rate Commission is required to give the Postal Service, users of the mail, and an officer of the Commission who represents the public interest, an opportunity for a hearing on the record under the formal rulemaking provisions of 5 U.S.C. 556 and 557. 39 U.S.C. 3624. The observance of formal rulemaking procedures in rate and classification matters before the Postal Rate Commission ensures that there will be an opportunity for participation by our customers as well as by a public interest representative and that alternatives to and effects of proposals will be considered before a recommended decision is rendered.

Although the regulations which implement these recommended decisions are regulations of the Postal Service and not the Rate Commission, they flow from formal rulemaking proceedings which fulfill the objectives of the Order. Classifying those regulations as "significant" would result in a duplication of a process which formal rulemaking proceedings before the Postal Rate Commission already provide. We rejected the suggestion that the Governors be required to apply the principles of the Order when acting on a recommended decision for the same reason.

The other comment, from the Justice Department Task Force on Sex Discrimination, stated that the Task Force has recommended that agencies correct unnecessary gender-specific language as regulations are rewritten or reissued and that all new regulations be free of gender-specific language. The Task Force suggested that we amend the last sentence of "IV. Review of Existing Regulations" in our draft report (renumbered II.C. in the final report) to include among our goals the goal of having regulations "free of discriminatory language." The Postal Service, as it revises existing regulations and adopts new regulations, is avoiding

the use of masculine or feminine terminology whenever practical. Although we are not adopting the language suggested by the Task Force, we are revising the last sentence of the report to read as follows:

> In order to avoid any appearance of sex discrimination in our regulations, we are avoiding the use of masculine or feminine terminology whenever such action is practical and in keeping with the Postal Service's goal of producing concise regulations, written in plain English, that mailers and postal employees can understand.

In addition, the Postal Service made some minor technical and editorial revisions which have been incorporated into the final report which follows.

I. *Background.*—The President published Executive Order 12044 entitled "Improving Government Regulations" on March 24, 1978 (43 FR 12661). The Order requires, in general, that executive agencies review and redesign, in accordance with the policies and directives of the Order, the process by which they develop regulations, in order to make that process more efficient and responsive to public needs. The Postal Service agrees with the policies of the Order and intends to conduct its rulemaking activities in compliance with them to the extent appropriate.

The Postal Service believes, however, that the Order is legally inapplicable to it. Section 410(a) of title 39, U.S.C., provides, with exceptions not here applicable, that "no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service." The Order implements the rulemaking provisions of the Administrative procedure Act, 5 U.S.C. 553, a part of chapter 5 of title 5. As an Order implementing a law that generally does not apply to the exercise of postal powers, the Order itself does not, in our opinion, apply. In addition, the Order itself does not, in our opinion, apply. In addition, the Order itself does not appear to be directed to the Postal Service since it is directed to executive agencies, a term that has been defined to exclude the Postal Service. 5 U.S.C. 104, 105.

The Postmaster General published in the Postal Bulletin a memorandum calling on all employees to write simply so postal regulations, letters and memoranda will be easy to understand. (See complete text of the Postmaster General's statement in the Appendix to this report.)

In this spirit, the Postal Service is publishing this implementation report. Although not subject to the Order, the Postal Service intends to comply voluntarily with it to the extent outlined below.

II. *Implementation.*—A. *Procedure for Developing Regulations.*—The following is an outline of our general procedure for developing regulations:

(1) The originating division, acting on its own or at the request of other postal employees, or mailers, develops a proposal for a new regulation or an amendment to an existing regulation.

(2) The originating division seeks comments on the proposal from departments within the Postal Service to which the matter is of concern.

(3) The Postal Service takes steps to provide for early and meaningful public participation in the rulemaking process. While a regulation is in the early stages of development, the Postal Service often calls it to the attention of parties known to have an interest in it. For example, the Postal Service, prior to the publication of its packaging regulations in proposed rule form, conducted an intensive packaging task force study with the cooperation of major mailers' associations. The packaging regulations thus were able to reflect commercial standards identified during the study.

(4) When the Postal Service determines that it is necessary or appropriate to invite comments from the general public on a proposed new or amended regulation, the Service publishes the proposed regulation in the **Federal Register**, generally with 30 days allowed for comment. At or about the same time, if it is believed that the rule has or might have a wide effect on the general public, the Postal Service issues a press release informing the public of the proposal and inviting their comments.

(5) The Postal Service considers each written comment that is received. Often a comment will raise a question or make a suggestion which convinces the Postal Service to revise the proposed rule. For instance, almost 2,000 comments were received from the public on post office closing regulations proposed in 1977. The Postal Service considered each comment and, where warranted, made changes in the proposed regulation before the final regulation was published.

(6) The final rule is published in the **Federal Register**, together with an explanation of the principal matters considered prior to deciding on the final regulation.

B. *Significant Regulations; Regulatory Analysis.*—The Postal Service's principal mission is to provide postal services to the public. The terms and conditions under which services are provided are spelled out in postal regulations.

While often affecting large numbers of individuals, firms or governmental units, postal regulations do not generally impose compliance or reporting requirements, apart from those involved in obtaining postal services. In general, postal regulations have no substantial relationship to the regulations and programs of other agencies, nor do they affect competition, the economy, or the costs of individuals, firms or governmental units, except as outlined below. Accordingly, postal regulations in general do not appear to be "significant" or to involve "major economic consequences" within the meaning of sections 2 and 3 of the Order. Many postal regulations relate solely to agency management or personnel, regulations which section 6(b)(3) of the Order exempts from coverage.

The Postal Service at times publishes regulations to implement Postal Rate Commission recommended decisions, placed into effect by the postal Governors. See, for example, 41 FR 22375 (the proposal), and 41 FR 28478 (the final rules). Postal Rate Commission recommended decisions in rate and classification cases—which as placed into effect admittedly could be "significant" within the meaning of sections 2 and 3 of the Order—are issued in accordance with the formal rulemaking requirements, 5 U.S.C. 556, 557. See 39 U.S.C. 3624. Section 6 of the Order exempts regulations issued in accordance with formal rulemaking. Since postal regulations implementing the actions of the Postal Rate Commission and the postal Governors merely carry out these actions, we do not regard these regulations as themselves being the kind generally subject to the Order.

The Postal Service has regulations that implement its general statutory monopoly over the coverage of "letters" and "packets" under the Private Express Statutes. These regulations do affect competition with the Postal Service, though they are largely consistent with prior administrative practice under the Private Express Statutes developed over many years.

Since the Postal Service has no continuing program regarding the issuance of "significant" regulations within the meaning of sections 2 and 3 of the Order, voluntary compliance with these sections would not appear to be appropriate. Should such regulations be

proposed in the future, however, the agency will strive to apply the policies reflected in the Order during the course of the rulemaking.

C. *Review of Existing Regulations.*—The Postal Service has had special task forces engaged for some time in an intensive program of reviewing, revising, and, where necessary, rewriting its regulations. The process of reviewing postal regulations is a long term project, since it includes both internal, procedural regulations and other regulations which have an effect on the public.

In order to avoid any appearance of sex discrimination in our regulations, we are avoiding the use of masculine or feminine terminology whenever such action is practical and in keeping with the Postal Service's goal of producing concise regulations, written in plain English, that mailers and postal employees can understand.

W. Allen Sanders,
Acting Deputy General Counsel.

Appendix—*Memorandum for All Postal Employees*

Postal Service Correspondence

The President recently said that the people and the Congress are tired of *bureaucratic gobbledygook.* So am I.

A task force at Headquarters is reviewing all the Postal Service's regultions—those affecting the public and those directed to our own people—and will try to make them easier to understand.

In addition, I want all letters and memoranda written by the Postal Service to be easy to understand and to be simple, friendly, and courteous.

Avoid legal jargon. Give compete answers to questions. Do not make it necessary for people to write a second letter to find out what we meant in reply to their first letter.

Simple writing is hard work. It may mean changing the habits of a lifetime. But let's give it a try.

William F. Bolger,
Postmoter General.

[FR Doc. 79-13787 Filed 5-2-79; 8:45 am]

BILLING CODE 7710-12-M

PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND

Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following meeting:

NAME: President's Commission on the Accident at Three Mile Island.

PLACE: The Pennsylvania State University, Capitol Campus, Multi-purpose Building, Middletown, Pennsylvania.

TIME: Thursday, May 17, 9:00 a.m.–6:00 p.m. Friday, May 18, 9:00 a.m.–6:00 p.m., Saturday, May 19, 9:00 a.m.–6:00 p.m.

Proposed Agenda

I. Testimony by witnesses.

II. Tour of the Three Mile Island plant by the Commission.

III. Discussion of future Commission activities.

The Commission was established by Executive Order 12130 on April 11, 1979, to conduct a comprehensive study and investigation of the recent accident involving the nuclear power facility on Three Mile Island in Pennsylvania.

The meeting is open to the public. Inquiries should be addressed to Barbara Jorgenson (202/653-7660).

Dated: May 1, 1979.

Bruce Lunding,
Staff Director.

[FR Doc. 79-13947 Filed 5-3-79; 8:45 am]

BILLING CODE 3195-01-M

SMALL BUSINESS ADMINISTRATION

Region V Advisory Council; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Detroit, Michigan, will hold a public meeting on Thursday, June 7, 1979, at the Holiday Inn, St. Joseph, Michigan, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. Registration will begin at 8:30 a.m., with the formal meeting commencing at 9:00 a.m.

For further information, write or call Raymond Harshman, District Director, U.S. Small Business Administration, 515 Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226—(313) 226-7240.

Dated: April 30, 1979.

K Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-13834 Filed 5-2-79; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Portland, Oregon, will hold a public meeting at 1:30 p.m., on Wednesday, May 23, 1979, at the Standard Insurance Company Board Room, 7th Floor South, Standard Insurance Company, 1100 SW Sixth, Portland, Oregon 97204, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call J. Don Chapman, District Director, U.S. Small Business Administration, 1220 SW Third Avenue, Room 676, Portland, Oregon 97204, (503) 221-3461.

Dated: April 30, 1979.

K Drew,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-13833 Filed 5-2-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Agency for International Development

Housing Guaranty Program for Tunisia; Information for Lenders

The Agency for International Development (A.I.D.) has authorized a guaranty of a loan in an amount not to exceed $10 million to provide shelter and related facilities affordable by families in Tunisia having incomes below the median income level in Tunisia. Eligible investors as defined below are invited to make proposals to La Caisse Nationale D'Epargne Logement (Borrower). The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act).

This project is referred to as Project No. 664-HG-003B.

Lenders (Investors) eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

Selection of an eligible investor and the terms of the loan are subject to approval by A.I.D. The investor and A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the borrower.

To be eligible for guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no

higher than the maximum rate established from time to time by A.I.D. The Borrower projects a schedule of disbursements as follows: Between June 1 and December 30, 1979, $7 million, and between January 1 and December 30, 1980, $3 million, for a total of no more than five (5) disbursements.

The borrower desires to receive proposals from eligible investors as defined above. The proposals should be based on the indicated disbursement schedule shown above. Since investor selection will be made on the basis of the proposals, the proposals should contain the best terms to be offered by investors. The proposals should state:

A. The fixed interest rate per annum for a period not to exceed thirty (30) years from the first disbursement.

B. The grace period for repayment of principal; such period not to exceed ten (10) years.

C. The minimum time during which prepayment of principal will not be accepted.

D. The investor's commitment or service fee, if any, and schedule of payment of such fee.

E. The period during which the proposal may be accepted which shall be at least seventy-two (72) hours after the closing date specified below.

The proposal may state other terms and conditions which the investor desires to specify. After investor selection by the borrower and approval by A.I.D., the borrower and investor shall negotiate all other terms and conditions of the Loan Agreement.

In the event the investor will engage in the reselling of the loan to other persons, the investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the borrower.

The closing date by which prospective investors are requested to submit proposals to the borrower is the close of business on May 21, 1979 at 5 P.M. Negotiation of the Loan Agreement and Contract of Guaranty is expected to take place in Washington, D.C. in early June.

Eligible investors are invited to consult promptly with the borrower. Those investors interested in extending a loan to the borrower should communicate with the borrower at the following address:

Embassy of Tunisia, 2408 Massachusetts Avenue, N.W., Washington, D.C. 20008, Telephone: Area Code (202) 234–6644.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632–9637.

To facilitate A.I.D. approval, copies of proposals made to the borrower may, at the investor's option, be sent to A.I.D. at the above address on or after the closing date noted above.

This notice is not an offer by A.I.D. or by the borrower. The borrower and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

David McVoy,

Assistant Director for Operations, Office of Housing.

April 23, 1979.

[FR Doc. 79-13691 Filed 5-2-79; 8:45 am]

BILLING CODE 4710-02-M

Mission Director, USAID/Upper Volta; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.61 dated November 11, 1974 (39 FR 41,267) as follows:

1. "Country Development Officer/ Upper Volta" is changed to read "Mission Director/Upper Volta."

2. "Country Development Officer" is changed to read "Mission Director."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on the date of signature.

Dated: April 24, 1979.

Hugh L. Dwelley,

Director, Office of Contract Management.

[Redelegation of Authority No. 99.1.61, Amdt. 3]

[FR Doc. 79-13785 Filed 5-2-79; 8:45 am]

BILLING CODE 4710-02-M

Advisory Committee on the Law of the Sea; Partially Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) as amended by Pub. L. 94–409 Section 5(c), notice is hereby given that the Advisory Committee on the Law of the Sea will meet in closed session on Friday, May 18 and in open session on Monday, May 21, 1979. The open session of the meeting will convene on Monday at 2:30 p.m. in Room 1912, U.S. Department of State, Washington, D.C. In arriving for this meeting please use the 21st Street, N.W. Entrance to the Building.

The purpose of the closed meeting is to discuss specific conference issues coming out of the Eighth Session of the Third United Nations Conference on the Law of the Sea held in Geneva March 19 to April 27, 1979. During the closed session, documents classified under the provisions of Executive Order 12065 will be discussed.

These documents relate to issues which the United States is negotiating with other countries at the Law of the Sea Conference. The documents are exempt from disclosure under 5 U.S.C. 552b(c)(1), and are required to be withheld from disclosure in the public interest.

The issues cover such subjects as freedom of navigation on the high seas and in international straits, national security interests, the nature of a deep seabeds mining regime and proposed deep seabed mining legislation, the breadth of the continental margin, the juridical status of the economic zone, fisheries, vessel source pollution, dispute settlement, and other related topics involving U.S. national security matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize the chances of obtaining a timely and satisfactory Law of the Sea Treaty.

The open session of the Advisory Committee meeting will discuss all principal agenda issues under consideration at the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the proposals which will come before the Conference.

At the open session, beginning at 2:30 p.m. on May 21, the general public attending may participate in the discussion subject to instructions of the Chairman.

As entrance to the State Department is controlled, members of the public who wish to attend the open session should contact Mr. Thomas Okada by May 14 and provide their name and affiliation to facilitate their attendance. Mr. Okada's telephone number is (area code 202) 632–0041.

Dated: April 25, 1979.

Victor Comras,

Office of the Law of the Sea Negotiations.

[FR Doc. 79-13838 Filed 5-2-79; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

Qualification of Dundee Cement Co. as a Citizen of the United States

Notice is given that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Dundee Cement Company of Dundee, Michigan, incorporated under the laws of the State of Delaware, did on January 31, 1979 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on March 16, 1979, issued to Dundee Cement Company a certificate of compliance on Form CG-1262, as provided for in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire three years from March 16, 1979, unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: April 27, 1979.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[CGD 79-067]

[FR Doc. 79-13852 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-14-M

Ship Structure Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Ship Structure Committee to be held Tuesday, June 5, 1979 at 9:00 a.m. in Room 8334, U.S. Coast Guard Headquarters, 400 7th Street, SW., Washington, D.C. The agenda for this meeting is a follows; a) Review the current program and operations of the Committee, and b) Consider and establish the future research program of the Ship Structure Committee.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, LCDR T. H. Robinson, USCG Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters, Washington, D.C. 20590 202-426-2205 not later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[CGD 79-068]

[FR Doc. 79-13850 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Consensus Views of Aviation User/Industry Representatives on New Engineering and Development Initiatives—Policy and Technology Choices

AGENCY: Federal Aviation Administration.

ACTION: Notice of availability of report for comment. Report title is "New Engineering and Development Initiatives—Policy and Technology Choices: Consensus Views of Aviation User/Industry Representatives". For those persons interested in obtaining a copy of this report for review, please write to the address listed below.

BACKGROUND: In March 1978, FAA launched a process to gather the views of the user community including aviation manufacturers, consultants, consumers and suppliers of goods and services on a series of critical questions dealing with the future evolution of the air traffic control and airport systems.

FAA undertook this effort because the need to accommodate the future growth of aviation safely and efficiently with minimum burden on the participants, as well as the taxpayers, will require a series of major decisions to be made on the preferred ways in which the future system should evolve—decisions which should not be made by the Government alone, but which should fold in the wisdom and experience of the participants in the system.

More than 250 experts and some 60 organizations met about 60 times over the last year and reported their recommendations to FAA in the above report. Until now, aviation community consensus and views have been established through a contractor. FAA now wishes to obtain formal comments on the report, including the views of those who did not have the opportunity to participate in this process.

DATES: Comments are due on or before June 25, 1979.

ADDRESS: Director, Office of Systems Engineering Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Milton Meisner, AEM-3, Office of Systems Engineering Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-3065.

Issued in Washington, D.C. on April 20, 1979.

A. P. Albrecht,

Acting Associate Administrator for Engineering and Development, Federal Aviation Administration, Department of Transportation.

[FR Doc. 79-13704 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-13-M

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I)

and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: May 23, 1979.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 27, 1979.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
None during the period Apr. 21 through Apr. 27, 1979.			

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
18959	Emerald Airlines	14 CFR 121.343, 121.359, and 121.360.	To permit Emerald Airlines to operate F-27 aircraft N20HE without a flight recorder, cockpit voice recorder, and ground proximity warning system. *Granted 4/20/79.*
18953	Air New England, Inc	14 CFR Section 121.291(a)	To permit Air New England, Inc., to operate three Convair 580 aircraft without having to conduct the required emergency evacuation demonstrations. *Granted 4/20/79.*
13498	Aerolinee Itavia	14 CFR Parts 21, 61, and 91	To amend Exemption No. 1958M, as amended, to include additional airmen in the appendix so that they may serve as flight crewmembers on certain leased, U.S. aircraft. *Granted 4/26/79.*
18912	Transasian Airlines Ltd	14 CFR Parts 21, 61, 63, and 91	To amend Exemption No. 2714 to include additional airmen in the appendix so that they may serve as flight crewmembers on U.S.-registered B-707-320B aircraft N762TB leased from West Bay Leasing, Inc./Euro-Eastern World Transport Holding, Ltd. *Granted 4/26/79.*
18966	McDonnell Douglas Astronautics Co	14 CFR 133.1(b) and 133.45	To permit the carriage of passengers during evaluation of its suspended maneuvering system (SMS). *Granted 4/24/74.*
18697	Zantop Airways, Inc	14 CFR 121.343, 121.359, and 121.360.	To amend Exemption No. 2667 to allow it to operate 4 additional G-159 aircraft without a cockpit voice recorder, a flight data recorder, and a ground proximity warning system until 12/1/79. *Partial grant 4/24/79.*

[Summary Notice No. PE-79-3]

[FR Doc. 79-13705 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Executive Committee; Rescheduled Meeting

This Notice announces the rescheduling of the Radio Technical Commission for Aeronautics (RTCA) Executive Committee meeting which was to be held May 10, 1979 and announced in the **Federal Register** on April 19, 1979, (44 FR 23400). The meeting has been rescheduled for June 1, 1979, and will be held in the Air Transport Association of America Conference Rooms 5A, B and C, 1709 New York Avenue, N.W., Washington, D.C., commencing at 9:00 a.m.

Issued in Washington, D.C. on April 25, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-13702 Filed 5-2-79; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held May 23 through 25, 1979, Conference Room 9A, DOT/Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C., commencing at 9:30 a.m. The agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Meeting held September 28-29, 1978; (3) Approval of Minutes of Meeting held January 23-25, 1979; (4) Briefing on International Civil Aviation Organization All Weather Operations Panel Meeting; (5) Report on FAA Microwave Landing System Test and Evaluation Program; (6) Briefing on Application of FAA Technical Standard Order, Advisory Circulars, etc.; (7) Report on European Organization for Civil Aviation Electronics Working Group 19 Activities; (8) Summary Reports from Working Group Chairmen; (9) Assignment of Tasks; (10) Working Groups Meet in Separate Sessions; (11)

Committee Closing Plenary Session; (12) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statement at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on April 23, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79–13702 Filed 5–2–79; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

Auto Inspection, Maintenance and Repair Conference; Meeting

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of Public Meeting and Request for Participants.

SUMMARY: The National Highway Traffic Safety Administration in cooperation with the Transportation Research Board will be conducting a three-day workshop to address the principal issues involved in automobile inspection, maintenance and repair. The purpose of the workshop is to obtain consumer and industry input to assist the National Highway Traffic Safety Administration in planning future programs in this vital area.

The program calls for formal presentations on Tuesday, to be followed with the convening of the "issue" panels. The second day and evening will also be devoted to panel work sessions. On the third day the recommendations of the panels will be presented to all attendees for their priority ranking.

Four panels have been initially established to cover major issues. If there is sufficient interest in other issues additional panels will be formed.

The initial four panels cover the following main issues:

- Standardization
- Equipment
- Inspection/diagnosis
- Consumer and self-help programs

Problems will be ranked in order of criticality, while the solution or remedies will be ranked on the basis of cost, political and technical feasibility, and consumer acceptance.

Representatives from State and local governments, consumer groups, repair industry, equipment manufacturers, vehicle manufacturers, Congressional committees, and Federal agencies, are being invited.

TIME AND DATE: The meeting will be held at 1:00 p.m., May 22, to Noon, May 24, 1979. Registration will be from 11:00 a.m. to 1:00 p.m., May 22, 1979.

ADDRESS: The location of the meeting is: The National Academy of Science, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

FOR FURTHER INFORMATION CONTACT: Mr. James Forrester, NHTSA, Director, OSVP, NTS–30, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–9294.

Issued in Washington, D.C. April 24, 1979.

Joan Claybrook,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 79–13459 Filed 5–2–79; 8:45 am]

BILLING CODE 4910–59–M

Freightliner Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance; Correction

This notice corrects the comment closing date in the notice of receipt of a petition for determination of inconsequential noncompliance from Freightliner Corp. published in the **Federal Register** on April 23, 1979 (44 FR 23963). The comment closing date was stated incorrectly and should have read "May 23, 1979."

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued April 24, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[Docket IP79–4; Notice 1]

[FR Doc. 79–13494 Filed 5–2–79; 8:45 am]

BILLING CODE 4910–59–M

1970–73 Ford Maverick and 1971–73 Mercury Comet; Public Proceeding Scheduled

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93–492, 88 Stat. 1470; October 27, 1974), 15 U.S.C. § 1412, the Acting Associate Administrator for Enforcement, National Highway Traffic Safety Administration, has made an initial determination that a safety related defect exists in the fuel tanks and filler necks installed in 1970–73 Ford Maverick and 9171–73 Mercury Comet automobiles.

A public proceeding will be held at 10 a.m., May 29, 1979, in Room 2230, Department of Transportation Building, 400 Seventh Street, SW., Washington, D.C. 20590, at which time the Ford Motor Co. will be afforded an opportunity to present data, views and arguments to establish that there is no safety related defect in the 1970–73 Ford Mavericks and 1971–73 Mercury Comets.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Ms. Joyce Tannehill, Office of Defects Investigation, National Highway Traffic Safety Administration, Room 5326, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (telephone 202–426–2850) before close of business on May 18, 1979.

The agency's investigative file in this matter is available for public inspection during working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Library, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on April 27, 1979.

Lynn L. Bradford,

Acting Associate Administrator for Enforcement.

[FR Doc. 79–13699 Filed 5–2–79; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: The authority granted the Commissioner of Internal Revenue by the Federal Personnel Manual (original delegation contained in FPM Bulletin 300–48) and Treasury Department Order 177–19, Revision No. 1, in the matter of approval of extensions of details beyond 120 days is delegated to the Director, Personnel Division.

EFFECTIVE DATE: April 30, 1979.

FOR FURTHER INFORMATION CONTACT: Wanda Brasher, Room 706, Warner Building, 501 13th Street NW., Washington, DC 20004, 202–376–0530 (not toll-free).

This document does not meet the criteria for significant Regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

A. W. D'Amato,

Director, Personnel Division.

Delegation of Authority to Approve Details in Excess of 120 Days.

The authority vested in the Commissioner of Internal Revenue by the Federal Personnel Manual (original delegation contained in FPM Bulletion 300–48) and Treasury Department Order 177–19, Revision No. 1, in the matter of approval of extensions of details beyond 120 days is delegated to the Director, Personnel Division.

This authority may not be redelegated.

This Amendment supplements Chart 1 of Attachment B to Delegation Order No. 81 (Rev. 10), issued April 16, 1979, which is printed in the **Federal Register** dated April 9, 1979, Vol. 44, Number 69, Pages 21110–21133.

William E. Williams,
Acting Commissioner.

[Delegation Order No. 81 (Rev. 10), Amend. 1]
[FR Doc. 79–13828 Filed 5–2–79; 8:45 am]
BILLING CODE 4830–01–M

Office of the Secretary

Announcement of Public Meeting To Discuss United States-Argentina Tax Treaty

Issued: May 31, 1979.

The Treasury Department announces that it will hold a public meeting on Thursday, May 31, 1979, to solicit the views of interested persons on issues being considered in negotiations of a prospective income tax treaty between the United States and Argentina.

The public meeting will be held at the Treasury Department, at 2:00 p.m., in room 4121. Persons interested in attending are requested to give notice in writing by May 25, 1979, of their intention to attend. Notices should be addressed to H. David Rosenbloom, International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

Today's announcement of the May public meeting follows the recent conclusion of a second round of negotiations between representatives of the United States and Argentina to develop an income tax treaty for the avoidance of double taxation and the prevention of tax evasion. There is no income tax treaty now in effect between the two countries.

In the course of the recent negotiations, many subjects of mutual concern were identified and discussed. Among the issues being considered are: the taxes to be covered (and credited); the definition of a "permanent establishment"; the withholding rates at source on dividends, interest, and royalties; the taxation of capital gains; and the taxation of personal property rentals, payments for technical assistance, director's fees, annuities and the profits of shipping and aircraft companies.

The Treasury seeks the views of interested persons in regard to these issues, as well as on other matters relevant to the negotiation of an income tax treaty between the United States and Argentina. The May 31 public meeting is being held to provide an opportunity for an exchange of views, as well as for the purpose of discussing the United States position in regard to the issues presented in the negotiations.

Dated: April 27, 1979.

Donald C. Lubick,
Assistant Secretary (Tax Policy).

[FR Doc. 79–13794 Filed 5–2–79; 8:45 am]
BILLING CODE 4810–25–M

Announcement of Public Meeting To Discuss United States-Norway Tax Treaty

Issued: May 30, 1979.

The Treasury Department announces that it will hold a public meeting on Wednesday, May 30, 1979, to solicit the views of interested persons on issues being considered in negotiations to amend the income tax treaty between the United States and Norway.

The public meeting will be held at the Treasury Department, at 2:00 p.m., in room 4121. Persons interested in attending are requested to give notice in writing by May 25, 1979, of their intention to attend. Notices should be addressed to H. David Rosenbloom, International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

Today's announcement of the May public meeting follows the recent conclusion of a second round of negotiations between representatives of the United States and Norway on amendments to the income tax treaty for the avoidance of double taxation and the prevention of tax evasion which has been in effect since 1971.

In the course of the recent negotiations, several subjects of mutual concern were identified and discussed. Among the issues being considered are: Norwegian taxation of income from petroleum resources and other offshore activities; Norwegian reserve requirements for branches of U.S. corporations; withholding rates at source on dividends and interest; the taxation of capital gains; and exchange of information.

The Treasury seeks the views of interested persons in regard to these issues, as well as other matters relevant to the income tax treaty between the United States and Norway. The May 30 public meeting is being held to provide an opportunity for an exchange of views, as well as for the purpose of discussing the United States position in regard to the issues presented in the negotiations.

Dated: April 27, 1979.

Donald C. Lubick,
Assistant Secretary, Tax Policy.

[FR Doc. 79–13795 Filed 5–2–79; 8:45 am]
BILLING CODE 4810–25–M

Stainless Steel Round Wire From Japan; Termination of Antidumping Investigation

AGENCY: U.S. Treasury Department.

ACTION: Termination of Antidumping Investigation.

SUMMARY: This notice is to advise the public that the antidumping investigation concerning stainless steel round wire from Japan is being terminated. The termination is based on withdrawal of the original antidumping petition, as detailed in the body of this notice and the appendix hereto.

EFFECTIVE DATE: May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Charles F. Goldsmith, Economist, Office of Tariff Affairs, U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, telephone (202) 566–2323.

SUPPLEMENTARY INFORMATION: On July 14, 1978, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27) from counsel acting on behalf of various American manufacturers alleging that stainless steel round wire from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). The petitioners are: Alloy Wire Manufacturing Co., Houston, Texas; Al Tech Specialty Steel Corp., Dunkirk, N.Y.; ARMCO Steel Corp., Philadelphia, Pa.; Branford Wire Manufacturing Co., North Haven, Conn.; Brookfield Wire Co., Inc., Brookfield, Mass.; Carpenter Technology Corp., Reading, Pa.; Crucible Inc., Specialty Metals Division, Syracuse, N.Y.; Cyclops Corp., Pittsburgh, Pa.; Harris Metals Co., Holyoke, Mass.; Industrial Alloys, Inc., City of Industry, Calif.; Madison Wire Co., Buffalo, N.Y.; Mapes Piano String Co., Elizabethton, Tenn.; Maryland Specialty Wire Co., Cockeysville, Md.; National Standard Co., Niles, Mich.; H. K. Porter Co., Inc., Alloy Metals Wire Works, Prospect Park, Pa.; Techalloy Co., Inc., Rahns, Pa.; and Willing B. Wire Corp., Beverly, N.J.

For purposes of this notice, the term "stainless steel round wire" means stainless steel round wire, as defined and provided for in item 609.45, Tariff Schedules of the United States.

The information submitted was the subject of an "Antidumping Proceeding Notice" which was published in the **Federal Register** of July 28, 1978 (43 FR 32914). This case was referred to the U.S. International Trade Commission (ITC) for a preliminary injury determination because there appeared to be substantial doubt as to whether a domestic industry was being injured. On August 31, 1978, the ITC published its determination that there was a reasonable indication of injury (43 FR 38949) by reason of the importation of the subject merchandise from Japan. Accordingly, the Treasury's investigation continued. A notice extending the antidumping investigatory period was published in the **Federal Register** on February 9, 1979 (44 FR 8409).

In a letter to counsel for the petitioner, dated April 17, 1979, it was indicated that Treasury would terminate the investigation based on certain understandings. Upon receipt of this letter, counsel for petitioner confirmed its desire to withdraw the petition. The correspondence relating to withdrawal between petitioner and Treasury is reproduced as an appendix to this notice.

Accordingly, I hereby conclude that, based upon the withdrawal of the antidumping petition and the fact that stainless steel round wire is subject to the "trigger price mechanism" administered by this Department, it is appropriate to terminate this investigation. This termination is without prejudice to the filing of a subsequent antidumping petition concerning the same product.

Robert H. Mundheim,
General Counsel of the Treasury

April 25, 1979.

April 16, 1979.

Mr. Peter D. Ehrenhaft,
Deputy Assistant Secretary, Tariff Affairs, U.S. Department of the Treasury, 15th & Pennsylvania Ave. NW., room 3424, Washington, D.C. 20220.

Re: Antidumping: stainless steel round wire.

Dear Mr. Ehrenhaft: On behalf of the stainless steel round wire producers, petitioners in the above referenced proceeding, I respectfully request a termination of the current investigation based upon withdrawal of the petition. The specialty steel wire producers emphasize their reasons for making this request are as follows:

1. For the past several years it has been clear that Japanese producers of round stainless steel wire have been selling these products in the United States market at prices significantly less than fair value (LTFV) as defined by the Antidumping Act. These LTFV sales were clearly present when this proceeding was initiated and it is our understanding such LTFV sales were tentatively confirmed by an investigation conducted by U.S. Customs Service.

2. In the past five months, it is our understanding that the margins of LTFV sales by Japanese producers have been significantly reduced or eliminated.

3. The American stainless steel round wire producers are concerned only with the elimination of LTFV sales in the United States and are not anxious to engage in extensive litigation if such LTFV sales have been eliminated.

4. It is our understanding that the Department of the Treasury will continue to monitor sales of Japanese round stainless steel wire in the United States and will, on its own intiative, reinstitute this proceeding should there be evidence of reoccurrence of such LTFV sales.

5. This withdrawal and termination will be entered without prejudice to the rights of the stainless steel wire industry to reinstitute this proceeding at any time should the situation so warrant.

6. This withdrawal and termination have been requested without reference to any other policies or programs of the Department of the Treasury including the so-called Trigger Price Mechanism (TPM). TPM levels do not reflect margins of LTFV sales and it is the belief of the stainless steel wire industry that LTFV sales can occur without reference to trigger prices.

As noted previously, the stainless steel wire industry is not litigious and desires only to assure that competition in the United States market be maximized by preventing illegal and unfair pricing policies. As this goal can apparently be accomplished without the necessity of further litigation, the American stainless steel wire industry welcomes the opportunity to request termination of this proceeding.

Sincerely,
Donald E. deKieffer,
Counsel, American Stainless Steel Wire Industry.

April 17, 1979.

Donald E. deKieffer, Esq.,
Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

Dear Mr. deKieffer: Thank you for your letter of April 16, 1979, in which you indicate that based on certain understandings, the domestic specialty wire industry requests a termination of the dumping investigation of round stainless steel wire imported from Japan based upon its withdrawal of the petition it filed on July 14, 1978. In light of the withdrawal, I have recommended to the General Counsel that the investigation be terminated. He has agreed to this on the following understandings:

This termination is requested because sales at less than fair value, which formed the basis of the domestic industry's complaint, have been substantially reduced or eliminated in the past five months. However, the termination requested at this time will not prejudice the industry's right to refile an antidumping petition concerning Japanese stainless steel round wire in the future.

Moreover, if such a petition should be refiled, relevant evidence submitted or developed in connection with the industry's previous complaint will be considered. Treasury should then be able expeditiously to conclude its disposition of any refiled complaint on this product, utilizing all the relevant information contained in its files, including information obtained in formulating, updating and implementing the trigger price mechanism. Such an investigation could be concluded well within the time limits normally required for reaching Determinations of Sales at Less than Fair Value under the law.

Finally, as long as the trigger price mechanism is in effect and covers round stainless steel wire, the Treasury Department will continue to monitor imports of that product from Japan and will, on its own initiative, reinstitute a dumping investigation should circumstances warrant.

Sincerely,
Peter D. Ehrenhaft,
Deputy Assistant Secretary and Special Counsel (Tariff Affairs).

April 18, 1979.

Mr. Peter D. Ehrenhaft,
Deputy Assistant Secretary, Tariff Affairs, U.S. Department of the Treasury, 15th & Pennsylvania Ave. NW., Room 3424, Washington, D.C. 20220.

Dear Mr. Ehrenhaft: This is to confirm our understanding as expressed in our exchange of letters dated April 16th and 18th respectively, that the stainless steel round wire producers requested termination of the antidumping proceeding regarding Japanese stainless steel round wire based upon withdrawal of the petition.

Sincerely,
Donald E. deKieffer.

[FR Doc. 79-13789 Filed 5-2-79; 8:45 am]
BILLING CODE 4810-22-M

Titanium Dioxide From Belgium, France, West Germany, and the United Kingdom; Extension of Antidumping Investigatory Period

AGENCY: United States Treasury Department.

ACTION: Extension of Antidumping Investigatory Period.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has concluded that tentative determinations as to whether sales at less than fair value of titanium dioxide from Belgium, France, West Germany, and the United Kingdom have occurred cannot reasonably be made within 6 months. The tentative determinations will be made no later than 9 months

from the date of the initiation of these investigations.

Sales at less than fair value generally occur when the price of the merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market.

EFFECTIVE DATE: May 3, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Mary S. Clapp, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5492).

SUPPLEMENTARY INFORMATION: On September 18, 1978, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel on behalf of S.C.M. Corporation, New York, N.Y., alleging that titanium dioxide from Belgium, France, West Germany, and the United Kingdom is being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) ("the Act"). On the basis of this information, an "Antidumping Proceeding Notice" was published in the **Federal Register** on October 31, 1978 (43 FR 50781).

Pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)), notice is hereby given that the Secretary concludes that the determinations provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1) cannot reasonably be made within 6 months. The determinations under section 201(b)(1) of the Act will, therefore, be made within no more than 9 months. This conclusion is based on various complicating factors. These include questions raised concerning the scope of the investigtions with regard to ceramic grade titanium dioxide, questions concerning the applicable market for the determination of fair value, and questions concerning further manufacture of the titanium dioxide by the related United States purchasers before resale. In addition, this conclusion is based upon the difficulty arising from calculations involving various grades of titanium dioxide and the numerous individual transactions which must be separately analyzed.

Some of the foreign producers and importers involved in these investigations have requested, pursuant to § 153.35(b) of the Customs Regulations (19 CFR 153.35(b)), an extension to 6 months of the period during which appraisement will be withheld if the Tentative Determinations in these cases are affirmative. Others have specifically requested that the period of withholding be no more than 3 months. Should withholding of appraisement be appropriate, the Department presently intends to deny the requests for a six-month period of withholding. Accordingly, the Department intends to afford to interested parties an opportunity to present views pursuant to section 153.40, Customs Regulations (19 CFR 153.40), prior to the end of the 9-month period to which the investigations have been extended by this notice.

This notice is published purusant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)).

Robert H. Mundheim,
General Counsel of the Treasury.

April 26, 1979.

[FR Doc. 79-13788 Filed 5-2-79; 8:45 am]

BILLING CODE 4810-22

Sunshine Act Meetings

Federal Register
Vol. 44, No. 87
Thursday, May 3, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m. May 11, 1979.

PLACE: 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-868-79 Filed 5-1-79; 3:14 pm]

BILLING CODE 6351-01-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: 10 a.m., Tuesday, May 8, 1979.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public.—Discussion of response to request from Senate Rules Committee Res. 623.

Portions closed to the public (following open session.—Any matters not completed and under consideration at the executive sessions of April 11, April 19, April 25, and May 3.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, 202–523–4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-870-79 Filed 5-1-79; 3:33 pm]

BILLING CODE 6715-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 12:30 p.m, April 30, 1979.

PLACE: Hearing room A, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Docket No. RM79–22, Amendment and Clarification of the Commission's Interim Regulations implementing the Natural Gas Policy Act of 1978 and Regulations under the Natural Gas Act.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary (202) 275–4166.

[S-866-79 Filed 5-1-79; 2:35 pm]

BILLING CODE 6740-02-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published April 30, 1979; 44 FR 25351.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 2, 1979.

CHANGE IN MEETING: The following items have been added.

Item Number, Docket Number, and Company

M–1. RM79–6, Procedures Governing the Collection and Reporting of Information Associated with the Cost of Providing Electric Service.
M–2. RM79–30, Final Part of 273 Regulations Under Natural Gas Policy Act of 1978.
M–3(A). Notice of Well Category Determination by the Office of Conservation of Louisiana.
M–3(B). Proration Units and their Applicability to Section 103 of the NGPA.
M–3(C). Notice of Well Category Determination by State of Ohio, Department of Natural Resources, Division of Oil and Gas.
M–4. RM79–13, Interim Regulation of Section 401 of the Natural Gas Policy Act of 1979.
CP–2. CP74–192, Florida Gas Transmission Company.
CAP–9. ER76–539, Missouri Power & Light Company.

Kenneth F. Plumb,
Secretary.

[S-867-79 Filed 5-1-79; 2:35 pm]

BILLING CODE 6740-02-M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 3:30 p.m., May 2, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED: 1. Bunker surcharges filed by Matson Navigation.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-862-79 Filed 5-1-79; 10:17 am]

BILLING CODE 6730-01-M

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., May 9, 1979.

PLACE: Room 12126, 1100 L Street NW Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10347: Cooperative working arrangement between Deutsche Dampfschifffahrts-Gesellschaft "Hansa" and Nedlloyd Lijnen B.V.
2. Stute International, Inc. Application for an independent ocean freight forwarder license.
3. Affiliated Forwarding Services, Inc. Application for independent ocean freight forwarder license.
4. John C. Grandon d.b.a. Consulspeed Services. Application for independent ocean freight forwarder license.
5. Proposed revision of General Order No. 6. Rules Governing the Right of Independent Action in Agreements.
6. Rules governing filing of rates in the domestic offshore trades. Certification and disclosure requirements.

Docket No. 75–6: Policy and procedures for Environmental Protection. Proposed rules.

Portions closed to the public:

1. Agreement No. 10286 (Italy–USA North Atlantic Pool Agreement). Staff report.
2. Domestic rate analysis. Staff briefing.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney (202) 523–5725.

[S-869-79 Filed 5-1-79; 3:21 pm]

BILLING CODE 6730-01-M

7

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Friday, April 27, 1979.

PLACE: Chairman's conference room 1717 H Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Friday, April 27, 10:30 a.m.—Discussion of litigation aspects of Babcock & Wilcox matter.

ADDITIONAL INFORMATION: The Commission voted 5–0 on April 27, that pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that the above discussion be held on less than one week's notice to the public. Prompt discussion was required for this matter of possible litigation.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: April 30, 1979.

Roger M. Tweed,
Office of the Secretary.

[S–864–79 Filed 5–1–79; 2.20 pm]

BILLING CODE 7590–01–M

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: April 30, May 2, 3, and 7, 1979.

PLACE: Commissioners conference room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed (changes).

MATTERS TO BE CONSIDERED: Monday, April 30, 2 p.m.—

1. Affirmation Session (changes) Item a (S–3) and Item E (Motion in Shearon Harris) were postponed.
2. At 2:45 p.m., a briefing was held entitled Discussion of S–3 Rulemaking (public meeting).

ADDITIONAL INFFORMATION: The Commission voted 5–0 on April 30, that pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, Commission business required that Item 2 above be held on less than one week's notice to the public. Prompt discussion was required for this item which would have expired without Commission action.

Wednesday, May 2

10:30 a.m.—Discussion of S–3 Rulemaking (approximately ½ hour, public meeting).

3:30 p.m.—Briefing by Executive Branch on Non Proliferation Matters (approximately 1½ hours, closed—exemption 1).

Thursday, May 3

1:30 p.m.—The meeting titled Briefing by Executive Branch International Safeguards Matters was postponed.

Monday, May 7

10 a.m.—Discussion of Uranium Mill Tailings (tentative) (approximately 1 hour, public meeting).

CONTACT PERSON FOR MORE INFORMATION: Roger Tweed (202) 634–1410.

Dated: April 30, 1979.

Roger M. Tweed,
Office of the Secretary.

[S–865–79 Filed 5–1–79; 2:20]

BILLING CODE 7590–01–M

9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of May 7, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meeting will be held on Tuesday, May 8, 1979, at 10 a.m. and on Wednesday, May 9, 1979, immediately following the 10 a.m. open meeting. An open meeting will be held on Wednesday, May 9, 1979 at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, Pollack and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 8, 1979, at 10 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory Authorities.
Formal order of investigation and access to investigative files by Federal, State, or Self-Regulatory Authorities.
Formal orders of investigation.
Settlement of administrative proceedings of an enforcement nature.
Settlement of injunctive actions.
Litigation matter.
Other litigation matters.
Institution of administrative proceedings of an enforcement nature.
Chapter X proceeding.
Regulatory matter regarding financial institution.

The subject matter of the closed meeting scheduled for Wednesday, May 9, 1979, immediately following the 10 a.m. open meeting, will be:

Opinion.

The subject matter of the open meeting scheduled for Wednesday, May 9, 1979, at 10 a.m., will be:

1. Consideration of a request by the participants in the Intermarket Trading System ("ITS") that the Commission approve an amendment to the ITS Plan allocating the costs of various telecommunications lines among the participants in the ITS. The Commission will also consider whether to delegate authority, under Section 11A(a)(3)(B) of the Securities Exchange Act of 1934, to the Director of the Division of Market Regulation to approve amendments to joint industry plans, which plans have been previously approved by the Commission pursuant to Section 11A(a)(3)(B). For further information, please contact Brandon Becker at (202) 755–8749.
2. Consideration of proposed Commission release soliciting additional written submissions of data, views and arguments from interested persons on issues associated with a proposed rule change of the National Association of Securities Dealers that would govern the giving and receiving of selling concessions, discounts and other allowances in connection with fixed price offerings and announcing that the Commission intends to hold public hearings on this subject during September 1979. The proposed rule change was precipitated by the decision in *Papilsky v. Berndt*, which held that, in the absence of a contrary ruling from the Commission or the NASD, "underwriting recapture" was available and legal under Article III, Section 24 of the NASD Rules of Fair Practice. For further information, please contact Richard T. Chase at (202) 755–7620.
3. Consideration of whether to propose for comment amendments to Forms 10–K and 10–Q specifying that certain wholly-owned subsidiaries filing reports on those forms may omit certain otherwise required information. For further information, please contact Douglas S. Perry at (202) 755–1750.
4. Consideration of whether to grant a petition for review of the Division of Corporation Finance's denial of a request for an extension of time to file Form 10–K for the fiscal year ended December 31, 1978 of American Home Investment Company. For further information, please contact Letty G. Lynn at (202) 755–1478.

FOR FURTHER INFORMATION CONTACT: John Ketels at (202) 755–1129.

Dated: April 30, 1979.

[S–863–79 Filed 5–1–79; 11:00 am]

BILLING CODE 8010–01–M

Federal Register

Thursday
May 3, 1979

Part II

Department of Transportation

Coast Guard

Safety Standards for Self-Propelled Vessels Carrying Bulk Liquefied Gases; Special Interim Regulations for Issuance of Letters of Compliance to Barges and Existing Liquefied Gas Vessels

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 31, 34, 40, 54, 56, 98, 154, and 154a

Safety Standards for Self-Propelled Vessels Carrying Bulk Liquefied Gases; Special Interim Regulations for Issuance of Letters of Compliance to Barges and Existing Liquefied Gas Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This amendment revises construction, equipment, safety and operating requirements for all new vessels carrying liquefied gases in bulk on the navigable waters of the United States. Due to the increasing amounts of liquefied gases being shipped in bulk, and the potential hazard these cargoes present, the Coast Guard determined that more detailed rules governing their carriage were necessary to maintain a high degree of safety to both life and property.

EFFECTIVE DATE: This amendment is effective on May 31, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony L. Rowek, Office of Merchant Marine Safety (G–MHM–1/83), Room 8309, Department of Transportation, NASSIF Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1217)

SUPPLEMENTARY INFORMATION: On October 4, 1976, the Coast Guard published a proposal in the **Federal Register** (41 FR 43822) to revise the regulations governing new self-propelled vessels carrying liquefied gases in bulk. The proposal would adopt all but four recommendations contained in the Inter-Governmental Maritime Consultative Organization's (IMCO) *Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk,* Resolution A.328(IX), adopted without amendments November 1975 (IMCO Gas Code). The four areas in which this rule is more stringent than the IMCO Gas Code are:

1. The specification of design ambient temperatures;

2. Requiring enhanced grades of steel for crack arresting purposes in the deck stringer, sheer strake and bilge strake;

3. Specification of higher allowable stress factors for independent tanks type B and C; and

4. Prohibiting the use of cargo venting as a means of cargo pressure/temperature control.

Interested persons were given an opportunity to submit written comments to the Coast Guard concerning the proposal until December 15, 1976. A public hearing was held in Washington, D.C. on 15 November 1976. A discussion of comments received is contained in the following paragraphs.

DRAFTING INFORMATION: The principal persons involved in the drafting of this rule are: LCDR T. R. Dickey and Dr. A. L. Rowek, Project Managers, Officer of Merchant Marine Safety, and Mr. Stanley M. Colby, Project Attorney, Officer of Chief Council.

Discussion of Comments

Miscellaneous

The authority for the proposal was derived from 46 USC 170, except for flammable and combustible liquid cargoes for which the authority is derived from 46 USC 391a. Since the proposal was published, the Port and Tanker Safety Act of 1978 (Pub. L. 95–474, 92 Stat 1471, October 17, 1978) has been enacted. This new Act allows the Coast Guard to regulate flammable liquids and solids, combustible liquids and solids, poisons, oxidizing or corrosive materials, and compressed gases. Since there is no longer any need to cite 46 USC 170 for part of the authority, the authority citation has been changed.

Several commenters requested that, in addition to the table cross-referencing the requirements of Part 154 with the IMCO Gas Code, a table be provided cross-referencing the IMCO Gas Code to Part 154. The Coast Guard has developed the additional cross-reference list but has not published it with this rule due to its length and similarity with the cross-reference list in the preamble to the proposed rule. These tables will be published in a future Navigation and Vessel Inspection Circular.

One commenter questioned how liquefied gasses not listed on Table 4 may be shipped in bulk. When a shipper or carrier asks to ship a liquefied gas that is not included in Table 4, he must first notify the Coast Guard of his intention to transport the cargo, and submit a data sheet showing the chemical and physical properties of the product. Coast Guard form CG–4355 is available from local Marine Safety Offices for this purpose. After the Commandant (G–MHM) has evaluated the hazards of the product, and determined that it may be safely carried in bulk on ships, the appropriate requirements will be developed and the interested persons notified. A new section has been added at § 154.12 to include these considerations.

To incorporate present Coast Guard requirements for a Letter of Compliance into these proposed regulations, the portions of existing 46 CFR Part 154, "Special Interim Regulations for Issuance of Letters of Compliance," that applied to new liquefied gas carriers have been added to proposed Part 154. The sections added generally deal with the administrative requirements for obtaining a Letter of Compliance and describe the procedure which the owner of a foreign flag vessel must follow to arrange for the Coast Guard to examine his vessel. To incorporate this information the following changes and additions were made to proposed Part 154:

(1) Add a new section, § 154.150, entitled, "Examination for a Letter of Compliance."

(2) Add a new section, § 154.151, entitled, "Scheduling a Letter of Compliance examination."

(3) Add a new section, § 154.152, entitled, "Notification of arrival for a Letter of Compliance examination."

(4) Add a new section, § 154.153, entitled, "Carrying cargo into U.S. waters for a Letter of Compliance examination."

(5) Change proposed § 154.1802 to require either a Letter of Compliance or written authorization by the Commandant (G–MHM) for a foreign flag vessel to operate in U.S. waters.

(6) Add a new section, § 154.1803, entitled, "Expiration of Letters of Compliance".

The Coast Guard will continue to perform the "Concept approval" review service, a pre-construction Coast Guard-Industry design consultation, for all new cargo containment designs for vessels of U.S. registry or foreign flag registry intended for trade in the U.S. However, with the publication of this rule, the procedure for the "concept approval" review service is modified. If the Coast Guard determines that the proposed containment system meets section 4.2 of the IMCO Gas Code, no further "concept approval" review will be performed. For U.S. flag vessels, this is done by the Coast Guard prior to conducting full ship plan review. For new or novel designs which do not meet section 4.2 of the IMCO Gas Code, the "concept approval" review procedures will remain unchanged.

Comments of a general nature, usually critical of the Coast Guard's proposal having exceeded the IMCO Gas Code, were received. Many of these comments offered no specific details where the proposal exceeded the Code's

recommendations. Some claimed that, taken together, these additions would make U.S. flag vessels more expensive to construct and would put the U.S. flag vessel owner at an economic disadvantage. One commenter also noted that if the Coast Guard's economic assessment of the impact of the proposal were based on the Code's requirements, the assessment should be reconsidered.

Where specific comments were received that indicated that the Coast Guard had exceeded the Code, they have been addressed in this preamble. As explained in the preamble to the notice of proposed rulemaking, there are four areas where the Coast Guard intended to exceed the Code. These requirements are applicable to foreign flag vessels as well as U.S. flag vessels. Further, they have been standards adhered to in the U.S. for some time now, therefore, they neither put the U.S. flag vessel at a disadvantage, nor do they increase the cost of the vessel over current costs.

As also explained in the preamble of the notice, specific details have been added to the Code's rather general language in many instances. This is necessary in order to give designers, builders, and operators definitive guidelines as to what the Coast Guard will accept. Administrations of other nations will undoubtedly have to do the same. Being more specific may be viewed by some as "exceeding the Code" but using the sometimes vague language of the Code would require designers and builders to constantly approach the Coast Guard for interpretations. While that will still be inevitable in some cases, the regulations have been written to minimize those occurrences.

To assess the economic impact of specific design requirements versus a general design goal is difficult, if not impossible. For instance, if the Code required that filling lines extend to "near the bottom of the tank" and Coast Guard regulations required the line to terminate 100 mm (4 inches) from the bottom, how can the cost difference, if any, be assessed? The Coast Guard did revise many requirements where the proposal exceeded the Code unintentionally. In other instances, more liberal, satisfactory interpretations of the Code's requirements allowed relaxation of the proposal. The Coast Guard has attempted to hold instances of implied "exceeding the Code" to an absolute minimum, consistent with the goal of providing definitive guidelines wherever possible.

For the reasons outlined above, the Coast Guard cannot accept the argument that the regulations will make the U.S. flag ship non-competitive, nor that the economic impact of the regulation is significantly different than previously determined.

Finally, numerous editorial changes and corrections have been made to the proposal. Where the Coast Guard determined that these corrections were important, they have been explained, however, due to space limitations other routine or unimportant editorial changes have not.

Amendments to Subchapters D, F, and I

Section 31.10–18a. One commenter suggested that for several of the operating requirements in proposed § 31.10–18a, the master should not be held responsible for ensuring that certain procedures are carried out, but that the responsibility should be placed on "the master or duly appointed company representative." It is traditional and reasonable that the master of the vessel is ultimately responsible for the safety of his ship and crew. Therefore, the suggestion was rejected and the requirements remain as proposed.

Section 54.15–25. One commenter said that in proposed § 54.15–25(c) the formulae used to calculate the gas factor, G, in metric units and English units are not equivalent. The constant in each formula for G consists of the assumed heat flux into the cargo tank plus conversion factors which yield flow capacity in volume flow of dry air at standard temperature and pressure. Assumed standard conditions in metric units are P=1 atm. and T=0°C, while in English units they are P=14.7 psia(1 atm) and T=60°F (15.6°C). The difference in assumed standard temperature produces the slight difference in calculated flow. To convert Q calculated in one set of units to the other units, multiply Q by the square root of the ratio of the standard temperatures after applying the usual conversion factors for volume. The formulae for G are correct as proposed and no change has been made.

Section 54.25–10. Three commenters pointed out errors in the chemical composition limits for carbon manganese steel in proposed § 54.25–10. Sulfur and phosphorus limits have been changed from "0.35" to "0.035".

Subpart 98.25. In the amendments to existing regulations which were proposed, Subpart 98.25 of this chapter, entitled "Anhydrous Ammonia in Bulk", was revoked. This was incorrect. The applicability of Subpart 98.25 is to all ships carrying anhydrous ammonia. Proposed Part 154 includes requirements for the carriage of anhydrous ammonia only on new ships, i.e. those meeting proposed § 154.1. Subpart 98.25 as it applies to *existing* anyhydrous ammonia ships must therefore be retained. This subpart has been retained and § 98.25–1 rewritten to include the correct applicability.

General

Section 154.1. One commenter pointed out that the proposed regulations and the IMCO Gas Code apply to steel-hulled ships, but do not specifically state this. He further suggests that this consideration be included in the proposed applicability section. The Coast Guard does not consider this necessary. These proposed regulations and the IMCO Gas Code were developed to cover all liquefied gas vessels. The requirements in proposed § 154.170, which establishes acceptable standards for the outer hull materials, address only steel because steel is considered to be the standard construction material. It is noted, however, that a vessel with a hull constructed of materials other than steel would be handled under the equivalency provisions of § 154.8. Due to these considerations this suggestion was not accepted.

Several commenters raised questions regarding existing ships, i.e., those ships not included in the proposed Applicability section § 154.1. Existing foreign flag liquefied gas vessels are now regulated by 46 CFR Part 154, "Special Interim Regulations for Issuance of a Letter of Compliance," while existing U.S. flag vessels are regulated by Subchapter D, 46 CFR Parts 30–40, "Tank Vessels," and Subchapter I, 46 CFR Parts 90–109, "Cargo and Miscellaneous Vessels." Existing gas ships will continue to be regulated under these parts until the publication of more detailed rules covering these vessels. With the publication of new Part 154, the "Special Interim Regulations . . .", previously published as Part 154, have been redesignated Part 154a.

When originally published, the "Special Interim Regulations . . .," covered the carriage of both bulk liquid chemicals and liquefied gases on new or existing foreign flag ships and barges. With the publication of Part 154 and Part 153 (42 FR 49016), regulation of *new* liquefied gas ships and *new or existing* bulk liquid chemcial carriers has been transferred from the "Special Interim Regulations . . ." to these parts. Accordingly, after these editorial changes, the "Special Interim

Regulations . . ."now cover only foreign flag barges and existing gas ships.

To invite public participation in the rulemaking for "existing" liquefied gas vessels at an early stage, an advance notice of proposed rulemaking entitled "Construction and Equipment of Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases," was published in the June 30, 1977 issue of the Federal Register (42 FR 33353). Briefly these new rules will follow present U.S. requirements and those substantive requirements of the "IMCO Code for Existing Ships carrying Liquefied Gases in Bulk", adopted October 1976, that exceed current U.S. standards in 46 CFR Subchapters D, F, I, and J. These rules should be similar in structure and content to new Part 154 and will apply to both U.S. and foreign flag existing gas vessels. When these new regulations are published, as a final rule, they will cover the remaining portions of the "Special Interim Regulations . . ." and that rule will be deleted. Regulations for froegin flag barges will then be incorporated into 46 CFR Part 151. Until that time, the owner of an *existing* foreign flag vessel should go to Part 154, and specifically to the "Special Interim Regulations . . .", Part 154a, to obtain the procedure and requirements for issuance of a Letter of Compliance.

It should be noted that the application dates listed in § 154.1 are prior to the effective date of these regulations. The application dates are the same dates contained in the IMCO Gas Code, which this rule is implementing. As stated in the preamble to the proposed rulemaking, published on October 4, 1976, 41 FR 43822, the Coast Guard began applying these standards to new ship construction on an ad hoc basis on March 11, 1975. Applicants requesting certification for the carriage of liquefied gases on ships were notified that compliance with the standards of the Gas Code were being applied to the maximum extent possible, taking into consideration the stage of each vessel's construction. This was done to ensure the safe carriage of liquefied gases at the earliest possible date.

Section 154.3. Commenting on proposed § 154.3(f), one commenter noted that cargo pump rooms and compressor rooms were not included in the definition of "cargo area", as is done in the IMCO Gas Code. They were not included in this definition since § 154.315 requires cargo pump rooms and compressor rooms to be in the cargo area and therefore it was considered redundant. Since it appears that confusion or misunderstanding may occur, the definition has been changed to include cargo pump rooms and cargo compressor rooms.

In proposed § 154.3(l) the "inner deck", used in some vessel designs, was not included in the definition of "Contiguous Hull Structure" and has been added.

The words " This does not include special fire control equipment which can be most practically located in the cargo area," that appear in the IMCO Gas Code definition of "control station spaces" were inadvertently omitted from proposed § 154.3(m). These words were included in the IMCO Gas Code to avoid confusion since dry chemical units are, in fact, required and permitted in the cargo area. To avoid any possible confusion, wording has been added to recognize that the presence of fire control equipment required or permitted to be in the cargo area does not make that space a "control space."

The definition of "essential auxiliary" was included in proposed § 154.3(p) since the term was in proposed § 154.178 with regard to hull structure heating systems. Due to a comment on proposed § 154.178, it was noted that the term was confusing since it may also apply to other systems and carries a definite connotation in some classification society rules. For these reasons it has been omitted from the definition section, and proposed § 154.178 no longer contains the term "essential auxiliary".

An important distinction between hold spaces of containment systems requiring secondary barriers and those not requiring secondary barriers was inadvertently omitted from proposed § 154.3(s)(4) and has been added.

Commenting on proposed § 154.3(jj), several commenters questioned the requirement for "nominal" metal to metal contact of valve operating parts, and whether it was intended to prohibit resilient-seated valves. It was the intent of the Coast Guard to exclude the use of resilient-seated valves as "shut-off valves." Shut-off valves are required when there must be complete flow stoppage, as for instance in a fire. Resilient-seated valves, although they may provide adequate service under normal operating conditions, are not expected to meet this criterion. Some specific types of resilient-seated valves have, however, been approved for use as "stop valves" on liquefied gas vessels but, where positive flow stoppage is required they may only be used in series with a "shut-off valve." For further discussion see the preamble remarks relative to proposed § 154.530.

Proposed § 154.3(uu), the definition of "recognized classification society", has been omitted. This term was used throughout the proposal to follow a similar statement in the IMCO Gas Code. After further review, the Coast Guard determined that the term was not sufficiently informative. 46 U.S.C. 391a provides for the adoption of rules of the American Bureau of Shipping (ABS), a recognized classification society, after public hearing. The publication of the notice of proposed rulemaking, October 4, 1976, and the public hearing on November 15, 1976, resulted in no public comment or question concerning the adoption of standards of a "recognized classification society". Accordingly, the Coast Guard adopts certain ABS rules pertaining to the efficiency of hulls as specific standards. Proposed § 154.3(uu) has been omitted and proposed §§ 154.170(a), 154.174(a), 154.176(a), 154.188, 154.195(b), 154.420(a), 154.421, 154.439, 154.440(c) and Table 1 have been changed accordingly.

It was suggested that in proposed § 154.3 definitions of the various independent tank types and process pressure vessels be added to the list of definitions since the terms are used throughout the regulations and not just in the sections dealing with their design. This has been done under the defintions for "Independent Tank" and "Process Pressure Vessel".

Finally, certain definitions were added, changed or deleted from this section as the result of comments on other proposed sections of the regulations. For a discussion of the reasons for these changes see the remaining preamble.

Section 154.5. Proposed § 154.5 was rewritten to clarify the required submissions for a Letter of Compliance application.

There were several questions on proposed § 154.5(a)(7) from foreign interests about the information required to be submitted with an IMCO Certificate of Fitness in order to waive plan review. Proposed § 154.5(a)(7) would require "Plans, calculations, or *other information* (emphasis added) to show compliance under * * *" to be submitted. The information the Coast Guard is seeking is evidence that the ship has been designed to meet the ambient conditions specified in § 154.466(a)(1) or (a)(2), the stress factors required for types B and C tanks in §§ 154.447 and 154.450, the requirement in § 154.170 for crack arresting steel in the hull, and the requirement in §§ 154.701–154.709 for cargo pressure/temperature control without venting. The model certificate contained in the Appendix to the IMCO Gas Code requires that the stress factors used in tank design and the ambient

design temperatures be specified. Appropriate entries in the IMCO Certificate would satisfy the requirement of § 154.5(a)(7) in these two areas. Finally, to show compliance with §§ 154.170 and 154.701 through 154.709, the Coast Guard would accept classification society certificates indicating that crack arresting steels have been used in the hull, and that a means of cargo tank pressure/temperature control, other than control via vapor venting, is available. Proposed § 154.5(a) was rewritten to clarify what required documentation was necessary to show compliance with these regulations.

Section 154.6. Commenting on proposed § 154.6(b), one commenter suggested that the Commandant could issue an IMCO Certificate of Fitness to a vessel that met the IMCO Gas Code but failed to meet U.S. regulations. Since the Coast Guard only issues IMCO Certificates to U.S. flag vessels, those vessels must meet U.S. regulations.

Section 154.8. Several comments were received concerning the applicability of these regulations to new or novel designs of cargo containment systems or new or different types of vessels. New technological advances, while not regulated by specific design criteria in Part 154, are covered by § 154.8(a), which requires that they be accepted by the Commandant and shown "to be as effective as that specified in this part." A similar statement of "equivalency" is contained in paragraph 1.5.1 of the IMCO Gas Code.

Section 154.10. Proposed 154.10(b) states that if a vessel carries cargoes regulated by Part 154 and another part, the requirements of both parts must be met. One commenter suggested that this statement could cause confusion if one part has higher minimum standards than the other. A vessel that meets one part's higher minimum standard would exceed (and, therefore, "meet") the other part's lower minimum standard. Accordingly, no change was made to this section.

Inspection and Tests

Subpart B—§ 154.40 through 154.142. Many comments were received on proposed Subpart B, entitled "Inspections and Tests". This subpart contains the Coast Guard's requirements for construction tests, original inspections and reinspections for Certificates of Inspections. Because several of the comments were very important and may require major modifications to the proposal, the Coast Guard determined that a complete review of this proposed subpart was necessary. In order to allow sufficient time to compare the requirements to those of classification societies, i.e. American Bureau of Shipping (ABS), and because the revised requirements would not have been finished in time to include them with this final rule, §§ 154.40 through 154.142 have been omitted. Once review and redrafting, if necessary, has been completed, the Coast Guard will determine whether or not the proposal has been changed to the extent that a new notice of proposed rulemaking is necessary. If not, these requirements will be published as a final rule in a future edition of the **Federal Register**. Until that time tests and inspections of liquefied gas vessels will be performed under the guidelines of 46 CFR Parts 30–40 (Subchapter D) of this chapter, and those additional requirements established by the Commandant (G–MMT) for the vessel.

Hull Structure

Section 154.170. One commenter suggested that in proposed paragraph (b) the longitudinal extent of required special hull steel grades should be specified. The Coast Guard agrees and has incorporated the suggestion by adding the words, "along the length of the cargo area—", to paragraph (b).

One commenter said that proposed paragraphs (b) and (c) did not give sufficient guidance to determine equivalent steel grades, and that additional guidance is needed regarding when Grade D vs. Grade E steel is required at the bilge strake. The commenter also said that a rolled gunwale plate of Grade E should be allowed as an option to using separate sheer and stringer plates of Grade E.

The Coast Guard does not agree with the initial comment. The details to show steel equivalence to Grades D and E are already outlined briefly in proposed paragraphs (b) and (c) as "* * * equivalent chemical properities, mechanical properties and heat treatment". The determination of steel equivalence to Grades D and E is through special approval by the Commandant (G–MMT). With reference to the final comments, for the bilge strake, either Grade D or E may be used at the builder's choice, and the rolled gunwale plate might be a suitable option and could be accepted under the equivalence § 154.8.

One commenter indicated that proposed paragraph (d), in referring to the effect of cargo on the outer hull steel temperature, was confusing. The Coast Guard agrees and believes confusion arose because the ambient design temperatures and the intent of paragraph 4.9.1 of the IMCO Gas Code were not included or properly conveyed in the proposed rule. The requirement has been clarified by omitting proposed paragraph (d), reorganizing and renumbering the section, adding a new paragraph (b)(3) which includes the design ambient temperatures of 0° C (32° F) still sea water and 5° C (41° F) still air and by adding the hull steel design condition that the secondary barrier, if one is required for the tank type, is assumed to be at the cargo temperature. The latter addition is based on both the Coast Guard's long standing position and the intent of paragraph 4.9.1 of the IMCO Gas Code that failure of the primary barrier, requiring use of the secondary barrier, is considered a design condition, and not only a casualty condition.

Additionally, the temperature below which the outer hull steel must meet the same material requirements as the continguous hull steel has been changed from that proposed in paragraph (d). The intent of this IMCO-based requirement was to provide Administrations with a means of comparing new ship/tank systems to existing acceptable designs in the area of hull temperature effects, and as such, the recommendation of a 0° C (32° F) temperature criterion was adopted by the Coast Guard in the proposed rule. The 0° C temperature criterion, however, proved unrealistic in practice, due largely to the "no velocity" water condition imposed for the theoretical calculation. Reassessment of the outer hull steel temperature criterion leads to the conclusion that a slightly lower temperature, namely −5° C (23° F), consistent with the degree of safety originally intended, should be adopted. Accordingly, this change has been made in new paragraph (b)(3) of this section.

Finally, several commenters questioned, in proposed § 154.170, the need for crack arresting steels in the hulls of gas ships when classification society rules do not require them. Classification society rules generally recognize the need for enhanced grades of steel in the hull as a means of crack arresting, based on material thickness, material toughness, and ship length. In gas ships, there are two considerations that are overlooked in classification society rules for crack arrestors. First, there is the possibility of a spill of liquefied gas causing a crack to be initiated. Crack arrestors are designed to prevent the crack from propagating into a catastrophic failure of the hull girder. Secondly, gas ships generally have double hulls. This permits the scantlings of the outer hull to be less than that required for a single skin vessel of comparable length while

providing the same level of hull strength. This normally results in the use of hull plating which is thinner than the minimum plate thickness for which classification societies require special heat treatment to improve notch toughness of the steel. A single skin vessel of comparable length would most likely have hull plating which is thicker than this minimum and therefore would require improved notch toughness. The Coast Guard, therefore, does not accept that the rules for single skin vessels carrying liquid cargoes are equally applicable to liquefied gas ships and the requirement for crack arresting steels in proposed § 154.170 has been retained.

Section 154.172. The Coast Guard noted that proposed § 154.172(a) should be changed as castings are not normally used in a hull structure. The words "and castings" have therefore been omitted.

Two commenters pointed out that reference to § 154.610 in proposed paragraphs (b) is incorrect. The reference has been changed to § 154.615 and the words "except the steel thickness limitation" have been omitted because they do not apply to § 154.615.

Finally, it was discovered that the term "design temperature" was incorrectly used in proposed §§ 154.172 (a) and (b) and in other sections of the proposal. As defined in proposed § 154.3(n), design temperature means "the minimum temperature at which cargo may be loaded, unloaded or carried". In some instances, especially §§ 154.170 through 154.182, the term was incorrectly used to mean the minimum temperature at which the contiguous hull materials exhibited adequate mechanical properties for the intended service. Since the contiguous hull does not contact the cargo under normal conditions this temperature is higher than the "design temperature". For this and other reasons, this incorrect usage and others appearing in the proposal have been corrected. The sections and paragraphs changed are: §§ 154.172 (a) and (b), Table 1, 154.174(b), 154.176(b), 154.176(b)(2), 154.180, 154.182, 154.465,154.512, 154.528 (b) and (c), and 154.702(a)(1).

Section 154.176. One commenter suggested that the reference to Alaskan waters in proposed § 154.176, should be changed to "waters in which Arctic conditions are encountered" as there is a possibility that U.S. flag vessels might trade in foreign ports with ambient conditions as cold or colder than Alaska. See the preamble discussion under § 154.466.

Sections 154.174 and 154.176. One commenter questioned the Coast Guard's requiring ambient air temperatures for Alaskan and other U.S. waters lower than those specified in paragraph 4.8.1 of the IMCO Gas Code. Also the use of −2°C (28°F) sea water instead of 0°C (32°F) was questioned. Paragraph 4.8.1 of the IMCO Gas Code allows each Administration to set minimum ambient temperatures lower or higher than the 0°C (32°F) sea water and 5°C (41°F) air, as specified by IMCO. The Coast Guard has required the proposed temperatures since 1966 for the lower 48 states and 1972 for Alaska. These lower ambients are based on surveys of actual minimum temperatures occurring in U.S. ports during the winter months. Accordingly, no change was made to this section.

The substance of proposed § 154.174(c) and 154.176(c) have been included in proposed § 154.178. The Coast Guard determined that for clarity the requirements for heat load calculations for contiguous hull heating systems should be included in § 154.178 with the remaining requirements for the heating systems.

Section 154.178. One commenter requested that a definition of "essential auxiliary" be included in proposed § 154.178(a). This is a term used in classification society rules to describe certain types of equipment for which inspections are required. Since it has a definite connotation in classification society rules, the term has been omitted from this section.

Section 154.182. Several commenters considered the requirement for production testing of contiguous hull structure, that does not act as a secondary barrier, to be performed for each 50 meters of weld to be too stringent. The Coast Guard concurs and has changed the proposed requirements to read "each 100m—(328-ft.) * * *"

One commenter suggested that when a weld fails both the initial Charpy V-notch test and the bend test, and also fails the subsequent retests, as required by proposed § 154.182(c), the weld seam should then be subjected to 100% radiographic or ultrasonic testing before a portion of the weld is repaired. He further suggests that this will determine the weld's soundness and freedom from flaws, and will aid in the determination of the extent of weld to be removed. The Coast Guard agrees that radiographic and ultrasonic testing will indicate flaws, however, the Charpy V-notch test and the bend test are used to determine the toughness, ductility and quality of the production weld. Radiographic and ultrasonic tests do not provide any information about toughness or ductility of the weld and, hence, these material properties must be evaluated through the use of the Charpy V-notch and the bend tests. The requested change was not made.

One commenter pointed out that 46 CFR 57.06–4, referenced in proposed paragraph (a), includes several types of bend tests and it was questioned which one was to be used. It was intended that all bend tests required by 46 CFR 57.06–4 be used as required for the plate thickness. Paragraph (a) has been changed for clarification.

Ship Survival Capability and Cargo Tank Locations

Section 154.200. One commenter questioned whether the vessel must be examined for the full range of drafts when the vessel only operates within a limited range of drafts. Proposed § 154.200 has been clarified by adding the word "operating" before the word "drafts" in the second line.

Section 154.205. One commenter stated that it was not clear in proposed § 154.205 whether or not water ballast was allowed to achieve positive metacentric height. Section 154.205 has been reworded to make it clear that water ballast is allowed.

Section 154.210. One commenter stated that the basic definitions of hull types found in paragraph 2.1.2 of the IMCO Gas Code should be contained in the regulations. This comment has been accepted and proposed § 154.210 has been changed.

Section 154.215. One commenter pointed out that in proposed § 154.215(e), 10 feet had been incorrectly rounded to 3.0 m instead of 3.05 m. This error has been corrected.

Section 154.225. Two commenters questioned the meaning of the free surface assumptions contained in proposed § 154.225(a). The designer is given two options. First, he may calculate the free surface effect of all liquids at an angle of heel of 5°. He would then use this value in all of his calculations. Second, he may calculate the free surface effect at every degree of heel by the moment of transference method. After reviewing the wording of proposed § 154.225(a), the Coast Guard finds that no change in the proposal is necessary.

Section 154.230. One commenter pointed out that the proposed wording of § 154.230 may permit a negative GM after damage. To prohibit this dangerous condition, a new paragraph (d) has been added to this section.

Four commenters pointed out that the proposed regulations do not contain any statement concerning the treatment of watertight superstructures. A new paragraph (e) has been included in

proposed § 154.230 to cover this consideration. The remaining paragraphs have been renumbered accordingly.

Section 154.235. One commenter asked if there is an exception for tank location in proposed § 154.235 for concrete hulls. These proposed regulations and the IMCO Gas Code address only steel hulled ships (see the preamble discussion for proposed § 154.1), and as such do not specifically outline standards for concrete hulls. The acceptance of such a design, including the subject of tank location, would be done under the provisions of § 154.8, *Equivalents.*

Ship Arrangements

Section 154.310. One commenter asked if gas freeing piping was included in the reference to purge piping in proposed § 154.310(a). "Purge" is commonly understood in the industry to mean the effective removal of undesirable vapors. With proper purging, the cargo piping or tank can be gas freed; therefore, the term "gas freeing," used in the IMCO Gas Code, is considered unnecessary by the Coast Guard and no change was made.

Commenting on proposed § 154.310(d), one commenter stated that drain lines for the interbarrier spaces may be located below deck. This is correct and is provided for in the IMCO Gas Code. The proposed section has, therefore, been changed to both provide for this piping location and to more clearly indicate the requirements for the cargo piping that must be located above the weather deck and that which must be in the cargo area. Proposed paragraph (d) is now paragraphs (d) and (e), and proposed paragraphs (e) and (f) are now designated (f) and (g) respectively.

One commenter questioned the meaning of "emergency dumping" as used in the preamble and § 154.310(d) of the proposal. The intent was to provide a means for emergency jettisoning of cago in the event of a primary barrier failure. The IMCO Gas Code requires that cargo leaked into an interbarrier space be returned to a cargo tank. This is clearly impractical if all tanks other than the leaking one are full. The Coast Guard determined that an alternative of jettisoning the cargo must therefore be included. The wording of proposed § 154.310(d) has been changed for clarification. Additionally, a new section was added at § 154.356 to describe the requirements for the emergency jettisoning arrangement required in §§ 154.350(c) and 154.1725(e).

One commenter suggested that in proposed § 154.310(e), the phrase "above the open deck" be changed to "above the weather deck". The Coast Guard agrees with this editorial change and the word "weather" replaces the word "open".

Section 154.315. One commenter suggested that the words "unless specially approved by the Commandant" be added to proposed § 154.315(a) to agree with the IMCO Gas Code. This suggestion was not accepted since the Coast Guard does not anticipate approving a design containing below deck cargo compressor or pump rooms.

Two commenters stated that proposed § 154.315(b)(2) should be changed to allow the use of pressure grease seals, equipment previously allowed by the Coast Guard. The Coast Guard agrees with this comment and the requirement now allows the use of pressure grease seals.

Section 154.320. One person suggested that the words "remote readout" be used instead of "indirect reading" in proposed § 154.320(b)(3). Remote readout instrumentation may not necessarily exclude cargo vapor from the cargo control room, therefore, the suggestion was not accepted and no change has been made to this paragraph.

Another commenter proposed to add the words "as far as practical" into paragraph (b)(3), as provided for in the IMCO Gas Code. The Coast Guard has determined that with the exception of gas detection equipment, any instrumentation of other than indirect reading type would allow unnecessary hazards in the gas safe cargo control room. The suggestion was not adopted and the requirement remains as proposed.

Section 154.325. One commenter stated that without modification of the definition of "Control spaces" in proposed § 154.3, proposed § 154.325(a) would prohibit locating dry chemical fire control equipment in the cargo area. The Coast Guard agrees with the commenter and did not intend to make this prohibition. Accordingly, the definition of "Control space" has been corrected to exclude any fire fighting units when these units are required or permitted. Paragraph (a) is correct as proposed.

Commenting on proposed § 154.325(b), one commenter submitted a drawing of an arrangement which included a triangular shaped cofferdam above the main deck used to separate the accommodation from the hold space. This may be acceptable, however, the intent of this section is twofold:

(1) To prevent gas from the hold space from entering safe spaces through a single weld failure; and

(2) To ensure that the cofferdam space is of sufficient size to allow internal inspection of the space.

Accordingly, the section has been changed to specify the minimum dimensions for clearance in this space.

Section 154.330. One commenter noted that "forced and natural ventilation exhausts" are included in proposed § 154.330(a) while not specifically included in the IMCO Gas Code. He suggests that this term be deleted. The Coast Guard does not agree and has determined that ventilation exhausts are included in paragraph 3.2.4 of the IMCO Gas Code as "openings to accommodations, service and control spaces", particularly in instances when the fan is not running. The comment, therefore, was not accepted.

Editorial changes have been made to proposed § 154.330(a) by correcting the minimum distance from 3 m (10 ft) to 3.05 m (10 ft), to agree with the IMCO Gas Code, and by adding the words "to accommodations, service, and control spaces," after the word "openings".

An editorial change has been made to proposed § 154.330(b) to agree with the distances in § 154.330(a)(1) and to use the same terminology for port lights used in the structural fire protection regulations, 46 CFR 32.56.

Commenting on proposed § 154.330(c), two commenters stated that waterlight doors with dogs on the wheelhouse would be heavy and unwieldly, may be improperly secured much of the time, and could not be operated as quickly as those without dogs. The Coast Guard agrees with this comment and omitted the requirement for dogs.

Commenting on proposed § 154.330(c), two commenters suggested that the purpose of this door was gas safety not water tightness. The Coast Guard agrees, however, the only method of ensuring gas tightness would be either an air test or a vapor leak detection test (for instance using helium) of the secured door. While these tests are acceptable, they would generally be impractical. The fire hose test, which can be done rather easily, is an adequate demonstration that the door's gasket is properly seated thus producing a good seal and making the secured door reasonably gas tight. Paragraph (c) has been rewritten to clarify the intent.

Editorial changes have also been made to proposed § 154.330(c) to specify the same distances as in § 154.330(a)(1) and to use the term "not fixed" in place of the term "open."

One commenter stated that the requirement in proposed § 154.330(e) for gasketed metal covers exceeds the IMCO Gas Code which uses the term "closing devices". The Coast Guard has determined that "closing devices" does not adequately describe the acceptable covers nor are gasketed metal covers the only type acceptable. This section has been changed to include metal covers which pass a tightness test.

Two commenters requested a definition of toxic cargoes. This had already been included in § 154.3.

Section 154.340. One commenter stated that the exemption for ballast spaces provided in paragraph 3.5.3(c) of the IMCO Gas Code was not included in proposed § 154.340(b). This comment is correct and the requirement now includes the IMCO Gas Code exemption for spaces separated by a single gastight boundary from hold spaces where a containment system requiring a secondary barrier is provided. Proposed § 154.340(b) and (c) have been rewritten and combined as § 154.340(b). The remainder of the section has been renumbered accordingly.

One commenter indicated that smaller size openings should be permitted if the integrity of the hold space insulation can be ascertained from outside the hold space while the tank is at the design temperature. Another commenter suggested that the minimum clear opening dimensions for void spaces, hold spaces and other gas-dangerous spaces be reduced to 15 inches by 23 inches (oval) and 18 inches in diameter (circular) when the larger dimensions could have an effect on major or principal ship dimensions. The Coast Guard does not agree with these comments. Except for those spaces which are exempted from the access requirements as noted above, accesses, where provided or required, must have the dimensions specified in proposed paragraph (b). The intent of this requirement is to allow entry and inspection of the spaces by personnel wearing protective clothing and breathing apparatus and, in the event of injury, to allow unconscious personnel to be removed from the space; therefore, no change has been made to the sizes specified.

Three commenters noted that proposed § 154.340(g) (renumbered (f)) apparently contains requirements in excess of the IMCO Gas Code by requiring the inspection of the hold space insulation from within the hold space while the tank is at the cargo temperature. That interpretation was not intended and this section has been changed accordingly.

Section § 154.345. One commenter stated that the distances specified in proposed § 154.345(b)(1) conflict with the IMCO Gas Code and should, therefore, be changed. Agreement has already been reached at a meeting of the IMCO Subcommittee on Bulk Chemicals, that the distances proposed in § 154.345(b)(1) will be included in the IMCO Gas Code as an amendment. Accordingly, the comment is not accepted.

One commenter felt that the requirement for mechanical ventilation in proposed § 154.345(b)(4) was redundant since the system in the gas-safe space would perform the same function. This double margin of safety was intended by the Coast Guard and IMCO (see paragraph 3.6.5 of the IMCO Gas Code) for gas safe spaces in the cargo area. Accordingly, the comment is not accepted.

One commenter considered the requirement in proposed § 154.345(b)(6) for twelve changes of air per hour to be unreasonable and that the requirement in proposed § 154.345(b)(5) for air locks to be maintained at a higher pressure than the gas dangerous zone to be sufficient. Although maintaining the space at an over pressure to the gas dangerous zone is one goal, the Coast Guard believes that continuous air changes are necessary to ensure safety. The proposed number of changes of air has been reduced to 8 per hour as is required for gas safe cargo control rooms.

Commenting on proposed § 154.345(c)(2), one commenter stated that the automatic deenergizing of electrical equipment upon loss of air lock pressure may be hazardous since atmospheric disturbances could give false signals. The source for this proposed requirement is the IMCO Gas Code, and the Coast Guard has determined that it would provide a necessary margin of safetly. Also, the air lock pressure should be high enough to preclude false signals due to atmospheric disturbances. Accordingly, the comment is not accepted.

Section 154.350. Two commenters noted that proposed § 154.350(d) prohibits conventional bilge suctions in such spaces as pipe tunnels, duct keels and void cofferdams. The proposed requirements of this section are identical to those contained in the IMCO Gas Code and the intent is to prohibit the possibility of cross connection between gas-dangerous and gas-safe spaces. A bilge system is an open system that could allow free communication of gases between a gas-dangerous space and a gas-safe one. Accordingly, the Coast Guard determined that the proposal should not be changed.

Section § 154.355. Commenting on proposed § 154.355, one commenter requested clarification concerning the use of bow and stern loading piping for toxic cargoes on type IIG/IIPG ships. § 154.1870(d) contains the necessary operational restrictions. Accordingly, this section was not changed.

Section § 154.356. See the preamble comments concerning proposed § 154.310(d).

Cargo Containment Systems

Section 154.406. Commenting on proposed § 154.406, one commenter pointed out that the loads need not always include "gas pressurization for cargo transfer." The Coast Guard concurs with the comment and for clarification has changed proposed paragraph (a)(11) in this section.

Section 154.407. Paragraph (a) in proposed § 154.407 has an error which has been corrected to read $a_\beta Z_\beta \gamma$; where:".

Paragraph (b) in proposed § 154.407 has been rewritten to clarify the definition of $(h_{sd})_{max}$ used in the equation for h_{eq} in § 154.407(a).

Section 154.409. One commenter said that the dynamic accelerations in proposed § 154.409, which are the same as those in section 4.12 and Figure 4.1 of the IMCO Gas Code, greatly exceed the dynamic accelerations the Coast Guard previously required in 46 CFR 38.05–2. The commenter also noted that the maximum allowable stress has not been changed and suggested that a change be made because allowable stresses and design criteria, such as dynamic loads, are related and not independent of each other. The Coast Guard does not agree with this comment. The criteria for dynamic loads in proposed § 154.409 is considered to be more representative of the actual loads experienced in service than those previously used. The regulations, as proposed, contain the allowable stresses which are based on the assumption that the designer will take all loads into consideration, including dynamic loads.

One commenter suggested that in proposed § 154.409(c), the definition of "L_o" be changed to reflect paragraph 4.12(d)(i) of the IMCO Gas Code which states that the length should be "as defined in Recognized Standards". The definition of "L_o" has been changed to read the same as the definition of length used by the American Bureau of Shipping.

Proposed § 154.409(c)(2) has been changed to state that the acceleration

formulae correspond to a 10^{-8} probability level for the North Atlantic Ocean for vessels over 50 meters in length. This statement was inadvertently omitted from the proposed regulations. This paragraph now agrees with section 4.12 of the IMCO Gas Code.

Section 154.427. One commenter suggested that proposed § 154.427 does not provide for equipment that protects a membrane system from pressure or vacuum which must, as a practical matter, always be included in the design of a membrane containment system. The Coast Guard agrees with the suggestion and has changed the wording of proposed § 154.425 to specify the components of a membrane tank system. Pressure control equipment was added as one of these components. Proposed § 154.427 was rewritten to clarify that the membrane tank system rather than the membrane or supporting insulation must be designed for the specified loads.

Section 154.439. Proposed § 154.439 has been changed to eliminate redundancy and to clarify that the intent of the section is to require that an independent tank type A meet the standards of the American Bureau of Shipping and also be designed for certain specified loads.

Section 154.444. Proposed § 154.444 has been changed to eliminate redundancy by omitting paragraphs (a) and (b) and adding reference to §§ 154.445 through 154.449.

Section 154.447. Several commenters pointed out that the maximum allowable stress required in proposed § 154.447(a) is less than that allowed by section 4.5 of the IMCO Gas Code. Specifically, proposed Table 2 required A=4.0 while IMCO requires only A=3.0 or A=3.5. The commenters suggested that the Coast Guard try to resolve the differences although they realized that it may require a change to the ASME Boiler and Pressure Vessel Code.

One commenter also said that the IMCO Gas Code does not invite individual administrations to set higher standards than in IMCO. The maximum allowable stress used by the Coast Guard is taken from Section VIII, Division 1, of the ASME Boiler and Pressure Vessel Code. This Code is the basic standard used for the design of pressure vessels throughout North America and has been used in Coast Guard regulations for many years. At this time the Coast Guard does not consider it appropriate to deviate from that Code for liquefied gas tankers. Paragraph 4.5.1(d)(i) of the IMCO Gas Code states that the values of A, B, C and D should be at least the *minimum* specified in the table, which allows higher values to be used. At meetings during the development of the IMCO Gas Code, the Coast Guard repeatedly and consistently stated its intentions to set maximum allowable stress based on the ASME Code even if it was more stringent than the final version of the Code.

One commenter thought that some definitions and expressions for terms used in this section had been omitted. These terms have not been omitted and are contained in Appendices A and B to Part 154 which are referenced in this section.

Section 154.448. Two commenters suggested that the value of C_w in proposed § 154.448 could be greater than 0.5 if supported by analysis and testing as allowed by paragraph 4.4.5(f) of the IMCO Gas Code. The Coast Guard recognizes a C_w equal to or less than 0.5 as being the "state of the art" for fatigue analysis, however, in order to follow the IMCO Gas Code more closely and to allow for a more sophisticated analysis, paragraph (g) of § 154.448 has been rewritten to allow values of C_w more than 0.5 if specially approved by the Commandant (G–MMT).

Section 154.451. Two commenters indicated that the definition of "σ_m" in proposed § 154.451 was incorrect because the word "membrane" was omitted. The definition has been corrected to read "Design primary membrane stress".

One commenter suggested that "at the design temperature" should be included in the definition of "ρ". The Coast Guard agrees with the commenter, however, no change has been made since "specific gravity (ρ)" is defined in § 154.3 and includes consideration of the cargo temperature.

Section 154.459. Two commenters suggested an addition to proposed § 154.459 to allow for future designs that could have a different secondary barrier arrangement. New or novel designs not included in this section are provided for in § 154.8. For further discussion see the preamble discussion for § 154.8.

Several commenters pointed out that the reference in proposed § 154.459(d)(1) is incorrect because § 154.600 does not exist. The correct reference to §§ 154.605 through 154.630 has been substituted.

Section 154.460. Proposed § 154.460(a) has been changed to distinguish between the design capacity requirement for partial and complete secondary barriers.

Section 154.466. Two commenters objected to the more severe design ambient temperatures proposed under § 154.446 and under proposed §§ 154.174 and 154.176. One commenter said that unless U.S. ships could be built to the IMCO Gas Code design ambient temperatures, they could not compete economically with foreign flag vessels on routes other than those to U.S. ports. The other commenter thought the Coast Guard should make further investigations to determine the exact behavior of different steels of varying toughness at different ambient temperatures and under various load conditions. Both commenters suggested that proposed § 154.466 be rewritten to indicate that the specified design ambient temperatures are for unrestricted service and that warmer temperatures, including but not exceeding those allowed by the IMCO Gas Code, be allowed depending on the circumstances.

IMCO assumes a minimum ambient air temperature of 5° C (41° F) for worldwide service. This clearly does not realistically reflect prevailing temperatures in many U.S. ports year round. Existing Coast Guard regulations (46 CFR 38.05–2(c)) specify −18° C (0° F) *still air*, while the proposed regulations specify −18° C (0° F) air at *5 knots* for service to all U.S. ports except those in Alaska. For Alaskan service, air temperature for design purposes would be −29° C (−20° F) at 5 knots, and sea water at −2° C (28° F). These temperatures reflect actual minimum temperatures occurring in U.S. ports during the winter months. The design temperatures proposed have been in use for several years by designers of foreign vessels that are designed to engage in U.S. trade, and by the designers of gas ships that are designed for U.S. flag. Accordingly, the Coast Guard sees no reason to change the proposal. Further, the Coast Guard does not intend to perform new research on the effects of temperature on hull steel as the effects are well known. The Coast Guard would welcome any submitted data regarding the combined effects of temperature and loading on hull steels.

Concerning the final comment, the Coast Guard has required the proposed Alaskan ambients since 1972 and has never allowed restricted Alaskan service based upon the seasonably warmer temperatures prevailing during certain portions of the year. The Coast Guard is continuing with this policy in the future. Service to Alaska will only be allowed if the contiguous hull structure is adequately designed based upon the minimum cargo carriage temperature and the Alaskan design ambients. Depending upon the design of the vessel, carriage of certain cargoes to and from Alaska may be authorized

while other cargoes, carried at lower temperatures, are prohibited. These carriage limitations will be noted on the Certificate of Inspection or on the *Cargoes and Restrictions* list which is included with the Letter of Compliance.

One commenter suggested that some foreign ports, where U.S. gas ships may be trading, may also require the use of lower ambient design temperatures. There is the possibility of U.S. ships trading in cold weather ports in other parts of the world where ambient conditions are comparable to those in Alaska, however, the Coast Guard has not received proposals for U.S. gas ships trading to such ports as yet, and consequently temperature statistics have not been collected for foreign ports. The comment is well taken but cannot be addressed at this time.

Section 154.470. One commenter noted that proposed § 154.470(c) is more restrictive than paragraph 4.6.7 of the IMCO Gas Code, which allows plastic deformation that does not endanger the hull structure when anti-flotation loads are considered. The Coast Guard agrees with this comment and has changed paragraph (c) to allow plastic deformation that would not endanger the hull structure.

Cargo and Process Piping Systems

Section 154.506. Two commenters objected to an implied limit on the number of mechanical expansion joints used in a piping system. It was suggested that if specific restrictions are intended, they should be included in the regulations in order to provide guidance to designers.

This section is intended to follow paragraph 5.2.1(b) of the IMCO Gas Code which specifies that the use of the mechanical expansion joints should be kept to a minimum. This is also the long standing policy of the Coast Guard when specially approving the use of mechanical expansion joints in piping systems on liquefied gas carriers. To clarify the requirements, the proposed section was rewritten by combining the requirements of proposed §§ 154.506 and 154.508 into one section. The requirement in proposed § 154.506 for "the number of mechanical expansion joints to be specially approved by the Commandant (G–MMT)" was replaced by a new paragraph (a) which specifies the conditions for use of mechanical expansion joints outside of the cargo tanks. New paragraphs (b) and (c) have also been added to § 154.506 to replace proposed § 154.508. The preamble discussion of proposed § 154.508 explains paragraph (c) which is different from the requirements in proposed § 154.508(b).

Section 154.508. Many commenters objected to proposed § 154.508, which required a cover on bellows expansion joints to prevent icing damage. The commenters' reasons for not installing a cover included:

(1) The need for visual inspection for corrosion, leakage, or damage before and during use.

(2) Water could be trapped under a cover and could cause pitting and stress corrosion.

(3) Trapped water would freeze and could cause a greater ice buildup than if the bellows were not covered.

(4) The experience and standard of industry are not to cover bellows expansion joints.

The Coast Guard concurs and has changed the requirement by omitting § 154.508 and by adding new paragraphs (b) and (c) to § 154.506.

Section 154.514. Two commenters recommended that the method of electrical bonding be specified in proposed § 154.514. It was suggested that separate pipe sections which are each grounded to the hull need not have an additional electrical bond across their connections. It was also suggested that bolted flange connections which provide metal to metal contact between the bolts and both flanges need not have a separate bonding strap across the connection. These are universally accepted methods of electrical bonding and the Coast Guard agrees with both suggestions. In order to clarify the intent of the term "electrical bond", and to indicate the acceptability of these techniques, the Coast Guard has added these methods to this section as a new paragraph (c). Additionally, metal to metal contact between adjacent parts under normal operating conditions has also been added as an acceptable method of electrical bonding.

Another commenter questioned if the intent of the Coast Guard, when including hose connections in proposed § 154.514(b), was to require ship to shore grounding, noting the permissive, but not mandatory, provision for a ground connection in 46 CFR 35.35–5. The Coast Guard's intent was not to require ship to shore grounding but to require that the metallic end fitting on a hose connected to ship's piping be grounded. Proposed paragraph (b) has been changed for clarification.

Section 154.519. Two commenters suggested that in proposed § 154.519, the liquid relief valves in the cargo piping system be allowed to discharge into either a cargo tank or a cargo vent mast. § 154.519 (a) and (b), have been changed to allow either method of discharge.

One of the commenters suggested that a prohibition of shut-off valves in the relief valve discharge lines to the cargo tanks should be included. The other commenter said that proposed § 154.519 is in conflict with proposed §§ 154.530(a) and 154.532(a) which require shut-off valves at all tank connections. The Coast Guard does not agree with either comment. Shut-off valves are required at all tank connections to allow complete isolation of a tank and prevent any flow into or out of the tank. For a relief valve to discharge directly to a cargo tank, it would be necessary to arrange the piping to allow an alternate path for the relieved liquid should the valve at the cargo tank be closed. As discussed in the previous paragraph, there is also the alternative of discharging to a vent mast. While the two sections may appear to be in conflict at first glance, there are several arrangements that can meet both requirements.

One commenter also suggested that a relief valve discharging to a cargo vent mast be installed above the cargo piping it protects to improve the likelihood of vapor being discharged. This arrangement might be advantageous and is not prohibited by the proposed section, however, the Coast Guard does not consider it necessary to make it a requirement.

Section 154.520. One commenter suggested that vibration and wind loads be included as design considerations in proposed § 154.520. No change has been made to this section so that it remains equivalent to paragraph 5.2.7 of the IMCO Gas Code which lists the same loads included in § 154.520 (a) through (e). The Coast Guard considers vibration and wind loads less important than the listed loads but this does not prevent the designer from including them in his analysis when he thinks they are necessary.

Proposed § 154.520 has been changed to require that stress analysis for piping with a design temperature of −110° C (−166° F) or lower be "specially approved by the Commandant (G–MMT)." This wording was inadvertently omitted from the proposal and was added to follow paragraph 5.2.7 of the IMCO Gas Code which states that the stress analysis, "should be submitted to the administration."

Section 154.522. One commenter suggested that in proposed § 154.522 steel pipe meeting ASTM A333, grade 1, should be allowed for open ended piping inside cargo tanks at temperatures of −55° C (−67° F) or warmer. In 46 CFR 56.50–105, the Coast Guard allows pipe

meeting the suggested standards to be used at temperatures of −34.4° C (−30° F) or warmer. The Coast Guard, therefore, does not agree with the suggestion for open ended piping inside cargo tanks; however, this material could be considered for open ended vent piping as allowed in this section.

Section 154.524. Two commenters noted that socket weld fittings were not included as an acceptable means for joining pipes in proposed § 154.524. The commenters suggested that the fittings be allowed for pipe sizes of either three inches or two inches and less, without temperature limitations. The Coast Guard agrees with these comments and since socket weld fittings, such as socket weld flanges under § 154.528, are acceptable to the Coast Guard, they have been included in a new paragraph (c), however, the size has been limited to pipe sizes of 50 mm (2 in.) or less, and design temperatures of −55° C (−67° F) or warmer which is the same requirement for socket weld flanges. The paragraph proposed as (c) has been designated (d) and a new paragraph (e) has been added to allow other fittings or methods of joining pipes that are specially approved by the Commandant (G–MMT).

Section 154.528. One commenter noted the exclusion of nominal pipe size 100 mm (4 in.) and 50 mm (2 in.) in proposed §§ 154.528 (b)(1) and (b)(2) respectively. Paragraphs (b)(1) and (b)(2) have been corrected to read "100 mm (4 in.) or less," and "50 mm (2 in.) or less" respectively.

Section 154.530. One commenter stated that proposed § 154.530 conflicts with proposed § 154.1310 because the former section excludes a closed gauging device from the requirement for a tank shut-off valve while the latter section requires it for closed gauges not mounted directly on the tank. A similar conflict occurs in § 154.536 which requires a quick-closing shut-off valve or excess flow valve on tank gauge connections if the gauge allows an outward flow greater than the flow through a 1.4 mm hole. Proposed § 154.530(a) has been changed to clarify the requirement by adding the word "tank" before the words "safety relief valve", by adding the words "other than those under §§ 154.536 or 154.1310" after the words "gauging devices", and by rearranging the text. These changes eliminate any apparent conflict with the requirements in §§ 154.536 or 154.1310.

For clarification, proposed § 154.530(a)(3) has been changed to read "are capable of local manual operation" and is now redesignated § 154.530(a)(2). The words "manual control" were changed to "local manual operation" to clarify the intent that the valve must be able to be opened and closed manually. A new paragraph (a)(3) has been added to permit the valve to be remotely controlled. This wording reflects that used in paragraph 5.3.1(a) of the IMCO Gas Code.

One commenter suggested that in proposed § 154.530(a) the required shut-off valves on tank vapor connections be allowed to have resilient seats instead of the "nominal metal to metal contact" included in the definition of shut-off valve in § 154.3. The commenter said the lower leakage rate of a resilient seat would be preferable to the greater degree of fire protection provided by a metal to metal seat.

The Coast Guard does not concur as the degree of fire protection is the more important consideration. These regulations do not prohibit a second valve with a resilient seat from being used in series with the required shut-off valve if less leakage is desired during normal operating conditions. To clarify the type of valve which is required, reference to the definition of a "shut-off valve" was added to proposed § 154.530(a). Additionally, proposed § 154.530(a)(1) was omitted since it is already included in the definition of "shut-off valve".

Section 154.532. The comments received for proposed § 154.530 also apply to proposed § 154.532. The same changes have been made to proposed paragraph (a) as were made to § 154.530(a).

Commenting on proposed § 154.532(a), one commenter objected to requiring a manually controlled stop valve and a quick-closing shut-off valve since the quick-closing shut-off valve is already required under § 154.540 to have manual control and, therefore, could perform the function for both valves. Proposed § 154.532 follows paragraph 5.3.1(b) of the IMCO Gas Code which requires both valves unless the quick-closing shut-off valve is capable of performing all the functions of a manually controlled stop valve. Specifically, the valve must be capable of being opened and closed manually and, once manually closed, the valve must only open manually. To clarify this requirement, paragraph (c)(2) of proposed § 154.532 has been changed to read "is capable of local manual operation". Also, see the discussion on proposed §§ 154.540 and 154.544 for similar changes to those sections.

Section 154.534. For clarification the word "cargo" has been inserted before the word "compressors" in proposed § 154.534.

Section 154.538. Proposed § 154.538(a) has been changed by adding references to §§ 154.540 and 154.544. This was done to clarify which requirements the remotely controlled quick-closing shut-off valve must meet.

Section 154.540. One commenter suggested that in proposed § 154.540 the location for the controls to operate the emergency shut down system should be designated as the "normal operating position of the person in charge of cargo transfer operations." Paragraph 5.3.4 of the IMCO Gas Code requires that the location of the controls include the cargo control room or cargo loading station. The Coast Guard has followed the IMCO Gas Code by requiring controls in at least two locations remote from the valves with controls in each cargo control station. If there are two or more cargo control stations, single controls in each of these locations will satisfy the requirements. This commenter's suggestion would have been allowed under proposed § 154.540(b)(2), and the suggested change was not necessary.

In response to comments on proposed § 154.532, which have been previously discussed, several changes have been made to clarify the requirements of § 154.540. The word "control" has been changed to "shutdown" wherever it applies to the "control system", to better describe the purpose and function of the system. Also, the word "operate" which implies both opening and closing has been changed to "close". As a practical matter, it is realized that the system will probably be able to both open and close the valves, however, the emergency shut-down system is only required to close the valves.

To incorporate these changes, proposed § 154.540(b)(1) has been changed by adding a reference to § 154.320 and proposed paragraph (c) has been omitted and the requirements moved to § 154.544. Finally, since the fusible elements are an integral control element of the emergency shut-down system, the substance of proposed § 154.542 has been added to proposed § 154.540 and proposed § 154.542 is omitted. All references to § 154.542 have been omitted. The proposed section was rewritten to clarify the requirements, eliminate redundancy and to separate the design requirements for the emergency shut-down system from the design requirements for the quick-closing valves.

Section 154.542. See the preamble comments concerning proposed § 154.540.

Section 154.544. Two commenters questioned the 30 second maximum closing time in proposed § 154.544 as

being arbitrary and possibly causing a pressure surge that could damage long loading lines at some shore terminals. The Coast Guard is aware of the pressure surge problem and is investigating possible solutions which might require a future change to these requirements. For the present, the 30 second maximum closing time is considered reasonable and it is necessary to define "quick-closing". It should be noted that other measures, such as reduced loading rates, can be used to reduce the pressure surge.

To clarify this section several changes were made as follows:

(1) A reference to the definition of a shut-off valve was added as paragraph (a).

(2) The required closing time in proposed § 154.544 was changed to read ". . . 30 seconds or less," and is now in paragraph (b).

(3) The requirements omitted from proposed § 154.540(c) were added to § 154.544 as new paragraphs (c) and (d).

(4) Paragraph (d) was reworded the same as article 5.3.4 of the IMCO Gas Code and clarified that the quick-closing valves need be "capable of local manual closing" rather than "have manual control".

Sections 154.552–154.562. Commenting on proposed §§ 154.552 to 154.562, one commenter suggested it be specified that the requirements for cargo hose are applicable only to cargo hose carried on board the vessel. He further suggested that requirements for hoses furnished by the shore facility should be covered by shore facility regulations. The Coast Guard concurs and to state this limitation, a new § 154.551 has been added to the proposed rule.

Section 154.554. For clarification an editorial correction has been made to proposed § 154.554 by changing the words "pressurized by the tank" to "exposed to the pressure in the cargo tank."

Section 154.558. One commenter suggested that each cargo hose under proposed § 154.558 be marked to indicate the products for which it has been approved. This suggestion was not adopted because the Coast Guard does not consider it practical to mark a hose with all cargoes for which it could be used. The requirement to mark maximum working pressure and minimum service temperature is considered sufficient. It should be noted that the proposed section does not prohibit a vessel operator from marking the hoses for the cargoes carried by his vessel. This could be advantageous to operating personnel. Also it should be noted that proposed § 154.1725(b) requires marking of cargo hoses used for ethylene oxide.

Section 154.560. In response to comments on proposed § 154.1858, proposed § 154.560 has been rewritten to note that the hose used for the prototype test cannot be used as a cargo hose.

Materials

Sections 154.605 through 154.620. One commenter said that in proposed §§ 154.605 through 154.620 it was difficult to determine the Coast Guard requirements which were in addition to the provisions of the IMCO Gas Code. He suggested that the regulations be separated into requirements based on the IMCO Gas Code and additional Coast Guard requirements, if any. The commenter also suggested that certain other provisions of Chapter 6 of the IMCO Gas Code be included in these regulations. The Coast Guard does not accept these suggestions. Those IMCO requirements of Chapter 6 not specified in proposed §§ 154.605 through 154.620 are already contained in other U.S. Coast Guard regulations, which are referenced in the appropriate sections. (§ 54.25–10, which is referenced in proposed § 154.615, has been changed in this document to agree with Table 6.2 of the IMCO Gas Code.) Additionally, for certain details of Chapter 6, the IMCO Code allows the approving administration to establish the standards within certain guidelines. For clarity and to avoid future confusion, the Coast Guard has chosen to specify the acceptable standards in these regulations. Finally, since the four areas in which Part 154 exceeds the IMCO Gas Code have been outlined in the preamble to this rule and the Notice of Proposed Rulemaking, no separation of the regulations is needed.

Commenting on proposed §§ 154.610, 154.615 and 154.620, one commenter suggested the following:

(1) Deletion of the word "castings" from these sections since castings are not included in Tables 6.1, 6.2 and 6.3 of the IMCO Gas Code;

(2) Requiring "fine grain practice" only in plates in proposed § 154.610(a) since forgings and shapes may not be made using "fine grain practice"; and

(3) That low alloy steels should be acceptable under proposed § 154.610(a), in addition to carbon-manganese steel for service temperatures not colder than 0° C (32° F).

The Coast Guard concurs with the suggestions and has made changes as follows:

(1) The word "castings" has been deleted wherever it appeared in proposed §§ 154.610, 154.615 and 154.620.

(2) Proposed § 154.610(a) has been divided into three new paragraphs (a), (b) and (c) and changed to require "fine grain practice" only for plates.

(3) Materials other than carbon manganese steel have been included under § 154.610(b) by adding references to §§ 154.615, 154.620, and 154.625.

Section 154.610. One commenter objected to the material requirements in proposed § 154.610 being applied to process pressure vessels. He states that many materials currently being used have proven satisfactory in service and their use in process pressure vessels would be prohibited under the proposed requirement. Additionally, the commenter claimed that adherence by the manufacturer to the proposed material requirements would make each component "special", thus increasing cost and lead times. It was suggested that the Coast Guard continue applying the material requirements of 46 CFR Part 54, which the commenter considers to be adequate.

The Coast Guard agrees that the current requirements for materials used in pressure vessels under 46 CFR Part 54 are sufficient and has changed proposed § 154.610 by making the section applicable only to "cargo tanks". Also, an addition has been made to proposed § 154.610 to emphasize that cargo tank materials for service at or above 0° C [32° F] must meet the ASME Code requirements under 46 CFR 54.25–1 and 54.25–3.

Pipes and tubes have been eliminated as product forms subject to the requirements of § 154.610. This follows Table 6.1 of the IMCO Gas Code which specifies "normal practice" for seamless and welded pipes and tubes. The Coast Guard considers this adequately addressed in 46 CFR Part 56.

Section 154.615. One commenter noted that proposed § 154.615 sets the upper temperature limit for low temperature operation at 0° C [32° F], as specified in the IMCO Gas Code. This differs from the previously required Coast Guard temperature limit of minus 18° C [0° F]. The commenter claims this will affect a large group of process pressure vessels, used in LPG/NH_3 reliquefaction systems, which operate between 0° F and 32° F since they will now have to meet the requirements for low temperature service. It was suggested that the 0° F cut-off temperature be retained.

The Coast Guard agrees and has changed proposed § 154.615 by making this section applicable only to cargo tanks and secondary barriers. Process

pressure vessels must meet 46 CFR Part 54 as required by § 154.450.

Section 154.620. In response to comments on proposed § 154.630, a new paragraph (b) was added to this section to include aluminum alloys. Because of the addition of aluminum alloys, extruded bars and shapes have been added as product forms in this section.

Section 154.630. One commenter pointed out that aluminum alloys are not mentioned in proposed § 154.610, § 154.615, or § 154.620, when in fact, many LNG cargo tanks in the United States are being constructed of aluminum. It was suggested that aluminum be included other than in proposed § 154.630(b). The Coast Guard agrees and has included aluminum alloys in § 154.620(b).

The same commenter also questioned the intent of proposed § 154.630(b). He understood it to mean that aluminum alloys, which are used for independent tank types A and B, must be in the annealed condition. The commenter objected suggesting that this would essentially prevent the use of heat treated alloys such as 6061–T4, which have been used for piping inside tanks. It was suggested that heat treated alloys not be eliminated. The Coast Guard's intent was to follow paragraph 4.5.1(f)(i) of the IMCO Gas Code which states that for welded connections the minimum tensile strength used in determining allowable stress should correspond to the tensile strength of the alloy in the "as fabricated condition" (annealed condition). Proposed paragraph (b) has been rewritten to clarify this.

Construction

Section 154.650. One commenter suggested that proposd § 154.650(b), which references 46 CFR 57.02–4, should also include an allowance for the use for weld filler metals approved by classification societies other than the American Bureau of Shipping (ABS). This is needed especially for ships that will be foreign built to meet U.S. regulations. A provision allowing the use of filler metals other than those approved by ABS is already included in 46 CFR 57.02–4(b). Accordingly, no change was made to this section.

Section 154.655. One commenter noted that proposed § 154.655(b) appears to require mandatory stress relieving of independent type C tanks constructed of materials other than carbon or carbon manganese steels, with the details of the procedure being specially approved by the Commandant (G-MMT). The commenter suggests that tanks constructed of materials such as 9% nickel steel, stainless steel and aluminum do not need stress relieving. The Coast Guard agrees with the commenter that not all materials requires stress relief. The requirement has been clarified by changing proposed paragraph (b) to indicate that tanks, constructed of materials other than carbon and carbon manganese steel, be stress relieved in accordance with 46 CFR Part 54.

One commenter objected to the limitations on mechanical stress relief in 46 CFR Subpart 54.30, referenced in proposed § 154.655, which allows mechanical stress relief in lieu of thermal stress relief provided the tank shell thickness is 1 inch or less. The commenter suggested that this limit be increased to 30 mm (1.18 in.) which has been allowed by some classification societies. The Coast Guard is currently reviewing this problem and is considering a change to 46 CFR Subpart 54.30 to increase the tank shell thickness limit. If a change is made, it will be published in a future notice of proposed rulemaking. Accordingly, no change is now made to 46 CFR Subpart 54.30.

Section 154.660. Two commenters questioned proposed § 154.660 asking whether it was intended that longitudinal butt welds be included in proposed paragraphs (b) and (c) in addition to girth butt welds. For purposes of this section, a longitudinal butt weld is considered to be included under the term "butt weld" when it is in a piping component other than a component manufactured to a standard specification under 46 CFR 56.60–1. For clarification proposed paragraph (b) has been changed to specify which type of butt welds must meet the requirements of this section.

One commenter stated that proposed paragraph (b) requires both mandatory post-weld heat treatment and compliance with 46 CFR 56.50–105 and Subpart 56.85. He further states that these requirements conflict with paragraph 5.2.10(f) of the IMCO Gas Code since IMCO permits exclusions from post-weld heat treatment for materials less than 10 mm thick. The Coast Guard does not agree that a conflict exists. IMCO allows exclusions from post-weld heat treatment at the "Administration's" discretion. The Coast Guard, representing the "Administration", has decided to continue with present U.S. regulations as contained in Subchapter F, specifically § 56.50–105(a)(3), which does not permit general exclusions based upon material thickness. However, to clarify this requirement, proposed paragraph (b) has been changed to require post-weld heat treatment only when required by 46 CFR 56.50–105. Due to other changes to this section this paragraph is now designated paragraph (b)(1).

Also commenting on proposed paragraph (b), one commenter recommended that the requirement for post-weld heat treatment be reevaluated, since in the past several vessels have been exempted from this requirement and have performed satisfactorily. It was further suggested that if the requirement is deemed necessary, then it should be limited to a specified range of service temperatures. The Coast Guard does not consider a few isolated incidents of satisfactory performance as adequate justification for changing a long standing, well-founded requirement. Additionally, the service conditions of pressure and temperature for which post-weld heat treatment is required are specified in the referenced regulation. Accordingly, this recommendation was not accepted.

Two commenters had questions or suggestions regarding the requirements for radiographic testing of welds. One commenter suggested that for open ended vent pipes the requirement for radiographic testing of butt welds should be reduced from 100% to 10% random radiography. The Coast Guard does not agree. This requirement is consistent with the current requirements of 46 CFR Subpart 56.95 requiring 100% radiographic testing for Class II–L piping. The Coast Guard has, however, determined that cargo piping inside independent cargo tanks need not be 100% radiographically tested and has changed proposed paragraph (c)(1) accordingly. Radiographic testing of piping inside membrane or semi-membrane tanks is still required since these tanks could be damaged should the cargo piping fail.

The other commenter noted that the proposed rule requires radiographic testing of butt welds in pipes with an inside diameter greater than 100 mm while paragraph 5.2.10(f) of the IMCO Gas Code requires radiography for all pipes with an inside diameter greater than 75 mm. The commenter asked whether this apparent liberalization was intended.

The Coast Guard intended to incorporate the requiremens of 46 CFR 56.95–10 into proposed § 154.660. Unfortunately, the diameter restriction was mistakenly included in the proposal as *"inside* diameter of 100 mm", rather than *"nominal* diameter of 100 mm" (this is considered to be equivalent to nominal 4 inch pipe). Using the word "nominal", proposed paragraph (c)(1) is consistent with § 56.95–10 of this

chapter and is equivalent to paragraph 5.2.10(f) of the IMCO Gas Code. Hence, no liberalization was intended or given. The word "inside" has been changed to "nominal" in proposed paragraph (c)(1) (renumbered paragraph (b)(2)).

Cargo Pressure and Temperature Control

Section 154.701. Several commenters expressed concern that proposed § 154.701(a)(1) could be interpreted as requiring separate refrigeration systems for each tank. As this was not intended, the wording has been changed to reflect the acceptability of an arrangement where each tank is served by a common system.

Several commenters felt that in proposed § 154.701(a)(2) MARVS should have been used as a design criteria in lieu of P_o. Paragraph 7.1.1 of the IMCO Gas Code, on which this section is based, refers neither to P_o nor MARVS, but system design pressure at upper ambient conditions. This section has been changed to reflect the proper pressure standard, and now requires that the safety relief valve be set at a pressure which is equal to or greater than the vapor pressure of the cargo at 45° C but not greater than the MARVS.

One commenter noted that design of containment systems to the standard in this section was limited to independent tanks type C, a restriction not included in the IMCO Gas Code. Since other types of tanks could meet the standard for relatively low vapor pressure gases, that restriction has been removed.

One commenter requested that proposed § 154.701(b) be changed to include the alternatives to separate refrigeration systems for incompatible cargoes as stated in paragraph 7.2.2 of the IMCO Gas Code. Should a suitable alternative to separate systems be developed, the Coast Guard could accept it on the basis of equivalence. Accordingly, this change was not incorporated into this section. Proposed paragraphs (a) and (b), however, were combined for clarification of the requirements.

One commenter suggested that vessels carrying certain cargoes (e.g. LNG) be permitted to control cargo tank pressure by venting, as in paragraph 7.1.1(e) of the IMCO Gas Code. The Coast Guard does not allow the atmospheric venting of hazardous cargoes under normal operating conditions. There are adequate alternatives for controlling the cargo vapors that are generated during normal operations and carriage. Many of these techniques are in this proposed section. The Coast Guard recognizes that in emergencies atmospheric cargo venting may be the only feasible method to prevent a tank rupture; however, since alternatives are available during normal operations, amtospheric venting has not been added to this section.

The same commenter requested that provision for other systems for pressure and temperature controls be made, as in paragraph 7.1.1(d) of the IMCO Gas Code. The proposed methods of control provide an adequate range of alternatives. Additionally, since there is a mechanism for evaluating other alternatives as equivalents, paragraph 7.1.1(d) will not be specifically included in these regulations.

Section 154.702. One commenter noted that the pressure criteria in proposed §§ 154.702(a)(1) and 154.703 should have been the MARVS in lieu of P_o. The Coast Guard does not agree with this commenter. The correct pressure criteria is the set pressure of the cargo tank safety relief valve. This correction was made to the proposal.

One commenter requested that proposed §§ 154.702(a)(1) and 154.703 clearly allow a refrigeration system to serve a number of tanks. The former section has been changed to clarify this point for both sections.

Wording was added to proposed § 154.702(c)(1) to clarify that the excess capacity of a refrigeration heat exchanger is calculated as a percentage of the *required* capacity, not the actual capacity.

Two commenters noted that the distinction between "essential service" and "interference with essential service" was not recognized in proposed § 154.702(d)(3), as it was in paragraph 7.2.3 of the IMCO Gas Code. This section has been changed to include this consideration.

One commenter suggested that the types of refrigeration systems, described in paragraph 7.2.4 of the IMCO Gas Code, should also be described in proposed § 154.702(e). This suggestion was not accepted since the descriptions appear in proposed Subpart D—Special Requirements, where their inclusion is more appropriate.

One Commenter indicated that the requirement for automatic and manual cargo temperature controls in proposed § 154.702(f) were in excess of IMCO requirements. It was not the intent of the Coast Guard to require automatic cargo temperature control for each refrigeration system, but rather to ensure that manual control was always provided. Since manual control, via at least an on-off power switch, is always available, it was decided that this requirement was unnecessary. Accordingly, this paragraph has been omitted, and proposed paragraph (g) has been designated paragraph (f).

Section 154.703. Two commenters questioned the 21 day retention requirement in proposed § 154.703. One suggested that it was in excess of the previously mentioned 14 day criterion, while the other questioned if it was applicable to all vessels regardless of the length of the transport voyage. The 21 day criterion is applicable regardless of normal voyage length. The 14 day criterion does not exist. The confusion stems from a requirement related to secondary barrier performance for 15 days in the case of primary barrier failure. Accordingly, no change was made to this section.

Section 154.705. One commenter asked whether proposed § 154.705(c) precluded the burning of 100% boil off gas at sea. Reference in § 154.705(c) to § 154.1854 was inserted to indicate the acceptability of this mode of operation.

Section 154.706. One commenter suggested that the rate of air change required in proposed § 154.706(a)(2) for gas fuel line vent ducts specifically include consideration of the ruptured fuel line condition. Because the minimum rate specified in this proposal is consistent with the IMCO Gas Code, the Coast Guard did not change the requirement. Factors such as a ruptured fuel line condition, the interrelationship of the flow rate and the gas detection equipment capabilities, and other factors, could only be evaluated on a case by case basis. Accordingly, no change was made to this section.

Section 154.708. Proposed § 154.708(c) was changed so that it now follows the IMCO Gas Code which requires automatic closure of the master gas valve upon loss of inert gas pressure within a double-walled gas fuel piping system.

Section 154.709. The requirement is proposed § 154.709(a)(2) for automatic closure of the master gas valve upon detection of gas was changed to follow the IMCO Gas Code. The valve is required to close "before" (not "*if*" as proposed) the concentration reaches 3% by volume.

Cargo Vent Systems

Section 154.801. One commenter noted that proposed § 154.801(b) requires two relief valves of "equal capacity," while the IMCO Gas Code requires that they be only "approximately equal". This section has been rewritten to require two valves of "the same nominal relieving capacity."

One commenter questioned the requirement in proposed § 154.801(c)(1)

that the pressure relief valves meet 46 CFR Subpart 162.017 if the tank MARVS is 69 kPa gauge (10 psig) or less. He suggested that all pressure relief valves on gas carriers be required to meet 46 CFR Subpart 162.018 regardless of the tank MARVS. The intent of the proposal is that, when the cargo tank MARVS is 69 kPa gauge or less and the pressure relief device is also capable of vacuum relief, i.e. a P–V valve, the requirements of 46 CFR Subpart 162.017 may be met instead of 46 CFR Subpart 162.018. This section has been rewritten to clarify the intent.

Several persons commented on proposed § 154.801(c)(4) that the requirement to insulate the pressure relief valve from the cargo tank when carrying a cargo at a temperature below 0° C (32° F) is both impractical and unnecessary since these valves are designed for low temperature service. Further, they suggest that no material exists which will satisfy this requirement and also meet proposed § 154.522(b). The Coast Guard's intent in this section was to address the problem of the valves becoming inoperative due to ice formation. It is recognized that other alternatives are available to prevent this problem. Accordingly, proposed paragraph (c)(4) has been rewritten and moved into a new paragraph (d) in this section. The remaining proposed paragraphs were renumbered.

One commenter suggested that it be specified whether the required 0.015 L trim in proposed § 154.801(c)(5) is by the bow and stern or by the stern only. The proposed section has been rewritten to say that both trim by the bow and trim by the stern must be considered.

Section 154.804. Commenting on proposed § 154.804(a)(1), one commenter suggested that the audible and visual alarms for each tank be required only in the cargo control station. The Coast Guard agrees that a grouped alarm rather then independent alarms should be allowed in the wheelhouse. Requiring independent alarms in the wheelhouse for each tank provides no additional protection since no corrective action can be taken from this location. Accordingly, the section has been rewritten to reflect the comment. A definition of a "remote group alarm" is included in § 154.3.

Section 154.805. One commenter suggested that the provision contained in paragraph 8.2.10 of the IMCO Gas Code for vessels less than 90 meters in length be incorporated into proposed § 154.805(e) since it may be impractical to locate a vent mast 25 meters away from gas safe spaces on smaller ships. Another commenter suggested that the distance requirement stated in this proposed section, i.e. B or 25 meters whichever is less, is excessive in all cases. A distance of B or 25 meters is the required separation distance contained in paragraph 8.2.10 of the IMCO Gas Code and vessel designers have been able to meet this requirement. It is recognized, however, that on certain smaller vessels it may be impractical to locate vent masts B or 25 meters from gas safe spaces. Accordingly, this proposed section has been rewritten to allow shorter separation distances on vessels less than 90 meters in length if specially approved by the Commandant (G–MMT).

Section 154.806. One commenter suggested that proposed § 154.806 include specific reference to consideration of the anticipated inlet pressure losses to the relief valve to prevent resonant chattering of the valve, in addition to back pressure considerations when sizing the relief valves. Typical relief valve inlet nozzles on gas carriers could produce significant pressure losses if they are other than flush with the interior surface of the tank. Also, a long pipe riser (not usually used on gas carriers) or pipe bends could also produce this effect. When significant inlet pressure losses are present, it is expected that appreciable "resonant chattering of the valve" will occur. This is detrimental to the normal operation of the valve since it reduces the valve capacity and could potentially destroy the relief valve. The Coast Guard knows of no way in which "resonant chattering" can be prevented merely by sizing the relief valves. This effect can be eliminated, however, by proper design of the relieving arrangement so as to minimize inlet pressure losses to the relief valve. Accordingly, this problem has not been addressed in this section but is included in § 154.801 as a design consideration.

One person commented on this proposed section that when sizing the cargo tank relief valves the maximum capacity of the installed tank inerting system only becomes relevant if the maximum working pressure of this system exceeds the tank MARVS. The Coast Guard agrees with this comment and the section has been rewritten to reflect it.

Atmospheric Control in Cargo Containment Systems

Section 154.901. Several commenters questioned the need in proposed § 154.901(d)(1) for a gas sampling point at the middle of the tank. The IMCO Gas Code requires "sufficient" sampling points and the commenters report that sampling points at the top and the bottom of the tank have proven sufficient. One commenter stated that a sampling point in the middle of the tank required an additional line through the tank dome resulting in a potential decrease in safety. The Coast Guard accepts these comments and the requirement for the middle sampling point has been omitted.

Additionally, the words "gas freeing" have been removed from proposed paragraph (a). See the preamble discussion concerning proposed § 154.310.

Sections 154.902 and 154.903. One commenter suggested that the Coast Guard relax its dew point criteria in proposed §§ 154.902(c)(2), (d) and 154.903(b) since moisture is not detrimental to insulation applied to the inner hull rather than the cargo tank. The intent of these paragraphs is to limit the amount of water vapor in the atmosphere in these spaces. The Coast Guard agrees that the proposed dew point is too stringent, expecially in light of the fact that state-of-the-art inert gas generating equipment can only produce gas with dew points as low as approximately −50° C to −60° C. Also, at these temperatures moisture content in the gas is insignificant. For this reason, the Coast Guard has decided to change the dew point criteria so that the dew point of the inert gas or dry air admitted to the spaces must only be below −45° C (−49° F), or the lowest temperature of any surface in these spaces when the lowest surface temperature is warmer than −45° C (−49° F). This is the proposed dew point limit for gases admitted to cargo tanks carrying sulfur dioxide, see proposed § 154.1715. Accordingly, these changes were made to the subject paragraphs.

The proposal included six design or operation requirements for "inertion" of various components of the cargo containment system. These requirements can be found in proposed §§ 154.902(b), 154.1760, 154.1848(a)(4), and 154.1854(d). The sections, however, do not specify the concentration limits for flammable gas or oxygen that determine that a space is "inerted". The Coast Guard determined that the terms "inertion or inert atmosphere" are vague since they only indicate that the "inerted" space cannot support combustion. This is an extremely important safety consideration and should not be vague. Reviewing the available literature, most notably the "International Oil Tanker and Terminal Safety Guide (IOTTSG)", 2nd ed., 1974, the Coast Guard found that if a space contains less than 8–10% by volume

oxygen, combustion could not be supported. Hence the terms "inertion and inert atmosphere" could be construed as requiring any oxygen concentration from 8% by volume to as little as 0% by volume. For clarification, the Coast Guard has chosen to specify a maximum oxygen concentration for any space which is to be considered inerted. The value chosen was the IOTTSG's recommended value of 8% by volume O_2. Accordingly, the appropriate changes were made to the subject sections.

Section 154.904. Several commenters pointed out that the IMCO Gas Code only requires two check valves if the inert gas system is located in the machinery space or other space outside the cargo area. For inert gas systems located in other locations, one check valve is adequate for safety. The Coast Guard agrees with this comment and proposed § 154.904 is changed to require only one check valve in the inert gas system in the cargo area. A second check valve is required only when the inert gas system is located in the machinery space or other space outside the cargo area.

Section 154.908. Several commenters noted that proposed § 154.908 appears to rule out locating inert gas generators in the main machinery space, which was not intended by the IMCO Gas Code. The Coast Guard agrees with the comment and the wording in the section has been changed to allow the installation of inert gas generators in main machinery spaces.

Section 154.912. One commenter said that the method for sizing relief valves on inerted spaces should be specified in proposed § 154.912. The Coast Guard agrees, and plans to develop a criteria for sizing these safety devices to be proposed in a future issue of the **Federal Register.**

Electrical

Section 154.1010. One commenter suggested that it would be helpful to the operator if an additional alarm were provided to indicate loss of normal cargo pump pressure prior to the automatic shut-down that would be required under proposed § 154.1010(c)(1). The Coast Guard does not see a need to make this a requirement. It is noted, however, that the proposal does not prohibit such an alarm.

One commenter questioned whether proposed §§ 154.1010(j) and (k) apply to ammonia carriers under the applicability in § 154.1000(b). The Coast Guard thinks the wording of § 154.1000(b) is clear; for the purposes of §§ 154.1005 through 154.1020, an ammonia carrier is not gas-dangerous on the weather deck. Accordingly, paragraph (j) does not apply to ammonia carriers since it concerns zones on the open deck, and paragraph (k) may or may not apply depending on the particular spaces or areas involved.

Section 154.1015. One commenter suggested that in proposed § 154.1015 at least one the required two or more branch lighting circuits be supplied from the emergency power system. The Coast Guard has included such a requirement in a proposed revision of 46 CFR Subchapter J published in the June 27, 1977 issue of the **Federal Register** (42 FR 32700). Section 154.1015(a) is not changed since it does not prohibit the use of the suggested arrangement.

Firefighting System: Exterior Water Spray

Section 154.1110. Four comments were received concerning the meaning of proposed §§ 154.1110(a) and (d). It was felt that the proposed wording could be altered to more clearly define the requirement for water spray. Accordingly, paragraph (a) has been separated into new paragraphs (a) and (b) and the remaining proposed paragraphs renumbered. The definition of "other control valves" in proposed paragraph (d) has been changed to include only those valves "essential to cargo flow."

Section 154.1115. One comment was received questioning the technical justification of the 3.7 m (12 ft) limit for rundown on vertical surfaces in proposed § 154.1115. Experimental work at the Coast Guard's Fire & Safety Test Facility as well as work conducted at Southwest Research Institute has shown that water running down vertical surfaces will tend to "channel" or provide incomplete coverage after it has travelled a distance of 10–15 feet on bare steel. Section 4033 of NFPA STD. 15 "Water Spray Fixed Systems" also recommends 12 ft as a maximum vertical spacing for spray nozzles. Accordingly, the proposed spacing is correct.

During the review of this section, the Coast Guard determined that the proposed requirement for vertical spacing of nozzles could be misleading and should be located in § 154.1120. Accordingly, the requirement has been rewritten without changing the substance and moved to the appropriate section.

Section 154.1125. Four comments were received pertaining to proposed 154.1125. The commenters requested clarification of the purpose of paragraphs (b) and (e). Additional wording has been added to paragraph (b) to clarify the intent of the requirement, and paragraph (e) has been expanded into two paragraphs, (e) and (f).

Section 154.1130. One commenter requested an explanation of "the area of an athwartship tank grouping" in proposed § 154.1130. The Coast Guard agrees that an explanation should be incorporated into the requirement. A sentence was added to § 154.1130(a) to state what must be included in this area.

Section 154.1135. One commenter pointed out the fact that the Coast Guard had omitted the IMCO Gas Code requirement for an interconnection between the fire main and the water spray system. This is essential to provide a back up source of water for the spray system. This requirement was added to proposed § 154.1135(b).

Firefighting System: Dry Chemical

Sections 154.1140 to 154.1170. One general comment was received on the proposed regulations for dry chemical firefighting systems. The commenter suggested that the amount of fixed piping to a remote hose reel be limited to 300 feet. This comment was not accepted because all piped dry chemical systems are performance tested prior to approval. The maximum permissible amount of piping, which may be less than 300 feet, is determined at that time.

Section 154.1140. One commenter suggested that proposed § 154.1140 be expanded to include the Coast Guard requirements for dry chemical systems installed to protect gas fired boiler hoods. The Coast Guard agrees with the comment but at present does not require additional dry chemical protection in this area. This suggestion will be reviewed further and if regulations are warranted they will be published in a future notice of proposed rulemaking. Vessel owners may, however, install additional protection in these areas, subject to Coast Guard acceptance.

Proposed paragraph (b) has been removed and the requirement for the submission of plans of the dry chemical supply and distribution systems added as a new paragraph to proposed § 154.4. This change was made since the submission of plans for Coast Guard plan review applies only to U.S. flag vessels.

Section 154.1145. Two commenters expressed concern over proposed § 154.1145(d). The commenters felt that, as worded, the paragraph does not clearly define the 45 second operation requirements and should be reworded. Proposed paragraph (d) included design requirements for both the intended

operation of the dry chemical system and the quantity of dry chemical which must be stored. The Coast Guard agrees that confusion was possible since it was not obvious that both requirements were contained in the proposed paragraph. To clarify the wording proposed paragraph (d) has been replaced by new paragraphs (d) and (e) with the former containing the design operation requirement and the latter the design capacity requirement. Additionally, it should be noted that in paragraph (e) the design capacity requirement is the greater of either sequential or simultaneous operation; i.e., a 45 second requirement not a 90 second requirement as the proposal may have implied.

Section 154.1150. After reviewing proposed paragraph (a), the Coast Guard determined that the requirement for separate dry chemical supplies for hand hose lines and monitors exceeded the IMCO Gas Code. Accordingly, the requirement has been omitted.

Three comments were received concerning proposed § 154.1150(c). All of the commenters felt that the proposed requirement that at least one hose line or monitor to be located aft of the area being protected was in excess of the IMCO Gas Code, however, two of the commenters said that the requirements were logical and necessary, and supported them as written. The third commenter objected to the requirement on the basis that the requirement for separate dry chemical supplies in combination with the requirement of proposed paragraph (c) would serve to lower the effectiveness of the dry chemical firefighting system.

The Coast Guard agrees with the commenters that proposed paragraph (c) exceeds the IMCO Gas Code. This was not the intent of the Coast Guard and the proposed paragraph has been omitted. This requirement is currently being reviewed in detail, and if warranted an amendment to the Gas Code will be proposed to IMCO. At that time a change to U.S. regulations will also be proposed. This action, however, does not prevent the designers of liquefied gas vessels from employing such an arrangement if they feel it is necessary for improved dry chemical fire fighting protection.

Proposed paragraph (e) was omitted since the requirement is already covered by paragraph (a).

Section 154.1160. Two comments were submitted on proposed § 154.1160. One commenter suggested that a deflector or similar device be required on dry chemical monitors to preclude splashing at close ranges. Such a device is unnecessary because hand hose lines are provided for extinguishing fires of this nature. The second comment recommended that actual ranges be used in determining the coverage allowed for a monitor instead of using standard allowances. This comment cannot be adopted because a standardized test method for measuring this range is unavailable. Accordingly, these suggestions were not accepted.

Proposed paragraph (f) has been omitted since the Coast Guard determined that data extrapolation was not the intent of paragraph 11.4.6 of the IMCO Gas Code. Accordingly, the maximum allowable coverage for any dry chemical monitor, delivering 45 kg/sec or more, is 40 meters.

Section 154.1165. Proposed paragraph (a) has been changed to include hose cabinets as well as hose reels. The intent of this paragraph is to provide for the capability of remotely actuating (inert gas pressurizing and charging of hose line) the dry chemical storage unit from the site where the hose line is stored, whether it is a hose reel or hose cabinet. As proposed, the paragraph implied that only a hose reel could be used to store a hose. This was incorrect and has been corrected.

Six comments were received on proposed § 154.1165(b). The primary concern of these commenters was the intent of the "actuated and controlled" requirement for monitors. The intent of this paragraph was to require local actuation and control of all dry chemical monitors. In addition, those monitors for the cargo loading and discharge manifold must be capable of remote actuation and, except for pre-aimed monitors, remote control. Since pre-aimed monitors are pre-set to cover the manifold areas, it isn't necessary that they be capable of being controlled remotely, only locally. To clarify these requirements, proposed paragraph (b)(1), which contains the requirement for local control capability has been redesignated paragraph (b), and proposed paragraph (b)(2) rewritten and redesignated paragraph (c). The remaining paragraphs were renumbered accordingly.

Three commenters requested changes in proposed § 154.1165 (c) and (d) concerning the requirements for stop valves. It was recommended that, for those dry chemical fire fighting systems which do not have remote monitors and/or hose reels, stop valves were unnecessary. The Coast Guard concurs. Proposed paragraphs (c) and (d) were rewritten to require stop valves only where remote hand hose lines and monitors are installed and to clarify the requirements for operation of these stop valves.

Section 154.1170. Proposed paragraph (b) has been changed to require storage of the hose on either a hose reel or in a hose cabinet. This requirement was implied when proposed paragraph (b) and proposed § 154.1165(a) were considered. Other forms of hose storage could be accepted as equivalent under § 154.8.

Cargo Area: Mechanical Ventilation System

Section 154.1200. A change has been made to proposed § 154.1200(b)(2) to require supply-type mechanical ventilation only for those gas-safe cargo control stations located in the cargo area. If a cargo control station is located outside the cargo area the possibility of unexpected hazardous vapors entering the space is limited, and supply-type mechanical ventilation is no longer necessary.

Section 154.1205. Two commenters proposed that the required number of air changes for cargo control rooms suggested in proposed § 154.1205(d) be reduced if the space is adequately air conditioned. The intent of the ventilation system is to avoid the accumulation of flammable or toxic vapors and to ensure a safe working environment. Since air conditioning recycles the air in the space and introduces only a percentage of fresh air, it does not accomplish the intended purging of the atmosphere. This paragraph is in accordance with the IMCO Gas Code and the Coast Guard did not adopt the suggestion.

One commenter questioned whether or not the reference to § 154.703 in proposed § 154.1205(g) was relevant. The referenced section applies to gas burning which requires a mechanically ventilated pipe or duct for fuel gas lines that enter machinery spaces. The reference to § 154.703 is, therefore, relevant.

One commenter recommended that explosion-proof motors be permitted in the air stream. The requirement in proposed § 154.1205(h) is from the IMCO Gas Code and is consistent with attempts to minimize electrical equipment in hazardous areas. The Coast Guard did not accept the recommendation and the paragraph was not changed.

Section 154.1210. Commenting on proposed § 154.1210(a), one commenter requested that a definition of cargo piping be added to the rules, stating that without a definition § 154.1210(a) might require fixed mechanical ventilation in duct keels and void tanks containing

interbarrier drains and gas detection system piping. The Coast Guard has determined that a general definition of cargo piping would be impractical to incorporate into the regulations, as any incomplete definition would be both confusing and misleading to designers. In addition since the IMCO Gas Code does not include a definition of cargo piping and since the Coast Guard determined that adequate specifications and design criteria are already incorporated into U.S. regulations, the proposed change was not made.

After further review of proposed § 154.1210, it was determined that the wording of paragraph (a) was confusing. As proposed the requirement may be literally interpreted as requiring mechanical ventilation of hold spaces, void spaces and cofferdams only when these spaces contain cargo piping. This is incorrect. The Coast Guard's intent was to provide a means of mechanically ventilating these spaces whether or not cargo piping was installed in them, and also to require a means of mechanically ventilating any other space containing cargo piping. To eliminate this possible confusion the wording of proposed paragraph (a) has been changed.

Instrumentation

Section 154.1305. One commenter noted that a literal interpretation of proposed § 154.1305(a) would not require level gauge operation until a pressure equal to the MARVS was reached. The Coast Guard agrees with this comment and the section was changed to require that the level gauge be operable at pressures up to and including the MARVS.

One commenter indicated that proposed § 154.1305(b) contained no design standard that a secondary level gauge would have to meet. The Coast Guard agrees with this comment and the section was changed to require the secondary level gauge to comply with the same standard as a primary gauge.

One commenter requested that in proposed § 154.1305(b), consideration be given to allowing the use of separate probes, one at the top and one at the bottom of the tank, in lieu of a full height probe for the redundant liquid level gauge. The Coast Guard did not accept this comment because the alternative is not considered as equivalent to the required arrangement.

Several commenters objected to the requirement in proposed § 154.1305(c) that level gauges be capable of measuring liquid levels as low as 100 mm (4 inches), stating that it was not within the capability of devices specifically included as acceptable for this application. Because other Coast Guard regulations provide for both thermal detection of cargo in the tank bottom and automatic cargo pump low liquid level shutdown, this section was changed to include a new lower limit of 400 mm (16 inches). This value was determined to be the minimum liquid level which could be detected by all devices which are listed as acceptable to the Coast Guard in § 154.1300. Additionally, the term "tank bottom" was changed to "lowest point in the tank," to avoid confusion when considering spherical tanks.

A correction has been made to proposed §§ 154.1300, 154.1305 and 154.1325. As proposed these sections implied that the full range of liquid levels in the cargo tank must be measured by *one* liquid level gauge. This was not the Coast Guard's intent nor the intent of paragraph 13.2.1 of the IMCO Gas Code. The intent of the Coast Guard was to ensure that any liquid level, from 400 mm from the tank bottom to 100% full, could be measured. It is recognized that devices or systems which are acceptable for this task may consist of more than *one* liquid level gauge, for instance, one gauge measuring from 400 mm to 55% full and a second gauge measuring from 50% to 100% full, rather than only one gauge measuring the full range. To clarify the Coast Guard's intent, the term "liquid level gauges" has been replaced by the term "liquid level gauging systems" wherever it appeared in proposed §§ 154.1300, 154.1305 and 154.1325.

Section 154.1315. One commenter noted that a literal reading of proposed § 154.1315 would allow multiple openings for each gauging device. The Coast Guard agrees with this commenter, and the section was changed by omitting the redundant requirement and referring to the section that contains the requirement, § 154.536.

Section 154.1325. Two commenters suggested that proposed § 154.1325 did not allow the alarm (paragraph (b)) and shut-down (paragraph (c)) functions of the high liquid level alarm to be actuated by separate sensors as in paragraph 13.3.1 of the IMCO Gas Code. The intent of the Coast Guard was to require that both alarm and shutdown be available and be *automatically* actuated to prevent the tank from becoming 100% liquid full. This can be accomplished by one or two sensors at the designer's discretion. The commenter's confusion may have resulted from the use of the term "high liquid level alarm" in both the title and introductory remarks of proposed § 154.1325, since this term implies a single component. To clarify the Coast Guard's intent in this section, the term has been changed to "high liquid level alarm system" in both places.

Proposed paragraphs (b) and (c) have also been changed. In proposed paragraph (b), the high liquid level alarm system is intended as a last line of defense against overfill, and as such, the alarm should be set to sound prior to, or when, closing of the flow shut-down values begins. This correction has been made to proposed paragraph (b).

Finally, the intent of paragraph (c) is to prevent overfill of the cargo tanks without causing damaging pressure surges in the cargo loading lines, hence stopping the flow of cargo to the tank is the most important consideration. Proposed paragraph (c) requires that this be accomplished via actuation of quick-closing valves, however, the Coast Guard recognizes that other methods may perform equally well. For this reason a change has been made to this paragraph by adding actuation and closure of a stop valve in the cargo loading line as another acceptable method of preventing tank overfill. It should be further noted, that variables such as valve closing time and cargo loading rate, must be considered when determining the tank liquid level at which closure begins.

Section 154.1340. Several commenters questioned the requirement in proposed §§ 154.1340 (c)(3) and (c)(4) for the display of temperature readings at regular intervals while underway, since the cargo control station would be normally unmanned. This proposed requirement follows paragraph 13.5.2 of the IMCO Gas Code, except that intervals of one hour or less were proposed in this paragraph to define "regular intervals". Additionally, proposed paragraph (c)(4) of this section was changed to require a "remote group alarm" in the wheelhouse. This was done to ensure that a warning was available in a manned location.

One commenter noted that proposed § 154.1340(e) required devices for initial verification of the cool down procedure, on *one* tank of the first vessel of a class of vessels, which are in addition to those required by paragraph (d). This ignores the situation where *all* of the tanks are instrumented with more than the minimum number of devices required in paragraph (d). In this case, the number of devices satisfying paragraph (d) may also satisfy paragraph (e), but, using a literal translation of paragraph (e), more devices must be added to one tank. This was not the intent of the Coast Guard, and proposed paragraph (e) has been

changed to remove the requirement for "additional" devices.

After further review the Coast Guard determined that this proposed paragraph was not a design requirement but rather specifies the equipment necessary to test, and thereby verify, the proposed cool down procedure. As such this paragraph was removed from this section and placed in proposed Subpart B—Tests and Inspection, as a new section 154.65. Additionally, no consideration was given when the same tank design is used in another class of vessels. This consideration was also incorporated into new § 154.65. As stated above Subpart B will be published in a future issue of the **Federal Register.**

Section 154.1345. Proposed § 154.1345(c) has been changed to exclude all gas-safe spaces from housing fixed gas detection systems for the two extremely toxic cargoes; methyl bromide and sulfur dioxide. This paragraph now follows paragraph 17.11.1 of the IMCO Gas Code. Additionally, since methyl bromide is flammable (see Table 4–Summary of Minimum Requirements), proposed § 154.1340 requires a fixed flammable gas detector meeting § 154.1350. Proposed paragraph (c)(1) is therefore redundant with respect to the carriage of methyl bromide, and has been changed such that it now applies only to the carriage of sulfur dioxide.

Section 154.1350. One commenter suggested that the requirement for gas detection in boiler vent hoods be included in proposed § 154.1350(a). The Coast Guard does not agree with this suggestion because this consideration is specifically included in §§ 154.706 and 154.709.

Several commenters requested clarification of proposed § 154.1350(a)(5) with regard to whether cargo area ballast tanks are included in the term "other enclosed spaces". This section was changed to clarify that ballast tanks are exempt from fixed gas detection requirements.

One commenter noted that proposed § 154.1350(c) was not consistent with proposed § 154.1350(m) in that it did not include the wheelhouse as an acceptable location for gas detection equipment and piping runs. The Coast Guard agrees, however, the location intended was that gas-safe space where the gas detector was housed. Since this location may be a gas-safe space other than the wheelhouse or gas-safe cargo control station, proposed paragraphs (c) and (m) have been changed to indicate the correct locations. A new paragraph was included at § 154.1350(d) that requires each gas detection system to have a readout. The remaining paragraphs were renumbered accordingly.

One commenter indicated that proposed § 154.1350 (e) and (g) were not clear with regards to where visual alarms, traceable to the alarmed space, were required. These alarms are only required in the space where the gas detection system's readout is located. A "remote group alarm", as defined in § 154.3, is acceptable in other areas, such as the wheelhouse or cargo control station when the gas detector readout is not located there, since in those areas it is only important to know that an alarm condition exists. Proposed paragraphs (e) and (g) have been changed to clarify this intent and renumbered (g) and (h) respectively.

Commenting on proposed § 154.1350(j), one commenter questioned the technical necessity for protection of gas sampling lines with flame arrestors. The flame arrestors are intended to prevent flame propagation to the tanks via the sampling tubes not to protect the sampling lines themselves. The wording in this paragraph was changed to reflect this intent and the paragraph was renumbered paragraph (k).

Several commenters felt that in proposed § 154.1350(s) the requirement for a flow meter in each sampling line was unnecessary, and that a common meter would suffice. The purpose for requiring flow indication in each line is to enable the operator to ensure that gas is not flowing from one space to another; i.e., back flow from a gassy space at high pressure to a gas free one at a lower pressure. This paragraph was changed to permit the installation of only one meter in the system, but to require an individual indication of flow in each sampling line.

Proposed paragraph (t) has been changed to require a different concentration range to be detected. As proposed, the detection system must be capable of measuring gas concentrations of 0–100% of the lower flammable limit (LFL), while alarming at or below a concentration of 30% of the LFL (proposed paragraph (d)). The Coast Guard recognizes that for the carriage of toxic-flammable cargoes, a more important alarm concentration may be the threshold limit value (TLV) of the cargo rather than 30% of the LFL. For all of the cargoes that are considered to be toxic under this rule, the TLV is significantly less than the LFL, i.e. ppm concentrations vs. percentage concentrations, hence, the requirement to alarm at or below 30% of the LFL is always satisfied. The Coast Guard further recognizes that to require a detector to both alarm at parts per million concentrations and to measure 0–100% of the LFL could significantly reduce the precision of the equipment and the resulting accuracy of the alarm setting, while not increasing the level of safety. Due to these considerations the Coast Guard has changed proposed paragraph (t) to require that the detector be capable of measuring gas concentrations of at least 0–200% *of the alarm condition,* rather than 0–100% of the LFL.

Section 154.1365. Commenting on proposed § 154.1365(c), one commenter asked whether all alarm locations, including remote locations, were required to show the space in which a fault exists. This paragraph was changed to clarify that "remote group alarms" need not identify the space in which the alarm condition exists.

Sections 154.1370, 154.1375. Commenting on proposed §§ 154.1370 and 154.1375, one commenter stated that marking of limits on indicating devices was applicable to analog devices only and not to digital devices. The Coast Guard did not change these sections since the marking requirement is applicable to both types. For a digital device, compliance could be achieved by providing a label, sign, or other indication of operating limits on or near the face of the display.

Safety Equipment

Section 154.1400. One commenter noted that proposed § 154.1400(a)(1) required six self-contained breathing apparatus for vessels less than 25,000 m^3, whereas the IMCO Gas Code only required five. The IMCO Gas Code requires vessels of under 25,000 m^3 to have three sets of fireman's protective clothing (paragraph 11.6.1) and three sets of safety equipment (section 14.3), each set containing a self-contained breathing apparatus; therefore, six apparatus is correct.

Another commenter suggested that a more appropriate division than over or under 25,000 m^3 could be found. IMCO is currently considering revising the Code requirements as a result of proposals similar to the commenter's. However, the regulations in Part 154 follow the IMCO Gas Code, which uses 25,000 m^3. Amendments to Part 154 will be proposed when revisions are made to the Code.

Two commenters said that "chemical protective outfits" should be defined in proposed § 154.1400(b)(10). The intent of this regulation was to require clothing that would protect the wearer against the hazards of the cargo. As one commenter pointed out, for methane,

ethane, propane and butane, the principal hazard is fire and, therefore, the "chemical protective outfits" may be the same type of clothing as the "fireman's protective outfits". For other cargoes, such as sulfur dioxide, the hazard that the clothing is to protect against would be corrosivity. The wording of this section has been changed to make it clear that the clothing is to protect the wearer against the particular personnel hazards presented by the cargo vapor.

One commenter questioned whether or not the equipment required in proposed § 154.1400 was in addition to or in lieu of that required by 46 CFR 35.30–20. The equipment required by § 154.1400 is considered to exceed and, therefore, to fulfill, the requirements of 46 CFR 35.30–20. Proposed paragraphs (a) and (b) have been reworded to clarify this requirement, and proposed § 154.1800 has been changed to omit compliance with § 35.30–20.

Finally, proposed §§ 154.1400 (a)(1), (b)(1) and (c)(1) have been changed in order to clarify the type of breathing apparatus that are acceptable to the Coast Guard.

Section 154.1405. One commenter stated that the respiratory protection equipment required in proposed § 154.1405 should be permanently located at other places in addition to those required to be stored in the wheelhouse. The Coast Guard feels the stowage and distribution of the required equipment, other than the two required to be in the wheelhouse, is the vessel operator's purview. Accordingly, this suggestion was not accepted. Proposed paragraphs (a) and (b) were changed, however, in order to clarify the level of protection that is required of this equipment.

Section 154.1420. One commenter stated that it is not clear in proposed § 154.1420 as to what type of equipment is required. This equipment must provide a means for effectively removing an injured person from a cargo tank. Any device which reasonably accomplishes this task is acceptable. The Coast Guard does not intend to prescribe specifications for this device at this time.

Another commenter asked what is intended other than to recognize that facilities must be available to remove an injured person. Nothing else is intended by this section other than the effective removal of an injured person.

Section 154.1425. Proposed § 154.1425 has been omitted because the Coast Guard is in the process of developing a proposed rule covering safety equipment common to all tank vessels. This rule will be proposed in a future **Federal Register.**

Special Design and Operating Requirements

Section 154.1710. See the preamble comments concerning proposed § 154.902.

Sections 154.1725 and 154.1730. Two questions were received on the requirements for propylene oxide. Propylene oxide is presently regulated under 46 CFR Part 153 (42 FR 49016) because it is a liquid chemical. IMCO is considering the addition of propylene oxide and six other high vapor pressure chemicals to the Gas Codes. When these additions are made, the Coast Guard will consider similar revisions to Part 154.

During the development of proposed §§ 154.1725 and 154.1730 for ethylene oxide, the Coast Guard inadvertently omitted two existing requirements contained in 46 CFR 40.05–83 (b) and (d). The first special requirement, 46 CFR 40.05–83(b), deals with the inertion of the vapor space of a cargo tank containing ethylene oxide. For the other flammable cargoes regulated by Part 154, inertion is used to reduce the oxygen level below the minimum necessary to form a flammable mixture. For ethylene oxide, however, this is not the only consideration since this product contains its own oxidizer. While proposed § 154.1730(a)(2) and 17.2.1(b) of the IMCO Gas Code both require inertion of the vapor spaces, neither specifies the extent of inertion necessary to ensure that the ethylene oxide vapor is non-flammable. To ensure this, the vapor space must be inerted to at least 45% nitrogen by volume. This value is the same as the existing special requirement in 46 CFR 40.05–83(b). This consideration has been added to § 154.1725. The Coast Guard will propose this correction to IMCO.

Second, the Coast Guard inadvertently omitted the existing special requirement, 46 CFR 40.05–83(d), that for ethylene oxide carriage the water spray system must also protect the above deck cargo piping. The requirement has been added at § 154.1725(a)(7) to correct that omission.

Section 154.1735. Since the publication of this proposal, a new composition for methyl acetylene-propadiene gas mixtures was specially approved for carriage on liquefied flammable gas vessels. This composition was added to this section as a new paragraph (a)(2). The requirements for the carriage of this new composition are the same as for the original composition proposed.

The methyl acetylene-propadiene mixture composition originally proposed in § 154.1735 was in error. Corrections have been made to proposed paragraphs (a)(3) and (a)(4) and proposed paragraph (a)(5) has been omitted. This corrected composition now reflects the mixtures currently being authorized for carriage by the Coast Guard. Additionally, certain other requirements in proposed § 154.1735 were rewritten for clarification.

Section 154.1755. One commenter suggested that proposed § 154.1755 would be clearer if worded "Nitrogen cargo containment systems and piping systems on vessels carrying nitrogen in other than deck tanks must be specially approved by the Commandant (G–MMT)". Wording similar to the suggested wording was incorporated.

Section 154.1760. One commenter noted that the prohibition in paragraph 17.12.4 of the IMCO Gas Code against spraying ammonia into a tank containing air was omitted. There is considerable doubt that static discharge is a valid concern with commercial anhydrous ammonia, although there is some scientific data to indicate it could be with pure, laboratory grade ammonia. This question is being considered at IMCO, and the Coast Guard agrees that until the question is resolved safety demands that the conservative approach be adopted as the prohibition stated in paragraph 17.12.4. Accordingly, a new section containing this prohibition is added at § 154.1760. For further discussion see the preamble comments for proposed § 154.902.

Operations

Sections 154.1800–154.1870. One commenter suggested that the words "Cargo Officer or" be added to the phrase "the master shall ensure" wherever it appears in proposed § 154.1812 through § 154.1870, so that either the master or cargo officer would be responsible for those operating requirements. The proposed wording of these sections does not prevent the master from delegating those duties to the cargo officer and not actually doing them himself. However, for these requirements the master always must bear the ultimate responsibility for the safety of his ship even if he has delegated certain duties to others. The Coast Guard rejected the comment.

For clarification, a new section has been added at § 154.1831 to specify that it is the responsibility of the master of the vessel to designate one individual as the "person in charge of cargo transfer."

Section 154.1802. This proposed section was rewritten for clarification and to add the Cargo Ship Safety Construction and Equipment Certificates to the list of plans and certificates which must be maintained onboard the vessel. The requirement that the Certificates be carried onboard was transferred from existing 46 CFR Part 154. Proposed § 154.1802 is now §§ 154.1801 and 154.1802.

Section 154.1803. A new section was added to the proposal indicating that a Letter of Compliance is valid for a period not exceeding two years. For further discussion, see the "miscellaneous" preamble comments.

Section 154.1810. One commenter requested that specific reference to the loading and stability manual be made in proposed § 154.1810(b)(17) to insure that the "operational means" were clearly defined. The Coast Guard concurs and has changed the regulation.

One commenter stated that the inclusion of "cargo jettisoning system" in proposed § 154.1810(b)(9)(xi) raises a new subject not discussed elsewhere in the regulations. Sections 154.310, 154.350 and 154.1725(e) address that system.

Since vessels with IMCO Certificates will have cargo manuals accepted by their flag administration, they have been excluded from the applicability of this section.

Section 154.1814. One commenter asked if the information cards required in proposed § 154.1814 were the cards published by the Manufacturing Chemists Association (MCA). Those cards would satisfy the requirements in § 154.1814, but the cards do not necessarily have to be MCA cargo information cards. The commenter further stated that on cards such as the MCA card, the procedures to follow in the event of "equipment breakdown" would be too lengthy. Since this information would be included in the cargo manual required in § 154.1810, the words "equipment breakdown" have been omitted from § 154.1814.

Section 154.1828. Two commenters suggested that proposed § 154.1828 be omitted because it is not practical or necessary. The proposed requirement does not mean that each and every time someone enters a pump room, for example, he must receive specific approval of the master and that the master has personally tested the atmosphere of the space. It does mean, however, that the master has procedures for ensuring the safety of his crew and that approval for personnel to enter cargo handling spaces is given under certain conditions. The wording has been changed to indicate that following a procedure established by the master is acceptable.

Section 154.1836. Some commenters questioned whether proposed § 154.1836 applied to operation of relief valves and restricted gauges. As stated in the preamble of the proposal, the IMCO Gas Code allows pressure and temperature control of cargoes by venting of cargo vapors in port if accepted by the "receiving administration". The intent of § 154.1836 was to serve notice that the Coast Guard, representing the receiving administration, would not accept this means of cargo temperature/pressure control in U.S. waters. The prohibition was not intended to apply to vapor releases by relief valves under abnormal conditions, such as fire, nor to small releases of cargo vapor through restricted gauges. The wording in proposed § 154.1836 was modified to clarify this intent.

One commenter stated that cargo is routinely vented to atmosphere when disconnecting cargo hoses. The Coast Guard does not concur. Nitrogen purge connections are specifically installed to prevent this from occurring when disconnecting loading arms and cargo hoses.

One commenter requested clarification of proposed § 154.1836 by the specification that it is limited to U.S. ports. As discussed above the prohibition applies to all U.S. waters.

Section 154.1840. In agreement with a comment, proposed § 154.1840 has been changed to exclude those persons assigned to gas safe cargo control rooms during the cargo transfer operation from the requirements to wear protective clothing since they will not be exposed to the hazards of the cargo in their regular duties.

Section 154.1842. One commenter questioned whether the intent of proposed § 154.1842 was to require activation of the test controls for the alarms or to actually create an alarm condition to see if the alarm worked. The intent is to test the alarms by means of a test control or other simulation of the alarm condition.

It was also questioned whether the proposed section meant all alarms or just those for high liquid level. The wording has been changed to make it clear that the test is a simulated overfill condition and that the liquid level alarm required under § 154.1325 is tested.

Section 154.1844. One commenter thought that the 98% maximum filling limit applied to all tanks. As proposed in § 154.1844(a)(2), a higher limit would be accepted if specified on the IMCO Certificate of Fitness or the Certificate of Inspection. The higher limit would be allowed if it could be shown that, due to the shape of the tank, arrangement of relief valves, accuracy of level and temperature gauging, and other conditions, the tank level will drop during operation of the relief valve and the relief valve will not be exposed to liquid. The Coast Guard agrees that confusion could have resulted and has changed the wording in this section to clarify the intent.

Section 154.1848. Commenting on proposed § 154.1848, one commenter suggested that some flexibility be provided concerning the inerting requirements during shipboard maintenance and repair. It is assumed that the intent of this suggestion is to permit hold and interbarrier spaces, which are normally inerted, to be filled with air to allow personnel to enter them while gas is in the tanks. The Coast Guard does not accept the suggestion since this compromises the safety of the vessel.

See the preamble comments concerning proposed § 154.902.

Section 154.1854. Two commenters recommended that in proposed § 154.1854(a) "pilot fuel oil burner" be changed to "fuel oil fired pilot" as some dual fuel burners are designed for a minimum oil flow at all times and no separate pilot fuel oil burner exists. The Coast Guard concurs and has amended the regulations accordingly.

One commenter requested that the words "Chief Engineer" be inserted for "Master" in this section. The Coast Guard does not concur. The Master has the ultimate responsibility to ensure that this section is met.

See the preamble comments concerning proposed § 154.902.

Section 154.1856. This proposed section has been omitted pending publication of Subpart B of this proposal. For further discussion, see the preamble comments for Subpart B—§§ 154.40 through 154.149.

Section 154.1858. One commenter said that a master would have no way of knowing the prior history of hoses and therefore it is inappropriate in proposed § 154.1858 to impose this responsibility on the master, particularly if the cargo hose is provided by a shore facility. As stated in the preamble discussion to proposed §§ 154.552–154.562, the Coast Guard is not attempting to set standards for shore facility equipment in these vessel regulations. However, for cargo transfer operations, the use of cargo hose necessitates interfacing between the shore facility and the vessel. For safety, the Coast Guard wants to ensure that only cargo hose meeting the minimum standards of this part or

equivalent standards is used during cargo transfer. Since this rule applies only to vessels, the responsibility under these regulations must be exercised by ship's personnel. Therefore, for cargo transfer, the person in charge must ensure that either the vessel's cargo hose is used or hose meeting equivalent standards is obtained from the shore facility.

Based upon the above comment and after further review, the Coast Guard determined that proposed § 154.1858 needs clarification. The intent of this section was to ensure that only cargo hose meeting the standards of this part or equivalent standards be used for cargo transfer. Further, the proposed prohibition should be an equipment requirement rather than an operating requirement. To clarify the Coast Guard's intent in this section, the proposed prohibition has been moved to § 154.560, where prototype testing of cargo hose is addressed, and § 154.1858 rewritten to reflect the correct operating requirement.

Section 154.1872. A new section was added at § 154.1872 to include the operational requirements for cargo jettisoning. For further discussion see the preamble to § 154.310(d).

Table 4. Summary of Minimum Requirements

Two commenters noted that chlorine was not included in proposed Table 4 although it is listed in the IMCO Gas Code. This chemical is not listed in Table 4 because the Coast Guard does not allow the bulk shipment of chlorine on manned vessels.

The ommission, in proposed Table 4, of other cryogenic liquefied gases, such as helium and hydrogen, was questioned. These cargoes are not included in the IMCO Gas Code, nor are they under current Coast Guard regulations for bulk shipment. If other liquefied gases are proposed for bulk shipment, safe carriage requirements will be developed and proposed if it is determined that they may be safely carried in bulk. For further discussion, see the preamble for "Miscellaneous" comments.

General Comments

Besides the changes to the original proposal which are described in this preamble, many typographical errors were corrected.

The Coast Guard has determined that the proposed regulations would have no foreseeable significant impact on the quality of the human environment. An environmental assessment with a negative declaration has been prepared. Copies may be obtained in Room 8117, Coast Guard Headquarters, Washington, D.C. 20590.

The economic evaluation for this proposal shows that for each of the next seven fiscal years the proposed regulations would result in the following:

(1) A decreased expenditure of about $0.2 million by the Federal government, and no significant impact on state and local governments. The cost savings to the Federal government resulted from decreased manpower requirements, both professional and clerical, and reductions in estimated travel expenses.

(2) An increased cost of $21.6 million to consumers, businesses and industry. The increased cost primarily impacts the maritime industry and results from the need for improved ship construction and equipment necessary to meet the upgraded safety standards of this rule. These costs are eventually passed on to the consumer.

(3) No significant impact on energy consumption, important materials or employment.

The benefits to the public of the proposal include:

(1) A consolidation into one part of design and equipment regulations for various liquefied gas ships.

(2) Incorporation of an internationally agreed upon standard for liquefied gas ships with clarification, where possible, of portions of that standard (the IMCO Gas Code) that are left to "the satisfaction of the Administration."

(3) Codification of existing and additional requirements for the design, construction and operation of liquefied gas ships.

A quantitative analysis of the benefit to the public is difficult to access due to the excellent safety record of liquefied gas ships. However, it is clear that the adoption of an international standard, that further increases the level of safety of gas ships, is beneficial to the public interest. U.S. gas ship owners and operators will benefit by having an internationally accepted Certificate to facilitate their vessel's operation in foreign ports.

This rule has been reviewed under Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A final evaluation has been prepared and is included in the public docket.

In consideration of the foregoing, the proposed rules published in the October 4, 1976 issue of the **Federal Register** (41 FR 43822) are hereby adopted with the changes described above and set forth below.

Chapter 1 of Title 46, Code of Federal Regulations, is amended as follows:

PART 31—INSPECTION AND CERTIFICATION

1. By amending Part 31 by adding § 31.10–18a to read as follows:

§ 31.10–18a Liquefied gas vessels: additional firefighting equipment inspections.

(a) Once during each 12 month period after the month an original Certificate of Inspection is issued for a liquefied gas vessel under § 31.05–1, the master shall ensure that the firefighting systems required in Part 154 of this chapter for a liquefied gas vessel meets the following:

(1) The exterior water spray system must past a water spray test.

(2) The dry chemical system must meet the manufacturer's specifications for—

(i) The amount of dry chemical powder; and

(ii) The pressure for nitrogen bottles.

(3) The piping, valves, and controls of the system must be operable.

(b) On the same date that the requirements under paragraph (a) of this section are met, the master shall record in the vessel's official logbook the following information:

(1) The date of the inspection.

(2) The identification of each device inspected.

(3) The name of the inspector.

PART 34—FIREFIGHTING EQUIPMENT

2. By adding new text at the end of paragraph (b) of § 34.10–15 and after the words "approximately" and "50 pounds per square inch" in paragraph (c) of the same section to read as follows:

§ 34.10–15 Piping-T/All.

* * * * *

(b) * * * except on self-propelled vessels carrying bulk liquefied gases that must have stop valves—

(1) at cross connections;

(2) at the front of the after deck house: and

(3) in the cargo area spaced 40 m (131 ft.) or less between hydrants.

* * * * *

(e) * * * 71 pounds per square inch on self-propelled vessels that carry bulk liquefied gases and approximately * * * on other tankships.

* * * * *

PART 40—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CARRYING CERTAIN FLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES IN BULK

§ 40.05 [Revoked]

4. By revoking Subpart 40.05.

PART 54—PRESSURE VESSELS

By amending § 54.15–25 by revising paragraph (c) and adding paragraph (c–1) to follow paragraph (c) to read as follows:

§ 54.15–25 Minimum relief capacities for cargo tanks containing compressed or liquefied gas.

* * * * *

(c) The rate of discharge for heat input of fire must meet the following formula:

$Q = FGA^{0.82}$

Where:

Q = minimum required rate of discharge in cubic meters (cubic feet) per minute of air at standard conditions 0° C and 1.03 kp/cm² (60° F and 14.7 psia).

F = fire exposure factor for the following tank types:

F = 1.0 for tanks without insulation located on the open deck.

F = 0.5 for tanks on the open deck having insulation that has approved fire proofing, thermal conductance, and stability under fire exposure.

F = 0.5 for uninsulated independent tanks installed in holds.

F = 0.2 for insulated independent tanks in holds or for uninsulated independent tanks in insulated holds.

F = 0.1 for insulated independent tanks in inerted holds or for uninsulated independent tanks in inerted, insulated holds.

F = 0.1 for membrane and semi-membrane tanks.

G = gas factor of:

$$G = \frac{177}{LC}\sqrt{\frac{ZT}{M}} \qquad \left(G = \frac{633{,}000}{LC}\sqrt{\frac{ZT}{M}}\right)$$

Where:

L = latent heat of the material being vaporized at the relieving conditions, in Kcal/kg (Btu per pound).

C = constant based on relation of specific heats (k), Table § 54.15–25 (c) (if k is not known, C = .606 (315)).

Z = compressibility factor of the gas at the relieving conditions (if not known, Z = 1.0).

T = temperature in degrees K = (273 + degrees C) (R = (460 + degrees F)) at the relieving conditions (120% of the pressure at which the pressure relief valve is set).

M = molecular weight of the product.

A = external surface area of the tank in m² (sq. ft.) for the following tank types:

For a tank of a body of revolution shape:

A = external surface area.

For a tank other than a body of revolution shape:

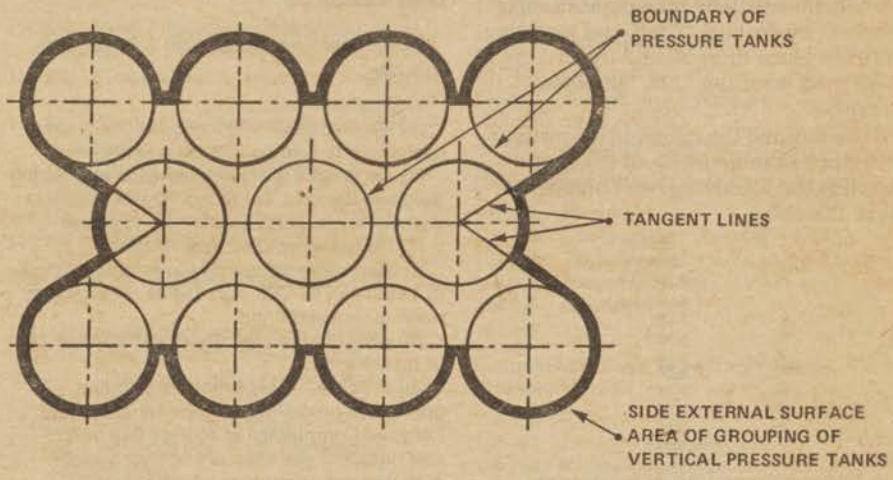
A = external surface area less the projected bottom surface area.

For a grouping of pressure vessel tanks having insulation on the vessel's structure:

A = external surface area of the hold without the projected bottom area.

For a grouping of pressure tanks having insulation on the tank:

A = external surface area of the pressure tanks excluding insulation, and without the projected bottom area.[1]



SIDE EXTERNAL SURFACE AREA OF GROUPING OF VERTICAL PRESSURE TANKS

Figure 54.15–25 (c)

Table 54.15–25 (c)–*Constant C*

k	C	
1.00	.606	(315)
1.02	.611	(318)
1.04	.615	(320)
1.06	.620	(322)
1.08	.624	(324)
1.10	.628	(327)
1.12	.633	(329)
1.14	.637	(331)
1.16	.641	(333)
1.18	.645	(335)
1.20	.649	(337)
1.22	.652	(339)
1.24	.656	(341)
1.26	.660	(343)
1.28	.664	(345)
1.30	.667	(347)
1.32	.671	(349)
1.34	.674	(351)
1.36	.677	(352)
1.38	.681	(354)
1.40	.685	(356)
1.42	.688	(358)
1.44	.691	(359)
1.46	.695	(361)
1.48	.698	(363)
1.50	.701	(364)
1.52	.704	(366)
1.54	.707	(368)
1.56	.710	(369)
1.58	.713	(371)
1.60	.716	(372)
1.62	.719	(374)
1.64	.722	(376)
1.66	.725	(377)
1.68	.728	(379)
1.70	.731	(380)
1.72	.734	(382)
1.74	.736	(383)
1.76	.739	(384)
1.78	.742	(386)
1.80	.745	(387)
1.82	.747	(388)

Table 54.15–25 (c)–*Constant C*

k	C	
1.84	.750	(390)
1.86	.752	(391)
1.88	.755	(392)
1.90	.758	(394)
1.92	.760	(395)
1.94	.763	(397)
1.96	.765	(398)
1.98	.767	(399)
2.00	.770	(400)
2.02	.772	(401)
2.20	.792	(412)

(c–1) For an independent tank that has a portion of the tank protruding above the open deck, the fire exposure factor must be calculated for the surface area above the deck and the surface area below the deck, and this calculation must be specially approved by the Commandant (G–MMT).

* * * * *

§ 54.25–10 [Amended]

5. By amending § 54.25–10 as follows:

a. In paragraph (a)(1), by striking the words "in Subchapter D (tank vessels)" and inserting the reference "and § 154.3" in place thereof after the reference "§ 38.05–4".

[1] Figure 54.15–25(c) shows a method of determining the side external surface area of a grouping of vertical pressure tanks.

b. In paragraph (b)(1)(i) by striking "−70° F" and inserting "−67° F" in place thereof.

c. In table 54.25–10 (b)(1) in the column entitled "Minimum service[1] temperature ° F", by striking "−70" and inserting "−67" in place thereof, and in the column entitled "Manganese range[1] percent" by striking "0.90" and inserting "0.70" in place thereof, and by striking "1.65" and inserting "1.60" in place thereof.

d. By striking the columns following footnote 1 of table 54.25–10 (b)(1) and inserting the following two columns in place thereof:

	Range percent
Si	0.10–0.50
	Maximum
S	0.035
P	0.035
Ni	0.80
Cr	0.25
Mo	0.08
Cu	0.35
Nb	0.05
V	0.08

e. In the second line of paragraph (b)(2), by striking "–70° F" and inserting "–67° F" in place thereof.

PART 56—PIPING SYSTEMS AND APPURTENANCES

§ 56.50–105 [Amended]

6. By striking in the second sentence in § 56.50–105 (a) the words "Subchapter D (Tank Vessels) and I (Cargo and Miscellaneous Vessels)" and inserting "Subchapters D, I, and O" in place thereof.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

7. By revising § 98.25–1 to read as follows:

§ 98.25–1 Applicability.

(a) The regulations in this subpart apply to each self-propelled vessel that has anhydrous ammonia on board as a cargo, cargo residue, or vapor and that is not regulated under Part 154 of this chapter.

(b) Any self-propelled vessel to which this subpart applies shall be inspected and certificated under this Subchapter and Subchapter D of this chapter.

PART 154—REDESIGNATED AS PART 154a

PART 154a—REDESIGNATED FROM PART 154 AND AMENDED

8. By redesignating Part 154 as Part 154a and amending new Part 154a as follows:

a. By revising the title to read as follows:

PART 154a—SPECIAL INTERIM REGULATIONS FOR ISSUANCE OF LETTERS OF COMPLIANCE TO BARGES AND EXISTING LIQUEFIED GAS VESSELS

b. By revising Paragraph 1 to read as follows:

1. *General.*

(a) *Applicability*—The regulations in this part apply to foreign flag vessels that—

(1) are barges that have onboard any of the products listed in Table 1 of Annex A to this part, as cargo, cargo residue, or vapor; or

(2) are self-propelled vessels that—

(i) have onboard any of the products listed in Table 4 of 46 CFR Part 154 as cargo, cargo residue, or vapor; and

(ii) are not regulated under Parts 153 or 154 of this chapter.

(b) *Purpose.*—This interim regulation prescribes procedures for the issuance of a Letter of Compliance to foreign flag barges and liquefied gas vessels carrying certain bulk dangerous cargoes which create potential unusual operating risks to life and property in U.S. ports. These unusual operating risks may be by virtue of the vessel design, the vessel operation or the cargoes carried.

A Letter of Compliance, valid for a period of not more than 2 years, is issued to vessels upon satisfactory completion of plan review and examination. Reissuance of a vessel's Letter of Compliance requires a satisfactory Coast Guard reexamination.

c. By striking the fifth paragraph of Paragraph 2.

d. By striking the words "for existing vessels," in the first sentence of Paragraph 4(a)(2)(i).

e. By striking Paragraph 4(a)(2)(ii).

f. By amending Paragraph 4 by revising (b)(1), (b)(3), (b)(5), (c), the first sentence of (d)(1)(iii), the last sentence of (e), (f)(1), (g)(2), and by deleting (h), to read as follows:

4. *Action.*

* * * * *

(b) * * *

(1) The required plans and specifications are reviewed using criteria equivalent to those used in the review of a similar design for U.S. registry. Review of self-propelled liquefied gas vessels is based upon those plans required in Annex A of this part and the requirements of Part 38 of this chapter. Review of barges is based upon the plans required in Annex A and the requirements of Part 151 of this chapter.

* * * * *

(3) Instead of initially submitting plans and drawings, the vessel's owner may submit the vessel's IMCO Certificate of Fitness issued by the flag administration under—

(i) the "IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk," adopted without amendments by Assembly Resolution A.328(IX);

(ii) the "IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk," adopted without amendments by Assembly Resolution A.328(IX) in accordance with IMCO Resolution A.329(IX);

(iii) the "IMCO Code for Existing Ships Carrying Liquefied Gases in Bulk." Following Coast Guard review of the IMCO Certificate of Fitness, the owner is advised of any additional plans and drawings needed for review.

* * * * *

(5) Upon completion of plan review, the Commandant (G–MHM) notifies the owner that plan review is complete and specifies the cargoes authorized for carriage and the applicable restrictions.

(c) *Notification of arrival*

After receiving notification from the Commandant (G–MHM) that plan review is complete, the owner may send his vessel to a U.S. port for examination. To arrange for the examination, the owner or charterer must notify the Commandant (G–MHM) in writing of the vessel's initial arrival, stating—

(1) the expected date of the vessel's arrival in U.S. waters;

(2) the port of call of the vessel;

(3) the vessel's agent in that port of call; and

(4) any cargoes the vessel is to carry.

This notification of arrival must be made at least 14 days before the vessel's date of arrival. Late notification may cause the vessel's examination and scheduled cargo operation to be delayed.

* * * * *

(d) * * *

(1) * * *

(iii) For those vessels that have an IMCO Certificate of Fitness, accepted by the Coast Guard under Paragraph 4(b)(3), a copy of the IMCO Certificate in English or French must be available for examination by the boarding party.* * *

* * * * *

(e) * * * For those vessels that have an IMCO Certificate of Fitness, accepted by the Coast Guard under Paragraph 4(b)(3), a copy of the certificate, in English or French, must be presented.

(f) * * *

(1) If the vessel meets all applicable requirements of these regulations, a Letter of Compliance is issued by the Coast Guard. The Letter of Compliance must be available for presentation to Coast Guard inspection parties whenever the vessel is boarded by Coast Guard personnel. The letter will indicate that the special cargo carrying and handling features of the vessel have been evaluated and found satisfactory for the cargoes specified. For subsequent vessel arrivals, the Captain of the Port, in conjunction with the Officer in Charge, Marine Inspection, will make such reexamination as he considers necessary to insure that the vessel has been maintained as initially examined. This will be in addition to the regular biennial reexamination. Vessels which have a Letter of Compliance issued on the basis of an IMCO Code certification must

maintain a valid certificate and provide the Commandant (G-MHM) with amendments to and updated copies of the certificate, whenever issued by the flag administration.

Changes of vessel name, vessel owner, vessel registry and modifications to the vessel's cargo containment system terminates the Letter of Compliance and must be reported to the Commandant (G-MHM). Upon completion of a satisfactory reexamination, a revised Letter of Compliance will be issued.

(g) * * *

(2) Cargo compatibility must be considered in preparing a loading diagram and in the subsequent cargo transfer operations. Proper safeguards against accidental mixing of reactive products would include consideration of such factors as avoidance of the use of common cargo and vent lines and carriage in adjacent tanks having a common bulkhead. The current compatibility guide entitled "Bulk Liquid Cargoes: Guide to Compatibility of Chemicals," should be consulted when determining the compatability of chemicals. A copy of the compatibility guide is enclosed with the Letter of Compliance when issued. Additional copies are available from the Commandant (G-MHM) upon request.

g. By amending Annex A, by deleting in Paragraph 2, the paragraph following the words "The Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402," and by deleting Table II and the note to Table II.

9. By adding a new Part 154 to read as follows:

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Subpart A—General

Sec.

Subpart B—Inspections and Tests

Examination Requirements for a Letter of Compliance

Subpart C—Design, Construction, and Equipment

Hull Structure

Sec.

Ship Survival Capability and Cargo Tank Location

Ship Arrangements

Cargo Containment Systems

Integral Tanks

Membrane Tanks

Semi-Membrane Tanks

Independent Tank Type A

Independent Tank Type B

Independent Tank Type C and Process Pressure Vessels

Secondary Barrier

Insulation

Support System

Cargo and Process Piping Systems

Authority: 92 Stat. 1480 (Port and Tanker Safety Act of 1978, 46 U.S.C. 391a); 49 CFR 1.46(n)(4).

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Subpart A—General

§ 154.1 Applicability.

This part applies to each self-propelled vessel that has onboard bulk liquefied gases as a cargo, cargo residue, or vapor and that—

(a) Is constructed under a building contract awarded after October 31, 1976;

(b) In the absence of a building contract, has the keel laid or is at a similar stage of construction after December 31, 1976;

(c) Is delivered after June 30, 1980; or

(d) Has undergone a major conversion for which—

(1) The building contract is awarded after October 31, 1976;

(2) In the absence of a building contract, conversion is begun after December 31, 1976; or

(3) Conversion is completed after June 30, 1980.

§ 154.2 Carriage of liquefied gases in bulk.

Each vessel under this part must meet the design, construction and operating requirements of this part for carriage in bulk of a liquefied gas listed in Table 4.

§ 154.3 Definitions and abbreviations.

As used in this part:

"'A' Class Division" means a division as defined in Regulation 3 of Chapter II-2 of the 1974 Safety Convention.

"Accommodation spaces" means public spaces, corridors, lavatories, cabins, offices, hospitals, cinemas, games and hobbies rooms, pantries containing no cooking appliances and similar spaces. Public spaces are those portions of the accommodations that are used as halls, dining rooms, lounges and similar permanently enclosed spaces.

"Boiling point" means the temperature at which a cargo exhibits a vapor pressure equal to the atmospheric barometric pressure.

"Breadth (B)" means the maximum width of the vessel in meters measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

"Cargo area" means that part of the vessel that contains the cargo containment system, cargo pump rooms, and cargo compressor rooms and includes the deck areas over the full beam and length of the vessel above them. The cargo area does not include the cofferdams, ballast spaces or void spaces at the after end of the aftermost hold space or the forward end of the forwardmost hold space.

"Cargo containment system" means the arrangement for containment of cargo including a primary and secondary barrier, associated insulation and any intervening spaces, and adjacent structure if necessary for the support of these elements.

"Cargo service space" means a space within the cargo area used for work shops, lockers, and store rooms of more than 2m² (21.5 ft.²) in area.

"Cargo tank" means the liquid tight shell that is the primary container of the cargo.

"Cofferdam" means the isolating space between two adjacent steel bulkheads or decks which in some cases are void spaces or ballast spaces.

"Contiguous hull structure" means hull structure that includes the inner deck, the inner bottom plating, longitudinal bulkhead plating, transverse bulkhead plating, floors, webs, stringers, and attached stiffeners.

"Control space" means those spaces in which the vessel's radio or main navigating equipment or the emergency source of power is located or where the fire control equipment, other than firefighting equipment required or permitted in the cargo area by §§ 154.1140 to 154.1170, is centralized.

"Design temperature" means the minimum temperature at which cargo is approved for loading, unloading or carriage.

"Design vapor pressure (P_o)" means the maximum gauge pressure at the top of the cargo tank for the design of the cargo tank.

"Flammable cargoes" means the following liquefied gases from Table 4:

Acetaldehyde
Butadiene
Butane
Butylene
Dimethylamine
Ethane
Ethylamine
Ethyl chloride
Ethylene
Ethylene oxide
Methane (LNG)
Methyl acetylene-propadiene mixture
Methyl bromide
Methyl chloride
Propane
Propylene
Vinyl chloride

"Flammable range" means the range between the minimum and maximum concentrations of vapor in air which form a flammable mixture.

"Gas-dangerous space" means:

(1) A space in the cargo area that does not have approved arrangements to ensure that its atmosphere is at all times maintained in a safe condition.

(2) An enclosed space outside the cargo area through which any piping that may contain liquid or gaseous cargo passes, or within which such piping terminates, unless it has approved arrangements that prevent any escape of gas into the atmosphere of this space.

(3) A cargo containment system and cargo piping.

(4) A hold space where cargo is carried in a cargo containment system required by this part to have a secondary barrier.

(5) A hold space where cargo is carried in a cargo containment system not required by this part to have a secondary barrier.

(6) A space separated from the hold space defined in subparagraph (4) of this definition by a single gastight boundary.

(7) A cargo pumproom and a cargo compressor room.

(8) A zone on the weather deck, or semi-enclosed space on the weather deck, within 3.05m (10 ft.) of any cargo tank outlet, gas or vapor outlet, cargo pipe flange, cargo valve, or of entrances and ventilation openings to a cargo pump room and cargo compressor room.

(9) The weather deck over the cargo area and 3.05m (10 ft.) forward and aft of the cargo area on the weather deck up to a height of 2.4m (8 ft.) above the weather deck.

(10) A zone within 2.4m (8 ft.) of the outer surface of a cargo containment system where the surface is exposed to the weather.

(11) An enclosed or semi-enclosed space in which there are lines containing cargo, except—

(i) A space with gas sampling lines going to gas detection equipment under § 154.1350(n); or

(ii) A space in which boil-off gas is used as fuel and complies with § 154.705.

(12) A space for storage of cargo hoses.

(13) An enclosed or semi-enclosed space having a direct opening into any gas-dangerous space or zone, as defined in subparagraphs (1) through (12) of this definition.

"Gas-safe space" means a space that is not a gas-dangerous space.

"Hold space" means the space enclosed by the vessel's structure in which there is a cargo containment system.

"IMCO" means the Inter-Governmental Maritime Consultative Organization.

"IMCO Certificate" means a Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued under the

IMCO *Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk*, adopted without amendments on November 12, 1975 by Assembly Resolution A. 328(IX).

"Independent tank" means a cargo tank that is permanently affixed to the vessel, is self-supporting, forms no part of the vessel's hull and is not essential to the strength or integrity of the hull.

"Independent tank type A" means an independent cargo tank designed primarily using classification society classical ship structural analysis procedures.

"Independent tank type B" means an independent cargo tank designed from model tests, refined analytical tools and analysis methods to determine stress levels, fatigue life and crack propagation characteristics.

"Independent tank type C" (pressure tank) means an independent cargo tank meeting pressure vessel criteria where the dominant stress producing load is design vapor pressure.

"Insulation space" means a space, that may or may not be an interbarrier space, occupied wholly or in part by insulation.

"Integral tank" means a cargo tank that forms a structural part of the vessel's hull and is influenced in the same manner and by the same loads that stress the adjacent hull structure.

"Interbarrier space" means the space between a primary and a secondary barrier, whether or not completely or partially occupied by insulation or other material.

"Length (L)" means ninety-six percent of the total length in meters on a waterline at eighty-five percent of the least molded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, whichever is greater. In vessels designed with a rake of keel, the waterline on which L is measured is parallel to the design waterline.

"Letter of Compliance" means a letter issued by the Coast Guard that allows a foreign flag vessel to carry a bulk cargo regulated under this part.

"Liquefied gas" means a cargo having a vapor pressure of 172 kPa gauge (25 psia) or more at 37.8°C (100°F).

"MARVS" means the Maximum Allowable Relief Value Setting of a cargo tank.

"Membrane tank" means a cargo tank that is nonself-supporting and consists of a thin layer (membrane) supported through insulation by the adjacent hull structure.

"Permeability of a space" means the ratio of the volume within a space that is assumed to be occupied by water to the total volume of the space.

"Primary barrier" means the inner boundary that contains the cargo when the cargo containment system includes two boundaries.

"Process pressure vessel" means a pressure vesses that is used in a reliquefaction, cargo heating, or other system that processes cargo on board.

"Remote group alarm" means an audible and visual alarm which identifies that an alarm condition exists while not identifying the space in which the condition exists, nor the exact nature of the alarm.

"Secondary barrier" means the liquid resisting outer boundary of a cargo containment system when the cargo containment system includes two boundaries.

"Semi-membrane tank" means a cargo tank that is nonself-supporting in the loaded condition and consists of flat surfaces supported through insulation by the adjacent hull structure, and of shaped corners that connect the flat surfaces that can expand and contract due to thermal, hydrostatic, and pressure loading.

"Service space" means a space outside the cargo area used for a galley, pantry containing cooking appliances, locker or store room, workshop other than those forming part of the machinery spaces, and similar spaces and trunks to such spaces.

"Shut-off valve" means a valve that fully closes a pipeline and provides nominal metal to metal contact between the valve operating parts, including the disc and gate, and the valve body.

"Specific gravity (p)" means the ratio of the density of the cargo, at the lowest temperature at which it may be carried, to the density of water at 4°C (39°F).

"Tank cover" means the protective structure intended to protect the cargo containment system against damage where it protrudes through the weather deck, and to ensure the continuity and integrity of the deck structure.

"Tank dome" means the upward extension of a portion of the cargo tank. For below deck cargo containment systems, it means the extension of the cargo tank that protrudes through the weather deck or through a tank cover.

"Toxic cargoes" means the following liquefied gases from Table 4:

Acetaldehyde
Ammonia, anhydrous
Dimethylamine
Ethylamine
Ethyl chloride
Ethylene oxide
Methyl bromide
Methyl cloride
Sulfur dioxide
Vinyl chloride

"Vapor density" means the relative weight of the vapor compared with the weight of an equal volume of dry air at standard conditions of temperature and pressure.

"Vapor pressure" means the absolute equilibrium pressure of the saturated vapor above the liquid, expressed in kPa (psia), at a specific temperature.

"Void space" means an enclosed space in the cargo area external to a cargo containment system, other than a hold space, ballast space, fuel oil tank, cargo pump or compressor room, or any space used by personnel.

"1974 Safety Convention" means the International Convention on Safety of Life at Sea, 1974, done at London, November 1, 1974.

§ 154.4 U.S. flag vessel: Endorsement application.

(a) A person who desires the endorsement required by § 154.1601 for a U.S. flag vessel must submit an application to an Officer in Charge, Marine Inspection, in the inspection zone in which the vessel is to be built, for an endorsement of the vessel's subchapter D Certificate of Inspection.

(b) The person requesting an endorsement under paragraph (a) of this section must submit to the Coast Guard when requested—

(1) Hull type calculation required by § 154.215;

(2) The plans and information listed in §§ 54.01–18, 56.01–10, 91.55–5 (a), (b), (d), (g), and (h), and 111.06–5(d) of this chapter;

(3) Plans for the dry chemical supply and distribution systems, including the controls; and

(4) Any other vessel information, such as plans, design calculation, test results, certificates, and manufacturer's data, that the Coast Guard needs to determine whether or not the vessel meets the standards of this part.

§ 154.5 Foreign flag vessel: Letter of Compliance endorsement application.

(a) A person who desires an endorsed Letter of Compliance required under § 154.1802(a) for a foreign flag vessel, whose flag administration issues IMCO Certificates, must submit to the Commandant (G–MHM), U.S. Coast Guard, Washington, D.C., 20590, a copy of the IMCO Certificate [1] issued to the vessel with—

(1) The design ambient temperatures and cargo tank design stress factors.

[1] Usually, the IMCO Certificate is sufficient for the Coast Guard to endorse the vessel's Letter of Compliance with the names of those cargoes in Table 4 that are listed on the IMCO Certificate.

listed in item 3 of the IMCO Certificate, that meet §§ 154.174, 154.176, 154.215(c), 154.447, 154.450 and 154.466;

(2) A classification society certification that the vessel complies with the requirements of § 154.170 and §§ 154.701 through 154.709;

(3) A description of the vessel;

(4) Specifications for the cargo containment system;

(5) A general arrangement plan of the vessel;

(6) A midship section plan of the vessel;

(7) Schematic plans of the liquid and vapor cargo piping;

(8) A firefighting and safety plan;

(9) The vessel's Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate issued under the International Convention for Safety of Life at Sea, 1960; and

(10) Any additional plans, certificates, and information that the Commandant (G–MHM) may request.

(b) A person who desires an endorsed Letter of Compliance required under § 154.1802(b) for a foreign flag vessel, whose flag administration does not issue IMCO Certificates, must submit to the Commandant (G–MHM) the plans, calculations, and information under § 154.4(b).

(c) Correspondence to the Coast Guard and vessel information submitted under this part must be in English, except—

(i) IMCO Certificates may be in French; and

(ii) SOLAS Certificates may be in the official language of the flag administration.

§ 154.6 U.S. flag vessel: Certificate of Inspection endorsement and IMCO Certificate.

The Certificate of Inspection for a U.S. flag vessel intended to carry any liquefied gas is endorsed for each individual cargo as follows:

"Inspected and approved for the carriage of (enter the applicable cargo name) at a maximum allowable relief valve setting of ——— kPa gauge (——— psig) with an F factor of ———, a maximum external pressure of ——— kPa gauge (——— psig), a minimum service temperature of ——— °C (——— °F), and a maximum specific gravity of ———. Hull type ———."

(b) The Coast Guard also issues an IMCO Certificate if requested by the U.S. flag vessel's owner or operator.

§ 154.8 Equivalents.

(a) Where a vessel must have particular fitting, material, appliance, apparatus, equipment, provision, procedure, or arrangement, including cargo segregation, the Commandant may accept any other fitting, material, appliance, appartus, equipment, provision, procedure, or arrangement, that he determines to be as effective as that specified in this part.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by statute, but prescribed by regulations is unreasonable or impracticable, the Commandant may allow the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure a degree of safety consistent with the minimum standards set forth in this part.

(c) Operational methods or procedures are generally not substituted for a particular fitting, material, appliance, apparatus, item or type of equipment, required in this part.

§ 154.9 Special approval: requests.

Each request for special approval must be in writing to the Commandant (G–MHM) or (G–MMT) as required under this part. The mailing address is as follows:

Commandant (G–MHM) or Commandant (G–MMT), U.S. Coast Guard, Washington, D.C. 20590.

§ 154.10 Conflict in regulations.

(a) When a specific requirement in another part of this chapter is in conflict with any requirement in this part, the regulations in this part take precedence.

(b) When a vessel carries cargoes regulated by this part and by another part, the requirements of both parts must be met.

§ 154.12 Liquefied gases not included in Table 4.

(a) A liquefied gas not appearing in Table 4 must be specially approved by the Commandant (G–MHM) for carriage in bulk in U.S. waters.

(b) A person who desires to ship a liquefied gas in bulk that is not listed in Table 4, must submit to the Commandant (G–MHM) a completed form CG–4355. This form may be obtained from either Commandant (G–MHM) or any Officer in Charge, Marine Inspection (OCMI), at the nearest port.

§ 154.13 Incorporation by reference.

Industry standards referred to in this part were approved under 1 CFR Part 151 for incorporation by reference in this chapter by the director of the Federal Register on November 21, 1967. These industry standards are on file in the Federal Register library and are available from the appropriate organization at the following addresses:

(a) American Bureau of Shipping, 65 Broadway, New York, New York 10006.

(b) American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(c) American National Standards Institute, 1430 Broadway, New York, New York 10018.

Subpart B—Inspections and Tests

§§ 154.40–154.149 (Reserved)

Examination Requirements for a Letter of Compliance

§ 154.150 Examination for a Letter of Compliance.

Before a Letter of Compliance is issued by the Coast Guard to a foreign flag vessel, the vessel's owner must have his vessel examined by the Coast Guard in a U.S. port to determine whether or not it meets the requirements of this part.

§ 154.151 Scheduling a Letter of Compliance examination.

The Commandant (G–MHM) schedules the Letter of Compliance examination under § 154.150 after—

(a) The Coast Guard has completed review of the vessel's plans or has accepted the vessel's IMCO Certificate; and

(b) Receiving a written request for examination from the owner with—

(1) The expected date of the vessel's arrival in U.S. waters;

(2) The port of call where the vessel is to be inspected;

(3) The vessel's agent in the port of call; and

(4) Any cargoes the vessel is to carry under § 154.153.

§ 154.152 Notification of arrival for a Letter of Compliance examination.

A Letter of Compliance examination is scheduled 14 days or more after the request under § 154.151(b) has been received, unless the Commandant (G–MHM) concurs in a request to arrange for an examination in less than 14 days after the request is received.

§ 154.153 Carrying a cargo into U.S. waters for a Letter of Compliance examination.

When entering U.S. waters for an examination under §§ 154.150 and 154.151, a vessel that has not been issued a Letter of Compliance or whose Letter of Compliance has expired or been revoked may not carry cargo regulated under this part unless that

carriage is specially approved by the Commandant (G–MHM).

Subpart C—Design, Construction and Equipment

Hull Structure

§ 154.170 Outer hull steel plating.

(a) Except as required in paragraph (b) of this section, the outer hull steel plating, including the shell and deck plating must meet the material standards of the American Bureau of Shipping published in "Rules for Building and Classing Steel Vessels" 1976.

(b) Along the length of the cargo area, grades of steel must be as follows:

(1) The deck stringer and sheer strake must be at least Grade E steel or a grade of steel that has equivalent chemical properties, mechanical properties, and heat treatment, and that is specially approved by the Commandant (G–MMT).

(2) The strake at the turn of the bilge must be Grade D, Grade E, or a grade of steel that has equivalent chemical properties, mechanical properties, and heat treatment, and that is specially approved by the Commandant (G–MMT).

(3) The outer hull steel vessels must meet the standards in § 154.172 if the hull steel temperature is calculated to be below −5° C (23° F) assuming—

(i) For any waters in the world, the ambient cold conditions of still air at 5° C (41° F) and still sea water at 0° C (32° F);

(ii) For cargo containment systems with secondary barriers, the temperature of the secondary barrier is the design temperature; and

(iii) For cargo containment systems without secondary barriers, the temperature of the cargo tank is the design temperature.

§ 154.172 Contiguous steel hull structure.

(a) Except as allowed in paragraphs (b) and (c) of this section, plates, forgings, forged and rolled fittings, and rolled and forged bars and shapes used in the construction of the contiguous steel hull structure must meet the thickness and steel grade in Table 1 for the temperatures under § 154.174(b) and 154.176(b).

(b) for a minimum temperature, determined under §§ 154.174(b) and 154.176(b), below −25° C (13° F), the contiguous steel hull structure must meet § 54.25–10 for that minimum temperature.

(c) If a steel grade that is not listed in Table 1 has the equivalent chemical properties, mechanical properties, and heat treatment of a steel grade that is listed, the steel grade not listed may be specially approved by the Commandant (G–MMT), for use in the contiguous hull structure.

Table 1.—Minimum Temperature, Thickness, and Steel Grades in Contiguous Hull Structures.

Minimum temperature	Steel thickness	Steel[1] grade
0° C (32° F)	All.....	Standards of the American Bureau of Shipping published in "Rules for Building and Classing Steel Vessels", 1976
−10° C (14° F).	t≤12.5mm (½ in.).	B
	12.5<t≤25.5mm(1 in.)	D
	t>25.5mm(1 in.).	E
−25° C (−13° F).	t≤12.5mm ½ in.).	D
	t>12.5mm (½ in.).	E

[1] Steel grade of the American Bureau of Shipping published in "Rules for Building and Classing Steel Vessels", 1976.

§ 154.174 Transverse contiguous hull structure.

(a) The transverse contiguous hull structure of a vessel having cargo containment systems without secondary barriers must meet the standards of the American Bureau of Shipping published in "Rules for Building and Classing Steel Vessels", 1976.

(b) The transverse contiguous hull structure of a vessel having cargo containment systems with secondary barriers must be designed for a temperature that is—

(1) Colder than the calculated temperature of this hull structure when—

(i) The temperature of the secondary barrier is the design temperature, and

(ii) The ambient cold condition under § 154.176(b)(1)(ii) and (iii) are assumed; or

(2) Maintained by the heating system under § 154.178.

§ 154.176 Longitudinal contiguous hull structure.

(a) The longitudinal contiguous hull structure of a vessel having cargo containment systems without secondary barriers must meet the standards of the American Bureau of Shipping published in "Rules for Building and Classing Steel Vessels", 1976.

(b) the longitudinal contiguous hull structure of a vessel having cargo containment systems with secondary barriers must be designed for a temperature that is—

(1) Colder than the calculated temperature of this hull structure when—

(i) The temperature of the secondary barrier is the design temperature; and

(ii) For any waters in the world except Alaskan waters, the ambient cold condition of—

(A) Five knots air at −18° C (0° F); and

(B) Still sea water at 0° C (32° F); or

(iii) For Alaskan waters the ambient cold condition of—

(A) Five knots air at −29° C (−20° F); and

(B) Still sea water at −2° C (28° F); or

(2) Maintained by the heating system under § 154.178, if, without heat, the contiguous hull structure is designed for a temperature that is colder than the calculated temperature of the hull structure assuming the—

(i) Temperature of the secondary barrier is the design temperature; and

(ii) Ambient cold conditions of still air at 5° C (41° F) and still sea water at 0° C (32° F).

§ 154.178 Contiguous hull structure: heating system.

The heating system for transverse and longitudinal contiguous hull structure must—

(a) Be shown by a heat load calculation to have the heating capacity to meet § 154.174(b)(2) or § 154.176(b)(2);

(b) Have stand-by heating to provide 100% of the required heat load and distribution determined under paragraph (a); and

(c) Meet Parts 52, 53, and 54 of this chapter.

§ 154.180 Contiguous hull structure: welding procedure.

Welding procedure tests for contiguous hull structure designed for a temperature colder than −18° C (0° F) must meet § 54.05–15 and Subpart 57.03 of this chapter.

§ 154.182 Contiguous hull structure: production weld test.

If a portion of the contiguous hull structure is designed for a temperature colder than −34° C (−30° F) and is not part of the secondary barrier, each 100m (328 ft.) of full penetration butt welded joints in that portion of the contiguous hull structure must pass the following production weld tests in the position that the joint is welded:

(a) Bend tests under § 57.06–4 of this chapter.

(b) A Charpy V-notch toughness test under § 57.06–5 of this chapter on one set of 3 specimens alternating the notch location on successive tests between the

center of the weld and the most critical location in the heat affected zone.[2]

(c) If the contiguous hull structure does not pass the test under paragraph (b) of this section, the retest procedures under § 54.05–5(c) must be met.

§ 154.188 Membrane tank: inner hull steel.

For a vessel with membrane tanks, the inner hull plating thickness must meet the deep tank requirements of the American Bureau of Shipping published in "Rules for Building and Classing Steel Vessels", 1976.

§ 154.195 Aluminum cargo tank: steel enclosure.

(a) An aluminum cargo tank and its dome must be enclosed by the vessel's hull structure or a separate steel cover.

(b) The steel cover for the aluminum cargo tank must meet the steel structural standards of the American Bureau of Shipping published in "Rules for Building and Classing Steel Vessels", 1976.

(c) The steel cover for the aluminum tank dome must be—

(1) At least 3.2 mm (⅛ in.) thick;

(2) Separated from the tank dome, except at the support points; and

(3) Thermally isolated from the dome.

Ship Survival Capability and Cargo Tank Location

§ 154.200 Stability requirements: general.

Each vessel must be stable for the full range of operating drafts including the affects on stability of any empty or partially filled tanks and the weight and volume of cargoes carried.

§ 154.205 Intact stability requirements.

(a) Each vessel must meet Part 93 of this chapter.

(b) During loading and unloading, the vessel must have at least 50 mm (2 inches) of positive metacentric height which can be maintained by water ballast and the sequencing of cargo loading and unloading.

§ 154.210 Damage stability requirement.

(a) Each vessel must be shown by design calculations to meet the survival presumptions in § 154.230 assuming the damage for the cargo it carries in the hull type specified in § 154.215.

(b) For the carriage of a cargo listed in Table 4, the vessel must be at least the ship type specified in Table 4 for that cargo.

Note.—Products with the greatest hazard are carried in a Type IG hull. Products with lesser hazards are carried in Type IIG/IIPG or Type IIIG hulls.

§ 154.215 Hull type calculation.

(a) Where Table 4 requires a type IG hull, design calculations must show that the vessel can survive damage at any location.

(b) Where Table 4 requires a type IIG hull, design calculations must show that a vessel—

(1) Longer than 150 m (492 ft.) in length can survive damage at any location; and

(2) 150 m (492 ft.) or less in length can survive damage at any location except the transverse bulkheads bounding an aft machinery space.

(c) If a vessel has independent tanks type C with a MARVS of 689 kPa gauge (100 psig), is 150 m (492 ft.) or less in length, and Table 4 allows a type II PG hull, the design calculations must show that the vessel can survive damage at any location, except on transverse bulkheads spaced farther apart than the longitudinal extent of damage specified in § 154.220(b)(1)(i).

(d) Where Table 4 requires a type IIIG hull, design calculations must show that a vessel—

(1) 125 m (410 ft.) or longer can survive damage at any location except on transverse bulkheads spaced farther apart than the longitudinal extent of damage specified in § 154.220(b)(1)(i); and

(2) Shorter than 125 m (410 ft.) can survive damage at any location, except on transverse bulkheads spaced farther apart than the longitudinal extent of damage specified in § 154.220(b)(1)(i) and except in the main machinery space.

(e) For the purposes of paragraphs (c) and (d) of this section, damage must be assumed to transverse bulkheads spaced closer than the longitudinal extent of damage specified in § 154.220(b)(1)(i), and a main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks must be assumed damaged if there is a step or a recess in a transverse bulkhead that is longer than 3.05 m (10 ft.) located within the extent of penetration of assumed damage. The step formed by the after peak bulkhead and after peak tank top is not a step for the purpose of this regulation.

§ 154.220 Damage calculations.

(a) For the purpose of § 154.210, design calculations must include both side and bottom damage, applied separately.

(b) Damage must consist of the most disabling penetration up to and including penetrations having the following dimensions:

(1) For side penetrations—(i) A longitudinal extent of $1/3L^{2/3}$ or 14.5 m ($0.495L^{2/3}$ or 47.6 ft.), whichever is shorter;

(ii) A transverse extent (inboard from the ship's side at right angles to the centerline at the level of the summer load line assigned under Subchapter E of this chapter) of B/5 or 11.5 m (37.7 ft.), whichever is shorter; and

(iii) A vertical extent measuring from the base line upward without limits.

(2) For bottom penetrations—(i) At the forward end but not including any damage aft of a point 0.3L aft of the forward perpendicular—

(A) A longitudinal extent of $1/3L^{2/3}$ or 14.5 m ($0.495L^{2/3}$ or 47.6 ft.), whichever is shorter;

(B) A transverse extent of B/6 or 10 m (32.8 ft.), whichever is shorter; and

(C) A vertical extent, from the molded line of the shell at the centerline, of B/15 or 2 m (6.6 ft.), whichever is shorter; and

(ii) At any longitudinal position aft of a point 0.3L aft of the forward perpendicular—

(A) A longitudinal extent of L/10 or 5 m (16.4 ft.), whichever is shorter;

(B) A transverse extent of B/6 or 5 m (16.4 ft.), whichever is shorter; and

(C) A vertical extent, from the molded line of the shell at the centerline, of B/15 or 2 m (6.6 ft.), whichever is shorter.

(c) When the damage assumption excludes a transverse bulkhead bounding a machinery space, the machinery space must be assumed to be damaged as a case separate from the side and bottom penetration.

§ 154.225 Permeability of spaces and free surface effect.

(a) The free surface effect must be calculated at an angle of heel of 5° for each individual space or the effect of free liquid in a tank must be calculated by assessing the shift of liquids by moment of transference calculations.

(b) In calculating the effect of free surfaces of consumable liquids, it must be assumed that, for each type of liquid, at least one transverse pair of wing tanks or a single center line tank has a free surface. The tank or combination of tanks selected must be those where the effect of free surfaces is the greatest.

(c) Calculations in which a machinery space is treated as a floodable space must be based on an assumed machinery space permeability of 0.85, unless the use of an assumed permeability of less than 0.85 is justified in detail.

(d) The assumed permeability of a floodable space other than a machinery

[2] The most critical location in the heat affected zone of the weld is based on procedure qualification results, except austenitic stainless steel need have notches only in the center of the weld.

space must be as listed in the following table:

Space	Permeability
Storerooms	0.60.
Accommodation spaces.	0.95.
Void	0.95.
Consumable liquid tanks.	0.95 or 0, whichever results in the more disabling.
Other liquid tanks	0.95 or 0, the permeability of partially filled tanks must be consistent with the density and amount of liquid carried.

(e) Wherever damage penetrates a cargo tank it must be assumed that the cargo is completely lost from the compartment and replaced by salt water up to the level of the final plane of equilibrium.

§ 154.230 Damage survival.

A vessel is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(a) *Heel angle.* The maximum angle of heel must not exceed 30°.

(b) *Final waterline.* The waterline, taking into account sinkage, heel and trim, must be below the lower edge of openings such as air pipes and openings closed by weathertight doors or hatch covers, except openings closed by means of watertight manhole covers and watertight flush scuttles, small watertight cargo tank hatch covers that maintain the high integrity of the deck, remotely operated watertight sliding doors, and side scuttles of the non-opening type.

(c) *Range of stability.*—(1) The righting lever curve must be positive and have a minimum range of 20° beyond the angle of equilibrium.

(2) The maximum righting lever within the range specified in paragraph (c)(1) of this section must be at least 100 mm (4 in.).

(3) Each opening within the 20° range beyond the angle of equilibrium must be at least weathertight.

(d) *Metacentric height.*—After flooding the vessel's metacentric height must be at least 50 mm (2 inches) when the vessel is in the upright position.

(e) *Bouyancy of superstructure.*—The bouyancy of superstructures directly above the side damage is not included except that the unflooded parts of superstructures beyond the extent of that damage may be included if they are separated from the damaged space by watertight bulkheads and meet paragraph (b) of this section. Hinged watertight doors may be in watertight bulkheads in the superstructure if they meet Subpart 73.35 of this chapter.

(f) *Local damage.*—The maximum angle of heel must not exceed the greater of 30° or the angle at which restoration of propulsion, steering engine power, and use of the ballast system is precluded for local damage, extending 760 mm (30 in.) normal to the hull shell, that affects a—

(1) Longitudinal bulkhead; and

(2) Transverse bulkhead on type IG and IIG vessels.

(g) *Equalization arrangements.*—Equalization arrangements requiring mechanical aids such as valves or cross-flooding lines may not be considered for reducing the angle of heel. Spaces joined by ducts of large cross-sectional area are treated as common spaces.

(h) *Progressive flooding.*—If pipes, ducts, or tunnels are within the assumed extent of damage, arrangements must be made to prevent progressive flooding in a space that is not assumed to be flooded in the damaged stability calculations. If an intermediate stage of flooding is more critical than the final stage, calculations for the intermediate stage must be submitted for special approval by Commandant (G-MMT).

§ 154.235 Cargo tank location.

(a) For type IG hulls, cargo tanks must be located inboard of—

(1) The transverse damage specified in 154.220(b)(1)(ii);

(2) The vertical damage specified in §§ 154.220(b)(2)(i)(C) and 154.220(b)(2)(ii)(C); and

(3) 760 mm (30 inches) from the shell plating.

(b) For type IIG, IIPG, and IIIG hulls, cargo tanks must be located inboard of—

(1) The vertical extent of damage under §§ 154.220(b)(2)(i)(C) and 154.220(b)(2)(ii)(C); and

(2) 760 mm (30 inches) from the shell plating.

(c) In vessels having membrane and semi-membrane tanks, the vertical and transverse extents of damage must be measured to the inner hull.

(d) For type IIG, IIPG, and IIIG hulls, cargo tank suction wells may penetrate into the area of bottom damage specified in §§ 154.220(b)(2)(i)(C) and 154.220(b)(2)(ii)(C) if the penetration is the lesser of 25% of the double bottom height or 350 mm (13.8 in.).

Ship Arrangements

§ 154.300 Segregation of hold spaces from other spaces.

Hold spaces must be segregated from machinery and boiler spaces, accommodation, service and control spaces, chain lockers, potable, domestic and feed water tanks, store rooms and spaces immediately below or outboard of hold spaces by a—

(a) Cofferdam, fuel oil tank, or single gastight A-60 Class Division of all welded construction in a cargo containment system not required by this part to have a secondary barrier;

(b) Cofferdam or fuel oil tank in a cargo containment system required by this part to have a secondary barrier; or

(c) If there are no sources of ignition or fire hazards in the adjoining space, single gastight A-O Class Division of all welded construction.

§ 154.305 Segregation of hold spaces from the sea.

In vessels having cargo containment systems required by this part to have a secondary barrier, hold spaces must be segregated from the sea by—

(a) A double bottom if the cargo tanks meet this part for design temperatures colder than −10° C (14° F); and

(b) Wing tanks if the cargo tanks meet this part for design temperatures colder than −55° C (−67° F).

§ 154.310 Cargo piping systems.

Cargo liquid or vapor piping must—

(a) Be separated from other piping systems, except where an interconnection to inert gas or purge piping is required by § 154.901(a);

(b) Not enter or pass through any accommodation, service, or control space;

(c) Except as allowed under § 154.703, not enter or pass through a machinery space other than a cargo pump or compressor room;

(d) Be in the cargo area except—

(1) As allowed under § 154.703;

(2) Bow and stern loading piping; and

(3) Emergency jettisoning piping.

(e) Be above the weather deck except—

(1) As allowed under § 154.703;

(2) Pipes in a trunk traversing void spaces above a cargo containment system; and

(3) Pipes for draining, venting, or purging interbarrier and hold spaces;

(f) Connect into the cargo containment system above the weather deck except—

(1) Pipes in a trunk traversing void spaces above a cargo containment system; and

(2) Pipes for draining, venting, or purging interbarrier and hold spaces.

(g) Be inboard of the transverse cargo tank location required by § 154.235, except for athwartship shore connection manifolds not subject to internal pressure at sea.

§ 154.315 Cargo pump and cargo compressor rooms.

(a) Cargo pump rooms and cargo compressor rooms must be above the weather deck and must be within the cargo area.

(b) Where pumps and compressors are driven by a prime mover in an adjacent gas safe space—

(1) The bulkhead or deck must be gastight; and

(2) The shafting passing through the bulkhead or deck must be sealed by a fixed oil reservoir gland seal, a pressure grease seal, or another type of positive pressure seal specially approved by the Commandant (G–MMT).

§ 154.320 Cargo control stations.

(a) Cargo control stations must be above the weather deck.

(b) If a cargo control station is in accommodation, service, or control spaces or has access to such a space, the station must—

(1) Be a gas safe space;

(2) Have an access to the space that meets § 154.330; and

(3) Have indirect reading instrumentation, except for gas detectors.

(c) Cargo control stations, including a room or area, must contain all alarms, indicators, and remote controls associated with each cargo tank that the station controls.

§ 154.325 Accommodation, service, and control spaces.

(a) Accommodation, service, and control spaces must be outside the cargo area.

(b) If a hold space having a cargo containment system, required by this part to have a secondary barrier, is separated from any accommodation, service, or control space by a cruciform joint, there must be a cofferdam providing at least 760 mm (30 inches) by 760 mm (30 inches) clearance on one side of the cruciform joint.

§ 154.330 Openings to accommodation, service, or control spaces.

(a) Entrances, forced or natural ventilation intakes and exhausts, and other openings to accommodation, service, or control spaces, except as allowed in paragraph (c) of this section, must be—

(1) At least L/25 or 3.05m (10 ft) from the athwartship bulkhead facing the cargo area, whichever is farther, except that the distance need not exceed 5m (16.4 ft); and

(2) On a house athwartship bulkhead not facing the cargo area or on the outboard side of the house.

(b) Each port light, located on the athwartship bulkhead of a house facing the cargo area or the house sides within the distance specified in paragraph (a)(1) of this section, must be a fixed type.

(c) Wheelhouse doors and windows that are not fixed may be within the distance specified in paragraph (a)(1) of this section from the athwartship bulkhead of a house facing the cargo area, if they have gaskets and pass a tightness test with a fire hose at not less than 207 kPa gauge (30 psig).

(d) Port lights in the hull plating below the uppermost continuous deck and in the first tier of the superstructure must be a fixed type.

(e) Air intakes and openings into accommodation, service, and control spaces must have metal closures that pass a tightness test with a fire hose at not less than 207 kPa gauge (30 psig).

(f) On liquefied toxic gas vessels, the closures required in paragraph (e) of this section must be capable of being closed from inside the space.

§ 154.340 Access to tanks and spaces in the cargo area.

(a) Each cargo tank must have a manhole from the weather deck, the clear opening of which is at least 600 mm by 600 mm (23.6 in. by 23.6 in.).

(b) Each access into and through a void space or other gas-dangerous space in the cargo area, except spaces under subparagraph (6) of the definition for "gas-dangerous space" in § 154.3, must—

(1) Have a clear opening of at least 600 mm by 600 mm (23.6 in. by 23.6 in.) through horizontal openings, hatches, or manholes;

(2) Have a clear opening of at least 600 mm by 800 mm (23.6 in. by 31.5 in.) through bulkheads, frames or other vertical structural members; and

(3) Have a fixed ladder if the lower edge of a vertical opening is more than 600 mm (23.6 in.) above the deck or bottom plating.

(c) Each access trunk in the cargo area must be at least 760 mm (30 in.) in diameter.

(d) The lower edge of each access from the weather deck to gas-safe spaces in the cargo area must be at least 2.4 m (7.9 ft.) above the weather deck or the access must be through an air lock that meets § 154.345.

(e) The inner hull in the cargo area must be accessible for inspection from at least one side without the removal of any fixed structure or fitting.

(f) The hold space insulation in the cargo area must be accessible for inspection from at least one side from within the hold space or there must be a means, that is specially approved by the Commandant, of determining from outside the hold space whether or not the hold space insulation meets this part.

§ 154.345 Air locks.

(a) An air lock may be used for access from a gas-dangerous zone on the weather deck to a gas-safe space.

(b) Each air lock must—

(1) Consist of two steel doors, at least 1.5 m (4.9 ft.) but not more than 2.5 m (8.2 ft.) apart, each gasketed and tight when tested with a fire hose at not less 207 kPa gauge (30 psig);

(2) Have self-closing doors with no latches or other devices for holding them open;

(3) Have an audible and visual alarm on both sides which are actuated when both door securing devices are in other than the fully closed position at the same time;

(4) Have mechanical ventilation in the space between the doors from a gas-safe area;

(5) Have a pressure greater than that of the gas-dangerous area on the weather deck;

(6) Have the rate of air change in the space between the doors of at least 8 changes per hour; and

(7) Have the space between the doors monitored for cargo vapor leaks under § 154.1350.

(c) In addition to the requirements of paragraphs (a) and (b) of this section, no gas-safe space on a liquefied flammable gas carrier may have an air lock unless the space—

(1) Is mechanically ventilated to make the pressure in the space greater than that in the air lock; and

(2) Has a means of automatically de-energizing all electrical equipment that is not explosion-proof in the space when the pressure in the space falls to or below the pressure in the air lock.

§ 154.350 Bilge and ballast systems in the cargo area.

(a) Hold, interbarrier, and insulation spaces must have a means of sounding the space or other means of detecting liquid leakage specially approved by the Commandant (G–MMT).

(b) Each hold and insulation space must have a bilge drainage system.

(c) Interbarrier spaces must have an eductor or pump for removing liquid cargo and returning it to the cargo tanks or to an emergency jettisoning system meeting § 154.356.

(d) Spaces in the cargo containment portion of the vessel, except ballast spaces and gas-safe spaces, must not

connect to pumps in the main machinery space.

§ 154.355 Bow and stern loading piping.

(a) Bow and stern loading piping must—

(1) Meet § 154.310;

(2) Be installed in an area away from the accommodation, service, or control space on type IG hulls;

(3) Be clearly marked;

(4) Be segregated from the cargo piping by a removable spool piece in the cargo area or by at least two shut-off valves in the cargo area that have means of locking to meet § 154.1870(a);

(5) Have a means for checking for cargo vapor between the two valves under paragraph (a)(4) of this section;

(6) Have fixed inert gas purging lines; and

(7) Have fixed vent lines for purging with inert gas to meet § 154.1870(b).

(b) Entrances, forced or natural ventilation intakes, exhausts, and other openings to accommodation, service, or control spaces that face the bow or stern loading area must meet § 154.330.

§ 154.356 Cargo emergency jettisoning piping.

Emergency jettisoning piping must—

(a) Meet § 154.355(a);

(b) Be designed to allow cargo discharge without the outer hull steel temperature falling below the minimum temperatures under §§ 154.170 and 154.172; and

(c) Be specially approved by the Commandant (G–MMT).

Cargo Containment Systems

§ 154.401 Definitions.

As used in §§154.440 and 154.447:

"σ_Y" means the minimum yield strength of the tank material, including weld metal, at room temperature.

"σ_B" means minimum tensile strength of the tank material, including weld metals, at room temperature.

§ 154.405 Design vapor pressure (P_o) of a cargo tank.

(a) The design vapor pressure (P_o) of a cargo tank must be equal to or greater than the MARVS.

(b) The P_o of a cargo tank must be equal to or greater than the vapor pressure of the cargo at 45° C (113° F) if—

(1) The cargo tank has no temperature control for the cargo; and

(2) The vapor pressure of the cargo results solely from ambient temperature.

(c) The P_o of a cargo tank may be exceeded under harbor conditions if specially approved by the Commandant (G–MMT).

§ 154.406 Design loads for cargo tanks and fixtures; general.

(a) Calculations must show that a cargo tank and its fixtures are designed for the following loads:

(1) Internal pressure head.

(2) External pressure load.

(3) Dynamic loads resulting from the motion of the vessel.

(4) Transient or stationary thermal loads if the design temperature is colder that −55° C (−67° F) or causes thermal stresses in cargo tank supports.

(5) Sloshing loads, if the cargo tank is designed for partial loads.

(6) Loads resulting from vessel's deflection.

(7) Tank weight, cargo weight, and corresponding support reaction.

(8) Insulation weight.

(9) Loads of a pipe tower and any other attachments to the cargo tank.

(10) Vapor pressure loads in harbor conditions allowed under § 154.405.

(11) Gas pressurization if the cargo tank is designed for gas pressurization as a means of cargo transfer.

(b) A cargo tank must be designed for the most unfavorable static heel angle within a 0° to 30° range without exceeding the allowable stress of the material.

(c) A hydrostatic or hydropneumatic test design load must be specially approved by the Commandant (G–MMT).

§ 154.407 Cargo tank internal pressure head.

(a) For the calculation required under § 154.406(a)(1) and (b), the internal pressure head (h_{eq}), must be determined from the following formula:

$$h_{eq} = 10\,P_o + (h_{ed})_{max}$$

where:

h_{ed} (the value of internal pressure, in meters of fresh water, resulting from the combined effects of gravity and dynamic accelerations of a full tank) $= a_\beta Z_\beta Y$

where:

a_β = dimensionless acceleration relative to the acceleration of gravity resulting from gravitational and dynamic loads in the β direction (see figure 1);

Z_β = largest liquid height (m) above the point where the pressure is to be determined in the β direction (see figure 2);

Y = maximum specific weight of the cargo (t/m³) at the design temperature.

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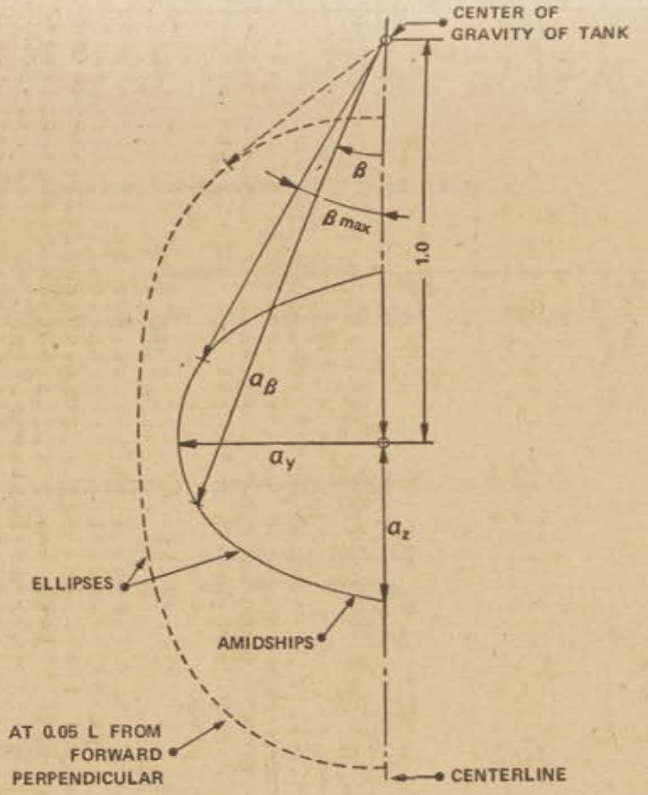

NOTE: RESULTING ACCELERATION (STATIC + DYNAMIC) = a_β IN ARBITRARY DIRECTION β.

a_y = TRANSVERSE COMPONENT OF ACCELERATION.

a_z = VERTICAL COMPONENT OF ACCELERATION.

Figure 1. Acceleration Ellipse

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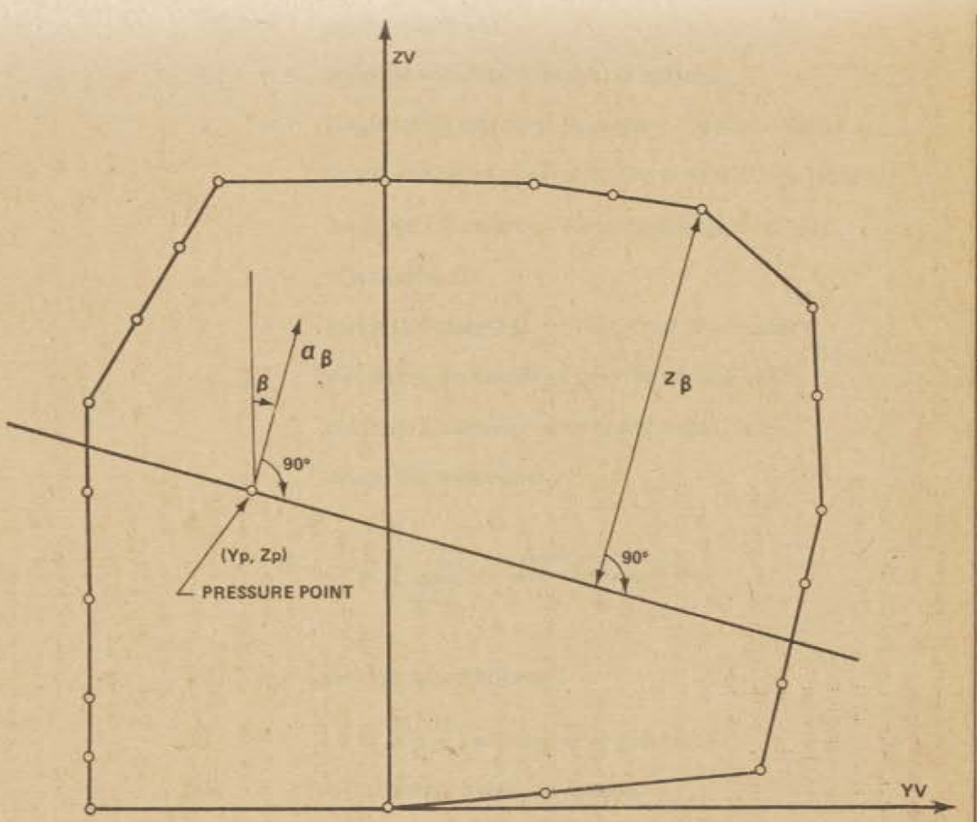

NOTE: LARGEST LIQUID HEIGHT ABOVE THE POINT WHERE THE PRESSURE IS DETERMINED = Z_β

Figure 2. Determination of Internal Pressure Heads

(b) The $(h_{gd})_{max}$ is determined for the β direction, on the ellipse in Figure 1, which gives the maximum value for h_{gd}.

(c) When the longitudinal acceleration is considered in addition to the vertical transverse acceleration, an ellipsoid must be used in the calculations instead of the ellipse contained in Figure 1.

§ 154.408 Cargo tank external pressure load.

For the calculation required under § 154.406 (a)(2) and (b), the external pressure load must be the difference between the minimum internal pressure (maximum vacuum), and the maximum external pressure to which any portion of the cargo tank may be simultaneously subjected.

§ 154.409 Dynamic loads from vessel motion.

(a) For the calculation required under § 154.406 (a)(3) and (b), the dynamic loads must be determined from the long term distribution of vessel motions, including the effects of surge, sway, heave, roll, pitch, and yaw on irregular seas that the vessel may experience during 10^8 wave encounters. The speed used for this calculation may be reduced from the ship service speed if specially approved by the Commandant (G–MMT) and if that reduced speed is used in the hull strength calculation under § 31.10–5(c) of this chapter.

(b) If the loads determined under paragraphs (c), (d), or (e) of this section result in a design stress that is lower than the allowable stress of the material under §§ 154.610, 154.615, or 154.620, the allowable stress must be reduced to that stress determined in paragraphs (c), (d), or (e).

(c) If a tank is designed to avoid plastic deformation and buckling, then acceleration components of the dynamic loads must be determined for the largest loads the vessel may experience during an operating life corresponding to the probability level of 10^{-8}, by using one of the following methods:

(1) Method 1 is a detailed analysis of the vessel's acceleration components.

(2) Method 2 applies to vessels of 50 m (164 ft) or more in length and is an analysis by the following formulae that corresponds to a 10^{-8} probability level in the North Atlantic:

(i) Vertical acceleration under § 154.409(f)(1):

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$$a_z = \pm a_o \sqrt{1 + \left(5.3 - \frac{45}{L_o}\right)^2 \left(\frac{x}{L_o} + 0.05\right)^2 \left(\frac{0.6}{C_B}\right)^{3/2}}$$

(ii) Transverse acceleration under § 154.409(f)(2):

$$a_y = \pm a_o \sqrt{0.6 + 2.5\left(\frac{x}{L_o} + 0.05\right)^2 + K\left(1 + 0.6K\frac{z}{B}\right)^2}$$

(iii) Longitudinal acceleration under § 154.409(f)(3):

$$a_x = \pm a_o \sqrt{0.06 + A^2 - 0.25A}$$

where:

$$A = \left(0.7 - \frac{L_o}{1200} + 5\frac{z}{L_o}\right)\left(\frac{0.6}{C_B}\right)$$

L_o = the distance in meters on the estimated summer loadline, from the fore side of the stem to the after side of the rudder-post or sternpost; where there is no rudderpost or sternpost, L_o is to be measured to the centerline of the rudder stock, but in any case L_o is not to be less than 96% and need not be greater than 97% of the length on the summer loadline.

C_B = block coefficent.

B = greatest moulded breadth, in meters.

x = longitudinal distance, in meters, from amidships to the center of gravity of the tank with contents (positive - forward of amidships, negative - aft of amidships).

z = vertical distance in meters, from the vessel's waterline, to center of gravity of tank with contents (positive - above, and negative - below the waterline).

$$a_o = 0.2\frac{V}{\sqrt{L_o}} + \frac{34 - (600/L_o)}{L_o}$$

V = service speed in knots.

K = 1.0 or $\frac{13GM}{B}$, whichever is greater.

GM = metacentric height in meters.

a_x = the maximum dimensionless acceleration in the x direction, acting separately for calculation purposes, and includes the component of the static weight in the longitudinal direction due to pitching.

a_y = maximum dimensionless acceleration in the y direction, acting separately for calculation purposes, and includes the component of static weight in the transverse direction due to rolling.

a_z = maximum dimensionless acceleration in the z direction, acting separately for calculation purposes, not including the static weight.

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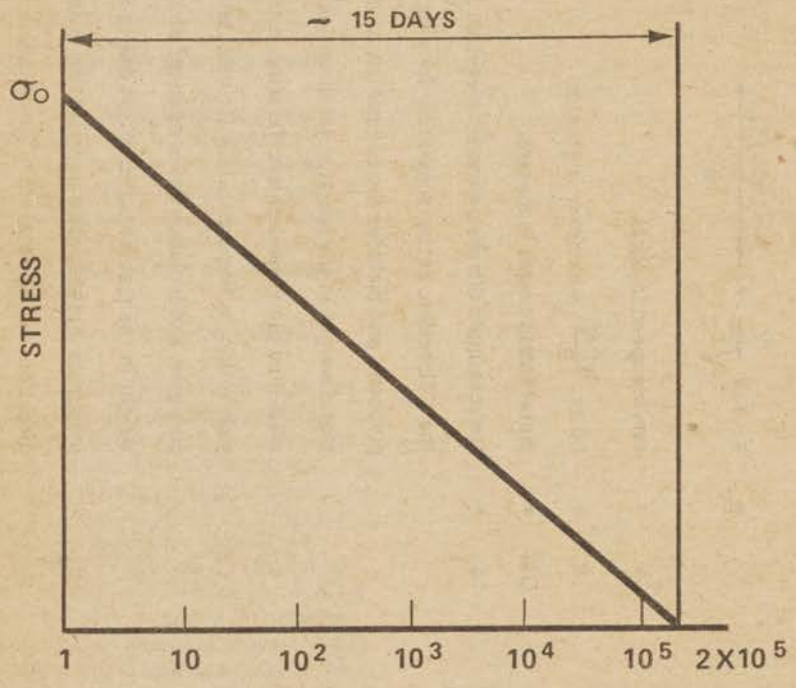
(d) If a cargo tank is designed to avoid fatigue, the dynamic loads determined under paragraph (a) of this section must be used to develop the dynamic spectrum.

(e) If a cargo tank is designed to avoid uncontrolled crack propagation, the dynamic loads are—

(1) Determined under paragraph (a) of this section; and

(2) For a load distribution for a period of 15 days by the method in Figure 3.



NOTE: σ_o = MOST PROBABLE MAXIMUM STRESS DURING THE LIFE OF THE VESSEL.

RESPONSE CYCLE SCALE IS LOGARITHMIC.

THE VALUE OF $2X10^5$ IS GIVEN AS AN EXAMPLE OF ESTIMATE.

Figure 3. Simplified Load Distribution

(f) When determining the accelerations for dynamic loads under paragraph (a) of this section, the accelerations acting in a cargo tank must be estimated for the cargo tank's center of gravity and include the following component accelerations:

(1) Vertical accelerations, meaning the motion acceleration of heave and pitch, and of any roll normal to the vessel base that has an effect on the component acceleration.

(2) Transverse acceleration, meaning the motion acceleration of sway, yaw and roll, and gravity component of roll.

(3) Longitudinal acceleration, meaning the motion acceleration of surge and pitch and gravity component of pitch.

§ 154.410 Cargo tank sloshing loads.

(a) For the calculation required under § 154.406 (a)(5) and (b), the determined sloshing loads resulting from the accelerations under § 154.409(f) must be specially approved by the Commandant (G–MMT).

(b) If the sloshing loads affect the cargo tank scantlings, an analysis of the effects of the sloshing loads in addition to the calculation under paragraph (a) of this section must be specially approved by the Commandant (G–MMT).

§ 154.411 Cargo tank thermal loads.

For the calculations required under § 154.406(a)(4), the following determined loads must be specially approved by the Commandant (G–MMT):

(a) Transient thermal loads for the cooling down periods of cargo tanks for design temperatures lower than −55° C (−67° F).

(b) Stationary thermal loads for cargo tanks for design temperatures lower than −55° C (−67° F) that cause high thermal stress.

§ 154.412 Cargo tank corrosion allowance.

A cargo tank must be designed with a corrosion allowance if the cargo tank—

(a) is located in a space that does not have inert gas or dry air; or

(b) carries a cargo that corrodes the tank material.

Note.—Corrosion allowance for independent tank type C is contained in § 54.01–35 of this chapter.

Integral Tanks

§ 154.418 General.

An integral tank must not be designed for a temperature colder than −10° C (14° F), unless the tank is specially approved by the Commandant (G–MMT).

§ 154.419 Design vapor pressure.

The P_o of an integral tank must not exceed 24.5 kPa gauge (3.55 psig) unless special approval by the Commandant (G–MMT) allows a P_o between 24.5 kPa gauge (3.55 psig) and 69 kPa gauge (10 psig).

§ 154.420 Tank design.

(a) The structure of an integral tank must meet the deep tank scantling standards of the American Bureau of Shipping published in "Rules for Building and Classing Steel Vessels", 1976.

(b) The structure of an integral tank must be designed and shown by calculation to withstand the internal pressure determined under § 154.407.

§ 154.421 Allowable stress.

The allowable stress for the integral tank structure must meet the American Bureau of Shipping's allowable stress for the vessel's hull published in "Rules for Building and Classing Steel Vessels", 1976.

Membrane Tanks

§ 154.425 General.

The design of the hull structure and the design of the membrane tank system, that includes the membrane tank, secondary barrier, including

welds, the supporting insulation, and pressure control equipment, must be specially approved by the Commandant (G–MMT).

§ 154.426 Design vapor pressure.

The P_o of a membrane tank must not exceed 24.5 kPa gauge (3.55 psig) unless special approval by the Commandant (G–MMT) allows a P_o between 24.5 kPa gauge (3.55 psig) and 69 kPa gauge (10 psig).

§ 154.427 Membrane tank system design.

A membrane tank system must be designed for—

(a) Any static and dynamic loads with respect to plastic deformation and fatigue;

(b) Combined strains from static, dynamic, and thermal loads;

(c) Preventing collapse of the membrane from—

(1) Over-pressure in the interbarrier space;

(2) Vacuum in the cargo tank;

(3) Sloshing in a partially filled cargo tank; and

(4) Hull vibrations; and

(d) The deflections of the vessel's hull.

§ 154.428 Allowable stress.

The membrane tank and the supporting insulation must have allowable stresses that are specially approved by the Commandant (G–MMT).

§ 154.429 Calculations.

The tank design load calculations for a membrane tank must include the following:

(a) Plastic deformation and fatigue life resulting from static and dynamic loads in the membrane and the supporting insulation.

(b) The response of the membrane and its supporting insulation to vessel motion and acceleration under the worst weather conditions. Calculations from a similar vessel may be submitted to meet this paragraph.

(c) The combined strains from static, dynamic, and thermal loads.

§ 154.430 Material test.

(a) The membrane and the membrane supporting insulation must be made of materials that withstand the combined strains calculated under § 154.429(c).

(b) Analyzed data of a material test for the membrane and the membrane supporting insulation must be submitted to the Commandant (G–MMT).

§ 154.431 Model test.

(a) The primary and secondary barrier of a membrane tank, including the corners and joints, must withstand the combined strains from static, dynamic, and thermal loads calculated under § 154.429(c).

(b) Analyzed data of a model test for the primary and secondary barrier of the membrane tank must be submitted to the Commandant (G–MMT).

§ 154.432 Expansion and contraction.

The support system of a membrane tank must allow for thermal and physical expansion and contraction of the tank.

Semi-Membrane Tanks

§ 154.435 General.

(a) The design of a semi-membrane tank, the supporting insulation for the tank, and the supporting hull structure for the tank must be specially approved by the Commandant (G–MMT).

(b) A semi-membrane tank must be designed to meet—

(1) § 154.425 through § 154.432;

(2) § 154.437 through § 154.440; or

(3) § 154.444 through § 154.449.

§ 154.436 Design vapor pressure.

The P_o of a semi-membrane tank must not exceed 24.5 kPa gauge (3.55 psig) unless special approval by the Commandant (G–MMT) allows a P_o between 24.5 kPa gauge (3.55 psig) and 69 kPa gauge (10 psig).

Independent Tank Type A

§ 154.437 General.

An independent tank type A must meet § 154.438 through § 154.440.

§ 154.438 Design vapor pressure.

(a) If the surface of an independent tank type A are mostly flat surfaces, the P_o must not exceeed 69 kPa gauge (10 psig).

(b) If the surfaces of an independent tank type A are formed by bodies of revolution, the design calculation of the P_o must be specially approved by the Commandant (G–MMT).

§ 154.439 Tank design.

An independent tank type A must meet the deep tank standard of the American Bureau of Shipping published in "Rules for Building and Classing Steel Vessels", 1976, and must—

(a) withstand the internal pressure determined under § 154.407;

(b) withstand loads from tank supports calculated under §§ 154.470 and 154.471; and

(c) have a corrosion allowance that meets § 154.412.

§ 154.440 Allowable stress.

(a) The allowable stresses for an independent tank type A must—

(1) for tank web frames, stringers, or girders of carbon maganese steel or aluminum alloys, meet $\sigma_B/2.66$ or $\sigma_Y/1.33$, whichever is less; and

(2) for other materials, be specially approved by the Commandant (G–MMT).

(b) A greater allowable stress than required in paragraph (a)(1) of this section may be specially approved by the Commandant (G–MMT) if the equivalent stress (σ_e) is calculated from the formula in Appendix A of this part.

(c) Tank plating must meet the American Bureau of Shipping's deep tank standards, for an internal pressure head that meets § 154.439(a), published in "Rules for Building and Classing Steel Vessels", 1976.

Independent Tank Type B

§ 154.444 General.

An independent tank type B must be designed to meet §§ 154.445 through 154.449.

§ 154.445 Design vapor pressure.

If the surfaces of an independent tank type B are mostly flat surfaces, the P_o must not exceed 69 kPa gauge (10 psig).

§ 154.446 Tank design.

An independent tank type B must meet the calculations under § 154.448.

§ 154.447 Allowable stress.

(a) An independent tank type B designed from bodies of revolution must have allowable stresses [3] determined by the following formulae:

$\sigma_m \leq f$
$\sigma_L \leq 1.5\,f$
$\sigma_b \leq 1.5\,F$
$\sigma_L + \sigma_b \leq 1.5\,F$
$\sigma_m + \sigma_b \leq 1.5\,F$

Where:

σ_m = equivalent primary general membrane stress [4]
σ_L = equivalent primary local membrane stress [4]
σ_b = equivalent primary bending stress [4]
f = the lesser of (σ_B/A) or (σ_Y/B)
F = the lesser of (σ_B/C) or (σ_Y/D)
A, B, C, and D = stress factors in Table 2.

Table 2.—*Values for Stress Factors*

	Nickel steel and carbon manganese steel values	Austenitic steel values	Aluminum alloy values
Stress factors:			
A	4.0	4.0	4.0
B	2.0	1.6	1.5
C	3.0	3.0	3.0
D	1.5	1.5	1.5

(b) An independent tank type B designed from plane surfaces must have

[3] See Appendix B for stress analyses definitions.
[4] See Appendix A for equivalent stress.

allowable stresses specially approved by the Commandant (G–MMT).

§ 154.448 Calculations.

The following calculations for an independent tank type B must be specially approved by the Commandant (G–MMT):

(a) Plastic deformation, fatigue life, buckling, and crack propagation resulting from static and dynamic loads on the tank and its support.

(b) A three-dimensional analysis of the stress exerted by the hull on the tank, its its support, and its keys.

(c) The response of the tank and its support to the vessel's motion and acceleration in irregular waves or caculations from a similar vessel.

(d) A tank buckling analysis considering the maximum construction tolerance.

(e) A finite element analysis using the loads determined under § 154.406.

(f) A fracture mechanics analysis using the loads determined under § 154.406.

(g) The cumulative effects of the fatigue load from the following formula:

$$\sum \frac{n_i}{N_i} + \frac{10^3}{N_j} \leq C_w$$

Where:

n_i = the number of stress cycles at each stress level during the life of the vessel;

N_i = the number of cycles to failure for corresponding stress levels from the Wohler (S–N) curve;

N_j = the number of cycles to failure from the fatigue load by loading and unloading the tank; and

C_w = 0.5 or less. A C_w of greater than 0.5 but not exceeding 1.0 may be specially approved by the Commandant (G–MMT).

§ 154.449 Model test.

The following analyzed data of a model test of structural elements for independent tank type B must be submitted to the Commandant (G–MMT) for special approval:

(a) Stress concentration factors.

(b) Fatigue life.

Independent Tank Type C and Process Pressure Vessels

§ 154.450 General.

Independent tanks type C and process pressure vessels must be designed to meet the requirements under Part 54 of this chapter, except § 54.01–40(b), and—

(a) The calculation under § 54.01–18 (b)(1) must also include the design loads determined under § 154.406;

(b) The calculated tank plating thickness, including any corrosion allowance, must be the minimum thickness without a negative plate tolerance; and

(c) The minimum tank plating thickness must not be less than—

(1) 5mm (3/16 in.) for carbon-manganese steel and nickel steel;

(2) 3mm (1/8 in.) for austenitic steels; or

(3) 7mm (9/32 in.) for aluminum alloys.

§ 154.451 Design vapor pressure.

The P_o (kPa) of an independent tank type C must be calculated by the following formula:

$P_o = 196 + AC(\rho)^{3/2}$

Where:

$A = 1.813\ (\sigma_m/\Delta\sigma_A)^2$;

σ_m = design primary membrane stress;

$\Delta\sigma_A$ = (allowable dynamic membrane stress for double amplitude at probability level $Q = 10^{-8}$) 53.9 MPa (7821 psi) for ferritic and martensitic steels and 24.5 MPa (3555 psi) for 5083–0 aluminum;

C = a characteristic tank dimension that is the greatest of h, 0.75b, or 0.45 l;

Where:

h = the height of the tank or the dimension in the vessel's vertical direction, in meters;

b = the width of the tank or the dimension in the vessel's transverse direction; in meters; and

l = the length of the tank or the dimension in the vessel's longitudinal direction, in meters; and

ρ = the specific gravity of the cargo.

§ 154.452 External pressure.

The design external pressure, P_e, for an independent tank type C must be calculated by the following formula

$P_e = P_1 + P_2 + P_3 + P_4$

where:

P_1 = the vacuum relief valve setting for tanks with a vacuum relief valve, or 24.5 kPa guage (3.55 psig) for tanks without a vacuum relief valve.

P_2 = 0, or the pressure relief valve setting for an enclosed space containing any portion of a pressure vessel.

P_3 = total compressive load in the tank shell from the weight of the tank, including corrosion allowance, weight of insulation, weight of dome, weight of pipe tower and piping, the effect of the partially filled tank, the effect of acceleration and hull deflection, and the local effect of external and internal pressure.

P_4 = 0, or the external pressure from the head of water from any portion of the pressure vessel on exposed decks.

§ 154.453 Failure to meet independent tank type C standards.

If the Commandant (G–MMT) determines during plan review, that a tank designed as an independent tank type C fails to meet the standards under §§ 154.450, 154.451, and 154.452 and can not be redesigned to meet those standards, the tank may be redesigned as an independent tank type A or B.

Secondary Barrier

§ 154.459 General

(a) Each cargo tank must have a secondary barrier that meets Table 3 and except as allowed in Table 3, the hull must not be in the secondary barrier.

(b) If the Commandant (G–MMT) specially approves an integral tank for a design temperature at atmospheric pressure lower than −10° C (14° F), the integral tank must have a complete secondary barrier that meets § 154.460.

(c) If the Commandant (G–MMT) specially approves a semi-membrane tank under the requirements of an independent tank type B, the semi-membrane tank may have a partial secondary barrier specially approved by the Commandant (G–MMT).

(d) If Table 3 allows the hull to be a secondary barrier, the vessel's hull must—

(1) Meet §§ 154.605 through 154.630; and

(2) Be designed for the stresses resulting from the design temperature.

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Table 3 - Secondary Barriers for Tanks

Tank Type	Cargo Temperature (T) at Atmospheric Pressure		
	$T \geq -10^{\circ}C$ ($14^{\circ}F$)	$T < -10^{\circ}C$ ($14^{\circ}F$) $T \geq -55^{\circ}C$ ($-67^{\circ}F$)	$T < -55^{\circ}C$ ($-67^{\circ}F$)
Integral	No Secondary Barrier required	Tank type not usually allowed[1]	Tank type not allowed
Membrane	Ditto	Complete secondary barrier[1]	Complete secondary barrier
Semi-membrane	Ditto	Complete secondary barrier[1]	Complete secondary barrier
Independent			
Type A	Ditto	Complete secondary barrier[1]	Complete secondary barrier
Type B	Ditto	Partial Secondary barrier[1]	Partial secondary barrier
Type C	Ditto	No secondary barrier required	No secondary barrier required

[1]The hull may be a secondary barrier.

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§ 154.460 Design criteria.

At static angles of heel up through 30°, a secondary barrier must

(a) If a complete secondary barrier is required in § 154.459, hold all of the liquid cargo in the cargo tank for at least 15 days under the dynamic loads in § 154.409(e);

(b) If a partial secondary barrier is permitted in § 154.459, hold any leakage of liquid cargo corresponding to the extent of failure under § 154.448(a) after initial detection or primary barrier leak for at least 15 days under the dynamic loads in § 154.409(e);

(c) If the primary barrier fails, prevent the temperature of the vessel's structure from falling below the minimum allowable service temperature of the steel; and

(d) Be designed so that a cargo tank failure does not cause a failure in the secondary barrier.

Insulation

§ 154.465 General.

If the design temperature is below −10° C (14° F), the cargo tank insulation must prevent the temperature of the vessel's hull from cooling below the minimum temperature allowed under § 154.172.

§ 154.466 Design criteria.

(a) The insulation for a cargo tank without a secondary barrier must be designed for the cargo tank at the design temperature, and for a vessel operating in—

(1) Any waters in the world, except Alaskan waters, for the ambient cold condition of—

(i) Five knots air at −18° C (0° F); and

(ii) Still sea water at 0° C (32° F); or

(2) Alaskan waters for the ambient cold condition of—

(i) Five knots air at −29° C (20° F); and

(ii) Still sea water at −2° C (28° F).

(b) The insulation for a cargo tank with a secondary barrier must be designed for the secondary barrier at the design temperature, and the ambient cold conditions listed under paragraph (a)(1) or paragraph (a)(2) of this section.

(c) The insulation material must be designed for any loads transmitted from adjacent hull structure.

(d) Insulation for cargo tank and piping must meet § 38.05–20 of this chapter.

(e) Powder or granulated insulation must—

(1) Not compact from vibrations of the vessel;

(2) Maintain the thermal conductivity listed under § 154.467; and

(3) Not exert a static pressure greater than the external design pressure of the cargo tank under § 154.408.

§ 154.467 Submission of insulation information.

The following insulation information must be submitted for special approval by the Commandant (G–MMT):

(a) Compatibility with the cargo.

(b) Solubility in the cargo.

(c) Absorption of the cargo.

(d) Shrinkage.

(e) Aging.

(f) Closed cell content.

(g) Density.

(h) Mechanical properties.

(i)Thermal expansion.

(j) Abrasion.

(k) Cohesion.

(l) Thermal conductivity.

(m) Resistance to vibrations.

(n) Resistance to fire and flame spread.

(o) The manufacturing and installation details of the insulation including—

(1) fabrication;

(2) storage;

(3) handling;

(4) erection; and

(5) quality control.

Support System

§ 154.470 General.

(a) A cargo tank must have a support system that—

(1) prevents movement of the cargo tank under the static and dynamic loads in § 154.406; and

(2) allows the cargo tank to contract and expand from temperature variation and hull deflection without exceeding the design stress of the cargo tank and the hull.

(b) The cargo tank support system must have a key that prevents rotation of the cargo tank.

(c) An independent tank must have supports with an antiflotation system that withstands the upward force of the tank without causing plastic deformation that endangers the hull structure when the tank is—

(1) Empty; and

(2) In a hold space flooded to the summer load draft of the vessel.

§ 154.471 Design criteria.

(a) The cargo tank support system must be designed—

(1) For the loads in § 154.406(a);

(2) To not exceed the allowable stress under this part at a static angle of heel of 30°;

(3) To withstand a collision force equal to at least one-half the weight of the cargo tank and cargo from forward and one-quarter the weight of the cargo tank and cargo from aft; and

(4) For the largest resulting acceleration in Figure 1, including rotational and translation effects.

(b) The cargo tank support design loads in paragraph (a) of this section may be analyzed separately.

§ 154.476 Cargo transfer devices and means.

(a) If a cargo pump in a cargo tank is not accessible for repair when the cargo tank is in use, the cargo tank must have an additional means of cargo transfer, such as another pump or gas pressurization.

(b) If cargo is transferred by gas pressurization, the pressurizing line must have a safety relief valve that is set at less than 90 percent of the tank relief valve setting.

Cargo and Process Piping Systems

§ 154.500 Cargo and process piping standards.

The cargo liquid and vapor piping and process piping systems must meet the requirements in §§ 154.503 through 154.562, Subparts 56.01 through 56.35, §§ 56.50–20 and 56.50–105, and Subparts 56.60 through 56.97 of this chapter.

§ 154.503 Piping and piping system components: protection from movement.

Where thermal movement and movements of the cargo tank and the hull structure may cause stresses that exceed the design stresses, the piping and piping system components and cargo tanks must be protected from movement by—

(a) Offsets;

(b) Loops;

(c) Bends;

(d) Mechanical expansion joints including—

(1) Bellows;

(2) Slip joints;

(3) Ball joints; or

(e) Other means specially approved by the Commandant (G–MMT).

§ 154.506 Mechanical expansion joint: limits in a piping system.

Mechanical expansion joints in a piping system outside of a cargo tank—

(a) May be installed only if offsets, loops or bends cannot be installed due to limited space or piping arrangement;

(b) Must be a bellows type; and

(c) Must not have insulation or a cover unless necessary to prevent damage.

§ 154.512 Piping: thermal isolation.

Low temperature piping must be thermally isolated from any adjacent hull structure to prevent the temperature

of that structure from dropping below the minimum temperature for the hull material under § 154.170.

§ 154.514 Piping: electrical bonding.

(a) Cargo tanks or piping that are separated from the hull structure by thermal isolation must be electrically bonded to the hull structure by a method under paragraph (c) of this section.

(b) A pipe joint or a hose connection fitting that has a gasket must be electrically bonded by a method under paragraph (c) of this section that bonds—

(1) Both sides of the connection to the hull structure; or

(2) Each side of the connection to the other side.

(c) An electrical bond must be made by at least one of the following methods:

(1) A metal bonding strap attached by welding or bolting.

(2) Two or more bolts that give metal to metal contact between the bolts and the parts to be bonded.

(3) Metal to metal contact between adjacent parts under designed operating conditions.

§ 154.516 Piping: hull protection.

A vessel's hull must be protected from low temperature liquid leakage by a drip pan, or other means specially approved by the Commandant (G–MMT), at—

(a) Each piping connection dismantled on a routine basis;

(b) Cargo discharge and loading manifolds; and

(c) Pump seals.

§ 154.517 Piping: liquid pressure relief.

The cargo loading and discharge crossover headers, cargo hoses, and cargo loading arms must have means to relieve cargo pressure and to remove liquid cargo.

§ 154.519 Piping relief valves.

(a) The liquid relief valve that protects the cargo piping system from liquid pressure exceeding the design pressure must discharge into—

(1) A cargo tank; or

(2) A cargo vent mast if that vent mast has a means for the detection and removal of the liquid cargo that is specially approved by the Commandant (G–MMT).

(b) A relief valve on a cargo pump that protects the cargo piping system must discharge into the pump suction.

§ 154.520 Piping calculations.

A piping system must be designed to meet the allowable stress values under § 56.07–10 of this chapter and, if the design temperature is −110° C (−166° F) or lower, the stress analysis must be specially approved by the Commandant (G–MMT) and must include—

(a) Pipe weight loads;

(b) Acceleration loads;

(c) Internal pressure loads;

(d) Thermal loads; and

(e) Loads from the hull.

§ 154.522 Materials for piping.

(a) The materials for piping systems must meet § 154.625 for the minimum design temperature of the piping, except the material for open ended vent piping may be specially approved by the Commandant (G–MMT) if—

(1) The temperature of the cargo at the pressure relief valve setting is −55° C (−67° F) or warmer; and

(2) Liquid can not discharge to the vent piping.

(b) Materials for piping outside the cargo tanks must have a melting point of at least 925° C (1697° F), except for short lengths of pipes with fire resisting insulation that are attached to the cargo tanks.

§ 154.524 Piping joints: welded and screwed couplings.

Pipe lengths without flanges must be joined by one of the following:

(a) A butt welded joint with complete penetration at the weld root except that for design temperatures colder than −10° C (14° F) the butt weld must be double welded or must be welded using a—

(1) A backing ring that for design pressures greater than 979 kPa gauge (142 psig) must be removed after the weld is completed;

(2) A consumable insert; or

(3) An inert gas back-up on the first weld pass.

(b) A slip-on welded joint with sleeves and attachment welds is allowed for an open ended pipe with an external diameter of 50 mm (2 in.) or less and a design temperature of −55° C (−67° F), or warmer.

(c) A socket weld fitting with attachment welds is allowed for pipe with an external diameter of 50 mm (2 in.) or less and a design temperature of −55° C (−67° F) or warmer.

(d) Screwed couplings are allowed for instrumentation and control piping that meets § 56.30–20 and § 56.50–105 (a)(4) and (b)(4) of this chapter.

(e) A method or fitting specially approved by the Commandant (G–MMT).

§ 154.526 Piping joints: flange connection.

Flange connections for pipe joints must meet § 56.30–10 and § 56.50–105 (a)(4) and (b)(4) of this chapter.

§ 154.528 Piping joints: flange type.

(a) A flange must be one of the following types:

(1) Welding neck.

(2) Slip-on.

(3) Socket weld.

(b) If the piping is designed for a temperature between −10° C (14° F) and −55° C (−67° F), the pipe flange may be a—

(1) Slip-on type, if the nominal pipe size is 100 mm (4 in.) or less;

(2) Socket weld, if the nominal pipe size is 50 mm (2 in.) or less; or

(3) Welding neck.

(c) If the piping is designed for a temperature lower than −55° C (−67° F), the pipe flange must be a welding neck type.

§ 154.530 Valves: cargo tank MARVS 69 kPa gauge (10 psig) or lower.

(a) Except connections for tank safety relief valves and except for liquid level gauging devices other than those under §§ 154.536 and 154.1310, liquid and vapor connections on a cargo tank with a MARVS of 69 kPa gauge (10 psig) or lower must have shut-off valves, as defined in § 154.3, that—

(1) Are located as close to the tank as practical;

(2) Are capable of local manual operation; and

(3) May be remotely controlled.

(b) The cargo piping system for a cargo tank with a MARVS of 69 kPa gauge (10 psig) or lower must have at least one remotely controlled quick-closing shut-off valve for closing liquid and vapor piping between vessel and shore that meets §§ 154.540 and 154.544.

§ 154.532 Valves: cargo tank MARVS greater than 69 kPa gauge (10 psig).

(a) Except connections for tank safety relief valves and except for liquid level gauging devices other than those under §§ 154.536 and 154.1310, liquid and vapor connections on a cargo tank with a MARVS greater than 69 kPa gauge (10 psig) must have, as close to the tank as practical, a—

(1) Stop valve capable of local manual operation; and

(2) A remotely controlled quick-closing shut-off valve.

(b) If the nominal pipe size of a liquid or vapor connection is less than 50 mm (2 in.), an excess flow valve may be substituted for the quick-closing valve under paragraph (a) of this section.

(c) One valve may be substituted for the manual controlled stop valve and the remotely controlled quick-closing shut-off valve required under paragraph (a) of this section if that valve—

(1) Meets §§ 154.540 and 154.544; and

(2) Is capable of local manual operation.

§ 154.534 Cargo pumps and cargo compressors.

Cargo pumps and cargo compressors must shut-down automatically when the quick-closing shut-off valves under §§ 154.530 and 154.532 are closed by the emergency shut-down system required under § 154.540.

§ 154.536 Cargo tank gauging and measuring connections.

Unless the outward flow from a cargo tank is less than the flow through a circular hole of 1.4 mm (0.055 in.) in diameter, cargo tank connections for gauging or measuring devices must have the excess flow, shut-off, or quick-closing shut-off valves under §§ 154.530 or 154.532.

§ 154.538 Cargo transfer connection.

A cargo transfer connection must have a—

(a) Remotely controlled quick-closing shut-off valve that meets §§ 154.540 and 154.544; or

(b) Blank flange.

§ 154.540 Quick-closing shut-off valves: emergency shut-down system.

The quick-closing shut-off valves under §§ 154.530, 154.532, and 154.538 must have an emergency shut-down system that—

(a) Closes all the valves;

(b) Is actuated by a single control in at least two locations remote from the quick-closing valves;

(c) Is actuated by a single control in each cargo control station under § 154.320; and

(d) Has fusible elements at each tank dome and cargo loading and discharge manifold that melt between 98° C (208° F) and 104° C (220° F) and actuate the emergency shut-down system.

§ 154.544 Quick-closing shut-off valves.

The quick-closing shut-off valve under §§ 154.530, 154.532 and 154.538 must—

(a) Be a shut-off valve as defined in § 154.3;

(b) Close from the time of actuation in 30 seconds or less;

(c) Be the fail-closed type; and

(d) Be capable of local manual closing.

§ 154.546 Excess flow valve: closing flow.

(a) The rated closing flow of vapor or liquid cargo for an excess flow valve must be specially approved by the Commandant (G-MMT).

(b) An excess flow valve allowed under § 154.532(b) must close automatically at the rated closing flow.

§ 154.548 Cargo piping: flow capacity.

Piping with an excess flow valve must have a vapor or liquid flow capacity that is greater than the rated closing flow under § 154.546.

§ 154.550 Excess flow valve: bypass.

If the excess flow valve allowed under § 154.532(b) has a bypass, the bypass must be of 1.0 mm (0.0394 in.) or less in diameter.

Cargo Hose

§ 154.551 Cargo hose: general.

Each of the vessel's liquid and vapor cargo hose for loading or discharging cargo must meet §§ 154.552 through 154.562.

§ 154.552 Cargo hose: compatibility.

Liquid and vapor cargo hoses must—

(a) Not chemically react with the cargo; and

(b) Withstand design temperature.

§ 154.554 Cargo hose: bursting pressure.

Cargo hose that may be exposed to the pressure in the cargo tank, the cargo pump discharge, or the vapor compressor discharge must have a bursting pressure of at least five times the maximum working pressure on the hose during cargo transfer.

§ 154.556 Cargo hose: maximum working pressure.

A cargo hose must have a maximum working pressure not less than the maximum pressure to which it may be subjected and at least 1034 kPa gauge (150 psig).

§ 154.558 Cargo hose: marking.

Each cargo hose must be marked with the—

(a) Maximum working pressure; and

(b) Minimum service temperature for service at other than ambient temperature.

§ 154.560 Cargo hose: prototype test.

(a) Each cargo hose must be of a type that passes a prototype test at a pressure of at least five times its maximum working pressure at or below the minimum service temperature.

(b) Each cargo hose must not be the hose used in the prototype test.

§ 154.562 Cargo hose: hydrostatic test.

Each cargo hose must pass a hydrostatic pressure test at ambient temperature of at least one and a half times its specified maximum working pressure but not more than two-fifths its bursting pressure.

Materials

§ 154.605 Toughness test.

(a) Each toughness test under §§ 154.610 through 154.625 must meet Subpart 54.05 of this chapter.

(b) If subsize test specimens are used for the Charpy V-notch toughness test, the Charpy V-notch energy must meet Table 54.05-20 (a) of this chapter.

§ 154.610 Design temperature not colder than 0° C (32° F).

Materials for cargo tanks for a design temperature not colder than 0° C (32° F) must meet the following:

(a) The tank materials must meet §§ 54.25-1 and 54.25-3 of this chapter.

(b) Plates, forgings, rolled and forged bars and shapes must be carbon manganese steel or other material allowed under §§ 154.615, 154.620, and 154.625.

(c) Plates must be normalized or quenched and tempered and where the thickness exceeds 20 mm (0.787 in.), made with fine grain practice, austenitic grain size of five or finer. A control rolling procedure may be substituted for normalizing if specially approved by the Commandant (G-MMT). Plate for an independent tank type C must also meet the requirements of ASTM A-20-75 and § 54.01-18(b)(5) of this chapter.

(d) For integral and independent type A tanks, the American Bureau of Shipping's grade D not exceeding 20 mm (0.787 in.) in thickness, and Grade E hull structural steel are allowed if the steel meets § 54.05-10 of this chapter.

(e) The tensile properties under paragraph (a) of this section must be determined for—

(1) Each plate as rolled; and

(2) Each five short ton batch of forgings, forged or rolled fittings, and forged or rolled bars and shapes.

(f) The specified yield strength must not exceed 637 MPa (92.43 Ksi) and when it exceeds 490 MPa (71.10 Ksi), the hardness of the weld and the heat affected zone must be specially approved by the Commandant (G-MMT).

(g) The Charpy V-notch impact energy must be determined for—

(1) Each plate as rolled; and

(2) Each five short ton batch of forgings, forged or rolled fittings and rolled or forged bars and shapes.

(h) The orientation and required impact energy of a 10 mm x 10 mm (0.394 in. x 0.394 in.) Charpy V-notch specimen must be—

(1) For plates; transverse specimen and 27.4 J (20 ft-lbs); and

(2) For forgings, forged and rolled fittings and rolled and forged bars:

longitudinal specimen and 41.1 J (30 ft-lbs).

(i) The test temperature of the Charpy V-notch specimens is as follows:

Material Thickness	Test Temperature
$t \leq 20$ mm (0.788 in.)	0° C (32° F)
$20 < t \leq 30$ mm (1.182 in.)	−20° C (−4° F)
$30 < t \leq 40$ mm (1.576 in.)	−40° C (−40° F)

§ 154.615 Design temperature below 0° C (32° F) and down to −55° C (−67° F).

Plates, forgings, forged or rolled or forged bars and shapes for cargo tanks and secondary barriers for a design temperature below 0° C (32° F) and down to −55° C (−67° F) must meet § 54.25–10 of this chapter.

§ 154.620 Design temperature below −55° C (−67° F) and down to −165° C (−265° F).

Plates, forgings and forged or rolled fittings, and rolled, forged or extruded bars and shapes for cargo tanks, secondary barriers, and process pressure vessels for a design temperature below −55° C (−67° F) and down to −165° C (−265° F) must—

(a) Meet § 54.25–10(b)(2), § 54.25–15, or § 54.25–20 of this chapter; or

(b) Be of an aluminum alloy that is specially approved by the Commandant (G–MMT).

§ 154.625 Design temperature below 0° C (32° F) and down to −165° C (−265° F).

Pipes, tubes, forgings, castings, bolting, and nuts for cargo and process piping for a design temperature below 0° C (32° F) and down to −165° C (−265° F) must meet § 56.50–105 of this chapter.

§ 154.630 Cargo tank material.

(a) If a material of a cargo tank is not listed in §§ 154.610, 154.615 or 154.620, the allowable stress of that material must be specially approved by the Commandant (G–MMT).

(b) For cargo tanks of aluminum alloys with welded connections, the minimum tensile strength (σ_B) for the calculations under § 154.440, § 154.447 and § 154.450 must be the minimum tensile strength of the alloy in the annealed condition.

(c) Increased yield strength and tensile strength of a material at low temperature for independent tanks type A, B, and C must be specially approved by the Commandant (G–MMT).

Construction

§ 154.650 Cargo tank and process pressure vessel welding.

(a) Cargo tank and process pressure vessel welding must meet Subpart 54.05 and Part 57 of this chapter.

(b) Welding consumables used in welding cargo tanks must meet § 57.02–4 of this chapter.

(c) Independent tanks must meet the following:

(1) Each welded joint of the shells must be a full penetration butt weld, except dome to shell connections may have full penetration tee welds.

(2) Each nozzle weld must be of the full penetration type, except for small penetrations on domes.

(d) Each welded joint in an independent tank type C or in a process pressure vessel must meet Part 54 of this chapter, except that any backing rings must be removed unless specially approved by the Commandant (G–MMT).

(e) Each welded joint in a membrane tank must meet the quality assurance measures, weld procedure qualification, design details, materials, construction, inspection, and production testing of components developed during the prototype testing program that are specially approved by the Commandant (G–MMT) under this part.

(f) Each welded joint in a semi-membrane tank must meet paragraph (c) or (e) of this section.

§ 154.655 Stress relief for independent tanks type C.

For a design temperature colder than −10° C (14° F), an independent tank type C of—

(a) Carbon and carbon-manganese steel must be stress relieved by post-weld heat treatment under § 54.25–7 of this chapter or by mechanical stress relief under Subpart 54.30 of this chapter; or

(b) Materials other than carbon and carbon manganese steel must be stress relieved as required under Part 54 of this chapter. The procedure for stress relieving must be specially approved by the Commandant (G–MMT).

§ 154.660 Pipe welding.

(a) Pipe welding must meet Part 57 of this chapter.

(b) Longitudinal butt welds, in piping that does not meet a standard or specification under § 56.60–1 of this chapter, and girth butt welds must meet the following:

(1) Butt welds of pipes made from carbon, carbon manganese, or low alloy steels must meet § 56.50–105 of this chapter, including the requirements for post-weld heat treatment.

(2) Except for piping inside an independent cargo tank type A, B, or C, butt welds must be 100% radiographically tested if the design temperature is lower than −10° C (14° F), and—

(i) The wall thickness is greater than 10 mm (0.394 in.); or

(ii) The nominal pipe diameter is greater than 100 mm (nominal 4 in.).

(3) If Table 4 references this section, butt welds for deck cargo piping exceeding 75 mm (3 in.) in diameter must be 100% radiographically tested.

(4) Butt welds of pipes not meeting paragraph (b)(2) or (b)(3) of this section must meet the non-destructive testing requirements under Subpart 56.95 of this chapter.

§ 154.665 Welding procedures.

Welding procedure tests for cargo tanks for a design temperature colder than 0° C (32° F), process pressure vessels, and piping must meet § 54.05–15 and Subpart 57.03 of this chapter.

Cargo Pressure and Temperature Control

§ 154.701 Cargo pressure and temperature control: General.

Except as allowed under § 154.703, cargo tanks must—

(a) Have their safety relief valves set at a pressure equal to or greater than the vapor pressure of the cargo at 45° C (113° F) but not greater than the MARVS under § 154.405; or

(b) Be refrigerated by a system meeting § 154.702, and each refrigerated incompatible cargo refrigerated by a separate system.

§ 154.702 Refrigerated carriage.

(a) Each refrigeration system must—

(1) Have enough capacity to maintain the cargo vapor pressure in each cargo tank served by the system below the set pressure of the relief valves under ambient temperatures of 45° C (113° F) still air and 32° C (89.6° F) still water with the largest unit in the system inoperative; or

(2) Have a standby unit with a capacity at least equal to the capacity of the largest refrigeration unit in the system.

(b) For the purpose of this section, a "refrigeration unit" includes a compressor and its motors and controls.

(c) Each refrigeration system must—

(1) Have a heat exchanger with an excess capacity of 25 percent of the required capacity; or

(2) A standby heat exchanger.

(d) Where cooling water is used in a refrigeration system—

(1) The cooling water pump or pumps must be used exclusively for the system;

(2) Each pump must have suction lines from sea chests on the port and starboard sides of the vessel; and

(3) There must be a standby pump, that may be used for—

(i) Non-essential purposes on the vessel; or

(ii) Essential purposes on the vessel, if the pump is sized to simultaneously provide for the capacity requirements for the essential purposes and the refrigeration cooling water.

(e) Each refrigeration system must use refrigerants that are compatible with the cargo and, for cascade units, with each other.

(f) The pressure of the heat transfer fluid in each cooling coil in a tank must be greater than the pressure of the cargo.

§ 154.703 Methane(LNG).

Unless a cargo tank carrying methane (LNG) can withstand the pressure build up due to boil-off for 21 days, the pressure in the cargo tank must be maintained below the set pressure of the safety relief valve for at least 21 days by—

(a) A refrigeration system that meets § 154.702;

(b) A waste heat or catalytic furnace that burns boil-off gas, and—

(1) Maintains the stack exhaust temperature below 535°C (995°F);

(2) Exhibits no visible flame; and

(3) Is specially approved by the Commandant (G–MMT);

(c) Boilers, inert gas generators, and combustion engines in the main propelling machinery space that use boil-off gas as fuel; or

(d) Equipment for services, other than those under paragraph (c) of this section, that use boil-off gas as fuel and that are located—

(i) In the main propelling machinery space; or

(ii) a space specially approved by the Commandant (G–MMT).

§ 154.705 Cargo boil-off as fuel: general.

(a) Each cargo boil-off fuel system under § 154.703(c) must meet §§ 154.706 through 154.709.

(b) The piping in the cargo boil-off fuel system must have a connection for introducing inert gas and for gas freeing the piping in the machinery space.

(c) A gas fired main propulsion boiler or combustion engine must have a fuel oil fired pilot that maintains fuel flow as required under § 154.1854 if the gas fuel supply is cut-off.

§ 154.706 Cargo boil-off as fuel: fuel lines.

(a) Gas fuel lines must not pass through accommodation, service, or control spaces. Each gas fuel line passing through other spaces must have a master gas fuel valve and meet one of the following:

(1) The fuel line must be a double-walled piping system with the annular space containing an inert gas at a pressure greater than the fuel pressure. Visual and audible alarms must be installed at the machinery control station to indicate loss of inert gas pressure.

(2) The fuel line must be installed in a mechanically exhaust-ventilated pipe or duct, having a rate of air change of at least 30 changes per hour. The pressure in the space between the inner pipe and outer pipe or duct must be maintained at less than atmospheric pressure. Continuous gas detection must be installed to detect leaks in the ventilated space. The ventilation system must meet § 154.1205.

(b) Each double wall pipe or vent duct must terminate in the ventilation hood or casing under § 154.707(a). Continuous gas detection must be installed to indicate leaks in the hood or casing.

§ 154.707 Cargo boil-off as fuel: ventilation.

(a) A ventilation hood or casing must be installed in areas occupied by flanges, valves, and piping at the fuel burner to cause air to sweep across them and be exhausted at the top of the hood or casing.

(b) The hood or casing must be mechanically exhaust-ventilated and meet § 154.1205.

(c) The ventilated hood or casing must have an airflow rate specially approved by the Commandant.

§ 154.708 Cargo boil-off as fuel: valves.

(a) Gas fuel lines to the gas consuming equipment must have two fail-closed automatic valves in series. A third valve, designed to fail-open, must vent that portion of pipe between the two series valves to the open atomosphere.

(b) The valves under paragraph (a) of this section must be arranged so that loss of boiler forced draft, flame failure, or abnormal gas fuel supply pressure automatically causes the two series valves to close and the vent valve to open. The function of one of the series valves and the vent valve may be performed by a single three-way valve.

(c) A master gas fuel valve must be located outside the machinery space, but be operable from inside the machinery space and at the valve. The valve must automatically close when there is—

(1) A gas leak detected under § 154.706(a)(2) or § 154.706(b);

(2) Loss of the ventilation under § 154.706(a)(2) or § 154.707(c); or

(3) Loss of inert gas pressure within the double-walled piping system under § 154.706(a)(1).

§ 154.709 Cargo boil-off as fuel: gas detection equipment.

(a) The continuous gas detection system required under § 154.706(a)(2) and (b) must—

(1) Meet § 154.1350(c), (d), and (j) through (s); and

(2) Have a device that—

(i) Activates an audible and visual alarm at the machinery control station and in the wheelhouse if the methane concentration reaches 1.5 percent by volume; and

(ii) Closes the master gas fuel valve required under § 154.708(c) before the methane concentration reaches 3 percent by volume.

(b) The number and arrangement of gas sampling points must be specially approved by the Commandant (G–MMT).

Cargo Vent Systems

§ 154.801 Pressure relief systems.

(a) Each cargo tank that has a volume of 20m³ (706 ft.³) or less must have at least one pressure relief valve.

(b) Each cargo tank that has a volume of more than 20m³ (706 ft.³) must have at least two pressure relief valves of the same nominal relieving capacity.

(c) Each pressure relief valve must—

(1) Meet Subpart 162.018 of this chapter or, if the valve is also capable of vacuum relief and the MARVS is 69 kPa gauge (10 psig) or less, Subpart 162.017 of this chapter, and have at least the capacity required under § 154.806;

(2) Not be set for a higher pressure than the MARVS;

(3) Have a fitting for sealing wire that prevents the set relieving pressure from being changed without breaking the sealing wire;

(4) Be fitted on the cargo tank to remain in the vapor phase under conditions of 15° list and of 0.015 L trim by both the bow and stern;

(5) Vent to a vent mast under § 154.805, except a relief valve may vent to a common tank relief valve header if the back pressure is included in determining the required capacity under § 154.806;

(6) Not vent to a common header or common vent mast if the relief valves are connected to cargo tanks carrying chemically incompatible cargoes;

(7) Not have any stop valves or other means of isolating the cargo tank from its relief valve unless—

(i) The stop valves are interlocked or arranged so that only one pressure relief valve is out of service at any one time;

(ii) The interlock arrangement automatically shows the relief valve that is out of service; and

(iii) The other valves have the relieving capacity required under § 154.806, or all relief valves on the cargo tank are the same size and there is a spare of the same size, or there is a spare for each relief valve on a cargo tank.

(d) The pressure relief system must—

(i) If the design temperature is below 0° C (32° F), be designed to prevent the relief valve from becoming inoperative due to ice formation; and

(ii) Be designed to prevent chattering of the relief valve.

§ 154.802 Alternate pressure relief settings.

Cargo tanks with more than one relief valve setting must have one of the following arrangements:

(a) Relief valves that—

(1) Are set and sealed under § 154.801(c);

(2) Have the capacity under § 154.806; and

(3) Are interlocked so that cargo tank venting can occur at any time.

(b) Relief valves that have spacer pieces or springs that—

(1) Change the set pressure without pressure testing to verify the new setting; and

(2) Can be installed without breaking the scaling wire required under § 154.801(c)(3).

§ 154.804 Vacuum protection.

(a) Except as allowe d under paragraph (b) of this section, each cargo tank must have a vacuum protection system meeting paragraph (a)(1) of this section and either paragraph (a)(2) or (a)(3) of this section.

(1) There must be a means of testing the operation of the system.

(2) There must be a pressure switch that operates an audible and visual alarm in the cargo control station identifying the tank and the alarm condition and a remote group audible and visual alarm in the wheelhouse. Both alarms must be set at or below 80% of the maximum external design pressure differential of the cargo tanks. There must be a second, independent pressure switch that automatically shuts off all suction of cargo liquid or vapor from the cargo tank and secures any refrigeration of that tank at or below the maximum external designed pressure differential.

(3) There must be a vacuum relief valve that—

(i) Has a gas flow capacity at least equal to the maximum cargo discharge rate per tank;

(ii) Is set to open at or below the maximum external designed pressure differential; and

(iii) Admits inert gas, cargo vapor from a source other than a cargo vapor header, or air except as prohibited under § 154.1710.

(b) A vacuum protection system does not have to be installed if the cargo tank is designed to withstand—

(1) A maximum external pressure differential exceeding 24.5 kPa gauge (3.55 psig); and

(2) The maximum external pressure differential that can be obtained—

(i) At maximum discharge rates with no vapor return to the cargo tanks;

(ii) By operation of the cargo refrigeration system; or

(iii) By drawing off vapor for use in accordance with § 154.703(c)

§ 154.805 Vent masts.

Relief valves or common vent headers from relief valves must discharge to a vent mast that—

(a) Discharges vertically upward;

(b) Has a rain cap or other means of preventing the entrance of rain or snow;

(c) Has a screen with 25mm (1 inch) wire mesh or bars not more than 25mm (1 in.) apart on the discharge port;

(d) Extends at least to a height of B/3 or 6m (19.7 ft.), whichever is greater, above the weather deck and 6m (19.7 ft.) above the working level;

(e) For a cargo tank, does not exhaust cargo vapors within a radius of B or 25m (82 ft.), whichever is less, from any forced or natural ventilation intake or other opening to an accommodation, service, control station, or other gas-safe space, except that for vessels less than 90m (295 ft.) in length, shorter distances may be specially approved by the Commandant (G-MMT);

(f) For a containment system, except a cargo tank, does not exhaust vapor within a radius of 10m (32.8 ft.) or less from any forced or natural ventilation intake or other opening to an accommodation, service, control station, or other gas-safe space;

(g) Has drains to remove any liquid that may accumulate; and

(h) Prevents accumulations of liquid at the relief valves.

§ 154.806 Capacity of pressure relief valves.

Pressure relief valves for each cargo tank must have a combined relief capacity, including the effects of back pressure from vent piping, headers, and masts, to discharge the greater of the following with not more than a 20% rise in cargo tank pressure above the set pressure of the relief valves:

(a) The maximum capacity of an installed cargo tank inerting system if the maximum attainable working pressure of the cargo tank inerting system exceeds the set pressure of the relief valves.

(b) The quantity of vapors generated from fire exposure that is calculated under § 54.15-25 of this chapter.

Atmospheric Control in Cargo Containment Systems

§ 154.901 Atmospheric control within cargo tanks and cargo piping systems.

(a) Each vessel must have a piping system for purging each cargo tank and all cargo piping.

(b) The piping system must minimize the pocketing of gas or air remaining after purging.

(c) For cargo tanks certificated to carry flammable gases, the piping system must allow purging the tank of flammable vapors before air is introduced and purging the tank of air before the tank is filled with cargo.

(d) Each cargo tank must have—

(1) Gas sampling points at its top and bottom; and

(2) Gas sampling line connections that are valved and capped above the deck.

§ 154.902 Atmospheric control within hold and interbarrier spaces.

(a) Vessels certificated to carry flammable cargo in cargo containment systems with full secondary barriers must have an inert gas system or onboard storage of inert gas that provides enough inert gas to meet the requirements of § 154.1848 for 30 days consumption.

(b) Vessels certificated to carry flammable cargo in cargo containment systems with partial secondary barriers must—

(1) Have an inert gas system or onboard inert gas storage that can inert the largest hold and interbarrier space so that the oxygen concentration is 8 percent or less by volume; and

(2) Meet paragraph (a) or (c)(2) of this section.

(c) Vessels certificated to carry only nonflammable cargo in cargo containment systems with secondary barriers must—

(1) Meet paragraph (a) of this section; or

(2) Have air drying systems that reduce the dewpoint of air admitted to hold or interbarrier spaces below the temperature of any surface in those spaces or −45° C (−49° F), whichever is warmer.

(d) Vessels with refrigerated independent tanks type C must have inert gas or air drying systems that reduce the dewpoint of any inert gas or air admitted to the hold spaces below the temperature of any surface in those spaces or −45° C (−49° F), whichever is warmer.

§ 154.903 Inert gas systems: general.

(a) Inert gas carried or generated to meet §§ 154.901, 154.902, and 154.1848 must be non-flammable and non-reactive with the cargoes that the vessel is certificated to carry and the materials of construction of the cargo tanks, hold and interbarrier spaces, and insulation.

(b) The boiling point and dewpoint at atmospheric pressure of the inert gas must be below the temperature of any surface in those spaces or −45° C (−49° F), whichever is warmer.

(c) For the temperatures and pressures at which the gas is stored and used, storage vessels and inert gas piping must meet §§ 154.450 and 154.500 respectively.

§ 154.904 Inert gas system: controls.

The inert gas system must have—

(a) At least one check valve in the cargo area to prevent the back flow of cargo vapor into the inert gas system, or another means specially approved by the Commandant (G–MMT);

(b) If the inert gas system is in the machinery space or another space outside the cargo area, a second check valve in the cargo area meeting paragraph (a) of this section;

(c) Automatic and manual inert gas pressure controls; and

(d) Valves to isolate each inerted space.

§ 154.906 Inert gas generators.

The inert gas generator must—

(a) Produce an inert gas containing less than 5% oxygen by volume;

(b) Have a device to continuously sample the discharge of the generator for oxygen content; and

(c) Have an audible and visual alarm in the cargo control station that alarms when the inert gas contains 5% or more oxygen by volume.

§ 154.908 Inert gas generator: location.

(a) Except as allowed in paragraph (b) of this section, an inert gas generator must be located in the main machinery space or a space that is not in the cargo area and does not have direct access to any accommodation, service, or control space.

(b) An inert gas generator that does not use flame burning equipment may be located in the cargo area if specially approved by the Commandant (G–MMT).

§ 154.910 Inert gas piping: location.

Inert gas piping must not pass through or terminate in an accommodation, service, or control space.

§ 154.912 Inerted spaces: relief devices.

Inerted spaces must be fitted with relief valves, rupture discs, or other devices specially approved by the Commandant (G–MMT).

Electrical

§ 154.1000 Applicability.

Sections 154.1005 through 154.1020 apply to flammable cargo and ammonia carriers.

§ 154.1002 Definition.

For the purposes of §§ 154.1005 through 154.1020, "gas-dangerous" does not include the weather deck of an ammonia carrier.

§ 154.1005 Equipment approval.

(a) Electrical equipment that is required to be intrinsically safe or explosion proof under § 154.1010 must be specially approved by the Commandant or listed as intrinsically safe or explosion proof by an independent laboratory that is specially approved by the Commandant (G–MMT), for Class I Division I locations and the Group that is specified in Table 4 for the cargo carried.

(b) Each submerged cargo pump motor installation must be specially approved by the Commandant (G–MMT).

(c) Electrical equipment that must be intrinsically safe to meet § 154.1010 must meet the definition in § 110.15–100(i) of this chapter.

(d) Electrical equipment that must be explosion proof to meet § 154.1010 must meet § 110.15–65(e) of this chapter.

§ 154.1010 Electrical equipment in gas-dangerous space or zone.

(a) Except as allowed in this section, electrical equipment must not be installed in a gas-dangerous space or zone.

(b) Intrinsically safe electrical equipment and wiring may be in a gas-dangerous space or zone.

(c) A submerged cargo pump motor may be in a cargo tank if—

(1) Low liquid level, motor current, or pump discharge pressure automatically shuts down power to the pump motor if the pump loses suction;

(2) There is an audible and visual alarm at the cargo control station that actuates if the motor shuts down under the requirements of paragraph (c)(1) of this section; and

(3) There is a lockable circuit breaker or lockable switch that disconnects the power to the motor.

(d) A supply cable for a submerged cargo pump motor may be in a hold space.

(e) A hold space that has a tank that is not required to have a secondary barrier under § 154.459 may only have—

(1) Through runs of cable;

(2) Explosion-proof lighting fixtures;

(3) Depth sounding devices in gas-tight enclosures;

(4) Log devices in gas-tight enclosures; and

(5) Impressed current cathodic protection system electrodes in gas-tight enclosures.

(f) A space that is separated by a gastight steel boundary from a hold space that has a cargo tank that must have a secondary barrier, under the requirements of § 154.459, may only have—

(1) Through runs of cable;

(2) Explosion-proof lighting fixtures;

(3) Depth sounding devices in gastight enclosures;

(4) Log devices in gastight enclosures;

(5) Impressed current cathodic protection system electrodes in gastight enclosures;

(6) Explosion-proof motors that operate cargo system valves or ballast system valves; and

(7) Explosion-proof bells for general alarm systems.

(g) A cargo handling room may only have—

(1) Explosion-proof lighting fixtures; and

(2) Explosion-proof bells for general alarm systems.

(h) A space for cargo hose storage may only have—

(1) Explosion-proof lighting fixtures; and

(2) Through runs of cable.

(i) A space that has cargo piping may only have—

(1) Explosion-proof lighting fixtures; and

(2) Through runs of cable.

(j) A gas-dangerous zone on the weather deck may only have—

(1) Explosion-proof equipment that is for the operation of the vessel; and

(2) Through runs of cable.

(k) A space, except those under paragraphs (e) through (j) of this section, that has a direct opening to a gas-dangerous space or zone may only have the electrical equipment allowed in the gas-dangerous space or zone.

§ 154.1015 Lighting in gas-dangerous space.

(a) Each gas-dangerous space that has lighting fixtures must have at least two branch circuits for lighting.

(b) Each switch and each overcurrent protective device for any lighting circuit that is in a gas-dangerous space must open each conductor of the circuit simultaneously.

(c) Each switch and each overcurrent protective device for lighting in a gas-dangerous space must be in a gas-safe space.

§ 154.1020 Emergency power.

The emergency generator must be designed to allow operation at the final angle of heel under § 154.230(a).

Firefighting

Firefighting System: Exterior Water Spray

§ 154.1105 Exterior water spray system: General.

Each liquefied flammable gas vessel and each liquefied toxic gas vessel must have an exterior water spray system that meets §§ 154.1110 through 154.1135.

§ 154.1110 Areas protected by system.

Each water spray system must protect—

(a) All cargo tank surfaces that are not covered by the vessel's hull structure or a steel cover;

9(b) Each cargo tank dome;

(c) Each on-deck storage vessel for flammable or toxic liquefied gases;

(d) Each cargo discharge and loading manifold;

(e) Each quick-closing valve under §§ 154.530, 154.532, and 154.538, and other control valves essential to cargo flow;

(f) Each boundary facing the cargo area of each superstructure that contains accommodation, service, or control spaces;

(g) Each boundary facing the cargo area of each deckhouse that contains accommodation, service, or control spaces; and

(h) Each boundary of each deckhouse that is within the cargo area and that is manned during navigation of the vessel or during cargo transfer operations, except the deckhouse roof if it is 2.4 m (7.9 ft.) or higher above the cargo containing structure.

§ 154.1115 Discharge.

(a) The discharge density of each water spray system must be at least—

(1) 10000 cm^3/m^2/min. (0.25 gpm/$ft.^2$) over each horizontal surface; and

(2) 4000 cm^3/m^2/min. (0.10 gpm/$ft.^2$) against vertical surface, including the water rundown.

(b) The water spray protection under § 154.1110 (d) and (e) must cover an area in a horizontal plane extending at least 0.5 m (19 in.) in each direction from the pipes, fittings, and valves, or the area of the drip tray, whichever is greater.

§ 154.1120 Nozzles.

(a) Nozzles for the water spray system must be spaced to provide the minimum discharge density under § 154.1115 in each part of the protected area.

(b) The vertical distance between water spray nozzles for the protection of vertical surfaces must be 3.7 m (12 ft.) or less.

§ 154.1125 Pipes, fittings, and valves.

(a) Each pipe, fitting, and valve for each water spray system must meet part 56 of this chapter.

(b) Each water spray main that protects more than one area listed in § 154.1110 must have at least one isolation valve at each branch connection and at least one isolation valve downstream of each branch connection to isolate damaged sections.

(c) Each valved cross-connection from the water spray system to the fire main must be outside of the cargo area.

(d) Each pipe, fitting, and valve for the water spray system must be made of fire resistant and corrosion resistant materials, such as galvanized steel or galvanized iron pipe.

(e) Each water spray system must have a means of drainage to prevent corrosion of the system and freezing of accumulated water in subfreezing temperatures.

(f) Each water spray system must have a dirt strainer that is located at the water spray system manifold or pump.

§ 154.1130 Sections.

(a) If a water spray system is divided into sections, each section must at least include the entire deck area bounded by the length of a cargo tank and the full beam of the vessel.

(b) If a water spray system is divided into sections, the control valves must be at a single manifold that is aft of the cargo area.

§ 154.1135 Pumps.

(a) Water to the water spray system must be supplied by—

(1) A pump that is only for the use of the system;

(2) A fire pump; or

(3) A pump specially approved by the Commandant (G–MMT).

(b) Operation of a water spray system must not interfere with simultaneous operation of the fire main system at its required capacity. There must be a valved cross-connection between the two systems.

(c) Except as allowed under pararaph (d) of this section, each pump for each water spray system must have the capacity to simultaneously supply all areas named in § 154.1110.

(d) If the water spray system is divided into sections, the pump under paragraph (a) of this section must have the capacity to simultaneously supply the required discharge density under § 154.1115(a) for—

(1) The areas in §§ 154.1110(f) through (h) and 154.1115(b); and

(2) The largest section that includes the required protection under § 154.1110 (a), (b), and (c).

Firefighting System: Dry Chemical

§ 154.1140 Dry chemical system: General.

Each liquefied flammable gas carrier must have a dry chemical firefighting system that meets §§ 154.1145 through 154.1170, Part 56 and Subpart 162.039 of this chapter.

§ 154.1145 Dry chemical supply.

(a) A vessel with a cargo carrying capacity less that 1000 m^3 (35,300 $ft.^3$) must have at least one self-contained dry chemical storage unit for the cargo area with an independent inert gas pressurizing source adjacent to each unit.

(b) A vessel with a cargo carrying capacity of 1000 m^3 (35,300 $ft.^3$) or more must have at least two self-contained dry chemical storage units for the cargo area with an independent inert gas pressurizing source adjacent to each unit.

(c) A vessel with bow and stern loading and discharge areas must have at least one self-contained dry chemical storage unit with an independent inert gas pressurizing source adjacent to the unit for each area.

(d) Each dry chemical storage unit and associated piping must be designed for—

(1) Sequential discharge of each hose line and each monitor for 45 seconds; and

(2) Simultaneous discharge of all hose lines and monitors for 45 seconds.

(e) Each fully charged dry chemical storage unit must have the greater of the following:

(1) Enough dry chemical to provide for sequential discharge of each attached hose and monitor for 45 seconds.

(2) Enough dry chemical to provide for simultaneous discharge of all attached hoses and monitors for 45 seconds.

§ 154.1150 Distribution of dry chemical.

(a) All locations on the above deck cargo area and the cargo piping outside that cargo area must be protected by—

(1) At least two dry chemical hand hose lines; or

(2) At least one dry chemical hand hose line and one dry chemical monitor.

(b) At least one dry chemical storage unit and hand hose line or monitor must be at the after end of the cargo areas.

(c) Each cargo loading and discharge manifold must be protected by at least one dry chemical monitor.

§ 154.1155 Hand hose line coverage.

The coverage for the area for a hand hose line under § 154.1150 must not exceed the length of the hand hose line except the coverage for the protection of areas that are inaccessible to personnel must not exceed one-half the projection of the hose at its rated discharge, or 10 m (32.8 ft.), whichever is less.

§ 154.1160 Monitor coverage of system.

The coverage of each dry chemical system monitor under § 154.1150 must not exceed—

(a) 10 m (32.8 ft.) at 10 kg/sec (22 lb/sec);

(b) 30 m (98.4 ft.) at 25 kg/sec (55 lb/sec);

(c) 40 m (131.2 ft.) at 45 kg/sec (99 lb/sec);

(d) An interpolation between 10 m (32.8 ft.) at 10 kg/sec (22 lb/sec) and 30 m (98.4 ft.) at 25 kg/sec (55 lb/sec); or

(e) An interpolation between 30 m (98.4 ft.) at 25 kg/sec (55 lb/sec) and 40 m (131.2 ft.) at 45 kg/sec (99 lb/sec).

§ 154.1165 Controls.

(a) Each dry chemical hand hose line must be one that can be actuated at its hose reel or hose storage cabinet.

(b) Each dry chemical monitor must be one that can be actuated and controlled at the monitor.

(c) A dry chemical monitor for the cargo loading and discharging manifold areas must be one that can be—

(1) Actuated from a location other than the monitor and manifold area; and

(2) Except for pre-aimed monitors, controlled from a location other than the monitor and manifold area.

(d) Each dry chemical storage unit must have independent piping with a stop valve in the piping for each remote hand hose line and remote monitor where the piping connects to the storage container, if the unit has—

(1) More than one hand hose line;

(2) More than one monitor; or

(3) A combination of hand hose lines and monitors.

(e) Each stop valve under paragraph (d) of the section must be capable of—

(1) Manual operation; and

(2) Being opened from the hose reel or monitor to which it is connected.

(f) Damage to any dry chemical system hose, monitor, pipe or control circuits must not prevent the operation of other hoses, monitors, or control circuit that are connected to the same storage unit.

§ 154.1170 Hand hose line: General.

Each dry chemical hand hose line must—

(a) Not be longer than 33m (108 ft.);

(b) Be stored on a hose reel or in a hose cabinet and be one that is operable whether or not it is unwound from a hose reel or removed from a hose cabinet;

(c) Be non-kinkable;

(d) Have a nozzle with a valve to start and stop the flow of chemical;

(e) Have a capacity of at least 3.5 kg/sec (7.7 lb./sec); and

(f) Be one that can be operated by one person.

Cargo Area: Mechanical Ventilation System

§ 154.1200 Mechanical ventilation system: General.

(a) Each cargo compressor room, pump room, gas-dangerous cargo control station, and space that contains cargo handling equipment must have a fixed, exhaust-type mechanical ventilation system.

(b) The following must have a supply-type mechanical ventilation system:

(1) Each space that contains electric motors for cargo handling equipment.

(2) Each gas-safe cargo control station in the cargo area.

(3) Each gas-safe space in the cargo area.

(4) Each space that contains inert gas generators, except main machinery spaces.

§ 154.1205 Mechanical ventilation system: Standards.

(a) Each exhaust type mechanical ventilation system required under § 154.1200 (a) must have ducts for vapors from the following:

(1) The deck level.

(2) Bilges.

(3) If the vapors are lighter than air, the top of each space that personnel enter during cargo handling operations.

(b) The discharge end of each duct under paragraph (a) of this section must be at least 10 m (32.8 ft.) from ventilation intakes and openings to accomodation, service, control station, and other gas-safe spaces.

(c) Each ventilation system under §§ 154.1200(a) and (b)(1) must change the air in that space and its adjoining trunks at least 30 times each hour.

(d) Each ventilation system for a gas-safe cargo control station in the cargo area must change the air in that space at least eight times each hour.

(e) A ventilation system must not recycle vapor from ventilation discharges.

(f) Each mechanical ventilation system must have its operational controls outside the ventilated space.

(g) No ventilation duct for a gas-dangerous space may pass through any machinery, accomodation, service, or control space, except as allowed under § 154.703.

(h) Each electric motor that drives a ventilation fan must not be within the ducts for any space that may contain flammable cargo vapors.

(i) Ventilation impellers and the housing in way of those impellers on a flammable cargo carrier must meet one of the following:

(1) The impeller, housing, or both made of non-metallic material that does not generate static electricity.

(2) The impeller and housing made of non-ferrous material.

(3) The impeller and housing made of austenitic stainless steel.

(4) The impeller and housing made of ferrous material with at least 13mm (0.512 in.) tip clearance.

(j) No ventilation fan may have any combination of fixed or rotating components made of an aluminum or magnesium alloy and ferrous fixed or rotating components.

(k) Each ventilation intake and exhaust must have a protective metal screen of not more than 13mm (0.512 in.) square mesh.

§ 154.1210 Hold space, void space, cofferdam, and spaces containing cargo piping.

(a) Each hold space, void space, cofferdam, and spaces containing cargo piping must have—

(1) A fixed mechanical ventilation system; or

(2) A fixed ducting system that has a portable blower that meets § 154.1205(i) and (j).

(b) A portable blower in any personnel access opening must not reduce the area of that opening so that the opening does not meet § 154.340.

Instrumentation

§ 154.1300 Liquid level gauging system: General.

(a) If Table 4 lists a closed gauge for a cargo, the liquid level gauging system under § 154.1305 must be closed gauges that do not have any opening through which cargo liquid or vapor could escape, such as an ultrasonic device, float type device, electronic or magnetic probe, or bubble tube indicator.

(b) If Table 4 lists a restricted gauge for a cargo, the liquid level gauging system under § 154.1305 must be closed gauges that meet paragraph (a) of this section or restricted gauges that do not vent the cargo tank's vapor space, such as a fixed tube, slip tube, or rotary tube.

§ 154.1305 Liquid level gauging system: Standards.

(a) Each cargo tank must have at least one liquid level gauging system that is operable—

(1) At pressure up to, and including, the MARVS of the tank; and

(2) At temperatures that are within the cargo handling temperature range for all cargoes carried.

(b) Unless the cargo tank has one liquid gauging system that can be repaired and maintained when the tank contains cargo, each cargo tank must have at least two liquid level gauging systems that meet paragraph (a) of this section.

(c) Each liquid level gauging system must measure liquid levels from 400 mm (16 in.) or less from the lowest point in the cargo tank, except collection wells, to 100 percent full.

§ 154.1310 Closed gauge shut-off valve.

Each closed gauge that is not mounted directly on the cargo tank must have a shut-off valve that is as close to the tank as practical.

§ 154.1315 Restricted gauge excess flow valve.

Each restricted gauge that penetrates a cargo tank must have an excess flow valve unless the gauge meets § 154.536.

§ 154.1320 Sighting ports, tubular gauge glasses, and flat plate type gauge glasses.

(a) Cargo tanks may have sighting ports as a secondary means of liquid level gauging in addition to the gauges under § 154.1305, if—

(1) The tank has a MARVS that is less than 69 kPa gauge (10 psig);

(2) The port has a protective cover and an internal scale; and

(3) The port is above the liquid level.

(b) Tubular gauge glasses must not be liquid level gauges for cargo tanks.

(c) Plate type gauge glasses must not be liquid level gauges for cargo tanks, except deck tanks if the gauge connections have excess flow valves.

§154.1325 Liquid level alarm system: All cargo tanks.

Except as allowed under § 154.1330, each cargo tank must have a high liquid level alarm system that—

(a) Is independent of the liquid level gauging system under § 154.1305;

(b) Actuates quick-closing valves under §§ 154.530, 154.532, and 154,538 or a stop valve in the cargo tank loading line to prevent the tank from becoming 100 percent liquid full and without causing the pressure in the loading lines to exceed the design pressure; and

(c) Actuates an audible and visual alarm at the cargo control station at the liquid level at which the valves under paragraph (b) of this section are actuated or at some lower liquid level.

§ 154.1330 Liquid level alarm system: Independent tank type C.

Independent tanks type C need not have the high liquid level alarm system under § 154.1325 if—

(a) The tank volume is less than 200 m^3 (7,060 $ft.^3$); or

(b) The tank can withstand the maximum possible pressure during loading, that pressure is below the relief valve setting, and overflow of the tank cannot occur.

§ 154.1335 Pressure and vacuum protection.

(a) Each cargo tank must have the following:

(1) A pressure gauge that—

(i) Monitors the vapor space;

(ii) Is readable at the tank; and

(iii) Has remote readouts at the cargo control station.

(2) If vacuum protection is required under § 154.804, a vacuum gauge meeting paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(iii) of this section.

(b) The vessel must have at least one high pressure alarm that—

(1) Actuates before the pressure in any cargo tank exceeds the maximum pressure specially approved by the Commandant (G–MMT); and

(2) Actuates an audible and visual alarm at the cargo control station, and a remote group alarm in the wheelhouse.

(c) If vacuum protection is required under § 154.804, the vessel must have at least one low pressure alarm that—

(1) Actuates before the pressure in any cargo tank falls below the minimum pressure specially approved by the Commandant (G–MMT); and

(2) Actuates an audible and visual alarm at the cargo control station, and a remote group alarm in the wheelhouse.

(d) At least one pressure gauge must be fitted on each—

(1) Enclosed hold;

(2) Enclosed interbarrier space;

(3) Cargo pump discharge line;

(4) Liquid cargo manifold; and

(5) Vapor cargo manifold.

(e) There must be a local manifold pressure gauge between each manifold stop valve and each hose connection to the shore.

§ 154.1340 Temperature measuring devices.

(a) Each cargo tank must have devices that measure the temperature—

(1) At the bottom of the tank; and

(2) Near the top of the tank and below the maximum liquid level allowed under § 154.1844.

(b) Each device required by paragraph (a) must have a readout at the cargo control station.

(c) Except for independent tanks type C, each cargo containment system for a design temperature colder than −55° C (−67° F) must have temperature measuring devices that meet the following:

(1) The number and location of the devices must be specially approved by the Commandant(G–MMT).

(2) The devices must be within the cargo tank's insulation or on the adjacent hull structure.

(3) Each device must show the temperature continuously or at regular intervals of one hour or less.

(4) Each device must actuate an audible and visual alarm at the cargo control station and a remote group alarm in the wheelhouse before the temperature of the steel of the adjacent hull structure is cooled below the lowest temperature allowed for the steel under § 154.172.

(d) For each cargo tank with a design temperature colder than −55° C (−676° F), the number and arrangement of the devices that show the temperature of the tank during cool down procedures must be specially approved by the Commandant (G–MMT).

§ 154.1345 Gas detection.

(a) Each vessel carrying a cargo that is designated with an "I" or "I and T" in Table 4 must have—

(1) A fixed flammable gas detection system that meets § 154.1350; and

(2) Two portable gas detectors that can each measure 0 to 100% of the lower flammable limit of the cargo carried.

(b) Each vessel carrying a cargo that is designated with a "T" or "I and T" in Table 4 must have—

(1) Two portable gas detectors that show if the concentration of cargo is above or below the threshold limit value listed in 29 CFR 1910.1000 for that cargo; and

(2) Fixed gas sampling tubes in each hold space and interbarrier space with—

(i) The number of tubes specially approved by the Commandant (G-MMT);

(ii) Each tube valved and capped above the main deck unless it is connected to a fixed toxic gas detector;

(iii) If the vessel carries cargo that is heavier than the atmosphere of the space, each tube's open end in the lower part of the space;

(iv) If the vessel carries cargo that is lighter than the atmosphere of the space, each tube's open end in the upper part of the space;

(v) If the vessel carries cargo that is heavier than the atmosphere of the space and another cargo that is lighter than the atmosphere of the space, tubes with their open ends in the lower part of the space and tubes with their open ends in the upper part of the space; and

(vi) If the vessel carries cargo that can be both heavier and lighter than the atmosphere of the space, tubes with their open ends in the lower part of the space and tubes with their open ends in the upper part of the space.

(c) A vessel that carries methyl bromide or sulfur dioxide must have a fixed gas detection system that is not located in a gas-safe space.

(d) A vessel that carries sulfur dioxide must have a fixed gas detection system that meets § 154.1350 except paragraph (j).

(e) Each alarm under § 154.1350(e) on a vessel that carries methyl bromide or sulfur dioxide must be set at or below the threshold limit value listed in 29 CFR 1910.1000 for the cargo carried.

§ 154.1350 Flammable gas detection system.

(a) The vessel must have a fixed flammable gas detection system that has sampling points in—

(1) Each cargo pump room;

(2) Each cargo compressor room;

(3) Each motor room for cargo handling machinery;

(4) Each cargo control station that is not gas-safe;

(5) Each hold space, interbarrier space, and other enclosed spaces, except fuel oil or ballast tanks, in the cargo area, unless the vessel has independent tanks type C; and

(6) Each space between the doors of an air lock under § 154.345.

(b) The sampling points under paragraph (a) of this section must meet § 154.1345(b)(2) (iii) through (vi).

(c) Gas sampling lines for the flammable gas detection system must not pass through any gas-safe space, except the gas-safe space in which the gas detection equipment is located.

(d) Gas detection systems must have a readout with meters that show flammable gas concentration over the concentration or volume ranges under paragraph (t) or (u) of this section.

(e) Each flammable gas detection system must have audible and visual alarms that are actuated at a cargo concentration that is 30% or less of the lower flammable limit in air of the cargo carried.

(f) Each flammable gas detection system must have an audible and visual alarm for power failure and loss of gas sampling flow.

(g) The alarms under paragraphs (e) and (f) of this section must signal in the space where the gas detection system's readout is located and must meet § 154.1365.

(h) Remote group alarms, that indicate that one of the alarm conditions under paragraphs (e) and (f) of this section exists, must meet § 154.1365 and must be in each wheelhouse and in each cargo control station if the gas detection system's readout is not located in those spaces.

(i) Each flammable gas detection system must monitor each sampling point at 30 minute or shorter intervals.

(j) Electrical equipment for each flammable gas detection system that is in a gas-dangerous space or area must meet §§ 154.1000 through 154.1015.

(k) Each flammable gas detection system must have enough flame arrestors for all gas sampling lines to prevent flame propagation to the spaces served by the system through the sampling lines.

(l) Each flammable gas detection system must have a filter that removes particulate matter in each gas sampling line.

(m) Each filter under paragraph (l) of this section must be located where it can be removed during vessel operation, unless it can be freed by back pressure.

(n) Each flammable gas detection system in a gas-safe space must—

(1) Have a shut-off valve in each sampling line from an enclosed space, such as a hold or interbarrier space; and

(2) Exhaust gas to a safe location in the open atmosphere and away from all ignition sources.

(o) Each flammable gas detection system must not have common sampling lines, except sampling lines may be manifolded at the gas detector location if each line has an automatic valve that prevents cross-communication between sampling points.

(p) Each flammable gas detection system must have at least one connection for injecting zero gas and span gas into the system for testing and calibration.

(q) Each flammable gas detection system must have span gas for testing and calibration that is of known concentration.

(r) The calibration test procedure and type and concentration of span gas under paragraph (q) of this section must be on or in each gas analyzer cabinet.

(s) Each flammable gas detection system must have at least one flow meter capable of measuring the flow to the gas analyzer, and must provide a means for ensuring that there is a positive flow in the right direction in each sampling line at all times.

(t) Each flammable gas detection system must measure gas concentrations that—

(1) Are at least 0% through 200% of the alarm concentration; and

(2) Allow calibration of the equipment with span gas.

(u) In each hold and each interbarrier space that contains tanks other than independent tanks type A, B, or C, the flammable gas detection system must measure cargo concentrations of 0 to 100% by volume with—

(1) An analyzer other than the one under paragraph (t) of this section; or

(2) The analyzer under paragraph (t) of this section with a scale switch that automatically returns the analyzer to the concentration range under paragraph (t) of this section when released.

§ 154.1360 Oxygen analyzer.

The vessel must have a portable analyzer that measures oxygen levels in an inert atmosphere.

§ 154.1365 Audible and visual alarms.

(a) Each audible alarm must have an arrangement that allows it to be turned off after sounding. For remote group alarms this arrangement must not interrupt the alarm's actuation by other faults.

(b) Each visual alarm must be one that can be turned off only after the fault that actuated it is corrected.

(c) Each visual alarm must be marked to show the type and, except for remote group alarms, the location of each fault that actuates it.

(d) Each vessel must have means for testing each alarm.

§ 154.1370 Pressure gauge and vacuum gauge marking.

Each pressure gauge and vacuum gauge under § 154.1335(a) must be marked with the maximum and minimum pressures that are specified on the vessel's certificate for the cargo carried.

§ 154.1375 Readout for temperature measuring device: Marking.

Each readout under § 154.1340 for a device that measures temperature in a cargo tank must be marked with the design temperature specified for the cargo tank on the vessel's certificate.

Safety Equipment

§ 154.1400 Safety equipment: All vessels.

(a) Instead of the equipment under § 35.30–20 of this chapter, a vessel of less than 25,000 m^3 cargo capacity must have the following personnel safety equipment:

(1) Six self-contained, pressure-demand-type, air-breathing apparatus approved by the Mining Enforcement and Safety Administration (MESA) or the National Institute for Occupational Safety and Health (NIOSH), each having at least a 30 minute capacity.

(2) Nine spare bottles of air for the self-contained air-breathing apparatus, each having at least a 30 minute capacity.

(3) Six steel-cored lifelines.

(4) Six three-cell, explosion proof flashlights with the Underwriters' Laboratories, Inc., label for Class I Division 1 and the Electrical Hazard Group listed in Table 4 for each cargo carried.

(5) Three fire axes.

(6) Six helmets that meet ANSI Safety Requirements for Industrial Head Protection, Z–89.1 (1969).

(7) Six sets of boots and gloves that are made of rubber or other electrically non-conductive material.

(8) Six sets of goggles that meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z–87.1 (1968).

(9) Three outfits that protect the skin from scalding steam and the heat of a fire, and that have a water resistant outer surface.

(10) Three chemical protective outfits that protect the wearers from the particular personnel hazards presented by the cargo vapor.

(b) Instead of the equipment under § 35.30–20 of this chapter, a vessel of 25,000 m^3 cargo capacity or more must have the following personnel safety equipment:

(1) Eight self-contained, pressure-demand-type, air-breathing apparatus approved by the Mining Enforcement and Safety Administration (MESA) or the National Institute for Occupational Safety and Health (NIOSH), each having at least a 30 minute capacity.

(2) Nine spare bottles of air for the self-contained air-breathing apparatus, each having at least a 30 minute capacity.

(3) Eight steel-cored lifelines.

(4) Eight three-cell, explosion proof flashlights with the Underwriters' Laboratories, Inc., label for Class I Division 1 and the Electrical Hazard Group listed in Table 4 for each cargo carried.

(5) Five fire axes.

(6) Eight helmets that meet ANSI Safety Requirements for Industrial Head Protection, Z–89.1 (1969).

(7) Eight sets of boots and gloves that are made of rubber or other electrically non-conductive material.

(8) Eight sets of goggles that meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z–87.1 (1968).

(9) Five outfits that protect the skin from scalding steam and the heat of a fire, and that have a water resistant outer surface.

(10) Three chemical protective outfits that protect the wearers from the particular personnel hazards presented by the cargo vapor.

(c) When Table 4 references this section, a vessel carrying the listed cargo must have the following additional personnel protection equipment:

(1) Three self-contained, pressure-demand-type, air-breathing apparatus approved by the Mining Enforcement and Safety Administration (MESA) or the National Institute for Occupational Safety and Health (NIOSH), each having at least a 30 minute capacity.

(2) Nine spare bottles of air for the self-contained air-breathing apparatus, each having at least a 30 minute capacity.

(3) Three steel-cored lifelines.

(4) Three three-cell, explosion proof flashlights with the Underwriters' Laboratories, Inc., label for Class I Division 1 and the Electrical Hazard Group listed in Table 4 for each cargo carried.

(5) Three helmets that meet ANSI Safety Requirements for Industrial Head Protection, Z–89.1 (1969).

(6) Three sets of boots and gloves that are made of rubber or other electrically non-conductive material.

(7) Three sets of goggles that meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z–87.1 (1968).

(8) Three chemical protective outfits that protect the wearers from the particular personnel hazards presented by the cargo vapor.

§ 154.1405 Respiratory protection.

When Table 4 references this section, a vessel carrying the listed cargo must have—

(a) Respiratory protection equipment for each person on board that protects the person from the cargo vapor for at least 5 minutes; and

(b) Two additional sets of respiratory protection equipment that—

(1) Are stowed in the wheelhouse; and

(2) Protects the wearer from the cargo vapor for at least 5 minutes.

§ 154.1410 Decontamination shower.

When Table 4 references this section, a vessel carrying the listed cargo must have a decontamination shower and an eye wash that—

(a) Are on the weatherdeck; and

(b) Have their location marked EMERGENCY SHOWER in letters—

(1) 7.6 cm (3 in.) high; and

(2) 5.1 cm (2 in.) wide.

§ 154.1415 Air compressor.

Each vessel must have an air compressor to recharge the bottles for the air-breathing apparatus.

§ 154.1420 Stretchers and equipment.

Each vessel must have—

(a) Two stretchers or wire baskets; and

(b) Equipment for lifting an injured person from a cargo tank, hold, or void space.

§ 154.1430 Equipment locker.

One of each item of equipment under §§ 154.1400 and 154.1420 must be stowed in a marked locker—

(a) On the open deck in or adjacent to the cargo area; or

(b) In the accommodation house, near to a door that opens onto the main deck.

§ 154.1435 Medical first aid guide.

Each vessel must have a copy of the *IMCO Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*, printed by IMCO, London, U.K.

§ 154.1440 Antidotes.

Each vessel must have the antidotes prescribed in the *IMCO Medical First Aid Guide for Use in Accidents Involving Dangerous Goods*, printed by IMCO, London, U.K. for the cargoes being carried.

§ 154.1445 Lifesaving devices.

The design of the lifeboats and liferafts must allow for launching at the final angle of heel from the lower side of the vessel.

Subpart D—Special Design and Operating Requirements

§ 154.1700 Purpose.

This subpart prescribes design and operating requirements that are unique for certain cargoes regulated by this part.

§ 154.1702 Materials of construction.

When Table 4 references one of the following paragraphs in this section, the materials in the referenced paragraph must not be in components that contact the cargo liquid or vapor:

(a) Aluminum and aluminum bearing alloys.

(b) Copper and copper bearing alloys.

(c) Zinc or galvanized steel.

(d) Magnesium.

(e) Mercury.

(f) Acetylide forming materials, such as copper, silver, and mercury.

§ 154.1705 Independent tank type C.

The following cargoes must be carried in an independent tank type C that meets § 154.701(a):

(a) Ethylene oxide.

(b) Methyl bromide.

(c) Sulfur dioxide.

§ 154.1710 Exclusion of air from cargo tank vapor spaces.

When a vessel is carrying acetaldehyde, butadiene, ethylene oxide, or vinyl chloride, the master shall ensure that air is—

(a) Purged from the cargo tanks and associated piping before the cargo is loaded; and

(b) Excluded after the cargo is loaded by maintaining a positive pressure of at least 13.8 kPa gauge (2 psig) by—

(1) Introducing a gas that—

(i) Is not reactive;

(ii) Is not flammable; and

(iii) Does not contain more than 0.2% oxygen by volume; or

(2) Controlling the cargo temperature.

§ 154.1715 Moisture control.

When a vessel is carrying sulfur dioxide, the master shall ensure that—

(a) A cargo tank is dry before it is loaded with sulfur dioxide; and

(b) Air or inert gas admitted into a cargo tank carrying sulfur dioxide during discharging or tank breathing has a moisture content equal to or less than the moisture content of air with a dewpoint of −45° C (−49° F) at atmospheric pressure.

§ 154.1720 Indirect refrigeration.

A refrigeration system that is used to cool acetaldehyde, ethylene oxide, or methyl bromide, must be an indirect refrigeration system that does not use vapor compression.

§ 154.1725 Ethylene oxide.

(a) A vessel carrying ethylene oxide must—

(1) Have cargo piping, vent piping, and refrigeration equipment that have no connections to other systems;

(2) Have valves, flanges, fittings, and accessory equipment made of steel, stainless steel, except types 416 and 442, or other material specially approved by the Commandant (G–MHM);

(3) Have valve disk faces, and other wearing parts of valves made of stainless steel containing not less than 11% chromium;

(4) Have gaskets constructed of spirally wound stainless steel with teflon or other material specially approved by the Commandant (G–MHM);

(5) Not have asbestos, rubber, or cast iron components in the cargo containment system and piping;

(6) Not have threaded joints in cargo piping;

(7) Have a water spray system under § 154.1105 that protects the above deck cargo piping; and

(8) Have a nitrogen inerting system or on board nitrogen gas storage that can inert the vapor space of an ethylene oxide cargo tank for a period of 30 days under the condition of paragraph (e) of this section.

(b) Cargo hose used for ethylene oxide must—

(1) Be specially approved by the Commandant (G–MMT); and

(2) Be marked "For (Alkylene or Ethylene) Oxide Transfer Only."

(c) Ethylene oxide must be maintained at less than 30°C (86° F).

(d) Cargo tank relief valves for tanks containing ethylene oxide must be set at 539 kPa gauge (78.2 psig) or higher.

(e) The vapor space of a cargo tank carrying ethylene oxide must be maintained at a nitrogen concentration of 45% by volume.

(f) A vessel must have a method for jettisoning ethylene oxide that meets §§ 154.356 and 154.1872.

§ 154.1730 Ethylene oxide: Loading and off loading.

(a) The master shall ensure that before ethylene oxide is loaded into a cargo tank—

(1) The tank is thoroughly clean, dry, and free of rust;

(2) The hold spaces are inerted with an inert gas that meets § 154.1710(b)(1); and

(3) The cargo tank vapor space is inerted with nitrogen.

(b) Ethylene oxide must be off loaded by a deepwell pump or inert gas displacement.

(c) Ethylene oxide must not be carried in deck tanks.

§154.1735 Methyl acetylene-propadiene mixture.

(a) The composition of the methyl acetylene-propadiene mixture at loading must be within the following limits or specially approved by the Commandant (G–MHM):

(1) One composition is—

(i) Maximum methyl acetylene and propadiene molar ratio of 3 to 1;

(ii) Maximum combined concentration of methyl acetylene and propadiene of 65 mole percent;

(iii) Minimum combined concentration of propane, butane, and isobutane of 24 mole percent, of which at least one-third (on a molar basis) must be butanes and one-third propane; and

(iv) Maximum combined concentration of propylene and butadiene of 10 mole percent.

(2) A second composition is—

(i) Maximum methyl acetylene and propadiene combined concentration of 30 mole percent;

(ii) Maximum methyl acetylene concentration of 20 mole percent;

(iii) Maximum propadiene concentration of 20 mole percent;

(iv) Maximum propylene concentration of 45 mole percent;

(v) Maximum butadiene and butylenes combined concentration of 2 mole percent;

(vi) A minimum saturated C_4 hydrocarbon concentration of 4 mole percent; and

(vii) A minimum propane concentration of 25 mole percent.

(b) A vessel carrying a methyl acetylene-propadiene mixture must have a refrigeration system without vapor compression or have a refrigeration system with the following features:

(1) A vapor compressor that does not raise the temperature and pressure of the vapor above 60°C (140°F) and 1.72 MPa gauge (250 psig) during its operation and that does not allow vapor to stagnate in the compressor while it continues to run.

(2) Discharge piping from each compressor stage or each cylinder in the same stage of a reciprocating compressor that has—

(i) Two temperature actuated shutdown switches set to operate at 60° C (140° F) or less;

(ii) A pressure actuated shutdown switch set to operate at 1.72 MPa guage (250 psig) or less; and

(iii) A safety relief valve set to relieve 1.77 MPa guage (256 psig) or less.

(3) A relief valve that vents to a mast meeting § 154.805 and that does not relieve into the compressor suction line.

(4) An alarm that sounds in the cargo control station and in the wheelhouse when any of the high pressure or high temperature switches under paragraphs (b)(2)(i) and (b)(2)(ii) of this section operate.

(c) A vessel carrying a methyl acetylene-propadiene mixture must have separate cargo piping, vent piping, and refrigeration equipment for methyl acetylene-propadiene that are segregated from other cargo piping, vent piping and refrigeration equipment on the vessel.

§ 154.1740 Vinyl chloride: Inhibiting and inerting.

When a vessel is carrying vinyl chloride, the master shall ensure that—

(a) Section 154.1818 is met; or

(b) Section 154.1710 is met, and the oxygen content of inert gas is less than 0.1% by volume.

§ 154.1745 Vinyl chloride: Transferring operations.

A vessel carrying vinyl chloride must meet § 40.15–1 of this chapter.

§ 154.1750 Butadiene or vinyl chloride: Refrigeration system.

A refrigeration system for butadiene or vinyl chloride must not use vapor compression unless it—

(a) Avoids any stagnation points where uninhibited liquid can accumulate; or

(b) Has inhibited liquid from the cargo tank added to the vapor upstream of the condenser.

§ 154.1755 Nitrogen.

Except for deck tanks and their piping systems, cargo containment systems and piping systems carrying nitrogen must be specially approved by the Commandant (G–MMT).

§ 154.1760 Liquid ammonia.

The master shall ensure that no person sprays liquid ammonia into a cargo tank containing more than 8% oxygen by volume.

Subpart E—Operations

§ 154.1800 Special operating requirements under Part 35 of this chapter.

Each vessel must meet the requirements of Part 35 of this chapter except § 35.30–20.

§ 154.1801 Certificates, letters, and endorsements: U.S. flag vessels.

No person may operate a U.S. flag vessel unless the vessel has a Certificate of Inspection, issued under Subchapter D of this chapter, which is endorsed with the name of the cargo that it is allowed to carry.

§ 154.1802 Certificates, letters and endorsements: Foreign flag vessels.

(a) No person may operate on the navigable waters of the United States a foreign flag vessel, whose flag administration issues IMCO Certificates, unless the vessel has—

(1) An IMCO Certificate issued by the flag administration which is endorsed with the name of the cargo that it is allowed to carry, and a Letter of Compliance issued by the Coast Guard endorsed under this part with the name of the cargo that it is allowed to carry; or

(2) Special approval under §§ 154.12 or 154.153.

(b) No person may operate on the navigable waters of the United States a foreign flag vessel, whose flag administration does not issue IMCO Certificates, unless the vessel has—

(1) A Letter of Compliance issued by the Coast Guard endorsed under this part with the name of the cargo that is allowed to carry; or

(2) Special approval under §§ 154.12 or 154.153.

(c) No person may operate on the navigable waters of the United States a foreign flag vessel unless the vessel has onboard the following plans and information which except for the certificates under paragraph (c)(1), are in English:

(1) The vessel's Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate issued under the International Convention for Safety of Life at Sea, 1960.

(2) A description and schematic plan of the arrangement for inerting cargo tanks, hold spaces, and interbarrier spaces.

(3) A description of the cargo tank gauging equipment.

(4) A description and instruction manual for the calibration of the cargo leak detector equipment.

(5) A schematic plan that shows the locations of leak detectors and sampling points.

(6) If the vessel carries methane, a description of the systems for cargo temperature and pressure control. (See §§ 154.703 through 154.709).

§ 154.1803 Expiration of letters of compliance.

A Letter of Compliance is valid for a period not exceeding two years after the date of the examination under § 154.150. The Coast Guard marks the expiration date on the Letter of Compliance.

§ 154.1804 Document posted in wheelhouse.

No person may operate a U.S. flag vessel unless the documents under § 154.1801 are under glass in a conspicuous place in the wheelhouse.

§ 154.1806 Regulations on board.

No person may operate a U.S. flag vessel unless a copy of this part and a copy of Part 35 of this chapter are on board.

§ 154.1808 Limitations in the endorsement.

No person may operate a vessel unless that person complies with all limitations in the endorsement on the vessel's Certificate of Inspection or Letter of Compliance.

§ 154.1809 Loading and stability manual.

(a) No person may operate a vessel unless that vessel has on board a loading and stability manual.

(b) The loading and stability manual must contain—

(1) Information that enables the master to load and ballast the vessel while keeping structural stresses within design limits and positive metacentric height;

(2) Damage stability information, including all loading restrictions; and

(3) Trim information.

§ 154.1810 Cargo manual.

(a) No person may operate a foreign flag vessel, whose flag administration does not issue IMCO Certificates, on the navigable waters of the United States, or a U.S. flag vessel, unless the vessel has on board a cargo manual containing the information:

(1) A description of each cargo carried, its handling hazards as a liquid or as a gas including frostbite or asphyxiation, its safety equipment and necessary first aid measures required by this part.

(2) A description of the dangers of asphyxiation from the inerting gases used on the vessel.

(3) The measures that mitigate embrittlement of steel structure in way of cargo leakage.

(4) The use of the firefighting systems on the vessel.

(5) The features of the cargo containment system that affect its operation and maintenance, including pressure and temperature ranges and relief valve settings.

(6) Pressures, temperatures, and liquid levels for all operations.

(7) General information derived from the first loading of the vessel.

(8) Alarm settings.

(9) Descriptions of the components of the cargo system, including the following:

(i) Liquid cargo system.

(ii) Liquid recirculating or condensate return system.

(iii) Cargo tank cool-down system.

(iv) Cargo tank warm-up or vaporization system.

(v) Gas main system.

(vi) Cargo tank or compressor relief system and blocked liquid or gas relief system.

(vii) Inerting system.

(viii) Boil-off gas compressor or reliquefaction system.

(ix) Gas detection systems.

(x) Alarm or safety indication systems.

(xi) Cargo jettisoning system.

(xii) The system for using boil-off gas as fuel.

(10) A description of cargo loading and discharge operations, including simultaneous handling of multigrades of cargo and ballast.

(11) A description of cargo operations during the voyage.

(12) A description of cargo tank cool-down and warm-up operations including purging with inert gas and air.

(13) A description of hull and cargo tank temperature monitoring systems.

(14) A description of gas detection systems and alarm or safety systems.

(15) A description of the following conditions and their symptoms, including emergency measures and corrective actions:

(i) Cargo or ballast valve malfunction.

(ii) Low cargo tank gas pressure.

(iii) High fill level shutdown.

(iv) Gas compressor shutdown.

(v) Hull cold spots.

(vi) Cargo piping leaks.

(vii) Primary or secondary barrier failure.

(viii) Hold boundary structural failure.

(ix) Fire in vent mast head.

(x) Reliquefaction plant failure.

(xi) Vaporizer malfunction or failure.

(xii) Piping or cargo valve freeze-up.

(16) Any other matters relating to operation of the cargo systems.

(17) The operational means to maintain the vessel in a condition of positive stability in accordance with the loading and stability manual under § 154.1809 through all conditions of—

(i) Loading and deballasting; and

(ii) Unloading and ballasting.

(b) The master shall ensure that the cargo manual is kept up-to-date.

§ 154.1812 Operational information for terminal personnel.

The master shall ensure that terminal personnel are told the operational information required by § 154.1810(a)(17).

§ 154.1814 Cargo information cards.

(a) No person may operate a vessel unless a cargo information card for each cargo being transported is carried either in the wheelhouse, in the ship's office, or in another location easily accessible to the person in charge of the watch.

(b) When a vessel is moored at a terminal, the master shall ensure that a set of information cards is in the possession of the terminal's person in charge of cargo transfer operations.

(c) Each card must be at least 17 cm x 24 cm (6¾ in. x 9½ in.), have printing on one side only, and must contain the following information about the cargo:

(1) Name as listed in Table 4.

(2) Appearance.

(3) Odor.

(4) Safe handling procedures, including special handling instructions, and handling hazards.

(5) Procedures to follow in the event of spills, leaks, or uncontrolled cargo release.

(6) Procedures to be followed if a person is exposed to the cargo.

(7) Firefighting procedures and materials.

§ 154.1816 Cargo location plan.

The master shall ensure that—

(a) A cargo location plan is prepared that gives—

(1) The location and number of each cargo tank; and

(2) The name of the cargo in each tank;

(b) One cargo location plan is kept with the sets of cargo information cards required under § 154.1814; and

(c) The cargo names in the cargo location plan do not differ from the names of the cargoes listed in Table 4.

§ 154.1818 Certification of inhibition.

(a) Except as provided in § 154.1740(b), no person may operate a vessel carrying butadiene or vinyl chloride without carrying in the wheelhouse written certification from the shipper that the product is inhibited.

(b) The certification required by this section must contain the following information:

(1) The name and concentration of the inhibitor.

(2) The date the inhibitor was added.

(3) The expected duration of the inhibitor's effectiveness.

(4) Any temperature limitations qualifying the inhibitor's effective lifetime.

(5) The action to be taken if the time of the voyage exceeds the inhibitor's lifetime.

§ 154.1820 Shipping document.

No person may operate a vessel without carrying a shipping document in the wheelhoue that lists for each cargo on board—

(a) The cargo tank in which the cargo is stowed;

(b) The name of the shipper;

(c) The location of the loading terminal;

(d) The cargo name as listed in Table 4; and

(e) The approximate quantity of the cargo.

§ 154.1822 Shipping document: copy for transfer terminal.

While a vessel is moored at a transfer terminal, the master shall ensure that at least one copy of the shipping document is given to the terminal's person in charge of cargo transfer.

§ 154.1824 Obstruction of pumproom ladderways.

The master shall ensure that each cargo pumproom access is unobstructed.

§ 154.1826 Opening of cargo tanks and cargo sampling.

(a) The master shall ensure that each cargo tank opening is fully closed at all times.

(b) The master may authorize the opening of a cargo tank—

(1) During tank cleaning; and

(2) To sample a cargo that Table 4 allows to be carried in a containment system having a restricted gauging system if—

(i) The cargo tank is not being filled during sampling;

(ii) The vent system has relieved any pressure in the tank; and

(iii) The person sampling the cargo wears protective clothing.

(c) The master shall ensure that cargoes requiring closed gauging as listed in Table 4 are sampled only through the controlled sampling arrangement of the cargo tank.

§ 154.1828 Spaces containing cargo vapor: entry.

(a) No person may enter a cargo handling space without the permission of the master or without following a safety procedure established by the master.

(b) Before allowing anyone to enter a cargo handling space, the master shall ensure that—

(1) The space is free of toxic vapors and has an oxygen concentration of at least 19.5 percent oxygen by volume; or

(2) Those entering the space wear protective equipment with breathing apparatus and an officer closely supervises the entire operation in the space.

§ 154.1830 Warning sign.

(a) The master shall ensure that a vessel transferring cargo, while fast to a dock or while at anchor in port, displays a warning sign—

(1) At the gangway facing the shore so that the sign may be seen from the shore; and

(2) Facing outboard towards the water so that the sign may be seen from the water.

(b) Except as provided in paragraph (e) of this section, each warning sign must have the following words:

(1) Warning.

(2) Dangerous Cargo.

(3) No Visitors.

(4) No Smoking.

(5) No Open Lights.

(c) Each letter in the words on the sign must—

(1) Be block style;

(2) Be black on a white background;

(3) Be 7.6 cm (3 in.) high;

(4) Be 5.1 cm (2 in.) wide, except for "M" and "W" which must be 7.6 cm (3 in.) wide, and the letter "I" which may be 1.3 cm (½ in.) wide; and

(5) Have 1.3 cm (½ in.) stroke width.

(d) The spacing between letters must be—

(1) 1.3 cm (½ in.) between letters of the same word on the sign;

(2) 5.1 cm (2 in.) between words;

(3) 5.1 cm (2 in.) between lines; and

(4) 5.1 cm (2 in.) at the borders of the sign.

(e) The words "No Smoking" and "No Open Lights" may be omitted when the cargoes on board a vessel are not flammable.

(f) When a vessel carries or transfers vinyl chloride, the warning sign under paragraph (b) of this section must also have the words "Cancer Suspect Agent."

§ 154.1831 Person in charge of cargo transfer.

Before cargo transfer operations are started, the master shall designate the person in charge of cargo transfer.

§ 154.1832 Incompatible cargo.

(a) The person in charge of cargo transfer may not authorize the loading of incompatible[5] cargoes into cargo containment systems unless the cargo containment systems are separated by—

(1) Cofferdams, other than the spaces between primary and secondary barriers;

(2) Empty tanks;

(3) Tanks containing mutually compatible cargo; or

(4) Piping tunnels.

(b) The person in charge of cargo transfer may not authorize loading of incompatible [5] cargoes into cargo containment systems that have common piping or venting systems.

(c) The person in charge of cargo transfer may not authorize the loading into a tank of a cargo that is incompatible [5] with residue left in the tank from a previous cargo.

§ 154.1834 Cargo transfer piping.

The person in charge of cargo transfer shall ensure that cargo is transferred to or from a cargo tank only through the cargo piping system.

§ 154.1836 Vapor venting as a means of cargo tank pressure and temperature control.

When the vessel is on the navigable waters of the United States, the master shall ensure that the cargo pressure and temperature control system under §§ 154.701 through 154.709 is operating and that venting of cargo is unnecessary to maintain cargo temperature and pressure control, except under emergency conditions.

§ 154.1838 Discharge by gas pressurization.

The person in charge of cargo transfer may not authorize cargo discharge by gas pressurization unless—

(a) The tank to be offloaded is an independent tank type B or C;

(b) The pressurizing medium is the cargo vapor or a nonflammable, nontoxic gas that is inert with the cargo; and

(c) The pressurizing line has—

(1) A pressure reducing valve that has a setting that is 90 percent or less of the tank's relief valve setting; and

(2) A manual control valve between the pressure reducing valve and the tank.

§ 154.1840 Protective clothing.

The person in charge of cargo transfer shall ensure that each person involved in a cargo transfer operation, except those assigned to gas-safe cargo control rooms, wears protective clothing.

§ 154.1842 Cargo system: controls and alarms.

The master shall ensure that the cargo emergency shut-down system and the alarms under § 154.1325 are tested and working before cargo is transferred.

§ 154.1844 Cargo tanks: filling limits.

(a) Unless a higher limit is specified on the certificate the master shall ensure that a cargo tank is not loaded—

(1) More than 98 percent liquid full; or

(2) In excess of the volume determined under the following formula:

$$V_L = (0.98\ V)\left(\frac{d_r}{d_L}\right)$$

where:

V_L = maximum volume to which the tank may be loaded;

V = volume of the tank;

d_r = density at the reference temperature specified in paragraph (b) of this section; and

d_L = density of the cargo at the loading temperature and pressure.

(b) The reference temperature to be used in paragraph (a)(2) of this section is the temperature corresponding to the vapor pressure of the cargo at the set pressure of the pressure relief valves.

§ 154.1846 Relief valves: changing set pressure.

The master shall—

(a) Supervise the changing of the set pressure of relief valves under § 154.802(b);

(b) Enter the change of set pressure in the vessel's log; and

(c) Ensure that a sign showing the set pressure is posted—

(1) In the cargo control room or station; and

(2) At each relief valve.

§ 154.1848 Inerting.

(a) The master shall ensure that—

(1) Hold and interbarrier spaces on a vessel with full secondary barriers are inerted so that the oxygen concentration is 8 percent or less by volume when flammable cargoes are carried;

[5] Incompatible cargoes are listed in the compatibility guide entitled *Bulk Liquid Cargoes: Guide to Compatibility of Chemicals*. This circular is available from the Commandant (G-MHM-3/83), U.S. Coast Guard, Washington, D.C. 20590.

(2) Hold and interbarrier spaces contain only dry air or inert gas on—

(i) A vessel with partial secondary barriers;

(ii) A vessel with full secondary barriers when non-flammable cargoes are carried; and

(iii) A vessel with refrigerated independent tanks type C;

(3) When cargo tanks containing flammable vapor are to be gas freed, the flammable vapors are purged from the tank by inert gas before air is admitted; and

(4) When gas free cargo tanks are to be filled with a flammable cargo, air is purged from the tank by inert gas until the oxygen concentration in the tank is 8 percent or less by volume before cargo liquid or vapor is introduced.

(b) Inert gas must be supplied from the shore or from the vessel's inert gas system.

§ 154.1850 Entering cargo handling spaces.

(a) The master shall ensure that the ventilation system under § 154.1200 is in operation for 30 minutes before a person enters one of the following:

(1) Spaces containing cargo pumps, compressors, and compressor motors.

(2) Gas-dangerous cargo control spaces.

(3) Other spaces containing cargo handling equipment.

(b) The master shall ensure that a warning sign listing the requirement for use of the ventilation system, is posted outside of each space under paragraph (a) of this section.

(c) The master shall ensure that no sources of ignition are put in a cargo handling space on a vessel carrying flammable cargo unless the space is gas free.

§ 154.1852 Air breathing equipment.

(a) The master shall ensure that a licensed officer inspects the compressed air breathing equipment at least once each month.

(b) The master shall enter in the vessel's log a record of the inspection required under paragraph (a) of this section that includes—

(1) The date of the inspection; and

(2) The condition of the equipment at the time of the inspection.

§ 154.1854 Methane (LNG) as fuel.

(a) If methane (LNG) vapors are used as fuel in the main propulsion system of a vessel, the master shall ensure that the fuel oil fired pilot under § 154.705(c) is used when the vessel is on the navigable waters of the United States.

(b) When the methane (LNG) fuel supply is shut down due to loss of ventilation or detection of gas, the master shall ensure that the methane (LNG) fuel supply is not used until the leak or other cause of the shutdown is found and corrected.

(c) The master shall ensure that the required procedure under paragraph (b) of this section is posted in the main machinery space.

(d) The master shall ensure that the oxygen concentration in the annular space of the fuel line under § 154.706(a)(1) is 8% or less by volume before methane (LNG) vapors are admitted to the fuel line.

§ 154.1858 Cargo hose.

The person in charge of cargo transfer shall ensure that cargo hose used for cargo transfer service meets §§ 154.552 through 154.562.

§ 154.1860 Integral tanks: cargo colder than −10° C (14° F).

The master shall ensure that an integral tank does not carry a cargo colder than −10° C (14° F) unless that carriage is specially approved by the Commandant (G–MMT).

§ 154.1862 Posting of speed reduction.

If a speed reduction is specially approved by the Commandant under § 154.409, the master shall ensure that the speed reduction is posted in the wheelhouse.

§ 154.1864 Vessel speed within speed reduction.

The master shall ensure that the speed of the vessel is not greater than the posted speed reduction.

§ 154.1866 Cargo hose connection: Transferring cargo.

No person may transfer cargo through a cargo hose connection unless the connection has the remotely controlled quick closing shut off valve required under § 154.538.

§ 154.1868 Portable blowers in personnel access openings.

The master shall ensure that a portable blower in a personnel access opening does not reduce the area of the opening so that it does not meet § 154.340.

§ 154.1870 Bow and stern loading.

(a) When the bow or stern loading piping is not in use, the master shall lock closed the shut-off valves under § 154.355(a)(4) or remove the spool piece under § 154.355(a)(4).

(b) The person in charge of cargo transfer shall ensure that after the bow or stern loading piping is used it is purged of cargo vapors with inert gas.

(c) The person in charge of cargo transfer shall ensure that entrances, forced or natural ventilation intakes, exhausts, and other openings to any deck house alongside the bow or stern loading piping are closed when this piping is in use.

(d) The person in charge of cargo transfer shall ensure that bow or stern loading piping installed in the area of the accommodation, service, or control space is not used for transfer of the following:

(1) Acetaldehyde.
(2) Ammonia, anhydrous.
(3) Dimethylamine.
(4) Ethylamine.
(5) Ethyl Chloride.
(6) Methyl Chloride.
(7) Vinyl Chloride.

§ 154.1872 Cargo emergency jettisoning.

(a) The master shall ensure that emergency jettisoning piping under § 154.356, except bow and stern loading and discharging piping, is only used when an emergency exists.

(b) Emergency jettisoning piping when being used may be outside of the transverse tank location under § 154.310.

(c) The master shall ensure that cargo is not jettisoned in a U.S. port.

(d) When ethylene oxide is carried, the master shall ensure that the emergency jettisoning piping with associated pumps and fittings is on-line and ready for use for an emergency.

(e) The master shall lock closed the shut-off valves under § 154.356 when the emergency jettisoning piping is not in use.

(f) The person in charge of cargo transfer shall ensure that after the emergency jettisoning piping is used it is purged of cargo vapors with inert gas.

(g) The person in charge of cargo transfer shall ensure that entrances, forced or natural ventilation intakes, exhausts, and other openings to accommodation, service, or control spaces facing the emergency jettisoning piping area and alongside the emergency jettisoning piping are closed when this piping is in use.

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Table 4 - Summary of Minimum Requirements

CARGO NAME	SHIP TYPE	INDEPENDENT TANK TYPE C REQUIRED	CONTROL OF CARGO TANK VAPOR SPACE	VAPOR DETECTION (2)	GAUGING (3)	ELECTRICAL HAZARD CLASS AND GROUP	SPECIAL REQUIREMENTS		
ACETALDEHYDE	IIG/ IIPG	-	Inert	I & T	C	I - C	154.1400 (c) 154.1410	154.1710 154.1720	154.1870
AMMONIA, ANHYDROUS	IIG/ IIPG	-	-	T	C	I - D	154.1000 154.1400 (c)	154.1405 154.1410	154.1702 (b), (c),(e) 154.1760 154.1870
BUTADIENE	IIG/ IIPG	-	Inert	I	R	I - B	154.1702 (b), (d),(f) 154.1710	154.1750 154.1818	
BUTANE	IIG/ IIPG	-	-	I	R	I - D	NONE		
BUTYLENE	IIG/ IIPG	-	-	I	R	I - D	NONE		
DIMETHYLAMINE	IIG/ IIPG	-	-	I & T	C	I - C	154.1400 (c) 154.1405	154.1410 154.1702 (b), (c), (e)	154.1870
ETHANE	IIG	-	-	I	R	I - D	NONE		
ETHYLAMINE	IIG/ IIPG	-	-	I & T	C	I - C	154.1400 (c) 154.1405	154.1410 154.1702 (b), (c), (e)	154.1870
ETHYL CHLORIDE	IIG/ IIPG	-	-	I & T	R	I - D	154.1870		
ETHYLENE	IIG	-	-	I	R	I - C	NONE		

CARGO NAME	SHIP TYPE	INDEPENDENT TANK TYPE C REQUIRED	CONTROL OF CARGO TANK VAPOR SPACE	VAPOR DETECTION (2)	GAUGING (3)	ELECTRICAL HAZARD CLASS AND GROUP	SPECIAL REQUIREMENTS			
ETHYLENE OXIDE	IG	Yes	Inert	I & T	C	I - B	154.660(b)(3) 154.1400(c) 154.1405	154.1410 154.1702 (b), (d),(f) 154.1705	154.1710 154. 1720 154.1725	154.1730 154.1870(a),
METHANE (LNG)	IIG	-	-	I	C	I - D	154.703 through 154.709 154.1854			
METHYL ACETY-LENE-PROPADIENE MIXTURE	IIG/ IIPG	-	-	I	R	I	154.1735			
METHYL BROMIDE	IG	Yes	-	I & T	C	I - D	154.660 (b)(3) 154.1345 (c)(d) 154.1400 (c)	154.1405 154.1410 154.1702(a),(d)	154.1705 154.1720 154.1870(a), (b)	
METHYL CHLORIDE	IIG/ IIPG	-	-	I & T	C	I - D	154.1702 (a) 154.1870			
NITROGEN	IIIG	-	-	O	C	-	154.1755			
PROPANE	IIG/ IIPG	-	-	I	R	I - D	NONE			
PROPYLENE	IIG/ IIPG	-	-	I	R	I - D	NONE			
REFRIGERANT	IIIG	-	-	-	R	-	NONE			

CARGO NAME	SHIP TYPE	INDEPENDENT TANK TYPE C REQUIRED	CONTROL OF CARGO TANK VAPOR SPACE	VAPOR DETECTION (2)	GAUGING (3)	ELECTRICAL HAZARD CLASS AND GROUP	SPECIAL REQUIREMENTS		
SULFUR DIOXIDE	IG	Yes	Dry	T	C	-	154.660 (b)(3) 154.1345 (c), (d) 154.1400 (c)	154.1405 154.1410 154.1705	154.1715 154.1720 154.1870(a), (b)
VINYL CHLORIDE	IIG/ IIPG	-	-	I & T	C	I - D	154.1405 154.1410 154.1702(a)(b)(d)(f)	154.1710 154.1740 154.1745	154.1750 154.1818 154.1830 (f) 154.1870

(1) Refrigerant gases include non-toxic, non-flammable gases such as:

dichlorodifluoromethane
dichloromonofluoromethane
dichlorotetrafluoroethane
monochlorodifluoromethane
monochlorotetrafluoroethane
monochlorotrifluoromethane

(2) As used in this column:
"I" stands for flammable vapor detection
"T" stands for toxic vapor detection
"O" stands for oxygen detection
See §§ 154.1345 thru 154.1360

(3) As used in this column:
"C" stands for closed gauging

"R" stands for restricted gauging
See § 154.1300

(4) The designations used in this column are from the National Electrical Code.

Appendix A—Equivalent Stress

I. Equivalent stress (σc) is calculated by the following formula or another formula specially approved by the Commandant (G–MMT) as equivalent to the following:

$$\sigma_c = \sqrt{\sigma_x^2 + \sigma_y^2 - \sigma_x\sigma_y + 3\tau_{xy}^2}$$

Where:

σ_x = total normal stress in "x" direction.

σ_y = total normal stress in "y" direction.

τ_{xy} = total shear stress in "xy" plane.

II. When the static and dynamic stresses are calculated separately, the total stresses in paragraph I are calculated from the following formulae or another formulae specially approved by the Commandant (G–MMT) as equivalent to the following:

$$\sigma_x = \sigma_{x(\text{static})} \pm \sqrt{\Sigma(\sigma_{x(\text{dynamic})})^2}$$

$$\sigma_y = \sigma_{y(\text{static})} \pm \sqrt{\Sigma(\sigma_{y(\text{dynamic})})^2}$$

$$\tau_{xy} = \tau_{xy(\text{static})} \pm \sqrt{\Sigma(\tau_{xy(\text{dynamic})})^2}$$

III. Each dynamic and static stress is determined from its acceleration component and its hull strain component from hull deflection and torsion.

Appendix B—Stress Analyses Definitions

The following are the standard definitions of stresses for the analysis of an independent tank type B:

"Normal stress" means the component of stress normal to the plane of reference.

"Membrane stress" means the component of normal stress that is uniformly distributed and equal to the average value of the stress across the thickness of the section under consideration.

"Bending stress" means the variable stress across the thickness of the section under consideration, after the subtraction of the membrane stress.

"Shear stress" means the component of the stress acting in the plane of reference.

"Primary stress" means the stress produced by the imposed loading that is necessary to balance the external forces and moments. (The basic characteristic of a primary stress is that it is not self-limiting. Primary stresses that considerably exceed the yield strength result in failure or at least in gross deformations.)

"Primary general membrane stress" means the primary membrane stress that is so distributed in the structure that no redistribution of load occurs as a result of yielding.

"Primary local membrane stress" means the resulting stress from both a membrane stress, caused by pressure or other mechanical loading, and a primary or a discontinuity effect that produces excessive distortion in the transfer of loads to other portions of the structure. (The resulting stress is a primary local membrane stress although it has some characteristics of a secondary stress.) A stress region is local if—

$$S_1 \leq 0.5\sqrt{Rt}; \text{ and}$$

$$S_2 \leq 2.5\sqrt{Rt}$$

Where:

S_1 = distance in the meridional direction over which the equivalent stress exceeds 1.1 f.

S_2 = distance in the meridional direction to another region where the limits for primary general membrane stress are exceeded.

R = mean radius of the vessel.

t = wall thickness of the vessel at the location where the primary general membrane stress limit is exceeded.

f = allowable primary general membrane stress.

"Secondary stress" means a normal stress or shear stress caused by constraints of adjacent parts or by self-constraint of a structure. The basic characteristic of a secondary stress is that it is self-limiting. Local yielding and minor distortions can satisfy the conditions that cause the stress to occur.

(92 Stat. 1480 (Port and Tanker Safety Act of 1978, 46 U.S.C. 391a); 49 CFR 1.46(n)(4))

Dated: April 25, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[CGD 74–289]

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Part III

Department of Transportation

Urban Mass Transportation Administration

Reporting Requirements for Urbanized Areas

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 630

Reporting Requirements for Urbanized Areas

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Final rule.

SUMMARY: These amendments make changes to the reporting requirements for urbanized areas for data necessary to administer the Section 5 program (Section 5 of the Urban Mass Transportation Act of 1964, as amended). These amendments are based on comments received on a previously published emergency regulation. These amendments will clarify the requirements, and answer questions raised by the comments.

EFFECTIVE DATE: April 27, 1979.

FOR FURTHER INFORMATION CONTACT: Peter Benjamin, Director of Program Analysis, Urban Mass Transportation Administration, 400–7th Street, S.W., Washington, D.C. 20590, Phone 202–472–2435.

SUPPLEMENTARY INFORMATION: On December 18, 1978, UMTA published emergency regulations and requested comments on the regulations (43 FR 58928). Interested parties were given until February 18, 1979, to submit comments. A total of nineteen written comments were received. These comments, along with UMTA's responses, are discussed below.

Under Executive Order 12044, and the DOT Order implementing it, (44 FR 11034), these regulations are not considered significant:

Since these amendments make minor changes to the previously published regulations based on the comments received, and the expected impact is minimal, no regulatory evaluation has been prepared.

Since these amendments clarify the existing regulations and are based on comments received, it is in the public interest that they be made effective immediately.

Discussion of Comments

Several comments were received regarding the means of allocation of commuter rail route and train mileage between urbanized areas sharing the same service. The allocation method used involved assigning those mileages within urbanized areas to those urbanized areas, and allocating the mileages in non-urbanized areas between two urbanized areas to the urbanized areas according to the relative degree of financial support provided for the service by each.

Many of the comments received objected to this approach, on the grounds that it does not recognize existing funding agreements for the support of such service. The regulations, it was argued, are especially unfair where there are substantial differences between the amounts of route and train miles that would be allocated to various urbanized areas and the amount of funding support for the service attributed to or provided by them. Further, it was requested that UMTA clarify the method of allocation of commuter rail route and train miles for that portion of a commuter rail line, serving more than one urbanized area, that extends beyond the outermost area.

UMTA agrees with the comments, and the allocation procedure for commuter rail route miles and train miles is being altered.

Under the new procedure, the total mileage attributable to the service is to be divided among all the urbanized areas served according to the relative amounts of financial support provided by each urbanized area for the service, without regard to the mileages within the urbanized areas themselves or the number of urbanized areas served. This new procedure will require the resubmittal of commuter rail route mileage and train mileage data by those multiple urbanized areas served by the same commuter rail service. In order to provide for the earliest possible calculation of apportionments of the commuter rail funds under Section 5(a)(3)(A) of the Urban Mass Transportation Act as amended, these data must be submitted to the UMTA Regional Offices by June 4, 1979, and the audit of these data must be submitted to the UMTA Regional Offices by August 6, 1979. The resubmitted data must be in the same format as that submitted previously, and must include the names of the other urbanized areas with which the commuter rail service is shared. Other details of the reporting procedure are unchanged.

Comments were received requesting that UMTA relax the definition of fixed guideway, so that light rail service operating in shared rights-of-way on streets would qualify for inclusion in the fixed guideway route mileage data.

The definition of fixed guideway contained in Section 12(c)(2) of the Urban Mass Transportation Act, as amended is quite restrictive in this regard. It clearly states that fixed guideway "means any public transportation facility which utilizes and occupies a separate right-of-way for the exclusive use of public transportation service * * *" Light rail service operating in a shared right-of-way on streets clearly does not fit this description, and therefore UMTA is unable to allow its inclusion in the fixed guideway route mileage data. However, UMTA recognizes the problems caused by this wording, and has requested a legislative modification to the definition.

A comment was received requesting that UMTA relax the restrictions on the degree of separation necessary for bus lanes to qualify for inclusion in the fixed guideway route mileage data. The regulations as currently worded exclude busway lanes separated from conventional roadway lanes by painted markings and insubstantial barriers such as traffic cones. To qualify for inclusion, busway lanes must be permanently and physically separated from conventional roadway lanes. Specifically, it was requested that UMTA allow contraflow bus lanes, separated from mixed traffic by signs, flashing lights and painted lines, to be included in the fixed guideway route mileage figures.

Referring again to the definition of fixed guideway in the Urban Mass Transportation Act as amended, the requirement is for the guideway to be a separate right-of-way for the exclusive use of public transportation service. The Act further states that this includes "exclusive facilities for buses * * *" It is UMTA's interpretation that the wording of the Act intends a substantial degree of physical separation between bus lanes and conventional lanes for the bus lanes to qualify for inclusion. Funds under Section 5(a)(3)(A)(ii) of the Act are authorized to be apportioned on the basis of fixed guideway route mileage, not transit route mileage in general. The intent of the Act is to provide extra support for operations on, and the maintenance of separate, exclusive transit facilities. In effect, it is providing additional support for those communities willing to undertake significant commitments in the establishment of separate transit rights-of-way. Although the establishment of special bus lanes on conventional streets by the use of painted lines, lights, and signs does represent a significant step toward the provision of improved transit service, it does not constitute a sufficient commitment to qualify for the funds authorized by Section 5(a)(3)(A)(ii) of the Act.

Comments were received stating that the requirement for an audit of the fixed guideway and commuter rail data is

impractical, because of the difficulty in finding qualified firms capable of and willing to perform the necessary audit. It was requested that UMTA remove this requirement.

UMTA established the requirement for an audit for two reasons: to provide a check of procedural and mathematical accuracy of the data submitted; and to obtain an independent verification of the veracity of these data which will be used for the purpose of apportioning Federal funds. It has been learned that a number of the urbanized areas reporting fixed guideway and commuter rail data have been able to arrange for an audit of the data, and in fact one such audit has been completed and received by UMTA. Therefore, in view of these facts, there appears to be no compelling reason for relaxing the audit requirement.

Comments were received regarding the interpretation of the term "route mile". Specifically, objections were raised over the fact that a group of contiguous tracks are considered to constitute a single "route" for the purpose of calculating route miles, and that separately numbered or labelled transit routes travelling over the same or contiguous track are not considered separately.

The term "route mile" is distinct from the term "track mile" or "lane mile", and is intended to apply to a group of tracks or guideway lanes that are contiguous or coincident. Further, it is not intended to apply to individual transit service routes separately identified by number or letter.

Comments were received noting that some bus systems alter their route structure throughout the year according to the season, and that the requirement to report their route miles of service as of the last day of their fiscal year could result in a misleading figure. It was requested that instead UMTA allow the reporting of a figure that was more representative of the year-round route mileage.

UMTA agrees with this request. In those cases where the route structure undergoes changes during the year, an additional option for reporting route mileage is suggested. The respondent may either:

a. Report the route mileage in effect at the end of the operator's data collection period, as originally called for, or

b. Calculate the average route mileage for the year by determining the product of the route mileage and the period of time it existed for each different route structure occurring during the operator's data collection period, summing these, and dividing by the total amount of time in the operator's data collection period.

Comments were received suggesting the inclusion of ridership indicators in the bus data submitted, in order that any proposed fund allocation mechanism resulting from the study required under Section 319(a) of the Surface Transportation Assistance Act of 1978 would reflect actual ridership levels.

The schedule established for the study by the legislation is such that only data currently available can be utilized, and ridership data of a sufficient level of accuracy has heretofore not been collected on a widespread scale. Although it is now being collected as part of the Section 15 reporting requirements, the first full submission of Section 15 reports will not be completed in time for the completion of this study. Furthermore, ridership data would be impractical to use as a parameter for the apportionment of Federal funds due to the difficulty of verifying their accuracy. The ridership data being reported under Section 15 are generally obtained by sampling procedures, and this does not yield sufficient accuracy in this regard and, further, is subject to manipulation. The difficulties in obtaining verifiable ridership data are overwhelming.

Clarification was requested for two of the data elements required in the bus data submittal. Specifically, the question was raised as to which operator was referred to when reporting "year acquired by operator" and over what time period was the "total mileage" to be collected, in part "A. Bus Fleet Age Distribution" of Attachment 1 to Appendix "B". The operator currently possessing the bus is the operator referred to in the term "year acquired by operator," and the "total mileage" refers to the total mileage operated by that bus since its manufacture.

A comment was received objecting to the imposition of the sanction of declaring those designated recipients failing to report the required bus data to be ineligible for Section 5 grants. In view of the importance of obtaining the bus data from all operators, in order to carry out the study required by Section 319(a) of the Surface Transportation Assistance Act of 1978, and the large number of operators from which these data must be obtained, it is felt that a significant sanction must be available to encourage potential respondents that are reluctant to comply with the regulations.

Several comments were received objecting to the requirement that, in urbanized areas with more than one designated Section 5 recipient, the Metropolitan Planning Organization is responsible for the submittal of the data. In particular, it was claimed the operators themselves should provide the data directly to UMTA, instead of passing it through the Metropolitan Planning Organization. In addition, a comment was received stating that where a single operator provides service in more than one urbanized area, that operator should provide the data to UMTA directly, rather than through the various Metropolitan Planning Organizations for the urbanized areas it serves.

The Section 5 funds are apportioned to individual urbanized areas, and it is important that there be a single agency within each area responsible for gathering all the appropriate data for that area and forwarding it in one package to UMTA. Otherwise, there is a danger that data for that area could be incomplete, resulting in a reduced apportionment. For this reason, UMTA intends to continue to require that the Metropolitan Planning Organization submit the urbanized area's data for those areas that have more than one designated Section 5 recipient.

Numerous comments were received objecting to the increased paperwork involved in the reporting requirements, questioning the necessity of such reporting, and questioning why the required data were not obtained through UMTA's Section 15 reporting procedure. A common theme of these comments was an apparent incongruity of the extra reporting required in view of the Administration's goal to reduce paperwork and red tape. One such comment requested that any of the required bus data that had already been submitted as part of a Title VI Civil Rights Circular Submission need not be submitted again in response to this reporting requirement.

UMTA shares the concern about the extra time and effort involved in reporting the data called for, and desires in general to reduce the paperwork burden experienced by grantees. However, in order to apportion the funds authorized by Section 5(a)(3) of the Urban Mass Transportation Act, as amended, information is required on fixed guideway and commuter rail systems that UMTA does not currently possess. In order to conduct the study of alternative means of distributing funds apportioned for capital purposes under Section 5(a)(4) of the Urban Mass Transportation Act, as amended, as called for in section 319(a) of the surface Transportation Assistance Act of 1978, data that UMTA does not currently possess are required on bus operations and fleets for all urbanized areas. Consequently, it is necessary to request these data from the urbanized areas if

UMTA is to carry out its legislative mandate. Since these data are critical elements in the apportionment of Federal funds, it is vital that they be of high accuracy. For this reason, it should be noted that they are considered to be official representations by the designated submitting agencies.

The regular Section 15 reporting system as originally constituted cannot, at this time, be used for this purpose because much of the data were not originally called for under Section 15, and the data must be available to UMTA before the first complete set of Section 15 reports are submitted. The Section 5 reporting requirements are now officially a part of the Section 15 reporting requirements, although through a different reporting procedure. It is planned that, at some time in the future, the data required for apportionment of the Section 5 funds will be obtained through the regular Section 5 procedure. As stated in the Section 5 Reporting Requirement regulations in the December 18, 1978 **Federal Register**, any of the information called for that had already been submitted to UMTA as part of a Section 15 report submittal did not have to be re-submitted. UMTA agrees with the request to extend this to any information already submitted to UMTA under any other required data submittal, provided the submitting agency within the urbanized area references the report within which the data exists.

PART 630—UNIFORM SYSTEM OF ACCOUNTS AND RECORDS AND REPORTING SYSTEM

Accordingly, Subpart D of Part 630 of Title 49 of the Code of Federal Regulations is amended as follows:

1. In Appendix A, the paragraphs in section III.B.2. beginning with the words "In cases where the same commuter rail service * * *" and ending with the words "* * * the non-urbanized route mileage is attributed equally between the two." are revised to read as follows:

Appendix A—Reporting Requirements for Fixed Guideway and Commuter Rail Systems

* * * * *

III. Data Required

* * * * *

B. *Required Information.*

* * * * *

2. *Commuter Rail Route Miles.*

* * * * *

In cases where the same commuter rail service traverses more than one urbanized area, the commuter rail route miles and train miles attributed to this service will be allocated among the urbanized areas so served according to the share of financial support provided for the service by each area during the applicable standard data collection period. In cases where a regional or state agency provides the financial support for the service for a group of urbanized areas, such that amounts are not provided by or attributable to the individual urbanized areas in the group, the commuter rail route miles and train miles allocated to this group of urbanized areas are to be divided equally among the urbanized areas in the group for the purpose of these reporting requirements.

* * * * *

Appendix B—Reporting Requirements for Bus System [Amended]

2. In Appendix B, the last sentence of the paragraph in section III beginning with the words "Data should be presented in a format * * *" is revised to read as follows: "If any of the data called for here have been previously submitted as part of a Section 15 report, or any other required UMTA report, this previous report may be cited and these particular data need not be repeated here."

3. In Appendix B, the list in section III.A.1 is revised to read as follows:

A. *Required Data*—1. *Bus Fleet Age Distribution.*

* * * * *

b. Year of acquisition by the current operator

* * * * *

f. Total mileage operated by bus since its manufacture

4. In Appendix B, the paragraphs in section III.A.2 beginning with the words "In cases where a particular transit bus service * * *" and ending with the words "* * * is to be divided equally among the two urbanized areas" are revised to read as follows:

III. *Data required.*

* * * * *

A. *Required Data*

* * * * *

2. *Bus Revenue Vehicle Miles.*

* * * * *

In cases where the same bus transit service traverses more than one urbanized area, the total bus revenue vehicle miles for this service will be allocated among the urbanized areas so served according to the share of the financial subsidy provided for this service by each area. In cases where a regional or state agency provides the financial subsidy for this service for a group of urbanized areas, such that amounts are not provided by or attributable to the individual urbanized areas in the group, the bus revenue vehicle miles allocated to this group are to be divided equally among the urbanized areas in the group for the purpose of these reporting requirements.

* * * * *

5. In Appendix B, the first paragraph of section III.A.4 is revised to read as follows:

III. *Data required.*

* * * * *

A. *Required Data*

* * * * *

4. *Bus Route Miles.* The datum required is the total length of the route structure, in statute miles, for bus transit revenue service within the urbanized area, and outside of but still serving the urbanized area, operated by or under contract for a public transit agency. The datum may be reported in one of two optional ways:

a. The route mileage figure may be reported as of the end of the data collection period; or

b. In cases where the route structure has undergone significant changes throughout the data collection period, an average route mileage value may be determined by calculating the product of the route mileage and the amount of time (days, weeks, or months) for which it existed, for each of the different route structures in effect during the course of the data collection period, summing these products, and then dividing this sum by the total amount of time, (days, weeks, or months) in the data collection period.

* * * * *

(49 U.S.C. 1604, 1611; sec. 319, Pub. L. 95–599; 49 CFR 1.51.)

Dated: April 27, 1979.

Charles F. Bingman,

Deputy Administrator.

[Docket No. 78–A]

[FR Doc. 79–13796 Filed 5–2–79; 8:45 am]

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federal register

Thursday
May 3, 1979

Part IV

Department of Energy

Economic Regulatory Administration

Gas Utility Rate Design Study; Responsibilities Under Public Utility Regulatory Policies Act of 1978

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Gas Utility Rate Design Study; Responsibilities Under Public Utility Regulatory Policies Act of 1978

AGENCY: Economic regulatory administration (ERA).

ACTION: Notice of Inquiry.

SUMMARY: Title III, Sec. 306 of the Public Utility Regulatory Policies Act of 1978 (PURPA) requires the Department of Energy to undertake a gas utility rate design study and to report the findings of that study to the Congress by May 1980. Upon completion of the study the Secretary of the Department of Energy is required to develop proposals and legislative recommendations to improve gas utility rate design and encourage conservation of natural gas. The proposals and legislative recommendations must be transmitted to the Congress by November 1980.

Sec. 306 of PURPA also requires that the gas utility rate design study be undertaken in consultation with the Federal Energy Regulatory Commission (FERC) and in a manner which provides an opportunity for consultation and comment by representatives of the State regulatory commissions, gas utilities, and gas consumers. This notice is intended to partially fulfill this requirement by soliciting public comment on issues related to the gas utility rate design study.

This notice is organized into two sections. The first section, "Background Information of PURPA," provides a narrative summary of PURPA Title III, Sec. 306. The second section sets forth specific inquiries on which DOE is seeking public comment.

DATES: Comments by July 2, 1979.

ADDRESSES: All comments are to be forwarded to: Department of Energy, Office of Public Hearing Management, Room 2313, 2000 M Street, NW., Docket ERA-R-79-22, Washington, D.C. 20461, Telephone 202-254-5201. Ten copies should be submitted.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen S. Skjei, Division of Regulatory Assistance, Office of Utility Systems, Economic Regulatory Administration (ERA), 2000 M Street, NW., Washington, D.C. 20461. (202) 254-9690.

Notice of Inquiry

The U.S. Department of Energy (DOE) is hereby seeking public comment on its duties, responsibilities and authorities under Title III, Section 306 of the Public Utility Regulatory Policies Act of 1978 (PURPA; Pub. L. 95-617), enacted on November 9, 1978.

Background Information

The purposes of Title III of PURPA are to encourage the following:

1. Conservation of energy supplied by gas utilities
2. Optimization of the efficiency of the use of facilities and resources by gas utility systems
3. Equitable rates to consumers of natural gas.

Section 306 of Title III of PURPA requires that a gas utility rate design study be undertaken to analyze both conceptually and empirically certain rate designs and related gas utility issues. The rate designs and issues identified in Sec. 306 of PURPA for inclusion in the study are as follows:

Rate Designs

1. Incremental pricing
2. Marginal cost pricing
3. Seasonal rate differentials
4. Demand-commodity rate design
5. Declining block rates
6. End user rate schedules

Related Issues

7. Interruptible service
8. End user gas consumption taxes
9. Wellhead natural gas pricing policies

Also identified in Sec. 306 of PURPA are certain evaluative criteria with respect to which the rate designs and related issues must be analyzed. The identified evaluative criteria are the following:

1. Pipelines and distribution load factors
2. Rates to each class of user, including residential, commercial and industrial users
3. Change in total costs resulting from gas utility designs (including capital and operating costs) to gas consumers and classes thereof
4. Demand for and consumption of natural gas.
5. End use profiles of natural gas pipelines and distribution companies.
6. Competition with alternative fuels.

II. Opportunities for Public Comment

DOE is hereby requesting public comment on the following aspects of the rate design study.

1. *Additional rate designs and related issues.* In addition to those specified in PURPA, ERA has already identified the following rate designs for inclusion in the study: volumetric rates, lifeline rates, inverted rates. ERA seeks public comment on other rate designs and related issues for inclusion in the study.

2. *Additional evaluative criteria.* ERA has identified the criterion of equitable rates to consumers, one of the purposes of Title III, as an additional standard with respect to which the rate designs and related issues must be analyzed. ERA requests public comment on other evaluative criteria that might be employed in analyzing the rate designs and related issues.

3. *Definitions of Rates and Evaluative Criteria.* In many cases the rate designs to be analyzed and the evaluative criteria can be defined in a number of different ways. ERA seeks public comment on the definitions of the rate designs, the related issues, and the evaluative criteria that might be employed in the study.

4. *Opportunities for consultation and comment.* Through this Notice of Inquiry, ERA is satisfying, in part, its statutory requirement that the public be afforded an opportunity to consult and comment on the gas utility rate design study. In the future, ERA intends to provide additional opportunities for public comment and consultation. ERA requests proposals as to the alternative means of providing these additional opportunities for public comment.

5. *General comments.* ERA is interested in obtaining public comment on any other aspects, both general and specific, of gas utility rate design which should be addressed in the study.

All public comments should be in writing to the addresses and by the dates indicated in this notice.

Issued in Washington, D.C. on April 30, 1979.

Jerry L. Pfeffer,

Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[Docket No. ERA-R-79-22]

[FR Doc. 79-13799 Filed 5-2-79; 8:45 am]

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Federal Register

Vol. 44, No. 87

Thursday, May 3, 1979

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This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
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	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

REMINDERS

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

Rules Going Into Effect Today

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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