

12-17-79
Vol. 44—No. 243

BOOK 1:
PAGES
73001-73700

BOOK 2:
PAGES
73701-74060

BOOK 3:
PAGES
74061-74420

BOOK 4:
PAGES
74421-74780

Federal Register

Book 1 of 4 Books
Monday, December 17, 1979

NOTE:

Due to a shortage of newsprint, today's **Federal Register** is printed on a higher quality paper. As supplies become available, the **Federal Register** will resume the use of newsprint.

Highlights

- 73163 Consumers' Education Program** HEW/OE extends closing date for submission of applications; apply by 2-15-79
- 73163 Library Training Program** HEW/OE announces applications for new projects; apply by 2-19-80
- 73167 Crime** Justice/LEAA announces competitive research grants to study relationships between commercial land use, crime, and fear of crime; proposals by 2-15-80
- 73702 Privacy Act** DOD issues annual publication of system of records (Part II of this issue)
- 73175 Privacy Act** PBGC issues annual publication of systems of records
- 73164 Medicare Program** HEW/Sec'y announces premium rate for uninsured aged; effective 7-1-80
- 73020 Outer Continental Shelf** DOT/CG establishes emergency safety zones around structures being constructed; effective 12-1-79
- 73035 Administrative Claims** FEMA issues general procedures for filing claims against agency; effective 12-17-79, comments by 2-15-80

CONTINUED INSIDE



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Area Code 202-523-5240

Highlights

- 73155 Nuclear Proliferation and Civilian Nuclear Power** DOE/Office of the Assistant Secretary for Nuclear Energy publishes draft final report of Nonproliferation Alternative Systems Assessment Program, and announces meeting; meeting 1-17-80
- 73099, 73100 Amateur Radio Service** FCC amends rules concerning availability of operator license, and deletes permit requirement for Canadian amateurs operating in the U.S.; effective 12-21-79 and 1-21-80 (2 documents)
- 73133 Plymouth Red-Bellied Turtle** Interior/FWS reopens comment period and announces public meeting and hearing; comments between 1-10-80 and 2-13-80, meeting 1-15-80, hearing 1-29-80
- 73001-73003 Anti-Inflationary Price Standards and Procedural Rules** CWPS issues amendments to questions and answers; effective 10-1 and 12-17-79, comments by 1-16-80 (3 documents)
- 73025, 73047 Ventilation of Boats** DOT/CG issues safety standards; effective 8-1-80 (2 documents)
- 73021 Visual Distress Signals** DOT/CG publishes rules regarding equipment requirements; effective 1-1-81
- 73055 Distress Signals, Signal Pistols, and Line-Throwing Appliances** DOT/CG amends rules regarding specifications, tests, and inspection and approval procedures; effective 1-17-80 (2 documents)
- 73038 Equipment and Material Specifications** DOT/CG establishes approval procedures, production inspection and test procedures, and independent laboratory standards; effective 1-17-80
- 73102 New Pneumatic Tires For Passenger Cars** DOT/NHTSA amends rules to permit new tires sizes into interstate commerce; effective 1-16-80
- 73028 Sale and Disposal of Timber** USDA/FS issues rules regarding shortening of certain advertising periods, eliminate dollar limit on certain log sales, and remove authority to refuse awards to high bidders when such awards would lessen opportunities for local labor; effective 12-17-79
- 73007 Beans** USDA/AMS amends standards; effective 1-16-80
- 73019 Capital Loss Carryovers for Regulated Investment Companies** Treasury/IRS issues rules pertaining to extension of capital loss carryover period; effective 12-31-69 and 12-31-76
- 73204 Sunshine Act Meetings**
- Separate Part of This Issue**
- 73702 Part II, DOD**

Contents

Federal Register

Vol. 44, No. 243

Monday, December 17, 1979

Agricultural Marketing Service

RULES

- 73008 Budget of expenses and rate of assessment, and handling regulations; fruits and vegetables; exception from CFR publication, etc.
- 73007 Rice; brown and milled; processing; U.S. standards; "paddy kernels" defined

Agriculture Department

See Agricultural Marketing Service; Farmers Home Administration; Federal Grain Inspection Service; Forest Service.

Arts and Humanities, National Foundation

NOTICES

Meetings:

- 73170 Humanities Panel
- 73170 Partnership Office Panel

Civil Aeronautics Board

NOTICES

- 73135 Certificates of public convenience and necessity and foreign air carrier permits
- Hearings, etc.:
- 73134 Compagnie Nationale Air France et al.
- 73204 Meetings; Sunshine Act (2 documents)

Coast Guard

RULES

Boating safety:

- 73021 Equipment requirements; visual distress signals
- 73048 Equipment requirements; visual distress signals; red aerial pyrotechnic flare and orange flag
- 73025 Ventilation systems; standards
- Drawbridge operations:
- 73020 Illinois; correction
- Equipment, construction, and materials:
- 73038 Approval procedures
- Lifesaving equipment:
- 73055 Distress signals, signal pistols, and line-throwing appliances
- Safety zones:
- 73020 Artificial islands and fixed structures on Outer Continental Shelf; California
- Uninspected vessels:
- 73047 Ventilation systems; minimum safety standards

Commerce Department

See National Oceanic and Atmospheric Administration; Travel Service.

Consumer Product Safety Commission

PROPOSED RULES

- 73121 Asbestos, use in consumer products; advance notice; extension of time

Copyright Office, Library of Congress

PROPOSED RULES

- 73123 Cable systems compulsory license; advance notice

NOTICES

- 73168 Reproduction of copyrighted works by libraries and archives; register of copyrights report; hearing

Cost Accounting Standards Board

RULES

- Cost accounting standards:
- 73001 Research and development costs, independent; bid and proposal costs

Customs Service

PROPOSED RULES

Air commerce:

- 73122 Aircraft arriving from foreign territory; applicability of vessel laws and regulations

Defense Department

NOTICES

Privacy Act; systems of records; annual publication

Economic Regulatory Administration

NOTICES

Consent orders:

- 73139 Beacon Oil Co.
- 73140 E.D.G., Inc.
- 73141 PGP Gas Products, Inc.
- Electric energy transmission; exports to Canada or Mexico; authorizations, permits, etc.:
- 73141 Basin Electric Power Cooperative
- Natural gas; fuel oil displacement certification applications:
- 73140 Consolidated Edison Co. of New York, Inc.
- 73141 United States Steel Corp.
- Powerplant and industrial fuel use; exemption requests:
- 73142 El Paso Electric Co.
- 73144, Long Island Lighting Co. et al. (2 documents)
- 73146
- 73143 Jersey Central Power & Light Co.
- 73145 Public Service Electric & Gas Co.

Education Office

NOTICES

- Grant applications and proposals, closing dates:
- 73163 Consumers' education program; extension of time
- 73163 Library training program

Energy Department

See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department; Nuclear Energy Office, Energy Department.

NOTICES

- Environmental statements; availability, etc.:
- 73138 Arthur Kill and Ravenswood Generating Stations, N.Y.
- 73138 Lovett Generating Station, N.Y.

Environmental Protection Agency

RULES

Air quality implementation plans; approval and promulgation; various States, etc.:

- 73033 Arizona
- 73031 Pennsylvania
- 73032 Virginia

PROPOSED RULES**Toxic substances:**

- 73127 Asbestos fibers, commercial and industrial use; advance notice; extension of time

NOTICES**Pesticides; experimental use permit applications:**

- 73156 1-(8-Methoxy-4,8-dimethyl-nonyl)-4-(1-methylethyl) benzene, etc.
- 73156 Sucrose tallowate

Farmers Home Administration**NOTICES**

- 73134 Business and industrial loans; insured loan interest rates

Federal Aviation Administration**RULES****Airworthiness directives:**

- 73013 Hamilton
- 73013 Partenavia Costruzioni Aeronautiche S.p.A.
- 73014 Piper
- 73015 Standard instrument approach procedures
- 73015 VOR Federal airways

PROPOSED RULES**Airworthiness directives:**

- 73109 British Aerospace
- 73112 Terminal control areas; informal airspace; correction
- 73114 Terminal control areas; informal airspace; meetings
- 73110, 73111, 73113 Transition areas (4 documents)
- 73110, 73112 VOR Federal airways (2 documents)

NOTICES**Meetings:**

- 73181 Aeronautics Radio Technical Commission
- 73181 Commuter Air Carrier Safety Symposium

Federal Communications Commission**RULES****Radio services, special:**

- 73099 Amateur radio service; Canadian amateurs operating in U.S.; deletion of permit requirements
- 73100 Amateur radio service; operator license availability
- 73098 Aviation services; airport lights, frequencies clarification by aircraft
- 73095 Maritime services; VTS areas, exemption from watch requirements

PROPOSED RULES**Common carrier services:**

- 73130 Tariffs; rates policy and rules for competitive common carrier services and facilities authorizations; correction

Radio stations; table of assignments:

- 73131 Arizona

NOTICES**Committees; establishment, renewals, terminations, etc.:**

- 73157 AM broadcasting in Region 2 Advisory Committee; inquiry

Federal Deposit Insurance Corporation**RULES****Authority delegations:**

- 73012 Bank Supervision Division Director

Federal Emergency Management Agency**RULES**

- 73035 Administrative claims; interim rule and inquiry

PROPOSED RULES**Flood elevation determinations:**

- 73130 Maryland

NOTICES**Disaster and emergency areas:**

- 73158 Trust Territory

Environmental statements; availability, etc.:

- 73158 Regional offices reorganization

Federal Energy Regulatory Commission**PROPOSED RULES****Natural Gas Policy Act of 1978:**

- 73121 OCS gas sales; distributor access; statement of policy; extension of time

NOTICES**Hearings, etc.:**

- 73147 Central Hudson Gas & Electric Corp.
- 73147 Cimarron Transmission Co.
- 73148 Duke Power Co. (3 documents)
- 73149 Florida Gas Transmission Co.
- 73149 Holyoke Water Power Co.
- 73150 Idaho Power Co.
- 73150 Mid-Louisiana Gas Co.
- 73150 Mississippi River Transmission Corp.
- 73151 Montana Power Co.
- 73151 Mountain Fuel Supply Co.
- 73151 Nevada Irrigation District
- 73152 Niagara Mohawk Power Corp.
- 73152 Northwest Pipeline Corp.
- 73153 Public Service Co. of Colorado
- 73153 RJB Pipeline Co.
- 73153 Sacramento Municipal Utility District
- 73154 Texas Gas Pipeline Co.
- 73154 Toledo Edison Co.
- 73154 United Gas Pipe Line Co.

Federal Grain Inspection Service**RULES**

- 73007 Beans; standards

Federal Highway Administration**RULES****Right-of-way and environment:**

- 73018 Property management, real property uneconomic remnant disposal; credit to Federal funds

Federal Home Loan Bank Board**NOTICES**

- 73204 Meetings; Sunshine Act

Federal Railroad Administration**RULES****Safety appliance standards:**

- 73101 Roof running boards removal from box and other cars; extension of time

Federal Reserve System**NOTICES****Applications, etc.:**

- 73159 Florida National Banks of Florida, Inc.
- 73159 Gulf Southwest Bancshares, Inc.

Federal Trade Commission**RULES**

- 73017 Home insulation; labeling and advertising; extension of time

NOTICES

Premerger notification waiting periods; early terminations:

- 73159 American Petrofina, Inc.
- 73160 NVF Co.
- 73159 Terry, Howard L.
- 73159 United Parcel Service of America, Inc.

Fish and Wildlife Service**PROPOSED RULES**

Endangered and threatened species:

- 73133 Plymouth red-bellied turtle; reopening of comment period

NOTICES

- 73166 Alaska Area strategic plan; inquiry

Forest Service**RULES**

Timber, sale and disposal:

- 73028 Advertising periods and dollar limits

General Accounting Office**NOTICES**

- 73160 Regulatory reports review; proposals, approvals, etc. (CAB), (NRC)

Health, Education, and Welfare Department

See also Education Office; Health Care Financing Administration; National Institutes of Health; Public Health Service; Social Security Administration

NOTICES

- 73164 Medicare; monthly hospital insurance premium for uninsured aged
- Organization, functions, and authority delegations:
- 73165 Management and Budget Office (HEW)

Health Care Financing Administration**PROPOSED RULES**

Professional standards review:

- 73128 Area redesignations; California

Hearings and Appeals Office, Energy Department**NOTICES**

Remedial orders:

- 73156 Objections filed

Interior Department

See Fish and Wildlife Service; Land Management Bureau.

Internal Revenue Service**RULES**

Income taxes:

- 73019 Investment companies; capital loss carryovers

International Development Cooperation Agency**NOTICES**

Authority delegations:

- 73166 AID missions and offices; transportation waiver authority
- 73167 Private and Development Cooperation Bureau, assistant administrator; register private and voluntary organizations

International Trade Commission**PROPOSED RULES**

- 73132 Tariff improvement

Interstate Commerce Commission**RULES**

Rail carriers:

- 73105 Abandonment procedures for bankrupt railroads

PROPOSED RULES

Tariffs and schedules:

- 73132 Simplification, format standardization, and electronic technology compatability; correction

NOTICES

- 73184 Fourth section applications for relief
- 73203 Fourth section applications for relief; correction
- Motor carriers:
- 73184 Fuel costs recovery, expedited procedures
- 73184 Temporary authority applications

Justice Department

See also Law Enforcement Assistance Administration.

NOTICES

Pollution control; consent judgments:

- 73167 Colorado Springs, Colo.
- 73167 Dayton Power & Light Co.

Land Management Bureau**RULES**

Public land orders:

- 73034 Arizona
- 73035 Colorado

Law Enforcement Assistance Administration**NOTICES**

Grant solicitation, competitive research:

- 73167 Commercial land use, crime, and fear of crime relationship study

Library of Congress

See Copyright Office, Library of Congress.

Management and Budget Office**NOTICES**

- 73173 Agency forms under review

National Highway Traffic Safety Administration**RULES**

Motor vehicle safety standards:

- 73102 Tires, new pneumatic, for passenger cars

National Institutes of Health**NOTICES**

Meetings:

- 73162 Aging National Advisory Council
- 73163 Cancer Institute, National; advisory committee
- 73161 Child Health and Human Development National Advisory Council
- 73161 Clinical Applications and Prevention Advisory Committee
- 73162 Dental Research National Advisory Council
- 73162 Diabetes National Advisory Board
- 73162 Environmental Health Sciences National Advisory Council
- 73161 Epilepsy Advisory Committee
- 73162 Pulmonary Diseases Advisory Committee
- 73161 Scientific Counselors Board

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

- 73108 Surf clam and ocean quahog fisheries; closure

Nuclear Energy Office, Energy Department**NOTICES**

- 73155 Nuclear proliferation and civilian nuclear power, nonproliferation alternative systems assessment program; report draft; meeting

Nuclear Regulatory Commission**NOTICES**

Applications, etc.:

- 73171 Alabama Power Co.
73172 Carolina Power & Light Co.
73172 Nebraska Public Power District
- Meetings:
- 73170 Medical Uses of Isotopes Advisory Committee
73172 Regulatory guides; issuance and availability

Pension Benefit Guaranty Corporation**NOTICES**

- 73175 Privacy Act; systems of records; annual publication

Public Health Service**NOTICES**

Organization, functions, and authority delegations:

- 73165 Consumer Affairs Office; establishment

Research and Special Programs Administration, Transportation Department**NOTICES**

Hazardous materials:

- 73182 Applications; exemptions, renewals, etc. (2 documents)

Securities and Exchange Commission**NOTICES**

- 73205 Meetings; Sunshine Act

Small Business Conference Commission**NOTICES**

- 73180 White House Conference on Small Business; meeting

Social Security Administration**RULES**

Social Security benefits:

- 73018 Period of disability, eligibility, etc.; correction

Tennessee Valley Authority**NOTICES**

Environmental statements; availability, etc.:

- 73181 Phipps Bend-Pocket 500-kV No. 2 transmission line loop
73180 Phipps Bend-Pocket 500-kV transmission line
73205 Meetings; Sunshine Act

Textile Agreements Implementation Committee**NOTICES**

- 73137 Cotton, wool and man-made textiles from Romania

Transportation Department

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.

Travel Service**NOTICES**

Meetings:

- 73136 Travel Advisory Board

Treasury Department

See Customs Service; Internal Revenue Service.

Veterans Administration**NOTICES**

Meetings:

- 73184 Educational Allowances Station Committee

Wage and Price Stability Council**RULES**

Data requests

Wage and price guidance; anti-inflation program:

- 73001 Organization, standards, procedural rules; - correction
73003 Price standards and procedural rules for second program year; questions and answers; correction
73002 Questions and answers

MEETINGS ANNOUNCED IN THIS ISSUE**ARTS AND HUMANITIES, NATIONAL FOUNDATION**

- 73170 Humanities Panel, Advisory Committee, January 1980
73170 Office of Partnership Panel (State Programs Section), 1-9, 1-10, and 1-11-80

COMMERCE DEPARTMENT

United States Travel Service—

- 73136 Meeting, 1-3-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

National Institutes of Health—

- 73163 National Cancer Institute, review of contract proposals and grant applications, January and March 1980
73162 National Diabetes Advisory Board, 1-14 and 1-15-80
73161 National Heart, Lung, and Blood Institute, Clinical Applications and Prevention Advisory Committee, 1-10 and 1-11-80
73162 National Heart, Lung, and Blood Institute, Pulmonary Diseases Advisory Committee, 2-21 and 2-22-80
73162 National Institute on Aging, National Advisory Council on Aging, 1-28, 1-29, and 1-30-80
73161 National Institute of Child Health and Human Development, National Advisory Child Health and Human Development Council, 1-28 and 1-29-80
73162 National Institute of Dental Research, National Advisory Dental Research Council, 1-31 and 2-1-80
73161 National Institute of Environmental Health Sciences, Board of Scientific Counselors, 1-30 and 1-31-80
73162 National Institute of Environmental Health Sciences, National Advisory Environmental Health Sciences Council, 1-28 and 1-29-80
73161 National Institute of Neurological and Communicative Disorders and Stroke, Epilepsy Advisory Committee, 2-7 and 2-8-80

NUCLEAR REGULATORY COMMISSION

- 73170 Advisory Committee on the Medical Uses of Isotopes, 1-18-80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

- 73181 Radio Technical Commission for Aeronautics, Special Committee—136 Installation of Emergency Locator Transmitters in Aircraft, 1-8 and 1-9-80

VETERANS ADMINISTRATION

- 73184 Station Committee on Educational Allowances, 1-9-80

HEARINGS**COPYRIGHT OFFICE**

Library of Congress—

- 73168 Report of register of copyrights on rights of creators and needs of users of works reproduced by certain libraries and archives, 1-19-80

SMALL BUSINESS CONFERENCE COMMISSION

- 73180 White House Conference on Small Business, 1-14-80

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

4 CFR

400.....	73001
403.....	73001
410.....	73001
420.....	73001

6 CFR

701.....	73001
705 (3 documents).....	73001-73003
706 (2 documents).....	73001, 73003
707 (2 documents).....	73003, 73004

7 CFR

68 (2 documents).....	73007
905.....	73008
906.....	73008
907.....	73008
908.....	73008
909.....	73008
910.....	73008
911.....	73008
912.....	73008
913.....	73008
915.....	73008
916.....	73008
917.....	73008
918.....	73008
919.....	73008
921.....	73008
922.....	73008
923.....	73008
924.....	73008
926.....	73008
927.....	73008
928.....	73008
929.....	73008
930.....	73008
931.....	73008
932.....	73008
944.....	73008
945.....	73008
946.....	73008
947.....	73008
948.....	73008
950.....	73008
953.....	73008
958.....	73008
959.....	73008
965.....	73008
966.....	73008
967.....	73008
971.....	73008
979.....	73008

12 CFR

303.....	73012
304.....	73012

14 CFR

39 (3 documents).....	73013, 73014
71.....	73015
97.....	73015

Proposed Rules:

39.....	73019
71 (8 documents).....	73110-73114

16 CFR

460.....	73017
----------	-------

Proposed Rules:

Ch. II.....	73121
-------------	-------

18 CFR

Proposed Rules:

280.....	73121
284.....	73121

19 CFR

Proposed Rules:

6.....	73122
--------	-------

20 CFR

404.....	73018
----------	-------

23 CFR

713.....	73018
----------	-------

26 CFR

1.....	73019
--------	-------

33 CFR

117.....	73020
147.....	73020
175 (2 documents).....	73021, 73025
183.....	73025

36 CFR

223.....	73028
----------	-------

37 CFR

Proposed Rules:

201.....	73123
----------	-------

40 CFR

52 (3 documents).....	73031-73033
-----------------------	-------------

Proposed Rules:

763.....	73127
----------	-------

42 CFR

Proposed Rules:

460.....	73128
----------	-------

43 CFR

Public Land Orders:

5689.....	73034
5691.....	73035

44 CFR

11.....	73035
---------	-------

Proposed Rules:

67.....	73130
---------	-------

46 CFR

2.....	73038
25.....	73047
159.....	73038
160 (2 documents).....	73048, 73055
161.....	73048

47 CFR

83.....	73095
87.....	73098
97 (2 documents).....	73099, 73100

Proposed Rules:

0.....	73130
61.....	73130
63.....	73130
73.....	73131

49 CFR

231.....	73101
571.....	73102
1121.....	73105

Proposed Rules:

1300.....	73132
1303.....	73132
1304.....	73132
1306.....	73132
1307.....	73132
1308.....	73132
1310.....	73132
1312.....	73132

50 CFR

652.....	73108
----------	-------

Proposed Rules:

17.....	73133
---------	-------

MEETINGS ANNOUNCED IN THIS ISSUE

- 73170 ARMY AND NAVY, NATIONAL FOUNDATION
Humanities Panel, Advisory Committee, January
1980
- 73178 Office of Partnership Panel (State Programs
Section), 1-4, 7-10, and 1-11-80
- 73178 COMMERCE DEPARTMENT
United States Travel Service—
Meeting, 1-3-80
- 73182 HEALTH, EDUCATION, AND WELFARE DEPARTMENT
National Institutes of Health—
National Cancer Institute, review of contract
proposals and grant applications, January and
March 1980
- 73182 National Diabetes Advisory Board, 1-31 and
1-16-80
- 73191 National Heart, Lung, and Blood Institute, Clinical
Applications and Prevention Advisory Committee,
1-10 and 1-31-80
- 73192 National Heart, Lung, and Blood Institute,
Pulmonary Disease Advisory Committee, 1-31 and
2-25-80
- 73192 National Institute on Aging, National Advisory
Council on Aging, 1-28, 1-31, and 1-30-80
- 73191 National Institute of Child Health and Human
Development, National Advisory Child Health and
Human Development Council, 1-28 and 1-29-80
- 73192 National Institute of Dental Research, National
Advisory Dental Research Council, 1-31 and 2-4-80
- 73192 National Institute of Environmental Health
Sciences, Board of Scientific Counselors, 1-28 and
1-29-80
- 73192 National Institute of Environmental Health
Sciences, National Advisory Environmental Health
Sciences Council, 1-28 and 1-29-80
- 73191 National Institute of Neurological and
Communicative Disorders and Stroke, National
Advisory Committee, 2-3 and 2-5-80

Rules and Regulations

Federal Register

Vol. 44, No. 243

Monday, December 17, 1979

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

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

COST ACCOUNTING STANDARDS BOARD

4 CFR Parts 400, 403, 410 and 420

Accounting for Independent Research and Development; Costs and Bid and Proposal Costs; Confirmation of Effective Date

AGENCY: Cost Accounting Standards Board.

ACTION: Confirmation of effective date.

SUMMARY: On September 25, 1979, a Cost Accounting Standard entitled Accounting for Independent Research and Development Costs and Bid and Proposal Costs was published in the *Federal Register* (44 FR 55123 et seq.), having been duly promulgated by the Board. The Standard in § 420.80 established an effective date of March 15, 1980.

Public Law 91-379 provides that a Cost Accounting Standard shall not take effect until the expiration of a period of sixty calendar days of continuous session of the Congress following the date on which a copy of the proposed Standard is transmitted to the Congress, provided during such sixty day period there is not passed by the two Houses a concurrent resolution stating the Congress does not favor the proposed Standard.

Standard 420 was originally transmitted to the Congress on September 21, 1979. Sixty calendar days of continuous session have now passed without a concurrent resolution disapproving the Standard. This notice, therefore confirms the effective date of Standard 420 as March 15, 1980.

ADDRESS: Cost Accounting Standards Board, 441 G Street NW., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT:

Noah Minkin 202-275-5940.

Arthur Schoenhaut,

Executive Secretary.

[FR Doc 79-38509 Filed 12-14-79; 8:45 am]

BILLING CODE 1620-01-M

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Parts 701, 705, and 706

Organization of the Council on Wage and Price Stability, Anti-Inflationary Pay and Price Standards, and Procedural Rules; Changes and Corrections

AGENCY: Council on Wage and Price Stability.

ACTION: Final rule.

SUMMARY: The Council is making several minor corrections in its regulations concerning its organization, anti-inflationary pay and price standards, and procedural rules.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Price: Susanne Tierney, 456-7107.

Pay: Janice Murphey, 456-7103.

SUPPLEMENTARY INFORMATION: In reviewing Parts 701, 705, and 706 of Title 6 of the Code of Federal Regulations, the Council has identified several sections that should be corrected.

In Part 701, the Council is amending § 701.5 to correct the address of the Council.

In Part 705, the Council is correcting a typographical error in § 705.5(a). Section 705.42(b)(3) is amended so that the language of the definition of margin trend is consistent with § 705.42(c) and (d).

Section 705.43(d)(1) and (2) is amended by deleting the alternative calculation of base-quarter volume as one-fourth of the base-year volume. This deletion makes the calculation of volume adjustment for the intermediate gross-margin limitations consistent with that for the two-year gross-margin limitation (§ 705.43(c)) and for the profit limitation (§ 705.6(a)).

Section 705.64(b) is amended to make clear that the criteria for disaggregation of compliance units apply to both the price and pay standards; this Section as previously drafted referred only to the price standard.

In Part 706, the Council is amending § 706.21 to delete references to due dates of specified forms. The due dates will be announced by separate notice in the *Federal Register* and through both the trade and general press. The Council is also changing the due date in § 706.23 and is clarifying who should submit the data specified in § 707.10(c). In addition, a typographical error in § 706.61(a) is being corrected.

By separate notice today, the Council is publishing interim final changes to Parts 705 and 706 to modify the tandem exception to the pay standard and the procedures for its implementation. These changes are not repeated in this notice.

Issued in Washington, D.C., December 13, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, 6 CFR Parts 701, 705, and 706 are amended as follows:

1. Section 701.5(a) is revised to read as follows:

§ 701.5 Offices and hours.

(a) The Offices of the Council are at 600 17th Street, NW., Washington, D.C. 20506.

2. Section 705.5(a) is amended by changing "1-7" to "(1) through (7)" in paragraph (a)(1), and by adding the word "two" after the word "first" in paragraph (a)(2)(i). As revised, paragraph (a) reads as follows:

§ 705.5 Special situations.

(a) *Insufficient Product Coverage.* (1) A compliance unit that was exempt from coverage of the price standards during the first program year because adjusted net revenues during the four quarters prior to the first program year were less than 25 percent of that unit's net revenues is also exempt from coverage of the second-year price standards if its base-year revenues from products not excluded under § 705.4(a)(1) through (7) and § 705.4(b) were no more than \$25 million.

(2) If products excluded under § 705.4(a)(8) through (10) account for one-third or more of a compliance unit's total revenue for the first two program years minus revenue from the sale of products excluded under § 705.4(a)(1) through (7) and § 705.4(b), the compliance unit should (i) Comply with

the two-year and intermediate price limitations in §§ 705.2 and 705.3 for those products not excluded under § 705.4, unless those products account for less than \$50 million in sales during each of the first two program years, and

(ii) Comply with the profit limitation in § 705.6(a) for the compliance unit as a whole.

* * * * *

3. Section 705.42 is amended in paragraph (b)(3) by adding the words "divided by one hundred" at the end of the first sentence and by deleting the word "percentage" in the second sentence. As amended, § 705.42(b)(3) reads as follows:

§ 705.42 Percentage-gross-margin standard for wholesale and retail trade.

* * * * *

(b)

* * * * *

(3) The *margin trend* is the percentage change of the percentage gross margin between the base year and the corresponding year prior to October 2, 1976, divided by one hundred. If this change is negative, then the margin trend is zero.

* * * * *

4. Section 705.43 is amended by deleting in paragraphs (d)(1) and (d)(2) the following words "(one-fourth of the base-year volume if § 705.43(b)(3) is followed)".

§ 705.43 [Amended]

5. Section 705.64 is amended by adding the words "and pay" after "price" in the first sentence of paragraph (b). As amended, paragraph (b) reads as follows:

§ 705.64 Compliance unit.

* * * * *

(b) One or more parts of a consolidated company may be treated as a separate unit for purposes of complying with the price and pay standards if:

(1) Each part maintains accounting records that permit the Council to ascertain whether the prices and profits of each part accurately reflect the economic realities of its operations,

(2) Allocation of overhead among the parts is made in a consistent and reasonable manner, as if the parts were not commonly owned,

(3) Transfer between parts are valued as if they were arms-length transactions, and

(4) Internal accounting procedures adhere to generally accepted accounting principles and procedures, consistently and historically applied.

6. Section 706.21, paragraphs (b) and (c), are amended to delete the words "December 1, 1979" and to add at the end of the final sentences "a due date to be announced by the Council". As amended, these paragraphs read as follows:

§ 706.21 Submissions on company organization for purposes of compliance.

* * * * *

(b) *Company Organization for Price Compliance.* A compliance unit that had, or that is part of a company that had, net sales or revenues of \$250 million or more in its last complete fiscal year before October 2, 1979, and any other company designated by the Council, should furnish the Council with the information specified in § 707.1(a) by a date to be announced by the Council.

(c) *Company Organization for Pay Compliance.* A company that had 5,000 or more employees during any calendar quarter of its last complete fiscal year before October 2, 1979, and any other company designated by the Council, should furnish the Council with the information specified in § 707.1(b) by a date to be announced by the Council.

7. Section 706.23 is amended to delete "December 1, 1979" in paragraph (a) and to add in its place "February 15, 1980". In addition, paragraph (b) has been amended to provide additional explanation as to who should submit the data specified in § 707.10(c). As amended, § 706.23 reads as follows:

§ 706.23 Submissions by State and local government entities.

(a) State and local government entities with 5,000 or more employees should submit by February 15, 1980 a statement of assurance by the head of the government entity that the entity intends to comply with the pay standard; and

(b) Compliance units with 5,000 or more employees that are part of a State or local government entity should submit the data specified in § 707.10(c) for formal pay plans in operation as of October 1, 1979, within 60 calendar days after the end of the pay plan year.

8. Section 706.61(a) is amended to delete the term "§ 706.53(c)" and add in its place "§ 706.52(c)".

§ 706.61 [Amended]

[FR Doc. 79-38693 Filed 12-14-79; 8:45 am]

BILLING CODE 3175-01-M

6 CFR Part 705

Questions and Answers on Anti-Inflationary Price Standards, Procedural Rules, Data Requests

AGENCY: Council on Wage and Price Stability.

ACTION: Changes and Corrections to Questions and Answers on the Anti-Inflationary Price Standards.

SUMMARY: On November 21, 1979, the Council published Questions and Answers on the Anti-Inflationary Price Standards and Procedural Rules (44 FR 67060). We are modifying several of them based on our further review of these Questions and Answers and public comments.

EFFECTIVE DATE: October 1, 1979.

ADDRESS: Questions concerning these changes should be addressed to the Office of Price Monitoring, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Industries, Contact Person and Telephone Number

Metals, Machinery & Equipment, Eugene Roberts 456-7784.

Food, Agriculture & Trade, Stephen Hiemstra 456-7740.

Energy, Chemicals, Utilities & Transportation, John Keith 456-7747.

Construction & Building Materials, Joseph Lackey 456-7156.

Health, Insurance & Other Services, Arthur Corazzini 456-7730.

Exceptions, Walter Leibowitz or David Wagner 456-7733.

SUPPLEMENTARY INFORMATION: Question and Answer I.B. 4 is amended to clarify the treatment of joint ventures. Joint ventures are typically unconsolidated entities. They are therefore to be treated as separate companies for compliance purposes.

Question and Answer I.F. 15, as originally published, provides that, when 100 percent of a compliance unit's products are excluded under § 705.4, the compliance unit need not comply with the price standard. This Q & A does not fully reflect the provisions in § 705.5(a)(2), Insufficient Product Coverage, under which a compliance unit with revenues from new, discontinued, and custom products and from non-arms-length transactions is subject to the profit limitation and possibly the price limitations.

Question and Answer I.F. 15 has therefore been revised and a new Question and Answer 16 has been added to clarify the distinction between compliance units with exclusions under § 705.4(a) (1) through (7) and 705.4(b)

and those with exclusions under § 705.4(a) (8) through (10).

Issued in Washington, D.C., December 13, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, the Questions and Answers published on November 21, 1979, are amended as follows:

1. Question and Answer I.B. 4 (44 FR 67061) is amended to read as follows:

Q4. How are joint ventures to be treated?

A. Joint ventures are to be treated as separate companies for compliance purposes.

2. Question and Answer I.F. 15 (44 FR 67063) is revised and a new Question and Answer I.F. 16 is added to read as follows:

Q15. If all of a compliance unit's products are excluded during the two program years under § 705.4(a) (1) through (7), and/or § 705.4(b), is that compliance unit subject to the price standards?

A. No. Such a compliance unit is subject to *neither* the two-year price limitation nor the two-part profit limitation.

Q16. If all of a compliance unit's products are excluded during the two program years under § 705.4(a) (8) through (10), is that compliance unit subject to the price standards?

A. Yes. Such a compliance unit is subject to the two-part profit limitation under § 705.5(a)(2).

[FR Doc. 79-38695 Filed 12-14-79; 8:45 am]

BILLING CODE 3175-01-M

6 CFR Parts 705, 706, and 707

Noninflationary Pay and Price Behavior; Changes to Parts and Additional Questions and Answers

AGENCY: Council on Wage and Price Stability.

ACTION: Interim final rules, questions and answers, and a request for comments.

SUMMARY: The Council is modifying the tandem exception to the pay standard and the procedures for its implementation. These modifications implement the policies recommended by the Pay Advisory Committee and accepted by the Council.

DATES: The effective date for these changes and Questions and Answers is December 17, 1979. Written comments may be submitted by January 16, 1980.

ADDRESS: Written comments should be addressed to: Office of the General

Counsel, Council on Wage and Price Stability, 600 17th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Office of Pay Monitoring

Janice Murphey, 456-7103
Lucretia Tanner, 456-7180
Malcolm Liggett, 456-7180
Homer Jack, 456-7180

Office of the General Counsel

Daniel Duff, 456-6210
Jane Campana, 456-6210

SUPPLEMENTARY INFORMATION: On September 28, 1979, the President announced the creation of a Pay Advisory Committee to advise the Council on policies that encourage anti-inflationary behavior by employers and labor, that decelerate the rate of inflation, and that provide for a fair and equitable distribution of the burden of restraint. The Committee's charter provides that it will recommend new or revised interpretations of the pay standard. Until the Council acts on any recommendations, the first-year pay standard (in Subpart 705B) remains in effect with the modifications that have been adopted (see the Council's Questions and Answers published in the *Federal Register* on October 12, 1979, October 19, 1979, and November 19, 1979).

On November 28, 1979, the Committee recommended that the exception for tandem pay-rate changes (§ 705B-9) be modified to recognize additional forms of historical tandem relationships in wages and/or benefits. The Council has decided to accept these recommendations. Accordingly, § 705B-9 is being expanded to provide for an exception for longstanding relationships between pay-rate increases of different employee units or between increases of an employee unit and those of a group of employee units or an identified labor market, so long as it can be demonstrated that the comparative pay-rate changes have been substantially equivalent over a period of years. This provision was designed in part to bring under the tandem exception some of the issues relating to the COLA/non-COLA disparities that the Council reviews on a case-by-case basis under the gross-inequity exception (§ 705B-12).

Another Committee recommendation also accepted by the Council is that self-administration of this exception be permitted, and the procedures are being revised to reflect this change. Section 706.31(a) specifically removes the tandem exception from the exception category for which Council approval should be sought. To enable the Council

to monitor compliance effectively, compliance units that otherwise satisfy the criteria for eligibility to apply for exceptions (§ 706.31(a)(2)) are now requesting at revised § 706.31(c) to notify the Council in writing at the time a tandem pay exception is self-administered. Such compliance units are expected to retain all data and documents that constitute the basis for the exception in a form suitable for review by the Council. If a compliance unit wants to have advance guidance by the Council about the exception, the Council will entertain a request for exception if the compliance unit otherwise qualifies under § 706.31.

Explanatory Questions and Answers on this matter are also being published by the Council.

The Council is publishing these materials on an interim final basis since many companies that are establishing their pay plans have a need to know and must be able to rely on the Council's new treatment of tandem exceptions. The Council has provided a 30-day comment period, since it is important to receive any public comments as soon as possible so that any changes may be made rapidly. However, companies may rely fully on these interim final changes to Parts 705, 706, and 707 and the Questions and Answers until these materials are modified.

Issued in Washington, D.C., December 13, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, amendments to parts 705, 706, and 707, Title 6 CFR are adopted on an interim basis to read as follows:

PART 705—NONINFLATIONARY PAY AND PRICE BEHAVIOR

1. In the appendix to Part 705, section 705B-9 is revised to read as follows:

§ 705B-9 *Tandem Pay-Rate Changes.* Pay-rate changes in an employee unit that have been linked regularly to pay-rate changes in another employee unit or group of employee units will be excepted if the leader is in compliance with or exempt from the pay standard and the pay-rate change of the follower unit maintains the historical relationship. This exception also may be applied when pay-rate changes in an employee unit have been linked regularly to a survey of pay-rate changes in an identified labor market. In order to establish such linkage, the parties must be able to demonstrate that the past pay-rate changes in the follower unit have been substantially equivalent over a period of years to pay-rate changes in the leader unit, group of units, or identified labor market. Employee units need

not be in the same company, industry, or geographical area to establish a relationship.

PART 706—SPECIAL PROCEDURAL RULES

2. Section 706.31, paragraphs (a) and (c), are revised by adding to paragraph (a) the words "other than the tandem exception under § 705B-9" after the words "§ 706.32", and by adding at the end of paragraph (c) the following sentence, "Moreover, a compliance unit that self-administers a tandem exception under § 705B-9 for an employee unit otherwise covered under § 706.31(a)(2) should notify the Council at the time of this self-administration." As revised, these paragraphs read as follows:

§ 706.31 Who should request approval.

(a) Any compliance unit or employee unit that intends to apply one or more of the exceptions specified in § 706.32 other than the tandem exception under § 705B-9 should request a determination from the Council that the exception is warranted, if:

(1) The request relates to the price standard and the compliance unit had, or is part of a company that had, net sales or revenues of \$250 million or more in its last complete fiscal year prior to October 2, 1979; or

(2) The request relates to the pay standard, and (i) The affected employee unit consists of 100 or more employees in a compliance unit with (or that is part of a company with) 1,000 or more employees, or

(ii) The affected collective-bargaining agreement covers 1,000 or more employees, regardless of the number of employees in an individual company's employee units.

* * * * *

(c) A compliance unit not covered by paragraphs (a) or (b) of this section is expected to self-administer the exceptions in a manner consistent with the standards. A compliance unit should retain all data and documents that constitute the basis for the exception in a form suitable for review by the Council. Moreover, a compliance unit that self-administers a tandem exception under § 705B-9 for an employee unit otherwise covered under § 706.31(a)(2) should notify the Council in writing at the time of this self-administration.

* * * * *

PART 707—DATA REQUESTS

3. Section 707.31 is revised to read as follows:

§ 707.31 Tandem pay-rate exceptions.

When self-administering an exception to the pay standard based on tandem pay-rate changes (§ 705B-9), a compliance unit should promptly notify the Council of the following:

- (1) The employee unit;
 - (2) The number of employees in the employee unit;
 - (3) The total pay-rate percentage change; and
 - (4) The leader unit (whether another employee unit, a group of employee units, or an identified labor market).
- In addition, the compliance unit should prepare and have available for Council review on request documentation of the value and timing of past pay-rate increases of the leader and the follower units.

In addition to amending Parts 705, 706, and 707, the Council is publishing the following Questions and Answers relating to the voluntary pay standard:

II K. Tandem pay-rate exception.

Q1. How does the revised definition of tandem differ from the definition in effect during the first program year?

A. Under the revised definition of tandem, historical pay increases need not be equal in value and directly related in timing. In addition, the revised definition permits exceptions for longstanding relationships between pay-rate increases of different employee units or between increases of an employee unit and those of a group of employee units or an identified labor market.

Q2. What is meant by "substantially equivalent" in § 705B-9?

A. This term means that there exists a close relationship between the historical pay-rate increases, but there is no precise measure of closeness. If there has been a disruption in the historical relationship between pay movements, the compliance unit should be able to explain the transitory nature of the disruption or the change in the relationship.

Q3. Is "substantially equivalent" gauged in terms of percentage changes or absolute changes?

A. The pay-rate changes must be substantially equivalent either in percentage or in absolute terms.

Q4. What is meant by a labor-market survey?

A. A survey will qualify if it includes sufficient data to indicate prevailing pay rates in the identified labor market. Employee units known to be out of compliance must be excluded from such labor-market surveys.

Q5. May an employee unit that is not covered by a cost-of-living adjustment

(COLA) clause be linked with an employee unit that is covered by a COLA clause?

A. Yes, if it meets the criteria in § 705B-9.

Q6. Is the tandem exception applicable to individual elements of pay as well as to total pay?

A. Yes, provided that the criteria set forth in § 705B-9 are met. However, if a tandem exception is applied to individual elements of pay, such as health or retirement plans, the base-period, as well as program-year, costs for these elements should be excluded from all calculations in determining compliance.

Q7. May a compliance unit self-administer the tandem exception?

A. Yes, if it meets the criteria in § 705B-9. However, under § 706.31(c) of the procedural rules, the compliance unit should notify the Council in writing when it self-administers the exception and it should retain all data and documents that constitute the basis for the exception in a form suitable for review by the Council.

[FR Doc. 79-38694 Filed 12-14-79; 8:45 am]
BILLING CODE 3175-01-M

6 CFR Part 707

Data Requests

AGENCY: Council on Wage and Price Stability.

ACTION: Final rule.

SUMMARY: On October 19, 1979, the Council published Part 707, "Data Requests," as an Interim Final Rule (44 FR 60676) and solicited public comments on the rule and several related proposed forms. Part 707 consolidated data requests which had previously been specified in 6 CFR Parts 705 and 706, as well as in certain first-year Questions and Answers.

Part 707 has been revised in light of public comments on Part 707 and to conform to Questions and Answers issued by the Council and to changes in the tandem exception to the pay standard adopted today.

EFFECTIVE DATE: December 17, 1979.

ADDRESS: Questions concerning this Part should be addressed to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Pay: Diane J. Mazur, 456-7100.

Price: (Subparts A, B, and C):

Industries, Contact Person and Telephone Number

Metals, Machinery & Equipment, Eugene Roberts 456-7784.

Food, Agriculture & Trade, Stephen Hiemstra 456-7740.
 Energy, Chemicals, Utilities & Transportation, John Keith 456-7747.
 Construction & Building Materials, Joseph Lackey 456-7156.
 Health, Insurance & Services, Arthur Corazzini 456-7730.
 Price (Subpart D): Walter Leibowitz or David Wagner 456-7733.

SUPPLEMENTARY INFORMATION: Analysis of Comments and Changes.

Most of the comments received concerned the general subject of data requests or the proposed forms and did not contain specific suggestions regarding Part 707.

Most of the changes made here are designed to conform Part 707 to the Questions and Answers issued by the Council on November 21, 1979 (44 FR 67060) and to the changes in the tandem exception to the pay standard made today. Other changes are typographical or editorial corrections.

One commentator suggested that a compliance unit should be required to show seasonal data for only three, rather than five, years. The Council has not adopted this suggestion, since the present requirement does not impose an unreasonable burden on companies. Nor has the Council revised Part 707 in response to a request for more detailed guidance on how a company can demonstrate that sampling is infeasible. The Council believes that adequate guidance has already been provided through exceptions decisions released by the Council.

Part 707 still refers to various data-collection forms. Forms CO-1 (Price) and CO-1 (Pay) for reporting company organization have been approved and published in the *Federal Register*. The Council expects that the other forms will be approved shortly, and these forms also will be published in the *Federal Register*.

Issued in Washington, D.C., December 13, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, Part 707, Title 6 CFR, is revised to read as follows:

PART 707—DATA REQUESTS

Subpart A—Report on Company Organization and Statement of Assurance

Sec.

- 707.1 Company organization.
- 707.2 Statement of assurance of compliance by State and local government entities.

Subpart B—Periodic Data Reports

- 707.10 Pay and price data reports.

Subpart C—Data Submissions Supporting Variances From Intermediate Price and Margin Limitations

Sec.

- 707.20 Intermediate price limitations.
- 707.21 Intermediate profit limitations.
- 707.22 Intermediate percentage-gross-margin limitations.
- 707.23 Intermediate gross-margin limitations.

Subpart D—Data Submissions Supporting Exception Requests

- 707.30 General.
- 707.31 Tandem pay-rate exceptions.
- 707.32 Productivity-improving work-rule-change exceptions.
- 707.33 Acute-labor-shortage exceptions.
- 707.34 Undue-hardship and gross-inequity exceptions.
- 707.35 Inability-to-compute exceptions.
- 707.36 Uncontrollable-cost exceptions.
- 707.37 Uncontrollable-cost exceptions to a percentage-gross-margin standard.
- 707.38 Uncontrollable-cost exceptions to a gross-margin standard.

Authority: Council on Wage and Price Stability Act, Pub. L. 93-387 (August 14, 1974), as amended by Pub. L. 94-78 (August 9, 1975), Pub. L. 94-121 (October 5, 1977), and Pub. L. 96-10 (May 10, 1979), 12 U.S.C. 1904 note; E.O. 12092 (November 1, 1978), E.O. 12161 (September 28, 1979).

Subpart A—Report of Company Organization and Statement of Assurance

§ 707.1 Company organization.

Companies specified in § 706.21 should furnish to the Council:

- (a) A completed Form CO-1 (Price); and/or
- (b) A completed Form CO-1 (Pay) for each pay compliance unit, unless the compliance unit is part of a State or local government entity and elects to file under § 707.2.

§ 707.2 Statement of assurance of compliance by State and local government entities.

A state or local government entity as in § 706.23 that does not file under § 707.1(b) should furnish to the Council a statement of assurance from the head of the government entity that the entity intends to comply with the pay standard.

Subpart B—Periodic Data Reports

§ 707.10 Pay and price data reports.

Compliance units specified in § 706.22 should furnish to the Council:

- (a) A completed Form PM-1, unless the compliance unit is a provider of insurance subject to § 705.48 or § 705.49 and has no non-insurance operations, a financial institution subject to § 705.50, or a utility subject to § 705.45 and has no non-utility operations; and/or

(b) A completed Form PAY-1, unless the compliance unit is part of a State or local government entity; or

(c) A completed Form PAY-2 if the compliance unit is part of a State or local government entity as specified in § 706.23.

Subpart C—Data Submissions Supporting Variances From Intermediate Price and Margin Limitations

§ 707.20 Intermediate price limitations.

A compliance unit that exceeds any of the intermediate price limitations in § 705.3(a) through (c) should prepare and/or furnish to the Council with its Form PM-1 the following:

(a) A demonstration that the increase in prices exceeding the intermediate limit(s) is justified because of:

- (1) Seasonal variations in economic activity (including an empirical demonstration of the quarterly pattern of price changes over the five years before the first program year),
- (2) Historical business practices, or
- (3) Unusual business conditions; and

(b) Projected price changes for the second program year, demonstrating that increases in prices exceeding the intermediate limit(s) are consistent with adherence to the two-year price limitation by the end of the second program year.

§ 707.21 Intermediate profit limitations.

A compliance unit that exceeds any of the intermediate limits for the profit limitation in § 705.6(a)(1) should prepare and/or furnish to the Council with its Form PM-1 a demonstration that a profit margin in excess of the profit limitation is consistent with an explicit plan, based on reasonable projections of economic conditions, to achieve compliance with the profit limitation by the end of the second program year.

§ 707.22 Intermediate percentage-gross-margin limitations.

A compliance unit in the wholesale/retail trade industries that exceeds any of the intermediate percentage-gross-margin limitations in § 705.42(d) should prepare and/or furnish to the Council with its Form PM-1 the following:

(a) A demonstration that any increase in percentage gross margins in excess of the intermediate limit(s) is justified because of:

- (1) Seasonal variations in economic activity (including an empirical demonstration of the quarterly pattern of change in gross margins over the five years before the first program year),
- (2) Historical business practices, or
- (3) Unusual business conditions; and

(b) Projected percentage-gross-margins demonstrating that pricing actions are consistent with adherence to the percentage-gross-margin standard by the end of the second program year.

§ 707.23 Intermediate gross-margin limitations.

A compliance unit subject to the gross-margin standard that exceeds any of the intermediate gross-margin limitations in § 705.43(d) or § 705.44(d) should prepare and/or furnish to the Council with its Form PM-1 the following:

(a) A demonstration that any increase in gross margins in excess of the intermediate limit(s) is justified because of:

(1) Seasonal variations in economic activity (including an empirical demonstration of the quarterly pattern of change in gross margins over the five years before the first program year),

(2) Historical business practices, or

(3) Unusual business conditions; and

(b) Projected gross margins demonstrating that pricing actions are consistent with adherence to the gross-margin standard by the end of the second program year.

Subpart D—Data Submissions Supporting Exception Requests

§ 707.30 General.

Each request for approval of an exception should include:

(a) The name and address of the compliance unit making the request, including the name(s), title(s), and phone number(s) of person(s) whom the Council may contact concerning the request, and the name and address of the company of which the unit is a part, if different from that of the compliance unit;

(b) The name(s), address(es), and phone number(s) of union representatives, if the request involves a collective-bargaining situation, or the name(s), address(es), and phone number(s) of relevant company officials if the request is made by an employee unit;

(c) A demonstration that the compliance unit or employee unit requesting the exception satisfies the criteria of § 706.31(a), or, if the request is submitted under § 706.31(b), a demonstration that there is good cause for the Council to entertain the request; and

(d) The particular provisions of the standards that are the subject of the request, a precise description of the exception request, and the pay and/or price action that the entity making the

request proposes to take if the exception is granted.

§ 707.31 Tandem pay-rate exceptions.

When self-administering an exception to the pay standard based on tandem pay-rate changes (§ 705B-9), a compliance unit should promptly notify the Council of the following:

(a) The employee unit;

(b) The number of employees in the employee unit;

(c) The total pay-rate percentage change; and

(d) The leader unit (whether another employee unit, a group of employee units, or an identified labor market). In addition, the compliance unit should prepare and have available for Council review on request documentation of the value and timing of past pay-rate increases of the leader and the follower units.

§ 707.32 Productivity-improving work-rule-change exceptions.

For an exception to the pay standard based on pay-rate increases traded for productivity-improving work-rule changes (§ 705B-10), a compliance unit should submit:

(a) An explanation of the work-rule change(s);

(b) An analysis of how the cost reduction will be generated by the work-rule change(s);

(c) An estimate of the effect that the exception would have on the compliance unit's pay rates; and

(d) Documentation that the cost reduction generated by the work-rule change(s) will be equal to or greater than the excess of the pay increase over the pay standard.

§ 707.33 Acute-labor-shortage exceptions.

For an exception to the pay standard based on pay-rate changes needed because of acute labor shortages (§ 705B-11), a compliance unit should submit:

(a) Documentation that, for the particular job categories, the number of vacancies and/or the number of vacancies relative to the work force and the time or effort required to fill them have increased abnormally during the preceding quarter relative to the two prior years;

(b) Documentation that pay rates for employees in those job categories have increased abnormally over the two prior years and that the requested pay rates for the shortage categories are comparable to pay rates in the relevant labor market;

(c) A statement that the applicant has sought the assistance of the local Employment Service Agency to obtain employees;

(d) Documentation of the proportion of the compliance unit's work force that would be affected; and

(e) An estimate of the effect that the exception would have on the compliance unit's pay rates.

§ 707.34 Undue-hardship and gross-inequity exceptions.

For an exception to the pay or price standard based on undue hardship or gross inequity (§ 705.6(b) or § 705B-12), a compliance unit should submit:

(a) A precise description of the hardship or inequity that would be created by application of the standard (including, with respect to hardship, a demonstration of the effect on the company's—as distinguished from the compliance unit's—financial viability);

(b) An explanation of how the requested exception would mitigate the hardship or inequity resulting from application of the standard; and

(c) If the request is for an exception to the pay standard, an estimate of the effect that the exception would have on the compliance unit's pay rates.

§ 707.35 Inability-to-compute exceptions.

For an exception to the price standard based on inability to compute a two-year price change (§ 705.6(a)), a compliance unit should demonstrate that sampling is infeasible due to inadequate data or that sampling is unduly onerous or costly.

§ 707.36 Uncontrollable-cost exceptions.

For an exception to the price standard based on uncontrollable cost increases (§ 705.6(a)), a compliance unit should:

(a) Demonstrate that the two-year rate of increase in costs per unit of output since the base quarter has exceeded the two-year price limitation and is expected to continue to do so by an amount that would result in a significant erosion of the profit margin of the compliance unit if it were held to the two-year price limitation;

(b) Demonstrate that the cost increases are substantially uncontrollable (this requires, at a minimum, quantification of the shares of total cost increases accounted for by each significant cost increase that is wholly and demonstrably uncontrollable); and

(c) Account for the degree to which such increases are offset by normal gains in the efficiency of using inputs (productivity).

§ 707.37 Uncontrollable-cost exceptions to a percentage-gross-margin standard.

For an exception to the percentage-gross-margin standard (§ 705.42) based on uncontrollable cost increases, a compliance unit should demonstrate

that, since the base year, the ratio of total costs excluding those subtracted from revenues when computing gross margin, as defined in § 705.42(b)(1), to total revenues has risen at a rate in excess of the allowable percentage-gross-margin trend or zero, whichever is greater, and is expected to continue to do so by an amount that would result in a significant erosion of the profit margin of the compliance unit if it were held to the gross-margin standard. The compliance unit should also satisfy § 707.36 (b) and (c).

§ 707.38 Uncontrollable-cost exceptions to a gross-margin standard.

For an exception to a gross-margin standard (§ 705.43, or § 705.44, § 705.45) based on uncontrollable cost increases, a compliance unit should demonstrate that total costs excluding those subtracted from revenues when calculating gross margins, as defined in § 705.43(b)(1), § 705.44(b)(3), or § 705.45(b) have risen since the base quarter at an annual rate in excess of the sum of 6.5 percent and the annual rate of growth of physical volume and are expected to continue to do so by an amount that would result in a significant erosion of the profit margin of the compliance unit if it were held to the gross-margin standard. The compliance unit should also satisfy § 707.36 (b) and (c).

[FR Doc. 79-38696 Filed 12-14-79; 8:45 am]

BILLING CODE 3175-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service¹

Federal Grain Inspection Service

7 CFR Part 68

United States Standards for Beans; Amendment

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The definition of foreign material in the U.S. Standards for Beans is amended by deleting the words "cowpeas other than Blackeye types". The agency is taking this action in response to concern raised by the dry bean industry and in the interest of uniformity among standards promulgated under the Agricultural Marketing Act of 1946.

EFFECTIVE DATE: January 16, 1980.

¹ Including matters within the responsibility of the Federal Grain Inspection Service.

FOR FURTHER INFORMATION CONTACT:

James L. Driscoll, Director, Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Richards-Gebaur AFB, Building 221, Grandview, Missouri 64030. Telephone (816) 348-2861.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities. It further provides for their voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities and payment of a fee to cover the cost of the service.

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090 (7 U.S.C. 1622 and 1624) a notice was published, according to the administrative procedure provisions of section 553 of Title 5, United States Code, in the *Federal Register* (44 FR 28806) on May 17, 1979, concerning an amendment to the U.S. Standards for Beans.

Interested persons were given 60 days to submit written comments, suggestions, or objections regarding the proposed rulemaking. Approximately 250 reprints of the proposed rulemaking showing the proposed amendment to the standards were distributed to interested trade and government organizations. Two comments were received which supported the change in the standards and suggested additional clarification. Both comments recommended that the definition of beans, § 68.101, be further amended to specifically include cowpeas. This action would clarify the change in the definition of foreign material. These recommendations are being prepared for proposed rulemaking. The amendment to the definition of foreign material, § 68.109, is amended in the interest of uniformity and clarity.

Amendment to the Definition of Foreign Material

Foreign material in grains and other commodities is defined as material other than the grains or commodity in which it is found. This includes earthy material, glass, metal, plant stalks, pods, cobs, weed seeds, and unlike grains or commodities. An exception to this definition of foreign material exists in the U.S. Standards for Beans. The definition of foreign material in beans, in addition to the above, includes cowpeas other than Blackeye types. These non-Blackeye cowpeas should not be singled out as being foreign material.

Cowpeas are edible. A sample of non-Blackeye cowpeas is inspected under the class Miscellaneous Beans. For the sake of uniformity, this amendment deletes the words "cowpeas other than Blackeye types" from the definition of foreign material in the U.S. Standards for Beans. With this change, cowpeas which differ in color, size, or shape from the beans in which they are found would function as beans of a contrasting class. Cowpeas which are similar in color, size, and shape to the beans in which they are found would function as classes that blend.

Section 68.109 of the United States Standards for Beans is revised to read as follows:

Subpart B—United States Standards for Beans¹

Terms Defined

§ 68.109 Foreign Material.

Foreign material shall be stones, dirt, weed seeds, cereal grains, lentils, peas, and all matter other than beans.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from James L. Driscoll, Director, Standardization Division, FGIS, USDA, Richards-Gebaur AFB, Building 221, Grandview, Missouri 64030, telephone (816) 348-2861.

(Sec. 203, 205, Pub. L. 79-733, 60 Stat. 1087, 1090 (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on December 12, 1979.

D. R. Gallarti,

Acting Administrator.

[FR Doc. 79-38583 Filed 12-14-79; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 68

Amendment to the United States Standards for Brown Rice for Processing and Milled Rice

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The term "Paddy kernels" in the United States Standards for Brown Rice for Processing and Milled Rice is redefined for purpose of clarity. The new definitions specify the amount of hull which must be adhering to rice

¹ Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws.

kernels before they are considered paddy kernels.

EFFECTIVE DATE: January 16, 1980.

FOR FURTHER INFORMATION CONTACT: James L. Driscoll, Director, Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Richards-Gebaur AFB, Building 221, Grandview, Missouri 64030. Telephone (816) 348-2861.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities. It further provides for their voluntary use by producers, merchandisers, and processors in the marketing of these commodities upon payment of a fee to cover the cost of service.

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090 (7 U.S.C. 1622 and 1624), a notice was published according to the administrative procedures provisions of Section 553 of Title 5, United States Code, in the *Federal Register* (44 FR 28806) on May 17, 1979. Interested persons were given 60 days to submit written comments, suggestions, or objections regarding the proposed rule. Approximately 875 reprints of the proposed rule showing the proposed amendment to the standards were distributed to interested trade and government organizations. Two comments were received which supported the changes in the standards and suggested additional clarification. These recommendations are included in the amended definitions. No objections to the amendments were received.

Change in the Definition of Paddy Kernels

The present definitions for paddy kernels under the United States Standards for Brown Rice for Processing and the United States Standards for Milled Rice do not clearly define the amount of hull adhering to a kernel of rice before it is considered paddy kernel. The lack of clarity in the definition of paddy kernels in the standards for rice has caused problems in the uniform interpretation and application of the factor. This clarification is added to avoid confusion in the definition of paddy kernels, particularly in grading parboiled brown rice for processing and parboiled milled rice.

In the processing of parboiled rice, rough rice is steeped in water or steam heated. During parboiling, the starchy endosperm of the rice kernel gelatinizes

and the bran layers of the rice kernel are "cooked" into the gelatinized kernel. After this heat treatment, the rice is dried and the hull removed by shelling. Due to the nature of the parboiling process, certain kernels may also have an area of the hull "cooked" into the kernel so that the hull is not easily removed through shelling.

The amended definitions conform to interpretations of paddy kernels maintained by the Board of Appeals and Review and do not establish a new or revised substantive rule. The Board of Appeals and Review has applied a more specific interpretation of the definition as to the amount of hull remaining on a rice kernel before it is considered a paddy kernel. For milled rice this interpretation can be found in item 5.25 of the Rice Inspection Handbook, HB 918-11. The Department finds that these definitions are clearer and more descriptive, and should therefore be adopted for use in the official standards. These clarifying amendments are in the interest of assuring uniformity of application. Section 68.252(j) of the United States Standards for Brown Rice for Processing and § 68.302(j) of the United States Standards for Milled Rice are amended to read as follows:

Subpart D—United States Standards for Brown Rice for Processing¹

Terms Defined

* * * * *

§ 68.252 Definition of other terms.

* * * * *

(j) *Paddy Kernels.* Whole or broken unhulled kernels and whole or broken kernels of rice having a portion or portions of the hull remaining which cover one-half (½) or more of the whole or broken kernel.

* * * * *

Subpart E—United States Standards for Milled Rice¹

* * * * *

§ 68.302 Definition of other terms.

* * * * *

(j) *Paddy Kernels.* Whole or broken unhulled kernels of rice; whole or broken kernels of brown rice, and whole or broken kernels of milled rice having a portion or portions of the hull remaining which cover one-eighth (⅛) or more of the whole or broken kernel.

* * * * *

¹ Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from James L. Driscoll, Director, Standardization Division, USDA FGIS, Richards-Gebaur AFB, Building 221, Grandview, Missouri 64030, telephone (816) 348-2861.

(Sec. 203, 205, Pub. L. 79-733, 60 Stat. 1087, 1090 (7 U.S.C. 1622, 1624))

Done in Washington, D.C. on: December 12, 1979.

D. R. Galliard,
Acting Administrator.

[FR Doc. 79-38559 Filed 12-14-79; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

7 CFR Parts 905, 906, 907, 908, 909, 910, 911, 912, 913, 915, 916, 917, 918, 919, 921, 922, 923, 924, 926, 927, 928, 929, 930, 931, 932, 944, 945, 946, 947, 948, 950, 953, 958, 959, 965, 966, 967, 971, 979

Marketing Agreements and Orders; Fruits and Vegetables

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule excepts "Budget of Expenses and Rate of Assessment" and "Handling" regulations, which are effective for a year or less, from publication in the *Code of Federal Regulations* and removes obsolete material from the Code. The regulations will continue to be published in the *Federal Register*.

EFFECTIVE DATE: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: D. S. KURYLOSKI (202) 447-6393.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Service will continue publishing "Budget of Expenses and Rate of Assessment" and "Handling" regulations for fruits and vegetables in the *Federal Register*, but those issued pursuant to the CFR parts listed above will no longer be included in the *Code of Federal Regulations* (CFR) which is primarily a codification of permanent regulation. The regulations are seasonal, and often in effect for less than a year; therefore, the CFR cannot be depended on to contain a regulation of current effect. Further, the Agricultural Marketing Service has a special procedure for notifying those specifically affected by these

regulations. The Secretary of Agriculture notifies the program administrative committee, which then notifies the affected growers and handlers. Publication in the CFR is not necessary to inform those people most affected by these regulations.

Not printing the "Budget of Expenses and Rate of Assessment" and "Handling" regulations in the CFR will eliminate possible confusion, and save substantially on printing costs without inconvenience to the public. Further, it will prevent the future random accumulation of out-of-date provisions now existing in the CFR.

The seasonal provisions will be carried in the *List of Sections Affected* (LSA) which is published monthly, and is also carried in the back of each CFR volume. In addition, a note will direct the user to the LSA.

1. The following subpart headings and sections are removed and a note is added at the end of each affected Part to read as follows:

Note.—After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .300–.399) which are in effect for a year or less, will not be carried in the *Code of Federal Regulations*. For **Federal Register** citations affecting these regulations, see the "List of Sections Affected" in this volume.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 905.217 [Removed]

Subpart—Handling Regulation [Removed]

§ 905.301 [Removed]

§ 905.302 [Removed]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 906.218 [Removed]

Subpart—Handling Regulation [Removed]

§ 906.361 [Removed]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Expenses and Rate of Assessment [Removed]

§ 907.215 [Removed]

Subpart—Handling Regulation [Reserved] [Removed]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Expenses and Rate of Assessment [Removed]

§ 908.217 [Removed]

Subpart—Handling Regulation [Removed]

§ 908.881 [Removed]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Subpart—Expenses, Rate of Assessment, and Carryover of Unexpended funds [Removed]

§ 909.217 [Removed]

Subpart—Handling Regulation [Removed]

§ 909.342 [Removed]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Subpart—Expenses and Rate of Assessment [Removed]

§ 910.216 [Removed]

Subpart—Handling Regulation [Removed]

§ 910.463 [Removed]

PART 911—LIMES GROWN IN FLORIDA

Subpart—Budget of Expenses, Rate of Assessment and Carryover of Unexpended Funds [Removed]

§ 911.217 [Removed]

Subpart—Handling Regulation [Removed]

§ 911.340 [Removed]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Subpart—Expenses and Rate of Assessment [Removed]

§ 912.218 [Removed]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Subpart—Expenses and Rate of Assessment [Removed]

§ 913.214 [Removed]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Subpart—Budget of Expenses, Rate of Assessment and Carryover of Unexpended Funds [Removed]

§ 915.217 [Removed]

§ 915.319 [Removed]

§ 915.320 [Removed]

PART 916—NECTARINES GROWN IN CALIFORNIA

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 916.217 [Removed]

§ 916.351 [Removed]

§ 916.352 [Removed]

PART 917—FRESH PEARS, PLUMS AND PEACHES GROWN IN CALIFORNIA

Subpart—Expenses, Rates of Assessment, and Carryover of Unexpended Funds [Removed]

§ 917.217 [Removed]

§ 917.218 [Removed]

§ 917.219 [Removed]

§ 917.220 [Removed]

§ 917.221 [Removed]

§ 917.222 [Removed]

§ 917.419 [Removed]

§ 917.439 [Removed]

§ 917.440 [Removed]

§ 917.441 [Removed]

§ 917.443 [Removed]

§ 917.444 [Removed]

§ 917.445 [Removed]

§ 917.446 [Removed]

§ 917.447 [Removed]

§ 917.448 [Removed]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 918.216 [Removed]

§ 918.320 [Removed]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 919.217 [Removed]

§ 919.319 [Removed]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 921.217 [Removed]

Subpart—Container Regulations [Removed]

§ 921.315 [Removed]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 922.218 [Removed]

§ 922.318 [Removed]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 923.218 [Removed]

Subpart—Container Regulations [Removed]

§ 923.316 [Removed]

§ 923.317 [Removed]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 924.218 [Removed]

Subpart—Container Regulations [Removed]

§ 924.316 [Removed]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Subpart—Budget of Expenses, Rate of Assessment and Carryover of Unexpended Funds [Removed]

§ 926.218 [Removed]

§ 926.315 [Removed]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Subpart—Expenses, Rate of Assessment, and Carryover of Unexpended Funds [Removed]

§ 927.218 [Removed]

Subpart—Container Regulations [Removed]

§ 927.316 [Removed]

§ 927.317 [Removed]

PART 928—PAPAYAS GROWN IN HAWAII

Subpart—Budget of Expenses, Rate of Assessment, and Carryover of Unexpended Funds [Removed]

§ 928.208 [Removed]

Subpart—Handling Regulation [Removed]

§ 928.308 [Removed]

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Subpart—Expenses and Rate of Assessment [Removed]

§ 929.219 [Removed]

Subpart—Handler Regulations [Removed]

§ 929.304 [Removed]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

§ 930.158 [Removed]

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 930.208 [Removed]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Subpart—Budget of Expenses; Rate of Assessment; and Carryover of Unexpended Funds [Removed]

§ 931.213 [Removed]

Handling regulation (removed).

§ 931.312 [Removed]

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Expenses and Rate of Assessment [Removed]

§ 932.213 [Removed]

2. The following sections are redesignated:

§ 921.203 Reserve fund. [Redesignated]

a. Section 921.203 is redesignated as § 921.142.

§ 922.205 Reserve fund. [Redesignated]

b. Section 922.205 is redesignated as § 922.142.

§ 923.202 Reserve fund. [Redesignated]
c. Section 923.202 is redesignated as § 923.142.

§ 924.203 Reserve fund. [Redesignated]
d. Section 924.203 is redesignated as § 924.142.

§ 927.202 Reserve fund. [Redesignated]
e. Section 927.202 is redesignated as § 927.142.

§ 929.204 Reserve. [Redesignated]
f. Section 929.204 is redesignated as § 929.142.

§ 932.203 Reserve. [Redesignated]
g. Section 932.203 is redesignated as § 932.140.

3. The following subpart headings and sections are removed:

PART 944—FRUITS, IMPORT REGULATIONS

§ 944.17 [Removed]

§ 944.18 [Removed]

§ 944.101 [Removed]

§ 944.102 [Removed]

§ 944.205 [Removed]

§ 944.308 [Removed]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 945.230 [Removed]

§ 945.231 [Removed]

Subpart—Handling Regulation [Removed]

§ 945.337 [Removed]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 946.230 [Removed]

§ 946.231 [Removed]

Subpart—Handling Regulation [Removed]

§ 946.333 [Removed]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 947.221 [Removed]

§ 947.229 [Removed]

§ 947.230 [Removed]

§ 947.231 [Removed]

Subpart—Handling Regulation [Removed]

§ 947.337 [Removed]

PART 948—IRISH POTATOES GROWN IN COLORADO

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 948.262 [Removed]

§ 948.275 [Removed]

§ 948.277 [Removed]

§ 948.278 [Removed]

§ 948.279 [Removed]

§ 948.280 [Removed]

Subpart—Handling Regulation [Removed]

§ 948.377 [Removed]

§ 948.378 [Removed]

§ 948.379 [Removed]

§ 948.380 [Removed]

PART 950—IRISH POTATOES GROWN IN MAINE

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 950.213 [Removed]

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 953.214 [Removed]

§ 953.215 [Removed]

Subpart—Handling Regulation [Removed]

§ 953.318 [Removed]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 958.221 [Removed]

§ 958.222 [Removed]

Subpart—Handling Regulation [Removed]

§ 958.322 [Removed]

§ 958.323 [Removed]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Subpart—Expenses and Rate of Assessment [Removed]

§ 959.217 [Removed]

§ 959.218 [Removed]

Subpart—Handling Regulation [Removed]

§ 959.317 [Removed]

§ 959.318 [Removed]

PART 965—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 965.213 [Removed]

PART 966—TOMATOES GROWN IN FLORIDA

Subpart—Expenses and Rate of Assessment [Removed]

§ 966.214 [Removed]

§ 966.215 [Removed]

Subpart—Handling Regulation [Removed]

§ 966.316 [Removed]

§ 966.317 [Removed]

PART 967—CELERY GROWN IN FLORIDA

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 967.213 [Removed]

§ 967.214 [Removed]

Subpart—Handling Regulation [Removed]

§ 967.313 [Removed]

§ 967.314 [Removed]

PART 971—LETTUCE GROWN IN THE LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 971.217 [Removed]

§ 971.218 [Removed]

Subpart—Handling Regulation [Removed]

§ 971.318 [Removed]

§ 971.319 [Removed]

PART 979—MELONS GROWN IN SOUTH TEXAS

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 979.201 [Removed]

Subpart—Handling Regulation [Removed]

§ 979.301 [Removed]

4. The following sections are redesignated and revised in order to remove them from the deleted subparts.

§ 946.219 Operating reserve. [Redesignated]

a. Section 946.219 is redesignated as § 946.142.

§ 950.201 Fiscal period. [Redesignated]

b. Section 950.201 is redesignated as § 950.115.

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

Dated: December 12, 1979 to become effective December 31, 1979.

D. S. Kuryloski,

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

[FR Doc. 79–38482 Filed 12–14–79; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303 and 304

Delegation of Authority to the Director of the Division of Bank Supervision

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: Under § 346.19 a foreign bank which has an insured branch is required to pledge assets for the benefit of the FDIC in the event the FDIC is obligated to pay the insured deposits of an insured branch. These rules amend Parts 303 and 304 of FDIC's regulations. The amendment to Part 303 provides notice of the delegation of authority by the FDIC's Board of Directors to the Director of the Division of Bank Supervision and thence to the Regional Directors to enter into deposit agreements on behalf of the FDIC and to the General Counsel to modify provisions of the model deposit agreement as necessary to fulfill the purposes of FDIC regulation § 346.19.

EFFECTIVE DATE: December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Attorney, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429, (202–389–4433).

SUPPLEMENTARY INFORMATION: The amendment to Part 304 provides notice of the adoption of a model deposit agreement for use in connection with the pledge of asset requirements of § 346.19. The model agreement sets out the provisions which must be included in any deposit agreement. Additional provisions not inconsistent with these provisions may be included by the bank or the depository.

The amendments to Parts 303 and 304 relate to the procedures and practices of the FDIC and thus the provisions of the Administrative Procedure Act regarding notice and a delayed effective date (5 U.S.C. § 553) are not applicable. The amendments will be effective upon publication in the *Federal Register*.

Accordingly, FDIC's Board of Directors under the authority of § 9 of the Federal Deposit Insurance Act and

§ 13 of the International Banking Act of 1978 (12 U.S.C. 1819 and 3108) amends Parts 303 and 304 of FDIC's regulations as set out below:

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

1. Section 303.13 is amended by adding a new paragraph (j) to read as follows:

§ 303.13 Other delegations of authority.

(j) *Deposit agreement for pledge of assets by foreign banks.* The Board of Directors has delegated to the Director of the Division of Bank Supervision, or, where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the insured branch is located, the authority on behalf of the Board of Directors to enter into deposit agreements with foreign banks and depositories in connection with the pledge of asset requirements of FDIC regulation § 346.19. The Board of Directors has also delegated to the General Counsel, or the General Counsel's designee, the authority to modify the terms of the model deposit agreement (FDIC Form 6300/02) as described in § 304.3(bb) of FDIC's rules and regulations.

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

2. Section 304.3 is amended by adding a new paragraph (bb) to read as follows:

§ 304.3 Forms and instructions.

(bb) Form 6300/02, *Model deposit agreement*. Form 6300/02 is a model agreement which governs the pledge of assets by a foreign bank having an insured branch as required under § 346.19 of FDIC's regulations. This form sets out the provisions which must be included in any agreement among the foreign bank, the depository and the FDIC. Copies of the model deposit agreement may be obtained from the FDIC Regional Office for the region wherein the insured branch is located.

By Order of the Board of Directors,
December 10, 1979.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 79–38558 Filed 12–14–79; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 19869; Amdt. 39-3640]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Models P68 and P68B Airplanes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires an inspection of the stabilator balance weight attachment channel on Partenavia Model P68 and P68B airplanes for cracks, immediate installation of a channel stiffener if cracks are found, and repetitive inspections of the channel until the stiffener is installed. This AD is necessary to prevent loss of the stabilator balance weight which could result in loss of control of the airplane during flight.

DATES: Effective January 2, 1980. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria-Napoli, Italy.

Copies of the service bulletin and drawing are contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone 202-426-8374.

SUPPLEMENTARY INFORMATION: The FAA has received reports that cracks have been found in the stabilator balance weight attachment channel, P/N 68-3.3017-3, on certain Partenavia Model P68 and P68B airplanes. Failure of the attachment channel will result in loss of the stabilator balance weight and possible loss of airplane control during flight.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection of the stabilator balance weight attachment channel, P/N 68-

3.3017-3, for cracks, the immediate installation of a stiffener if cracks are found, and repetitive inspection of P/N 68-3.3017-3 until the stiffener is installed on Partenavia Model P68 and P68B airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Partenavia Costruzioni Aeronautiche S.p.A.

Applies to Model P68 and P68B airplanes, Serial Numbers 1 through 88, except Serial Numbers 03 and 04, certificated in all categories, which do not have stabilator balance weight attachment channel stiffeners, P/N R-0009-2, installed.

Compliance is required as indicated unless already accomplished.

To prevent loss of the stabilator balance weight accomplish the following:

(a) Within 25 hours time in service after the effective date of this AD for those airplanes which have more than 500 hours total time in service, inspect the stabilator balance weight attachment channel, P/N 68-3.3017-3, for cracks, using the dye penetrant method or an equivalent method approved by an FAA maintenance inspector.

(b) If no cracks are found during the inspection required by paragraph (a) of this AD—

(i) Return the aircraft to service, and

(ii) Repeat the inspection in paragraph (a) of this AD at intervals not to exceed 25 hours time in service from the last inspection.

(c) If cracks are found during any inspection required by paragraph (a) or (b) of this AD, before further flight, except that aircraft may be flown in accordance with FAR 21.197 to a base where the repair can be performed, install channel stiffeners, P/N R-0009-2, in accordance with section titled "Instruction" in Partenavia Service Bulletin No. 36, revision 1, dated March 24, 1978, (hereinafter referred to as the service bulletin) or an FAA-approved equivalent, and Partenavia Drawing No. R-0009, titled "Stabilator Balance Weight Attachment Channel Modification Scheme" dated March 31, 1978, (hereinafter referred to as the drawing), or an FAA-approved equivalent.

(d) Within 100 hours time in service after the effective date of this AD, without regard to total time in service, install 2 channel stiffeners, P/N R-0009-2, in accordance with the service bulletin and drawing, or an FAA-approved equivalent.

(e) The inspections required by paragraphs (a) or (b) of this AD may be discontinued when the stiffeners, P/N R-0009-2, are installed.

(f) An equivalent method of compliance with the modification required by paragraph (c) or (d) of this AD must be approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, Europe, Africa and Middle East Region, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective January 2, 1980.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C. on December 10, 1979.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 79-38515 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NE-19, Amdt. 39-3637]

Airworthiness Directives; Hamilton Standard 24 PF Propellers**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which establishes a 3,000 hour life on P/N 738410-1 bell cranks and P/N 738405-1 pivots used in the Hamilton Standard 24 PF propeller. Cracks on these bell cranks and pivots have been found during propeller testing at the manufacturer. Analysis of the test data has revealed the need to establish a life limit on these parts.

DATES: Effective date—December 24, 1979. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: The Service Bulletin noted in this AD may be obtained from Hamilton Standard, Division of United Technologies Corporation, Windsor Locks, Connecticut 06096.

FOR FURTHER INFORMATION CONTACT: Ralph S. Hawkins, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation

Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7348.

SUPPLEMENTARY INFORMATION: Cracks on bell crank P/N 738410-1 and pivot P/N 738405-1 have been found during propeller testing at the manufacturer. Analysis of the test data has revealed the need to establish a life limit on these parts. Failure of either the bell crank or pivot would affect propeller blade movement into the feather position and out of the reverse position.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Hamilton Standard: Applies to all Hamilton Standard 24PF propellers, P/N 764995-1, 764996-2, 764996-3, 767600-2, and 767600-3, incorporating P/N 738410-1 bell cranks and P/N 738405-1 pivots.

Compliance required as indicated.

To preclude fracture of the P/N 738410-1 bell crank and P/N 738405-1 pivot due to cyclic loading, replace the bell cranks and the pivots in accordance with the following schedule:

1. Bell cranks and pivots with less than 2,600 hours time in service as of the effective date of this AD shall be removed from service prior to the accumulation of 3,000 hours time in service.
2. Bell cranks and pivots with 2,600 hours or more time in service as of the effective date of this AD shall be removed from service prior to the accumulation of 400 additional hours time in service.

This AD establishes a 3,000 hour life limit for bell crank P/N 738410-1 and pivot P/N 738405-1.

Note.—Hamilton Standard Service Bulletin HS Code 24PF, No. 13, "Propellers—Extension Dome Assembly—Replacement of Bell Crank and Bell Crank Pivots," dated August 15, 1979, pertains to this subject.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, New England Region, may adjust the replacement interval specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator. This amendment becomes effective December 24, 1979.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket.

Issued in Burlington, Massachusetts, on December 7, 1979.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 79-38649 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-53; Amdt. 39-3639]

Airworthiness Directives; Piper Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to Piper PA-23-250 "F" type airplanes which requires a repetitive inspection of the left and right stabilator and replacement or repair where necessary. It appears that loose rivets and rib flange cracks have been discovered within the stabilators which could lead to a cracking of the stabilator skin.

EFFECTIVE DATE: December 24, 1979.

Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: C. Kallis, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There has been a report of loose rivets in the bottom stabilator skins on Piper PA-23-250 "F" Model airplanes. The bottom skins are presently riveted with blind AD 3 rivets. The top skins are hard-driven from both ends, and no problem exists with these rivets. The loose rivets at the bottom skins were found on stabilators which were fabricated by a combination of bonding and blind rivets. In their investigation Piper determined that bonding with bare alloys gave

worse results than the alloys with surfaces that were anodized and that the cherry "Max" blind rivets did not clamp-up as tight as the cherry "locks" rivets.

Piper also discovered that besides the rivets becoming loose, rib-flange cracks were developing at the ribs. These conditions could lead to relative motion between the frame-structure and the stabilator skins, creating further loosening of additional rivets and creating additional rib cracks plus stabilator skin cracks.

In view of the air safety problem, notice and public procedure hereon are impractical, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Piper: Applies to Piper PA-23-250 Model airplanes, Serial Nos. 27-7654001 thru 27-7954044 certificated in all categories, which incorporate the following stabilators:

Serial Nos.:

0336-L thru 0340-L
0401-L thru 0607-L
0337-R thru 0341-R
0402-R thru 0609-R

To prevent possible loosening and relative motion between the stabilator bottom skins and the stabilator frame-structure, accomplish the following:

a. Within the next 50 hours in service after the effective date of this AD, unless already accomplished within the past 50 hours and at intervals not to exceed 100 hours in service thereafter, inspect and repair or alter the left and right stabilator in accordance with the "Instructions" section on page 3 of 3 in Piper Service Bulletin No. 606 dated July 12, 1979, or approved equivalent.

b. When the stabilator assemblies are altered in accordance with paragraph B.4. of the "Instructions" section or equivalent, compliance with this AD is no longer required.

c. Equivalent inspections, repairs or alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

d. Upon submission of substantiating data through an FAA Maintenance Inspector, the compliance time specified in this AD may be adjusted by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

Effective Date: This amendment is effective December 24, 1979.

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

Issued in Jamaica, New York, on December 7, 1979.

Murray E. Smith,
Director, Eastern Region.

[FR Doc. 79-38557 Filed 12-14-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-16]

Alteration of Airways and Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns V-9, V-63, V-100, V-127, V-171, V-218 and V-227 airways and moves a reporting point as a result of the relocation of the Rockford, Ill., VORTAC, an air navigation aid. Construction of an electric transmission line in the vicinity of the VORTAC at such a critical location that the VORTAC became useless as a navigation aid has required the relocation of the VORTAC and the airspace associated with it.

EFFECTIVE DATE: January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, 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) 426-3715.

SUPPLEMENTARY INFORMATION: On November 8, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign airways and move the reporting point associated with the relocation of the Rockford VORTAC (44 FR 64842). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comment received expressed no objection. Section 71.123 of Part 71 was republished in the Federal Register on January 2, 1979, (44 FR 307). This amendment is the same as proposed in the notice.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) makes airway alterations that are required by the relocation of the Rockford VORTAC approximately two miles southeast of the present location. The definition of V-9, V-63, V-127, V-171, V-218 airways and the Rockford, Ill., reporting point in part 71 does not require any change to be moved to the new location of the VORTAC at lat.

42°13'32"N., long. 89°11'57"W. In the definition of V-100 the 082° radial of Rockford is changed to 080° to overlie the present position of the FARMM intersection. In the definition of V-227 the Rockford 179° radial of Rockford is changed to 180° to overlie the present position of the TRIDE intersection.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) and amended (44 FR 57084) is further amended, effective 0901 G.M.T., January 24, 1980, as follows:

Under V-100, "INT Rockford 082°", is deleted and "INT Rockford 080°" is substituted therefor.

Under V-227, "Rockford, Ill., 179°" is deleted and "Rockford, Ill., 180°" 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 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 December 12, 1979.

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

[FR Doc. 79-38552 Filed 12-14-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 19836; Amdt. No. 1153]

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 \$135.00.

FOR FURTHER INFORMATION CONTACT: Gary W. Wirt, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, 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, an 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 March 20, 1980*

Glenwood, MN—Glenwood Muni, VOR Rwy 33, Original

Hutchinson, MN—Hutchinson Muni, VOR/DME Rwy 32, Original

* * * *Effective January 24, 1980*

Brewton, AL—Brewton Muni, VOR Rwy 30, Amdt. 4

Los Banos, CA—Los Banos Muni, VOR/DME Rwy 14, Amdt. 1

Los Banos, CA—Los Banos Muni, VOR/DME Rwy 32, Amdt. 3

Crestview, FL—Bob Sikes, VOR-A (TAC), Amdt. 7

Rome, GA—Richard B. Russell, VOR/DME Rwy 18, Amdt. 2

Rome, GA—Richard B. Russell, VOR/DME Rwy 36, Amdt. 3

Galesburg, IL—Galesburg Muni, VOR Rwy 2, Original

Galesburg, IL—Galesburg Muni, VOR Rwy 20, Original

Galesburg, IL—Galesburg Muni, VOR Rwy 20, Amdt. 10, cancelled

Galesburg, IL—Galesburg Muni, VOR Rwy 2, Amdt. 9, cancelled

Monmouth, IL—Monmouth Municipal, VOR-A, Original

Monmouth, IL—Monmouth Municipal, VOR-A, Amdt. 4, cancelled

Clinton, IA—Clinton Muni, VOR Rwy 3, Amdt. 7

Clinton, IA—Clinton Muni, VOR/DME Rwy 21, Amdt. 2

Fort Dodge, IA—Fort Dodge Muni, VOR Rwy 12, Amdt. 11

Fort Dodge, IA—Fort Dodge Muni, VOR/DME Rwy 30, Amdt. 7

Waterloo, IA—Waterloo Muni, VOR Rwy 6, Original

Waterloo, IA—Waterloo Muni, VOR Rwy 12, Amdt. 7

Waterloo, IA—Waterloo Muni, VOR Rwy 18, Amdt. 5

Waterloo, IA—Waterloo Muni, VOR Rwy 24, Amdt. 13

Waterloo, IA—Waterloo Muni, VOR Rwy 36, Amdt. 14

Waterloo, IA—Waterloo Muni, VOR/DME Rwy 30, Amdt. 12

Waverly, IA—Waverly Muni, VOR/DME-A, Original

Beloit, KS—Beloit Muni, VOR/DME Rwy 17, Original

Garden City, KS—Garden City Muni, VOR Rwy 17, Amdt. 9

Garden City, KS—Garden City Muni, VOR Rwy 35, Amdt. 6

Garden City, KS—Garden City Muni, VOR/DME Rwy 17, Original

Garden City, KS—Garden City Muni, VOR/DME Rwy 35, Original

Hays, KS—Hays Muni, VOR Rwy 16, Amdt. 1

Hays, KS—Hays Muni, VOR Rwy 34, Amdt. 3

Hays, KS—Hays Muni, VOR/DME Rwy 16, Original

Hays, KS—Hays Muni, VOR/DME Rwy 34, Original

Manhattan, KS—Manhattan Muni, VOR Rwy 3, Amdt. 12

Manhattan, KS—Manhattan Muni, VOR-F, Amdt. 1

Manhattan, KS—Manhattan Muni., VOR-H, Amdt. 10

Alexandria, LA—Esler Regional, VOR Rwy 14, Amdt. 11

Alexandria, LA—Esler Regional, VOR Rwy 32, Amdt. 12

Pineville, LA—Pineville Municipal, VOR-A, Amdt. 2

Millinocket, ME—Millinocket Muni., VOR-A, Amdt. 7

Frederick, MD—Frederick Muni., VOR Rwy 23, Amdt. 6

Anoke, MN—Gateway North Industrial, VOR Rwy 34, Amdt. 1

Baudette, MN—Baudette Intl, VOR Rwy 30, Amdt. 4

International Falls, MN—Falls Intl, VOR Rwy 13, Amdt. 10

International Falls, MN—Falls Intl, VOR Rwy 31, Amdt. 13

International Falls, MN—Falls Intl, VOR/DME or TACAN Rwy 31, Amdt. 2

Butler, MO—Butler Memorial, VOR-A, Amdt. 3

Nevada, MO—Nevada Muni., VOR/DME-A, Original

Crete, NE—Crete Muni., VOR/DME Rwy 17, Original

Crete, NE—Crete Muni., VOR/DME Rwy 35, Original

Robbinsville, NJ—Trenton-Robbinsville, VOR Rwy 29, Amdt. 7

Salisbury, NC—Rowan County, VOR Rwy 2, Original

Enid, OK—Enid Woodring Muni., VOR Rwy 17, Amdt. 6

Enid, OK—Enid Woodring Muni., VOR Rwy 35, Amdt. 7

Hershey, PA—Hershey Air Park, VOR/DME-A, Original

Honesdale, PA—Cherry Ridge, VOR-A, Amdt. 2

Rapid City, SD—Rapid City Regional, VOR/DME or TACAN Rwy 14, Amdt. 10

Rapid City, SD—Rapid City Regional, VOR or TACAN Rwy 32, Amdt. 19

Parsons, TN—Scott Field, VOR/DME-A, Original

Dallas, TX—Addison, VOR Rwy 15, Amdt. 14, cancelled

Dallas, TX—Addison, VOR Rwy 33, Amdt. 14, cancelled

Dallas, TX—Addison, VOR-A, Amdt. 3, cancelled

Dallas, TX—Dallas Love Field, VOR Rwy 18, Amdt. 18, cancelled

Dallas, TX—Dallas Love Field, VOR Rwy 36, Amdt. 10, cancelled

Rockwall, TX—Rockwall Muni., VOR/DME Rwy 16, Amdt. 1

Rhineland, WI—Rhineland-Oneida County, VOR Rwy 27, Original

Rhineland, WI—Rhineland-Oneida County, VOR/DME Rwy 27, Original

* * * *Effective November 29, 1979*

Bloomington, IN—Monroe County, VOR Rwy 6, Amdt. 13

Bloomington, IN—Monroe County, VOR Rwy 17, Amdt. 8

North Lima, OH—Youngstown Elser Metro, VOR-A, Amdt. 1

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

* * * Effective January 24, 1980

Waterloo, IA—Waterloo Muni., LOC BC Rwy 30, Amdt. 6
 Alexandria, LA—Esler Regional, LOC BC Rwy 8, Amdt. 7
 International Falls, MN—Falls Intl, LOC BC Rwy 13, Amdt. 5
 Belmar Farmingdale, NJ—Monmouth County, SDF Rwy 14, Original
 Fayetteville, NC—Fayetteville Muni./Grannis Field, LOC/DME BC Rwy 21, Amdt. 1
 Oklahoma City, OK—Will Rogers World, LOC BC Rwy 17L, Amdt. 1
 Oklahoma City, OK—Will Rogers World, LOC BC Rwy 35L, Amdt. 5
 Rapid City, SD—Rapid City Regional, LOC/DME BC Rwy 14, Amdt. 8
 Dallas, TX—Dallas Love Field, LOC BC Rwy 31R, Amdt. 24
 Richland, WA—Richland, LOC Rwy 19, Amdt. 1

* * * Effective December 27, 1979

Unalakleet, AK—Unalakleet, LOC Rwy 14, Original
 Garden City, KS—Garden City Muni., LOC/DME Rwy 35, Original
 Bar Harbor, ME—Hancock County-Bar Harbor, LOC Rwy 22, Amdt. 3
 Spokane, WA—Spokane Intl, LOC Rwy 3, Amdt. 3

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

* * * Effective March 20, 1980

Shell Lake, WI—Shell Lake Muni., NDB Rwy 31, Original

* * * Effective January 24, 1980

Crossett, AR—Crossett Muni., NDB Rwy 23, Amdt. 4
 Washington, D.C.—Dulles Intl, NDB Rwy 1R, Amdt. 12
 Rome, GA—Richard B. Russell, NDB-A, Amdt. 1
 Canton, IL—Ingersoll, NDB Rwy 36, Original
 Canton, IL—Ingersoll, NDB Rwy 36, Amdt. 3, cancelled
 Clinton IA—Clinton Muni., NDB Rwy 3, Amdt. 1
 Clinton IA—Clinton Muni., NDB Rwy 14, Amdt. 1
 Crawfordsville, IN—Crawfordsville Muni., NDB Rwy 4, Amdt. 3
 Des Moines, IA—Des Moines Muni., NDB Rwy 30R, Amdt. 14
 Fort Dodge, IA—Fort Dodge Muni., NDB Rwy 6, Amdt. 4
 Pochontas, IA—Pochontas Muni., NDB Rwy 11, Amdt. 2
 Waterloo, IA—Waterloo Muni., NDB Rwy 12, Amdt. 6
 Independence, KS—Independence Muni., NDB Rwy 17, Original
 Manhattan, KS—Manhattan Muni., NDB-A, Amdt. 14
 Murray, KY—Murray—Calloway County, NDB Rwy 23, Amdt. 2
 Alexandria, LA—Esler Regional, NDB Rwy 26, Amdt. 6
 Winnfield, LA—David G. Joyce, NDB Rwy 8, Amdt. 1
 Millinocket, ME—Millinocket Muni., NDB-B, Amdt. 7

Rogers City, MI—Presque Isle County, NDB Rwy 27, Original
 International Falls, MN—Falls Intl, NDB Rwy 31, Amdt. 6
 Nevada, MO—Nevada Muni., NDB Rwy 20, Amdt. 1
 Falls City, NE—Brenner Field, NDB-A, Original
 Salisbury, NC—Rowan County, NDB-A, Amdt. 5
 Smithville, TN—Smithville Muni., NDB Rwy 24, Original
 Richland, WA—Richland, NDB Rwy 19, Amdt. 1
 Platteville, WI—Grant County, NDB Rwy 25, Amdt. 4
 Waukesha, WI—Waukesha County, NDB Rwy 10, Amdt. 7

* * * Effective December 27, 1979

Bar Harbor, ME—Hancock County-Bar Harbor, NDB Rwy 22, Original
 Edenton, NC—Edenton Muni., NDB Rwy 19, Amdt. 3
 Salem, OR—McNary Field, NDB Rwy 31, Amdt. 15

* * * Effective November 29, 1979

Superior, WI—Richard I. Bong, NDB Rwy 31, Original, cancelled

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

* * * Effective January 24, 1980

Pago Pago, Tutuila Is. American Samoa, Pago Pago International, ILS/DME Rwy 5, Amdt. 8
 Washington, D.C.—Dulles Intl, ILS Rwy 1R, Amdt. 16
 Atlanta, GA—The William B. Hartsfield, Atlanta Intl, ILS Rwy 8, Amdt. 52
 Galesburg, IL—Galesburg Muni., ILS Rwy 2, Amdt. 2
 Des Moines, IA—Des Moines Muni., ILS Rwy 12L, Amdt. 3
 Des Moines, IA—Des Moines Muni., ILS Rwy 30R, Amdt. 15
 Fort Dodge, IA—Fort Dodge Muni., ILS Rwy 6, Amdt. 3
 Waterloo, IA—Waterloo Muni., ILS Rwy 12, Amdt. 4
 Manhattan, KS—Manhattan Municipal, ILS Rwy 3, Amdt. 1
 Alexandria, LA—Esler Regional, ILS Rwy 26, Amdt. 10
 International Falls, MN—Falls Intl, ILS Rwy 31, Amdt. 6
 Oklahoma City, OK—Will Rogers World, ILS Rwy 17R, Amdt. 5
 Oklahoma City, OK—Will Rogers World, ILS Rwy 35R, Amdt. 1
 Rapid City, SD—Rapid City Regional, ILS Rwy 32, Amdt. 10

* * * Effective December 27, 1979

Orlando, FL—Orlando International, ILS Rwy 18R, Original
 Salem, OR—McNary Field, ILS Rwy 31, Amdt. 23

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

* * * Effective January 24, 1980

Anchorage, AK—Anchorage Intl, RADAR-2, Original
 Des Moines, IA—Des Moines Muni., RADAR-1, Amdt. 13
 6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * Effective January 24, 1980

Clinton, IA—Clinton Muni., RNAV Rwy 21, Amdt. 4
 Des Moines, IA—Des Moines Muni., RNAV Rwy 12L, Amdt. 3
 Fort Dodge, IA—Fort Dodge Muni., RNAV Rwy 6, Amdt. 3
 Fort Dodge, IA—Fort Dodge Muni., RNAV Rwy 24, Amdt. 3
 Waterloo, IA—Waterloo Muni., RNAV Rwy 6, Amdt. 3
 Waverly, IA—Waverly Muni., RNAV Rwy 10, Original
 Hays, KS—Hays Muni., RNAV Rwy 16, Amdt. 2
 Nevada, MO—Nevada Muni., RNAV Rwy 20, Original
 Oklahoma City, OK—Clarence E. Page Muni., RNAV Rwy 17L, Original
 Oklahoma City, OK—Clarence E. Page Muni., RNAV Rwy 35R, Original
 Charleston, SC—Johns Island, RNAV Rwy 9, Amdt. 1
 Platteville, WI—Grant County, RNAV Rwy 25, Amdt. 2
 Waukesha, WI—Waukesha County, RNAV Rwy 10, Amdt. 4

(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 December 7, 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.

[FR Doc. 79-38302 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 460

Trade Regulation Rules; Labeling and Advertising of Home Insulation

AGENCY: Federal Trade Commission.

ACTION: Change in the effective date of the rule.

SUMMARY: On August 31, 1979, the Commission promulgated its trade regulation rule on labeling and advertising of home insulation (44 FR 50218). The Commission announced in that notice that the effective date of the rule would be November 30, 1979.

On November 2, 1979, the Commission announced its determination that its continuing efforts to resolve possible difficulties concerning compliance with the representative-thickness-testing provisions of the rule necessitated a delay of the effective date until December 31, 1979 (44 FR 64402 November 7, 1979).

On November 16, 1979, the Congress approved a joint resolution providing interim funding for the Commission through March 15, 1980, pending completion of action on authorization and appropriation legislation. This resolution was signed into law by the President on November 20, 1979, as Pub. L. 96-123. It contains a limitation on the Commission funding specifying that no trade regulation rule promulgated under Section 18 of the Federal Trade Commission Act after August 30, 1979, could become effective during the period covered by the resolution unless authorizing legislation has first been enacted into law.

Because, as noted, the Home Insulation rule was promulgated on August 31, it is subject to this restriction. In view of the uncertain duration of this restriction, it is presently impossible to state what the earliest permissible effective date for the rule will be. The Commission wishes, however, to provide as much certainty as possible for those affected by the rule, so that they may plan for compliance on an informed basis. Accordingly, it has determined that the rule will not become effective before March 16, 1980, in any event. A new effective date will be announced by the Commission with reasonable advance notice for those with compliance obligations.

EFFECTIVE DATE: December 17, 1979

FOR FURTHER INFORMATION CONTACT: Paul Petrucci, Bureau of Consumer Protection, 202-724-1508.

By direction of the Commission dated December 5, 1979.

Carol M. Thomas,
Secretary.

[FR Doc. 79-38447 Filed 12-14-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability; Correction

AGENCY: Social Security Administration, HEW.

ACTION: Correction of Final rules.

SUMMARY: On June 15, 1979, we published final rules for entitlement to old-age, disability, dependents', and survivors' insurance benefits and to a period of disability in the *Federal Register* (44 FR 34479). Since that time we have noted that § 404.321(a) contains a misstatement about the beginning of a period of disability and that § 404.340(e) contains two incorrect cross references. Accordingly, we are correcting these two provisions.

FOR FURTHER INFORMATION CONTACT: Mrs. Vera J. Schlosser, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7332.

SUPPLEMENTARY INFORMATION: § 404.321 [Amended]

The first sentence of § 404.321(a) formerly read as follows: "Your period of disability begins at the start of the first calendar quarter in which you were both disabled and insured for disability." That is not wholly accurate. Unless an individual is insured on the day his or her disability begins, that person's period of disability cannot begin until the first day of the first calendar quarter after the person's disability began in which he or she is insured. Therefore, we are correcting § 404.321(a) to read as follows: "Your period of disability begins on the day your disability begins if you are insured for disability on that day. If you are not insured for disability on that day, your period of disability will begin on the first day of the first calendar quarter after your disability began in which you are insured for disability."

§ 403.340 [Amended]

The last sentence of § 404.340(e) formerly read as follows. "Sections 404.358 and 404.359 describe when a child is 'in your care.'" However, the sections that describe when a child is "in your care" are § 404.348 and § 404.349. Therefore, we are substituting "Sections 404.348 and 404.349" for "Sections 404.358 and 404.359".

Dated: December 6, 1979.

Robert F. Sermier,
Acting Deputy Assistant Secretary for
Management Analysis and Systems.

[FR Doc. 79-38563 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 713

Disposal of Uneconomic Remnants— Credit to Federal Funds

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendment to final rule.

SUMMARY: This amendment revises FHWA regulations to require a credit to Federal funds at the time of the disposal of an uneconomic remnant of real property. This amendment is required by Attachment N of OMB Circular A-102 dated August 24, 1977.

EFFECTIVE DATE: February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald L. Kennedy, Office of Right-of-Way, 202-426-0142; or S. Reid Alsop, Office of the Chief Counsel, 202-426-0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Existing regulations concerning the disposal of uneconomic remnants of real property appear as section 713.308(b) of Title 23, Code of Federal Regulations, and codify material contained in Volume 7, Chapter 4, Section 2, of the Federal-Aid Highway Program Manual. (The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.)

On August 24, 1977, the Office of Management and Budget (OMB) issued revised Circular A-102. Attachment N of this circular requires a credit to Federal funds upon the disposal of certain real property acquired with Federal participation. In order to comply with this requirement, FHWA is amending section 713.308(b) to require a credit to Federal funds upon the disposal of an uneconomic remnant of real property.

This amendment is being issued in final form without prior opportunity for public notice and comment because it simply brings FHWA regulations into conformance with the requirements of OMB Circular A-102. Issuance of this amendment will have no economic or other relevant consequences beyond those of the action previously taken by OMB. Accordingly, no separate

regulatory evaluation had been prepared for this amendment.

In consideration of the foregoing, Part 713, Subpart C of Chapter I, Title 23, Code of Federal Regulations, is amended by revising section 713.308(b) to read as follows:

§ 713.308 Uneconomic remnants.

(a) * * *

(b) When the uneconomic remnant is not incorporated within the approved right-of-way limits, no FHWA approval to dispose of it is required. Upon disposal of such remnant, a credit to Federal funds is required in accordance with the provisions of § 713.307 of this part.

(23 U.S.C. § 315; 23 CFR 1.32; 42 U.S.C. § 4651(9); 49 CFR 1.48(b); OMB Circular A-102, Attachment N dated Aug. 24, 1977)

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

Issued on: December 6, 1979.

John S. Hassell, Jr.,
Deputy Administrator.

[FR Doc. 79-38343 Filed 12-14-79; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7659]

Income Tax; Taxable Years Beginning After December 31, 1953; Capital Loss Carryovers for Regulated Investment Companies

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the allowable period to which a regulated investment company must carry forward a net capital loss. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations provide the public with the guidance needed to comply with these changes.

DATES: The amendment pertaining to the extension of the capital loss carryover period for regulated investment companies is effective for taxable years ending after December 31, 1969. The amendment pertaining to the term "capital gain net income" is effective for taxable years beginning after December 31, 1976.

FOR FURTHER INFORMATION CONTACT:

Kent J. Schreiner of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224 (Attention: CC: LR:T) (202/566-3803).

SUPPLEMENTARY INFORMATION:

Background

On July 6, 1979, the *Federal Register* published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1212 of the Internal Revenue Code of 1954 (44 FR 39476). These amendments were proposed to conform the regulations to sections 1403 and 1901 (b) (33) (O) of the Tax Reform Act of 1976 (90 Stat. 1733, 1802). No comments were received with respect to the proposed amendments, and no public hearing was requested or held. The proposed amendments are adopted by this Treasury decision without change.

Explanation

The Tax Reform Act of 1976 amends section 1212 (a) of the Internal Revenue Code by increasing the 5-year carryover period allowed for net capital losses sustained by corporations to 8 years for regulated investment companies, as defined in section 851. The amendments adopted by this Treasury decision make it clear that regulated investment companies have a maximum of 9 years in which to deduct their capital losses. This specified 9-year period must be reduced under certain prescribed conditions.

The Tax Reform Act substituted the term "capital gain net income" for the term "net capital gain". The proposed amendments conform the regulations under section 1212 to this change in terminology.

The final regulations adopted by this Treasury decision impose no new reporting or recordkeeping requirements. The principal effect of the final regulations is to conform existing regulations under section 1212 of the Code to changes made by the Tax Reform Act of 1976. Evaluation of the effectiveness of these regulations after issuance will be based upon comments received from offices within Treasury and the Internal Revenue Service, other governmental agencies, and the public.

Drafting Information

The principal author of this regulation is Kent J. Schreiner of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated

in developing the regulation, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, the amendments to 26 CFR Part 1 published as a notice of proposed rulemaking in the *Federal Register* for July 6, 1979 (44 FR 39476), are hereby adopted as proposed.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: December 7, 1979.

Donald C. Lubick,

Assistant Secretary of the Treasury.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

The amendments to 26 CFR Part 1 are as follows:

§ 1.1212 [Deleted]

Paragraph 1. Section 1.1212 and the historical note are deleted.

§ 1.1212-1 [Amended]

Par. 2. Paragraph (a) of § 1.1212-1 is amended by striking out "net capital gain(s)" each place it appears in subparagraphs (2)(i) and (3) (ii) and (iii) and inserting in lieu thereof "capital gain net income (net capital gain(s) for taxable years beginning before January 1, 1977)", and by adding subdivision (g) to subparagraph (3)(iii). The added provision reads as follows:

§ 1.1212-1 Capital loss carryovers and carrybacks.

(a) *Corporations; other taxpayers for taxable years beginning before January 1, 1964.* * * *

(3) *Regular net capital loss sustained by a corporation for taxable years beginning after December 31, 1969.* * * *

(iii) *Special rules.* * * *

(g) A regulated investment company (as defined in section 851) sustaining a net capital loss shall carry over that loss to each of the 8 taxable years succeeding the loss year. However, the 8-year period prescribed in the preceding sentence shall be reduced (but not to less than 5 years) by the sum of (1) the number of taxable years to which the net capital loss must be carried back pursuant to subdivision (i)(a) of this subparagraph (as limited by subdivision (iii)(e) of this subparagraph) and (2) the number of taxable years, of the 8 taxable years succeeding the loss year, that the corporation failed to

qualify as a regulated investment company as defined in section 851. This subdivision shall not extend the carryover period prescribed in subdivision (i)(b) of this subparagraph to a year in which a corporation is not a regulated investment company as defined in section 851.

* * * * *

[FR Doc. 79-38553 Filed 12-14-79; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 79-157]

Drawbridge Operation Regulations; Quincy Bay, Ill.

Correction

In FR Doc. 79-35303, appearing in the third column of page 65750 in the issue of Thursday, November 15, 1979, the CFR section head which reads § 117.60 should read § 117.620.

BILLING CODE 1505-01-M

33 CFR Part 147

[CCGD 11-79-06]

Establishment of Safety Zones Around Structures Being Constructed on the Outer Continental Shelf (OCS)

AGENCY: Coast Guard, Department of Transportation.

ACTION: Final rule.

SUMMARY: This document establishes an emergency safety zone and related regulations under the provisions of Title 33 Code of Federal Regulations § 147.03-3(b) around Platform Ellen, a fixed structure being constructed on the OCS in the Gulf of Santa Catalina south of the ports of Los Angeles and Long Beach. Platform Ellen is the first of three structures contemplated by Shell Oil Company in the BETA development plant to develop subseabed resources discovered pursuant to OCS Lease #35. The Commander, Eleventh Coast Guard District has made an inquiry and determined that this safety zone is necessary to promote safety of life and property on the structure, its appurtenances and attending vessels and in the adjacent waters during installation and construction periods.

EFFECTIVE DATE: The safety zone and regulations established herein are effective upon commencement of installation operations which is set for 1 December 1979.

FOR FURTHER INFORMATION CONTACT: LT Robin A. Wendt, Project Manager, Eleventh Coast Guard District Hearing Officer, Eleventh Coast Guard District, Union Bank Building, Suite 911, 400 Oceangate Boulevard, Long Beach, California 90822, Telephone (213) 590-2386.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Lieutenant Robin A. Wendt, Project Manager, Eleventh Coast Guard District Hearing Officer, and Lieutenant Commander Ronald S. Matthew, Project Counsel, Eleventh Coast Guard District Legal Office.

SUPPLEMENTARY INFORMATION: On February 20, 1979 the Commander, Eleventh Coast Guard District published an advance notice of proposed rulemaking on safety zones around fixed structures both on the OCS and in the navigable waters adjacent to Southern California (44 FR 10399). This was the first of a three stage rulemaking process designed to implement permanent safety zones around such structures. Platform Ellen was not included in that notice. At the time, Shell Oil Company had not received a Corps of Engineers permit for it. That permit has now been issued and Shell plans to commence installation on 1 December 1979. This does not leave adequate time to complete the normal rulemaking process considering Platform Ellen, i.e. a Notice of Proposed Rulemaking, comment period and a Final Rule. Even though a Notice of Proposed Rulemaking addressing safety zones for all structures off Southern California will be published soon, it will not precede installation of platform Ellen.

The Commander, Eleventh Coast Guard District has determined that the establishment of this safety zone and its regulations is necessary to promote safety of life and property on the structure, its appurtenances and attending vessels and on the adjacent waters during the installation and construction periods. Further, the District Commander has determined that without the establishment of an emergency safety zone around platform Ellen, an imminent danger would exist.

Discussion:

Platform ELLEN is the first structure of any sort designed for the development of sub-seabed natural resources to be sited within a routing measure adopted by the Intergovernmental Maritime Consultative Organization (IMCO). IMCO is the maritime arm of the United Nations and is the international authority on vessel routing measures. The routing measure in question is the

"Approaches to Los Angeles/Long Beach Traffic Separation Scheme" (TSS), also known as the Gulf of Santa Catalina (GSC) TSS. Platform Ellen is to be sited within the TSS Separation Zone, that area which separates opposing Traffic Lanes, such that a maximum size safety zone of 500 meters would not interfere with either Traffic Lane. This is significant because a safety zone may not interfere with a recognized sea (traffic) lane.

The siting of a fixed structure within a routing measure, of which a TSS is just one type, is not recommended by IMCO as set forth in IMCO Resolution A378(X) which states in Section 3.9, "Governments are recommended to ensure, as far as practicable, that oil rigs, platforms and other similar structures are not established within routing systems adapted by the Organization or near their terminations." A Separation Zone is a part of a TSS and siting a structure there constitutes a structure within a routing system. The Commander, Eleventh Coast Guard District is convinced however that there is no other way to extract the natural resources in the area other than siting appropriate structures in the Separation Zone. Therefore, in keeping with the national energy goals the District Commander did not object to these structures but has determined that they pose a potential threat to navigation and the environment.

Platform Ellen will be sited in a TSS where significant marine traffic exists, much of which carries hazardous and particularly hazardous cargoes. It also lies in an area between numerous mainland marinas and offshore islands in which recreational vessel traffic occurs. Further it lies in close proximity to the Huntington Beach offshore tanker mooring. Much of the marine traffic which is in close proximity to site of platform Ellen could cause damage to the platform in the event of a collision. Though vessels do not normally navigate in a Separation Zone, they may enter it (1) when crossing the Separation Zone but must do so at right angles or as nearly so as practicable; (2) in cases of emergency to avoid imminent danger; or (3) to engage in fishing. Since this structure will be the first to be in a Separation Zone, its location there will be unexpected. Many vessels which are too small to inflict damage to the structure could nevertheless incur damage to themselves in the event of a collision. The safety zone will be the area within a circle five-hundred meters in radius around the installation site and thence the area within a line 500 meters from the structure's outer edge. Since

the installation process (which usually lasts one to two weeks) requires great precision, it is appropriate that all vessels be excluded from the safety zone except construction or attending vessels. A hazard would exist to the structure, its personnel and attending vessels if other vessels were allowed to navigate too near the platform. The Commander, Eleventh Coast Guard District has therefore established this safety zone and regulation.

In consideration of the foregoing, Title 33, Code of Federal Regulations, Subpart 147.05—OCS Safety Zones is hereby amended by adding a new § 147.05—11.03.

Subpart 147.05—OCS Safety Zones

§ 147.05—11.03 Platform Ellen safety zone, Gulf of Santa Catalina

(a) Description: The area within a circle of 500 meters in radius around the point located at Latitude 33°-34'-57" N, Longitude 118°-07'-41" W, during the installation phase and then the area within 500 meters around the structure's outer edge after the structure is in place.

(b) Regulations: No vessel may enter or remain in this safety zone except the following: (1) Vessels involved in the installation and construction of Platform Ellen, (2) vessels which normally attend platform Ellen or (3) vessels authorized by the Commander, Eleventh Coast Guard District.

(c) Effective Date: This safety zone and its related regulations are effective on and after 1 December 1979.

(Sec. 633, 63 Stat. 545, Sec. 4(e)(1), 67 Stat. 463, Sec. 6(b)(1), 80 Stat. 938; 14 USC 633; 43 USC 1333(e)(1), 49 USC 1655(b)(1); 49 CFR 1.46(b); 33 CFR 147.01 in conformance with Paragraphs 2, 3, 6 and 7 of Article 5, Convention on the Continental Shelf (TIAS 5578) and Article 2, Convention on the High Seas (TIAS 5200))

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 79-38578 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 175

[CGD 76-183]

Equipment Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is requiring that all boats carrying six or less passengers for hire and all recreational boats 16 feet or greater in length be equipped with visual distress signalling devices at all times when operating on coastal waters. Additionally, boats less

than 16 feet will be required to carry visual distress signals when operating on coastal waters at night. The intent of the regulation is to assure that boaters have the means to secure assistance when in distress before an otherwise minor marine casualty or engine failure results in a fatality.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT:

LCDR H. F. Schmecht, Office of Boating Safety (G-BLC-3/TP42), Room 4308, Department of Transportation, Coast Guard Headquarters, Washington, D.C. 20593, 202-426-4177.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the *Federal Register* of April 10, 1978 (43 FR 15118). The comment period on that proposal (CGD 76-183) ended on August 8, 1978. The preamble to CGD 76-183 noted that associated proposals concerning Coast Guard approval specifications for visual distress signals would be published in a future issue of the *Federal Register*. Those proposals appeared in the *Federal Register* of October 23, 1978 (43 FR 49440) as CGD 76-183a, CGD 76-048, CGD 76-048a, and CGD 76-048b, and at that time the comment period on CGD 76-183 was reopened to run concurrently with the other proposals and closed on December 22, 1978.

Public meetings on the proposed regulations were held in six coastal and Great Lakes cities. Comments received at the hearings were included in the docket.

The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of this rule. The transcript of the proceedings of the meetings of the National Boating Safety Advisory Council at which this rule was discussed is available for examination in Room 4224, U.S. Coast Guard Headquarters, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. The minutes of the meeting are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BA/TP42), U.S. Coast Guard, Washington, D.C. 20593.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. D. R. Gauthier, Project Manager, Office of Boating Safety, and Lt. J. T. Orchard, Project Attorney, Office of the Chief Counsel.

Discussion of Major Comments

Slightly over 150 comments were received. The bulk of these comments,

over 68%, were from individual boaters and an additional 13% of the total comments received were from persons representing boating clubs or organizations. The comments from individual boaters were evenly split between those generally supporting the proposal and those generally opposed. 75% of the comments from boating groups or clubs were in favor of the proposal and only 10% of such comments were opposed. The remainder in this group expressed concerns for the standards of accepted devices without expressing either support or opposition to the proposed carriage requirements.

The remaining comments were from industry representatives (11%) and other Federal and State agencies (8%). Industry comments were nearly unanimous in support of the proposal. State agencies which commented were evenly divided in support or opposition to the proposal.

Pyrotechnics as a Hazard

A major problem frequently raised by the commenters (25 comments) was a concern for the safety of the pyrotechnic signalling devices. Most persons who made that comment used it to argue against the regulation.

The concern over the safety of pyrotechnic devices now on the market was one of the reasons the Coast Guard determined the regulation to be necessary. Pyrotechnics are effective and internationally recognized distress signals (Convention on Safety of Life at Sea; The International Regulations for the Prevention of Collisions at Sea). Approximately one quarter of all boaters already carry them. Since pyrotechnic devices are being used, and increased use of safe visual distress signals could save lives, the Coast Guard proposal was based on determining which devices would be effective while providing an acceptable level of safety when used aboard recreational boats.

This regulation and the accompanying specifications, contain provisions intended to assure that certain reliability and performance criteria are met by manufacturers of signals intended for use in compliance with the carriage requirement. Those specifications are published in CGD 76-183a, and 76-048 a and b in this issue of the *Federal Register*.

The Coast Guard is still concerned about the slag produced when a hand held flare is burned and the hazards which that introduces on board a recreational boat. More research is being done into suitable performance specifications which will limit the amount of slag. The Coast Guard has

therefore deleted the hand held flare from the list of devices accepted for carriage on boats until those performance specifications are published. The Coast Guard intends to add hand held flares to the list of acceptable signals as soon as satisfactory performance specifications can be developed. The Coast Guard will consult with a subcommittee of the National Boating Safety Advisory Council (NBSAC) in the development of specifications for the hand held flares.

Also, the Coast Guard has structured the regulation so that boaters who continue to have a concern for the safety of pyrotechnic devices may select non-pyrotechnic alternatives which meet the carriage requirement; i.e., S-O-S lights at night and orange flags during the day.

The Coast Guard believes that design and performance standards for pyrotechnics, and the provision for alternative devices for boaters who do not wish to use pyrotechnics, adequately address these comments.

Excessive Regulation

Many commenters (19) take exception to the philosophy of regulation, expressing frustration at Federal regulations in general and the pervasiveness of Federal regulation in the marine environment in particular. These commenters stressed the independence of the boater. A typical comment was: "If one chooses to go sailing . . . he has no right to expect anyone else, especially the government, to save him." Many of these comments stress education rather than regulation as the proper role of government.

Education is an attractive alternative to regulation; however, in this instance education alone would not assure the quality of devices or allow for the standardization of signals.

The National Boating Safety Advisory Council has advised the Coast Guard on several occasions, and with near unanimity, that there is a need for boaters to carry visual distress signalling devices. Boating accident statistics and Search and Rescue (SAR) report data indicate that many lives could be saved each year if boaters carried reliable signalling devices and used those devices effectively. While some individual boaters might express the view that they do not expect anyone, including the government, to assist them, experience has shown overwhelmingly that prompt rescue efforts are expected, often at considerable expense to the government. Requiring boaters to carry signalling devices should make these efforts more successful and of shorter duration.

Excessive Costs

Eleven persons commented that the cost to the boater for compliance would be too high. They predicted that the proposed approval procedures would sharply increase the cost of existing devices.

The Coast Guard economic evaluation projects that the boater will be able to purchase safe, effective devices in the number required for under \$10. This figure is for minimum compliance with the regulations and would be for devices good for three years. Some boaters, particularly the offshore boater, may want to spend more on devices above the minimum requirement.

The Coast Guard recognizes that the approval procedure will probably lead to some increase in costs. However, such an increase is considered acceptable if it insures that safer and more reliable devices will be available to the consumer. By increasing lot sizes, and by allowing manufacturers to rework rejected lots, increases in costs can be kept to a minimum. This issue is discussed in more detail in CGD 76-048a and 048b, in this issue of the **Federal Register**.

Unenforceable Regulation

Five commenters contended that the rule would be unenforceable because of its complexity. These commenters believe the rule creates artificial distinctions between classes of boats and types of waters to which the rule applies, so that the boater will not know when and where he is affected. Also, they argue that the range of devices is so broad, with distinctions made between approved and certified devices, that the boater will not know what to carry.

A simple, all encompassing rule, specifying the devices which must be carried, might be more clearly understood. However, this approach would be contrary to the intent to promulgate only a minimum requirement and to permit the boating public maximum choice in selecting signals. The Coast Guard does not expect major enforcement problems since many requirements such as navigation lights, sound signalling devices, marine sanitation devices, and fire extinguishers vary with the type of boat or waters and these differing requirements have been enforceable.

Applicability

Eleven commenters suggested including boats under 16' at all times, citing the potential for these boats to get into serious trouble. Coast Guard SAR and accident statistics do not indicate a need for such an extension of the

regulation. Boats under 16' are a small portion (12%) of the Coast Guard's SAR workload even though they make up over 50% of the total number of boats in the United States. Many of these smaller craft operate near to the shore or in close proximity to other boaters and Coast Guard statistics indicate that the benefits of requiring these boaters to carry distress signals would be minimal. The cost to the boating public of the additional requirement, however, would be substantial. Adding the requirement would result in an additional 1.5 million boats being included, escalating the cost of the regulation with little increase in the benefits.

It should be noted that boats under 16' are required to carry night visual distress signals when operating on coastal waters between sunset and sunrise and the Coast Guard recommends that all prudent mariners carry signalling devices whether required or not. All boaters will benefit indirectly from the regulation since the Coast Guard's approval system will improve the reliability and safety of the available devices.

Seven commenters, notably the United States Yacht Racing Union, suggested that the requirements not apply to sailboats without cabin facilities. Many completely open sailboats over 20' are used strictly for day sailing or racing. Since storage space on these boats is minimal, and because these boats are not normally used in situations where there is a need for a signalling device, the comment was accepted. In adopting this comment, the Coast Guard determined that the exception should apply only to boats of completely open construction, and only during the day. This exception will apply to a small portion of the boats otherwise subject to this rule.

There were several comments to exclude boats under 16' completely, or to include only larger (20' or 26') boats. These arguments cite primarily the perceived hazard of a pyrotechnic device on a small boat without adequate storage. The Coast Guard has recognized that some boaters are concerned about pyrotechnics and so has provided that the requirements, both day and night, could be met without carrying pyrotechnic signals. The Coast Guard's decision to include boats under 16' at night is supported by boating accident statistics. It is not that a boater is more likely to get into serious trouble at night, however, a boater in trouble at night is less likely to be within sight of assistance.

If the boats affected were limited to larger length boats the cost/benefit ratio, in terms of dollars per life saved,

would improve. However, though the ratio improves, the total number of lives saved decreases. If the rule applied only to boats over 26 feet, 10 to 15 lives per year could be affected, but as proposed, 40 to 50 lives annually could potentially be saved. Also, if the regulation applied to a small number of boats the manufacturers of distress signals would have less incentive to produce devices meeting Coast Guard standards.

Thus, the Coast Guard has decided not to change the applicability of the proposal except to exclude sailboats of open construction between sunrise and sunset.

Coastal Waters

Several comments pointed out ambiguities in the proposed definition of coastal waters in § 175.105(b). There have been some slight changes to clarify the meaning. Coastal waters include the territorial seas and the Great Lakes. Additionally, bays and sounds which, either directly or indirectly, open onto the Great Lakes or territorial seas are included. Other bodies of water, such as marshes, bayous, or salt water ponds, are not included. Rivers are not included unless the distance across the mouth or the river is greater than two miles. In that case, the river would be included in coastal waters from the headlands up to the first point where the width of the river narrows to less than two miles.

Accepted Devices

Meteor. Six commenters suggested that red aerial pyrotechnic flares be approved as day and night signals. These commenters cite instances during the day in which the meteor was particularly effective. One commenter cited a personal experience in low lying fog where visibility was under 100 yards on the water, but the meteor, because it rose above the fog, attracted the attention of a Coast Guard station two miles from the signal. Another commenter stated that red aerial flares saved his life. He contends it would be wrong to accept these devices only at night.

The Coast Guard considered these comments, and noting the brilliance of the aerial meteor, its height above the water, its attention attracting movement, and its ready recognition, the Coast Guard has changed the proposal accordingly. The minimum candle-minute requirement for the aerial is the same as that of the hand held red flare, a device which is proposed to be approved for day and night use. There are some conditions for which the meteor may not be the most effective device; however, that is true for all approved devices. The boater must

weigh the advantages and disadvantages of any signal when selecting devices.

Manual S-O-S Light. Five commenters suggested the Coast Guard not include a manually keyed S-O-S signalling light as an approved device. The early discussions of a distress signal regulation by the NBSAC focused on pyrotechnics. In January 1975, a NBSAC sub-committee recommended the adoption by the Coast Guard of the American Boat and Yacht Council recommended carriage requirement of: 3 hand held flares; 3 meteors; and 3 hand held smokes. It was not until the November 1975 NBSAC meeting that the inclusion of electric lights was first discussed.

The Coast Guard developed the "flag and flashlight" as an inexpensive alternative to pyrotechnics. This option was considered particularly important since many comments indicated that some boaters did not want to carry pyrotechnics and the Coast Guard wanted to provide maximum freedom of choice to the consumer. In order to insure that the boater who chose this option would be provided with an adequate signal, the Coast Guard proposed that the "flashlight" meet requirements for waterproof integrity and signal strength and duration. The marine lantern which meets these requirements would cost the consumer an estimated seven to ten dollars.

An alternative automatic S-O-S keying light was also proposed. The cost for the automatic light to the consumer would be three to seven dollars more.

Comments on the light with a manually generated signal have pointed out the difficulty an average boater in a distress situation has in producing a recognizable S-O-S signal, especially over a long period of time. Other comments pointed out the potential for multiple uses of the manually keyed device which could result in the light being unable to meet performance criteria when needed.

The Coast Guard believes there will be no lack of manufacturers for the automatic S-O-S signal, particularly since it would not have the distribution problems associated with pyrotechnics.

The effects of dropping the manually keyed light from the visual distress signal "shopping list" cannot be estimated because consumer response to the regulation is still not known. Those boaters who do choose a light over pyrotechnics, however, would be better served by an automatic light. An S-O-S signal must be displayed consistently over a period of time to be recognized as a call for assistance. The haphazard signal possible from a

manual light, particularly if the signaller is distracted by the distress situation, is too easily confused with other lights in the marine environment.

In addition, the specification (in CGD 76-183a) has been modified so that the light cannot be left on in the continuous beam mode.

Therefore, the light is less susceptible to battery drain from misuse. With this feature, the automatic S-O-S light is not likely to be used for other than emergency signalling, thereby providing better assurance that it will be available when needed.

In the fall 1977 survey of NBSAC members, the Council found no difference in effectiveness between the manual and automatic S-O-S lights though the move to only automatic S-O-S lights was never discussed. Most council members, however, were willing to go to a cost per boat of \$10/yr. for compliance if needed to establish standards for more effective devices.

Considering these comments, the Coast Guard has decided to accept only an automatic S-O-S light to comply with the carriage requirement.

Strobe Lights, Mirrors, Balloons. Many other devices were suggested, several of which were discussed in the preamble to the notice. All these devices, along with dyes or chemical lights, may be effective in aiding searchers, however, in all cases the Coast Guard found the suggested device either lacks universal recognition as a distress signal or is useful only in restricted circumstances. Any of these devices may be carried as additional equipment, providing some signalling capability beyond the minimum requirements of the regulation. However, the Coast Guard believes that none of these special purpose devices used by themselves meet the minimum requirements for an effective signal. Thus, no additional devices were added to the list of accepted visual distress signals.

Grandfather Clause

Commenters pointed out that existing non-approved pyrotechnics are not marked for "marine use" as required by the proposed § 175.135 which permits the use of some existing equipment until July 1, 1982. The Coast Guard therefore determined that the requirement that existing devices be marked for "marine use" was unreasonable. It has been deleted from this final rule.

Signal pistols have been added to the list of devices covered by the grandfather clause. This has been done so that the extra expense involved in replacing a pistol could be spread over several boating seasons.

Additional editorial changes, not affecting the substance of the proposal, have been made. Section 175.110 has been reworded to clarify the intent that the boater may choose to carry some signals for day use and others for night use, or may select signals suitable for both day and night use, to meet the requirements. Another change was the deletion of § 175.112 *Number of Pyrotechnic Signals* which repeated the requirement in § 175.110 that the number of devices specified in Table 175.130 be carried. Another change is made in § 175.140, *Prohibited Use*, by substituting the explanatory phrase "situation where assistance is needed because of immediate or potential danger to the persons on board" for the word "distress". This new phrase is consistent with internal Coast Guard directives which reserve the word "distress" for immediate danger situations.

Evaluation

This final rule has been reviewed under Department of Transportation Regulatory Policies and Procedures published February 26, 1979 (44 FR 11034). A final evaluation has been prepared and is available for inspection at the Marine Safety Council (G-CMC/TP24), Room 2418, Department of Transportation, Coast Guard Headquarters, Washington, D.C. 20593. The Coast Guard has determined that this final rule is not a significant regulation.

About two million boat owners will be affected and the minimum cost for compliance is about \$3.50 per boat per year. The minimum total annual cost to the boating public is about seven million dollars. No significant impact on the environment is expected.

In consideration of the foregoing, Title 33 of the Code of Federal Regulations, Part 175, is amended as follows:

PART 175 [Amended]

1. The authority citation for Part 175 is amended to read as follows:

Authority: Secs. 5 and 39 of the Federal Boat Safety Act of 1971, as amended, 46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1).

2. A new subpart C, Visual Distress Signals, is added to read as follows:

Subpart C—Visual Distress Signals

Sec.

- 175.101 Applicability.
- 175.105 Definitions.
- 175.110 Visual distress signals required.
- 175.113 Launchers.
- 175.115 Exceptions.
- 175.120 Stowage.
- 175.125 Serviceability.
- 175.128 Marking.

Sec.

- 175.130 Visual distress signals accepted.
- 175.135 Existing equipment.
- 175.140 Prohibited use.

Subpart C—Visual Distress Signals

§ 175.101 Applicability.

(a) This subpart applies, after 31 December 1980, to boats on the coastal waters of the United States and on the high seas beyond the territorial seas for boats owned in the United States.

§ 175.105 Definitions.

(a) "Visual distress signal" means a device that is approved by the Commandant under 46 CFR part 160 or certified by the manufacturer under 46 CFR parts 160 and 161.

(b) "Coastal Waters" means the Great Lakes and the territorial seas of the United States, and the bays and sounds which empty into these waters. Rivers, inside of a line drawn tangent to their headlands, are not included in "Coastal Waters" unless the distance across the river is over 2 miles. All portions of a river from the mouth to the point at which the river first narrows to 2 miles are included in "Coastal Waters."

§ 175.110 Visual distress signals required.

(a) No person may use a boat 16 feet or more in length or any boat carrying six or less passengers unless visual distress signals selected from the list in § 175.130 or the alternatives in § 175.135, in the number required, are on board. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use, must be carried.

(b) Between sunset and sunrise, no person may use a boat less than 16 feet in length unless visual distress signals suitable for night use, selected from the list in § 175.130 or § 175.135, in the number required, are on board.

§ 175.113 Launchers.

(a) When a visual distress signal carried to meet the requirements of § 175.110 requires a launcher to activate, then a launcher approved under 46 CFR 160.028 must also be carried.

§ 175.115 Exceptions.

The following persons need not comply with § 175.110; however, each must carry on board visual distress signals suitable for night use, selected from the list in § 175.130 or § 175.135, in the number required, between sunset and sunrise:

(a) A person competing in any organized marine parade, regatta, race, or similar event;

(b) A person using a manually propelled boat; or

(c) A person using a sailboat of completely open construction, not equipped with propulsion machinery, under 26' in length.

§ 175.120 Stowage.

(a) No person may use a boat unless the visual distress signals required by § 175.110 are readily accessible.

§ 175.125 Serviceability.

(a) No person may use a boat unless each signal required by § 175.110 is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired.

§ 175.128 Marking.

(a) No person may use a boat unless each signal required by § 175.110 is legibly marked with the approval number or certification statement as specified in 46 CFR parts 160 and 161.

§ 175.130 Visual distress signals accepted.

(a) Any of following signals, when carried in the number required, can be used to meet the requirements of § 175.110.

Table 175.130

Device description		Accepted for use	Number required to be carried
Number marked on device:			
160.022.....	Floating Orange Smoke Distress Signals	Days only	3
160.024.....	Pistol-Projected Parachute Red Flare Distress Signals	Day and night ¹	3
160.036.....	Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals	Day and night	3
160.037.....	Hand-Held Orange Smoke Distress Signals	Day only	3
160.057.....	Floating Orange Smoke Distress Signals	Day only	3
160.066.....	Distress Signal for Boats, Red Aerial Pyrotechnic Flare	Day and night ²	3
160.072.....	Distress Signal for Boats, Orange Flag	Day only	1
161.013.....	Electric Distress Light for Boats	Night only	1

¹ These signals require use in combination with a suitable launching device approved under 46 CFR 160.028.

² These devices may be either self-contained or pistol launched, and either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160.028.

§ 175.135 Existing equipment.

(a) The following types of non-approved pyrotechnic devices will be acceptable as meeting § 175.110 until 1 July 1982 so long as they remain in good and serviceable condition:

(1) Pyrotechnic aerial red flares, either hand-held or pistol projected, for "day and night" signal requirement;

(2) Pyrotechnic hand-held or floating orange smoke, for "day only" signal requirement;

(3) Signal pistols for use with cartridges accepted as meeting § 175.110.

§ 175.140 Prohibited use.

No person in a boat shall display a visual distress signal on waters to which this subpart applies under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

(Sec. 5, 85 Stat. 215; (46 U.S.C. 1454); 49 CFR 146(n)(1).

Dated: October 20, 1979.

J.B. Hayes,

Admiral, Coast Guard, Commandant.

[FR Doc. 79-38272 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-14-M

33 CFR PARTS 175 and 183

[CGD 76-082]

Ventilation Safety Standards for Recreational Boats

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule establishes safety standards for ventilation systems that apply to boats having gasoline-powered engines for propulsion or electrical generation. Gasoline vapors collecting in boats have caused explosions and fires that have resulted in personal injuries, property damage and death. These safety standards, together with the present standards for fuel and electrical systems, will significantly reduce the probability of gasoline vapors collecting in the boat where they can be easily ignited, causing a fire or explosion.

EFFECTIVE DATE: This regulation is effective on August 1, 1980. However, a manufacturer may elect to comply with this subpart at any time after July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Lars E. Granholm, Office of Boating Safety (G-BBT), U.S. Coast Guard,

Department of Transportation, Washington, D.C. 20590, (202/426-4027).

SUPPLEMENTARY INFORMATION: The Coast Guard published a Notice of Proposed Rulemaking in the *Federal Register* on July 27, 1978 (43 FR 32606). Prior to this date, an Advance Notice of Proposed Rulemaking was published in the *Federal Register* on March 15, 1977 (42 FR 15340). Each time interested persons were invited to participate in this proposed rulemaking by submitting relevant comments. All of the comments received were carefully considered and some changes have been made to the regulation as a result of the comments. The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of this amendment. The transcript of the proceedings of the meetings of the National Boating Safety Advisory Council at which time this amendment was discussed is available for examination in Room 4224, U.S. Coast Guard Headquarters, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. The minutes of the meeting are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BA/TP42), U.S. Coast Guard, Washington, D.C. 20590.

Drafting Information

The principal persons involved in drafting this rule are: Mr. Lars E. Granholm, Project Manager, Office of Boating Safety and Ms. Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

In the advance notice, the Coast Guard raised the question whether interlocks which would prevent the engine ignition system from being energized before the power ventilation system is energized should be required. The proposed rule did not require interlocks; however, the Coast Guard asked for further comments on whether or not interlocks should be required. Several commenters continued to object to interlocks because they could cause confusion when a boat has to be started quickly in an emergency. Some manufacturers submitted sales literature indicating that interlocks are available in the market. Since there may be problems associated with interlocks and consonant with Coast Guard policy to impose the minimum requirements necessary to achieve an adequate level of safety, no interlocks are required by this rule for propulsion engines or auxiliary generators.

Another commenter expressed concern about a statement in the preamble which indicated that "the Coast Guard believes that the proposed ventilation would insure an airflow in compartments that will reduce vapor concentration sufficiently to prevent an explosion." To clarify this statement, the Coast Guard wants to point out that the ventilation is intended to remove gasoline vapors such as boil-off from the carburetor and not vapors resulting from a leak of gasoline. The research reports cited in the Advance Notice of Proposed Rulemaking indicated that neither powered nor natural ventilation systems can ensure absolute removal of gasoline fumes if liquid gasoline is present in the bilge. In case of a leak the vapor concentration could reach the explosive level but the risk of leakage has been greatly reduced by the previously issued Coast Guard regulations for fuel systems on boats.

Other comments received on the proposed rule and the changes made are grouped according to the section to which they relate and are discussed below.

Section 186.610—Powered ventilation system. One commenter asked if the intent of the wording in paragraph (a) regarding a "compartment" is intended to apply to outboard engines. Although outboard powerheads are installed within their motor covers, these covers are not intended to be considered compartments and do not require power blowers. These engines are in the open atmosphere as installed on the boat and the risk of any gasoline vapors collecting in the boat is minimal. To clarify this the words "in a boat" are added to the paragraph to modify "compartment". For that reason, the words "in a boat" are also added to §§ 183.620(a) and 183.630(a).

Some commenters pointed out that paragraph (b) could be read to require each blower in the system to have sufficient capacity to exhaust the entire compartment though paragraph (e) states that more than one blower may be used. This was not the Coast Guard's intent. Several blowers may be used and their combined airflow capacity is listed in the table. Paragraph (b) is modified to clarify this by the addition of the words "or combination of blowers".

Several commenters requested that the Coast Guard specify which test in the Air Moving and Conditioning Association (AMCA) Standard is required by paragraph (b), because that standard contains several tests. The comment is accepted. The applicable test is described in the AMCA Standard in Figure 12. This reference is added to § 183.610(b).

One commenter suggested that the rule regarding the label which is required in paragraph (f) be modified to specify that a label be located by each ignition switch whether it is for propulsion engines or auxiliary generators. This comment is accepted because boats which have dual control stations or auxiliary generators have more than one ignition switch. Section 183.610(f)(1) is modified accordingly. The same commenter suggested that the word "warning" be used instead of "caution" in paragraph (f)(3). This comment is accepted. The signal word "warning" is more appropriate considering the degree of danger involved and is therefore included in the requirement.

One commenter suggested that the blower rating specified in paragraph (b) should be based on the engine size because the potential amount of vapor given off will be directly related to the engine size. This comment is not accepted. The blower capacity and the requirement to run the blower for 4 minutes is specified based on the volume of the compartment that must be ventilated. This assures sufficient dilution of gasoline vapors to reduce the chance of an explosion by providing adequate air change in the compartment.

The manufacturer of Jet Ski, which is a type of small craft sometimes referred to as thrillcraft, pointed out the difficulties in complying with the requirement for powered ventilation because of the small size of the engine compartment.

The Coast Guard acknowledges this problem; however, this type of craft is quite different from conventional boats and would best be handled by an exemption from the regulations. Section 9 of the Federal Boat Safety Act of 1971 allows the Coast Guard to grant individual exemptions, when requested, from the regulation of boating safety will not be adversely affected. Jet Ski has already been granted exemptions from the Safe Loading, Flotation, Fuel System, and Electrical System standards. The Coast Guard prefers to accommodate the needs of special type craft by means of exemptions rather than by a relaxation of the regulations generally applicable.

Section 183.620—*Natural ventilation system requirements*. Several commenters suggested changing the performance test in paragraph (b). They cited tests conducted by the American Boat and Yacht Council (ABYC) which showed that an airflow of 6 mph is too low to allow measurements of airflow in the ventilation ducts. A test during a 10 mph wind was suggested as being more

feasible. The comment is accepted and 10 mph is specified in the requirements.

The commenters further claimed that the airflow which the proposed rule specified be verified in the exhaust duct should be verified in either the supply or exhaust ducts, because in some cases the airflow entered the compartment through the exhaust openings. This comment is accepted. Dilution and dispersion of gasoline vapors takes place regardless of whether air enters through supply or exhaust openings. Paragraph (b)(2) is changed to require that air flow be verified in either the supply or exhaust openings during the test.

The commenters also suggested that the performance test should be required only as an alternative if forward-facing openings were not used on the boat because the tests showed that air did enter supply openings equipped with forward-facing openings. This comment is accepted with the provision that the supply openings are located on the exterior surface of the boat and the openings meet the size requirement in § 183.630(d).

One commenter suggested that the performance test in § 183.620(a), renumbered (b), should not be required if the compartment has openings to the atmosphere equal to or greater than 500% of those required by § 183.615(e), renumbered § 183.630(d). This comment is not accepted. No engineering data was given which would indicate to the Coast Guard how the 500% number was arrived at and why the performance requirement should be waived.

Several commenters opposed the requirement in § 183.620(a)(5), which requires ventilation if the permeability of the fuel systems exceeds a certain amount. The commenters claimed that if the fuel system meets all the requirements in the fuel system regulation, the components will not be permeable and thus this requirement would place an unwarranted economic burden on the manufacturer by requiring a needless test to be performed. Even if a test is not required, manufacturers feel they cannot certify compliance without the backing of a formal test. The Coast Guard agrees in part with the commenters. A metallic fuel tank which meets all the requirements specified in Subpart J—Fuel Systems is unlikely to have a permeability which would require ventilation. For that reason the rule is changed to except metallic fuel tanks from the requirement.

Some commenters further objected to the specification that the allowed permeability rate is based on the tank compartment volume. This would require additional labeling to specify

into what size compartment the tanks could be installed, which would impose an unreasonable burden on the manufacturer. The Coast Guard does not agree. If a tank is placed into such a small compartment that the permeability could create explosive vapors it is in the best interest of boating safety for a boat manufacturer to know into what size compartment the tank can be located without having to provide natural ventilation. However, the provision in § 183.620(a)(5) specifies that regardless of whether the fuel tank is in a compartment of less than one cubic foot net volume, ventilation must be provided if the permeability exceeds 1.2 grams in 24 hours.

The commenters also claimed that the permeability allowed could be excessive if the fuel tank is located in a very large compartment. The Coast Guard does not agree. The permeability based on compartment volume is sufficiently small, one-half of the lower explosive level in 24 hours, to ensure that the compartment surrounding the tank will be free of explosive gasoline vapors.

Section 183.630—*Natural ventilation system*. This section was numbered § 133.615 in the Notice of Proposed Rulemaking, but has been relocated and renumbered for easier understanding of the rule. Several commenters objected to paragraph (b) which specified a spacing between the supply and exhaust openings inside a compartment. The proposed spacing would prohibit the exhaust duct from being located beneath the engine. This comment is accepted and the paragraph is deleted. The previously cited research reports showed that thorough mixing takes place in a compartment a soon as an airflow is present regardless of the spacing between supply and exhaust openings, and for this reason the spacing between the supply and exhaust opening is not important. The commenters also suggested that the wording in paragraph (d) be clarified to indicate that the size of the supply openings or ducts must be determined separately in accordance with the formula given. This is accepted. Paragraph (d) is reworded to address supply and exhaust openings or ducts separately.

One commenter proposed that the sizes of openings in paragraph (d) be based on the beam of the boat instead of the volume of the compartment for the sake of simplifying the specification. This comment is not accepted. The ventilation requirement is based on purging vapors from a compartment within a certain time period. The compartment volume determines how

rapidly dilution takes place. A requirement based on the beam of the boat would not take into consideration any effect of different compartment volumes.

Subpart D, Section 175.201—

Ventilation. This section is clarified by also referencing §§ 183.610 (b), (d), (e), and (f) in the requirement for how the boat must be equipped in regards to the ventilation system. The wording in the Notice of Proposed Rulemaking was ambiguous in that a boat operator could misunderstand the intent and replace some of the required components with inferior types. The new wording is intended to ensure that any replaced component is similar to the original one.

Other minor changes have been made in wording and arrangement in order to clarify and simplify the regulation. This rule has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). A final evaluation has been prepared and has been included in the public docket. A copy of the final evaluation may be obtained from: Commandant (G-CMC/TP24), (CGD 76-082), U.S. Coast Guard, Washington, D.C. 20590.

Since Federal regulations issued under Section 5 of the Federal Boat Safety Act of 1971 preempt State boating regulations this change in the Federal ventilation regulations will require changes in State regulations in order to make the State regulations identical to their Federal counterparts.

In consideration of the foregoing, Parts 175 and 183 of Title 33 of the Code of Federal Regulations are amended as follows:

PART 175—EQUIPMENT REQUIREMENTS

1. By adding a new Subpart D to 33 CFR Part 175 to read as follows:

Subpart C—[Reserved]

Subpart D—Ventilation

§ 175.201 Ventilation.

No person may operate a boat built after July 31, 1980, that has a gasoline engine for electrical generation, mechanical power, or propulsion unless it is equipped with an operable ventilation system that meets the requirements of 33 CFR 183.610 (a), (b), (d), (e), and (f) and 183.620(a).

(46 U.S.C. 1454, 1455, 49 CFR 1.46(n)(1).)

PART 183—BOATS AND ASSOCIATED EQUIPMENT

2. By adding a new Subpart K to 33 CFR Part 183 to read as follows:

Subpart K—Ventilation

Sec.

- 183.601 Applicability.
- 183.605 Definitions.
- 183.607 Incorporation by reference.
- 183.610 Powered ventilation system.
- 183.620 Natural ventilation system.
- 183.630 Standards for natural ventilation.

Authority: 46 U.S.C. 1454, 1455, 49 CFR 1.46(n)(1).

Subpart K—Ventilation

§ 183.601 Applicability.

This subpart applies to all boats that—

(a) Have gasoline engines for electrical generation, mechanical power, or propulsion; and

(b) Are built after July 31, 1980, except that a manufacturer may elect to comply with this subpart at any time after July 31, 1978.

§ 183.605 Definitions.

As used in this subpart—

"AMCA" means Air Moving and Conditioning Association.

"ASTM" means American Society for Testing and Materials.

"Fuel" means gasoline.

"Open to the atmosphere" means a compartment that has at least 15 square inches of open area directly exposed to the atmosphere for each cubic foot of net compartment volume.

"UL" means Underwriters Laboratories, Inc.

§ 183.607 Incorporation by reference.

(a) The following standards are incorporated by reference. Copies may be obtained from the sources indicated. They are also available for inspection at Coast Guard Headquarters, Room 4220, 2100 Second Street, SW., Washington, D.C. 20590 and at the Office of the Federal Register Library, Room 8401, 1100 L Street, NW., Washington, D.C. 20408.

(1) AMCA Standard 210-74, Figure 12, dated 1974. Air Moving and Conditioning Association, 30 West University Drive, Arlington Heights, Illinois 60004.

(2) ASTM Standard D-471 dated April 1975. American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(3) UL Standard 1128, dated August 23, 1977. Underwriters Laboratories, Incorporated, 207 Ohio Street, Chicago, Illinois 60611.

(b) The Director of the Federal Register approved the incorporation by reference in paragraph (a)(2) on September 26, 1976 and the incorporations in paragraphs (a) (1) and (3) on March 24, 1978.

§ 183.610 Powered ventilation system

(a) Each compartment in a boat that has a permanently installed gasoline engine with a cranking motor must—

- (1) Be open to the atmosphere, or
- (2) Be ventilated by an exhaust blower system.

(b) Each exhaust blower or combination of blowers must be rated at an air flow capacity not less than that computed by the formulas given in Table 183.610, Column 2. Blower rating must be determined according to AMCA Standard 210-74, Figure 12, dated 1974, or UL Standard 1128 dated August 23, 1977.

Table 183.610

Col. 1 ¹	Col. 2 ²	Col. 3 ³
Below 34.....	Fr=50.....	Fo=20
34 to 100.....	Fr=1.5V.....	Fo=0.6V
Over 100.....	Fr=V/2 + 100.....	Fo=0.2V + 40

¹Net compartment volume of engine compartment and compartments open thereto (V) cubic feet.

²Rated blower capacity (Fr) cubic feet per minute.

³Blower system output (Fo) cubic feet per minute.

(c) Each exhaust blower system required by paragraph (a)(2) of this section must exhaust air from the boat at a rate which meets the requirements of Table 183.610, Column 3 when the engine is not operating.

(d) Each intake duct for an exhaust blower must be in the lower one-third of the compartment and above the normal level of accumulated bilge water.

(e) More than one exhaust blower may be used in combination to meet the requirements of this section.

(f) Each boat that is required to have an exhaust blower must have a label that—

- (1) Is located as close as practicable to each ignition switch;
- (2) Is in plain view of the operator; and
- (3) Has at least the following information:

WARNING—GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE OPERATE BLOWER FOR 4 MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS.

§ 183.620 Natural ventilation system.

(a) Except for compartments open to the atmosphere, a natural ventilation system that meets the requirements of § 183.630 must be provided for each compartment in a boat that—

- (1) Contains a permanently installed gasoline engine;
- (2) Has openings between it and a compartment that requires ventilation, where the aggregate area of those openings exceeds 2 percent of the area between the compartments, except as provided in paragraph (c) of this section;

(3) Contains a permanently installed fuel tank and an electrical component that is not ignition protected in accordance with § 183.410(a);

(4) Contains a fuel tank that vents into that compartment; or

(5) Contains a non-metallic fuel tank with an aggregate permeability rate of more than the greater of 1.2 grams of fuel loss in 24 hours, or 1.2 grams of fuel loss in 24 hours per cubic foot of net compartment volume. Reference fuel "C" at 40°C plus or minus 2°C from ASTM standard D-471, dated April 1975, is to be used in determining the permeability rate.

(b) Each natural ventilation system must be constructed so that—

(1) Each supply opening required in § 183.630 is forward facing and located on the exterior surface of a boat; or

(2) Air will flow into or out of the supply or exhaust openings required in § 183.630 when the boat is in a wind flowing from bow to stern at a velocity of 10 miles per hour when the engine is not operating.

(c) An accommodation compartment above a compartment requiring ventilation that is separated from the compartment requiring ventilation by a deck or other structure is excepted from paragraph (a)(2) of this section.

§ 183.630 Standards for natural ventilation.

(a) For the purpose of § 183.620, "natural ventilation" means an airflow in a compartment in a boat achieved by having a—

(1) Supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere; and

(2) An exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere.

(b) Each exhaust opening or exhaust duct must originate in the lower third of the compartment.

(c) Each supply opening or supply duct and each exhaust opening or exhaust duct in a compartment must be above the normal accumulation of bilge water.

(d) Except as provided in paragraph (e) of this section, supply openings or supply ducts and exhaust openings or exhaust ducts must each have a minimum aggregate internal cross-sectional area calculated as follows:

$$A = 5 \ln (V/5);$$

where:

(1) A is the minimum aggregate internal cross-sectional area of the openings or ducts in square inches;

(2) V is the net compartment volume in cubic feet, including the net volume of other compartments connected by openings that

exceed 2 percent of the area between the compartments; and

(3) $\ln (V/5)$ is the natural logarithm of the quantity $(V/5)$.

(e) The minimum internal cross-sectional area of each supply opening or duct and exhaust opening or duct must exceed 3.0 square inches.

(f) The minimum internal cross-sectional area of terminal fittings for flexible ventilation ducts installed to meet the requirements of paragraph (d) of this section must not be less than 80 percent of the required internal cross-sectional area of the flexible ventilation duct.

Dated: December 10, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 79-38640 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

Sale and Disposal of Timber

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This rule makes certain changes to the regulations in this part on the sale and disposal of timber. Several editorial changes have been made to correct minor problems. Substantive changes will allow for shortening the advertising period for emergency or administrative use sales and will eliminate the dollar limit on log sales not covered by export so that sales of logs under \$2,000 will no longer be exempt from the export and substitution restrictions. A third substantive change will remove authority to refuse awards to high bidders when such award would lessen opportunities for local labor.

EFFECTIVE DATE: December 17, 1979.

FOR FURTHER INFORMATION CONTACT:

George M. Leonard, Timber Management Staff, Forest Service, U.S. Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, (202) 447-4051.

SUPPLEMENTARY INFORMATION:

On October 6, 1978, the Secretary of Agriculture published a proposed rule (43 FR 46323) which would make editorial changes to regulations on sale and disposal of timber and would: (1) Allow for shortening the advertising period on administrative use sales, (2) eliminate the dollar limit on log sales not covered by export restrictions so that sales of logs under \$2,000 in value

will no longer be exempt from the export and substitution restrictions, and (3) remove authority to refuse awards to high bidders when such award would lessen opportunities for local labor. The final regulations are essentially the same as the proposed rule except for editorial changes.

Summary of Comments

There were a total of four respondents. The most general comment was that of opposition to removing authority for refusal to award sales, which might lessen the opportunities for local labor. The primary reason given for retaining this authority was that community stability and local labor are now and should continue to be important considerations in the management of National Forests.

The change in the regulation does not signal a change in Forest Service policy toward community stability and local labor. These two issues have been and will continue to be major factors in Forest Service decisions.

Community stability is being protected (1) by oral bid procedures which allow local mills to protect their interest through open competition, (2) by policies leading to a relatively evenflow of timber sales, and (3) by restricting awards only to parties who have the demonstrated financial ability to perform the contract.

Because community stability is already protected, the additional authority to refuse to award is redundant. Since it has been used only once and since it has served to confuse purchasers, we see no need to retain it. We have considered the option of rewriting and better defining the regulation. However, we were unable to develop guidelines which could be applied fairly without an outright allocation to "local" purchasers to the detriment of others. Such an allocation would be improper.

One respondent commented on the proposal to broaden the authority to shorten the advertising periods to meet emergencies. The respondent did not object to the proposal, but rather asked that the term emergency be better defined in the comments accompanying the regulation. We have done that in the following paragraph:

An emergency which would warrant shortening the advertising period is one which would significantly affect the results expected to be obtained from a timber sale, and which could be alleviated by starting operations 20 days earlier. Examples of such situations are: (1) Administrative use sales where the sale is preliminary to another activity which must begin within a short time, (2)

experimental sales where certain seasonal conditions are essential to successful research and these cannot be met if the sale is delayed an additional 20 days, and (3) sales made following a disaster where timber is urgently needed in rehabilitation efforts. The following situations would not qualify as an emergency: (1) Sales needed to meet established sell quotas and (2) sales in which seasonal constraints are essential, but in which a delay to the following year would not cause particular problems.

There were no comments on the proposal to remove the exemption of sales under \$2,000 from the export restrictions. Therefore, this regulation has been adopted as initially published. The purpose of this change was to simplify export surveillaneous activities by eliminating exempt National Forest logs from export posts.

One respondent did suggest that we update the legislative citation since the one published referred to the fiscal year 1974 Appropriations Act, which is now expired. We have updated this citation, but wish to clarify that this citation will probably change as new Appropriation Acts become effective.

There were also comments on other paragraphs to 36 CFR 223. We have not accepted these because we feel it would be inappropriate to make changes in the final rule when the applicable paragraph was never proposed for change.

Several editorial changes were also suggested. These have been incorporated where possible.

Statement:

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An Approved Final Environmental Assessment Report is available from Timber Management Staff, Forest Service.

Therefore, applicable portions of 36 CFR Part 223 are revised as follows:

1. Section 223.1(e)(3) is revised to read:

§ 223.1 Authorization for sale and disposal of timber.

* * * * *

(e) * * *

(3) Supervisors may designate portions or all of a National Forest as free-use areas where such action is compatible with land management plans and shall give public notice of their action. Within such free-use areas, any dead timber or any green timber previously marked or designated by forest officers may be cut and removed

for personal use for domestic purposes. Cutting and removal of timber in free-use areas shall be in accordance with such rules as may be prescribed by the district ranger to prevent fires, minimize damage to uncut trees and other resources, and to avoid confusion among users. Similar material may be cut outside of a free-use area without permit in cases of emergency, but the person taking such material shall promptly notify the district ranger. Small quantities of material needed by transients while in the forest may also be taken without permit; subject to such rules as may be prescribed pursuant to § 261.70. In all other cases permits will be required for green material.

* * * * *

2. Section 223.5(b) is revised to read:

§ 223.5 Advertisement and bids.

* * * * *

(b) In emergency situations where prompt removal of timber included in a sale is essential to avoid deterioration or to minimize the likelihood of the spread of insects, the approving officer may authorize shortening the formal advertising period to not less than 7 days. In other emergency situations, or for timber sold under 36 CFR 223.1(b) the Regional Forester or Chief may authorize shortening the formal advertising period to not less than 7 days.

* * * * *

3. Section 223.7 is revised to read:

§ 223.7 Awards.

(a) Advertised timber will be awarded to the highest bidder upon satisfactory showing by him of ability to meet financial requirements and any other conditions of the sale offer unless:

(1) Determination is made to reject all bids.

(2) Two or more bidders, all of whom meet the requirements, submit equal bids which are the highest bids, in which case award may be by the drawing of lots. Equal bids from parties having direct or indirect common control or association in logging, processing or marketing may be consolidated to the extent deemed necessary by the awarding officer in order to give to any others who have bid the same amount an equitable opportunity in the drawing of lots.

(3) The highest bidder is notoriously or habitually careless with fire, or has failed to comply with the requirements of previous contracts for National Forest timber.

(4) Monopoly, injurious to the public welfare, would result from the control of large amounts of public or of public and private timber.

(5) The high bidder has elected Forest Service road construction in response to an advertisement extending such an option, the Forest Service cannot perform the construction and in response to solicitation has not received a satisfactory bid for such construction within the period stated in the advertisement and the high timber sale bidder is unwilling to perform the construction.

(b) Any bidder or applicant for a sale may be required to furnish a statement of his relation to other bidders or operators, including, if desired by the supervisor or Regional Forester, a certified statement of stockholders or members of the firm, and the holders of bonds, notes or other evidences of indebtedness, so far as known, so that the statement will show the extent of the interest of each in the bidder or applicant.

(c) If the highest bid is not accepted and the sale is still deemed desirable, all bids may be rejected and the timber readvertised; or, if the highest bidder cannot meet the requirements under which the timber was advertised or the withholding of award to him is based on one or more of paragraphs (a) (3), (4), and (5) of this section, award at the highest price bid may be offered to the next highest qualified bidder or to the other qualified bidders in order of their bids until the award is accepted by one or refused by all of the qualified bidders.

(d) If timber is advertised as set aside for competitive bidding by small business concerns, award will be made to the highest bidder who qualifies as a small business concern and who has not been determined by the Small Business Administration to be ineligible for preferential award of set-aside sales. If there are no qualified small business bidders any readvertisement shall be without restriction on the size of bidders.

(e) When necessary in the judgment of the approving officer, any applicant or bidder may be required to submit, before expense is incurred in acting on the application or before award is made in response to a bid a satisfactory showing of financial ability and the bidder may be required to show that he has or can obtain equipment and supplies suitable for logging the timber and for meeting the resource protection provisions of the contract.

4. Section 223.10 is revised to read:

§ 223.10 Timber export and substitution restrictions.

(a) Unless restricted as provided in this section or unless it is determined by the Secretary of Agriculture that the supply of timber for local use is

endangered, timber lawfully cut on any National Forest may be exported from the State where grown to any other State for processing. As used in this paragraph, "supply of timber for local use" means the supply of timber necessary for consumption by local users.

(44 Stat. 242, 16 U.S.C. 616)

(b) Unprocessed timber as defined in paragraph (c) of this section, purchased after March 8, 1974, from National Forest System lands located west of the 100th Meridian in the contiguous 48 States, may not be exported from the United States nor used as a substitute for timber from private lands exported by the purchaser. The above limitations on export and substitution do not apply to species of timber previously found to be surplus to domestic needs; or to additional species, grades, or quantities of timber found by the Secretary of Agriculture after public hearing to be surplus to domestic needs. As used in this section and as further defined in paragraph (d) of this section, "export" means either direct or indirect export and "purchaser" means the purchaser or his affiliates. "Private lands" means lands held or owned by a private person (individual, partnership, corporation, association, or other legal entity). Nonprivate lands include but are not limited to, lands held or owned by the United States, a State or political subdivision thereof, or other public agency, or lands held in trust by the United States for Indians.

(c) As used in this section, the term "unprocessed timber" shall mean any logs of species, quantities, or grades which have not been found surplus to domestic needs and having a net scale content not less than 33 1/3 percent of the gross volume in material meeting the peeler or sawmill requirements published in the January 1, 1978, official Log Scaling And Grading Rules used by West Coast Log Scaling and Grading Bureaus; cants to be subsequently remanufactured exceeding 8 3/4 inches in thickness; cants of any thickness reassembled into logs; and split or round bolts, or other roundwood not processed to standards and specification suitable for end-product use. Unprocessed timber shall not mean pulp (utility) grade logs and Douglas-fir special cull logs or timber processed into the following:

- (1) Lumber and construction timbers, regardless of size, sawn on four sides;
- (2) Chips, pulp, and pulp products;
- (3) Green veneer and plywood;
- (4) Poles and piling cut or treated for use as such;

(5) Cants cut for remanufacture, 8 3/4 inches in thickness or less.

(d) As used in this section, unprocessed timber, either from National Forest System lands or from private lands, is exported directly when exported by the National Forest timber purchaser, his subsidiary, subcontractor, parent company, or any other affiliate. Business entities are considered to be affiliates when one controls or has the power to control the other or when both are controlled directly or indirectly by a third entity. Timber is exported indirectly when export occurs as a result of a sale to another person or as a consequence of any subsequent transaction.

(e) As used in this section, substitution is the purchase of timber from National Forest System lands to be used as replacement for timber exported from private lands. Such replacement occurs when with respect to historic levels (1) the purchaser continues to export and increases his purchase of National Forest timber, or (2) the purchase of National Forest timber continues while the purchaser increases his export of unprocessed timber from private lands tributary to the plant for which National Forest timber covered by a specific contract is expected to be delivered. Historic level is defined as the purchase or export during 1974 or any subsequent calendar year of not to exceed 110 percent of the average annual volume purchased or exported in calendar years 1971, 1972, and 1973.

(f) To be eligible to bid on a sale of timber from National Forest System lands west of the 100th Meridian in the 48 contiguous States, a bidder must:

(1) Certify that purchase of the timber will not constitute substitution as defined in paragraph (e) of this section.

(2) Agree to furnish to the Forest Service, prior to beginning operations under the contract: the names and addresses of processing plants or other locations to which the timber is expected to be delivered; the names and advertised volumes of timber sales purchased by the purchaser for delivery to each such location in calendar years 1971, 1972, and 1973; the volumes of timber from private lands tributary to each location listed, exported by the purchaser in calendar years 1971, 1972, and 1973.

(3) Agree to furnish the information required by paragraph (f)(2) of this section to the Forest Service prior to log hauling to any location not included in the list required by paragraph (f) of this section.

(4) Agree to make available to the Forest Service, upon request, all of his records dealing with origin and destination of exported timber. For false certification the Forest Service may cancel the contract, debar the purchaser from bidding on Federal timber, and impose penalties as may be provided by law or regulation.

(g) Contracts for sales of unprocessed timber from National Forest System lands as described in paragraph (b) of this section, entered into after March 8, 1974, shall, with respect to the timber covered by said contracts, prohibit the purchaser from exporting said timber or selling it for export and from substituting said timber for timber which the purchaser has exported or sold for export from private lands, except that these limitations will not apply to species of timber previously found surplus to domestic needs and additional species, grades, or quantities of timber found by the Secretary of Agriculture, after public hearing, to be surplus to domestic needs. Where appropriate, contracts shall include:

(1) Restrictions on the export of unprocessed timber or the use of said timber in substitution of timber exported from private land, including a provision that before the purchaser sells, exchanges, or otherwise disposes of the included timber restricted from export, the purchaser shall require his buyer, exchanges, or other recipient to enter into an agreement not to export unprocessed timber as defined in this section.

(2) Requirements for showing compliance with the timber export restrictions and exemptions and the restrictions against the purchaser using said timber in substitution for timber exported from private land.

(3) The qualities and species of unprocessed timber, if any, which may be exported.

(h) No additional species not previously determined to be surplus, specified quantities or grades of unprocessed timber may be sold for export as surplus to domestic needs unless: a public hearing is authorized by the Secretary of Agriculture and is held to seek advice and counsel as to the quantities, grades, and species of unprocessed timber, if any, surplus to the needs of domestic users and processors, and a determination is made by the Secretary of Agriculture that the specific quantities, grades, and species of unprocessed timber are surplus to the needs of domestic users and processors. The Secretary of Agriculture shall give

notice in the **Federal Register** of the quantities, grades, and species of unprocessed timber which are determined to be surplus. Hearings will be conducted in accordance with the following procedures:

(1) Notice will be published in a newspaper of general circulation within the area of the specific quantities, grades, and species under consideration at least 15 days prior to the hearings, and known parties or organizations with special interest in the quantities, grades, and species should be notified directly.

(2) The time, place, and conduct of the hearing will be coordinated with the Department of the Interior and held at a convenient, centralized location within the area of the specific quantities, grades, and species under consideration.

(3) The hearing record shall remain open for at least 5 calendar days following the hearing for receipt of additional written statements.

(i) Subject to the other provisions of this section, timber cut from the National Forests in the State of Alaska may not be exported from Alaska in the form of logs, cordwood, bolts, or other similar products necessitating primary manufacture elsewhere without prior consent of the Regional Forester. This requirement is determined to be necessary in order to assure the development and continued existence of adequate wood processing capacity in that State essential to the sustained utilization of timber from the National Forests located therein which is geographically isolated from other processing capacity. In determining whether consent will be given to the export of such timber, consideration will be given, among other things, to whether such export will (1) permit a more complete utilization of material on areas being logged primarily for products for local manufacture, (2) prevent loss or serious deterioration of logs unsalable locally because of an unforeseen loss of market, (3) permit the salvage of timber damaged by wind, insects, or fire, (4) bring into use a minor species of little importance to local industrial development, or (5) provide material required to meet urgent and unusual needs of the Nation.

(92 Stat. 1301, Pub. L. 95-465).

David G. Unger

Acting Assistant Secretary for Natural Resources and Environment.

December 5, 1979.

[FR Doc. 79-38459 Filed 12-14-79; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1374-7]

Approval of Revision of the Commonwealth of Pennsylvania Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rulemaking approves as a revision to the State Implementation Plan several modifications to Pennsylvania's Air Resources Regulations which clarify terms and intent of Chapter 121 (relating to general provisions), Chapter 123 (relating to standards for contaminants), and Chapter 129 (relating to standards for sources).

EFFECTIVE DATE: December 17, 1979.

ADDRESSES: Copies of the modifications and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. ATTN: Patricia Sheridan.

Pennsylvania Bureau of Air Pollution Control, Fulton Building, 18th Floor, 200 North Third Street, Harrisburg, Pennsylvania 17120. ATTN: Gary L. Triplett.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Sheridan, Air Programs Branch (3AH10), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597-8176.

SUPPLEMENTARY INFORMATION:

I. Background

On September 20, 1978, the Commonwealth of Pennsylvania submitted to the Regional Administrator, EPA, modifications to Pennsylvania's Air Resources Regulations which are part of the Commonwealth's State Implementation Plan (SIP). The Commonwealth requested approval of the modifications as a revision to the SIP. The revision consists of the following:

(1) A detailed definition of "stockpiling" to include the definition as the act of placing or storing material upon and removing material from piles exposed to the outdoor atmosphere.

(2) Clarification of the intent of Section 121.2 of the regulations, relating to compliance and enforcement responsibilities, namely, that unless explicit reference is made to another section of the regulations, each section shall be construed and enforced according to its own terms.

(3) The establishment of a clear mechanism for evaluating minor fugitive emissions and providing written approval of such emissions as stated in Section 123.1(a)(9) and (b) and Section 129.15(c) and (d).

(4) The carrying out of legislative policy mandated by an amendment to § 4.1 of Air Pollution Control Act, adopted on December 12, 1976, which indicated that the Department of Environmental Resources should not regulate air contaminants resulting from production of agricultural commodities in their unmanufactured state (Section 123.1(d), 123.31(c), 123.42(4) and 129.14(c)). The Regional Administrator invited comments in the notice published in the **Federal Register** on June 12, 1979 (44 Fed. Reg. 33713). A 30-day public comment period was provided during which time no public comments were received.

II. Control Strategy Demonstration

These modifications are procedural changes rather than substantive changes. Because the modifications have no adverse impact on air quality, a control strategy demonstrating attainment and maintenance of standards is not required.

III. Public Comments

No comments were received during the 30-day public comment period.

IV. Policy Issues

There are no policy issues involved with this revision other than the basis for the Administrator's approval; i.e., whether the revision submitted by the Commonwealth of Pennsylvania meets the criteria of Section 110(a)(1) of the Clean Air Act and 40 CFR 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions, and 51.11, Legal Authority.

V. EPA Evaluation

The revision submitted by the Commonwealth of Pennsylvania meets the criteria of Section 110(a)(1) of the Clean Air Act and 40 CFR §§ 51.4, 51.5, 51.6, and 51.11.

VI. Final Action

In view of this evaluation, the Administrator approves the above-described modifications to Pennsylvania's Air Resources

Regulations as a revision to the Commonwealth's State Implementation Plan. The revision is intended to clarify terms and intent of Chapter 121 (relating to general provisions), Chapter 123 (relating to standards for contaminants), and Chapter 129 (relating to standards for sources).

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. 7401-7642)

Dated: December 11, 1979.

Douglas M. Costle,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart NN—Pennsylvania

1. In section 52.2020, paragraph (c)(21) is added.

§ 52.2020 Identification of Plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(21) A revision submitted by the Commonwealth of Pennsylvania on September 20, 1978 to clarify terms and intent of Chapter 121 (relating to general provisions), Chapter 123 (relating to standards for contaminants) and Chapter 129 (relating to standards for sources).

[FR Doc. 79-38510 Filed 12-14-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1375-1]

Approval and Revision of the Virginia Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a variance issued by the Virginia State Air Pollution Control Board for E.I. DuPont de Nemours and Company's Spruance, Virginia plant as a revision to Virginia's State Implementation Plan (SIP) pursuant to Section 110 of the Clean Air

Act, 42 U.S.C. 7410. The variance exempts one of the company's boilers from the State's emission standard for particulate emissions from fuel-burning equipment until December 31, 1980. Sulfur dioxide (SO₂) and opacity emission limitations will not be changed by this variance. Diffusion modeling done by the Company indicates that the increase in emissions allowed by the variance will not significantly affect ambient air quality.

EFFECTIVE DATE: January 16, 1980.

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

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, 10th Floor, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Ms. Patricia Sheridan.
State Air Pollution Control Board, Commonwealth of Virginia, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, Attn: W. R. Meyer.
Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Mark Garrison (3AH13), Air Programs Branch, U.S. Environmental Protection Agency, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, phone 215/597-2745.

SUPPLEMENTARY INFORMATION:

I. Background

On December 13, 1978 the Secretary of Commerce and Resources of the Commonwealth of Virginia submitted on behalf of the Governor a proposed revision of the Virginia SIP consisting of a variance for the E.I. DuPont de Nemours and Company's Spruance, Virginia plant. The variance exempts one of the Company's eight boilers from Part IV, Rule EX-3 of Virginia's Regulations for the Control and Abatement of Air Pollution. This regulation deals with emissions standards for particulate emissions from fuel burning equipment. On February 22, 1979 the State submitted additional information regarding the proposed revision, including an addition to the variance specifying an emissions limitation for particulates that the Company's boiler will have to meet while the variance is in effect. The additional information also included a certification that the variance was approved in accordance with the public hearing and notice requirements of 40 CFR 51.4. On June 12, 1979 (44 FR 33712), EPA proposed the regulation changes as

a revision to the Virginia SIP and provided for a 30-day public comment period ending July 12, 1979. During the public comment period no comments were received by EPA Region III.

This revision will allow the Company to burn coal in one of its eight boilers prior to the planned installation of particulate control equipment consisting of electrostatic precipitators (ESPs). The installation of this control equipment will be completed by December 31, 1980 at which time the Company intends to commence burning coal in four additional boilers, for a total of five of the Spruance plant's boilers. Since the variance expires on December 31, 1980, the Company thereafter will be required to meet the State emission limitation for particulates.

The variance exempts from Part IV, Rule EX-3 of Virginia's Regulations any single coal-burning boiler. This regulation was adopted by the State and submitted to EPA as part of a SIP revision which was proposed by EPA in the *Federal Register* on February 8, 1977 (42 FR 7969).

EPA had not taken final action on that proposed SIP revision as of the effective date of the variance (i.e. December 1, 1978), and thus Virginia's former regulation, Section 4.03.01, was still in effect as a matter of federal law. EPA believes that its decision to approve the variance for DuPont as a SIP revision is independent of the final action with respect to Part IV, Rule EX-3 and that the variance will correctly exempt any one boiler in question from Section 4.03.01 (for the purposes of federal enforcement) as well as from Part IV, Rule EX-3 until December 31, 1980 as long as the conditions of the variance are met.

II. Control Strategy Demonstration

Diffusion modeling performed by the Company indicates that the allowed increase in particulate emissions will not significantly affect ambient air quality. The modeling was done using EPA's CRSTER model with one year (1964) of meteorological data. The data was obtained from the Richmond airport and supplemented by mixing height data from National Airport in Washington, D.C. The modeling demonstrates that this SIP revision will not interfere with the attainment and maintenance of the national ambient air quality standards (NAAQS) for particulates.

The air quality impact demonstration performed by DuPont assumes that the existing multicyclones will operate at approximately 83% collection efficiency. Although EPA has observed some multicyclones that operate at or above such efficiency, it is the Agency's

observation that most multicyclones of the vintage used by DuPont (pre-1960) have a much lower operating efficiency. Therefore, EPA intends to require, pursuant to Section 114 of the Clean Air Act, particulate emissions testing by DuPont within 30 days after conversion to coal firing. Should emissions exceed the emission limitations specified in the variance being approved by this notice, EPA intends to require compliance with the emission limitations by all necessary means, including immediate load reduction or conversion to oil.

III. Approvability of the Proposed Revision

Based upon an evaluation of the material submitted by Virginia, the Agency believes that the proposed revision satisfies the applicable requirements of Section 110 of the Clean Air Act and 40 CFR Part 51. Therefore, the Administrator approves the variance issued to E.I. DuPont de Nemours and Company's Spruance, Virginia plant as a revision of Virginia's State Implementation Plan, effective January 16, 1980. Concurrently, the Administrator amends 40 CFR 52.2420 (Identification of Plan) of Subpart VV (Virginia) to incorporate this plan revision into Virginia's SIP.

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. 7401-7642)

Dated: December 11, 1979.

Douglas M. Costle,
Administrator.

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

Subpart VV—Virginia

§ 52.2420 [Amended]

(1) In § 52.2420 Identification of Plan, paragraph (c)(25) is added to read as follows:

* * * * *

(c) The plan revisions listed below were submitted on the dates specified

* * *

(25) A variance issued to the Spruance, Virginia plant of E.I. DuPont de Nemours and Company exempting one of their boilers from Rule EX-3 until December 31, 1980, submitted on

December 13, 1978 by the Secretary of Commerce and Resources.

[FR Doc. 79-38536 Filed 12-14-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1374-3]

Approval and Promulgation of Implementation Plans; Arizona Plan Revision: Arizona Department of Health Services, and Pima, Coconino, Mohave, Pinal-Gila, and Yuma Counties

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on changes to the Arizona Department of Health Services' (ADHS) Rules and Regulations for Air Pollution Control and the air pollution control regulations of Pima, Coconino, Mohave, Pinal-Gila, and Yuma Counties submitted by the Governor's designee as a revision to the Arizona State Implementation Plan (SIP). The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: January 16, 1980.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On June 4, 1979 (44 FR 32005) EPA published a Notice of Proposed Rulemaking for revisions to the ADHS Rules and Regulations for Air Pollution Control and the air pollution control regulations of various counties, submitted by the ADHS for inclusion in the Arizona SIP on various dates.

The proposed rulemaking notice provided for a 60-day public comment period. One comment was received during the public comment period and is discussed below.

All rules submitted have been evaluated in accordance with 40 CFR Part 51, with the exception of the rules listed below for which EPA is not taking final action. The revisions to rules and regulations approved in this notice are consistent with all EPA requirements.

EPA is promulgating approval for the following County rules and regulations submitted July 1, 1975:

Coconino County Department of Public Health

Reg. 12-3-1, Ambient Air Quality Standards

Mohave County Health Department

Section 6, Reg. 4, Anti-Degradation

Pinal-Gila Counties Air Quality Control District

Reg. 7-2-1.8, Anti-Degradation

Reg. 7-3-2.5, Other Industries

The following County rules and regulations, submitted on July 1, 1975, were proposed for disapproval in the June 4, 1979 Federal Register notice and are being disapproved by this notice since the Arizona Revised Statutes and ADHS's rules and regulations specify the State Health Department and Hearing Board as having exclusive jurisdiction over copper smelters:

Mohave County Health Department

Section 3, Reg. 3, Sulfur from Primary Copper Smelters

Pinal-Gila Counties Air Quality Control District

Reg. 7-3-2.1, Copper Smelters

EPA is taking no action on the regulations indicated below since all have been superseded by more recent submittals:

1. The State of Arizona submitted amendments to the ADHS Rules and Regulations for Air Pollution Control on January 4, 1979. This more recent submittal replaces all previously submitted revisions to the ADHS Rules and Regulations. Therefore, no action is being taken on the previously submitted State regulations listed in the June 4 notice.

2. Pima County Air Quality Control District's Regulation I, Rule 1D, *Emissions Regulated; Policy; Legal Authority*, and Regulation II, Rule 11A, *Malfunction, Start-up, Shutdown, and Scheduled Maintenance*, listed in the Notice of Proposed Rulemaking, have been superseded by a recent submittal of Pima County rules and regulations on October 9, 1979. Therefore, EPA is taking no action on the two Pima County rules above.

3. Yuma County Health Department's Regulations 8-1-2.8, *Anti-Degradation*, and Regulation 8-1-4.1, *Copper Smelters* were listed in the June 4 notice. However, the one public comment EPA received as a result of the June 4 Notice of Proposed Rulemaking was from the Yuma County Health Department. The Department pointed out the existence of a more recent set of Yuma County Air Pollution Control Regulations, submitted to EPA as an SIP revision on April 10, 1979. Because the April 10 submittal is a complete revision of all Yuma County Air Pollution Control Regulations, the

two regulations above can be considered superseded and EPA is taking no action on them.

It is also the intent of this notice to correct a clerical error which appeared at 43 FR 53034 (November 15, 1978): Section 52.125 of Chapter I, Title 40 of the Code of Federal Regulations was intended to have been amended by the addition of paragraph (f)(3), not (e)(3).

The Arizona Department of Health Services has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).)

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

Dated: December 11, 1979.

Douglas M. Costle,
Administrator.

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

Subpart D—Arizona

1. Section 52.120, paragraphs (c)(18)(i), (ii) and (iv) are amended as follows:

§ 52.120 Identification of plan.

(c) * * *
(18) * * *
(i) Coconino County Air Pollution Control Regulations.

12-3-1 (Ambient Air Quality Standards)

(ii) Mohave County Air Pollution Control Regulations.

Sec. 3, Reg. 3 (Sulfur from Primary Copper Smelters)

Sec. 6, Reg. 4 (Anti-Degradation)

(iii) * * *
(iv) Pinal-Gila Counties Air Pollution Control Regulations.

Reg. 7-2-1.8 (Anti-Degradation)

Reg. 7-3-2.1 (Copper Smelters)

Reg. 7-3-2.5 (Other Industries)

§ 52.125 [Corrected]

2. Section 52.125 as amended at 43 FR 53034, third column (November 15, 1978), is corrected by renumbering paragraph (e)(3) to (f)(3).

3. Section 52.125 is amended by the addition of paragraph (g) as follows:

§ 52.125 Control strategy and regulations: Sulfur oxides.

(g) Section 3, Regulation 3 (Sulfur from Primary Copper Smelters) of the Mohave County Health Department Air Pollution Control Regulations and Regulation 7-3-2.1 (Copper Smelters) of the Pinal-Gila Counties Air Quality Control District are disapproved since Section 36-1706 of the Arizona Revised Statutes grants exclusive jurisdiction to the Arizona Department of Health Services and the State Hearing Board over all existing copper smelters.

[FR Doc. 79-38535 Filed 12-14-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5689

[A 6829]

Arizona; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will revoke Departmental Orders of July 2, 1902, September 30, 1904, November 16, 1918, and March 14, 1929, which withdrew certain lands in Arizona for reclamation purposes under Bureau of Reclamation jurisdiction. This action will restore 4,398.68 acres to operation of the public land laws, including the mining laws. The mineral interests in the remaining 13,909.51 acres have been and will continue to be open to operation of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181 et seq.) and the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359).

EFFECTIVE DATE: January 16, 1980.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, (602) 261-4774.

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

1. The Departmental Orders of July 2, 1902, September 30, 1904, November 16, 1918, and March 14, 1929, withdrawing lands for reclamation purposes are hereby revoked so far as they relate to the following described lands:

Gila and Salt River Meridian

T. 7 S., R. 14 W.,
Sec. 9, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 7 S., R. 15 W.,
Sec. 19, lots 6, 7, 9, 11, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 20, S $\frac{1}{2}$;
Sec. 29, NE $\frac{1}{4}$;
Sec. 30, NE $\frac{1}{4}$.
T. 7 S., R. 16 W.,
Sec. 23, lots 2, 3, and 4;
Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 27, lots 1, 2, 4, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 30, lot 4;
Sec. 32, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$;
Sec. 34, lots 2, 5, 6, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$.
T. 8 S., R. 16 W.,
Sec. 5, SW $\frac{1}{4}$;
Sec. 6, lot 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 12, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, SE $\frac{1}{4}$;
Sec. 15, SW $\frac{1}{4}$;
Sec. 17, lots 1 through 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 23, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 28, S $\frac{1}{2}$ N $\frac{1}{2}$ lying south of the railroad right-of-way;
Sec. 29, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying south of the railroad right-of-way;
Sec. 30, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 7 S., R. 17 W.,
Sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 36, lots 1 through 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 8 S., R. 17 W.,
Sec. 1, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 2, lots 2, 3, 5;
Sec. 3, lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 4, lots 5, 6, 7, 8, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 5, lots 1 through 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 6, lots 6 through 11, S $\frac{1}{2}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, lots 1 through 8, E $\frac{1}{2}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 8, all;
Sec. 9, all;
Sec. 10, lots 2, 3, 5, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$;
Sec. 12, SW $\frac{1}{4}$;
Sec. 14, lots 1, 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, lot 2;
Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 25, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ lying north of Southern Pacific Railroad Company right-of-way;

Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 27, NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, lots 1 through 5;
 Sec. 30, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 31, lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, and that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying south of the Southern Pacific Railroad Company right-of-way;
 Sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 33, that portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying south of the Southern Pacific Railroad Company right-of-way and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying north of the Southern Pacific Railroad Company right-of-way;
 Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 9 S., R. 17 W.,
 Sec. 6, lots 1 and 2 south of highway right-of-way and the S $\frac{1}{2}$ NE $\frac{1}{4}$.
 T. 8 S., R. 18 W.,
 Sec. 14, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 28, N $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 29, lots 1 through 10;
 Sec. 30, lots 2, 5, 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 31, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 32, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 34, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 9 S., R. 18 W.,
 Sec. 5, lot 3;
 Sec. 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, SE $\frac{1}{4}$;
 Sec. 8, W $\frac{1}{2}$;
 Sec. 11, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 17, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 18, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
 T. 9 S., R. 19 W.,
 Sec. 1, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 4, lots 1, 5, 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 11, N $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 12, lot 2, W $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 13, lots 1, 2, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.
 T. 8 S., R. 20 W.,
 Sec. 18, lots 1, 2, 3, 4;
 Sec. 19, lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 20, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 29, all;
 Sec. 33, all;
 Sec. 34, SW $\frac{1}{4}$.
 T. 9 S., R. 20 W.,
 Sec. 11, all;
 Sec. 13, all;
 Sec. 14, all.
 T. 7 S., R. 21 W.,
 Sec. 35, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 18,308.19 acres in Yuma County.

The lands lie in the southwestern part of the State near the communities of Wellton and Tacna, Arizona. The

topography of these lands ranges from gently sloping alluvial fans at lower elevations to rugged rock outcrops which form the eastern foothills of the Gila Mountains. Vegetation is limited to scattered ocotillo, saguaro, and creosote with some palo verde, ironwood, and mesquite in the wash areas.

2. Of the above described lands, 4,398.68 acres will become public lands under the jurisdiction of the Bureau of Land Management and are described as follows:

Gila and Salt River Meridian

T. 8 S., R. 20 W.,
 Sec. 18, lots 1, 2, 3, 4;
 Sec. 19, lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 20, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Secs. 29 and 33;
 Sec. 34, SW $\frac{1}{4}$.
 T. 9 S., R. 20 W.,
 Secs. 11, 13, and 14.

3. At 10:00 a.m. on January 16, 1980, the lands described in paragraph 2 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 10:00 a.m. on January 16, 1980, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10:00 a.m. on January 16, 1980, the lands described in paragraph 2 shall be open to location under the United States mining laws. They have been open to applications and offers under the mineral leasing laws.

5. The remaining 18,308.19 acres described in paragraph 1, excluding the 4,398.68 acres described in paragraph 2, contain a mineral reservation to the United States. These lands have been and will continue to be open to operation of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181 et seq.), and the Mineral Leasing Act for Acquired Lands, enacted on August 7, 1947, 30 U.S.C. 351-359, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable laws.

Guy R. Martin,

Assistant Secretary of the Interior.

December 11, 1979.

[FR Doc. 79-38555 Filed 12-14-79; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5691

[Misc-1375265]

Colorado; Modification of Oil Shale Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This public land order modifies Executive Order No. 5327 of April 15, 1930, to permit disposal of public lands by exchange.

EFFECTIVE DATE: December 17, 1979.

FOR FURTHER INFORMATION CONTACT:

Louis B. Bellesi—202-343-8731. By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act (90 Stat. 2751; 43 U.S.C. 1714), it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, withdrawing oil shale deposits and lands containing such deposits, is hereby modified to the extent necessary to permit disposal of the following described lands including the mineral estate thereof by means of an exchange under section 206 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716):

Sixth Principal Meridian

T. 5 S., R. 95 W.,
 Sec. 6, lots 4, 5, 6, 11, 12, and 17;
 Sec. 7, lot 4, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 5 S., R. 96 W.,
 Sec. 1, lot 6;
 Sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 337.35 acres in Garfield County.

Guy R. Martin,

Assistant Secretary of the Interior.

December 11, 1979.

[FR Doc. 79-38554 Filed 12-14-79; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 11

[Docket No. FEMA-Gen-11]

Administrative Claims; Interim Rule and Request for Comment

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule and request for comment.

SUMMARY: This interim rule establishes general procedures for filing a claim against the Federal Emergency Management Agency (FEMA), and

specific instructions with respect to filing administrative claims under the Federal Tort Claims Act. In addition, even though this is a matter of procedure, FEMA requests public comment on the regulation. However, in order that FEMA have established procedures immediately, FEMA is issuing this as operating rule effective immediately and affording at the same time an opportunity for public comment.

DATES: The rule is effective on December 17, 1979. Written comments received should be submitted by February 15, 1980.

ADDRESS: Send comments to Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, (202) 634-4113.

SUPPLEMENTARY INFORMATION: Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency (FEMA). The plan was activated effective April 1, 1979 by Executive Order 12127 "Federal Emergency Management Agency," 44 FR 19367. The plan and Executive Order 12148, 44 FR 43239, effective July 15, 1979 transferred to the new agency functions of five existing agencies in four departments or parent agencies. Under the plan, and pursuant to the orders the regulations of the predecessor agencies remain in full force and effect in FEMA until those regulations are superseded.

Accordingly, to provide a single regulation on Claims it is appropriate to adopt regulations which are interim operating rules but which also afford an opportunity for public comment.

Interested parties may participate by submitting their views, in writing on this interim regulation of FEMA. Each comment should include the name and address of the person or organization submitting the comment and should make reference to the above-cited docket number. All comments timely received will be docketed and made available for public inspection at FEMA.

Accordingly, Chapter I of Title 44, Code of Federal Regulations is amended by adding a new Part 11 as follows:

PART 11—CLAIMS

Subpart A—General

Sec.

11.1 General Collection Standards.

11.2 Delegations of Authority.

Subpart B—Administrative Claims Under Federal Tort Claims Act

11.10 Scope of regulations.

11.11 Administrative claim; when presented; appropriate FEMA office.

11.12 Administrative claim; who may file.

11.13 Investigations.

Sec.

11.14 Administrative claim; evidence and information to be submitted.

11.15 Authority to adjust, determine, compromise and settle.

11.16 Limitations on authority.

11.17 Referral to Department of Justice.

11.18 Final denial of claim.

11.19 Action on approved claim.

Authority: 28 U.S.C. 2672, 28 CFR 14.11, 5 U.S.C. 301, Reorganization Plan No. 3 of 1978, (43 FR 41943) Executive Order 12127 44 FR 19367.

Subpart A—General

§ 11.1 General collection standards.

The general standards and procedures governing the collection, compromise, termination and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR Part 101 *et seq.*), apply to the administrative claim collection activities of the Federal Emergency Management Agency (FEMA).

§ 11.2 Delegations of authority.

Any and all claims that arise under Subchapter III of Chapter 83, Chapter 87 and Chapter 88 of title 5, the United States Code, the Retired Federal Employees Health Benefits Act (74 Stat. 849), the Panama Canal Construction Annuity Act (58 Stat. 257), and the Lighthouse Service Widow's Annuity Act (64 Stat. 465) shall be referred to the Director of the Bureau of Retirement and Insurance, Office of Personnel Management, for handling. The General Counsel, FEMA shall act on all other claims against FEMA for money and property.

Subpart B—Administrative Claims Under Federal Tort Claims Act

§ 11.10 Scope of regulation.

This regulation applies to claims asserted under the Federal Tort Claims Act against the Federal Emergency Management Agency (FEMA). It does not include any contractor with FEMA.

§ 11.11 Administrative claim; when presented; appropriate FEMA office.

(a) For the purpose of this part, and the Provisions of the Federal Tort Claims Act a claim is deemed to have been presented when FEMA receives, at a place designated in paragraph (b) or (c) of this section, an executed "Claim for Damage or Injury," Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, for personal injury, or for death alleged to have

occurred by reason of the incident. A claim which should have been presented to FEMA, but which was mistakenly addressed to or filed with another Federal agency, is deemed to be presented to FEMA as of the date that the claim is received by FEMA. If a claim is mistakenly addressed to or filed with FEMA, the claim shall forthwith be transferred to the appropriate Federal Agency, if ascertainable, or returned to the claimant.

(b) Except as provided in paragraph (c) of this section, a claimant shall mail or deliver his or her claim to the Office of General Counsel, Federal Emergency Management Agency, 1725 I Street, NW., Washington, D.C. 20472.

(c)(1) When a claim is for \$200 or less, does not involve a personal injury, and involves a FEMA regional employee, the claimant shall mail or deliver the claim to the Director of the FEMA Regional Office in which is employed the FEMA employee whose negligence or wrongful act or omission is alleged to have caused the loss or injury complained of. The addresses of the Regional Office of FEMA are set out in Appendix A to Part 5 of this chapter.

(d) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final FEMA action or prior to the exercise of the claimant's option under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his or her duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, FEMA shall have six months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until six months after the filing of an amendment.

§ 11.12 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his or her authorized agent, or legal representative.

(b) A claim for personal injury may be presented by the injured person, his or her authorized agent, or legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests

appear, or jointly. When an insurer presents a claim asserting the rights of a subrogee, he or she shall present with the claim appropriate evidence that he or she has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title of legal capacity of the person signing, and be accompanied by evidence of his or her authority to represent a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 11.13 Investigations.

FEMA may investigate, or may request any other Federal agency to investigate, a claim filed under this part.

§ 11.14 Administrative claim; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his or her monthly or yearly salary or earnings (if any), and the duration of his or her last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support on the decedent at the time of his or her death.

(4) Degree of support afforded by the decedent to each survivor dependent on him or her for support at the time of death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills or medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering before death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the amount of damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be

required to submit the following evidence or information:

(1) A written report by his or her attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by FEMA or another Federal agency. FEMA shall make available to the claimant a copy of the report of the examining physician on written request by the claimant, if he or she has, on request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to FEMA any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of the claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment of such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from the employer showing actual time lost from employment, whether he or she is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership of the property interest which is the subject of the claim.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for

the injury to or loss of property or the damages claimed.

§ 11.15 Authority to adjust, determine, compromise and settle.

(a) The General Counsel of FEMA, or a designee of the General Counsel is delegated authority to consider, ascertain, adjust, determine, compromise, and settle claims under the provisions of section 2672 of Title 18, United States Code, and this part.

(b) Notwithstanding the delegation of authority in paragraph (a) of this section, a Regional Director is delegated authority to be exercised in his or her discretion, to consider, ascertain, adjust, determine, compromise, and settle under the provisions of section 2672 of title 28, United States Code, and this part, any claim for \$200 or less which is based on alleged negligence or wrongful act or omission of an employee of the appropriate Region, except when:

(1) There are personal injuries to either Government personnel or individuals not employed by the Government; or

(2) All damage to Government property or to property being used by FEMA, or both, is more than \$200, or all damage to non-Government property being used by individuals not employed by the Government is more than \$200.

§ 11.16 Limitations on authority.

(a) An award, compromise, or settlement of a claim under this part in excess of \$25,000 may be effected only with the advance written approval of the Attorney General or his or her designee. For the purpose of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled under this part only after consultation with the Department of Justice, when, in the opinion of the General Counsel of FEMA or his or her designee:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and FEMA is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed \$25,000.

(c) An administrative claim may be adjusted, determined, compromised or settled under this part only after consultation with the Department of

Justice when FEMA is informed or is otherwise aware that the United States or an employee, agent or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 11.17 Referral to Department of Justice.

When Department of Justice approval or consultation is required under § 11.16, the referral or request shall be transmitted to the Department of Justice by the General Counsel or his or her designee.

§ 11.18 Final denial of claim.

(a) Final denial of an administrative claim under this part shall be in writing and sent to the claimant, his or her attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the FEMA action, he or she may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

(b) Prior to the commencement of suit and prior to the expiration of the 6-month period provided in 28 U.S.C. 2401(b), a claimant, his or her duly authorized agent, or legal representative, may file a written request with FEMA for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration the FEMA shall have 6 months from the date of filing in which to make a final FEMA disposition of the claim and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of a request for reconsideration. Final FEMA action on a request for reconsideration shall be effected in accordance with the provisions of paragraph (a) of this section.

§ 11.19 Action on approved claim.

(a) Payment of a claim approved under this part is contingent on claimant's execution of (1) a "Claim for Damage or Injury," Standard Form 95, or a claims settlement agreement, and (2) a "Voucher for Payment," Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his or her attorney as payees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

(b) Acceptance by the claimant, his or her agency, or legal representative, of an award, compromise, or settlement made

under section 2672 or 2677 of title 28, United States Code, is final and conclusive on the claimant, his or her agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented, and constitutes a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Dated: December 6, 1979.

John W. Macy, Jr.,

Director.

[FR Doc. 79-38484 Filed 12-14-79; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 2 and 159

[CGD 76-048]

Equipment and Material Specifications; Approval Procedures, Production Inspection and Test Requirements, and Independent Laboratory Standards

AGENCY: Coast Guard, DOT

ACTION: Final rule.

SUMMARY: These regulations establish approval procedures, production inspection and test procedures, and standards for accepting independent laboratories for testing certain equipment and material requiring Coast Guard approval. These procedures will eventually replace the Coast Guard factory inspection requirements in many specification regulations. The need to perform factory inspections has diverted the Coast Guard's field personnel from other duties. This part, in conjunction with eventual changes to the specification regulations, places the responsibility for quality control on the manufacturer of the equipment or material. This will free some of the Coast Guard's limited field personnel for other duties without affecting the quality of the approved equipment or material.

EFFECTIVE DATE: These amendments become effective on January 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Markle, Office of Merchant Marine Safety (G-MMT-3/TP22), Room 2203, Department of Transportation, Coast Guard Headquarters Bldg., 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1444.

SUPPLEMENTARY INFORMATION: On October 23, 1978, the Coast Guard

published a notice of proposed rulemaking in the *Federal Register* for these regulations (43 FR 49440). Five comments concerning the proposed regulations were received before the comment period closed on December 22, 1978. These comments are discussed in more detail in subsequent paragraphs. In addition, 7 laboratories either submitted applications or stated an intention to submit applications at a later date to be independent laboratories accepted by the Coast Guard for approval testing of equipment and materials.

The October 23, 1978 *Federal Register* also included several other notices related to visual distress signals. Two of these notices (CGD 76-048b, 43 FR 49447 and CGD 76-183a, 43 FR 49451) made reference to the proposed rules concerning approval procedures, production inspection and test requirements, and independent laboratory standards. The visual distress signal rules appear in final form in this issue of the *Federal Register*. Comments on the application of rules in this notice to visual distress signals are addressed in the other notices.

Summary of Final Evaluation

A final evaluation has been prepared for these regulations in accordance with the Department of Transportation's Regulatory Policies and Procedures published in the *Federal Register* on February 26, 1979 (44 FR 11034). That document requires that the evaluation quantify, to the extent practicable, the estimated cost of the regulations to the private sector, consumers, and Federal, State and local governments, as well as the anticipated benefits and impact of the regulations.

The costs to equipment manufacturers will be those necessary to obtain an independent laboratory to witness or perform pre-approval tests as well as periodic tests required for Coast Guard equipment and materials. As discussed in the final evaluation, the total annual costs to manufacturers of approved equipment and materials will gradually increase as the new procedures are introduced into various categories of approved equipment, rising to an estimated two million dollars per year in about five years if all Coast Guard inspections are phased out in that time. This estimate is several times the cost to the Coast Guard to perform these inspections. The evaluation is based on existing laboratory capabilities and assumes that laboratory inspectors will have to travel considerable distances to perform most inspections, and therefore the inspection visits will require at least one full day. The Coast Guard currently utilizes personnel from various field

offices to conduct inspections and frequently combines inspection visits with other business in the vicinity of the manufacturer. This cost estimate may prove to be high, since the potential exists for significant savings as local sources of laboratory inspections are established.

It is anticipated that manufacturers will pass the cost of inspections to the purchasers of the equipment, and that these costs will ultimately be borne by consumers and recipients of marine products and services. The Coast Guard is presently performing inspections and tests at public expense. One of the effects of this change in procedure is that the manufacturer of the equipment and ultimately the users of marine products and services will bear the expense of performing these inspections and tests, rather than the general taxpayer. This is identified as one of the principal benefits of these regulations.

Another benefit is that the Coast Guard will be able to make more efficient use of its own resources. The Coast Guard's inspection responsibilities have increased in recent years and will continue to increase because of new laws and regulations in the environmental protection and occupational safety areas. The use of independent laboratories for performance of some of the inspection functions will enable the Coast Guard to avoid some of the increases in budget and personnel that would otherwise be necessary; however, personnel resources presently involved in the inspections and tests will continue to be needed to supervise some of the more critical inspections and to oversee the independent laboratory program.

The final evaluation has been included in the public docket for this rulemaking, and may be obtained from the Marine Safety Council. (G-CMC/TP24), Room 2418, 2100 Second Street, S.W., Washington, D.C. 20593.

Drafting Information

The principal persons involved in drafting these regulations are Mr. Robert L. Markle, Office of Merchant Marine Safety, and Mr. Coleman Sachs, Office of the Chief Counsel.

Discussion of the Regulations

These regulations establish a new Part 159 in Title 46 of the Code of Federal Regulations, which covers the general requirements for Coast Guard approval of equipment and materials. This new Part will eventually replace most of the repetitive portions of the specification regulations in Parts 160 through 164 in which these requirements presently appear. The new Part also

contains provisions for the use of independent laboratories in witnessing or performing certain tests and conducting inspections required by the Coast Guard for the approval of equipment and material, and the monitoring of production techniques. Certain minor changes are also made in Part 2 of Title 46 to make this Part consistent with present practices, and to eliminate conflicts with the new Part 159. The result is a shorter and simplified section of Title 46.

The new Part 159 sets forth:

1. The procedures by which the Coast Guard approves each type of equipment and material affected by the new rules.
2. The procedures for production inspection and testing by the manufacturer and by an independent laboratory.
3. The standards and the procedures under which the Coast Guard accepts or lists an independent laboratory for performing or supervising inspections and tests.

The Coast Guard will begin acting on applications for acceptance of independent laboratories on the date of publication of these regulations, so that there will be accepted independent laboratories available on their effective date. As stated previously, the Coast Guard has already received applications or letters of intent to submit applications from 7 laboratories.

Discussion of General Comments

One commenter expressed concern that the standards for acceptance of independent laboratories were too restrictive and would create a virtual monopoly in the testing market for Coast Guard approved equipment and materials. The predicted lessening of competition between laboratories was cited as a factor that could result in higher costs. The Coast Guard disagrees with this analysis. The rules were carefully drafted so that a wide range of truly qualified and disinterested laboratories could participate. The standards for acceptance of independent laboratories contained in the proposal are admittedly comprehensive, but the purpose of these provisions is to maintain a high level of quality in the tests and inspections. The fact that 7 laboratories, after review of the proposed rules, indicated their intent to apply for Coast Guard acceptance even before the final rules were adopted, supports a finding that the rules are not overly restrictive.

Two commenters expressed concern that the new rules would require them to have approved equipment re-approved under the new procedures. This is not the case. Nothing in the rules would

result in the withdrawal of existing approvals with the adoption of the new procedures. Holders of existing approvals would merely convert their production testing and inspection procedures from Coast Guard factory inspectors to independent laboratory inspectors when they are notified that the rules have become applicable to the equipment or material which they manufacture.

One commenter expressed the opinion that the present Coast Guard approval and inspection procedure is satisfactory and should be retained. The commenter also stated that shortage of personnel should not be a paramount consideration in ending these inspections, and that the use of laboratories would increase costs to the user. The Coast Guard agrees that its factory inspection program has been quite satisfactory since it assumed responsibility for merchant marine safety over 35 years ago. However, personnel and budget limitations are a reality, and in recent years, the Coast Guard has been required by law to assume a widening range of responsibilities in marine safety, environmental protection, fisheries protection, and law enforcement with a limited increase in the number of personnel. Factor tests and inspections form one area where Coast Guard personnel can be replaced by adequately qualified personnel from outside the government with no anticipated reduction in marine safety. Although some increased costs to the user of approved equipment and material are likely to occur, the Coast Guard considers this justifiable to the extent that it reduces the financial burden previously borne by the general taxpayer for government performed tests and inspections.

Another commenter suggested an alternative procedure in place of the proposed production tests and inspections. The primary features of this alternative are as follows:

1. Regular production inspection would be the responsibility of the manufacturer thereby eliminating the required use of a laboratory.
2. The Coast Guard could require the manufacturer to be stable and financially responsible, with product liability coverage and the ability to recall defective products, in order to assure that unsafe devices would not be "dumped" on the market with no further responsibility assumed by the manufacturer.
3. The Coast Guard could require that products from the open market be spot checked by an independent laboratory or by Coast Guard personnel sent to the

manufacturer's plant. A maximum number of such checks would be permitted annually.

4. In the event that a production test by an independent laboratory or the Coast Guard revealed that the equipment or material was faulty, the Coast Guard could order more frequent production tests under the supervision of a laboratory or the Coast Guard. In this instance the manufacturer might be required to pass a series of ten independent tests before its in-house certification program would be reauthorized.

The stated purpose of the program described would be to reduce costs to manufacturers while assuring that products reaching the market would be of acceptable quality. Outside certification would be used primarily as an enforcement and penalty procedure if the manufacturer's internal standards were found inadequate. The provision that would allow the Coast Guard to order more frequent testing would add a cost burden to the manufacturer not producing equipment or materials that meet the quality standards, thereby introducing an economic incentive to produce high quality products. Several of the commenter's points are already part of the rules as proposed. Others could be part of the procedures required in individual specification regulations, where appropriate, without any change to the rules as proposed. For instance, subpart 159.007 makes production inspections the responsibility of the manufacturer. Whether or not a laboratory is required depends on the specific requirements of the specification regulation. Although the major thrust of the Coast Guard approval program is directed towards pre-market testing, spot checking of devices that have already been marketed is also conducted to insure compliance with the specification regulations. This compliance testing program can be adapted to any approved equipment as the need is indicated. The only suggestion that could not be adopted is the one which would allow the manufacturer's acceptance to be conditioned upon its financial stability and responsibility. It is believed that such a requirement would be unreasonable since there is no evidence that the financial condition of a manufacturer necessarily affects the quality of its products. Furthermore, such a requirement could raise financial problems for a marginal concern with a large dependence upon production of Coast Guard approved products if it suddenly lost its approvals in a time of financial crisis.

Discussion of Comments on Specific Sections of the Proposal

Two commenters recommended deletion of provisions in §§ 159.001-3(a)(3) and 159.007-3(a)(1) that would allow the Coast Guard to accept independent laboratory procedures for production inspections and tests which exceed the requirements of applicable specification regulations. One of the commenters expressed concern that unnecessarily stringent testing requirements exceeding Coast Guard standards would add to the manufacturer's expenses and ultimately to those of the consumer. The Coast Guard disagrees. The Coast Guard will not depend on the laboratory to decide whether the item will be approved, but will instead review the test report and evaluate it with respect to the requirements of the applicable subpart, as provided in § 159.005-13. Regardless of their purpose, any additional requirements imposed by the laboratory will not be taken into account. For production tests, the manufacturer's decision to use a laboratory's procedures is discretionary under § 159.007-3, so in effect the manufacturer decides whether any more stringent requirements are to be imposed.

One commenter questioned the legality of § 159.001-7, feeling that it would allow the Commandant to substitute the proposed procedures for those applying to any item in subchapter Q without resorting to the customary rulemaking process. The Coast Guard feels that it has complied with all legal requirements in issuing this rulemaking. The preamble of the proposal clearly stated that "the procedures under this program would eventually affect all the lifesaving equipment specifications in Part 160" with certain specified exceptions. To insure that each person affected by the proposal was made aware of it, the Coast Guard sent a copy of the proposal with an explanatory letter to every approval holder on record. The same procedure will be followed upon publication of this final rule. The need for proper notification is addressed in the language of § 159.001-7, which states that "each person known to be affected by the substitution shall be informed that the procedures in this Part apply." In seeking to affect the desired procedural change through a single rulemaking, the proposal supports current governmental objectives to reduce the number of regulatory actions.

One commenter suggested that the language in subsections (1), (2) and (3) of § 159.005-3(a) might be more simply replaced by "the requirements of

paragraph (b) of this section are met." The Coast Guard believes that the section is clearer as proposed, so this suggestion has not been adopted.

Section 159.005-5(a)(1), as proposed, required manufacturers to include on their applications for pre-approval review the name and address of the factory where the equipment or material is produced. It was suggested by one commenter that the paragraph be clarified to specify that the factory named should be the one where the finished product is produced. The Coast Guard agrees. The requirement was not intended to make the applicant list the locations where each component is produced. The section has been amended as suggested.

One commenter felt that § 159.005-9(a)(5)(ii) should be changed to eliminate any requirement for the resubmission of plans or specifications that were submitted under §§ 159.005-5(a)(2) (i) or (ii) for pre-approval review. The Coast Guard disagrees and the section has not been changed. Section 159.005-5(a)(2)(i) requires that only general plans need be submitted for pre-approval review, but the plans for final approval under § 159.005-9(a)(2) must be detailed. The reason for this is that oftentimes detailed plans have not been prepared prior to approval testing. However, if the manufacturer has submitted two sets of detailed plans or specifications prior to the application for final approval, and those plans or specifications accurately describe the item to be approved, the Coast Guard will consider the requirements of § 159.005-9(a)(5)(ii) to have been met. The suggested change is therefore unnecessary.

A suggestion was received to add the word "approval" to § 159.005-11(a) between "Each" and "inspection" to conform the provision's wording to the section heading. The Coast Guard agrees with this suggestion and has changed the provision accordingly.

A suggestion to add "product designation" after "trade name" in the list of contents of an approval inspection or test report in § 159.005-11(a)(3) was accepted since the trade name alone may not be sufficient in some cases to adequately identify the item being reported on.

One commenter questioned the need to include in approval inspection and test reports the time, date and place of each inspection and test, as required in § 159.005-11(a)(4), since this information would normally be recorded on the laboratory data sheet. All relevant information should be included in the report, as this is intended to serve as the basis of the Coast Guard's decision to

grant or deny approval. Unnecessary duplication may be avoided by submitting the data sheets as attachments to the report. The Coast Guard has found that this information is important and relatively easy to include, so the requirement has not been changed.

The same commenter observed that a number of technicians may be involved in the tests covered by an approval report, and recommended that § 159.005-11(a)(5) only require the name and title of the persons responsible for the work, rather than the name and title of each person performing, supervising and witnessing it. The Coast Guard disagrees since this information verifies that the test was performed by competent personnel, and is also normally recorded on data sheets which can be provided with the test report.

The commenter also stated that it appeared unnecessarily burdensome for the report to include a description or photograph of the procedures and apparatus if they are adequately described in the applicable standards or in another document that can simply be referenced. The Coast Guard agrees and is of the opinion that such reference would constitute an adequate description under § 159.005-11(a)(7) as proposed. In order to clarify this position, the section has been amended to specifically permit such references.

Two commenters suggested changes to § 159.005-11(a)(8)(ii) which requires the test report to contain photographs of each occurrence of damage or deformation. One recommended that the photographs be required only in those cases where the damage or deformation resulted in failure to meet the test criteria. The Coast Guard does not agree since some test procedures allow for damage or deformation which does not affect the function of the device. The Coast Guard must determine whether test criteria have been met from the material in the test report, and photographs are often necessary to make such a determination. The other commenter suggested that photographs not be required if a test requires damage or deformation of the test item. The Coast Guard disagrees with this commenter as well, since the condition of a test item after such a test is usually of interest. The Coast Guard considers the photograph requirement to be neither difficult nor expensive. Since the report will usually be produced in no more than three or four copies, actual photographs can be mounted on pages of the report. In most cases, photographs serve to make long explanations unnecessary and are extremely valuable

for the evaluator in deciding upon the outcome of the test.

A suggestion to change § 159.005-12(a)(2) was submitted by a commenter who felt that the required part identification in the plans should be that of the manufacturer of the finished equipment and not that of the manufacturer of the part. As written, the section would permit either part identification to be used. The Coast Guard feels that this is adequate since different manufacturers have different ways of identifying components, and all that is really required is some means of identifying the part, whether it be through the part manufacturer's identification or the finished equipment manufacturer's identification. No change has been made to the section.

One commenter suggested that the independent laboratory be notified of any approval actions taken under § 159.005-13. The Coast Guard agrees that this should be normal practice, and a new subparagraph (c) has been added to provide for notification of the laboratory.

A commenter suggested that § 159.005-15 would be clearer if the conditions for suspensions, withdrawals and terminations of approvals were stated in the section rather than referenced to another section of Title 46. Although the suggested change would admittedly clarify this provision, the Coast Guard is unwilling to adopt it, since it would require the extensive duplication of regulatory language, a condition which the Coast Guard hopes to avoid.

Section 159.007-3(a)(2) was interpreted by one commenter as prohibiting a laboratory label or mark from being applied during the manufacturing process, since determination of the item's suitability could not be made until production is complete. A change was suggested to eliminate the perceived problem. The commenter's concern is unfounded. The section refers specifically to the laboratory's inspection and test procedures. If these procedures allow the mark or label to be applied during production, then nothing in the rule as proposed prevents it. No change has been made.

One commenter noticed a duplication in the language of §§ 159.007-5(a) and 159.007-9(a), which require manufacturers to select independent laboratories approved by the Commandant. As the Coast Guard feels this merits correction, the previous §§ 159.007-5 (a) and (b) have been combined into a new § 159.007-5(a), with the language duplicating that of § 159.007-9(a) removed.

One commenter felt that § 159.007-9(a) is too strict in requiring the manufacturer to insure that all required inspections and tests are performed or supervised by the laboratory. The commenter suggested that the manufacturer could not vouch for activities performed on the laboratory's premises. The Coast Guard does not feel that the section imposes such a high standard of care upon the manufacturer. In order to satisfy its terms it is sufficient for the manufacturer to contract the laboratory for the inspections or tests and to receive confirmation from the laboratory when they are completed.

A commenter interpreted the purpose of § 159.007-11(a) as exempting the manufacturer from the requirement to submit a yearly report when the production tests and inspections are performed by an independent laboratory accepted by the Commandant. The commenter felt that the proposed language did not accomplish this purpose and should be rewritten. The actual purpose of the section is broader than the one identified in the comment. In order for an exemption from the yearly reporting requirement to be provided, it is not only necessary for the laboratory to be accepted by the Commandant. The laboratory must also have a procedure accepted by the Commandant that includes labeling or marking of the equipment. The section is correct as written.

Several comments were received concerning § 159.010-3, which contains the standards for acceptance of an independent laboratory. One commenter felt that language in this section as well as § 159.010-5 insufficiently describes acceptance requirements, and could lead to the exclusion of qualified laboratories. The commenter did not provide any suggested changes but merely offered the opinion that the sections were vague and should be more specific. No further consideration was given to the comment since it failed to provide the Coast Guard with adequate guidance.

In order for an independent laboratory to be accepted under § 159.010-3(a)(1) as proposed, it would have to be regularly engaged in inspecting and testing equipment and material similar to that which is covered by the specification regulations in subchapter Q. One commenter suggested that this standard be changed to require the regular performance of inspections and tests similar to those that must be performed in the specification regulations, regardless of the actual equipment or material involved. The Coast Guard

agrees. In establishing standards for the acceptance of independent laboratories, emphasis should be placed on experience with relevant testing and inspection procedures rather than familiarity with similar equipment or material. The section has been changed as suggested.

The commenter also pointed out that a single laboratory might not have the equipment, facilities, personnel or instruments to perform all of the inspections and tests under § 159.010-3(a)(2) since the tests may cover a number of technical disciplines. It was stated that a laboratory might have to contract with another laboratory in such cases. It is also possible that the manufacturer might have to supply some facilities or equipment to the laboratory. Some personnel might be hired on a case-by-case basis as consultants. The section has been changed to require that the laboratory either have or have access to the required equipment, facilities, personnel and instruments.

The same commenter stated that the requirements of § 159.010-3(a)(3) on ownership and control could be excessively restrictive. A suggestion was made to change the section to accept laboratories owned by certain associations of manufacturers. The suggestion was not adopted. Any manufacturer which owns all or part of a laboratory either as an individual entity or through an association has a potential to control the laboratory to some extent. To allow such laboratories to act in place of a Coast Guard inspector would not be proper or fair to other manufacturers not part of the association. The Coast Guard holds the opinion that the laboratories accepted under this program must be truly impartial and disinterested in the outcome of the inspections and tests. This can not be guaranteed where there are questions of conflict of interest, as in the case of a manufacturer either directly or indirectly owning an interest in the laboratory doing its tests.

A commenter suggested that the absolute prohibition against advertising and promotion in § 159.010-3(a)(5) be replaced by a provision that would allow a laboratory to promote its client manufacturer's products if it promote all of the products equally and at its own expense. The Coast Guard does not agree. To promote the products of any manufacturer is to become interested in the commercial success of the product. The Coast Guard believes that a truly independent, impartial laboratory can not become so involved in the commercial success of the products it tests. It should be noted that this section

would not prohibit a manufacturer from including the name of the laboratory in its advertising and promotional material, nor would it prohibit the laboratory from promoting its services and citing the types of inspection and testing it is involved in, although reference to specific manufacturer's products could not be included in such promotions. In addition, this section would not prohibit the laboratory from producing a list of products it has tested and accepted under its own procedures, provided that the list is primarily for information and not promotional in nature.

Another commenter suggested that a new paragraph be added to § 159.010-3 requiring that the laboratory have the capability of providing training and on-the-job supervision for technicians and inspectors in order to gain Coast Guard acceptance. The Coast Guard finds no reason to impose such a condition for the acceptance of independent laboratories. Its concern is limited to whether these laboratories have a sufficient number of qualified personnel to perform the necessary inspections and tests. The Coast Guard has no authority to require them to conduct training programs or to supervise unqualified personnel.

A commenter suggested that § 159.010-7(a)(3) be amended to condition the laboratory's obligation to conduct inspections and tests upon the receipt of reasonable fees. The Coast Guard does not believe it is necessary for these rules to be concerned with business arrangements between the manufacturer and the laboratory. However, § 159.010-19(c)(2) states that the laboratory would have its listing revoked if it *unreasonably* refused a request to conduct inspections or tests. The Coast Guard feels it would be reasonable for a laboratory to refuse such a request if it were not offered sufficient payment. Therefore, the concerns of the commenter are adequately addressed.

Section 159.010-15 prohibits the contracting out or transfer of tests to another person or laboratory without the prior approval of the Commandant. A commenter suggested that the section be amended to permit such transfers on a regular basis for one or more types of inspections or tests on approval by the Commandant. This would eliminate the need for repetitive notification of the Commandant. The Coast Guard believes that such an addition is unnecessary because the contracting out or transfer of such inspections or tests would be specified in the test plan submitted under § 159.010-7(a)(2). Acceptance of the test plan would constitute the prior

approval of the Commandant required by § 159.010-15.

One commenter stated opposition to the provision in § 159.010-21(a) that permits the Commandant to direct a manufacturer to cease claiming that its product is Coast Guard approved if the listing of the laboratory that tested it is terminated. The commenter felt that the power was unjustified and that it should apply only to those items tested after termination of the laboratory's listing. The commenter's concern is unfounded. Under the terms of this provision, approval could not be withheld from items already produced.

In addition to the changes discussed above, three additional changes have been made by the Coast Guard as a result of its own review of the proposal. A new subparagraph (a)(3) has been added to § 159.005-5, requiring the manufacturer to include a statement with the application for approval that an official representative of the Coast Guard is allowed access to the place of manufacture and to the place of testing. This is similar to the provisions of proposed § 159.010-5(a)(8) which required the independent laboratory to submit a comparable statement concerning access to its facilities. This provision alone does not provide the Coast Guard with adequate monitoring capability, because some tests may be run by the manufacturer without the need for a laboratory. Furthermore, the specification regulations of Parts 160 through 164 contain requirements for Coast Guard personnel to have access to the place of manufacture and testing, so that the change has no substantive effect. Addition of the requirement will permit the various sections of the specification regulations regarding access of Coast Guard personnel to be deleted when those regulations are converted to the procedures described in Part 159. Since the revision is essentially editorial in nature and imposes no additional burden upon the parties that stand to be affected, the Coast Guard has determined that it may be accomplished without further notice and opportunity for comment.

In addition, the Coast Guard has changed § 159.007-13(a), pertaining to the contents of production inspection and test reports, by replacing a cross-reference to § 159.005-11 with the relevant material drawn from that section. This is merely an editorial change intended to make the provision more comprehensible.

Finally, the Coast Guard has added subparagraph (b)(5) to § 159.010-19, permitting an independent laboratory's acceptance or listing to be terminated if it fails to report within 30 days changes

in information that supported its application for acceptance or listing. This provision had been inadvertently omitted from the proposal. This addition establishes procedures to insure that the Coast Guard is adequately informed of changes that may affect a laboratory's continued eligibility for acceptance or listing. As the laboratories are afforded a period of 30 days in which to report these changes, the Coast Guard feels that the revision imposes no substantial burden upon them. The Coast Guard nevertheless invites all interested and affected parties to submit comments on this revision within the next 30 days. Any comments received during this period will be evaluated by the Coast Guard in order that it may determine whether any further modification is necessary.

In consideration of the foregoing, the amendments to Title 46 of the Code of Federal Regulations published in the **Federal Register** on October 23, 1978 (43 FR 49440) are adopted with changes as set forth below:

Dated: December 10, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

PART 2—VESSEL INSPECTIONS

1. In § 2.75-10, the words "Parts 160 to 164, inclusive" in paragraph (a), are changed to "Parts 159 through 164". Paragraph (b) is revised to reflect current procedures and addresses, as amended § 2.75-10 reads as follows:

§ 2.75-10 Procedures for obtaining approvals.

(a) The requirements for obtaining approvals of items covered by specifications and bearing official Coast Guard approval numbers are set forth in parts 159 through 164 of this chapter. For other items, the requirements are described in the regulations governing such items.

(b) Unless otherwise specified, correspondence concerning approvals should be addressed to the Commandant (G-MMT-3/TP12), U.S. Coast Guard, Washington, D.C. 20593. When plans, drawings, test data, etc., are required to be submitted by the manufacturer, the material being transmitted with the application should be clearly identified.

2. In the first sentence of § 2.75-17(a), the words "33 CFR parts 140 through 146 (artificial islands and fixed structures on the Outer Continental Shelf)" are changed to "33 CFR Chapter I". As amended, § 2.75-17(a) reads as follows:

§ 2.75-17 General policy regarding acceptance and use of industry specifications, standards, and codes.

(a) Certain equipment, materials, and installations required by various provisions of the navigation and vessel inspection laws and regulations in this chapter and in 33 CFR Chapter I have to be approved by the Commandant, U.S. Coast Guard, prior to their use. For many items of equipment, materials, and installations, the normal manufacturing practices are based on the use of certain industrial or Federal specifications, standards, and codes. However, it is realized that certain provisions are based on conditions normally found "ashore," rather than in the marine environment which may be experienced onboard vessels or on artificial islands and fixed structures. Industry specifications, standards, and codes are adopted and shall form a part of the regulations of this chapter to the extent specified in this subpart and in the more detailed regulations in parts 160 through 164 (Subchapter Q—Equipment Construction and Materials: Specifications and Approval) of this chapter. Unless specifically stated otherwise in the regulations, the current issue of the specifications, standards, or codes, including addenda or changes, described in the regulations shall be used. The current issue is that issue, including any addenda or changes, in effect on the date the work is contracted for, or, if no contract exists, the date fabrication is begun. The Commandant may authorize the use of an issue of an earlier or later date when circumstances warrant such action.

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SUBCHAPTER Q—EQUIPMENT, CONSTRUCTION, AND MATERIALS: SPECIFICATIONS AND APPROVAL

3. By changing the title of subchapter Q to "Equipment, Construction, and Materials: Specifications and Approval" as set forth above and by adding a new part 159 to read as follows:

PART 159—APPROVAL OF EQUIPMENT AND MATERIALS

Subpart 159.001—General

Sec.

- 159.001-1 Purpose.
- 159.001-3 Definitions.
- 159.001-5 Correspondence and applications.
- 159.001-7 Substituted procedures.

Subpart 159.005—Approval Procedures

- 159.005-1 Purpose.
- 159.005-3 Application for preapproval review.
- 159.005-5 Preapproval review: contents of application.
- 159.005-7 Preapproval review: Coast Guard action.

Sec.

- 159.005-9 Approval inspections and tests.
- 159.005-11 Approval inspection or test report: Contents.
- 159.005-12 Plans.
- 159.005-13 Equipment or material: Approval.
- 159.005-15 Approval of equipment or material: Suspensions, withdrawals, and terminations.

Subpart 159.007—Production Inspections and Tests of Approved Equipment and Materials

- 159.007-1 Purpose.
- 159.007-3 Production inspections and tests: Independent laboratory's procedures.
- 159.007-5 Production inspections and tests: Application for acceptance.
- 159.007-7 Application for acceptance for production inspections and tests: Coast Guard action.
- 159.007-9 Production inspections and tests.
- 159.007-11 Production inspections and tests: Yearly report.
- 159.007-13 Production inspections and tests: Records.

Subpart 159.010—Independent Laboratory: Acceptance, Listing, and Termination

- 159.010-1 Purpose.
- 159.010-3 Independent laboratory: Standards for acceptance.
- 159.010-5 Independent laboratory: Application for acceptance.
- 159.010-7 Independent laboratory: Standards for listing.
- 159.010-9 Independent laboratory: Application for listing.
- 159.010-11 Independent laboratory: Listing in subpart.
- 159.010-15 Contracting inspections and tests or transfers to another laboratory or person.
- 159.010-17 Application and test plans: Changes.
- 159.010-19 Termination of acceptance or listing of a independent laboratory.
- 159.010-21 Termination of acceptance or listing: Procedure.

Authority: Sec. 1, 73 Stat. 475 (46 U.S.C. 481); sec. 201 86 Stat 427, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46 (b) and (n)(4).

Subpart 159.001—General

§ 159.001-1 Purpose.

(a) This part contains the procedures for the approval of equipment and materials when that equipment or material is inspected or tested by an independent laboratory or by the manufacturer of the equipment or material.

§ 159.001-3 Definitions.

(a) As used in this part: "Applicable subpart" means a subpart under which equipment or material is approved, or under which an independent laboratory is listed.

(2) "Listed laboratory" means an independent laboratory that has been listed in an applicable subpart under the provisions of § 159.010-11.

(3) "Test plan" means a description of the procedures by which an independent laboratory meets or exceeds the inspection and test requirements of an applicable subpart.

§ 159.001-5 Correspondence and applications.

(a) Unless otherwise specified, all correspondence and applications in connection with the approval and testing of equipment and materials shall be addressed to: Commandant (G-MMT-3/TP12), U.S. Coast Guard, Washington, D.C. 20593.

§ 159.001-7 Substituted procedures.

(a) The Commandant may substitute the procedures in this part for the procedures in any other part of this subchapter. Each person known to be affected by the substitution shall be informed that the procedures in this part apply.

Subpart 159.005—Approval Procedures

§ 159.005-1 Purpose.

(a) This subpart contains the procedures by which the Coast Guard approves equipment and materials under other subparts of this subchapter that require—

- (1) Preapproval inspections and tests by an independent laboratory;
- (2) Preapproval inspections and tests by the manufacturer; or
- (3) No preapproval inspections or tests.

§ 159.005-3 Application for preapproval review.

(a) Each manufacturer of equipment or material who seeks Coast Guard approval under an applicable subpart must submit an application that meets § 159.005-5 to the Commandant unless—

- (1) The subpart contains a list of independent laboratories;
- (2) The subpart does not require Coast Guard review prior to testing; and
- (3) The manufacturer meets the requirements of paragraph (b) of this section.

(b) If the applicable subpart contains a list of independent laboratories and does not specifically require preapproval review by the Coast Guard, the manufacturer may have the tests performed by a listed laboratory and submit the report required by § 159.005-11 to the Commandant.

§ 159.005-5 Preapproval review: Contents of application.

(a) Each application must contain the following:

- (1) The name and address of the manufacturer and the factory where the

finished equipment or material is produced.

(2) One or more of the following as required by the applicable subpart:

- (i) Two sets of general plans of the equipment or material.
- (ii) Two sets of specifications of the equipment or material.
- (iii) A sample of the equipment or material accompanied by a written description of its components.

(3) A statement signed by the manufacturer or the manufacturer's representative, that an official representative of the Coast Guard is allowed access to the place of manufacture and to the place of test to verify the information submitted in the application or to witness tests.

(b) If the equipment or material is required by the subpart to be inspected and tested by an independent laboratory, the application must contain the following additional information:

(1) The name and address of a laboratory that meets § 159.010-3(a) and that is selected by the manufacturer to perform or supervise the inspections and tests.

(2) If the laboratory has not been accepted previously for inspecting and testing the manufacturer's equipment or material under the applicable subpart, the completed application under § 159.010-5(a).

§ 159.005-7 Preapproval review: Coast Guard action.

(a) If approval inspections and tests are required under the applicable subpart, the Commandant takes the following action:

(1) If the Commandant determines from the application that the equipment or material appears to meet the design requirements of an applicable subpart or appears to have equivalent performance characteristics, and that the laboratory meets § 159.010-3(a), the Commandant informs the manufacturer that the required approval inspections and tests may be conducted.

(2) If the Commandant determines from the application for approval that the equipment or material does not appear to meet the design requirements of an applicable subpart or does not appear to have equivalent performance characteristics, or that the laboratory does not meet § 159.010-3(a), the Commandant informs the manufacturer of the reason why the equipment or material is not acceptable for approval inspections and tests or why the laboratory is not accepted.

(b) If no approval inspections or tests are required under the applicable subpart, the Commandant—

(1) Takes action in accordance with § 159.005-13; or

(2) Informs the manufacturer of additional information required before action under § 159.005-13 can be taken.

§ 159.005-9 Approval inspections and tests.

(a) Each manufacturer of equipment or material that is required to be subjected to approval inspections and tests must—

(1) If the applicable subpart requires the equipment or material to be inspected or tested, have the approval inspections or tests performed;

(2) If the applicable subpart requires the equipment or material to be inspected or tested by an independent laboratory, insure that a laboratory accepted by the Commandant performs or supervises the approval inspections or tests;

(3) Bear all costs of the approval inspections and tests;

(4) If requested, advise the Commandant of the time, date, and place of each approval inspection or test, or both, before the inspection or test is performed; and

(5) After completion of the approval inspections and tests, submit to the Commandant—

(i) A test report that meets § 159.005-11;

(ii) At least two sets of specifications of the material as inspected or tested or at least two sets of plans of the equipment as inspected or tested that meet § 159.005-12; and

(iii) A description of the quality control procedures that will be in effect during the production of the equipment or material.

§ 159.005-11 Approval inspection or test report: Contents.

(a) Each approval inspection or test report must contain the following:

(1) The name of the manufacturer.

(2) If the inspections or tests are performed or supervised by an independent laboratory, the name and address of the laboratory.

(3) The trade name, product designation (such as model numbers), and a brief description of the equipment or material inspected or tested.

(4) The time, date, and place of each approval inspection and test.

(5) The name and title of each person performing, supervising, and witnessing the approval inspections or tests.

(6) The performance data for each test required in the applicable subpart, including a description of each failure.

(7) A description or photographs of the procedures and apparatus used in the inspections or tests, or a reference to another document that contains an appropriate description or photographs.

(8) At least one photograph that shows an overall view of the equipment or material submitted for approval and other photographs that show—

- (i) Design details; and
- (ii) Each occurrence of damage or deformation to the equipment or material that occurred during the approval tests.

(b) Each inspection or test report must bear an attestation that the inspections or tests were conducted as required by the applicable subpart and that the report contains no known errors, omissions, or false statements. The attestation must be signed by:

(1) The manufacturer or manufacturer's representative, if the inspection or tests are conducted by the manufacturer; or

(2) The chief officer of the laboratory, or the chief officer's representative, if the inspection or tests were conducted by an independent laboratory.

Note.—A false representation on a report is a ground for suspension or withdrawal of approval of the equipment or material. A false representation is also punishable as a crime under 18 U.S.C. 1001.

§ 159.005-12 Plans.

(a) Each set of plans under § 159.005-9(a)(5)(ii) for equipment must include the following:

- (1) An assembly drawing or general arrangement drawing.
- (2) A description of each component of the equipment that includes the name, the manufacturer, and the part identification of each component in—
 - (i) A detail drawing;
 - (ii) A bill of material or parts list; or
 - (iii) A specification for that component.

(3) A list of the drawings and specifications in the set of plans, including each revision, and the date of that list.

(4) If a manufacturer's instructions or manual is required in the applicable subpart, a copy of the instructions or manual.

§ 159.005-13 Equipment or material: Approval.

(a) If from analysis of the material and data required to be submitted under this subpart, the Commandant determines that the equipment or material meets the applicable subpart, the Commandant—

- (1) Approves the equipment or material;
- (2) Issues a certificate of approval to the manufacturer under § 2.75-5 of this chapter;
- (3) Retains one set of approved plans and returns all others to the manufacturer; and
- (4) Publishes a notice of the approval in the **Federal Register**.

(b) If from analysis of the material and data submitted the Commandant determines that the equipment or material does not meet the applicable subpart, the Commandant informs the manufacturer of the reason why that equipment or material does not meet the subpart.

(c) If an independent laboratory performs the approval inspections or tests, the Commandant will notify the laboratory of the actions taken under paragraph (a) or (b) of this section, unless the manufacturer specifically requests that the laboratory not be notified.

§ 159.005-15 Approval of equipment or material: Suspensions, withdrawals, and terminations.

(a) The Commandant suspends an approval issued under this subchapter in accordance with § 2.75-40 of this chapter, withdraws an approval issued under this subchapter in accordance with § 2.75-50(a) of this chapter, and terminates an approval issued under this subchapter in accordance with § 2.75-50(b) of this chapter.

Subpart 159.007—Production Inspection and Tests of Approved Equipment and Materials

§ 159.007-1 Purpose.

(a) This subpart contains the procedures under which production inspections and tests of approved equipment or materials are to be performed under this subchapter.

§ 159.007-3 Production inspections and tests: Independent laboratory's procedures.

(a) The manufacturer may follow an independent laboratory's procedures for production inspections and tests if those procedures—

- (1) Meet or exceed the production inspection and test requirements of the applicable subpart or are equivalent to those inspections and tests;
- (2) Include labeling or marking the equipment or material when the equipment or material meets the inspection and test procedures of the laboratory; and
- (3) Are accepted by the Commandant under § 159.007-7(b).

§ 159.007-5 Production inspections and tests: Application for acceptance.

(a) If the applicable subpart requires production inspections and tests by an independent laboratory, the manufacturer must select a laboratory and submit an application for acceptance that meets § 159.010-5(a) unless the laboratory—

- (1) Is listed in the subpart; or

(2) Is accepted by the Commandant for approval inspections and tests of the equipment or material under § 159.005-7(a)(1).

(b) If the manufacturer wants to follow the laboratory's procedures for production inspections and tests instead of meeting the Coast Guard procedures under this subchapter, the application must contain a description of those procedures.

§ 159.007-7 Application for acceptance for production inspections and tests: Coast Guard action.

(a) From the information submitted with the application, the Commandant determines whether or not the laboratory is accepted for production inspections and tests. The Commandant informs the manufacturer of the results of this determination, if the Commandant does not accept a laboratory, the reason for the disapproval will be given.

(b) From the description of the laboratory's procedures for production inspections and tests, the Commandant determines whether or not those procedures are accepted. The Commandant informs the manufacturer of the results of this determination. If the Commandant does not accept the laboratory's procedures, the reasons why they are not accepted will be given.

§ 159.007-9 Production inspections and tests.

(a) If the applicable subpart requires the production inspections and tests to be performed or supervised by an independent laboratory, the manufacturer shall insure that all required production inspections and tests are performed or supervised by an independent laboratory accepted by the Commandant.

(b) If the applicable subpart does not require an independent laboratory to perform the production inspections and tests, the manufacturer shall have those inspections and tests performed.

(c) Unless alternative procedures have been accepted by the Commandant under § 159.007-3 each production inspection and test must be performed or supervised in accordance with the applicable subpart.

§ 159.007-11 Production inspections and tests: Yearly report.

(a) When the manufacturer uses the production inspection and test procedures in an applicable subpart he must submit a yearly report. The report is not required when inspection and test procedures approved under § 159.007-3 are used.

(b) The report must include the following:

- (1) A list of all inspections and tests performed;
- (2) A summary of the results of each group of inspections or tests;
- (3) A detailed description of any test failures; and
- (4) A statement whether or not all required tests were performed.

§ 159.007-13 Production inspections and tests: Records.

(a) The manufacturer must have a completed record with the following information for each production inspection and test:

- (1) The time, date and place of each inspection and test.
- (2) The name and title of each person performing, supervising and witnessing the inspections or tests.
- (3) The performance data for each test required in the applicable subpart, including a description of each failure.
- (4) A description or photographs of the procedures and apparatus used in the inspections or tests.
- (b) The manufacturer must retain each record under this section for at least 60 months after the month in which the inspection or test was conducted.
- (c) The records must be made available for examination by the Commandant upon request.

Subpart 159.010—Independent Laboratory: Acceptance, Listing, and Termination

§ 159.010-1 Purpose.

- (a) This subpart contains the following:
- (1) The standards under which the Coast Guard accepts an independent laboratory that a manufacturer proposes to use.
 - (2) The standards and procedures under which a laboratory is listed in applicable subparts for tests and inspections required by that subpart.
 - (3) The circumstances under which the acceptance or listing of a laboratory is terminated.

§ 159.010-3 Independent laboratory: Standards for acceptance.

- (a) To be accepted by the Coast Guard as an independent laboratory, a laboratory must—
- (1) Be engaged, as a regular part of its business, in performing inspections and tests that are the same as or similar to the inspections and tests required in the applicable subpart;
 - (2) Have or have access to the apparatus, facilities, personnel, and calibrated instruments that are necessary to inspect and test the equipment or material under the applicable subpart;
 - (3) Not be owned or controlled by—

(i) The manufacturer of the equipment or material to be inspected or tested under this subchapter or any manufacturer of similar equipment or material;

(ii) A vendor of the equipment or material to be inspected or tested under this subchapter or a vendor of similar equipment or material; or

(iii) A supplier of materials to the manufacturer;

(4) Not be dependent on Coast Guard acceptance under this subchapter to remain in business; and

(5) Not advertise or promote the manufacturer's equipment or material that the laboratory inspects and tests under this subchapter.

§ 159.010-5 Independent laboratory: Application for acceptance.

(a) Each application for acceptance of a laboratory must contain the following:

- (1) The name and address of the laboratory, its subsidiaries, and its divisions.
- (2) The name, title, address, and principal business activity of each of the laboratory's officers and directors, and the name, address, and principal business activity of each person, company, or corporation that owns at least 3-percent interest in the laboratory or in a company or corporation that controls the laboratory.
- (3) A list of the equipment or material that the laboratory would inspect or test, or both, under this subchapter.
- (4) A description of the laboratory's experience and its qualifications for conducting the inspections and tests required in the applicable subpart.
- (5) A description of the apparatus and facilities available to the laboratory for conducting those inspections and tests.
- (6) The qualifications of personnel who are to perform, supervise, or witness those inspections and tests.
- (7) A description of the laboratory's instrument calibration program.
- (8) A statement, signed by the chief officer of the laboratory or the chief officer's representative, that an official representative of the Coast Guard is allowed access to the facility to verify the information submitted in the application, or to witness tests.

(a) To be listed as an independent laboratory under an applicable subpart, a laboratory must—

- (1) Meet § 159.010-3;
- (2) Have a test plan that is accepted by the Commandant under § 159.010-11(a); and
- (3) Agree to perform or supervise approval or production inspections or

§ 159.010-7 Independent laboratory: Standards for listing.

- (a) To be listed as an independent laboratory under an applicable subpart, a laboratory must—
- (1) Meet § 159.010-3;
 - (2) Have a test plan that is accepted by the Commandant under § 159.010-11(a); and
 - (3) Agree to perform or supervise approval or production inspections or

tests under that subpart upon request from a manufacturer, however a laboratory may limit the area it serves.

§ 159.010-9 Independent laboratory: Application for listing.

(a) A laboratory that wants to be listed in one or more applicable subparts must submit to the Commandant an application that contains the information required by § 159.010-5, and that includes—

- (1) The subparts under which it wants to be listed;
- (2) Its test plans; and
- (3) A statement of any limitations on the availability of the laboratory's service.

§ 159.010-11 Independent laboratory: Listing in subpart.

(a) From the application, the Commandant determines whether or not the laboratory meets § 159.010-7. If it meets these standards, the laboratory is added to the list in the applicable subpart. If it does not meet these standards, the Commandant informs the laboratory of the reasons why it is not added to the list.

§ 159.010-15 Contracting inspections and tests or transferrals to another laboratory or person.

(a) No independent laboratory may contract or transfer to another person or laboratory the performance or supervision of inspections or tests, or both, required under an applicable subpart for which it is accepted or listed unless—

- (1) A request in writing regarding the contract or transfer is submitted to the Commandant before the contract is executed or the transfer is completed; and
- (2) The Commandant notifies the laboratory in writing that the contract or the transfer is allowed.

§ 159.010-17 Application and test plans: Changes.

- (a) If any of the information submitted under § 159.010-5(a) or § 159.010-9(a) changes, a notification in writing of each change must be submitted to the Commandant within 30 days after the change has occurred.
- (b) If an independent laboratory wants to change its test plan, the proposed changes must be submitted to the Commandant. The Commandant notifies the laboratory if the changed test plan is accepted. If the changed test plan is not accepted, the Commandant informs the laboratory of the reasons why the changed test plan is not accepted.

§ 159.010-19 Termination of acceptance or listing of a independent laboratory.

(a) The acceptance or listing of a laboratory terminates if the laboratory—

- (1) Requests termination; or
- (2) Is no longer in business.

(b) The acceptance of a laboratory may be terminated by the Commandant if the laboratory—

(1) Fails to perform or supervise an inspection or test, or both, as required in an applicable subpart;

(2) Changes its test plan without Coast Guard acceptance;

(3) Attests to the lack of errors, omissions, or false statement of an approval test report that contains errors, omissions, or false statements;

(4) Does not meet § 159.010-3(a);

(5) Does not comply with § 159.010-17(a); or

(6) Unless allowed by the Commandant, contracts or transfers the performance or supervision of required inspections or tests, or both, to another laboratory or person.

(c) A laboratory is removed from the list published in an applicable subpart if the laboratory—

(1) Is no longer accepted by the Commandant; or

(2) Unreasonably refuses a request from a manufacturer to perform or supervise an approval or production inspection or test.

§ 159.010-21 Termination of acceptance or listing: Procedure.

(a) Whenever evidence is received that there exists a basis for termination of acceptance or listing of an independent laboratory under § 159.010-19 (b) or (c), the Commandant notifies the laboratory of the specific reasons for considering termination. If the deficiency could materially affect the validity of the approval issued under an applicable subpart, the Commandant may immediately suspend the acceptance of the laboratory and may direct the holder of the certificate of approval to cease claiming that the items tested or inspected by the laboratory are Coast Guard approved, pending a final decision in the matter. The Commandant may direct an investigation into the matter.

(b) Within 30 days after receipt of notice of the basis for considering termination, the laboratory may provide the Commandant evidence or arguments why acceptance or listing should continue. After consideration of all available material on the matter, the Commandant informs the laboratory, in writing, of this decision. Any person holding a certificate of approval affected by the decision is also notified of the decision.

(Sec. 1, 73 Stat. 475 (46 U.S.C. 481); sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46 (b) and (n)(4))

[FR Doc. 79-38270 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-59-M

46 CFR Part 25

[CGD 76-082A]

Ventilation of Boats

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This document adds an exception to the existing ventilation requirements in 46 CFR Part 25 for boats that meet the new ventilation requirements in 33 CFR Part 183. This document is intended to make the existing ventilation regulations agree with the new ventilation regulations published as a separate document in this issue of the *Federal Register*.

EFFECTIVE DATE: This regulation is effective on August 1, 1980. However, a manufacturer may elect to comply with this subpart at any time after July 31, 1978.

FOR FURTHER INFORMATION CONTACT: Mr. Lars E. Granholm, Office of Boating Safety (G-BBT), U.S. Coast Guard, Department of Transportation, Washington, D.C. 20590, (202/426-4027).

SUPPLEMENTARY INFORMATION: The Coast Guard published a Notice of Proposed Rulemaking concerning this amendment on July 27, 1978 (43 FR 3206). Interested persons were invited to participate in the proposed rulemaking by submitting relevant comments. No comments were received on the amendment to this subpart.

Drafting Information

The principal persons involved in drafting this amendment are: Mr. Lars E. Granholm, Project Manager, Office of Boating Safety and Ms. Mary Ann McCabe, Project Attorney, Office of Chief Counsel.

Discussion of final rule

Although no comments were received requesting changes in this amendment § 25.40-1(e)(1) needed clarification to indicate that the specification used for this paragraph is similar to the new manufacturer requirement in 33 CFR 183.620(a)(3).

Since Federal regulations issued under Section 5 of the Federal Boat Safety Act of 1971 preempt State boating regulations this change in the Federal ventilation regulations will require changes in State regulations in order to

make the State regulations identical to their Federal counterparts.

The amendment has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). A final evaluation has been prepared and is included in the public docket. A copy of the final evaluation may be obtained from: Commandant (G-CMC/TP24), (CGD 76-082 A), U.S. Coast Guard, Washington, D.C. 20590.

In consideration of the foregoing 46 CFR § 25.40-1 is amended by revising paragraph (a) and by adding paragraphs (d) and (e) to read as follows:

§ 25.40-1 Tank and engine spaces.

(a) All motorboats or motor vessels, except open boats and as provided in paragraphs (d) and (e) of this section, the construction or decking over of which is commenced after April 25, 1940, and which use fuel having a flashpoint of 110°F, or less, shall have at least two ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to appoint at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

(d) Boats as defined in the Federal Boat Safety Act of 1971 built after July 31, 1980 or which are in compliance with 33 CFR Part 183 are excepted from these requirements.

(e) Boats, as defined in the Federal Boat Safety Act of 1971, built after July 31, 1978 are excepted from the requirements of paragraph (a) for fuel tank compartments that—

(1) Contain a permanently installed fuel tank if each electrical component is ignition protected in accordance with 33 CFR 183.410(a); and

(2) Contain fuel tanks that vent to the outside of the boat.

(46 U.S.C. 526j, 1454, 1455; 49 CFR 1.46(b), (n)(1).)

Dated: December 10, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-38641 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-14-M

46 CFR Parts 160 and 161**[CGD 76-183a]****Specifications: Visual Distress Signals for Boats****AGENCY:** Coast Guard, DOT.**ACTION:** Final Rule.

SUMMARY: The Coast Guard is adding specifications for red aerial pyrotechnic flares, electric distress lights, and distress flags to these parts. This rule sets forth specifications for distress signals which are not presently subject to Coast Guard approval. These specifications will assure that safe and reliable signals are available to the boater who must comply with requirements to carry visual distress signals published elsewhere in this issue of the *Federal Register*.

EFFECTIVE DATE: This regulation is effective on June 17, 1980, however, affected persons may voluntarily comply at the date of publication.

FOR FURTHER INFORMATION CONTACT: LCDR H. F. Schmecht, Office of Boating Safety (G-BLC-3/TP42), Room 4308, Department of Transportation, Coast Guard Headquarters, Washington, D.C. 20593, 202-426-4177.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the *Federal Register* of October 23, 1978 (43 FR 49451). Comments were solicited with a closing date on the comment period of December 22, 1978. A public meeting was held on November 28, 1978, at the request of the Pyrotechnic Signal Manufacturers Association, Inc., and a tape recording of that meeting is available for examination at the Marine Safety Council, (G-CMC/TP24), Room 2418, Department of Transportation, Coast Guard Headquarters, Washington, D.C. 20591. This rule is being published concurrently with a new signal requirement for boaters (CGD 76-183), changes to specifications for those signaling devices currently approved (CGD 76-048a and 048b) and changes to approval procedures (CGD 76-048). These documents are published in this issue of the *Federal Register*. The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of this rule. The transcripts of the proceedings of the meetings of the National Boating Safety Advisory Council at which this rule was discussed are available for examination in Room 4224, U.S. Coast Guard Headquarters, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. The minutes of the

meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BA/TP42), U.S. Coast Guard, Washington, D.C. 20591. The *Accelerated Weathering Test* for the distress flag (§ 160.072-5) and the *Intensity Requirements* for the electric distress light (§ 161.013-5) have been changed since proposed. The reasons for those changes are discussed in this rule under the heading "Discussion of the Major Comments". Because these sections are part of a regulatory project involving five separate dockets, the Coast Guard finds that providing further notice and opportunity to comment on these changes is contrary to the public interest. However, interested persons are invited to submit comments on these two provisions. Changes to these provisions may be made in light of comments received. Comments, citing docket CGD 76-183a, should be addressed to Commandant (G-CMC/TP24), U.S. Coast Guard, Washington, D.C. 20593.

Drafting Information

The principal persons involved in the drafting of this rulemaking are: Mr. D. R. Gauthier, Project Manager, Office of Boating Safety; LT. J. T. Orchard, Project Attorney, Office of the Chief Counsel.

Discussion of Major Comments

Fifteen written comments were received. Fourteen were from industry representatives, several of which provided extensive, detailed comment on the rule.

Red Aerial Pyrotechnic Flare

Several commenters suggested that the proposed prohibition on the use of black powder in the propulsion chain be deleted. They argued that black powder serves a unique function in the manufacture, design and use of pyrotechnics. Given the size constraints on aerial pyrotechnics, there is no substitute fuel which could propel the pyrotechnic candle to the needed heights. Used properly by the manufacturer, black powder poses no safety concern to the user or carrier. The Coast Guard finds that there have been no hazards associated with the black powder in the amount and configuration as used in the currently approved aerial pyrotechnics for which there is no black powder restriction. Further, production testing and design specifications will insure the safety of the device. The Coast Guard has therefore agreed to delete the prohibition.

Several pyrotechnic manufacturers requested that maximum lot size be set at something greater than 10,000 units.

The Coast Guard selected 10,000 units to allow greater flexibility than existing restrictions on lot size for approved devices. The Coast Guard agrees to increase maximum lot size to 30,000 units to allow greater flexibility to the manufacturer in setting lot sizes suitable to his own production needs. To insure that new lots are begun when changes affecting the performance of the devices are made the Coast Guard will maintain the requirement that new lots begin with any changes in construction details, raw materials, or production line. Changes in raw materials means changes in type of material or source of supply for the material. Different shipments of the same material from the same supplier is not a change in raw materials. All devices within a lot should be manufactured with minimal change in construction details.

The Coast Guard feels that there must be a ceiling on lot size in order to reduce inadvertent variables from handling during manufacture. The Coast Guard therefore rejects one suggestion that a new lot be started after a week's production with no limit on lot size.

One manufacturer suggested a minimum 5 second burn time in lieu of the proposed 6 second burn time. The commenter argued that a 6 second minimum burn time effectively rules out 12 gauge pistol fired meteors because not enough space is available within a cartridge to pack sufficient material for the burn to be a consistent six second minimum. The manufacturer did state that these meteors could meet the 1,000 candle-minute criterion. The Coast Guard has no desire to rule out the pistol fired meteor and so has adjusted the burn time but retained the minimum 1000 candle minutes of burn. The minimum burn time is set at 5.5 seconds. The Coast Guard expects that the average burn time will be about 6 seconds.

One manufacturer suggested that the light measuring equipment and procedures be standardized. The Coast Guard concurs and has added specifications for the minimum chart sweep and chart speed of the light measuring equipment.

The Coast Guard has also deleted the first and last seconds of burn time in measuring luminous intensity. This eliminates the low points in intensity at the beginning of the burn as the intensity rises to its peak and the last second of burn as the candle disintegrates. Although this in effect reduces the intensity required by the proposal, the effectiveness of the signal is not diminished from that intended.

Several commenters found the procedures for extended dating in

160.066-10(a) to be burdensome and of little practical value and suggested that a simple 42 or 48 month dating be used. The tightly controlled conditions proposed for warehousing differ greatly from conditions in the marine environment and have little practical effect on extending signal life. The Coast Guard has therefore withdrawn the warehousing requirements. To allow a full three years device life for the boater, the Coast Guard has agreed to a simple 42 months from date of manufacture as the expiration date. Normal care in shipment and storage with an appropriate marking on the shipping carton will be adequate to maintain serviceability when the signal is sold.

Two commenters asked that rejected lots be allowed to be reworked and retested. The Coast Guard has accepted this suggestion because any reworked lot would still be required to pass the production testing requirements before being approved. The boater will have the same assurances that would exist for a lot which had not been reworked. The manufacturer will be required to maintain records of all rework performed and the results of the second test.

Orange Flag

The Coast Guard proposed that flags be Indian orange in color. Indian orange is similar to International orange and is the color used in Coast Guard approved life jackets. Several commenters suggested fluorescent orange as a more visible color. The Coast Guard agrees with these comments, however, it finds that any bright red-orange color meets the minimum requirements for visibility and recognizability. The term fluorescent orange, like Indian or International orange, is more restrictive than need be. The color is therefore specified as being a bright red-orange.

Every flag or cloth manufacturer submitting a comment described the weathering test in § 160.072-5 as impractical and too stringent as written. Only very heavy materials such as vinyl coated nylon could pass. This test is based on that used for Coast Guard approved lifeboat covers and the point is well taken that the requirements for these two materials are quite different. Also, there were substantial ambiguities in the test procedures, such as the manner in which the flag is suspended and characteristics of the water and air blasts. The Coast Guard has considered these comments and rewritten the test to address failure both while being stored in the marine environment and while in use in adverse weather.

Electric Distress Light

As discussed in the preamble to CGD 76-183, published elsewhere in this issue of the **Federal Register**, in consideration of several comments on the proposed distress signal carriage requirement the Coast Guard has decided to accept only automatically keyed S-O-S lights. Many of the modifications to the proposed specifications for electric distress lights are because of that change.

Because of the change to an automatic signalling light the Coast Guard has found it necessary to define the intensity requirement in terms of the Equivalent Fixed Intensity (EFI) of the light. The EFI is the intensity of the light corrected for the length of the shortest flash. The minimum contact closure time of $\frac{1}{2}$ second required for the S-O-S signal results in a change in measured intensity. The light as now described is the same as that originally intended although the manner in which the light is described has changed.

Several commenters have noted that the regulation does not specify batteries but rather directs the manufacturer to provide the consumer with the information needed in order to replace the battery and a warning that batteries are most effective when they have not passed the expiration date. These commenters have pointed out that the lantern is only as reliable as its power source, and, while we go to great lengths in setting specifications for the lantern, we provide no specifications for the battery which powers the lantern. Water activated and rechargeable batteries are allowed and pose few problems. Dry cell batteries, the most common by far in lanterns, present several problems beyond the control of either the Coast Guard or the light manufacturer. The battery is perishable and is affected by temperature, humidity, and use.

Requiring batteries to be date stamped would not solve those problems. Nor is there sufficient marketing incentive to encourage battery manufacturers to comply with such a requirement because batteries required to power the lanterns that will be certified under this regulation would form a very small part of the battery manufacturer's market. Consumer activism may result in open dated batteries within the next five years but even then the date is not a reliable indication of effectiveness.

Charge indicators are neither reliable nor accurate in the battery range discussed here without adding about two dollars to the consumer cost of the lantern.

Also, different light designs have different battery requirements. A light

with a low amperage draw and a very efficient lens may be able to perform satisfactorily with what for another lantern would be an inadequate battery.

In view of the many potential variables in light design, the Coast Guard has not been able to develop practical standards for lantern batteries. Therefore, the Coast Guard requires the manufacturer to advise the consumer on the battery replacement needs in order to provide the consumer with the information necessary to assure performance. Even if standards for batteries could be developed, the responsibility would nevertheless fall to the operator to replace or charge the battery as needed.

One manufacturer noted that the intensity requirements of § 161.013-5 required that a lantern which operated on both directional beam and all-around light meet the minimum requirements for both modes. The Coast Guard agrees with the manufacturer's contention that the light should be required to meet the minimum requirements for either type beam but not for both. It was never intended that it would have to meet both. A new paragraph has been added to § 161.013-5 to clarify the intent.

One light manufacturer argues that the requirement in proposed § 161.013-3 that a light be tested after submersion in water for 72 hours is excessive considering the intended use for the light. The Coast Guard disagrees. A high degree of watertight integrity is needed to prolong battery life in the marine environment.

Evaluation

This final rule has been reviewed under Department of Transportation Regulatory Policies and Procedures published February 26, 1979 (44 FR 11034). A final evaluation has been prepared and is available for inspection at the Marine Safety Council (G-CMC/TP24), Room 2418, Department of Transportation, Coast Guard Headquarters, Washington, D.C. 20591. The Coast Guard has determined that this final rule is not a significant regulation.

These devices may be used in satisfying new signal requirements which will affect about two million boaters. Using these devices a boater could comply with that requirement for about \$3.50 per year. A more detailed discussion of the cost of this regulation is contained in CGD 76-183 which is also published in this issue of the **Federal Register**.

In consideration of the foregoing, Title 46, Code of Federal Regulations, Subchapter Q, is amended by adding

subparts 160.066, 160.072, and 161.013, to read as follows:

PART 160—LIFESAVING EQUIPMENT

Subpart 160.066—Distress Signal for Boats, Red Aerial Pyrotechnic Flare

Sec.

- 160.066-1 Type.
- 160.066-5 Design, construction and manufacturing requirements.
- 160.066-7 Performance requirements.
- 160.066-9 Labeling.
- 160.066-10 Expiration date.
- 160.066-11 Approval procedures.
- 160.066-12 Operational tests.
- 160.066-13 Technical tests.
- 160.066-14 Production testing.
- 160.066-18 Listed Independent Laboratories.

Authority: Section 5, 85 Stat. 215 as amended, 46 U.S.C. 1454; 49 CFR 1.46(n)(1).

§ 160.066-1 Type.

(a) Red aerial pyrotechnic distress signals specified by this subpart must be either self-contained or pistol launched, and either meteor or parachute assisted type.

§ 160.066-5 Design, construction, and manufacturing requirements.

- (a) Each signal must be either:
 - (1) a self-contained unit with all necessary components for firing the signal, or
 - (2) a cartridge intended for firing from a signal pistol that is approved under Subpart 160.028 of this chapter.
- (b) Each signal unit must have an interior chamber which contains the main propulsion charge and which is constructed so that it is capable of withstanding the forces generated by ignition without rupture, crack, or deformation of any kind.
- (c) Signals must be constructed in lots numbered serially by the manufacturer. A new lot must be started when:
 - (1) any change in construction details occurs;
 - (2) any change in sources of raw materials occurs;
 - (3) production is started on a new production line or on a previously discontinued production line; or
 - (4) a lot exceeds 30,000 units.

§ 160.066-7 Performance requirements

- (a) Each signal must:
 - (1) Burn "vivid red" when tested as specified in § 160.021-4(d)(7) for at least 5.5 seconds.
 - (2) Have a peak luminous intensity of at least 10,000 candela.
 - (3) Burn a total of not less than 1,000 candleminutes (Cm) using the formula $I \times T = Cm$ where:

I = the luminous intensity measured as in subsection (c);

T = the total burn time of the device in minutes; and

Cm = the candle-minute rating of the device.

(4) Burn out completely before falling back to the level of launch.

(5) Function in a manner that would not cause burns or injury to an unprotected person firing the signal in accordance with the manufacturer's instructions.

(6) Not malfunction in a manner that would cause burns or injury to an unprotected person firing the signal in accordance with the manufacturer's instructions.

(b) Each signal must meet the requirements of paragraph (a) after:

- (1) submersion in water for 24 hours, or
- (2) if protected by a sealed container, submersion in water for 24 hours inside the sealed container immediately followed by submersion for 10 minutes without the container, and
- (3) being exposed to the Elevated Temperature, Humidity, and Storage Test in § 160.066-13(b).

(c) Testing for burn time and luminous intensity pursuant to paragraphs (a)(1) and (a)(2), respectively, shall be conducted in conformity with the following requirements and procedures:

- (1) The chart speed of the light measuring equipment shall not be slower than 5 seconds per inch;
- (2) The chart sweep of the light measuring equipment shall not be slower than .5 seconds for full scale;
- (3) The first and last seconds of the burn shall be eliminated in measuring luminous intensity;
- (4) The time during which the candle burns (excluding first and last seconds of burn) is to be used to determine the luminous intensity by averaging the readings taken during the burning; and
- (5) Burn time is to be measured from first light of the signal to dark.

§ 160.066-9 Labeling.

- (a) Each signal must be legibly and indelibly marked with the following information:
 - (1) the manufacturer's name,
 - (2) the designed burning time of the pyrotechnic candle(s),
 - (3) the specific signal pistol for which the signal is designed, if any,
 - (4) the lot number,
 - (5) the Coast Guard approval number,
 - (6) operation and storage instructions,
 - (7) the month and year of expiration determined by § 160.066-10, and
 - (8) the words: "Aerial Flare. Acceptable as a Day and Night Visual Distress Signal for boats as required by 33 CFR 175.110. For Emergency Use Only".

(b) If the signal is too small to contain all of the information required by paragraph (a) and any labeling which may be required by paragraph (d), the information required by subparagraphs (a) (2), (6), and (8) may be printed on a separate piece of paper packed with each signal or with the smallest container in which several signals are packed.

(c) The largest carton or box in which the manufacturer ships signals must be marked with the following or equivalent words: "Keep under cover in a dry place."

(d) Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of the Federal Hazardous Substances Act, 15 USC 1263.

§ 160.066-10 Expiration date.

Each approved signal must have an expiration date marked on it. That date must not be more than forty-two months from date of manufacture.

§ 160.066-11 Approval procedures.

- (a) Red aerial pyrotechnic flare distress signals are approved under the procedures of subpart 159.005 of this chapter.
- (b) The manufacturer must produce a lot of at least 100 signals from which samples for approval testing must be drawn. Approval testing must be conducted in accordance with the operational tests in § 160.066-12 and the technical tests in § 160.066-13. In order for the signal to be approved, the samples must pass both the operational and the technical tests.
- (c) The approval tests must be performed by an independent laboratory accepted by the Commandant under § 159.010 of this chapter. A list of independent laboratories accepted by the Commandant is in § 160.066-18.

§ 160.066-12 Operational tests.

- (a) The procedure for conducting operational tests is described in figure (1).
 - (1) An "accept lot" decision must be reached in order to pass the operational tests.
 - (2) If a "reject lot" decision is reached, the entire lot is rejected.
 - (3) Signals from "reject lots" may be reworked by the manufacturer to correct the deficiency for which they were rejected and be resubmitted for inspection. Records shall be kept of the reasons for rejection, the reworking performed on the "reject lot", and the result of the second test. Signals from "reject lots" may not, unless

subsequently accepted, be sold or offered for sale as being in compliance with this specification.

(b) Each signal selected for the operational tests must be conditioned by:

- (1) being submerged under at least 25 mm (1 in.) of water for 24 hours without any protection other than its waterproofing; or
- (2) if waterproofing is provided by a sealed plastic bag or other waterproof packaging, submersion under 25 mm (1 in.) of water for 24 hours in the packaging, followed immediately by submersion under 25 mm (1 in.) of water for 10 minutes with the signal removed from the packaging.

(c) After each signal selected has undergone the conditioning required by paragraph (b) of this section it must be fired as described by the manufacturer's operating instructions. The following data as observed must be recorded for each signal:

- (1) burning time of the pyrotechnic candle;
- (2) color;
- (3) whether the pyrotechnic candle burns out above, at, or below the level of launch.
- (d) A signal fails the operational tests if:

- (1) it fails to fire,
- (2) the pyrotechnic candle fails to ignite,
- (3) the pyrotechnic candle continues to burn after it falls back to the level of launch,
- (4) the observed color is other than vivid red, or
- (5) the burning time is less than 5.5 seconds.

(e) A lot is rejected if a "reject lot" decision is reached using Figure (1) and Table 1 after completion of the operational tests.

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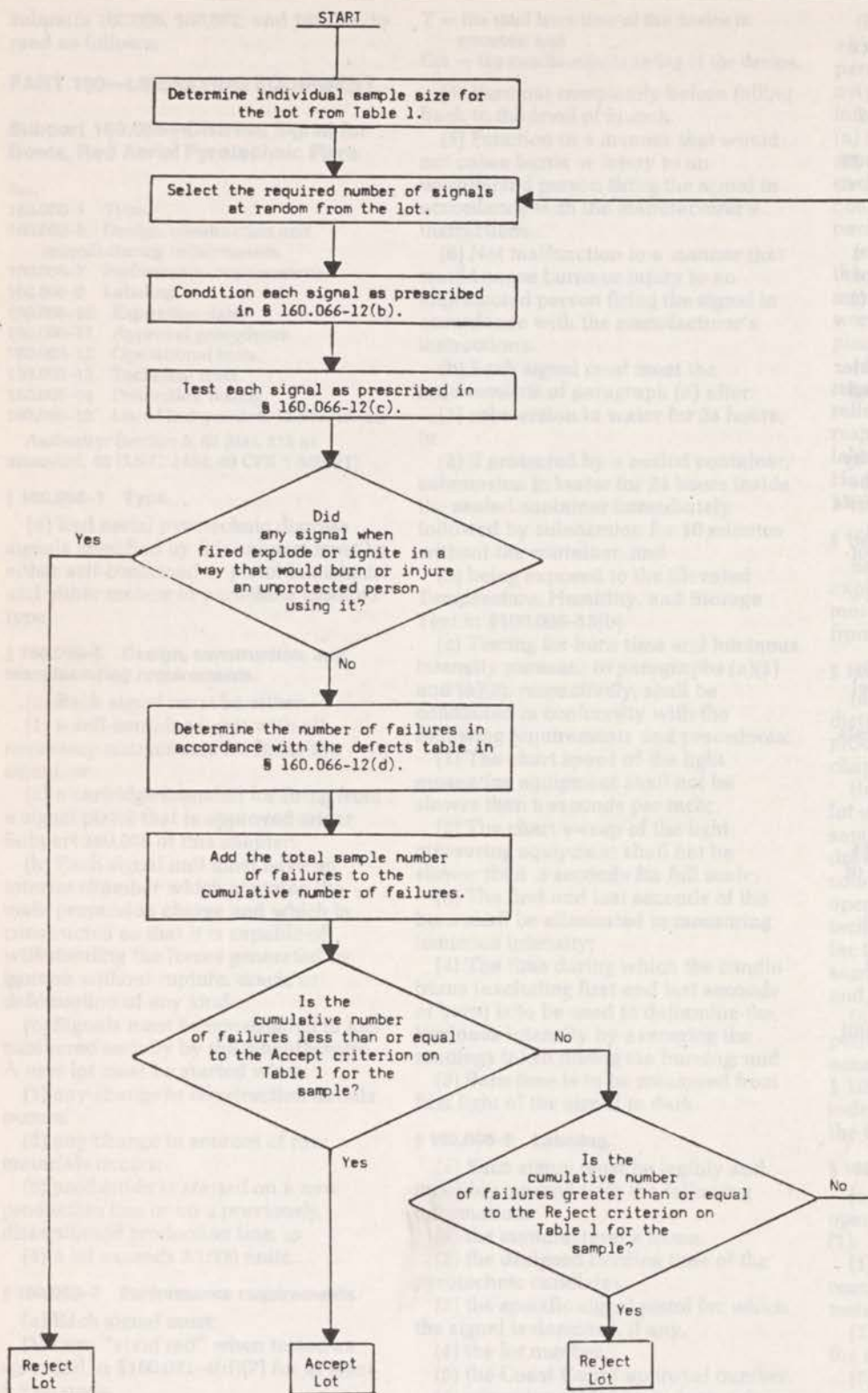


Figure 1. Operational test procedure.

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Table 1.—Accept and Reject Criteria for Operational Test Lots

Lot size	Individual sample size	Sample size	Cumulative sample size	Accept ¹	Reject ²
260 or less.....	8	First.....	8	(?)	4
		Second.....	16	1	5
		Third.....	24	2	6
		Fourth.....	32	3	7
		Fifth.....	40	5	8
		Sixth.....	48	7	9
		Seventh.....	56	9	10
261 to 500.....	13	First.....	13	(?)	4
		Second.....	26	1	6
		Third.....	39	3	8
		Fourth.....	52	5	10
		Fifth.....	65	7	11
		Sixth.....	78	10	12
		Seventh.....	91	13	14
501 to 1,200.....	20	First.....	20	(?)	5
		Second.....	40	3	8
		Third.....	60	6	10
		Fourth.....	80	8	13
		Fifth.....	100	11	15
		Sixth.....	120	14	17
		Seventh.....	140	18	19
1,201 to 3,200....	32	First.....	32	1	7
		Second.....	64	4	10
		Third.....	96	8	13
		Fourth.....	128	12	17
		Fifth.....	160	17	20
		Sixth.....	192	21	23
		Seventh.....	224	25	26
More than 3,200	50	First.....	50	2	9
		Second.....	100	7	14
		Third.....	150	13	19
		Fourth.....	200	19	25
		Fifth.....	250	25	29
		Sixth.....	300	31	33
		Seventh.....	350	37	38

¹ Cumulative number of failures.² Lot may not be accepted. Next sample must be tested.**§ 160.066-13 Technical tests.**

(a) The following conditions apply to technical tests as described in this section:

(1) a total of nine signals must be selected at random from the lot being tested;

(2) if the signals are protected by sealed packaging, then the conditioning for the technical tests must be conducted with the signal in the sealed packaging;

(3) if signals in the test sample fail to pass one of the technical tests, the entire lot is rejected;

(4) Signals from "reject lots" may be reworked by the manufacturer to correct the deficiency for which they were rejected and be resubmitted for inspection. Records shall be kept of the reasons for rejection, the reworking performed on the "reject lot", and the result of the second test. Signals from "reject lots" may not, unless subsequently accepted, be sold or offered for sale as being in compliance with this specification.

(b) The Elevated Temperature, Humidity, and Storage Test must be conducted in the following manner:

(1) Select three signals from the nine;

(2) Place each signal in a thermostatically controlled even-temperature oven held at 55 Degrees C

(131 Degrees F), and at not less than 90% relative humidity, for at least 72 hours (If for any reason it is not possible to operate the oven continuously for the 72 hour period, it may be operated at the required temperature and humidity for 8 hours of each 24 during the 72 hour conditioning period.);

(3) After removal from the oven immediately place each signal in a chamber:

(i) at a temperature of at least 20 degrees C (68 degrees F) but not more than 25 degrees C (77 degrees F),

(ii) at not less than 65% relative humidity;

(iii) for ten days;

(4) Then remove each signal from any sealed packaging and fire it.

(5) The test sample fails the test if:

(i) any signal ignites or decomposes before firing;

(ii) any signal when fired malfunctions in a manner that would cause burns or injury to an unprotected person firing the signal, or;

(iii) two or more of the signals fail to project and ignite the pyrotechnic candle.

(c) The Spontaneous Combustion Test must be performed in the following manner:

(1) Select three signals from the remaining six signals and place them in a thermostatically controlled even temperature over for 48 hours at a temperature of 75 degrees C (167 degrees F).

(2) The test sample fails the test if any signal ignites or decomposes during the test.

(d) The Luminous Intensity and Chromaticity Test must be performed in the following manner:

(1) Remove the pyrotechnic candle from the remaining three signals.

(2) Ignite, measure, and record the intensity of the burning candle with a visual photometer or equivalent photometric device or automatic recorder:

(i) while the specimen is supported in a horizontal position and the photometer is at right angles to the axis of the specimen,

(ii) at a distance of at least 3 m (10 ft.).

(3) Calculate the intensity of the candle as in § 160.066-7(c).

(4) Measure and record the chromaticity of the burning candle as specified in § 160.021-4(d)(4).

(5) The test sample fails the test if more than one signal has a luminous intensity of less than 10,000 candela, or more than one signal is not "vivid red".

§ 160.066-15 Production testing.

(a) Production tests must be performed under the procedures in subpart 159.007 of this chapter.

(b) The operational tests in § 160.066-12 must be performed for every lot of signals produced.

(c) The technical tests in § 160.066-13 must be performed at least once every twelve months, or at least once every 10 lots, whichever occurs first.

(d) If a lot is rejected on the basis of the technical tests, then each subsequent lot produced must be tested according to the technical tests until samples from a lot pass these tests.

(e) An independent laboratory acceptable to the Commandant must perform or directly supervise:

(1) each technical test, and

(2) all operational tests for at least four lots in a 12 month period, unless fewer than four lots are produced in a 12 month period. If less than four lots are produced in a 12 month period, each operational test must be performed or directly supervised by the independent laboratory.

(f) If a lot selected by the independent laboratory for an operational test is rejected, then the operational tests for the next lot produced, and the rejected lot, if reworked, must be performed or directly supervised by the independent laboratory. The tests required by this paragraph must not be counted for the purpose of meeting the requirements of paragraph (e).

(g) The independent laboratory selects the lots upon which technical tests are performed.

(h) If the manufacturer produces more than four lots within a 12 month period, the independent laboratory selects the lots for which it performs or directly supervises the operational tests.

(i) The operational test performed or directly supervised by the independent laboratory must occur at least once during each quarterly period, unless no lots are produced during that period.

(j) The independent laboratory, when it performs or directly supervises the technical tests required by paragraph (c) or (d) of this section, must inspect the signals selected for testing and compare them with the approved plans. Each signal inspected must conform to the plans.

§ 160.066-18 Recognized independent laboratories.

(a) The following are independent laboratories acceptable to the Commandant for approval and production testing under this subpart:

(1) [Reserved]

(b) Revised copies of this list may be obtained from Commandant (G-MMT-)

3/TP42), U.S. Coast Guard
Headquarters, Washington, D.C. 20593.

Subpart 160.072—Distress Signals for Boats, Orange Flag

Sec.

160.072-1 Applicability.

160.072-3 General performance requirements.

160.072-5 Accelerated weathering test.

160.072-7 Manufacturer certification and labeling.

160.072-9 Manufacturer notification.

Authority: Section 5, 85 Stat. 215 as amended, 46 USC 1454; 49 CFR 1.46(n)(1).

§ 160.072-1 Applicability.

(a) This subpart establishes standards for distress flags for boats.

§ 160.072-3 General performance requirements.

(a) Each flag must:

(1) be a square or rectangle at least 90 cm (36 inches) wide and at least 90 cm (36 inches) long. If the flag is a rectangle, the shorter side cannot be less than $\frac{2}{3}$ the length of the longer side;

(2) have no less than 70% of the total area colored a bright red-orange color;

(3) display a black disc and a black square on the red-orange background on both sides arranged as follows:

(i) The diameter of the disc and the length of one side of the square shall be equal, and shall each be $\frac{1}{3}$ of the length of the longest side of the flag, or 30 cm (12 inches), whichever is greater.

(ii) The disc and square must be centered on one axis of the flag parallel to the longest side of the flag as shown in Figure 160.072-3. If the flag is a square, the axis may be parallel to any side.

(iii) The disc and square shall be separated by a distance of $\frac{1}{3}$ the length of the longest side of the flag or 15 cm (6 inches), whichever is greater.

(4) be capable of passing the accelerated weathering test of § 160.072-5;

(5) have reinforced corners, each with a grommet; and,

(6) be packaged with 4 pieces of line, with a tensile strength of at least 225 N (Newtons) (50 lbs) no less than 30 cm (12 inches) long, capable of passing through the grommets freely.

§ 160.072-5 Accelerated weathering test.

(a) Condition the flag, folded to $\frac{1}{16}$ th its size or as packaged, whichever is smaller, by submersion in 5% by weight sodium chloride solution for 2 hours followed immediately by storage at 95% (± 5) related humidity and 40°C ($\pm 3^\circ$) (100°F $\pm 5^\circ$) for at least 15 days.

(b) Unfold and suspend flag by the lines provided, secured through each grommet.

(c) Subject the flag to alternate 3 minute cycles of 5% by weight sodium chloride solution at 55 degrees ($\pm 5^\circ$) C and air blasts of 40 knots at 55 degrees ($\pm 5^\circ$) C, perpendicular to and over the entire surface of one side of the flag, without interruption for a period of not less than 24 hours.

(d) The flag fails the accelerated weathering test if

(1) after conditioning, the flag cannot be unfolded without damage,

(2) there is any tearing,

(3) the flag does not retain its bright red/orange color,

(4) the disc and square images no longer meet the requirements of § 160.072-3(a)(3) or,

(5) there is any visible rot over more than 3% of the flag's surface.

§ 160.072-7 Manufacturer certification and labeling.

(a) Each distress flag intended as a Day Visual Distress Signal required by 33 CFR Part 175 must be certified by the manufacturer as complying with the requirements of this subpart.

(b) Each distress flag must be legibly and indelibly marked with:

(1) the manufacturer's name; and

(2) the following words—

"Day Visual Distress Signal for Boats. Complies with U.S. Coast Guard Requirements in 46 CFR 160.072. For Emergency Use Only".

§ 160.072-9 Manufacturer notification.

(a) Each manufacturer certifying flags in accordance with the specifications of this subpart must send written notice to the Commandant (G-BBT/TP42), U.S. Coast Guard, Washington, D.C. 20591—

(1) within 30 days after first certifying a flag,

(2) every five years as long as the manufacturer continues to produce flags, and

(3) each time the design or construction material of the flag changes.

Subpart 161.013—Electric Distress Light for Boats

Sec.

161.013-1 Applicability.

161.013-3 General performance requirements.

161.013-5 Intensity requirements.

161.013-7 Signal requirements.

161.013-9 Independent power source.

161.013-11 Prototype test.

161.013-13 Manufacturer certification and labeling.

161.013-15 Manufacturer notification.

Authority: Section 5, 85 Stat. 215 as amended, 46 USC 1454; 49 CFR 1.46(n)(1).

§ 161.013-1 Applicability.

(a) This subpart establishes standards for electric distress lights for boats.

§ 161.013-3 General performance requirements.

(a) Each electric light must:

(1) Emit a white light which meets the intensity requirements of § 161.013-5;

(2) Be capable of automatic signaling in a manner which meets the requirements of § 161.013-7;

(3) Contain an independent power source which meets the requirements of § 161.013-9;

(4) Float in fresh water with the lens surface at or above the surface of the water;

(5) Be equipped with a waterproof switch; and

(6) Meet the requirement of subparagraphs (a) (1) through (4) of this section after floating for at least 72 hours followed by submersion in 5% by weight sodium chloride solution for at least 2 hours.

(b) The electric light may not be equipped with a switch mechanism which permits continuous display of a beam of light except that the light may be equipped with a switch which returns to the off position when pressure is released.

§ 161.013-5 Intensity requirements.

(a) If an electric light emits light over an arc of the horizon of 360 degrees, the light must:

(1) When level, have a peak intensity within 0.1 degrees of the horizontal plane;

(2) Have a peak Equivalent Fixed Intensity of at least 75 cd; and,

(3) Have a minimum Equivalent Fixed Intensity within a vertical divergence of ± 3 degrees of at least 15 cd.

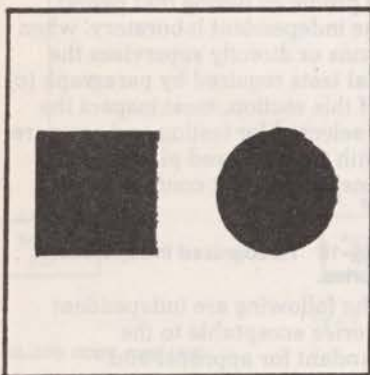


Figure 160.072-3

(b) If an electric light emits a directional beam of light, the light must:

(1) Have an Equivalent Fixed Intensity of no less than 25 cd within ± 4 degrees vertical and ± 4 degrees horizontal divergence centered about the peak intensity; and,

(2) Have a minimum peak Equivalent Fixed Intensity of 2,500 cd.

(c) The Equivalent Fixed Intensity (EFI) is the intensity of the light corrected for the length of the flash and is determined by the formula:

$$EFI = I \times (t_c - t_i) / 0.2 + (t_c - t_i)$$

Where:

I is the measured intensity of the fixed beam,
 t_c is the contact closure time in seconds, (0.33 for this S-O-S signal), and
 t_i is the incandescence time of the lamp in seconds.

(d) An electric light which meets the requirements of either paragraph (a) or (b) of this section need not, if capable of operating in both manners, meet the requirements of the other paragraph.

§ 161.013-7 Signal requirements.

(a) An electric light must have a flash characteristic of the International Morse Code for S-O-S and, under design conditions,

(1) Each short flash must have a duration of $\frac{1}{3}$ second;

(2) Each long flash must have a duration of 1 second;

(3) The dark period between each short flash must have a duration of $\frac{1}{3}$ second;

(4) The dark period between each long flash must have a duration of $\frac{1}{3}$ second;

(5) The dark period between each letter must have a duration of 2 seconds;

(6) The dark period between each S-O-S signal must have a duration of 3 seconds.

(b) The flash characteristics described in paragraph (a) must be produced automatically when the signal is activated.

§ 161.013-9 Independent power source.

(a) Each independent power source must be capable of powering the light so that it meets the requirements of § 161.013-3(a)(1) and emits a recognizable flash characteristic of the International Morse Code for S-O-S at a rate of between 3 and 5 times per minute after six hours of continuous display of the signal.

(b) If the independent power source is rechargeable, it must have a waterproof recharger designed for marine use.

(c) If the independent power source requires external water to form an electrolyte, it must operate in sea water and fresh water.

§ 161.013-11 Prototype test

(a) Each manufacturer must test a prototype light identical to the lights to be certified prior to the labeling required by § 161.013-13.

(b) If the prototype light fails to meet any of the general performance requirements of § 161.013-3 the lights must not be certified under this subpart.

(c) Each manufacturer must:

(1) Forward the test results within 30 days to the Commandant (G-BBT/TP42), U. S. Coast Guard, Washington, D.C. 20591; and

(2) retain records of the test results for at least 5 years, or as long as the light is manufactured and certified, whichever is longer.

§ 161.013-13 Manufacturer certification and labeling.

(a) Each electric light intended as a Night Visual Distress Signal required by 33 CFR part 175 must be certified by the manufacturer as complying with the requirements of this subpart.

(b) Each electric light must be legibly and indelibly marked with:

(1) Manufacturer's name;

(2) Replacement battery type;

(3) Lamp size; and

(4) The following words—

"Night Visual Distress Signal for Boats Complies with U. S. Coast Guard Requirements in 46 CFR 161.013. For Emergency Use Only."

(c) If an electric light is designed for use with dry cell batteries the label must advise the consumer on the battery replacement schedule which under normal conditions would maintain performance requirements of § 161.013-3.

§ 161.013-17 Manufacturer notification.

(a) Each manufacturer certifying lights in accordance with the specifications of this subpart must send written notice to the Commandant (G-BBT/TP42), U. S. Coast Guard, Washington, D.C. 20591 within 30 days after first certifying them, and send a new notice every five years thereafter as long as it certifies lights.

(46 U.S.C. 1454; 49 CFR 1.46(n)(1).)

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

Dated: October 30, 1979.

[FR Doc. 79-38273 Filed 12-14-79; 8:45 am]

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46 CFR Part 160

[CGD 76-048a and CGD 76-048b]

Distress Signals, Signal Pistols, and Line-Throwing Appliances; Specifications, Tests, and Inspection and Approval Procedures

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations contain revised specifications for pyrotechnic distress signals, signal pistols for flare-type distress signals and line throwing appliances. The revisions include amendments of the marking and labeling requirements, changes in certain design specifications for pistols intended to fire a wide range of distress flares, changes to diameter and strength requirements for service lines used in line throwing appliances, conversion of dimensions to SI (metric) units, and addition of a requirement for placing the service life expiration date on pyrotechnic signal markings. The amendments are necessary to incorporate new inspection and approval procedures, to change marking requirements to reflect these new procedures, and to inform the consumer of the storage life of pyrotechnic signals.

The revisions also place the responsibility for conducting factory inspections on the equipment manufacturer. This will free some of the Coast Guard's field personnel for other duties while still providing sufficient inspection to assure the quality of the product.

The revised regulations should be considered in conjunction with the visual distress signal rules for boats (CGD 76-183 and CGD 76-183a) that appear elsewhere in this issue of the *Federal Register*. The revised regulations should also be considered in conjunction with the test, inspection and approval procedure rules (CGD 76-048) that appear elsewhere in this issue of the *Federal Register*.

EFFECTIVE DATE: These amendments become effective on January 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Office of Merchant Marine Safety (G-MMT-3/TP12), Room 1210, Department of Transportation, U.S. Coast Guard Headquarters, Washington, D.C. 20593 (202-426-1444).

SUPPLEMENTARY INFORMATION: On October 23, 1978, the Coast Guard published two notices of proposed rulemaking in the *Federal Register* for these regulations (43 FR 49445 and 43 FR 49447). Four comments were received on the proposed regulations before the comment period closed on December 22,

1978. These are discussed in greater detail in subsequent paragraphs. The Coast Guard has combined the contents of the two separate proposals into a single final notice since they both pertained to the same regulations, and prompted such extensive changes that it was found necessary to republish the affected regulations in their entirety.

Summary of Final Evaluation

A final evaluation has been prepared for these regulations in accordance with the Department of Transportation's Regulatory Policies and Procedures published in the **Federal Register** on February 26, 1979 (44 FR 11034). That document requires that the evaluation quantify, to the extent practicable, the estimated cost of the regulations to the private sector, consumers, and Federal, State and local governments, as well as the anticipated benefits and impact of the regulations.

The principal costs to pyrotechnic manufacturers will be those related to obtaining an independent laboratory to witness or perform initial tests required for Coast Guard approval as well as periodic production tests. As discussed in the final evaluation, these costs would amount to approximately \$120,000 per year. This amount greatly exceeds the present cost to the Coast Guard for performing inspections and tests on pyrotechnic devices, as it assumes that the independent laboratories must incur travel costs for their personnel, an expense which the Coast Guard is able to minimize by relying on inspectors from its various field offices.

It is anticipated that manufacturers will pass the costs of inspections to the purchasers of the equipment, and that these costs will ultimately be borne by consumers and recipients of marine products and services. The Coast Guard is presently performing inspections and tests at public expense. One of the effects of this change in procedure is that the manufacturer of the equipment and ultimately the users of marine products and services will bear the expense of performing these inspections and tests, rather than the general taxpayer. This is identified as one of the principal benefits of these regulations.

Another benefit is that the Coast Guard will be able to make more efficient use of its own resources. The Coast Guard's inspection responsibilities have increased in recent years and will continue to increase because of new laws and regulations in the environmental protection and occupational safety areas. The use of independent laboratories for performance of inspection will enable

the Coast Guard to avoid some of the increases in budget and personnel that would otherwise be necessary.

The final evaluation has been included in the public docket for this rulemaking, and may be obtained from the Marine Safety Council (G-CMC/TP24), Room 2418, Department of Transportation, U.S. Coast Guard Headquarters, Washington, D.C. 20593. (202) 755-4901.

Drafting Information

The principal persons involved in drafting these regulations are: Mr. Robert Markle, Office of Merchant Marine Safety, and Mr. Coleman Sachs, Office of the Chief Counsel.

Discussion of the Regulations

These regulations amend the following subparts of Title 46 of the Code of Federal Regulations:

Subpart 160.021—Hand Red Flare Distress Signals

Subpart 160.022—Floating Orange Smoke Distress Signals (5 minutes)

Subpart 160.023—Hand Combination Flare and Smoke Distress Signals

Subpart 160.024—Pistol-Projected Parachute Red Flare Distress Signals

Subpart 160.026—Signal Pistols for Red Flare Distress Signals

Subpart 160.031—Line-Throwing Appliance, Shoulder Gun Type (and Equipment)

Subpart 160.036—Hand-held Rocket-Propelled Parachute Red Flare Distress Signals

Subpart 160.037—Hand Orange Smoke Distress Signals

Subpart 160.040—Line-Throwing Appliance, Impulse-Projected Rocket Type (and Equipment)

Subpart 160.057—Floating Orange Smoke Distress Signals (15 minutes)

The amendments to the regulations include the following primary changes:

a. The procedures by which the manufacturer obtains approval and conducts production inspections and tests are those in new Part 159 of Title 46 of the Code of Federal Regulations published elsewhere in this issue of the **Federal Register**. These replace previous procedures whereby Coast Guard marine inspectors witnessed approval and production tests at the

manufacturer's facilities (e.g. § 160.021-4).

b. Operational tests, technical tests, and lot sampling requirements have been changed in the distress signal subparts to permit the production of larger lots of distress signals (e.g. § 160.021-4(b)).

c. The marking requirements for the distress signals have been changed to require marking of a service life expiration date (e.g. § 160.021-5 (a) and (b)).

d. A note has been added to each distress signal specification stating that compliance with the marking requirements in the subpart does not relieve the manufacturer of the responsibility to comply with the labeling requirements of the Federal Hazardous Substances Act (e.g. § 160.021-5(c)).

e. All measurements previously stated in English units have been converted to SI (metric) units with the equivalent English units noted in parentheses. English units have not been noted where SI units were already in use (e.g. § 160.021-4(d)(7)).

f. The marking requirements for the line throwing appliances have been changed to eliminate the need for USCG and Coast Guard Marine Inspection Office identification, since the Coast Guard offices will no longer be involved in production testing on a regular basis. The requirements have been deleted from § 160.031-6(a), and § 160.040-5(d) has been deleted in its entirety.

g. The signal pistol subpart has been changed to permit optional chamber and bore dimensions for pistols intended for firing signals other than those meeting Subpart 160.024. A provision that the pistol be designed to fire only a distress signal and not a conventional round of ammunition has also been added (see § 160.028-2).

h. The service line requirements for rocket type line throwing appliances have been changed to require a line with a breaking strength of at least 2,250 N (Newtons) (500 lb.) and a minimum diameter of 4 mm ($\frac{5}{32}$ in.) (see § 160.040-4(c)).

i. The marking requirements for floating orange smoke signals have been changed to require addition of the words "Approved for daytime use only" (see § 160.022-5(a) and 160.057-5(a)).

In addition, several changes have been made that were not discussed in the Notice of Proposed Rulemaking. These changes are primarily editorial in nature and do not affect any of the regulation's technical requirements. The Coast Guard has therefore determined that they may be accomplished without

further notice and opportunity for public comment. The changes are as follows:

a. The words "for Merchant Vessels" have been dropped from all but one subpart heading in the distress signal regulations since their use will no longer apply exclusively to merchant vessels (See CGD 76-183 elsewhere in this issue of the **Federal Register**). The headings have also been reworded in a standard prose style, rather than with the modifiers listed after the noun.

b. Subparts 160.023, 160.024, 160.036, 160.037 all prescribed similar requirements for containers intended to house signal equipment. The use of any specific type of container has never been a factor in the approval process for signals, and this part of the specifications only provides guidance for the watertight construction and marking of containers that are used on merchant vessels. In order to shorten the regulations, the container requirements will be retained only in Subpart 160.021. Subparts 160.023, 160.024, 160.036, and 160.037 refer to the 160.021 requirements.

c. The title of the first section in each subpart has been changed from "Applicable specifications" or its equivalent to "Incorporation(s) by reference", and the contents of these sections have been changed to conform to the Office of the Federal Register's current policies on incorporation by reference as published in the **Federal Register** on March 28, 1979 (44 FR 18630). The most recent edition of each document referred to in the body of the subpart is listed in this section. Approval to incorporate the material by reference has been obtained from the Office of the Federal Register, as stated in each incorporation by reference section.

d. In comparing the specification regulations in this project to those in CGD-183a covering visual distress signals for boats, it was determined that a requirement for manufacturers to keep records on reworked and retested lots had been inadvertently omitted from this project. This matter is being rectified in these final rules.

On the effective date of these regulations, each manufacturer of approved distress signals and line throwing appliances will have to satisfy the new rules in order to have its Coast Guard approvals remain in effect. A sufficient delay in the effectuation of these rules is being provided to permit the manufacturers to make arrangements for testing with independent laboratories and to have those laboratories reviewed and accepted by the Coast Guard. Applications for approval of new distress signals meeting the amended

regulations will be accepted immediately. All current approvals for distress signals and line throwing appliances will remain in effect if independent laboratory inspections have begun on the effective date of these regulations.

Changes in technical requirements for items affected by this notice will not affect existing approvals. However, if a new hot slag test for hand held flares is introduced in a future notice, all new flares produced will have to pass the test. Although the approval for any flare that does not meet the test will be terminated, existing flares may continue to be used until their service life has expired.

Discussion of Comments—General

One commenter objected to the adaptation of merchant vessel distress signals to recreational boats, citing possible confusion that could result if the same devices were authorized for use on both types of craft. The commenter also noted differences in the capabilities and requirements of merchant seamen and recreational boaters. Implying that higher standards are used in the manufacture of merchant vessel equipment, the commenter felt that combined specifications would increase costs to recreational boaters. Additional contentions were that separate statutes apply to merchant vessels and recreational boats, requiring the issuance of separate regulations, that some of the requirements of the existing regulations are only necessary for merchant vessels and should not be applied to recreational boats, and that future modifications to the specifications would be inhibited by virtue of their dual applicability.

The Coast Guard has found no reason to prohibit the use of merchant vessel distress signals on recreational boats. Rather than creating confusion, this development is likely to eliminate confusion for the recreational boater. Other than hand held flares, any device approved for merchant vessels will be acceptable to meet recreational boating requirements. It is hoped that further development of a hot slag test procedure for hand held flares, as discussed below, will eliminate this one exception.

As distress signals do not form an integral part of a vessel's operating equipment, but are merely ejected or displayed to summon assistance in times of emergency, differences in the functional requirements of merchant vessels and recreational boats have no relevance to their use. The important consideration is the likelihood of encountering mishaps in the marine

environment. Both types of craft are never immune to these occurrences.

It is equally apparent that differences in the capabilities of merchant seamen and recreational boaters have no bearing upon the issue of authorizing the use of merchant vessel distress signals on recreational boats. The Coast Guard is aware of no special training that is given to merchant seamen on the proper use of these devices. Instructional material furnished with the signal must be relied upon by the recreational boater and the merchant seaman alike.

Costs to recreational boaters will not necessarily increase as a result of this rulemaking. Use of merchant vessel distress signals is not being required but merely allowed on recreational boats. A separate specification for less expensive devices to be used exclusively on boats is being issued in conjunction with this rule in Section 160.066 of CGD 76-183.

The separate statutory bases for regulating merchant vessels and recreational boats poses no impediment to the issuance of these regulations. Individual regulations are frequently promulgated in reliance upon more than one source of statutory authority.

The commenter cited as examples of requirements in the existing regulations which should be unique to merchant vessel devices those applying to storage containers, wooden handles on hand held flares, and ejection mechanisms on signal pistols. Each of these matters is addressed at a later point in this discussion.

In response to the commenter's final contention, the Coast Guard can conceive of no situation in which future modifications to distress signal specifications will be inhibited by virtue of its authorizing merchant vessel devices to be used on recreational boats. If it becomes apparent that merchant vessels and recreational boats have substantially different signal requirements, a new specification will be proposed.

Two commenters were concerned that the proposed amendments to the distress signal regulations would require all existing distress signals to be reapproved at great expense. As explained previously, existing approvals will not be affected by this rulemaking.

One commenter expressed the opinion that the Coast Guard should remain in the factory inspection process, at least for items produced in small quantities and those intended primarily for use on merchant vessels. As explained in the Notice of Proposed Rulemaking on CGD 76-048 (43 FR 49440, October 23, 1978), this is no longer desirable because of budgetary and manpower considerations. Furthermore, the

replacement of the Coast Guard with independent laboratories for the performance of inspections and tests will shift the cost burden from the taxpayer to the actual users of marine devices, creating a more equitable arrangement.

Another commenter suggested an alternative procedure for approval. The primary features of the program would be that the Coast Guard would initially approve the design of a product, an independent laboratory would thereupon test it for compliance with the approved design, and the manufacturer would conduct subsequent production tests with periodic spot checks by the independent laboratory. If problems were found either as a result of the independent laboratory spot checks or compliance testing of products on the market, increased tests by the independent laboratory would be required. This would place an additional cost burden on the manufacturer, thereby acting as an incentive to keep quality high. Furthermore, the Coast Guard could condition the approval of a product upon the financial responsibility of its manufacturer in order to prevent domestic markets from being flooded with products of inferior grade.

Although no changes have been made in these rules in response to this comment, the Coast Guard notes that there are a number of similarities between the suggested procedures and those which are being adopted. For instance, testing by the independent laboratory is required on no more than 4 lots per year unless lots tested by the laboratory fail the tests. In this case additional laboratory tests are required. All other production tests are the responsibility of the manufacturer (e.g. § 160.021-4(b)). The suggestion to require that the manufacturer be a financially responsible concern has not been adopted because the Coast Guard has no indication that this is a reliable indicator of product quality.

Two commenters suggested allowing production lots larger than 10,000 units for distress signals. One suggested a maximum of 30,000 units and the other suggested a maximum of one week's production, except that when this was less than 10,000 units, the lot could extend until 10,000 units were produced. The Coast Guard agrees with the suggestion to increase lot size. The basis for the sampling plan is MIL-STD-105D using the "multiple sampling plan for normal inspection" with an "AQL" (acceptable quality level) of 6.5. This sampling plan is valid for any lot size, so the upper limit of the lot size can be extended and remain statistically valid.

The suggested maximum lot size of 30,000 units has been adopted. The one week's production criterion has not been adopted since it is not considered to be relevant to lot size. The change has been made in §§ 160.021-4(b)(1), 160.022-4(b)(1), 160.024-4(b)(1), 160.036-4(b)(1), and 160.037-4(b)(1), as well as the corresponding table of accept and reject criteria for each of those sections.

One commenter suggested a change in the standards used to designate a new lot since the proposed standards could be interpreted several ways. The proposed standards required that a new lot be designated whenever any change or modification in raw materials or manufacturing methods occurs. The Coast Guard agrees that this may be interpreted in a variety of ways and should therefore be clarified. The standards in §§ 160.021-4(b)(1), 160.022-4(b)(1), 160.024-4(b)(1), 160.036-4(b)(1), 160.037-4(b)(1), and 160.057-4(b)(1), have been revised to require that a new lot be started with: (i) any change in construction details, (ii) any change in sources of raw materials, or (iii) the start of production on a new production line or on a previously discontinued production line.

One commenter expressed the opinion that the sampling plan for distress signals in the Notice of Proposed Rulemaking was unclear. The commenter stated, as an example, that the proposal did not properly identify how the test devices were to be divided among the various tests. The complete text of the revised rules which is published in this notice clearly indicates what devices are to be subjected to the various tests.

One commenter noted the apparent disparity between the elevated temperature, humidity and storage test, and the spontaneous ignition test in each of the distress signal subparts. The elevated temperature, humidity and storage test requires the signal to function properly after being subjected to 90° C temperature and 90% relative humidity for 72 hours. The spontaneous ignition test requires the signal to withstand a temperature of 75° C for 48 hours without igniting or decomposing; however, there is no requirement that it function properly at the end of the test period. The commenter suggested lowering the temperature of the elevated temperature, humidity and storage test to correspond to the temperature in the spontaneous ignition test. The Coast Guard agrees. In past studies, it has been found that the temperature in a magazine chest or in a lifeboat where the signals are kept on a ship, may rise as high as 65° C. It has been concluded

that both tests may be conducted at a temperature of 75° C with an adequate margin of safety still maintained. The spontaneous ignition test has been changed to require low humidity (less than 10% relative humidity) so that the tendency of the flare to deteriorate at high temperature is checked at both high and low humidity. The changes have been made in §§ 160.021-4(d) (5) and (6), 160.022-4(d) (3) and (4), 160.024-4(d) (2) and (3), 160.036-4(d) (2) and (3), 160.037-4(d) (4) and (5), and 160.057-4(d) (4) and (5).

Three commenters supported the proposal to extend the expiration date of the signals beyond three years, but objected to the temperature and humidity requirements for storage in order to obtain the one year extension. Furthermore, all three stated that a full year extension was not necessary in order to move signals through the distribution system to the customer. All three stated that a six month extension should be adequate for the customer to obtain a full three years of useful life from the signal. The Coast Guard agrees. There is no strong reason to compel the expiration of a signal's service life exactly three years from its date of manufacture. The Coast Guard has tested signals over 20 years old that have kept dry, and has found that they usually work well, although with some deterioration in performance. In their actual use on ships and boats, however, the signals are more likely to be damaged in storage, subjected to extremes of heat and humidity, and have their protective packaging damaged. Under such conditions, the three year "rule-of-thumb" has proved to be adequate to assure that most signals in use are in good condition. Such damage is not likely to occur when the signals are in the distribution system between the manufacturer and the customer. The requirement for controlled condition storage in order to extend the expiration date of the signals has therefore been dropped and has been replaced with a requirement for the signal shipping carton to be marked with the following or equivalent wording: "Keep under cover in a dry place". The expiration date may be no more than 42 months after the date of manufacture. The changes have been made in §§ 160.021-5(b) and (c)(3), 160.022-5(b)(3) and (c), 160.023-5(b) and (c)(2), 160.024-5(b) and (c)(3), 160.037-5(b) and (c)(3), 160.057-5(b)(3) and (c).

One commenter objected to the proposal to add a note to the specifications that would remind manufacturers of the need to comply with Consumer Product Safety

Commission markings. The commenter expressed the opinion that the rules of the Consumer Product Safety Commission do not expressly cover pyrotechnic distress signals, although they do cover fireworks. The commenter suggested direct reference to 15 U.S.C 1263, the Federal Hazardous Substances Act. This is the same reference that was used in Subpart 160.066 in CGD 76-183a. The Coast Guard agrees. The revised note appears after the following sections of the rules: 160.021-5(c), 160.022-5(c), 160.023-5(c), 160.024-5(c), 160.028-5(a), 160.031-6(c), 160.036-5(c), 160.037-5(c), 160.040-6(b), 160.057-5(c).

One commenter objected to the container requirements in the distress signal subparts, stating that they weren't appropriate for recreational boats and therefore should not be included in specifications for devices used on both merchant vessels and recreational boats. As explained previously, these container specifications are not related to the approval of the signals. Furthermore, they clearly state that they apply to lifeboats and liferafts on merchant vessels. The Coast Guard does not believe any change is necessary as a result of this comment. It has, however, consolidated the container requirements in a single section, as discussed above. (See §§ 160.021-6, 160.023-6, 160.024-6, 160.028-6, 160.036-6, and 160.037-6.)

Comments on Hand Held Flares—Subpart 160.021

One commenter objected to the requirements in § 160.021-2(a) for the placement of wooden handles on hand-held flares. The commenter stated that wooden handles were not necessary for flares on recreational boats and therefore the specification was not appropriate for the devices intended to be used on these craft. It is self-evident that some type of handle is necessary on hand-held pyrotechnic devices; however, nothing compels that these be constructed exclusively of wood. The section referred to also contains a statement that specifically allows alternate designs that meet the performance requirements of the regulation.

A hot slag test for hand-held flares was proposed in the Notice of Proposed Rulemaking. This test would have been added as § 160.021-4(d)(8). The test has not been added as yet owing to several comments concerning its need and questions raised about its validity. The test required an ignited flare to be held 1.2m (4 ft.) above 10 layers of newsprint paper, the top layer of which is marked off in a grid. If more than half of the blocks of the grid were burned at its conclusion, the flare failed the test.

The commenters had two concerns regarding the test. In the first place, all of the presently approved flares drip some quantity of glowing slag. The commenters indicated that this had not proved to be a problem over the years in marine, highway, and railroad usage. The commenters believed that this was sufficient justification to conclude that there would also be no problems on recreational boats. The other concern was that newspaper was not a valid medium for the test, in that it does not simulate any particular material or hazardous condition that exists on recreational boats.

The Coast Guard does not agree with the contention that hot dripping slag poses no problems for recreational boats. This matter has been discussed at length by the National Boating Safety Advisory Council and has proved to be of serious concern. In light of the objections that have been raised to the hot slag test as proposed, the Coast Guard has decided to consider alternatives. Working for the Coast Guard, the National Bureau of Standards conducted a test series using several types of hand-held flares, burning them over newsprint of varying moisture content, and also burning them over heptane. Heptane is a standard test fuel used to determine octane ratings for gasoline, and is also one of the components of gasoline. As such, it represents the hazard that could be present on a boat with gasoline in the bilge. The possibility of this gasoline exploding was one of the primary concerns with the use of flares that dripped hot slag. At the conclusion of the tests, a demonstration was held at the National Bureau of Standards for a special sub-committee of the National Boating Safety Advisory Council on September 11, 1979.

There are five primary alternatives that will be available to the Coast Guard once the results of the tests and demonstration have been analyzed. One is that it will be determined that hand-held flares are potentially too dangerous to be used on recreational boats. In this case, Subpart 160.021 will remain as it is published in this Final Rule, and hand-held flares will not be permitted on recreational boats for meeting the visual distress signal requirement. A second possibility is that a surface burning test such as the newspaper version of the hot slag test will be found to be the best test for the hot slag hazard, and another final rule making will be published adding the test to Subpart 160.021. A third possibility is that the heptane hot slag test will be identified as providing the best estimate of slag hazard, in

which case, it will be added to Subpart 160.021. The fourth possibility is that both a surface burning test and a heptane test will be found to be necessary, and both will be added to Subpart 160.021. The fifth possibility is that hot slag will be found to constitute no real hazard for recreational boats, eliminating the need for any testing requirement and permitting hand-held flares to be used as part of the required visual distress signals on recreational boats. Further comments are invited on this matter. These comments should reference CGD 76-048 a and b and be sent to the Commandant (G-CMC/TP24), U.S. Coast Guard Headquarters, Washington, D.C. 20593. The use of hand-held flares on recreational boats is discussed further in docket 76-183 elsewhere in this issue of the **Federal Register**.

Comments on Signal Pistols—Subpart 160.028

One commenter indicated that the requirement in § 160.028 for signal pistols to be equipped with ejection mechanisms should not be applied to pistols designed to fire the visual distress signals for boats specified in proposed § 160.066, as found in CGD 76-183a. The commenter stated that such mechanisms were not necessary for smaller signals complying with Subpart 160.066. The Coast Guard agrees and has added a note to § 160.028-3(c) that makes that section apply only to pistols for firing merchant vessel signals meeting Subpart 160.024. This exception also includes the firing pin specifications which are appropriate only for signals meeting the design requirements of Subpart 160.024.

Comments on Smoke Signals—Subpart 160.037

One commenter suggested the addition of a specification for a 50 second floating smoke signal. The suggestion was not adopted. Specifications for a 50 second hand-held smoke signal are contained in Subpart 160.037. Section 160.037-2(a) specifically permits alternate constructions which conform to the performance requirements in the subpart. A 50 second floating smoke signal would be given special consideration under this section.

One commenter suggested that the chemical p-Nitroaniline be prohibited in smoke signals owing to its toxicity. The Coast Guard has not adopted the suggestion. Atlantic Research Corporation in a study performed for the Coast Guard in 1977 concluded that the short term exposure to p-Nitroaniline that a smoke signal operator might be

subjected to would not have any serious consequences. This conclusion is supported by the Coast Guard's experience with smoke signals that have been approved and used for over 30 years. No adverse reaction from chemical exposure has ever been reported from the use of any visual distress signal.

One commenter suggested a change in the waterproofing of igniter button test in § 160.037-4(c)(2)(ii) that would permit a signal in a can with a screw-on cap to be tested under water with the cap in place. The suggestion has not been accepted. There is no reason why a signal in a can should not be waterproof in the ready to fire condition when other signals are required to be waterproof in the same condition.

One commenter suggested that the test to determine the volume and density of smoke produced by a signal measure the total smoke output rather than the rate of smoke output, as is now required in the test procedure in § 160.037-4(d)(8). The commenter also recommended that the smoke emitting time in § 160.037-4(c)(2)(iii) be extended to 75 seconds if the total volume of smoke produced in that time was acceptable. These suggestions have not been accepted. Ordinarily, a manufacturer can adjust the composition of a smoke signal to burn faster or slower, thereby regulating the rate at which smoke is produced. Furthermore, no test procedure for a total volume of smoke test was suggested, and the Coast Guard is not aware of any such procedure that has been validated.

Comments on Line Throwing Appliance—Subpart 160.040

One commenter suggested that the strength of the service line for line throwing appliances in § 160.040-4(c) be changed from 2,250 N (500 lb.) to 2,000 N (450 lb.). This would conform to specifications for minimum service line strength for line throwing appliances now under international consideration as a revision to the Safety of Life at Sea (SOLAS) Convention. The Coast Guard has not adopted the suggestion, since all presently approved line throwing appliances meet the 2,250 N criterion. Furthermore, the revision to the SOLAS Convention is still only a proposal and is subject to change. Should it be adopted, the Coast Guard may reconsider the service line strength requirement.

In consideration of the foregoing, Title 46 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER Q—SPECIFICATIONS

PART 160—LIFESAVING EQUIPMENT

1. By revising Subpart 160.021 of Part 160 to read as follows:

Subpart 160.021—Hand Red Flare Distress Signals for Merchant Vessels

Sec.

- 160.021-1 Incorporations by reference.
- 160.021-2 Type.
- 160.021-3 Materials, workmanship, construction and performance requirements.
- 160.021-4 Approval and production tests.
- 160.021-5 Labeling and marking.
- 160.021-6 Container.
- 160.021-7 Procedure for approval.
- 160.021-9 Recognized independent laboratories.

Authority.—46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.021-1 Incorporations by reference.

(a) The following is incorporated by reference into this subpart:

(1) "The Universal Color Language" and "The Color Names Dictionary" in *Color: Universal Language and Dictionary of Names*, National Bureau of Standards Special Publication 440, December 1976.

(b) NBS Special Publication 440 may be obtained by ordering from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Order by SD Catalog No. C13.10:440).

(c) Approval to incorporate by reference the publication listed in this section was obtained from the Director of the Federal Register on November 1, 1979. The publication is on file at the Federal Register Library.

§ 160.021-2 Type.

(a) Hand red flare distress signals specified by this subpart shall be of one type which shall consist essentially of a wooden handle to which is attached a tubular casing having a sealing plug at the handle end, the casing being filled with a flare composition and having a button of ignition material at the top, with a removable cap having a friction striking material on its top which may be exposed for use by pulling a tear strip. The flare is ignited by scraping the friction striker on top of the cap against the igniter button on top of the flare. The general arrangement of the flare is shown by Figure No. 160.021-2(a). Alternate arrangements which conform to all the performance requirements of

this specification (and other arrangements which conform with all performance requirements except candlepower and burning time, but provide not less than 3,000 candela-minutes with a minimum of ½ minute burning time) will be given special consideration.

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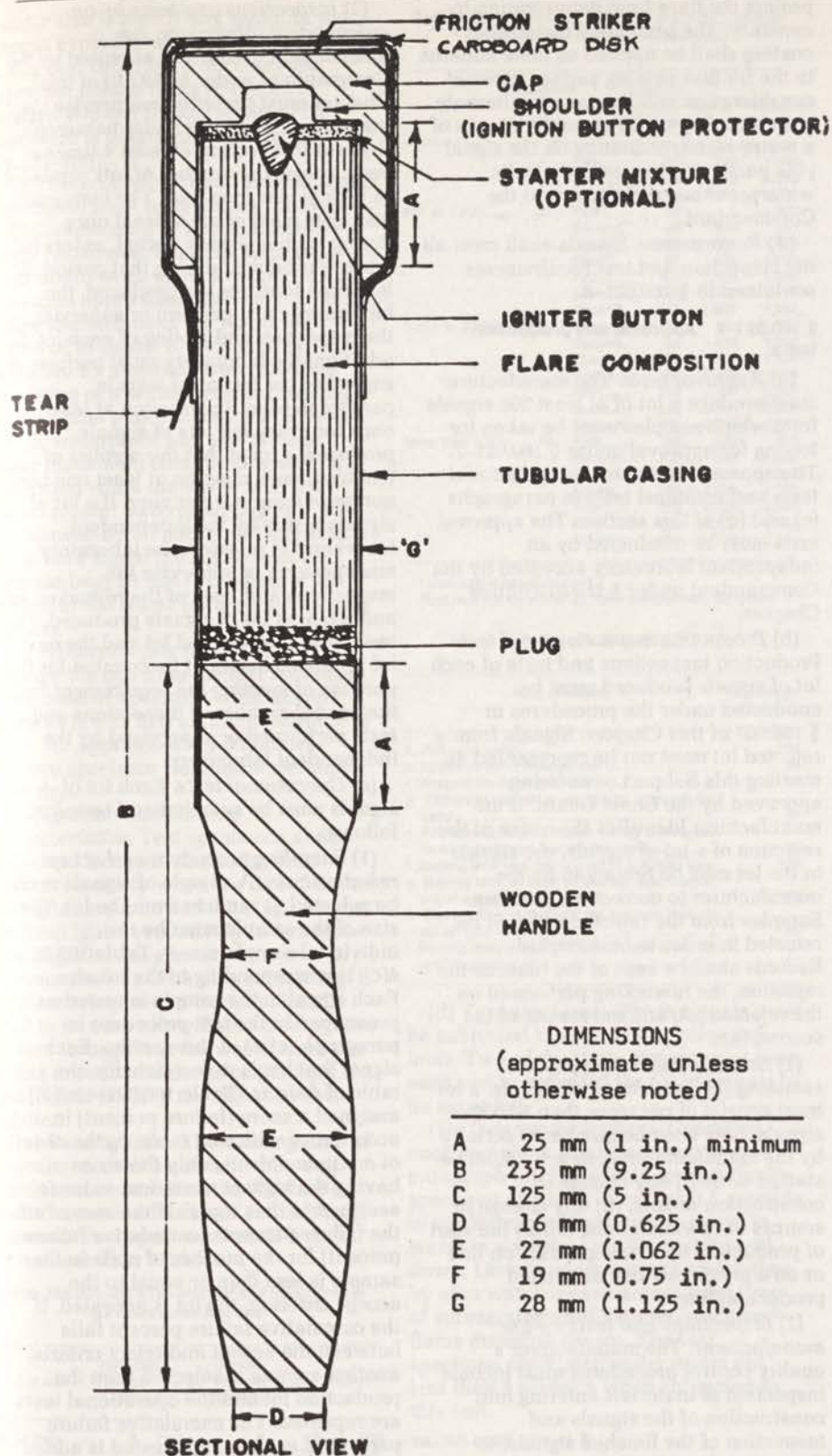


Figure 160.021-2(a). Hand Red Flare Distress Signal - General Arrangement.

§ 160.021-3 Materials, workmanship, construction and performance requirements.

(a) *Materials.* The materials shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. The color of the tube shall be red. Flare compositions containing sulphur shall not contain more than 2.6 percent of potassium chlorate or an equivalent amount of any other chlorate. Flare compositions containing chlorates in any quantity shall not contain any ammonium salts.

(b) *Workmanship.* Hand red flare distress signals shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability. Moistureproof coatings shall be applied uniformly and shall be free from pinholes or other visible defects which would impair their usefulness.

(c) *Construction.* The casing shall be fitted and secured to the handle with not less than a 25 mm (1 in.) overlap and shall be attached to the handle in such a manner that failure of the joint will not occur during tests, ignition, or operation. The plug shall be securely affixed in the casing to separate the flare composition from the wooden handle. The flare composition shall be thoroughly mixed and be uniformly compressed throughout to preclude variations of density which may adversely affect uniformity of its burning characteristics. The cap shall have a lap fit of not less than 25 mm (1 in.) over the end of the casing and flare composition to entirely and securely protect the exposed surface of the igniter button and end of flare composition and casing, and shall have an inner shoulder so constructed that it is mechanically impossible for the inner surface of the cap to come in contact with the igniter button. The cap shall be securely attached to the casing in such manner as to preclude its accidental detachment. The cap shall be provided on its top with a friction striking material which shall, by a pull of the tear strip, be entirely exposed for striking the friction igniter button. The igniter button shall be non-water soluble or be protected from moisture by a coating of some waterproof substance, and shall be raised or exposed in such manner as to provide positive ignition by the friction striker. The igniter button shall be firmly secured in or on the top of the flare composition; the arrangement shall be such that the ignition will be transmitted to the flare composition. The assembled flare, consisting of tear strip, cap, casing, and handle, shall be sealed and treated to

protect the flare from deterioration by moisture. The protective waterproof coating shall be applied so none adheres to the friction striking surface. Special consideration will be given to alternate waterproofing of the signal by means of a water-resistant coating on the signal plus packaging in a sealed plastic waterproof bag satisfactory to the Commandant.

(d) *Performance.* Signals shall meet all the inspection and test requirements contained in § 160.021-4.

§ 160.021-4 Approval and production tests.

(a) *Approval tests.* The manufacturer must produce a lot of at least 100 signals form which samples must be taken for testing for approval under § 160.021-7. The approval tests are the operational tests and technical tests in paragraphs (c) and (d) of this section. The approval tests must be conducted by an independent laboratory accepted by the Commandant under § 159.010 of this Chapter.

(b) *Production inspections and tests.* Production inspections and tests of each lot of signals produced must be conducted under the procedures in § 159.007 of this Chapter. Signals from a rejected lot must not be represented as meeting this Subpart or as being approved by the Coast Guard. If the manufacturer identifies the cause of the rejection of a lot of signals, the signals in the lot may be reworked by the manufacturer to correct the problem. Samples from the rejected lot must be retested in order to be accepted. Records shall be kept of the reasons for rejection, the reworking performed on the rejected lot, and the results of the second test.

(1) *Lot size.* For the purposes of sampling the production of signals, a lot must consist of not more than 30,000 signals. Lots must be numbered serially by the manufacturer. A new lot must be started with: (i) any change in construction details, (ii) any change in sources of raw materials, or (iii) the start of production on a new production line or on a previously discontinued production line.

(2) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include inspection of materials entering into construction of the signals and inspection of the finished signals, to determine that signals are being produced in accordance with the approved plans. Samples from each lot must be tested in accordance with the operational tests in paragraph (c) of this section.

(3) *Inspections and tests by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must perform or supervise the inspections and tests under paragraph (b)(2) of this section at least 4 times a year, unless the number of lots produced in year is less than four. The inspections and tests must occur at least once during each quarterly period, unless no lots are produced during that period. If less than four lots are produced, the laboratory must perform or supervise the inspection and testing of each lot. In addition, the laboratory must perform or supervise the technical tests in paragraph (d) of this section at least once for every ten lots of signals produced, except that the number of technical tests must be at least one but not more than four per year. If a lot of signals tested by the independent laboratory is rejected, the laboratory must perform or supervise the inspections and tests of the reworked lot and the next lot of signals produced. The tests of each reworked lot and the next lot produced must not be counted for the purpose of meeting the requirement for the annual number of inspections and tests performed or supervised by the independent laboratory.

(c) *Operational tests.* Each lot of signals must be sampled and tested as follows:

(1) *Sampling procedure and accept/reject criteria.* A sample of signals must be selected at random from the lot. The size of the sample must be the individual sample size in Table 160.021-4(c)(1) corresponding to the lot size. Each signal in the sample is tested as prescribed in the test procedure in paragraph (c)(2) of this section. Each signal that has a defect listed in the table of defects (Table 160.021-4(c)(2)) is assigned a score (failure percent) in accordance with that table. In the case of multiple defects, only the score having the highest numerical value is assigned to that signal. If the sum of all the failure percents (cumulative failure percent) for the number of units in the sample is less than or equal to the accept criterion, the lot is accepted. If the cumulative failure percent falls between the accept and reject criteria, another sample is selected from the production lot and the operational tests are repeated. The cumulative failure percent of each sample tested is added to that of the previous samples to obtain the cumulative failure percent for all the signals tested (cumulative sample size). Additional samples are tested and the tests repeated until either the accept or reject criterion for the cumulative

sample size is met. If any signal in the sample explodes when fired or ignited in a way that could burn or otherwise injure the person firing it, the lot is rejected without further testing. (This procedure is diagrammed in figure 160.021-4(c)).

(2) *Test procedure.* Each sample signal (specimen) must be tested as follows:

(i) *Conditioning of test specimens—water resistance.* Immerse specimen horizontally with uppermost portion of the signal approximately 25 mm (1 in.) below the surface of the water for a period of 24 hours. If the signal is protected by alternate waterproofing consisting of a water-resistant coating on the signal plus packaging in a sealed plastic waterproof bag, the 24-hour water immersion conditioning will be conducted while the signal is in the sealed plastic waterproof bag and will be followed by an additional immersion of the bare signal (i.e., after removal from the bag) 25 mm (1 in.) below the surface of the water for a period of 10 minutes.

(ii) *Waterproofing of igniter button.* Remove the cap from the test specimen. Place head of specimen without cap about 25 mm (1 in.) under the surface of water for approximately 5 minutes. Remove specimen from the water and wipe dry.

(iii) *Ignition and burning characteristics.* Test specimens shall ignite and burn satisfactorily with uniform intensity when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. The plug separating the flare composition from the handle shall in no case allow flame or hot gases to pass through it or between it and the casing in such manner as might burn the hand while holding the signal by the handle.

(iv) *Burning time.* The burning time of a specimen shall be obtained by stop watch measurements from the time a distinct sustained flame is emitted until it ceases. Test specimens shall burn in air not less than 2 minutes.

Table 160.021-4(c)(1).—Accept and reject criteria for operational test lots.

Lot size	Individual sample size	Sample size	Cumulative sample size	Accept ¹	Reject ¹
280 or less.....	8	First.....	8	(?)	400
		Second..	16	100	500
		Third.....	24	200	600
		Fourth.....	32	300	700
		Fifth.....	40	500	800
		Sixth.....	48	700	900
		Seventh..	56	950	951
281 to 500.....	13	First.....	13	0	400
		Second..	26	100	600
		Third.....	39	300	800
		Fourth.....	52	500	1,000

Table 160.021-4(c)(1).—Accept and reject criteria for operational test lots.—Continued

Lot size	Individual sample size	Sample size	Cumulative sample size	Accept ¹	Reject ¹
501 to 1,200.....	20	Fifth.....	65	700	1,100
		Sixth.....	78	1,000	1,200
		Seventh..	91	1,350	1,351
		First.....	20	0	500
		Second..	40	300	800
		Third.....	60	600	1,000
		Fourth.....	80	800	1,300
1,201 to 3,200....	32	Fifth.....	100	1,100	1,500
		Sixth.....	120	1,400	1,700
		Seventh..	140	1,850	1,851
		First.....	32	100	700
		Second..	64	400	1,000
		Third.....	96	800	1,300
		Fourth.....	128	1,200	1,700
More than 3,201	50	Fifth.....	160	1,700	2,000
		Sixth.....	192	2,100	2,300
		Seventh..	224	2,550	2,551
		First.....	50	200	900
		Second..	100	700	1,400
		Third.....	150	1,300	1,900
		Fourth.....	200	1,900	2,500
		Fifth.....	250	2,500	2,900
		Sixth.....	300	3,100	3,300
		Seventh..	350	3,750	3,751

¹ Cumulative failure percent.

² Lot may not be accepted. Next sample must be tested.

Table 160.021-4(c)(2)

Kind of defects	Percentage of failure
a. Failure to ignite.....	100
b. Ignites or burns dangerously.....	50
c. Nonuniform burning intensity.....	50
d. Chimneys so as to materially obscure the flame.....	25
e. Fire flashes down between casing and handle so as to endanger burning the hand.....	50
f. Burning time less than 70 pct of specified time.....	100
g. Burning time at least 70 pct but less than 80 pct of specified time.....	75
h. Burning time at least 80 pct but less than 90 pct of specified time.....	50
i. Burning time at least 90 pct but less than 100 pct of specified time.....	25

(d) *Technical tests.* Three signals must be subjected to each of the following tests. Two of the three signals must pass each test in order for the lot of signals to be accepted.

(1) *Underwater burning.* Condition each sample in accordance with paragraph (c)(2)(i) of this section. Ignite specimen and let it burn about 5 seconds in air. Submerge the burning signal in water in a vertical position with head down. Obtain under water burning time by stop watch measurement from time of submersion until distinct, sustained flame emission ceases. The test specimen shall burn under water not less than 5 seconds when subjected to this test.

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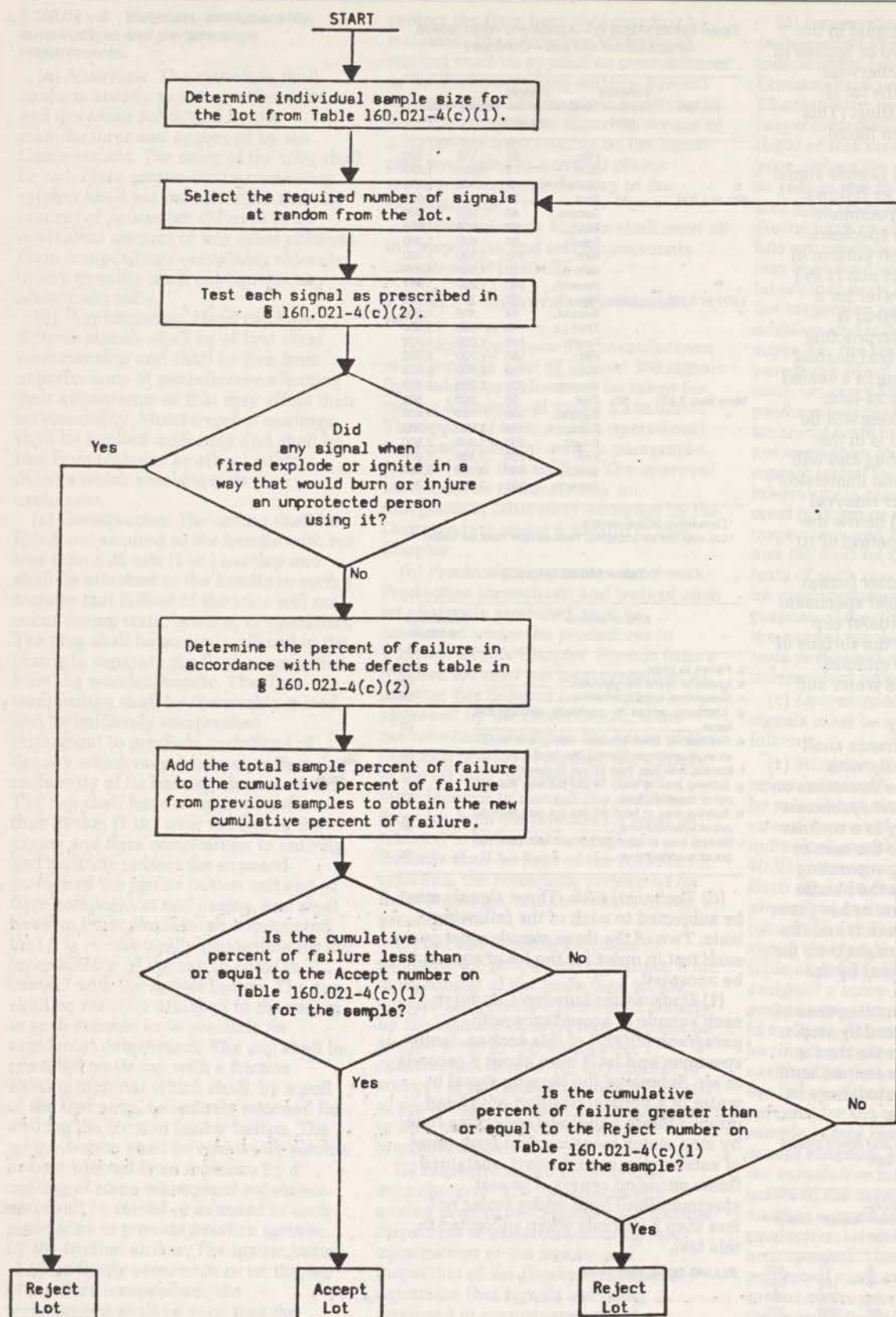


Figure 160.021-4(c). Operational test procedure.

(2) *Bending strength.* Place the specimen on supports 15 cm (6 in.) apart. Attach a weight of 35 kg (77 lb.) to a length of wire. Hang the weight from the supported signal by looping the wire around the signal approximately equidistant from the two points of support. Let the weight hang approximately 5 minutes. The test specimen shall not deflect more than 7 mm (1/4 in.), nor shall the joint between the casing and the handle fail, when subjected to this test.

(3) *Tensile strength.* Place the specimen in a chuck firmly holding it about 13 mm (1/2 in.) below the cap. Attach a weight of 35 kg (77 lb.) to a length of wire. Hang the weight from the supported signal by looping the wire through a hole bored perpendicular to and through the axis of the handle. Let the weight hang approximately 5 minutes. The test specimen shall not show noticeable distortion, nor shall the joint between the casing and handle fail, when subjected to this test.

(4) *Luminous intensity.* The luminous intensity of each specimen tested shall be measured by a visual photometer or equivalent photometric device, while the specimen is supported in a horizontal position and the photometer is at right angles to the axis of the specimen. Visual luminous intensity readings shall be observed and recorded at approximately 20 second intervals during the burning of the specimen. The minimum photometric distance shall be 3 m (10 ft.). Recording photometers shall have a chart speed of at least 25 mm (1 in.) per minute. The luminous intensity of specimen shall be computed as the arithmetical average of the readings recorded. The average luminous intensity of a test specimen shall be not less than 500 candela. The burning time of a specimen shall be obtained by stop watch measurements from the time distinct, sustained flame is emitted until it ceases. Test specimens shall burn in air not less than 2 minutes.

(5) *Elevated temperature, humidity and storage.* Place specimen in a thermostatically controlled even-temperature oven held at 75°C. with not less than 90 percent relative humidity for 72 hours. Remove specimen and store at room temperature (20° to 25°C.) with approximately 65 percent relative humidity for 10 days. If for any reason it is not possible to operate the oven continuously for the 72-hour period, it may be operated at the required temperature and humidity for 8 hours out of each 24 during the 72-hour conditioning period. (Total of 24 hours on and 48 hours off.) The signal shall not ignite or decompose during this

conditioning. The signal shall ignite and operate satisfactorily following this conditioning.

(6) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75°C. with not more than 10% relative humidity for 48 consecutive hours. The signals shall not ignite or undergo marked decomposition.

(7) *Chromaticity.* The color of the burning signal must be vivid red as defined by Sections 13 and 14 of the "Color Names Dictionary." Two identical test plates of white cardboard about 30 cm x 60 cm (12" x 24") are used. Except for a negligible amount of stray daylight, the first test plate is illuminated by light from the specimen placed at a distance of about 1.5 m (5 ft.). The second test plate is illuminated only by light from an incandescent lamp operated at a color temperature close to 2,848°K at a distance of about 30 cm (1 ft.). The first plate is viewed directly, the second through combinations of Lovibond red, yellow, and blue glasses selected so as to approximate a chromaticity match. By separating the test plates by a wide unilluminated area (subtending at the observer about 45°), it is possible to make accurate determinations of chromaticity in terms of the 1931 CIE Standard Observer and Coordinate System, in spite of fluctuations in luminous intensity of the specimen by factors as high as 2 or 3. The CIE coordinates are converted to the Munsell notation which is cross-referenced to the color name in Section 13 of the "Color Names Dictionary" (see the discussion in Section 10 of "The Universal Color Language").

§ 160.021-5 Labeling and marking.

(a) *Labeling.* Each hand red flare distress signal shall bear a label securely affixed thereto, showing in clear, indelible black lettering on a red background, the following wording and information:

(Company brand or style designation)
Hand Red Flare Distress Signal
500 Candela—2 Minutes Burning Time
Use Only When Aircraft or Vessel Is Sighted

Directions—Pull tape over top of cap. Remove cap and ignite flare by rubbing scratch surface on top of cap sharply across igniter button on head of signal.

Caution—Stand with back to wind and point away from body when igniting or flare is burning.

Service Life Expiration Date (Month and year to be inserted by manufacturer) (Month and year manufactured) (Lot No.—).

Manufactured by (Name and address of manufacturer). U.S. Coast Guard Approval No.—

(b) *Marking of expiration date.* The expiration date must be not more than 42 months from the date of manufacture.

(c) *Other marking.* (1) There shall be die-stamped, in the side of the wooden handle in figures not less than 3 mm (C 1/8 in.) high, numbers indicating the month and year of manufacture, thus: "6-54" indicating June, 1954.

(2) In addition to any other marking placed on the smallest packing carton or box containing hand red flare distress signals, such cartons or boxes shall be plainly and permanently marked to show the service life expiration date, date of manufacture, and lot number.

(3) The largest carton or box in which the manufacturer ships signals must be marked with the following or equivalent words: "Keep under cover in a dry place."

Note.—Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of 15 USC 1263, the Federal Hazardous Substances Act.

§ 160.021-6 Container.

(a) *General.* Containers for stowage of hand red flare distress signals in lifeboats and life rafts on merchant vessels are not required to have specific approval or to be of special design, but they shall meet the following test for watertightness when closed, and shall be capable of being opened and reclosed hand-tight to meet the same watertightness test. The materials shall be copper, brass, bronze, or equally corrosion-resistant to salt water and spray. The type container illustrated by Figure Number 160.021-6(a) is recommended for most purposes.

(b) *Watertightness test for containers.* Whenever a question arises as to the watertightness of a container, the following test may be made to determine whether it is satisfactory in this respect. Open the container, remove the contents, insert colored blotting paper as a lining, re-close container as tightly as possible by hand (no wrenches or special tools permitted), submerge container with top about 30 cm (1 ft.) below the surface of the water for two hours, remove container from water, wipe off excess moisture on outside, then open the container and examine the blotting paper and entire interior for evidence of moisture penetration. If any moisture or water is evidenced, the container is not satisfactory.

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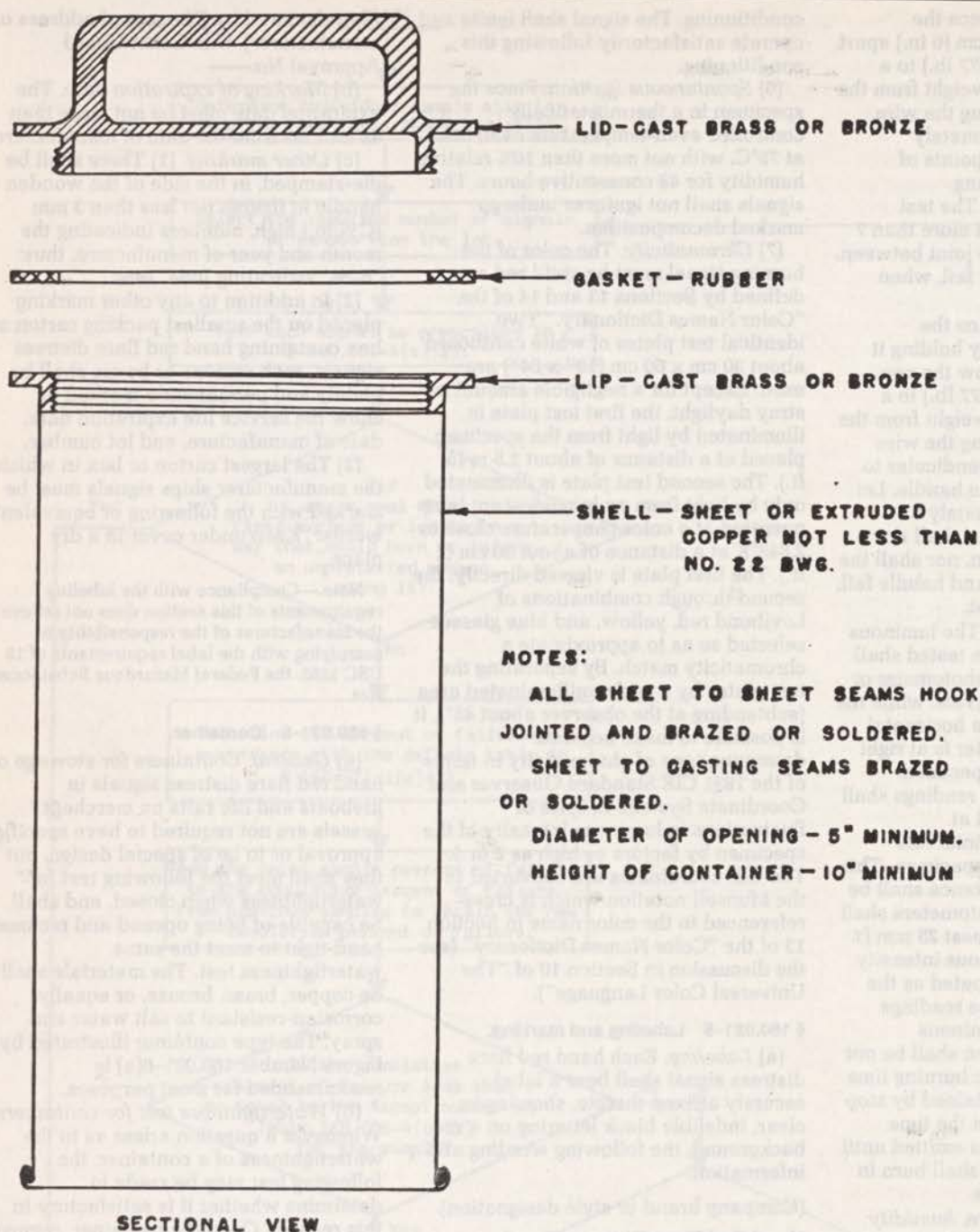


Figure 160.021-6(a). Watertight Container for Hand Red Flare Distress Signals.

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(c) *Marking of container.* Containers shall be embossed or bear a brass or equivalent corrosion-resistant nameplate, or otherwise be suitably and permanently marked, to plainly show in letters not less than 13 mm (½ in.) high the following wording: "HAND RED FLARE DISTRESS SIGNALS". No additional marking which might cause confusion as to the contents shall be permitted. The vessel's name ordinarily is painted or branded on equipment such as this container, and nothing in this subpart shall be construed as prohibiting same.

§ 160.021-7 Procedure for approval.

(a) Signals are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.021-9 Recognized independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

2. By revising Subpart 160.022 of Part 160 to read as follows:

Subpart 160.022—Floating Orange Smoke Distress Signals (5 Minutes)

Sec.

160.022-1 Incorporations by reference.

160.022-2 Type.

160.022-3 Materials, workmanship, construction, and performance requirements.

160.022-4 Approval and production tests.

160.022-5 Marking.

160.022-7 Procedure for approval.

160.022-9 Recognized independent laboratories.

Authority: 46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.022-1 Incorporations by reference.

(a) The following are incorporated by reference into this subpart:

(1) "The Color Names Dictionary" in *Color: Universal Language and Dictionary of Names*, National Bureau of Standards Special Publication 440, December 1976.

(2) "Development of a Laboratory Test for Evaluation of the Effectiveness of Smoke Signals," National Bureau of Standards Report 4792, July 1956.

(b) NBS Special Publication 440 may be obtained by ordering from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Order by SD Catalog No. C13.10:440).

(c) NBS Report 4792 may be obtained from the Commandant (G-MMT-3/TP12), U.S. Coast Guard, Washington, D.C. 20593.

(d) Approval to incorporate by reference the materials listed in this section was obtained from the Director of the Federal Register on November 1 and 29, 1979. The materials are on file in the Federal Register Library.

§ 160.022-2 Type.

(a) Floating orange smoke distress signals, specified by this subpart shall be of one type which shall consist essentially of an outer container, ballast, an air chamber, an inner container, the smoke producing composition, and an igniter mechanism. Alternate arrangements which conform to the performance requirements of this specification will be given special consideration.

§ 160.022-3 Materials, workmanship, construction, and performance requirements.

(a) *Materials.* The materials shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. Metal for containers shall be not less than 0.5 mm (0.020 in.) in thickness. Other dimensions or materials may be considered upon special request when presented with supporting data. Igniter systems shall be corrosion-resistant metal. The combustible material shall be of such nature that it will not deteriorate during long storage, nor when subjected to frigid or tropical climates, or both.

(b) *Workmanship.* Floating orange smoke distress signals shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability.

(c) *Construction.* The outer container shall be of a size suitable for its intended use. All sheet metal seams should be hook-jointed and soldered. The whole container shall be covered with two coats of waterproof paint or equivalent protection system. The igniter mechanism shall be simple to operate and provide ignition in most unfavorable weather. The mechanism shall be protected with a watertight cover having a finish which is corrosion-resistant to salt water and spray. The cover shall be easily and quickly removable by hand without the use of tools. If attachment of the cover is by formed screw threads, it shall be of such construction or material to prevent rusting or corrosion and will not back off and loosen under shipboard vibration.

(d) *Performance.* Signals shall meet all the inspection and test requirements contained in § 160.022-4.

§ 160.022-4 Approval and production tests.

(a) *Approval tests.* The manufacturer must produce a lot of at least 100 signals from which samples must be taken for testing for approval under § 160.022-7. The approval tests are the operational tests and technical tests in paragraphs (c) and (d) of this section. The approval tests must be conducted by an independent laboratory accepted by the Commandant under § 159.010 of this Chapter.

(b) *Production inspections and tests.* Production inspections and tests of each lot of signals produced must be conducted under the procedures in § 159.007 of this Chapter. Signals from a rejected lot must not be represented as meeting this Subpart or as being approved by the Coast Guard. If the manufacturer identifies the cause of the rejection of a lot of signals, the signals in the lot may be reworked by the manufacturer to correct the problem. Samples from the rejected lot must be retested in order to be accepted. Records shall be kept of the reasons for rejection, the reworking performed on the rejected lot, and the results of the second test.

(1) *Lot size.* For the purposes of sampling the production of signals, a lot must consist of not more than 30,000 signals. Lots must be numbered serially by the manufacturer. A new lot must be started with:

(i) any change in construction details, (ii) any change in sources of raw materials, or

(iii) the start of production on a new production line or on a previously discontinued production line.

(2) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include inspection of materials entering into construction of the signals and inspection of the finished signals, to determine that signals are being produced in accordance with the approved plans. Samples from each lot must be tested in accordance with the operational tests in paragraph (c) of this section.

(3) *Inspections and tests by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must perform or supervise the inspections and tests under paragraph (b)(2) of this section at least 4 times a year, unless the number of lots produced in a year is less than four. The inspections and tests must occur at least

once during each quarterly period, unless no lots are produced during that period. If less than four lots are produced, the laboratory must perform or supervise the inspection and testing of each lot. In addition, the laboratory must perform or supervise the technical tests in paragraph (d) of this section at least once for every ten lots of signals produced, except that the number of technical tests must be at least one but not more than four per year. If a lot of signals tested by the independent laboratory is rejected, the laboratory must perform or supervise the inspections and tests of the reworked lot and the next lot of signals produced. The tests of each reworked lot and the next lot of signals must not be counted for the purpose of meeting the requirement for the annual number of inspections and tests performed or supervised by the independent laboratory.

(c) *Operational tests.* Each lot of signals must be sampled and tested as follows:

(1) *Sampling procedure and accept/reject criteria.* A sample of signals must be selected at random from the lot. The size of the sample must be the individual sample size in Table 160.022-4(c)(1) corresponding to the lot size. Each signal in the sample is tested as prescribed in the test procedure in paragraph (c)(2) of this section. Each signal that has a defect listed in the table of defects (Table 160.022-4(c)(2)) is assigned a score (failure percent) in accordance with that table. In the case of multiple defects, only the score having the highest numerical value is assigned to that signal. If the sum of all the failure percents (cumulative failure percent) for the number of units in the sample is less than or equal to the accept criterion, the lot is accepted. If this sum is equal to or more than the reject criterion the lot is rejected. If the cumulative failure percent falls between the accept and reject criteria, another sample is selected from the production lot and the operational tests are repeated. The cumulative failure percent of each sample tested is added to that of the previous samples to obtain the cumulative failure percent for all the signals tested (cumulative sample size). Additional samples are tested and the tests repeated until either the accept or reject criterion for the cumulative sample size is met. If any signal in the sample explodes when fired or ignited in a way that could burn or otherwise injure the person firing it, the lot is rejected without further testing. (This procedure is diagrammed in figure 160.022-4(c).)

(2) *Test Procedure.* Each sample signal (specimen) must be tested as follows:

(i) *Conditioning of test specimens—water-resistance.* Immerse specimens horizontally with uppermost portion of the signal approximately 25 mm (1 in.) below the surface of the water for a period of 24 hours.

(ii) *Smoke emitting time.* Ignite specimen according to the directions printed on the signal and place signal in tub or barrel of water. The smoke emitting time of a specimen shall be obtained by stop watch measurements from the time of distinct, sustained smoke emission until it ceases. The watch shall be stopped during periods of flame emission. The smoke emitting time for a specimen shall be not less than 4 minutes.

(iii) *Ignition and smoke emitting characteristics.* Test specimens shall ignite and emit smoke properly when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. Test specimens shall emit smoke at a uniform rate while floating in calm to rough water. Signals should be so constructed that water submerging the signal in moderately heavy seas will not cause it to become inoperative.

Table 160.022-4(c)(1).—Accept and reject criteria for operational test lots.

Lot size	Individual sample size	Sample size	Cumulative sample size	Accept ¹	Reject ²
280 or less.....	8	First.....	8	(³)	400
		Second.....	16	100	500
		Third.....	24	200	600
		Fourth.....	32	300	700
		Fifth.....	40	500	800
		Sixth.....	48	700	900
		Seventh.....	56	950	951
281 to 500.....	13	First.....	13	0	400
		Second.....	26	100	600
		Third.....	39	300	800
		Fourth.....	52	500	1,000
		Fifth.....	65	700	1,100
		Sixth.....	78	1,000	1,200
		Seventh.....	91	1,350	1,351
501 to 1,200.....	20	First.....	20	0	500
		Second.....	40	300	800
		Third.....	60	600	1,000
		Fourth.....	80	800	1,300
		Fifth.....	100	1,100	1,500
		Sixth.....	120	1,400	1,700
		Seventh.....	140	1,850	1,851
1,201 to 3,200....	32	First.....	32	100	700
		Second.....	64	400	1,000
		Third.....	96	800	1,300
		Fourth.....	128	1,200	1,700
		Fifth.....	160	1,700	2,000
		Sixth.....	192	2,100	2,300
		Seventh.....	224	2,550	2,551
More than 3,201	50	First.....	50	200	900
		Second.....	100	700	1,400
		Third.....	150	1,300	1,900
		Fourth.....	200	1,900	2,500
		Fifth.....	250	2,500	2,900
		Sixth.....	300	3,100	3,300
		Seventh.....	350	3,750	3,751

¹ Cumulative failure percent.

² Lot may not be accepted. Next sample must be tested.

TABLE 160.022-4(c)(2)

Kind of defects	Percentage of failure
a. Failure to ignite.....	100
b. Ignites or burns dangerously.....	50
c. Nonuniform smoke emitting rate.....	50
d. Smoke-emitting time less than 70 pct of specified time.....	100
e. Smoke-emitting time at least 70 pct but less than 80 pct of specified time.....	75
f. Smoke-emitting time at least 80 pct but less than 90 pct of specified time.....	50
g. Smoke-emitting time at least 90 pct but less than 100 pct of specified time.....	25

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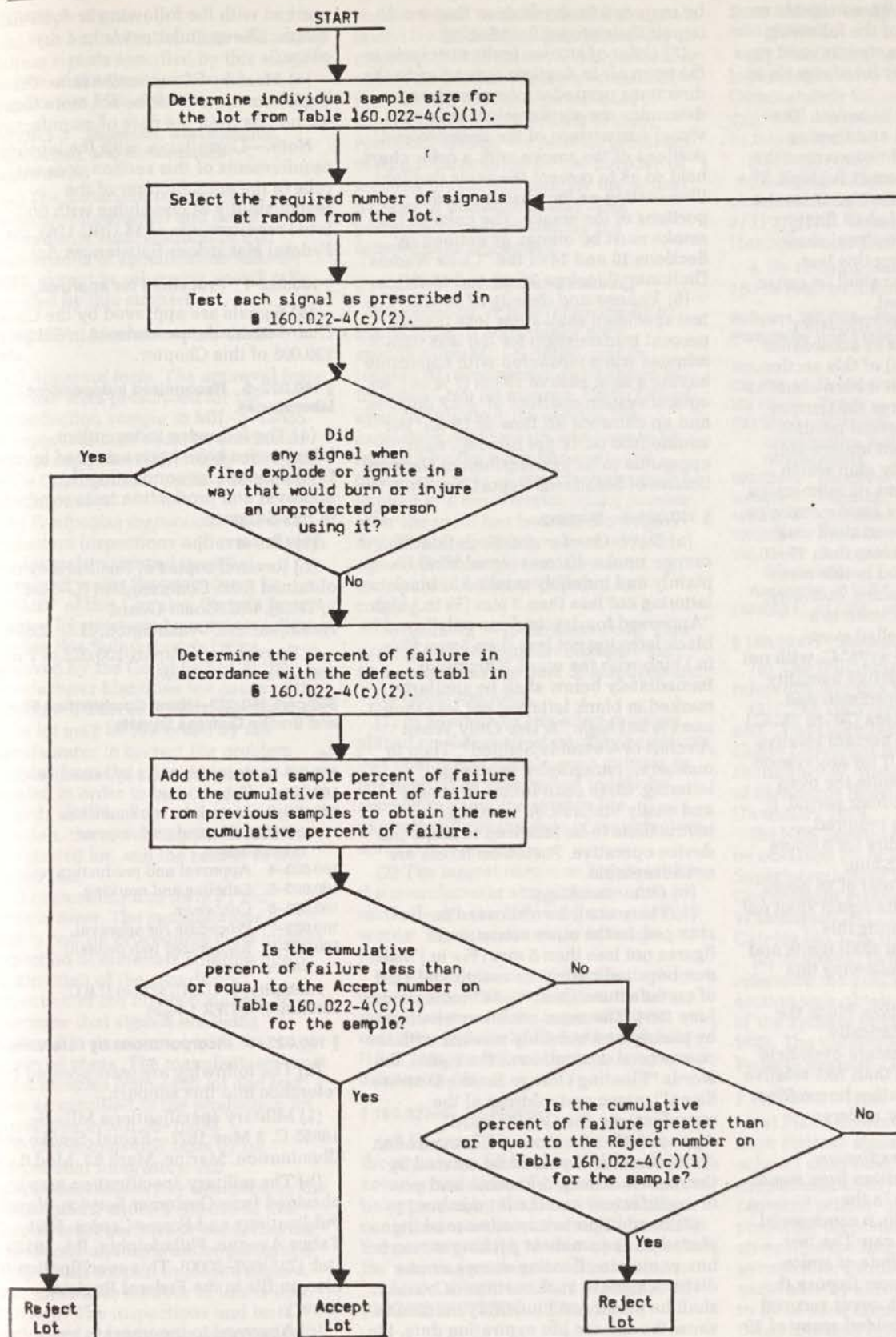


Figure 160.022-4(c). Operational test procedure.

(d) *Technical tests.* Three signals must be subjected to each of the following tests. Two of the three signals must pass the test in order for the lot of signals to be accepted.

(1) *Smoke emission in waves.* The signal shall be ignited and thrown overboard under conditions where the waves are at least 30 cm (1 ft.) high. The smoke emitting time must be at least 4 minutes and the signal shall float in such a manner that the signal shall function properly during this test. Failure to pass this test shall be cause for the lot to be rejected.

(2) *Underwater smoke emission.* Condition each sample in accordance with paragraph (c)(2)(i) of this section. Ignite specimen and let it burn about 15 seconds in air. Submerge the burning signal in water in a vertical position with head down. Obtain underwater smoke emission time by stop watch measurements from time of submersion until distinct, sustained smoke emission ceases. The test specimen shall emit smoke underwater not less than 15 seconds when subjected to this test.

(3) *Elevated temperature, humidity, and storage.* Place specimen in a thermostatically controlled even-temperature oven held at 75° C. with not less than 90 percent relative humidity for 72 hours. Remove specimen and store at room temperature (20° to 25° C.) with approximately 65 percent relative humidity for ten days. If for any reason it is not possible to operate the oven continuously for the 72-hour period, it may be operated at the required temperature and humidity for 8 hours out of each 24 during 72-hour conditioning period. (Total of 24 hours on and 48 hours off). The signal shall not ignite or decompose during this conditioning. The signal shall ignite and operate satisfactorily following this conditioning.

(4) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. with not more than 10% relative humidity for 48 consecutive hours. The signal shall not ignite or undergo marked decomposition.

(5) *Susceptibility to explosion.* Remove smoke composition from signal and punch a small hole in the composition. Insert a No. 6 commercial blasting cap. Ignite the cap. The test specimen shall not explode or ignite.

(6) *Corrosion resistance.* Expose the complete specimen with cover secured hand-tight to a finely divided spray of 20 percent by weight sodium chloride solution at a temperature between 32° C and 38° C (90° F and 100° F) for 100 hours. The container and cap must not

be corroded in any fashion that would impair their proper functioning.

(7) *Color of smoke.* Ignite specimen in the open air in daytime according to the directions printed on the signal, and determine the smoke color by direct visual comparison of the unshadowed portions of the smoke with a color chart held so as to receive the same daylight illumination as the unshadowed portions of the smoke. The color of the smoke must be orange as defined by Sections 13 and 14 of the "Color Names Dictionary" (colors 34-39 and 48-54).

(8) *Volume and density of smoke.* The test specimen shall show less than 20 percent transmission for not less than 3 minutes when measured with apparatus having a light path of 19 cm (7½ in.), an optical system aperture of +3.7 degrees, and an entrance air flow of 18.4m³ per minute (650 cu. ft. per minute), such apparatus to be as described in National Bureau of Standards Report No. 4792.

§ 160.022-5 Marking.

(a) *Directions for use.* Each floating orange smoke distress signal shall be plainly and indelibly marked in black lettering not less than 3 mm (⅛ in.) high "Approved for daytime use only", and in black lettering not less than 5 mm (⅜ in.) high with the word "Directions". Immediately below shall be similarly marked in black lettering not less than 3 mm (⅛ in.) high: "1. Use Only When Aircraft or Vessel Is Sighted". Then in numbered paragraphs, in similar lettering, there shall follow in simply and easily understood wording, instructions to be followed to make the device operative. Pasted-on labels are not acceptable.

(b) Other markings.

(1) There shall be embossed or die-stamped, in the outer container in figures not less than 5 mm (⅜ in.) high, numbers, indicating the month and year of manufacture, thus: "6-54" indicating June 1954. The outer container shall also be plainly and indelibly marked with the commercial designation of the signal, the words "Floating Orange Smoke Distress Signal", name and address of the manufacturer, the Coast Guard Approval No., the service life expiration date (month and year to be entered by the manufacturer), the month and year of manufacture and the lot number.

(2) In addition to any other marking placed on the smallest packing carton or box containing floating orange smoke distress signals, such cartons or boxes shall be plainly and indelibly marked to show the service life expiration date, the month and year of manufacture, and the lot number.

(3) The largest carton or box in which the manufacturer ships signals must be

marked with the following or equivalent words: "Keep under cover in a dry place."

(c) *Marking of expiration date.* The expiration date must be not more than 42 months from the date of manufacture.

Note.—Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of 15 USC 1263, the Federal Hazardous Substances Act.

§ 160.022-7 Procedure for approval.

(a) Signals are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.022-9 Recognized independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

3. By revising Subpart 106.023 of Part 160 to read as follows:

Subpart 160.023—Hand Combination Flare and Smoke Distress Signals

Sec.

160.023-1 Incorporations by reference.

160.023-2 Type.

160.023-3 Materials, workmanship, construction and performance requirements.

160.023-4 Approval and production tests.

160.023-5 Labeling and marking.

160.023-6 Container.

160.023-7 Procedure for approval.

160.023-9 Recognized independent laboratories.

Authority: 46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.023-1 Incorporations by reference.

(a) The following are incorporated by reference into this subpart:

(1) Military specifications MIL-S-18655 C, 3 May 1971—Signal, Smoke and Illumination, Marine, Mark 13, Mod 0.

(b) The military specification may be obtained from Customer Service, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120 (tel: (215)697-2000). This specification is also on file in the **Federal Register** library.

(c) Approval to incorporate by reference the materials listed in this section was obtained from the Director of the Federal Register on November 1, 1979.

§ 160.023-2 Type.

(a) Hand combination flare and smoke distress signals specified by this subpart shall be of the type described in specification MIL-S-18655.

§ 160.023-3 Materials, workmanship, construction, and performance requirements.

(a) The materials, construction, workmanship, general and detail requirements shall conform to the requirements of specification MIL-S-18655, except as otherwise specifically provided by this subpart.

§ 160.023-4 Approval and production tests.

(a) *Approval tests.* The approval tests are those tests prescribed for the preproduction sample in MIL-S-18655. The approval tests must be conducted by an independent laboratory accepted by the Commandant under § 159.010 of this Chapter.

(b) *Production inspections and tests.* Production inspections and tests of each lot of signals produced must be conducted under the procedures in § 159.007 of this Chapter. Signals from a rejected lot must not be represented as meeting this Subpart or as being approved by the Coast Guard. If the manufacturer identifies the cause of the rejection of a lot of signals, the signals in the lot may be reworked by the manufacturer to correct the problem. Samples from the rejected lot must be retested in order to be accepted. Records shall be kept of the reasons for rejection, the reworking performed on the rejected lot, and the results of the second test.

(1) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include inspection of materials entering into construction of the signals and inspection of the finished signals, to determine that signals are being produced in accordance with the approved plans. The manufacturer must select samples from each lot and test them as specified in the production lot procedures in MIL-S-18655.

(2) *Inspections and tests by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must perform or supervise the inspections and tests under paragraph (b)(1) of this section at least 4 times a year, unless the number of lots is less than four. The inspections and tests must occur at least once during each quarterly period, unless no lots are produced during this period. If less than four lots are produced, the laboratory must perform or supervise the inspection

and testing of each lot. If a lot of signals tested by the independent laboratory is rejected, the laboratory must perform or supervise the inspections and tests of the reworked lot and the next lot of signals produced. The tests of each reworked lot and the next lot produced must not be counted for the purpose of meeting the requirement for the annual number of inspections and tests performed or supervised by the independent laboratory.

§ 160.023-5 Labeling and marking.

(a) *Labeling.* A label showing firing instructions in accordance with specification MIL-S-18655, and to include the commercial designation of the signal, the lot number, Coast Guard approval number, the service life expiration date (month and year to be inserted by the manufacturer), and month and year of manufacture, shall be applied in a neat, workmanlike manner after the paint has become thoroughly dry. The label shall be attached to the signal and then protected by a transparent moisture impervious coating.

(b) *Marking of Expiration Date.* The expiration date must be not more than 42 months from the date of manufacture.

(c) Other marking.

(1) In addition to any other marking placed on the smallest packing carton or box containing signals, such cartons or boxes shall be plainly and indelibly marked to show the service life expiration date, the date of manufacture, and the lot number.

(2) The largest carton or box in which the manufacturer ships signals must be marked with the following or equivalent words: "Keep under cover in a dry place."

Note.—Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of 15 U.S.C. 1263, the Federal Hazardous Substances Act.

§ 160.023-6 Container.

(a) *General.* The container for storing the signals on lifeboats and liferafts is not required to be of a special design or be approved by the Coast Guard. The container must meet the requirements in Subpart 160.021 (§ 160.021-6) except that the wording on the container must be: "HAND COMBINATION FLARE AND SMOKE DISTRESS SIGNALS."

§ 160.023-7 Procedure for approval.

(a) Signals are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.023-9 Recognized independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

4. By revising Subpart 160.024 of Part 160 to read as follows:

Subpart 160.024—Pistol-Projected Parachute Red Flare Distress Signals**Sec.**

- 160.024-1 Incorporations by reference.
- 160.024-2 Type.
- 160.024-3 Materials, workmanship, construction, and performance requirements.
- 160.024-4 Approval and production tests.
- 160.024-5 Marking.
- 160.024-6 Container.
- 160.024-7 Procedure for approval.
- 160.024-9 Recognized independent laboratories.

Authority: 46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.024-1 Incorporations by reference.

(a) The following is incorporated by reference into this subpart:

(1) "The Universal Color Language" and "The Color Names Dictionary" in *Color: Universal Language and Dictionary of Names*, National Bureau of Standards Special Publication 440, Dictionary 1976.

(b) NBS Special Publication 440 may be obtained by ordering from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Order by SD Catalog No. C13.10:440).

(c) Approval to incorporate by reference the publication listed in this section was obtained from the Director of the Federal Register on November 1, 1979. The publication is on file at the Federal Register Library.

§ 160.024-2 Type.

(a) Pistol-projected parachute red flare distress signals specified by this subpart shall be of one type which shall consist essentially of a cartridge having centered primer, propelling charge, and projectile consisting of a case, delay element, expelling charge, and pyrotechnic candle attached to a parachute by shroud lines; the cartridge to be of such dimensions that it can be fitted into and fired from a signal pistol with chamber and bore dimensions within the limits provided by Figure 160.028-2(a) of subpart 160.028 of this Chapter.

§ 160.024-3 Materials, workmanship, construction, and performance requirements.

(a) *Materials.* The materials used in pistol-projected parachute red flare distress signals shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. In general, all metallic parts shall be corrosion-resistant or properly protected against corrosion.

(b) *Workmanship.* Pistol-projected parachute red flare distress signals shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability.

(c) *Construction.* The exterior case of the cartridge shall be made of suitable metal and shall protect against the entrance of moisture. The projectile case and delay element shall be so constructed as to prevent any possibility of the propelling charge blowing by and causing premature ejection of the projectile contents. The shoulder of the base of the cartridge shall be between 2.29 mm (0.090 in.) and 2.67 mm (0.015 in.) in thickness. The centered primer shall be set below the surface of the base between 0.25 mm (0.010 in.) and 0.50 mm (0.020 in.).

(d) *Performance.* Signals shall meet all of the inspection and test requirements contained in § 160.024-4.

§ 160.024-4 Approval and production tests.

(a) *Approval tests.* The manufacturer must produce a lot of at least 100 signals from which samples must be taken for testing for approval under § 160.024-7. The approval tests are the operational tests and technical tests in paragraphs (c) and (d) of this section. The approval tests must be conducted by an independent laboratory accepted by the Commandant under § 159.010 of this Chapter.

(b) *Production inspections and tests.* Production inspections and tests of each lot of signals produced must be conducted under the procedures in § 159.007 of this Chapter. Signals from a rejected lot must not be represented as meeting this Subpart or as being approved by the Coast Guard. If the manufacturer identifies the cause of the rejection of a lot of signals, the signals in the lot may be reworked by the manufacturer to correct the problem. Samples from the rejected lot must be

retested in order to be accepted. Records shall be kept of the reasons for rejection, the reworking performed on the rejected lot, and the results of the second test.

(1) *Lot size.* For the purposes of sampling the production of signals, a lot must consist of not more than 30,000 signals. Lots must be numbered serially by the manufacturer. A new lot must be started with: (i) any change in construction details, (ii) any change in sources of raw materials, or (iii) the start of production on a new production line or on a previously discontinued production line.

(2) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include inspection of materials entering into construction of the signals and inspection of the finished signals, to determine that signals are being produced in accordance with the approved plans. Samples from each lot must be tested in accordance with the operational tests in paragraph (c) of this section.

(3) *Inspections and tests by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must perform or supervise the inspections and tests under paragraph (b)(2) of this section at least 4 times a year, unless the number of lots produced in a year is less than four. The inspections and tests must occur at least once during each quarterly period, unless no lots are produced during this period. If less than four lots are produced, the laboratory must perform or supervise the inspection and testing of each lot. In addition, the laboratory must perform or supervise the technical tests in paragraph (d) of this section at least once for every ten lots of signals produced, except that the number of technical tests must be at least one but not more than four per year. If a lot of signals tested by the independent laboratory is rejected, the laboratory must perform or supervise the inspections and tests of the reworked lot and the next lot of signals produced. The tests of each reworked lot and the next lot produced must not be counted for the purpose of meeting the requirement for the annual number of inspections and tests performed or supervised by the independent laboratory.

(c) *Operational tests.* Each lot of signals must be sampled and tested as follows:

(1) *Sampling procedure and accept/reject criteria.* A sample of signals must be selected at random from the lot. The size of the sample must be the individual sample size in Table 160.024-4(c)(1) corresponding to the lot size. Each signal in the sample is tested as prescribed in the test procedure in paragraph (c)(2) of this section. Each signal that has a defect listed in the table of defects. (Table 160.024-4(c)(2)) is assigned a score (failure percent) in accordance with the table. In the case of multiple defects, only the score having the highest numerical value is assigned to that signal. If the sum of all the failure percents (cumulative failure percent) for the number of units in the sample is less than or equal to the accept criterion, the lot is accepted. If this sum is equal to or more than the reject criterion the lot is rejected. If the cumulative failure percent falls between the accept and reject criteria, another sample is selected from the production lot and the operational tests are repeated. The cumulative failure percent of each sample tested is added to that of the previous samples to obtain the cumulative failure percent for all the signals tested (cumulative sample size). Additional samples are tested and the tests repeated until either the accept or reject criterion for the cumulative sample size is met. If any signal in the sample explodes when fired or ignites in a way that could burn or otherwise injure the person firing it, the lot is rejected without further testing. (This procedure is diagrammed in figure 160.024-4(c).)

(2) *Test procedure.* Each sample signal (specimen) must be tested as follows:

(i) *Conditioning of test specimens—water resistance.* Immerse specimen horizontally with uppermost portion of the signal approximately 25 mm (1 in.) below the surface of the water for a period of 24 hours.

(ii) *Firing and operating characteristics.* Signals shall fire and operate satisfactorily when shot from a pistol of the type described in Subpart 160.028. The parachute and pyrotechnic candle shall be ejected at approximately the maximum altitude reached by the projectile case. The parachute shall open and properly suspend the pyrotechnic candle without fouling. The pyrotechnic candle shall burn with uniform intensity and without damaging the parachute, shrouds, or leader line.

(iii) *Altitude.* The altitude reached by a signal is considered to be the height at

which the parachute and pyrotechnic candle are ejected from the projectile case, as determined by visual observation against an object of known height, such as a tower or ballon, or by triangulation from two or more points of observation, or by other method satisfactory to the Commandant. The altitude reached shall be not less than 45 m (150 ft.).

(iv) *Rate of descent.* The rate of descent of a signal is considered to be the calculated average rate obtained by dividing the altitude by the time of descent to the surface. The rate of descent shall not exceed 1.8 m (6 ft.) per second.

(v) *Burning time.* The burning time of the pyrotechnic candle shall be obtained by stop watch measurement from the time distinct, sustained flame is emitted until it ceases. The burning time shall be not less than 30 seconds.

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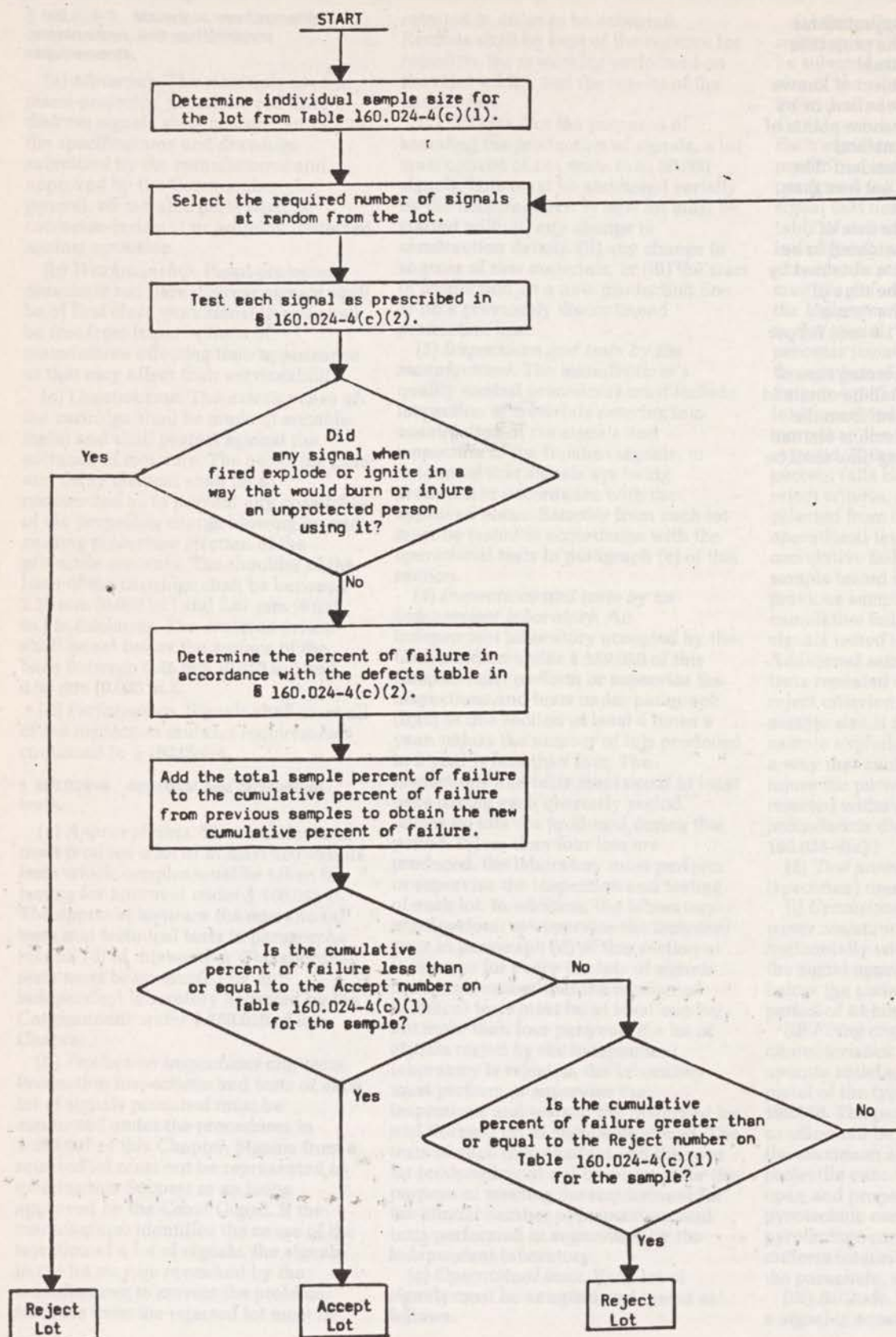


Figure 160.024-4(c). Operational test procedure.

Table 160.024-4(c)(1).—Accept and reject criteria for operational test lots

Lot size	Individual sample size	Sample size	Cumulative sample size	Accept ¹	Reject ¹
280 or less.....	8	First.....	8	(?)	400
		Second.....	16	100	500
		Third.....	24	200	600
		Fourth.....	32	300	700
		Fifth.....	40	500	800
		Sixth.....	48	700	900
		Seventh.....	56	950	951
281 to 500.....	13	First.....	13	0	400
		Second.....	26	100	600
		Third.....	39	300	800
		Fourth.....	52	500	1,000
		Fifth.....	65	700	1,100
		Sixth.....	78	1,000	1,200
		Seventh.....	91	1,350	1,351
501 to 1,200.....	20	First.....	20	0	500
		Second.....	40	300	800
		Third.....	60	600	1,000
		Fourth.....	80	800	1,300
		Fifth.....	100	1,100	1,500
		Sixth.....	120	1,400	1,700
		Seventh.....	140	1,850	1,851
1,201 to 3,200....	32	First.....	32	100	700
		Second.....	64	400	1,000
		Third.....	96	800	1,300
		Fourth.....	128	1,200	1,700
		Fifth.....	160	1,700	2,000
		Sixth.....	192	2,100	2,300
		Seventh.....	224	2,550	2,551
More than 3,201	50	First.....	50	200	900
		Second.....	100	700	1,400
		Third.....	150	1,300	1,900
		Fourth.....	200	1,900	2,500
		Fifth.....	250	2,500	2,900
		Sixth.....	300	3,100	3,300
		Seventh.....	350	3,750	3,751

¹ Cumulative failure percent.² Lot may not be accepted. Next sample must be tested.

Table 160.024-4(c)(2)

Kind of defect	Percentage of failure
a. Failure to fire (when attributable to the primer and not to the malfunction of the pistol).....	100
b. Failure to eject projectile contents.....	100
c. Failure to ignite pyrotechnic candle.....	75
d. Failure of parachute to open completely.....	75
e. Complete carrying away or destruction of parachute.....	75
f. Altitude less than 70 pct of that required.....	100
g. Altitude at least 70 pct but less than 80 pct of that required.....	75
h. Altitude at least 80 pct but less than 90 pct of that required.....	50
i. Altitude at least 90 pct but less than 100 pct of that required.....	25
j. Average rate of descent greater than 4 times maximum permitted.....	100
k. Average rate of descent less than 4 but greater than 3 times maximum permitted.....	75
l. Average rate of descent less than 3 but greater than 2 times maximum permitted.....	50
m. Average rate of descent less than twice but greater than maximum permitted.....	25
n. Burning time less than 70 pct of that required.....	100
o. Burning time at least 70 pct but less than 80 pct of that required.....	75
p. Burning time at least 80 pct but less than 90 pct of that required.....	50
q. Burning time at least 90 pct but less than 100 pct of that required.....	25

(d) *Technical tests.* Three signals must be subjected to each of the following tests. Two of the three signals must pass each test in order for the lot of signals to be accepted.

(1) *Luminous intensity.* The luminous intensity of each pyrotechnic candle tested shall be measured by a visual photometer or equivalent photometric device while the specimen is supported in a horizontal position and the photometer is at right angles to the axis of the specimen. Visual luminous intensity readings shall be observed and recorded at approximately 5-second intervals during the burning of the specimen. The minimum photometric distance shall be 3 m (10 ft.). Recording photometers shall have a chart speed of at least 10 cm (4 in.) per minute. The luminous intensity of the specimen shall be computed as the arithmetical average of the readings recorded. The average luminous intensity of a specimen shall be not less than 20,000 candela.

(2) *Elevated temperature, humidity, and storage.* Place specimen in a thermostatically controlled even-temperature oven held at 75°C. with not less than 90 percent relative humidity for 72 hours. Remove specimen and store at room temperature (20° to 25°C.) with approximately 65 percent relative humidity for 10 days. If for any reason it is not possible to operate the oven continuously for the 72-hour period, it may be operated at the required temperature and humidity for 8 hours out of each 24 during the 72-hour conditioning period. (Total of 24 hours on and 48 hours off.) The signal shall not ignite or decompose during this conditioning. The signal shall fire and operate satisfactorily following this conditioning.

(3) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75°C. with not more than 10% relative humidity for 48 consecutive hours. The signal shall not ignite or undergo marked decomposition.

(4) *Chromaticity.* The color of the burning signal must be vivid red as defined by Sections 13 and 14 of the "Color Names Dictionary." Two identical test plates of white cardboard about 30 cm x 60 cm (12" x 24") are used. Except for a negligible amount of stray daylight, the first test plate is illuminated by light from the specimen placed at a distance of about 1.5 cm (5 ft.). The second test plate is illuminated only by light from an incandescent lamp operated at a color temperature close to 2,848°K at a distance of about 30 cm (1 ft.). The first plate is viewed directly, the second through combinations of lovibond red, yellow, and blue glasses selected so as to approximate a

chromaticity match. By separating the test plates by a wide unilluminated area (subtending at the observer about 45°), it is possible to make accurate determinations of chromaticity in terms of the 1931 CIE Standard Observer and Coordinate System, in spite of fluctuations in luminous intensity of the specimen by factors as high as 2 or 3. The CIE coordinates are converted to the Munsell notation which is cross-referenced to the color name in Section 13 of the "Color Names Dictionary" (see the discussion in Section 10 of "the Universal Color Language").

§ 160.024-5 Marking.

(a) *Cartridge.* Each pistol-projected parachute red flare distress signal shall be legibly marked as follows:

Pistol-Projected Parachute Red Flare Distress Signal 20,000 candela—30 seconds burning time Use Only When Aircraft or Vessel is Sighted
Directions—Fire upward from signal pistol Service Life Expiration Date (date to be inserted by manufacturer) (Month and year manufactured) Lot No. _____
 Manufactured by (Name and address of manufacturer) U.S. COAST GUARD
APPROVAL NO. _____.

(b) *Marking of expiration date.* The expiration date must be not more than 42 months from the date of manufacture.

(c) *Other marking.*

(1) On each pistol-projected parachute red flare distress signal there shall be die-stamped, in figures not less than 3mm (1/8 in.) high, on the cartridge, numbers indicating the month and year of manufacture, thus: "6-54" indicating June 1954.

(2) The pyrotechnic candle shall be legibly marked with the month and year of manufacture.

(3) In addition to any other marking placed on the smallest packing carton or box containing cartridges, each carton or box shall be plainly and permanently marked to show the service life expiration date, the date of manufacture, and the lot number.

(4) The largest carton or box in which the manufacturer ships signals must be marked with the following or equivalent words: "Keep under cover in a dry place."

Note.—Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of 15 USC 1263, the Federal Hazardous Substances Act.

§ 160.024-6 Container.

(a) *General.* The container for storing the signals on lifeboats and liferafts is not required to be of a special design or be approved by the Coast Guard. The container must meet the requirements in Subpart 160.021 (§ 160.021-6) except that the recommended type of container is illustrated in Figure 160.024-6(a), and the wording on the container must be **Signal Pistol and Pistol-Projected Parachute Red Flare Distress Signals**.

§ 160.024-7 Procedure for approval.

(a) Signals are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.024-9 Recognized independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

BILLING CODE 4910-14-M

Signal Pistol and Pistol-Projected Parachute Red Flare Distress Signals		Signal Pistol and Pistol-Projected Parachute Red Flare Distress Signals		Signal Pistol and Pistol-Projected Parachute Red Flare Distress Signals	
Signal Pistol	Signal Pistol	Signal Pistol	Signal Pistol	Signal Pistol	Signal Pistol
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Signal Pistol and Pistol-Projected Parachute Red Flare Distress Signals		Signal Pistol and Pistol-Projected Parachute Red Flare Distress Signals		Signal Pistol and Pistol-Projected Parachute Red Flare Distress Signals	
Signal Pistol	Signal Pistol	Signal Pistol	Signal Pistol	Signal Pistol	Signal Pistol
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Figure 160.024-6(a). Signal Pistol and Pistol-Projected Parachute Red Flare Distress Signals.

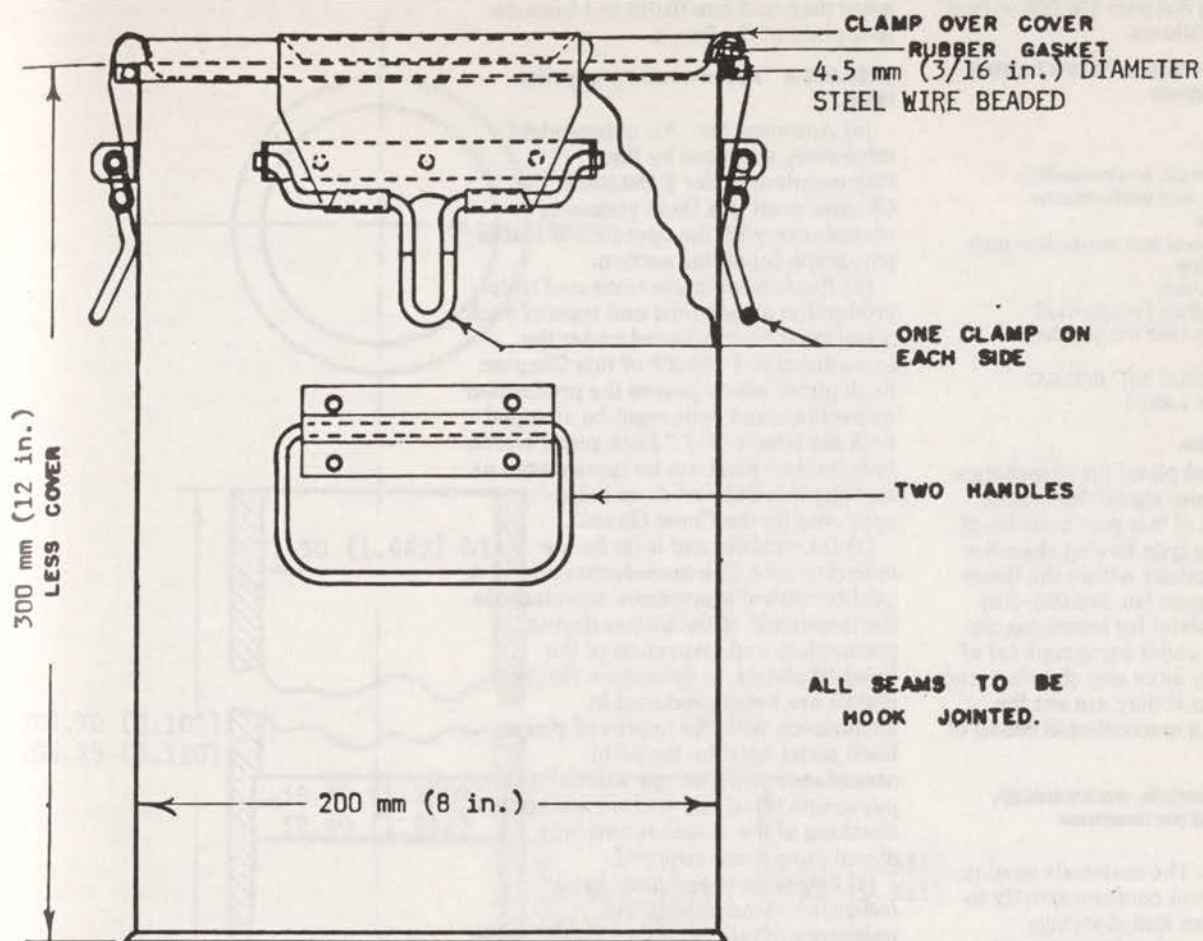


Figure 160.024-6(a). Watertight Container for Signal Pistol and Pistol Projected Parachute Red Flare Distress Signals.

BILLING CODE 4910-14-C

5. By revising Subpart 160.028 of Part 160 to read as follows:

Subpart 160.028—Signal Pistols for Red Flare Distress Signals

Sec.

160.028-2 Type.

160.028-3 Materials, workmanship, construction, and performance requirements.

160.028-4 Approval and production tests.

160.028-5 Marking.

160.028-6 Container.

160.028-7 Procedure for approval.

160.028-9 Recognized independent laboratories.

Authority: 46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.028-2 Type.

(a) Each signal pistol for launching a parachute distress signal that meets subpart 160.024 of this part must be of the center-firing type having chamber and bore dimensions within the limits indicated by Figure No. 160.028-2(a).

(b) A signal pistol for launching an aerial flare not under paragraph (a) of this section may have any chamber and bore dimensions if they are not the dimensions for a conventional round of ammunition.

§ 160.028-3 Materials, workmanship, construction, and performance requirements.

(a) *Materials.* The materials used in signal pistols shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. In general, all parts shall be corrosion-resistant or properly protected against corrosion. The ejection mechanism shall be of material possessing excellent wearing qualities.

(b) *Workmanship.* Signal pistols shall be of first class workmanship and shall be free from imperfections of manufacture affecting their serviceability or appearance.

(c) *Construction and performance requirements.* (Pistols intended for signals meeting subpart 160.024). Signal pistols shall be of rugged construction and shall operate satisfactorily in firing and ejecting pistol-projected parachute red flare distress signals of the type covered by Subpart 160.024. The ejection mechanism shall be of sturdy design capable of withstanding rough and repeated usage. The overall size and weight of signal pistols should be kept to a minimum consistent with adequate strength and safety. When the pistol is cocked and the trigger is pulled, the firing pin shall project between 1.52 mm and 2.54 mm (0.060 in. and 0.100 in.) beyond the face plate of the frame. When the barrel is locked in the firing position, the barrel chamber shall be not

more than 0.25 mm (0.010 in.) from the face plate of the frame.

§ 160.028-4 Approval and production tests.

(a) *Approval test.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must test three pistols in accordance with the operational test in paragraph (c) of this section.

(b) *Production inspections and tests.* Production inspections and tests of each pistol must be conducted under the procedures in § 159.007 of this Chapter. Each pistol which passes the production inspections and tests must be stamped with the letters "P.T." Each pistol which fails the test must not be represented as meeting this Subpart or as being approved by the Coast Guard.

(1) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include the inspection of the pistols during production, and inspection of the finished pistols, to determine that the pistols are being produced in accordance with the approved plans. Each pistol must be tested in accordance with the operational test in paragraph (c) of this section, except that checking of the chamber and bore dimensions is not required.

(2) *Inspections and tests by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must inspect and test three pistols at least one each year. The inspection must determine that the pistols are being produced in accordance with the approved plans. The test must be in accordance with paragraph (c) of this section.

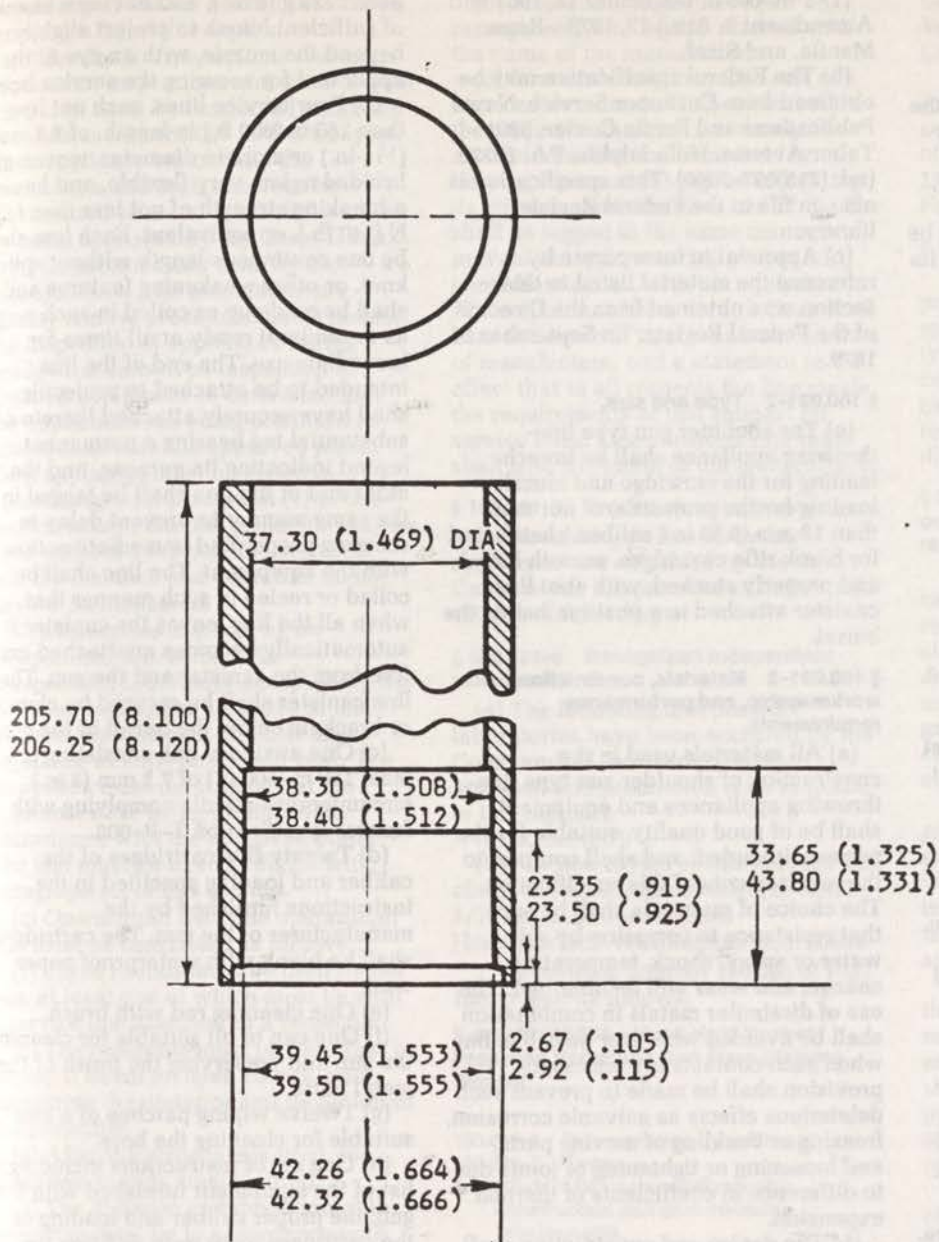
(c) *Operational test.* The operational test must be conducted as follows:

(1) Check the chamber and bore dimensions of the pistol.

(2) Fire a dummy cartridge simulating a normal signal in size and weight, but with a charge double the normal charge.

(3) Fire a normal signal.

BILLING CODE 4910-14-M



DIMENSIONS IN MILLIMETERS (INCHES)

Figure 160.028-2(a). Signal Pistol - Chamber and Bore Dimensions.

(4) Recheck the chamber and bore dimensions.

(5) The pistol must fire the signal properly, must not have any visible deformation or damage as a result of the test, and must not have any change in the chamber and bore dimensions.

§ 160.028-5 Marking.

(a) *General.* Each signal pistol shall be permanently and legibly marked with its serial number, Coast Guard approval number, and the name and address of the manufacturer.

§ 160.028-6 Container.

(a) *General.* Containers for the stowage of signal pistols and pistol projected parachute red flare distress signals in lifeboats and life rafts on merchant vessels are not required to have specific approval or to be of specific design except for certain material, marking, and test requirements, which requirements are contained in § 160.024-6 of Subpart 160.024.

§ 160.028-7 Procedure for approval.

(a) Signals are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.028-9 Recognized independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

6. By revising Subpart 160.031 of Part 160 to read as follows:

Subpart 160.031—Line-Throwing Appliance, Shoulder Gun Type (and Equipment)

Sec.

160.031-1 Incorporation by reference.

160.031-2 Type and size.

160.031-3 Materials, construction, workmanship, and performance requirements.

160.031-4 Equipment for shoulder gun type line-throwing appliance.

160.031-5 Approval and production tests.

160.031-6 Marking.

160.031-7 Procedure for approval.

160.031-9 Recognized independent laboratories.

Authority: 46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.031-1 Incorporation by reference.

(a) The following Federal specification is incorporated by reference into this subpart:

(1) T-R-605 b, December 13, 1963 and Amendment 3, April 17, 1973—Rope, Manila, and Sisal.

(b) The Federal specification may be obtained from Customer Service, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120 (tel: (215)697-2000). This specification is also on file in the Federal Register library.

(c) Approval to incorporate by reference the material listed in this section was obtained from the Director of the Federal Register on September 24, 1979.

§ 160.031-2 Type and size.

(a) The shoulder gun type line-throwing appliance shall be breech-loading for the cartridge and muzzle-loading for the projectile, of not more than 13 mm (0.50 in.) caliber, chambered for blank rifle cartridges, smooth bored, and properly stocked, with shot line canister attached in a position below the barrel.

§ 160.031-3 Materials, construction, workmanship, and performance requirements.

(a) All materials used in the construction of shoulder gun type line-throwing appliances and equipment shall be of good quality, suitable for the purpose intended, and shall conform to the requirements of this specification. The choice of materials shall be such that resistance to corrosion by salt water or spray, shock, temperature change, and wear will be obtained. The use of dissimilar metals in combination shall be avoided wherever possible, but when such contacts are necessary, provision shall be made to prevent such deleterious effects as galvanic corrosion, freezing or buckling of moving parts, and loosening or tightening of joints due to difference in coefficients of thermal expansion.

(b) The design and construction shall be proper and substantial for effective and safe operation aboard ship.

(c) The workmanship shall be first class and free from any imperfections of manufacture affecting appearance or serviceability of the gun.

(d) The gun, when loaded and fired in accordance with the manufacturer's instructions, shall be capable of propelling through relatively still air, the service projectile with service line attached, for a distance of not less than 75 m (250 ft.) with deviation from the target not to exceed 4.5 m (15 ft.) either side.

§ 160.031-4 Equipment for shoulder gun type line-throwing appliance.

(a) Ten service projectiles, each machined from steel or bronze, weighing

about 225 g (8 oz.), and having a shank of sufficient length to project slightly beyond the muzzle, with an eye at the upper end for securing the service line.

(b) Four service lines, each not less than 180 m (600 ft.) in length, of 1.5 mm ($\frac{1}{16}$ in.) or more in diameter, woven or braided nylon, very flexible, and having a breaking strength of not less than 625 N (140 lb.), or equivalent. Each line shall be one continuous length without splice, knot, or other weakening features and shall be made up or coiled in such way as to render it ready at all times for immediate use. The end of the line intended to be attached to projectile shall have securely attached thereto a substantial tag bearing a permanent legend indicating its purpose, and the other end of the line shall be tagged in the same manner to prevent delay in securing proper and immediate action with the equipment. The line shall be coiled or reeled in such manner that when all the line leaves the canister it automatically becomes unattached and free from the canister and the gun. The line canister shall be secured by clamps or brackets below the barrel of the gun.

(c) One auxiliary line consisting of at least 150 m (500 ft.) of 7.5 mm (3 in.) circumference manila complying with federal specification T-R-605.

(d) Twenty-five cartridges of the caliber and loading specified in the instructions furnished by the manufacturer of the gun. The cartridges shall be blank with waterproof paper wad.

(e) One cleaning rod with brush.

(f) One can of oil suitable for cleaning the gun and preserving the finish of the metal parts.

(g) Twelve wiping patches of a size suitable for cleaning the bore.

(h) One set of instructions including a list of the equipment furnished with the gun, the proper caliber and loading of the cartridges to be used in firing the gun, information as to the proper maintenance of the gun and equipment, and directions for loading and firing in service use shall be permanently engraved in plastic and mounted conspicuously in the case or box required by § 160.031-4(i).

(i) A suitable case or box, properly compartmented for stowage of the appliance and auxiliary equipment, is required for stowage on merchant vessels. The auxiliary line need not be stowed in the case.

§ 160.031-5 Approval and production tests.

(a) *Approval test.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must test an appliance in

accordance with the operational test in paragraph (c) of this section.

(b) *Production inspections and tests.* Production inspections and tests of each appliance must be conducted under the procedures in § 159.007 of this Chapter. Each appliance which fails the inspections and tests must not be represented as meeting this Subpart or as being approved by the Coast Guard.

(1) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include the inspection of appliances during production as well as inspection of finished appliances to determine that the appliances are being produced in accordance with the approved plans. Each appliance must be tested in accordance with paragraph (c) of this section except that the projectile may be fired without a service line attached, and the distance and deviation do not have to be measured.

(2) *Inspections and test by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must inspect and test one appliance at least once each year. The inspection must determine that the appliances are being produced in accordance with the approved plans. The test must be in accordance with paragraph (c) of this section.

(c) *Operational test.* The operational test must be conducted as follows:

(1) Three rounds must be fired by the gun, at least one of which must be with a service line attached to a projectile.

(2) The projectile must be fired first by aiming it down an open course, and measuring the distance and deviation of the projectile.

(3) After the projectile is fired, the other two rounds must be fired.

(4) The distance and deviation of the projectile must be in accordance with § 160.031-3(d) the gun must fire each round properly and the gun must not be fractured or damaged by the test.

§ 160.031-6 Marking.

(a) *Gun.* The gun shall be permanently and legibly marked on the barrel with the manufacturer's model or type designation of the gun, the serial number for the gun, the official Coast Guard approval number, and the name of the manufacturer. The gun stock shall have recessed in it a brass or other corrosion-resistant plate showing legible maintenance instructions for the care of the gun and its parts to prevent corrosion. After the proof test, the gun barrel shall be marked with the letters "P.T." and the name or mark of the company.

(b) *Projectile.* Projectiles shall be permanently and legibly marked with the name of the manufacturer.

(c) *Line and container.* The end of a service line intended to be attached to the projectile shall have securely attached thereto a substantial tag bearing a permanent legend indicating its purpose, and the other end of the line shall be tagged in the same manner to prevent delay in securing proper and immediate action with the equipment. The container of new service lines shall bear the name of the manufacturer, date of manufacture, and a statement to the effect that in all respects the line meets the requirements of this subpart for service lines. Line canisters and reels shall bear the name of the manufacturer.

§ 160.031-7 Procedure for approval.

(a) Shoulder gun line throwing appliances are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.031-9 Recognized independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

7. By revising Subpart 160.036 of Part 160 to read as follows:

Subpart 160.036—Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals

Sec.

160.036-1 Incorporation by reference.

160.036-2 Type.

160.036-3 Materials, workmanship, construction and performance requirements.

160.036-4 Approval and production tests.

160.036-5 Marking.

160.036-6 Container.

160.036-7 Procedure for approval.

160.036-9 Recognized independent laboratories.

Authority: 46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.036-1 Incorporation by reference.

(a) The following is incorporated by reference into this subpart:

(1) "The Universal Color Language" and "The Color Names Dictionary" in *Color: Universal Language and Dictionary of Names*, National Bureau of Standards Special Publication 440, December 1976.

(b) NBS Special Publication 440 may be obtained by ordering from the Superintendent of Documents, U.S.

Government Printing Office, Washington, D.C. 20402 (Order by SD Catalog No. C13.10:440).

(c) Approval to incorporate by reference the material listed in this section was obtained from the director of the Federal Register on November 1, 1979. The material is on file in the Federal Register library.

§ 160.036-2 Type.

(a) Handheld rocket-propelled parachute red flare distress signals specified by this subpart shall be of one type which shall consist essentially of a completely self-contained device which can be fired from the hand to provide a rocket-propelled parachute red flare distress signal.

§ 160.036-3 Materials, workmanship, construction and performance requirements.

(a) *Materials.* The materials used in handheld rocket-propelled parachute red flare distress signals shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. In general, all exposed parts shall be corrosion-resistant or properly protected against corrosion.

(b) *Workmanship.* Handheld rocket-propelled parachute red flare distress signals shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability.

(c) *Construction.* The exterior case of the cartridge shall be made of a suitable metal and shall protect against the entrance of moisture. The construction shall be such that the parachute and pyrotechnic candle will be expelled at approximately the maximum altitude reached.

(d) *Performance.* Signals shall meet all of the inspection and test requirements contained in § 160.036-4.

§ 160.036-4 Approval and production tests.

(a) *Approval tests.* The manufacturer must produce a lot of at least 100 signals from which samples must be taken for testing for approval under § 160.036-7. The approval tests are the operational tests and technical tests in paragraphs (c) and (d) of this section. The approval tests must be conducted by an independent laboratory accepted by the Commandant under § 159.010 of this Chapter.

(b) *Production inspections and tests.* Production inspections and tests of each lot of signals produced must be conducted under the procedures in § 159.007 of this Chapter. Signals from a rejected lot must not be represented as

meeting this Subpart or as being approved by the Coast Guard. If the manufacturer identifies the cause of the rejection of a lot of signals, the signals in the lot may be reworked by the manufacturer to correct the problem. Samples from the rejected lot must be retested in order to be accepted. Records shall be kept of the reasons for rejection, the reworking performed on the rejected lot, and the results of the second test.

(1) *Lot size.* For the purposes of sampling the production of signals, a lot must consist of not more than 30,000 signals. Lots must be numbered serially by the manufacturer. A new lot must be started with:

- (i) any change in construction details,
- (ii) any changes in sources of raw materials, or
- (iii) the start of production on a new production line or on a previously discontinued production line.

(2) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include inspection of materials entering into construction of the signals and inspection of the finished signals, to determine that signals are being produced in accordance with the approved plans. Samples from each lot must be tested in accordance with the operational tests in paragraph (c) of this section.

(3) *Inspections and test by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must perform or supervise the inspections and tests under paragraph (b)(2) of this section at least 4 times a year, unless the number of lots produced in a year is less than four. The inspections and tests must occur at least once during each quarterly period, unless no lots are produced during this period. If less than four lots are produced, the laboratory must perform or supervise the inspection and testing of each lot. In addition, the laboratory must perform or supervise the technical tests in paragraph (d) of this section at least once for every ten lots of signals produced, except that the number of technical tests must be at least one but not more than four per year. If a lot of signals tested by the independent laboratory is rejected, the laboratory must perform or supervise the inspections and tests of the reworked lot and the next lot of signals produced. The tests of each reworked lot and the next lot produced must not be counted for the

purpose of meeting the requirement for the annual number of inspections and tests performed or supervised by the independent laboratory.

(c) *Operational tests.* Each lot of signals must be sampled and tested as follows:

(1) *Sampling procedure and accept/reject criteria.* A sample of signals must be selected at random from the lot. The size of the sample must be the individual sample size in Table 160.036-4(c)(1) corresponding to the lot size. Each signal in the sample is tested as prescribed in the test procedure in paragraph (c)(2) of this section. Each signal that has a defect listed in the table of defects (Table 160.036-4(c)(2)) is assigned a score (failure percent) in accordance with that table. In the case of multiple defects, only the score having the highest numerical value is assigned to that signal. If the sum of all the failure percents (cumulative failure percent) for the number of units in the sample is less than or equal to the accept criterion, the lot is accepted. If this sum is equal to or more than the reject criterion the lot is rejected. If the cumulative failure percent falls between the accept and reject criteria, another sample is selected from the production lot and the operational tests are repeated. The cumulative failure percent of each sample tested is added to that of the previous samples to obtain the cumulative failure percent for all the signals tested (cumulative sample size). Additional samples are tested and the tests repeated until either the accept or reject criterion for the cumulative sample size is met. If any signal in the sample explodes when fired or ignites in a way that could burn or otherwise injure the person firing it, the lot is rejected without further testing. (This procedure is diagrammed in figure 160.036-4(c)).

(2) *Test procedure.* Each sample signal (specimen) must be tested as follows:

(i) *Conditioning of test specimens—water resistance.* Immerse specimen horizontally with uppermost portion of the signal approximately 25 mm (1 in.) below the surface of the water for a period of 24 hours.

(ii) *Firing and operating characteristics.* Signals shall fire and operate satisfactorily when the manufacturer's directions are followed. The parachute and pyrotechnic candle shall be ejected at approximately the maximum altitude reached by the projectile case. The parachute shall open and properly suspend the

pyrotechnic candle without fouling. The pyrotechnic candle shall burn with uniform intensity and without damaging the parachute, shrouds, or leader line. (iii) *Altitude.* The altitude reached by a signal is considered to be the height at which the parachute and pyrotechnic candle are ejected from the projectile case, as determined by visual observation against an object of known height, such as a tower or balloon, or by triangulation from two or more points of observation, or by other method satisfactory to the Commandant. The altitude reached shall be not less than 150 m (500 ft.).

(iv) *Rate of descent.* The rate of descent of a signal is considered to be the calculated average rate obtained by dividing the altitude by the time of descent to the surface. The rate of descent shall not exceed 4.5 m (15 ft.) per second.

(v) *Burning time.* The burning time of the pyrotechnic candle shall be obtained by stop watch measurement from the time a distinct, sustained flame is emitted until it ceases. The burning time shall be not less than 30 seconds.

Table 160.036-4(c)(1).—Accept and reject criteria for operational test lots

Lot size	Individual sample size	Sample	Cumulative sample size	Accept ¹	Reject ¹
280 or less.....	8	First	8	(²)	400
		Second..	16	100	500
		Third.....	24	200	600
		Fourth.....	32	300	700
		Fifth.....	40	500	800
		Sixth.....	48	700	900
		Seventh..	56	950	951
281 to 500.....	13	First	13	0	400
		Second..	26	100	600
		Third.....	39	300	800
		Fourth.....	52	500	1,000
		Fifth.....	65	700	1,100
		Sixth.....	78	1,000	1,200
		Seventh..	91	1,350	1,351
501 to 1,200.....	20	First	20	0	500
		Second..	40	300	800
		Third.....	60	600	1,000
		Fourth.....	80	800	1,300
		Fifth.....	100	1,100	1,500
		Sixth.....	120	1,400	1,700
		Seventh..	140	1,850	1,851
1,201 to 3,200....	32	First	32	100	700
		Second..	64	400	1,000
		Third.....	96	800	1,300
		Fourth.....	128	1,200	1,700
		Fifth.....	160	1,700	2,000
		Sixth.....	192	2,100	2,300
		Seventh..	224	2,550	2,551
More than 3,201	50	First	50	200	900
		Second..	100	700	1,400
		Third.....	150	1,300	1,900
		Fourth.....	200	1,900	2,500
		Fifth.....	250	2,500	2,900
		Sixth.....	300	3,100	3,300
		Seventh..	350	3,750	3,751

¹ Cumulative failure percent.

² Lot may not be accepted. Next sample must be tested.

Table 160.036-4(c)(2)

Kind of defect	Percentage of failure
a. Failure to fire.....	100
b. Failure to eject projectile contents.....	100
c. Failure to ignite pyrotechnic candle.....	100
d. Failure of parachute to open completely.....	75
e. Complete carrying away or destruction of parachute.....	75
f. Altitude less than 70 pct of that required.....	100
g. Altitude less than 70 pct but less than 80 pct of that required.....	75
h. Altitude at least 80 pct but less than 90 pct of that required.....	50
i. Altitude at least 90 pct but less than 100 pct of that required.....	25
j. Average rate of descent greater than four times maximum permitted.....	100
k. Average rate of descent less than 4 but greater than 3 times maximum permitted.....	75
l. Average rate of descent less than 3 but greater than 2 times maximum permitted.....	50
m. Average rate of descent less than twice but greater than maximum permitted.....	25
n. Burning time less than 70 pct of that required.....	100
o. Burning time at least 70 pct but less than 80 pct of that required.....	75
p. Burning time at least 80 pct but less than 90 pct of that required.....	50
q. Burning time at least 90 pct but less than 100 pct of that required.....	25

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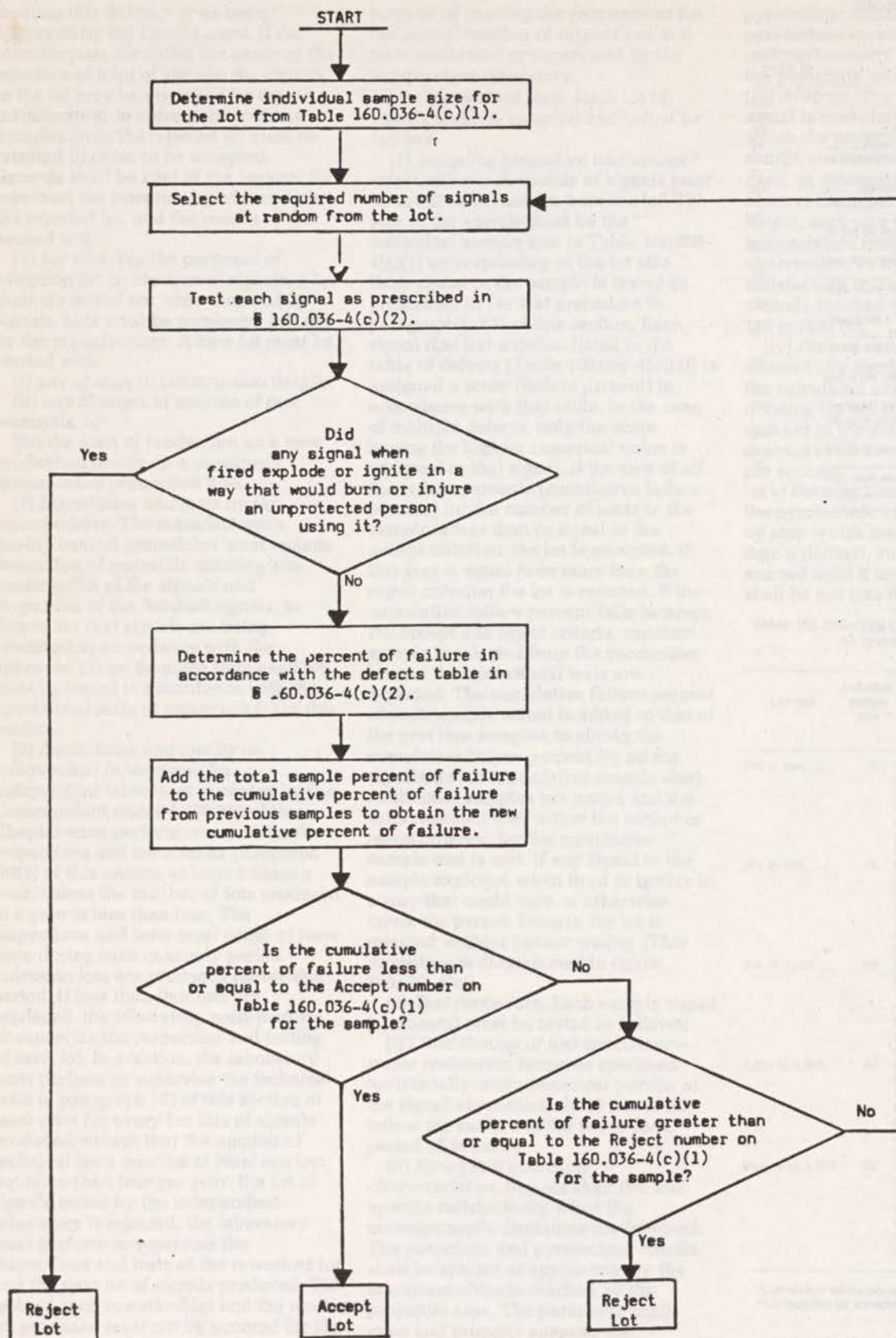


Figure 160.036-4(c). Operational test procedure.

(d) *Technical tests.* Three signals must be subjected to each of the following tests. Two of the three signals must pass each test in order for the lot of signals to be accepted.

(1) *Luminous intensity.* The luminous intensity of each pyrotechnic candle tested shall be measured by a visual photometer or equivalent photometric device while the specimen is supported in a horizontal position and the photometer is at right angles to the axis of the specimen. Visual luminous intensity readings shall be observed and recorded at approximately 5-second intervals during the burning of the specimen. The minimum photometric distance shall be 3 m (10 ft.). Recording photometers shall have a chart speed of at least 10 cm (4 in.) per minute. The luminous intensity of the specimen shall be computed as the arithmetical average of the readings recorded. The average luminous intensity of a specimen shall be not less than 20,000 candela.

(2) *Elevated temperature, humidity, and storage.* Place specimen in a thermostatically controlled even-temperature oven held at 75° C. with not less than 90 percent relative humidity for 72 hours. Remove specimen and store at room temperature (20° to 25° C.) with approximately 65 percent relative humidity for ten days. If for any reason it is not possible to operate the oven continuously for the 72-hour period, it may be operated at the required temperature and humidity for 8 hours out of each 24 during the 72-hour conditioning period. (Total of 24 hours on and 48 hours off.) The signal shall not ignite or decompose during this conditioning. The signal shall fire and operate satisfactorily following this conditioning.

(3) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75° C. with not more than 10% relative humidity for 48 consecutive hours. The signal shall not ignite or undergo marked decomposition.

(4) *Chromaticity.* The color of the burning signal must be vivid red as defined by Sections 13 and 14 of the "Color Names Dictionary." Two identical test plates of white cardboard about 30 cm x 60 cm (12" x 24") are used. Except for a negligible amount of stray daylight, the first test plate is illuminated by light from the specimen placed at a distance of about 1.5 m (5 ft.). The second test plate is illuminated only by light from an incandescent lamp operated at a color temperature close to 2,848° K at a distance of about 30 cm (1 ft.). The first plate is viewed directly, the second through combinations of Lovibond red, yellow, and blue glasses

selected so as to approximate a chromaticity match. By separating the test plates by a wide unilluminated area (subtending at the observer about 45°), it is possible to make accurate determinations of chromaticity in terms of the 1931 CIE Standard Observer and Coordinate System, in spite of fluctuations in luminous intensity of the specimen by factors as high as 2 or 3. The CIE coordinates are converted to the Munsell notation which is cross-referenced to the color name in Section 13 of the "Color Names Dictionary" (see the discussion in Section 10 of "The Universal Color Language").

§ 160.036-5 Marking.

(a) *General.* Each hand-held rocket-propelled parachute red flare distress signal shall be legibly marked or labeled as follows:

(Company brand or style designation)
Hand-Held Rocket-Propelled Parachute Red Flare Distress Signal—20,000 candela—30 seconds burning time. **Use Only When Aircraft or Vessel Is Sighted.** **Directions**—(In numbered paragraphs, simply worded instructions for firing the device). **Service Life Expiration Date** (date to be inserted by manufacturer) (Month and year manufactured) (Lot No. —) **Manufactured by** (Name and address of manufacturer) **U.S. Coast Guard Approval No.** —.

(b) *Marking of expiration date.* The expiration date must be not more than 42 months from the date of manufacture.

(c) *Other marking.*

(1) On each hand-held rocket propelled parachute red flare distress signal there shall be die-stamped in figures not less than 3 mm (1/8 in.) high, on the signal, numbers indicating the month and year of manufacture, thus: "6-54" indicating June, 1954.

(2) The pyrotechnic candle shall be legibly marked with the month and year of manufacture.

(3) In addition to any other marking place on the smallest packing carton or box containing signals, each carton or box shall be plainly and permanently marked to show the service life expiration date, date of manufacture, and lot number.

(4) The largest carton or box in which the manufacturer ships signals must be marked with the following or equivalent words: "Keep under cover in a dry place."

Note.—Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of 15 U.S.C. 1263, the Federal Hazardous Substances Act.

§ 160.036-6 Container.

(a) *General.* The container for storing the signals on lifeboats and liferafts is not required to be of a special design or be approved by the Coast Guard. The container must meet the requirements in Subpart 160.021 (§ 160.021-6) except that the wording on the container must be:

Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals

§ 160.036-7 Procedure for approval.

(a) Signals are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.036-9 Recognized independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

8. By revising Subpart 160.037 of Part 160 to read as follows:

Subpart 160.037—Hand Orange Smoke Distress Signals

Sec.

160.037-1 Incorporations by reference.

160.037-2 Type.

160.037-3 Materials, workmanship, construction, and performance requirements.

160.037-4 Approval and production tests.

160.037-5 Labeling and marking.

160.037-6 Container.

160.037-7 Procedure for approval.

160.037-9 Recognized independent laboratories.

Authority: 46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.037-1 Incorporations by reference.

(a) The following are incorporated by reference into this subpart:

(1) "The Color Names Dictionary" in *Color: Universal Language and Dictionary of Names*, National Bureau of Standards Special Publication 440, December 1976.

(2) "Development of a Laboratory Test for Evaluation of the Effectiveness of Smoke Signals," National Bureau of Standards Report 4792, July 1956.

(b) NBS Special Publication 440 may be obtained by ordering from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Order by SD Catalog No. C13.10:440).

(c) NBS Report 4792 may be obtained from the Commandant (G-MMT-3/TP12), U.S. Coast Guard Washington, D.C. 20593.

(d) Approval to incorporate by reference the materials listed in this section was obtained from the Director of the Federal Register on November 1 and 29, 1979. The materials are on file in the Federal Register library.

§ 160.037-2 Type.

(a) Hand orange smoke distress signals specified by this subpart shall be one type which shall consist essentially of a wooden handle to which is attached a tubular casing having a sealing plug at the handle end, the casing being filled with a smoke producing composition and fuse with button of ignition material at the top, and a removable cap having a friction striking material on its top which may be exposed for use by pulling a tear strip. The signal is ignited by scraping the friction striker on top of the cap against the igniter button on top of the body of the signal. Alternate arrangements which conform to the performance requirements of this specification will be given special consideration.

§ 160.037-3 Materials, workmanship, construction, and performance requirements.

(a) *Materials.* The materials shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. The color of the tube shall be orange. The combustible materials shall be of such nature as will not deteriorate during long storage, nor when subjected to frigid or tropical climates, or both.

(b) *Workmanship.* Hand orange smoke distress signals shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability. Moisture proof coatings shall be applied uniformly and shall be free from pinholes or other visible defects which would impair their usefulness.

(c) *Construction.* The casing shall be fitted and secured to the handle with not less than a 25 mm (1 in.) overlap and shall be attached to the handle in such a manner that failure of the joint will not occur during tests, ignition, or operation. The plug shall be securely affixed in the casing to separate the smoke composition from the wooden handle. The smoke composition shall be thoroughly mixed and be uniformly compressed throughout to preclude variations of density which may adversely affect uniformity of its smoke emitting characteristics. The cap shall have a lap fit of not less than 25 mm (1 in.) over the end of the casing and smoke composition to entirely and

securely protect the exposed surface of the igniter button and end of smoke composition and casing, and shall have an inner shoulder so constructed that it is mechanically impossible for the inner surface of the cap to come in contact with the igniter button. The cap shall be securely attached to the casing in such manner as to preclude its accidental detachment. The cap shall be provided on its top with a friction striking material which shall, by a pull of the tear strip, be entirely exposed for striking the friction igniter button. The igniter button shall be non-water soluble or be protected from moisture by a coating of some waterproof substance, and shall be raised or exposed in such manner as to provide positive ignition by the friction striker. The igniter button shall be firmly secured in or on the top of the smoke composition; the arrangement shall be such that the ignition will be transmitted to the smoke producing composition. The assembled signal, consisting of tear strip, cap, casing, and handle, shall be sealed and treated to protect the signal from deterioration by moisture. The protective waterproof coating shall be applied so none adheres to the friction striking surface. Special consideration will be given to alternate waterproofing of the signal by means of a water-resistant coating on the signal plus packaging in a sealed plastic waterproof bag satisfactory to the Commandant.

(d) *Performance.* Signals shall meet all the inspection and test requirements contained in § 160.037-4.

§ 160.037-4 Approval and production tests.

(a) *Approval tests.* The manufacturer must produce a lot of at least 100 signals from which samples must be taken for testing for approval under § 160.037-7. The approval tests are the operational tests and technical tests in paragraphs (c) and (d) of this section. The approval tests must be conducted by an independent laboratory accepted by the Commandant under § 159.010 of this Chapter.

(b) *Production inspections and tests.* Production inspections and tests of each lot of signals produced must be conducted under the procedures in § 159.007 of this Chapter. Signals from a rejected lot must not be represented as meeting this Subpart or as being approved by the Coast Guard. If the manufacturer identifies the cause of the rejection of a lot of signals, the signals in the lot may be reworked by the manufacturer to correct the problem. Samples from the rejected lot must be retested in order to be accepted. Records shall be kept of the reasons for

rejection, the reworking performed on the rejected lot, and the results of the second test.

(1) *Lot size.* For the purposes of sampling the production of signals, a lot must consist of not more than 30,000 signals. Lots must be numbered serially by the manufacturer. A new lot must be started with:

(i) any change in construction details,
(ii) any change in sources of raw materials, or

(iii) the start of production on a new production line or on a previously discontinued production line.

(2) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include inspection of materials entering into construction of the signals and inspection of the finished signals, to determine that signals are being produced in accordance with the approved plans. Samples from each lot must be tested in accordance with the operational tests in paragraph (c) of this section.

(3) *Inspections and tests by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must perform or supervise the inspections and tests under paragraph (b)(2) of this section at least 4 times a year, unless the number of lots produced in a year is less than four. The inspections and tests must occur at least once during each quarterly period, unless no lots are produced during this period. If less than four lots are produced, the laboratory must perform or supervise the inspection and testing of each lot. In addition, the laboratory must perform or supervise the technical tests in paragraph (d) of this section at least once for every ten lots of signals produced, except that the number of technical tests must be at least one but not more than four per year. If a lot of signals tested by the independent laboratory is rejected, the laboratory must perform or supervise the inspections and tests of the reworked lot and the next lot of signals produced. The tests of each reworked lot and the next lot produced must not be counted for the purpose of meeting the requirement for the annual number of inspections and tests performed or supervised by the independent laboratory.

(c) *Operational tests.* Each lot of signals must be sampled and tested as follows:

(1) *Sampling procedure and accept/reject criteria.* A sample of signals must be selected at random from the lot. The size of the sample must be the individual sample size in Table 160.037-4(c)(1) corresponding to the lot size.

Each signal in the sample is tested as prescribed in the test procedure in paragraph (c)(2) of this section. Each signal that has a defect listed in the table of defeats (Table 160.037-4(c)(2)) is assigned a score (failure percent) in accordance with that table. In the case of multiple defects, only the score having the highest numerical value is assigned to that signal. If the sum of all the failure percents (cumulative failure percent) for the number of units in the sample is less than or equal to the accept criterion, the lot is accepted. If the sum is equal to or more than the reject criterion the lot is rejected. If the cumulative failure percent falls between the accept and reject criteria, another sample is selected from the production lot and the operational tests are repeated. The cumulative failure percent of each sample tested is added to that of the previous samples to obtain the cumulative failure percent for all the signals tested (cumulative sample size). Additional samples are tested and the tests repeated until either the accept or reject criterion for the cumulative sample size is met. If any signal in the sample explodes when fired, or ignites in a way that could burn or otherwise injure the person firing it, the lot is rejected without further testing. (This procedure is diagrammed in figure 160.037-4(c)).

(2) *Test procedure.* Each sample signal (specimen) must be tested as follows:

(i) *Conditioning of test specimens—water resistance.* Immerse specimen horizontally with uppermost portion of the signal approximately 25 mm (1 in.) below the surface of the water for a period of 24 hours. If the signal is protected by alternate waterproofing consisting of a water-resistant coating on the signal plus packaging in a sealed plastic waterproof bag, the 24-hour water immersion conditioning will be conducted while the signal is in the sealed plastic waterproof bag and will be followed by an additional immersion of the bare signal (i.e., after removal from the bag) 25 mm (1 in.) below the surface of the water for a period of 10 minutes.

(ii) *Waterproofing of igniter button.* Remove the cap from the test specimen. Place head of specimen without cap about 25 mm (1 in.) under the surface of water for approximately 5 minutes. Remove specimen from the water and wipe dry.

(iii) *Smoke emitting time.* Ignite specimen according to directions printed on the signal. The smoke emitting time of a specimen shall be obtained by stop watch measurements from the time of distinct, sustained smoke emission until it ceases. The watch shall be stopped

during periods of flame emission. The smoke emitting time for a specimen shall be not less than 50 seconds.

(iv) *Ignition and smoke emitting characteristics.* Test specimens shall ignite and emit smoke properly when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. The plug separating the smoke producing composition from the handle shall in no case allow flame or hot gases to pass through it or between it and the casing in such manner as might burn the hand while holding the signal by the handle.

Table 160.037-4(c)(1).—Accept and reject criteria for operational test lots

Lot size	Individual sample size	Sample size	Cumulative sample size	Accept ¹	Reject ¹
280 or less.....	8	First	8	(²)	400
		Second..	16	100	500
		Third	24	200	600
		Fourth....	32	300	700
		Fifth	40	500	800
		Sixth	48	700	900
		Seventh..	56	950	951
281 to 500	13	First	13	0	400
		Second..	26	100	600
		Third	39	300	800
		Fourth....	52	500	1,000
		Fifth	65	700	1,100
		Sixth	78	1,000	1,200
		Seventh..	91	1,350	1,351
501 to 1,200	20	First	20	0	500
		Second..	40	300	800
		Third	60	600	1,000
		Fourth....	80	800	1,300
		Fifth	100	1,100	1,500
		Sixth	120	1,400	1,700
		Seventh..	140	1,850	1,851
1,201 to 3,200	32	First	32	100	700
		Second..	64	400	1,000
		Third	96	800	1,300
		Fourth....	128	1,200	1,700
		Fifth	160	1,700	2,000
		Sixth	192	2,100	2,300
		Seventh..	224	2,550	2,551
More than 3,201	50	First	50	200	900
		Second..	100	700	1,400
		Third	150	1,300	1,900
		Fourth....	200	1,900	2,500
		Fifth	250	2,500	2,900
		Sixth	300	3,100	3,300
		Seventh..	350	3,750	3,751

¹ Cumulative failure percent.

² Lot may not be accepted. Next sample must be tested.

Table 160.037-4(c)(2)

Kind of defects	Percentage of failure
a. Failure to ignite.....	100
b. Ignites or burns dangerously.....	50
c. Non-uniform smoke-emitting rate	50
d. Smoke-emitting time less than 70 pct of specified time.....	100
e. Smoke-emitting time at least 70 pct but less than 80 pct of specified time.....	75
f. Smoke-emitting time at least 80 pct but less than 90 pct of specified time.....	50
g. Smoke-emitting time at least 90 pct but less than 100 pct of specified time.....	25

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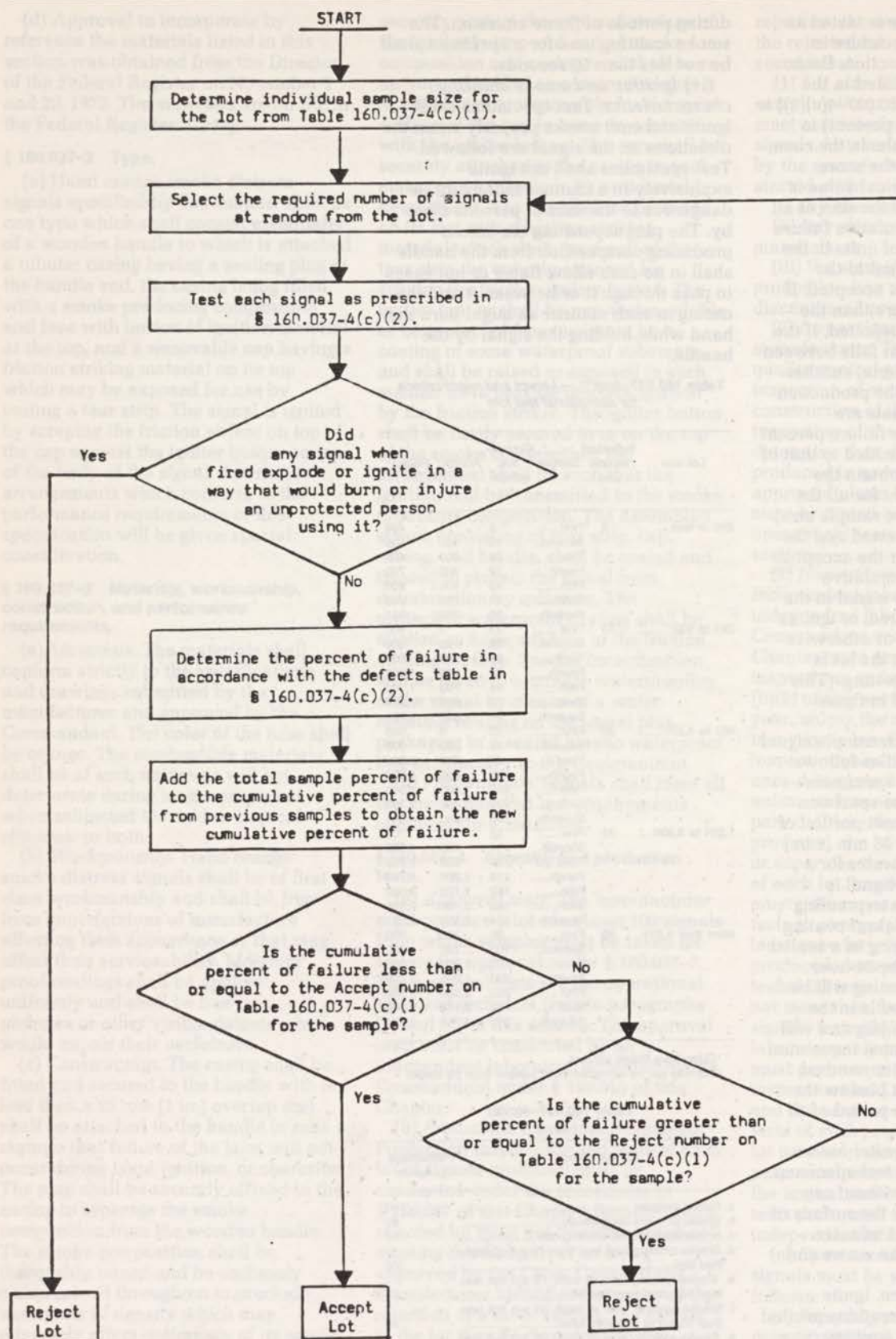


Figure 160.037-4(c). Operational test procedure.

(d) *Technical tests.* Three signals must be subjected to each of the following tests. Two of the three signals must pass each test in order for the lot of signals to be accepted.

(1) *Underwater smoke emission.* Condition each sample in accordance with paragraph (c)(2)(i) of this section. Ignite specimen and let it burn about 15 seconds in air. Submerge the burning signal in water in a vertical position with head down. Obtain underwater smoke emission time by stop watch measurements from time of submersion until smoke emission ceases. The test specimen shall burn underwater not less than 10 seconds when subjected to this test.

(2) *Bending strength.* Place the specimen on supports 15 cm (6 in.) apart. Attach a weight of 35 kg (77 lb.) to a length of wire. Hang the weight from the supported signal by looping the wire around the signal approximately equidistant from the two points of support. Let the weight hang approximately 5 minutes. The test specimen shall not deflect more than 7 mm (¼ in.), nor shall the joint between the casing and the handle fail when subjected to this test.

(3) *Tensile strength.* Place the specimen in a chuck firmly holding it about 13 mm (½ in.) below the cap. Attach a weight of 35 kg (77 lb.) to a length of wire. Hang the weight from the supported signal by looping the wire through a hole bored perpendicular to and through the axis of the handle. Let the weight hang approximately 5 minutes. The test specimen shall not show noticeable distortion, nor shall the joint between the casing and handle fail, when subjected to this test.

(4) *Elevated temperature, humidity and storage.* Place specimen in a thermostatically controlled even-temperature oven held at 75°C. with not less than 90 percent relative humidity for 72 hours. Remove specimen and store at room temperature (20° to 25°C.) with approximately 65 percent relative humidity for 10 days. If for any reason it is not possible to operate the oven continuously for the 72-hour period, it may be operated at the required temperature and humidity for 8 hours out of each 24 during the 72-hour conditioning period. (Total of 24 hours on and 48 hours off.) The signal shall not ignite or decompose during this conditioning. The signal shall ignite and operate satisfactorily following this conditioning.

(5) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75°C. with not more than 10% relative

humidity for 48 consecutive hours. The signal shall not ignite or undergo marked decomposition.

(6) *Susceptibility to explosion.* Remove smoke composition from signal and punch a small hole in the composition. Insert a No. 6 commercial blasting cap. Ignite the cap. The test specimen shall not explode or ignite.

(7) *Color of smoke.* Ignite specimen in the open air in daytime according to the directions printed on the signal, and determine the smoke color by direct visual comparison of the unshadowed portions of the smoke with a color chart held so as to receive the same daylight illumination as the unshadowed portions of the smoke. The color of the smoke must be orange as defined by Sections 13 and 14 of the "Color Names Dictionary" (colors 34-39 and 48-54).

(8) *Volume and density of smoke.* The test specimen shall show less than 70 percent transmission for not less than 30 seconds when measured with apparatus having a light path of 19 cm (7½ in.), an optical system aperture of +3.7 degrees, and an entrance air flow of 18.4m³ per minute (650 cu. ft. per minute), such apparatus to be as described in National Bureau of Standards Report No. 4792.

§ 160.037-5 Labeling and marking.

(a) *Labeling.* Each hand orange smoke distress signal shall bear a label securely affixed thereto, showing in clear, indelible black lettering on an orange background, the following wording and information:

(Company brand or style designation)

Hand Orange Smoke Distress Signal

For daytime use—50 seconds burning time

Use Only When Aircraft or Vessel is Sighted

Directions—Pull tape over top of cap. Remove cap and ignite flare by rubbing scratch surface on top of cap sharply across igniter button on head of signal.

Caution—Stand with back to wind and point away from body when igniting or signal is burning.

Service Life Expiration Date (Month and year to be inserted by manufacturer) (Month and year manufactured) (Lot No. —). Manufactured by (Name and address of manufacturer). U.S. Coast Guard Approval No. —.

(b) *Marking of expiration date.* The expiration date must not be more than 42 months from the date of manufacture.

(c) *Other marking.* (1) There shall be die-stamped, in the side of the wooden handle in figures not less than 3 mm (⅛ in.) high, numbers indicating the

month and year of manufacture, thus: "6-54" indicating June, 1954.

(2) In addition to any other marking place on the smallest packing carton or box containing hand orange smoke distress signals such cartons or boxes shall be plainly and permanently marked to show the service life expiration date, date of manufacture, and lot number.

(3) The largest carton or box in which the manufacturer ships signals must be marked with the following or equivalent words: "Keep under cover in a dry place."

Note.—Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of 15 U.S.C. 1263, the Federal Hazardous Substances Act.

§ 160.037-6 Container.

(a) *General.* The container for storing the signals on lifeboats and liferafts is not required to be of a special design or be approved by the Coast Guard. The container must meet the requirements in Subpart 160.021 (§ 160.021-6) except that the wording on the container must be: "Hand Orange Smoke Distress Signals."

§ 160.037-7 Procedure for approval.

(a) Signals are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.037-9 Recognized independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

9. By revising Subpart 160.040 of Part 160 to read as follows:

Subpart 160.040—Line-Throwing Appliance, Impluse-Projected Rocket Type (and Equipment)

Sec.

160.040-1 Incorporations by reference.

160.040-2 Type and size.

160.040-3 Materials, construction, workmanship, and performance requirements.

160.040-4 Equipment for impulse projected rocket type line-throwing appliance.

160.040-5 Approval and production tests.

160.040-6 Marking and labeling.

160.040-7 Procedure for approval.

160.040-9 Recognized independent laboratories.

Authority: 46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.040-1 Incorporations by reference.

(a) The following military specifications are incorporated by reference into this subpart:

(1) MIL-R-23139 B, 16 August 1965—Rocket Motors, Surface Launched, Development and Qualification Requirements for.

(2) MIL-R-45505 A, 2 April 1971—Line Throwing Apparatuses, Rocket and Projectile Units.

(b) The military specifications may be obtained from Customer Service, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120 (tel: (215) 697-2000). These specifications are also on file in the Federal Register library.

(c) Approval to incorporate by reference the materials listed in this section was obtained from the Director of the Federal Register on September 24, 1979.

§ 160.040-2 Type and size.

(a) Impulse-projected rocket type line-throwing appliances required by this subpart shall be of a type consisting essentially of a pistol or launcher, which can be hand held and hand directed, or suitably supported and hand directed.

(b) Impulse-projected rocket type line-throwing appliances shall weigh (complete with one rocket, bridle, and leader) not to exceed 16 kg (35 lb.) and shall be of a size easily manageable by one person.

(c) Alternate arrangements which meet the performance requirements of this subpart will be given special consideration. Line-throwing appliances meeting the requirements of MIL-L-45505 Type I will be considered as meeting the requirements of this subpart subject to approval of the Commandant.

§ 160.040-3 Materials, construction, workmanship, and performance requirements.

(a) *Materials.* All materials used in the construction of impulse-projected rocket type line-throwing appliances and equipment shall be of good quality suitable for the purpose intended, and shall conform to this subpart and to the specifications submitted by the manufacturer and approved by the Commandant. The choice of materials, when there is no specific requirement, shall be such that maximum safety to operating personnel will be maintained, and that resistance to corrosion by salt water or spray, shock, temperature change, and wear will be obtained. The use of dissimilar materials in combination shall be avoided wherever possible, but when such contacts are necessary, provision shall be made to prevent such deleterious effects as

galvanic corrosion, freezing or buckling of moving parts, and loosening or tightening of joints due to differences in coefficients of thermal expansion.

(b) *Construction.* The design and construction shall be such as to obtain effective and safe operation aboard vessels at sea.

(c) *Workmanship.* Impulse-projected rocket type line-throwing appliances shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability.

(d) *Performance.* When the rocket is fired from the appliance in accordance with the manufacturer's instructions, it shall be capable of passing the tests specified by § 160.040-5(c).

§ 160.040-4 Equipment for impulse-projected rocket type line-throwing appliance.

(a) Four rocket projectiles, each complete with bridle and leader of fire-resistant materials. Two of the projectiles shall be of the buoyant type.

(b) Not less than 4 primer-ejector cartridges which fit the chamber of the pistol, gun, or launcher.

(c) Four service lines, each 4 mm ($\frac{5}{32}$ in.) minimum diameter with a minimum breaking strength of at least 2,250 N (500 lb.), and in one continual length not less than that specified in the approval of the appliance carried, without splice, knot, or other retarding or weakening features. The length of each service line will be assigned in the approval of the appliance as a round number approximately one-third in excess of the average distance the line is carried in the tests required by § 160.040-7(c). The line shall be of either natural or synthetic fibers suitable for marine usage. The end of the line intended to be attached to the projectile shall have securely attached thereto a substantial tag bearing a permanent legend indicating its purpose, and the other end of the line shall be tagged in the same manner to prevent delay in securing proper and immediate action with the equipment. Each line shall be coiled, faked, or reeled in its own faking box or reel in such manner that when all the line leaves the container, it shall automatically become unattached and free from the container. The faking box or reel shall be big enough for the line. The reel type container shall consist of a reel upon which the line may be readily coiled and a canister or container into which the line may be placed that affords a fair lead through which the line may pay out. The reel must be so designed as to permit easy withdrawal after the line has been coiled. Containers of new lines shall bear the

name of the manufacturer, date of manufacture, and a statement to the effect that in all respects the line meets the requirements of this specification.

(d) (Reserved).

(e) One cleaning rod with wire brush of non-ferrous metal, prongs arranged in a spiral of sufficient rigidity and size to clean the bore.

(f) One can of oil suitable for cleaning and preserving the appliance.

(g) Twelve flannel wiping patches of sufficient size to cover the brush and suitable for wiping the bore clean.

(h) One set of instructions including a list of the equipment furnished with the appliance, information as to the proper maintenance of the appliance and equipment, and directions for loading and firing the appliance in service use shall be permanently engraved in plastic and mounted conspicuously in the case or box required by paragraph (i) of this section.

(i) A suitable case or box, properly compartmented for stowage of the appliance and auxiliary equipment, is required for stowage on merchant vessels. The service line and auxiliary line need not be stowed in the case.

§ 160.040-5 Approval and production tests.

(a) *Approval tests.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must perform or supervise the performance tests in paragraph (c) of this section.

(b) *Production inspections and tests.* Production inspections and tests must be conducted under the procedures in § 159.007 of this Chapter. Each appliance or lot of rockets which fails the inspections and tests must not be represented as meeting this Subpart or as being approved by the Coast Guard.

(1) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include the inspection of appliances during production as well as inspection of finished appliances, to determine that the appliances are being produced in accordance with the approved plans. The performance tests in paragraph (c) of this section must be performed by the manufacturer.

(2) *Inspections and tests by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must inspect and test appliances and rockets at least once each year. The inspection must determine that the appliances and rockets are being produced in accordance with the appropriate plans.

The tests must be in accordance with paragraph (c) of this section.

(c) *Performance tests.*—(1)

Appliances. Each appliance shall be tested by firing three rounds. These rounds may be regular rockets or buoyant type rockets carrying regular service lines, as provided in subparagraph (2) of this paragraph or may be dummy projectiles, of the same size and weight as the regular rocket projectile, expelled into an earthen bank or other resisting medium from a reasonable distance. At least one of the rounds shall be fired using a primer-ejector cartridge loaded with a charge double the normal charge; the other rounds may be fired using regular primer-ejector cartridges. After the firing tests have been completed, each appliance shall be fired twice using the regular primer-ejector cartridges only, for the purposes of demonstrating that the appliance is still in operating condition. The entire assembly of the appliance shall then be examined. Results of the test firing and the physical examination shall show none of the following: Failure to eject cartridge, failure to close breech, trigger malfunction, safety lock failure to function, breech catch malfunction, broken spring, broken handgrips, cracked barrel or discharge chamber, firing pin or plunger broken, distorted or excessively worn or loose breech. A single misfire is acceptable if a second cartridge fires on repeated test. Misfire of both shall be cause for rejection of the appliance. More than one loose screw shall be cause for rejection. If an appliance exhibits a single loose screw, it may be retightened.

(2) *Rockets.* The rocket shall utilize a solid fuel propellant which shall function in accordance with all applicable requirements of MIL-R-23139. The use of black powder for the rocket motor is not acceptable. The ignition of the rocket motor shall occur at such a distance from the appliance so as not to spew flame, hot gaseous exhaust, or hot particles of propellant in such a manner as to create a hazard to personnel or the vessel. The rocket shall have a service line carrier assembly permanently attached and made of material, or suitably protected, to withstand the heat from the rocket motor's exhaust. From each 200 rockets manufactured, not less than three must be selected to be tested by firing with service line attached. The rockets selected will, over a period of time, include representative samples of both the regular and buoyant type rockets, except that the approval test must include both types. The line shall be

carried, under conditions of reasonably still atmosphere, a minimum of 230 m (750 ft.), without breaking or fouling the line, and the rocket shall alight not more than 15 m (50 ft.) from either side of the target line. In no case shall a test rocket be fired without a line attached. After a buoyant type rocket is fired, it shall demonstrate its ability to float in water for not less than 2 hours. Failure to meet any of the test requirements, nose cone cracks, rupture in flight, erratic flight, or unusual burning rate, shall be cause for rejection of rockets produced until suitable correction has been made. If rockets selected from this lot are used for the tests required in paragraph (c)(1) of this section this may be accepted as meeting the requirements of this paragraph.

(3) *Primer-ejector cartridges.*

Inasmuch as primer-ejector cartridges are used for the tests required by subparagraphs (1) and (2) of this paragraph, additional tests of primer-ejector cartridges will be made only when deemed advisable by the independent laboratory. Misfiring or failure of any kind shall be cause for rejection of cartridges produced until suitable correction has been made.

§ 160.040-6 *Marking and labeling.*

(a) The appliance shall be permanently and legibly marked by die-stamping or raised letters with the model designation of the appliance, the manufacturer's serial number for the appliance, the official Coast Guard approval number, and the name of the manufacturer. The rocket-projectiles shall be legibly marked with the name of the manufacturer, the model designation, the official Coast Guard approval number, and month and year manufactured. Primer-ejector cartridges shall be permanently and legibly marked with the name of the manufacturer, and the model designation, the official Coast Guard approval number, and the month and year manufactured.

(b) The containers of new service lines shall bear the name of the manufacturer, date of manufacture, and a statement to the effect that in all respects the line meets the requirements of this subpart for service lines. Line faking boxes and reels shall bear the name of the manufacturer.

Note.—Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of 15 USC 1263, the Federal Hazardous Substances Act.

§ 160.040-7 *Procedure for approval.*

(a) Rocket type line-throwing appliances are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.040-9 *Recognized independent laboratories.*

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

10. By revising Subpart 160.057 of Part 160 to read as follows:

Subpart 160.057—Floating Orange Smoke Distress Signals (15 Minutes)

Sec.

160.057-1 Incorporations by reference.

160.057-2 Type.

160.057-3 Materials, workmanship, construction, and performance requirements.

160.057-4 Approval and production tests.

160.057-5 Marking.

160.057-7 Procedure for approval.

160.057-9 Recognized independent laboratories.

Authority: 46 U.S.C. 481, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b).

§ 160.057-1 *Incorporations by reference.*

(a) The following are incorporated by reference into this subpart:

(1) "The Color Names Dictionary" in *Color: Universal Language and Dictionary of Names*, National Bureau of Standards Special Publication 440, December 1976.

(2) "Development of a Laboratory Test for Evaluation of the Effectiveness of Smoke Signals," National Bureau of Standards Report 4792, July 1956.

(b) NBS Special Publication 440 may be obtained by ordering from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Order by SD Catalog No. C13.10:440).

(c) NBS Report 4792 may be obtained from the Commandant (G-MMT-3/TP12), U.S. Coast Guard, Washington, D.C. 20593.

(d) Approval to incorporate by reference the materials listed in this section was obtained from the Director of the **Federal Register** on November 1 and 29, 1979. The materials are on file in the **Federal Register** library.

§ 160.057-2 *Type*

(a) Floating orange, smoke distress signals specified by this subpart shall be of one type which shall consist essentially of an outer container, ballast,

an air chamber, an inner container, the smoke producing composition, and an igniter mechanism. Alternate arrangements which conform to the performance requirements of this specification will be given special consideration.

§ 160.057-3 Materials, workmanship, construction, and performance requirements.

(a) *Materials.* The materials shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. Metal for containers shall be not less than 0.5 mm (0.020 in.) in thickness. Other dimensions or materials may be considered upon special request when presented with supporting data. Igniter systems shall be of corrosion-resistant metal. The combustible material shall be of such nature that it will not deteriorate during long storage, nor when subjected to frigid or tropical climates, or both.

(b) *Workmanship.* Floating orange smoke distress signals shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability.

(c) *Construction.* The outer container shall be cylindrical and of a size suitable for intended use. All sheet metal seams should be hook jointed and soldered. The whole container shall be covered with two coats of waterproof paint or other equivalent protection system. The igniter mechanism shall operate and provide ignition of the signal automatically when the ring life buoy to which it is attached is thrown overboard.

(d) *Performance.* Signals shall meet all the inspection and test requirements contained in § 160.057-4.

§ 160.057-4 Approval and production tests.

(a) *Approval tests.* The manufacturer must produce a lot of at least 20 signals from which samples must be taken for testing for approval under § 160.057-7. The approval tests are the operational tests and technical tests in paragraphs (c) and (d) of this section. The approval tests must be conducted by an independent laboratory accepted by the Commandant under § 159.010 of this Chapter.

(b) *Production inspections and tests.* Production inspections and tests of each lot of signals produced must be conducted under the procedures in § 159.007 of this Chapter. Signals from a rejected lot must not be represented as meeting this Subpart or as being approved by the Coast Guard. If the

manufacturer identifies the cause of the rejection of a lot of signals, the signals in the lot may be reworked by the manufacturer to correct the problem. Samples from the rejected lot must be retested in order to be accepted. Records shall be kept of the reasons for rejection, the reworking performed on the rejected lot, and the results of the second test.

(1) *Lot size.* For the purposes of sampling the production of signals, a lot must consist of not more than 1,200 signals. Lots must be numbered serially by the manufacturer. A new lot must be started with: (i) any change in construction details, (ii) any change in sources of raw materials, or (iii) the start of production on a new production line or on a previously discontinued production line.

(2) *Inspections and tests by the manufacturer.* The manufacturer's quality control procedures must include inspection of materials entering into construction of the signals and inspection of the finished signals, to determine that signals are being produced in accordance with the approved plans. Samples from each lot must be tested in accordance with the operational tests in paragraph (c) of this section.

(3) *Inspections and tests by an independent laboratory.* An independent laboratory accepted by the Commandant under § 159.010 of this Chapter must perform or supervise the inspections and tests under paragraph (b)(2) of this section at least 4 times a year, unless the number of lots produced in a year is less than four. The inspections and tests must occur at least once during each quarterly period, unless no lots are produced during that period. If less than four lots are produced, the laboratory must perform or supervise the inspection and testing of each lot. In addition, the laboratory must perform or supervise the technical tests in paragraph (d) of this section at least once for every ten lots of signals produced, except that the number of technical tests must be at least one but not more than four per year. If a lot of signals tested by the independent laboratory is rejected, the laboratory must perform or supervise the inspections and tests of the reworked lot and the next lot of signals produced. The tests of each reworked lot and the next lot produced must not be counted for the purpose of meeting the requirement for the annual number of inspections and tests performed or supervised by the independent laboratory.

(c) *Operational tests.* Each lot of signals must be sampled and tested as follows:

(1) *Sampling procedure and accept/reject criteria.* A sample of signals must be selected at random from the lot. The size of the sample must be the individual sample size in Table 160.057-4(c)(1) corresponding to the lot size. Each signal in the sample is tested as prescribed in the test procedure in paragraph (c)(2) of this section. Each signal that has a defect listed in the table of defects (Table 160.057-4(c)(2)) is assigned a score (failure percent) in accordance with that table. In the case of multiple defects, only the score having the highest numerical value is assigned to that signal. If the sum of all the failure percents (cumulative failure percent) for the number of units in the sample is less than or equal to the accept criterion, the lot is accepted. If this sum is equal to or more than the reject criterion the lot is rejected.

If the cumulative failure percent falls between the accept and reject criteria, another sample is selected from the production lot and the operational tests are repeated. The cumulative failure percent of each sample tested is added to that of the previous samples to obtain the cumulative failure percent for all the signals tested (cumulative sample size). Additional samples are tested and the tests repeated until either the accept or reject criterion for the cumulative sample size is met. If any signal in the sample explodes when fired, or ignites in a way that could burn or otherwise injure the person firing it, the lot is rejected without further testing. (This procedure is diagrammed in figure 160.057-4(c)).

(2) *Test procedure.* Each sample signal (specimen) must be tested as follows:

(i) *Conditioning of test specimens—water resistance.* Immerse specimen horizontally with uppermost portion of the signal approximately 25 mm (1 in.) below the surface of the water for a period of 24 hours.

(ii) *Smoke emitting time.* Ignite specimen according to the directions printed on the signal and place signal in tub or barrel of water. The smoke emitting time of a specimen shall be obtained by stop watch measurements from the time of distinct, sustained smoke emission until it ceases. There shall be no flame emission during the entire smoke emitting time of the signal. The smoke emitting time for a specimen shall not be less than 15 minutes. When the tests are performed or supervised by an independent laboratory, this test shall be conducted with approximately 6 mm (¼ in.) of gasoline covering the water in the tub or barrel. The gasoline vapors shall not ignite during the entire smoke emitting time of the signal.

(iii) *Ignition and smoke emitting characteristics.* Test specimens shall ignite and emit smoke properly when the directions on the signal are followed. Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. Test specimens shall emit smoke at a uniform rate while floating in calm to rough water. Signals should be so constructed that water submerging the signal in moderately heavy seas will not cause it to become inoperable.

Table 160.057-4(c)(1).—Accept and reject criteria for operational test lots.

Lot size	Individual sample size	Sample size	Cumulative sample size	Accept ¹	Reject ¹
150 or less.....	2	First.....	2	(?)	200
		Second.....	4	(?)	200
		Third.....	6	0	200
		Fourth.....	8	0	300
		Fifth.....	10	100	300
		Sixth.....	12	100	300
		Seventh.....	14	299	300
151 to 500.....	3	First.....	3	(?)	200
		Second.....	6	0	300
		Third.....	9	0	300
		Fourth.....	12	100	400
		Fifth.....	15	200	400
		Sixth.....	18	300	500
		Seventh.....	21	499	500
more than 501....	5	First.....	5	(?)	300
		Second.....	10	0	300
		Third.....	15	100	400
		Fourth.....	20	200	500
		Fifth.....	25	300	600
		Sixth.....	30	400	600
		Seventh.....	35	699	700

¹ Cumulative failure percent.

² Lot may not be accepted. Next sample must be tested.

Table 160.057-4(c)(2)

Kind of defects	Percentage of failures
a. Failure to ignite.....	100
b. Ignites or burns dangerously.....	100
c. Nonuniform smoke emitting rate.....	50
d. Smoke-emitting time less than 70 percent of specified time.....	100
e. Smoke-emitting time at least 70 percent but less than 80 percent of specified time.....	75
f. Smoke-emitting time at least 80 percent but less than 90 percent of specified time.....	50
g. Smoke-emitting time at least 90 percent but less than 100 percent of specified time.....	25

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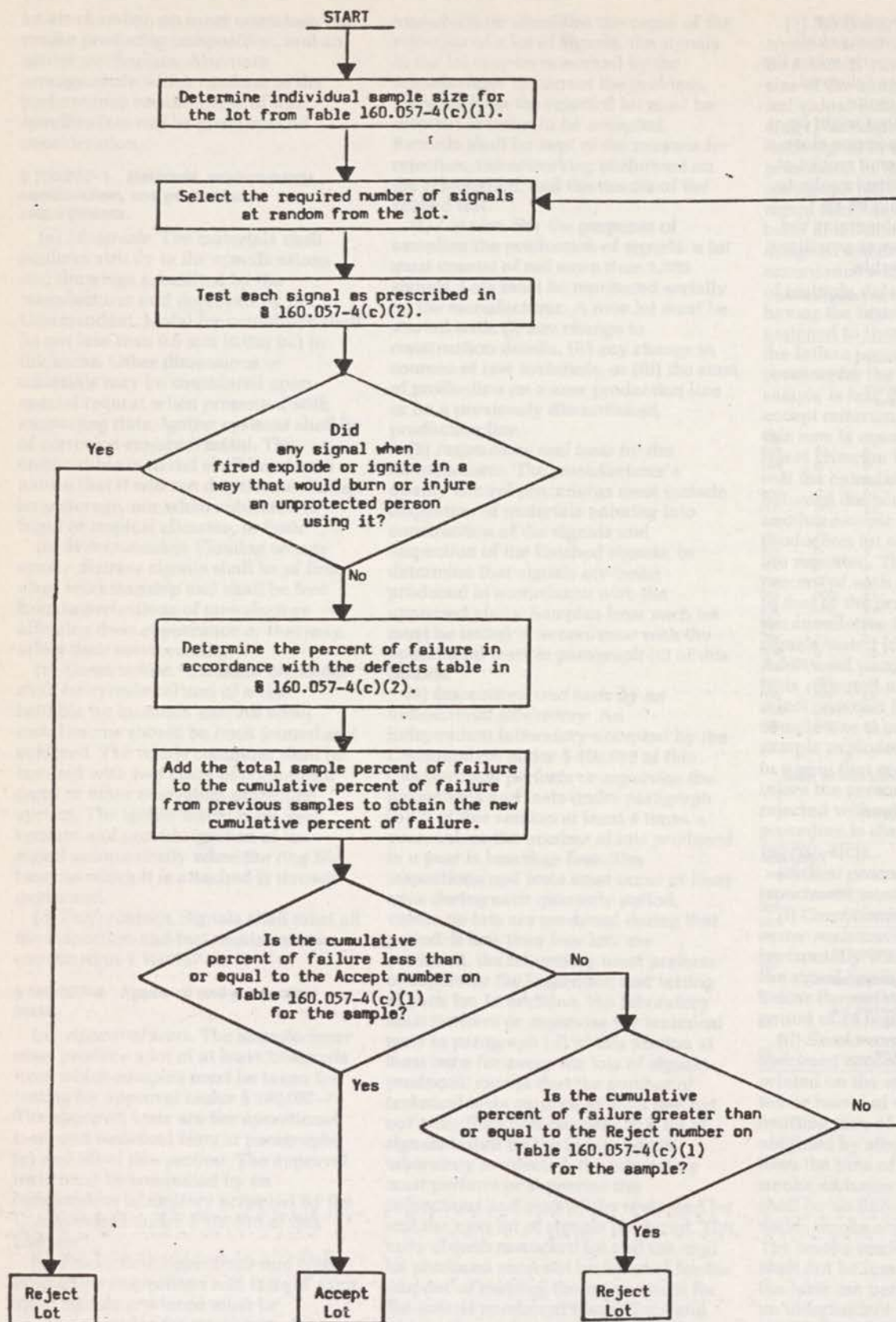


Figure 160.057-4(c). Operational test procedure.

(d) *Technical tests.* One signal must be subjected to each of the following tests. Each signal must pass the test in order for the lot of signals to be accepted.

(1) *Drop test.* One signal must be attached to a ring life buoy and arranged to be ignited by the dropping buoy in the same manner as it would be when used on a vessel. The signal and buoy must be mounted at least 27 m (90 ft.) above the surface of a body of water. The buoy is released and must cause the signal to ignite and fall to the water with the buoy. The signal must remain afloat and emit smoke at least 15 minutes.

(2) *Wave test.* A signal shall be tested in a manner simulating its use at sea. The signal shall be ignited and thrown overboard under conditions where waves are at least 30 cm (1 ft.) high. The smoke emitting time must be for the full 15 minutes and the signal shall float in such a manner that it shall function properly during this test. The signal shall be attached to a ring life buoy in accordance with the manufacturer's instructions.

(3) *Underwater smoke emission.* Condition the signal in accordance with paragraph (c)(2)(i) of this section. Ignite specimen and let it burn about 15 seconds in air. Submerge the burning signal in water in a vertical position with head down. Obtain underwater smoke emission time by stop watch measurements from time of submersion until smoke emission ceases. The test specimen shall emit smoke under water not less than 30 seconds when subjected to this test.

(4) *Elevated Temperature, Humidity and Storage.* Place specimen in a thermostatically controlled even-temperature oven held at 75°C. with not less than 90 percent relative humidity for 72 hours. Remove specimen and store at room temperature (20° to 25°C.) with approximately 65 percent relative humidity for 10 days. If for any reason it is not possible to operate the oven continuously for the 72-hour period, it may be operated at the required temperature and humidity for 8 hours out of each 24 during the 72-hour conditioning period. (Total of 24 hours on and 48 hours off.) The signal shall not ignite or decompose during this conditioning. The signal shall ignite and operate satisfactorily following this conditioning.

(5) *Spontaneous ignition.* Place the specimen in a thermostatically controlled even-temperature oven held at 75°C. with not more than 10% relative humidity for 48 consecutive hours. The signal must not ignite or undergo marked decomposition.

(6) *Susceptibility to explosion.* Remove smoke composition from signal and punch a small hole in the composition. Insert a No. 6 commercial blasting cap. Ignite the cap. The test specimen shall not explode or ignite.

(7) *Corrosion resistance.* Expose the complete specimen with cover secured hand-tight to a finely divided spray of 20 percent by weight sodium chloride solution at a temperature between 32°C and 38°C (90°F and 100°F) for 100 hours. The container and cap must not be corroded in any fashion that would impair their proper functioning.

(8) *Color of smoke.* Ignite specimen in the open air in daytime according to the directions printed on the signal, and determine the smoke color by direct visual comparison of the unshadowed portions of the smoke with a color chart held so as to receive the same daylight illumination as the unshadowed portions of the smoke. The color of the smoke must be orange as defined by Sections 13 and 14 of the "Color Names Dictionary" (colors 34-39 and 48-54).

(9) *Volume and density of smoke.* The test specimen shall show less than 70 percent transmission for not less than 12 minutes when measured with apparatus having a light path of 19 cm (7½ in.), an optical system aperture of +3.7 degrees, and an entrance air flow of 18.4m³ per minute (650 cu. ft. per minute), such apparatus to be as described in National Bureau of Standards Report No. 4792.

§ 160.057-5 Marking.

(a) *Directions for use.* Each floating orange smoke distress signal shall be plainly and indelibly marked in black lettering not less than 3 mm (⅛ in.) high "Approved for daytime use only", and in black lettering not less than 5 mm (⅜ in.) high with the word "Directions". Immediately below shall be similarly marked in black lettering not less than 3 mm (⅛ in.) high in numbered paragraphs, and in simple and easily understood wording, instructions to be followed to make the device operative. Pasted-on labels are not acceptable.

(b) *Other markings.* (1) There shall be embossed or die-stamped, in the outer container in figures not less than 5 mm (⅜ in.) high, numbers, indicating the month and year of manufacture, thus: "6-54" indicating June 1954. The outer container shall also be plainly and indelibly marked with the commercial designation of the signal, the words "Floating Orange Smoke Distress Signal (15 minutes)", name and address of the manufacturer, the Coast Guard Approval No., the service life expiration date (month and year to be entered by the manufacturer), the month and year of manufacture and the lot number.

(2) In addition to any other marking placed on the smallest packing carton or box containing floating orange smoke distress signals, such cartons or boxes shall be plainly and indelibly marked to show the service life expiration date, the month and year of manufacture, and the lot number.

(3) The largest carton or box in which the manufacturer ships signals must be marked with the following or equivalent words: "Keep under cover in a dry place."

(c) *Marking of expiration date.* The expiration date must be not more than 42 months from the date of manufacture.

Note.—Compliance with the labeling requirements of this section does not relieve the manufacturer of the responsibility of complying with the label requirements of 15 USC 1263, the Federal Hazardous Substances Act.

§ 160.057-7 Procedure for approval.

(a) Signals are approved by the Coast Guard under the procedures in Subpart 159.005 of this Chapter.

§ 160.057-9 Recognized independent laboratories.

(a) The following independent laboratories have been accepted by the Commandant for conducting the approval and production tests required in this Subpart:

(1) (Reserved).

(b) Revised copies of this list may be obtained from Commandant (G-MMT-3/TP12), U.S. Coast Guard Headquarters, Washington, D.C. 20593. (46 USC 481, 49 USC 1655(b)(1), 49 CFR 1.46(b))

Dated: December 4, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-38271 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 83

[PR Docket No. 79-139; RM-2916; FCC 79-786]

Stations on Shipboard in the Maritime Services; Exempting Certain Vessels Operating in Vessel Traffic Service (VTS) Areas from the Requirement To Maintain a Listening Watch on VHF Channel 16 (156.800 MHz)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Amendment of rules to exempt vessels subject to the Bridge-to-

Bridge Radiotelephone Act and participating in a U.S. Coast Guard Vessel Traffic Services (VTS) system from the requirement to maintain a listening watch on VHF Channel 16 (156.800 MHz). This action responds to a petition for rulemaking filed by the Central Committee on Telecommunications of the American Petroleum Institute. The intent is to eliminate the necessity for vessels to maintain listening watches on more than two VHF frequencies.

EFFECTIVE DATE: January 21, 1980.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 83.224 of the rules to exempt certain vessels operating in Vessel Traffic Service (VTS) areas from the requirement to maintain a listening watch on VHF Channel 16 (156.800 MHz). Report and Order (proceeding terminated).

Adopted: December 4, 1979.

Released: December 12, 1979.

By the Commission:

1. By this action, we are exempting vessels which are subject to the Vessel Bridge-to-Bridge Radiotelephone Act and which are also participating in a U.S. Coast Guard Vessel Traffic Service system, from the requirement to maintain an efficient listening watch on the frequency 156.800 MHz (VHF Channel 16). Our purpose in this proceeding is to reduce the number of frequencies required to be monitored by a ship to a maximum of two.

Background

A. Watch Requirements

2. Many ships participating in U.S. Coast Guard Vessel Traffic Service (VTS) systems¹ are required to maintain a listening watch on three marine VHF channels. These frequencies are (1) the VHF distress, safety and calling frequency, (2) the vessel bridge-to-bridge frequency, and (3) the designated VTS frequency. The bases for these requirements are indicated in the following three paragraphs.

3. Section 83.224 of the Commission's rules requires that a ship station

licensed to operate in the VHF frequency band 156-162 MHz maintain an efficient listening watch on the frequency 156.800 MHz (Channel 16) during its hours of service. Channel 16 is the national and international distress, safety and calling frequency for VHF radio-telephone stations in the Maritime Mobile Service. However, this watch is not required (1) where the station is operated with only single or dual channel equipment for bridge-to-bridge requirements (discussed below), or (2) for tugs and towing vessels of less than 1600 gross tons when operating in a VTS area and maintaining a watch on the VTS frequency and the vessel's "house frequency."²

4. The Vessel Bridge-to-Bridge Radiotelephone Act³ enacted to provide a positive means for operators of approaching vessels to communicate their intentions by a radiotelephone conveniently located at the operator's navigation station. The Act requires that, among other things, certain vessels, dredges and floating platforms be equipped with a radiotelephone capable of operation from the navigational bridge on a frequency or frequencies in the marine VHF band designated by the Commission.⁴ Further, the Act⁵ requires that a listening watch be maintained on the designated frequency.⁶

5. As part of a program to implement the provisions of the "Ports and Waterways Safety Act of 1972" (Pub. L. 92-340, 86 Stat. 424, 33 U.S.C. 1221) the Coast Guard is establishing VTS systems for a number of the largest and busiest port areas in the United States.⁷ These systems, as indicated above, are vessel movement reporting systems designed to prevent collisions and groundings and protect the environment from damage or loss. At the Coast Guard's request, the Commission amended its rules to make up to three frequencies available for exclusive use

² Tug and tow boats by the nature of their operations usually find it necessary to guard a company working frequency. This frequency often is assigned to a limited coast station operated by the company and utilized for operational and business messages.

³ Pub. L. 92-63, 85 Stat. 165, 33 U.S.C. 1201 et seq.

⁴ 33 U.S.C. 1203.

⁵ 33 U.S.C. 1204.

⁶ In the Report and Order in Docket No. 19343 (adopted May 24, 1972, 37 FR 11245, 35 FCC 2d 154) the Commission set aside Channel 13 (156.65 MHz) for bridge-to-bridge communications. (Recently, Channel 67 was designated as the bridge-to-bridge frequency in the southern Louisiana section of the Mississippi River System. Report and Order, Gen Docket No. 78-310, adopted May 1, 1979, FCC 79-275, 44 FR 29073.)

⁷ The Coast Guard is in various stages of implementing VTS systems in the port areas of Houston, New Orleans, New York, San Francisco, Seattle and Valdez (Alaska).

for VTS purposes within the designated VTS radio protection areas.⁸

B. Petition

6. The Central Committee on Telecommunications of the American Petroleum Institute (API) filed a petition for rulemaking (RM-2916) which requested the Commission to amend Section 83.224 of the rules. Essentially, API asked that an exemption to the VHF Channel 16 (156.800 MHz) listening watch requirement be provided for ship stations on board vessels operating in Coast Guard VTS areas when monitoring the designated VTS frequency.

7. The American Institute of Merchant Shipping (AIMS), filed a statement of support of API's petition. The Pacific Merchant Shipping Association filed a "petition for rulemaking" joining API's petition. The American Waterways Operators, Inc. (AWO) also submitted a statement supporting API's petition. Further, AWO indicated that the rule amendment sought by API is similar to the relief sought by AWO in its Petition for Reconsideration filed in Docket No. 20683. The substantive distinction between the two petitions is that AWO's seeks an exemption only for tug and tow boats of less than 1600 gross tons.

8. Fundamentally, API gave three reasons for the requested rule amendment. First, the combined force of statutory and regulatory requirements has resulted in many vessels being required to maintain a simultaneous aural watch on three frequencies when navigating in a USCG designated VTS area. API submitted that requirements for a listening watch on three frequencies imposes a nearly inhuman burden on the two individuals normally found on the bridge and may even create an unsafe condition. Second, it pointed out that the Coast Guard has indicated that it will respond to all distress and safety communications on Channel 16 in VTS areas. Thus, it argued, the safety aspects of the Channel 16 watch are provided by the Coast Guard. Finally, API stated that the capability "of receiving a call on Channel 16 for the exchange of public correspondence" has little priority when a vessel is operating in a VTS area and monitoring the bridge-to-bridge frequency as well. API concluded that number of VHF channels required to be monitored must be reduced to a maximum of two and that the Channel 16 watch requirement should be eliminated for vessels operating in a

¹ U.S. Coast Guard VTS systems are, in essence, vessel movement reporting systems designed to prevent damage to or loss of vessels, bridges or other structures in U.S. navigable waters. Additionally, these navigable waters and associated natural resources are sought to be protected from environmental harm resulting from such incidents.

⁸ Report and Order, Docket No. 20444, adopted December 2, 1975, 40 F.R. 57673, 56 FCC 2d 1089.

VTs system and monitoring the VTS channel.

C. NPRM

9. In response to this petition we issued a Notice of Proposed Rule Making⁹ proposing to amend Section 83.224 of the rules substantially as requested to exempt vessels from the requirement to maintain a watch on Channel 16 when an efficient watch is maintained on both the bridge-to-bridge frequency and a separate VTS frequency.

10. As noted in the NPRM, in the past the Commission had generally resisted the relaxation of the Channel 16 listening watch. This was based on three factors. First, the elimination of the Channel 16 watch in VTS areas would result in the loss of the capability for other ships or shore facilities to contact vessels participating in a VTS system for other than navigational purposes. Second, Channel 16 represented the only frequency that is monitored by all VHF equipped vessel, i.e., large commercial ships and thousands of small recreational boats alike. Third, in that the Coast Guard was in the early stages of implementing the various VTS systems when the issue of relaxing the Channel 16 watch was initially raised, we felt it was premature to eliminate the watch on the VHF distress, safety and calling frequency in the VTS areas.

11. However, after consultations with industry and the Coast Guard as operational experience with VTS systems was being gained, we felt that the concept of three simultaneous listening watches was untenable. In addition, it appeared that for ships participating in VTS systems dropping the watch on either the bridge-to-bridge or VTS frequency was less desirable than eliminating the Channel 16 watch. Bridge-to-bridge communications capabilities are generally considered essential for safety purposes. Further, the Coast Guard has found that eliminating the continuous watch on the VTS channel in favor of a watch on Channel 16 does not satisfy VTS performance requirements.

12. Additionally, the Coast Guard stated that it will, on request and subject to operational consideration, notify ships participating in a VTS system of important non-navigational calls from other stations as well as provide distress and safety coverage on Channel 16.¹⁰ This would prevent ships

from being totally isolated from the rest of the maritime communications system while operating in a VTS area. This latter problem had originally caused serious reservations regarding the relaxation of the Channel 16 watch.

13. In the NPRM we also granted API's petition for a temporary waiver of the Channel 16 watch for ships operating in VTS areas under the conditions of the proposed rule. Further, we noted that with the loss of the universality of the Channel 16 watch, recreational boaters who wish to retain the capability to communicate with large ships in a VTS area could equip their radio station with the bridge-to-bridge frequency.

Comments

14. Comments were filed by (1) the Council of American—Flag Ship Operators (CASO) a national association representing six major companies which own and operate 151 vessels; (2) the American Institute of Merchant Shipping (AIMS) representing 28 member companies which own and operate over 200 U.S. flag oil and chemical tankers and liquefied gas carriers; (3) the American Waterways Operators, Inc. (AWO) representing the barge and towing industry; and (4) the Central Committee on Telecommunications of the American Petroleum Institute (API) which is composed of 40 U.S. petroleum and gas companies many of which operate substantial fleets of tankers and/or tugs and barges. We note that API was the original petitioner in this proceeding. Also AIMS and AWO filed statements supporting its petition for rulemaking. No reply comments were received.

15. All four of the commenters strongly supported the proposed amendment. AIMS and API urged prompt adoption of the proposal and applauded the grant of the requested temporary waiver. AWO additionally noted that although our suggestion that recreational boat operators may wish to obtain the capability to communicate on the bridge-to-bridge frequency was appropriate, we should be aware of the potential for abuse and be prepared to take responsive enforcement action if misuse develops.

Discussion

16. As AWO indicates, there is some potential for abuse if large numbers of recreational boaters acquire bridge-to-bridge communications capabilities. As AWO also notes, it is appropriate that recreational boaters be advised that the bridge-to-bridge channel will be the only means in VTS areas to directly contact large vessels nearby (for example, when in danger of a collision). This matter

was also discussed with the Coast Guard prior to the initiation of this rulemaking proceeding. It was felt that significant misuse of the channel was unlikely. However, if a pattern of misuse does develop, we will undertake a responsive educational and enforcement effort.

17. In that the other comments only indicated support for the proposal as described in the NPRM, we will not reiterate our rationale for proposing the rule change.

18. As a related matter, we wish to note that our action in this proceeding, in effect, will grant the relief requested by AWO in its Petition for Reconsideration filed in Docket No. 20683 (see paragraph 7 above). Therefore, in a separate document we will dismiss AWO's petition as moot.

Commission Action

19. For the reasons indicated above and considering the favorable comments received, we are amending, as proposed, Section 83.224(b) of the Commission's rules to exempt vessels which are subject to the Bridge-to-Bridge Radiotelephone Act and participating in a Coast Guard VTS system from the requirement to maintain a watch on 156.800 MHz (Channel 16) when an efficient watch is maintained on both the bridge-to-bridge frequency and a separate VTS frequency.

20. Regarding questions on the matters covered in this document contact Robert McNamara, (202) 623-7175.

21. Accordingly, it is ordered, That, under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules are amended as set forth in the attached Appendix, effective January 21, 1980.

22. It is further ordered, That this proceeding is terminated.

Federal Communications Commission.
(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

William J. Tricarico,

Secretary.

Appendix

Part 83 Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 83—Stations on Shipboard in the Maritime Service

In § 83.224, paragraph (b) is amended to read as follows:

§ 83.224 Watch on 156.8 MHz.

* * * * *

(b) For vessels subject to the Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service

⁹ Notice of Proposed Rule Making, PR Docket No. 79-139 (RM 2916), adopted June 7, 1979, 44 FR 36082, FCC 79-335.

¹⁰ The Coast Guard further indicates it will not relay routine business and personal calls received on Channel 16.

(VTS) system as required or recommended by the U.S. Coast Guard, when an efficient listening watch is maintained on *both* the bridge-to-bridge frequency and a separate assigned VTS frequency.

[FR Doc. 79-38549 Filed 12-14-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 87

[PR Docket No. 79-186; FCC 79-791]

Aviation Services; Clarifying the Use of Certain Frequencies by Aircraft for the Control of Airport Lights

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: Amendment of the rules to permit aircraft to transmit brief keyed RF signals (momentarily depressing the microphone push-to-talk button) for the control of airport lights only on an authorized frequency which is assigned to an aeronautical radio station located at the particular airport. As a result of a number of informal inquiries, this action is being taken to avoid the possible interference and inconvenience which would result where aircraft use a frequency assigned to a station at one airport to activate runway lights at another airport.

EFFECTIVE DATE: January 21, 1980.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau; (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the Matter of amendment of § 87.183 of the rules to clarify the use of certain frequencies by aircraft for the control of airport lights. Report and order (Proceeding Terminated).

Adopted: December 4, 1979.

Released: December 12, 1979.

By the Commission:

1. By this action we are limiting the frequencies which aircraft may use for the transmission of brief keyed RF signals for the control of airport lights. Our purpose in this proceeding is to require that the frequency utilized by aircraft for the activation of airport lighting systems also be assigned to an aeronautical station located at the concerned airport.

Background

2. Section 87.183(cc) of the rules makes available to aircraft operators a number of aeronautical frequencies for

the control of airport lighting.¹ Aircraft may transmit brief RF signals (i.e., momentarily depressing the microphone "push-to-talk" button) on these frequencies to turn on the airport lights, provided that harmful interference is not caused to voice communications. Thus, aircraft approaching an uncontrolled or unmanned airfield at night or in poor weather conditions, may activate the airport lights on an as needed basis. Usually these radio controlled systems will operate for approximately 15 minutes after activation. By employing these lighting systems an airport may remain open at night without the expense of leaving the airport lights on for extended periods of time or having a person monitor a radio frequency for requests to activate the lights. These radio controlled runway lighting systems are becoming increasingly popular with the aviation community. The FAA and many individual airport operators are installing such systems at various uncontrolled airfields as well as airfields with part-time control towers.

3. Although § 87.183(cc) of the rules presently limits aircraft use of air traffic control (ATC) frequencies for activation of airport lights to a frequency assigned to a facility at the given airport, no such limitation applies to the other available frequencies. Recently we have received a number of informal inquiries as to the feasibility of using an aeronautical advisory frequency or an aviation instructional frequency other than one assigned to a station at the airfield in question for activation of an airport lighting system. We have been discouraging such practices even though there is no prohibition of such frequency utilization.

4. The problem with aircraft utilizing a frequency not assigned to a station on that particular airport, is that the brief RF signals (microphone clicks) occur on a frequency which, in many areas, is assigned at a neighboring airport, thus

the 3 to 7 microphone clicks used by most of the subject lighting systems may interfere with and annoy those using another airport. The avoidance of these microphone clicks appears to be the primary reason why an airport operator selects a frequency not assigned at his airfield. Additionally, such frequency usage increases the potential for aircraft to activate the lighting systems of nearby airports as well as that of the intended airport.

5. Another disadvantage in employing a frequency not assigned to the particular airport is that the pilot must switch to a frequency other than that normally monitored when approaching or departing the airport. FAA as a standard practice recommends that approaching and departing aircraft monitor the appropriate radio facility when within 15 miles of the airport. This aural alertness is considered to enhance safety of flight. It would seem reasonable that aircraft utilize the frequency customarily monitored in the vicinity of a given airport to operate the airport's lights, or at a minimum use another frequency assigned at the airport in order to avoid interfering with or merely annoying those using another airport.

6. Therefore, we issued a Notice of Proposed Rule Making² proposing to amend the rules to permit aircraft stations to transmit brief keyed RF signals for the control of airport lights only on one of the authorized frequencies which is also assigned to a station at the concerned airport. In rare situations where an airport is without air-ground communications facilities utilizing any of the available frequencies, the use of one of the three available aviation instructional frequencies for system activation was proposed.

Comments

7. Comments were received from the National Business Aircraft Association (NBAA) representing more than 2000 member companies operating business aircraft, and the Aircraft Owners and Pilots Association (AOPA) representing more than 230,000 aircraft owners and pilots. No reply comments were filed.

8. Both NBAA and AOPA concurred with the proposed rulemaking. NBAA specifically based its concurrence on the potential enhancement of airport safety and the lessened possibility of aircraft operators accidentally activating the lighting of neighboring airports. No other points for discussion were raised.

²PR Docket No. 79-186, adopted July 24, 1979, FCC 79-458, 44 FR 47118.

¹Essentially, air traffic control frequencies, aeronautical advisory frequencies and aviation instructional frequencies may be used for control of airport lights by aircraft. Air traffic control frequencies are utilized for communications between aircraft and Federal Aviation Administration (FAA) facilities relating to the safe, orderly and expeditious movement of air traffic.

Aeronautical advisory frequencies provide for communications between private aircraft and non-government ground facilities (aeronautical advisory stations, also called unicoms) primarily concerning runway conditions, weather information, types of fuel available and on a secondary basis communications pertaining to efficient portal-to-portal transit, such as requests for ground transportation and food.

Aviation instructional frequencies are used for communications between aircraft and non-Government ground stations (aviation instructional stations) for the necessities of pilot training, and coordination of soaring and ballooning activities.

Commission Action

9. For the reasons indicated above and considering the favorable comments received, we are amending Section 83.183 of the rules as proposed. Aircraft stations will be permitted to transmit brief keyed RF signals for the control of airports lights only on specified frequencies which are also assigned to aeronautical stations located at the concerned airport. An ancillary editorial change in Section 87.201 is also being made.

10. Regarding question on matters covered in this document contact Robert McNamara, (202) 632-7175.

11. Accordingly, IT IS ORDERED, That, under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules ARE AMENDED as set forth in the attached Appendix, effective January 21, 1980.

12. IT IS FURTHER ORDERED, That this proceeding is terminated.

Federal Communications Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

William J. Tricarico,
Secretary.

Appendix

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 87—AVIATION SERVICES

1. In Section 87.183 paragraph (cc) is amended to read as follows:

§ 87.183 Frequencies available.

(cc) Brief keyed RF signals (keying the transmitter by momentarily depressing the microphone "push-to-talk" button without voice or audio tone transmission) may be transmitted from aircraft for the control of airport lights on the frequencies specified below, provided the frequency is assigned to a station at the airport and no harmful interference is caused to voice communications:

- (1) Any air traffic control frequency listed in § 87.183(i);
- (2) Any air traffic control frequency or aeronautical advisory frequency listed in § 87.201 (b) or (c); and
- (3) Any aviation instructional frequency (121.95, 123.3 and 123.5 MHz) listed in § 87.341.

In the event that no station utilizing any of the available frequencies is located at the concerned airport, aircraft may use one of the aviation instructional frequencies for the control of airport lights.

§ 87.201 [Amended]

2. The last paragraph in § 87.201(c), beginning with "In addition * * *," is deleted.

[FR Doc. 79-38542 Filed 12-14-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[FCC 79-794]

Deletion of Permit Requirement for Canadian Amateurs Operating in the United States

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Commission authorized Canadian amateurs to operate their amateur stations in the United States without requiring an operating permit issued by the United States. The 1952 treaty which established the U.S.-Canadian amateur reciprocal arrangement gives each country the option to require or not require such a permit. The Commission took this action in order to simplify licensing requirements in the Amateur Radio Service.

EFFECTIVE DATE: January 21, 1980.

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

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, (202) 254-6884.

SUPPLEMENTARY INFORMATION:

Adopted: December 4, 1979.

Released: December 12, 1979.

1. Since 1952, the United States and Canada have by treaty allowed amateurs of each country to operate their amateur radio stations in the other country under a special reciprocal permit procedure. (See TIAS No. 2508). The Commission has received a letter from Canadian officials seeking to modify the reciprocal arrangement to allow amateurs to operate their stations in the other country without requiring an operating permit. The treaty which governs the U.S.-Canadian reciprocal agreement, TIAS 2508, states in part, "Each visiting amateur may (emphasis ours) be required to register and receive a permit before operating any amateur station licensed by his government." It is therefore in the discretion of each country to forego the requirement of a permit.

2. We agree with the Canadian government that deletion of the permit requirement would be in the best interests of both countries. Often, amateur operators planning vacations abroad do not allow enough time for

processing their permit application. Permits represent an unnecessary formality. The ostensible purpose for having a permit system is to maintain a data base on visiting amateur operators to facilitate investigation of rule violations. However, the data on Canadian licensees will be available to us by consulting Canada's licensee lists. Enforcement efforts will not be affected by the deletion of the permit requirement since the number of rule violations committed by Canadian amateur licensees, operating in the United States, has been extremely small. Further, deletion of the permit requirement would be in keeping with the Commission's policy of deregulation and simplification of licensing procedures in the Amateur Radio Service. By this Order, we are deleting the requirement that Canadian amateur licensees obtain a permit before operating in the United States. A letter, by Direction of the Commission, will be sent to the administration in Canada and will constitute a working arrangement with Canada to recognize a similar privilege for American amateur licensees to operate in Canada.

3. In view of the foregoing, the Commission finds that amendment of Part 97 to allow Canadian Amateur licensees to operate without a permit is in the public interest, convenience and necessity. The specific rule amendments are set forth below. Authority for these amendments is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, and Article III of TIAS 2508, Convention Between the United States of America and Canada Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Since the rule changes herein ordered serve the public interest by relieving an existing restriction, and further, since public comments, we believe, would be unlikely, we are dispensing with the prior notice and public procedure provisions of the Administrative Procedure Act as unnecessary, 5 U.S.C. 553(b). The effective date of the rule changes herein ordered is January 21, 1980, so that elimination of Amateur Reciprocal Permits will occur simultaneously in both the United States and Canada.

4. Accordingly, it is ordered, that Part 97 of the Commission's Rules is amended, effective January 21, 1980, as set forth below.

5. For further information on these rule changes contact Maurice J. DePont, (202) 254-6884.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

1. In § 97.40, paragraph (a) is amended as follows:

§ 97.40 Station license required.

(a) No transmitting station shall be operated in the amateur radio service without being licensed by the Federal Communications Commission, except that an amateur radio station licensed by the Government of Canada may, in accordance with § 97.41, be operated in the United States without the prior approval of the Commission.

* * * * *

2. Section 97.41 is redesignated § 97.42, and a new § 97.41 is added, as follows:

§ 97.41 Operation of Canadian Amateur Stations in the United States.

(a) An amateur radio station licensed by the Government of Canada may be operated in the United States without the prior approval of the Federal Communications Commission.

(b) Operation of a Canadian amateur station in the United States must comply with all of the following:

(1) The terms of the Convention between the United States and Canada (TIAS No. 2508) Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. (See Appendix 4 to Part 97.)

(2) The operating terms and conditions of the amateur station license issued by the Government of Canada.

(3) The provisions of Subparts A through E of Part 97.

(4) Any further conditions the Commission may impose upon the privilege of operating in the United States.

(c) At any time the Commission may, in its discretion, modify, suspend, or cancel the privilege of any Canadian licensee operating an amateur radio station in the United States.

3. Sections 97.42 and 97.43 are redesignated §§ 97.43 and 97.44, respectively, and redesignated § 97.43 is revised to read as follows:

§ 97.43 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that

licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

[FR Doc. 79-38561 Filed 12-14-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[RM-2490; RM-2666; FCC 79-792]

Amateur Radio Service; Amending Rules Concerning Availability of Operator License

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order.

SUMMARY: The Commission grants a petition to allow an amateur radio operator to use a photocopy of an amateur license, while operating an amateur station. This action amends § 97.82 of the Amateur Radio Service, of the Commission's Rules and Regulations.

EFFECTIVE DATE: December 21, 1979.

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

FOR FURTHER INFORMATION CONTACT: Private Radio Bureau, Personal Radio Branch, Attorney Roy C. Howell, (202) 254-6884.

Adopted: December 4, 1979.

Released: December 12, 1979.

1. The Commission has under consideration two petitions requesting amendment of § 97.82 and § 97.83. The first petition, RM-2490, was filed on November 25, 1974 by Mr. Ronald K. Long. Subsequently, on March 1, 1976, Mr. Robert L. Bingham petitioned in RM-2666 for an identical amendment to the Amateur Radio Rules.

2. Petitioners' request that the rules be amended to remove the requirement of having only the original amateur radio operators' license (pursuant to § 97.82), and station license (pursuant to § 97.83) in the possession of the control operator of an amateur radio station. Petitioners' argument for amendment of § 97.83 to allow station operators to have a photocopy of their station license in their possession, while operating an amateur radio station, is moot; and, the reason is because § 97.83 presently allows this practice, i.e.

The original license of each amateur station or a photocopy thereof shall be posted in a conspicuous place in the room occupied by the licensed operator while the station is being operated at a fixed location or shall be kept in his personal possession.

3. Petitioner, Mr. Robert L. Bingham, asserts that § 97.82 in its present form lacks any contemporary administrative

justification, insofar as technological advancements have made this rule obsolete. According to petitioner (Mr. Bingham) § 97.82 was enacted during an era when portable or mobile radio operation was very minimum; and, therefore, amateur radio stations were generally at a fixed location. However, today with the advent of hand held portable units, transistorized mobile equipment, and the small QRP transceivers have made amateur radio operation away from a fixed location very easy.

Thus, as stated by petitioner (Mr. Bingham).

The idea of hanging the license up on the wall above the station equipment is no longer the proper way to do it if you are one of those who practice one of these three types of operations away from home.

4. Petitioner, Mr. Ronald K. Long, argues that § 97.82 is unduly restrictive; and, with the widely increasing mobile operation of amateur radio stations, § 97.82 effectively requires that the original license be carried in the personal wallet or purse where it may easily become damaged or lost. Hence § 97.82 causes great inconvenience to the amateur radio operator while operating a portable amateur radio station. The only filed comment (filed by Mr. Philip A. Litchfield) likewise asserts that § 97.82 is unreasonably restrictive. The comment states,

Continual carrying of the original soon makes the original illegible, subject to mutilation and possible loss, and thus requiring replacement of same.

5. The Commission finds merit in petitioners' proposals to amend § 97.82. The administrative intent of § 97.82 is to provide the Enforcement Division of the Field Operations Bureau ready availability of the amateur operators' license to aid enforcement purposes. The ready availability interest of § 97.82 is satisfied if amateur radio operators produce a photocopy of their original license to an enforcement official. The Commission fully understands and agrees with petitioners, that with the incidence of portable and mobile radio station operations, the requirement of an amateur radio operator to carry the original license may result in unnecessary damage or loss to the document during the five year life of the license.

6. Since no party would be adversely affected by the rule changes, and adverse public comments would be unlikely, we are dispensing with prior notice and public procedure provisions of the administrative Procedure Act as unnecessary, 5 U.S.C. 553(b). In view of the foregoing, it is ordered, effective

December 21, 1979, that Part 97 of the Commission's Rules and Regulations is amended as shown below. Authority for this action is pursuant to Section 4(i) and 303 of the Communications Act of 1934, as amended. Further information about this action by the Commission may be obtained by contacting Roy C. Howell, Personal Radio Branch, Private Radio Bureau, FCC, 2025 M Street, NW., Washington, D.C. 20554, (202) 254-6884.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.
William Tricarico,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of the Federal Regulations is amended as follows:

1. Section 97.82 is amended to read as follows:

§ 97.82 Availability of operator license.

Each amateur radio operator must have the original or a photocopy of his or her operator license in his or her personal possession when serving as the control operator of an amateur radio station. The original license shall be available for inspection by any authorized Government official upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost or destroyed, and request has been made for a duplicate license in accordance with § 97.57.

[FR Doc. 79-38562 Filed 12-14-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 231

[Docket No. SA-3, Notice No. 5]

Railroad Safety Appliance Standards; Removal of Roof Running Boards From Box and Other House Cars

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Extension of compliance date.

SUMMARY: This notice amends § 231.1 of the Railroad Safety Appliance Standards to allow railroads three additional years to complete required removal of roof running boards from all freight cars. FRA has determined that this action will not adversely affect the safety of railroad employees and is necessary to avoid imposing an undue

burden on railroads and shippers. This action is being taken in response to a petition submitted by the Association of American Railroads (AAR).

EFFECTIVE DATE: The amendment to Part 231 set forth in this document is effective December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Principal Program Person: Rolf Mowatt-Larssen (RRS-20), Office of Standards and Procedures, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202-426-0924. Principal Attorney: Lawrence I. Wagner (RCC-30), Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202-426-8836.

SUPPLEMENTARY INFORMATION

Background

In response to a petition filed by the Association of American Railroads (AAR), the Federal Railroad Administration (FRA) is extending for three years, to December 31, 1982, the period allowed for the completion of the removal of roof running boards and related changes in the safety appliances on box and other house cars.

The period for completion of these tasks is prescribed in a note to § 231.1 (49 CFR 231.1) of the Safety Appliance Standards. The note now requires that these tasks be completed by December 31, 1979. The freight cars that must be so modified are box and other house cars, such as refrigerator cars and covered hopper cars, which were constructed on or before April 1, 1966 or were under construction on that date and were placed in service prior to October 1, 1966. The modifications required by this provision are intended to bring these freight cars into conformity with the provisions of § 231.27 or § 231.28 (49 CFR 231.27, 231.28).

On July 17, 1979, the AAR advised that there will be almost 60,000 unmodified cars in service at the end of 1979. This represents approximately eight percent of the 714,000 cars requiring modification when this program began. The present financial and operating conditions of the railroads, including the high demand for the affected cars in revenue service, are cited by AAR as reasons for granting of a three year extension. AAR also notes that since carrier operating rules prohibit employees from riding or walking upon the roof of any moving freight car, the safety of operating personnel will not be jeopardized by this extension of time. The requested three year extension will in AAR's view provide sufficient time to complete the modification program and prevent the

adverse impact on freight car supply which would otherwise occur.

FRA has independently assessed the AAR petition and concludes that a three year extension is warranted. In 1966, when this regulatory provision was initially adopted, the national freight fleet numbered approximately 1,826,000 cars. A sizable portion of that fleet, approximately 714,000 cars, required modification pursuant to this provision in order to remain in service. About 60,000 of these cars still require modification if they are to remain in service. In view of the efforts of the railroads to modify this equipment to comply with Section 231.27 or Section 231.28, FRA believes that sufficient progress has been made to permit an additional three year period for the completion of this modification program.

Other factors influencing FRA's decision are the recognition that it becomes increasingly more difficult for railroads to locate unmodified cars as their numbers decrease and that many of the remaining cars will be retired or rebuilt within the three year extension period.

Although the modification effort has taken much longer than previously anticipated, FRA does not have any accident data which suggests that the extension would in any way jeopardize safety. A review of the accident data for the last seven years, the period between January 1971 and December 1977, does not link unmodified roof running boards with any accidents involving on duty railroad employees.

Economic Impact

FRA has determined that this amendment does not contain a significant regulatory proposal. Therefore, a regulatory analysis under Executive Order 12044 is not required (E. O. 12044, 43 FR 12661, March 24, 1978).

In addition, FRA has evaluated this amendment in accordance with the Department of Transportation's Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this amendment merely provides additional time to accomplish a required modification program, it will not alter in any significant fashion the costs or benefits associated with the existing regulatory provision. Therefore, the FRA has determined that this amendment will have such a minimal regulatory impact that further evaluation of this regulation is not necessary.

Environmental Impact

On March 16, 1979, the FRA published (44 FR 16062) revised procedures for insuring full consideration of the environmental impacts of FRA actions.

as required by the National Environmental Policy Act ("NEPA", 42 U.S.C. 4321 *et seq.*), the Department of Transportation Act ("DOT Act", 49 U.S.C. 1651 *et seq.*), other environmental statutes, Executive orders, and DOT Order 5610.113.

These FRA procedures require that an "environmental assessment" be performed prior to all major FRA actions. The procedures contain a provision that enumerates seven criteria which, if met, demonstrate that a particular action is not a "major" action for environmental purposes. These criteria involve diverse factors, including environmental controversy; the availability of adequate relocation housing; the possible inconsistency of the action with Federal, State, or local law; the possible adverse impact on natural, cultural, recreational, or scenic environments; the use of properties covered by section 4(f) of the DOT Act; and the possible increase in traffic congestion. This amendment meets the seven criteria that establish an action as a non-major action. Accordingly, the FRA has determined that the amendment of Part 231, Safety Appliance Standards, does not constitute a major FRA action requiring an environmental assessment.

FRA is issuing this amendment without prior public notice under the specific authority contained in the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)). This amendment, which becomes effective immediately upon publication in the *Federal Register*, imposes no additional regulatory burden and is being accomplished solely to respond to the problem being encountered by various railroads in completing the modification program within the time constraint of the existing regulatory provision. Based on the available data, this amendment will not serve to impair the safety of railroad employees or the general public. Accordingly, FRA has determined that prior notice and public proceedings are unnecessary.

Final Rule

In consideration of the foregoing, Part 231 of Title 49 of the Code of Federal Regulations is amended by substituting "December 31, 1982" for "December 31, 1979" in the note to Section 231.1 as follows:

§ 231.1 Box and other house cars.

Note.—After December 31, 1982, cars of this type built on or before April 1, 1966, or under construction prior to that date and placed in service before October 1, 1966, must be equipped as nearly as possible with the

same complement of safety appliances, depending upon type, as specified in § 231.27 for box and other house cars without roof hatches, or in § 231.28 for box and other house cars with roof hatches. Cars built after April 1, 1966, or under construction prior thereto and placed in service after October 1, 1966, must be equipped, depending upon type, as specified in § 231.27 for box and other house cars without roof hatches, or in § 231.28 for box and other house cars with roof hatches.

Authority: Safety Appliance Acts, 45 U.S.C. 2, 4, 6, 8, 10, 11–16, as amended, 49 U.S.C. 1655(e); and Section 1.49(n) of the Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on December 10, 1979.

John M. Sullivan,
Administrator.

[FR Doc. 79-38437 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. 79-01; Notice 4]

49 CFR Part 571

Federal Motor Vehicle Safety Standards; New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: Pursuant to petitions by the Rubber Manufacturers Association (RMA) and the European Tyre and Rim Technical Organisation (ETRTO), this notice amends Federal Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*, by adding certain tire size designations to Appendix A of that standard. This amendment permits the introduction into interstate commerce of the new tire sizes.

EFFECTIVE DATE: January 16, 1980, if objections are not received before that date.

ADDRESSES: Comments should refer to Docket No. 79-01 and be submitted to Docket Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: John Diehl, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. (202-426-1714)

SUPPLEMENTARY INFORMATION: According to agency practice, the National Highway Traffic Safety Administration (NHTSA) responds to

petitions for adding new tire sizes to Table I of Appendix A of Standard No. 109 by quarterly issuing final rules under an abbreviated rulemaking procedure for expediting such routine amendments. Guidelines for this procedure were published at 33 FR 14964; October 5, 1968, and amended at 36 FR 8298; May 4, 1971; 36 FR 13601; July 22, 1971; and 39 FR 28980; August 13, 1974. These guidelines provide that these final rules become effective 30 days after their date of publication if no comments objecting to them are received by NHTSA during this 30 day period. If objections are received, regular rulemaking procedures for issuing and amending motor vehicle safety standards are initiated.

On July 9, 1979, RMA petitioned for the addition of a new tire size to an existing table with Table I of Appendix A of Standard No. 109. RMA also petitioned on September 14, September 18, and September 20 for the addition of three other tire sizes to existing tables in Table I. ETRTO petitioned for the addition of two new tire sizes to existing tables on July 16, 1979. The bases for accepting or denying requests to add new tire size designations are set forth in the introductory guidelines to Appendix A. Briefly, the tests are the appropriateness of the information submitted for inclusion in the tire tables, and the appropriateness of the requested location within the tables of the requested tire sizes. The six new tire size designations requested to be added to Standard No. 109 appear to meet these criteria. Accordingly, the RMA and ETRTO petitions are granted, and six new tire sizes are added to Table I of Appendix A of the Standard pursuant to the abbreviated rulemaking procedure.

In consideration of the foregoing, 49 CFR § 571.109 is amended as specified below, subject to the 30 day comment period outlined above:

§ 571.109 New pneumatic tires—passenger cars [Appendix amended].

In Tables I–R, I–S, I–KK, I–LL, and I–WW, the following new tire size designations and corresponding values are added:

BILLING CODE 4910-59-M

TABLE I - R

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)												Test rim width (inches)	Minimum size factor (inches)	Section width ^{2/} (inches)	
	16	18	20	22	24	26	28	30	32	34	36	38				40
CR60-14	840	890	950	1000	1050	1100	1140	1190	1230	1270	1320	1360	1400	6	32.10	8.45

^{1/} The letters 'H,' 'S,' or 'V' may be included in any specified tire size designation adjacent to the 'R.'

^{2/} Actual section and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I - S

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS																
Tire size designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)													Test rim width (inches)	Minimum size factor (inches)	Section width ^{2/} (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
225/60R13	870	930	985	1040	1090	1140	1190	1235	1280	1325	1365	1410	1450	6 1/2	32.02	8.98
225/60R14	925	985	1045	1105	1160	1210	1260	1310	1360	1405	1450	1495	1540	6 1/2	33.02	8.98

^{1/} The letters "H," "S," or "V" may be included in any specified tire size designation adjacent to the "R."

^{2/} Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I - LL

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND
SECTION WIDTHS FOR T-TYPE SERIES 60 PSI

Tire size 1/ designation									Test rim width (inches)	Minimum size factor (inches)	Section 2/ width (inches)
T155/90D16									4	32.68	6.18
										60 psi 2335	

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

TABLE I - KK

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND
SECTION WIDTHS FOR 'P/60' SERIES ISO TYPE TIRES

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P195/60R14	365	395	420	445	470	495	515	540	560	5	773	196

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

TABLE I - WW

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND
SECTION WIDTHS FOR 'P/65' SERIES ISO TYPE TIRES

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P185/65R14	360	390	415	440	465	485	510	530	550	5	767	184

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

Interested persons are invited to submit comments on these additions. Comments must be limited so as not to exceed 15 pages in length. Necessary attachments may be appended without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary comments in a concise fashion. Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The agency has reviewed the impacts of this rule, and determined that permitting the introduction of the tire sizes will benefit those manufacturers desiring to produce the sizes and will have no effect on those manufacturers who do not. The public will be minimally affected by this rule. Accordingly, NHTSA has determined that this is not a significant regulation within the meaning of Executive Order 12044.

The program official and attorney principally responsible for the development of this rule are John Diehl and Stephen Kratzke, respectively.

Authority: Secs. 103, 119, 201, and 202, Pub. L. 89-593, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on December 7, 1979.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc: 79-38438 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1121

[Ex Parte No. 274 (Sub-No. 4)]

Abandonment Procedures for Bankrupt Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: These regulations set out special procedures to be followed by bankrupt railroads proposing to abandon a line of railroad. These regulations are being adopted so that the Commission will have sufficient information available to prepare a report for the bankruptcy court required by 11 U.S.C. 1170 and sections 5 and 17 of the Milwaukee Railroad Restructuring Act, Pub. L. No. 96-101 (1979).

EFFECTIVE DATE: December 17, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg (202) 275-7245.

SUPPLEMENTARY INFORMATION: On November 6, 1978, Congress enacted the Bankruptcy Law Revision Act, Pub. L. No. 95-598 (1978), to amend Title 11 of the United States Code dealing with bankruptcies. In amending the Bankruptcy Act, Congress altered the procedures for a bankrupt railroad to abandon a line of railroad.

Under former section 77(c)(6) of the old Bankruptcy Act, a railroad was required to comply with the provisions of 49 U.S.C. 10903 *et seq.*, before it could abandon a line. Additionally, the bankruptcy judge could only authorize the abandonment of a line of railroad after approval and authorization by the Commission. See former section 77(o) of the Bankruptcy Act. This procedure has been drastically altered by 11 U.S.C. 1170.

The Commission's role under 11 U.S.C. 1170 is essentially that of an advisor. The trustee of the bankrupt railroad is required to initiate an appropriate application for abandonment with the Commission. The Bankruptcy court may then fix a time within which the Commission shall report to the bankruptcy court on the abandonment application. See 11 U.S.C. 1170(b). Hence, the Commission's role has been altered from that of adjudicator to that of consultant to the bankruptcy court.

On November 4, 1979, the Milwaukee Railroad Restructuring Act, Pub. L. No. 96-101 (1979) became law. Its purpose, as pertinent, is to provide for the orderly restructuring of the Milwaukee Railroad, and for the protection of the employees of that railroad. Section 5(a)(1) of the Milwaukee Railroad Restructuring Act (MRR) provided that upon the occurrences of an event specified in MRR, the bankruptcy court may authorize the abandonment of lines of the Milwaukee Railroad pursuant to 11 U.S.C. 1170. In the event of a proposed Milwaukee Railroad abandonment, the Commission's responsibilities are the same as under the Bankruptcy Act.

Under section 17(a) of the MRR, the bankruptcy court may authorize the abandonment of lines of railroad pursuant to 11 U.S.C. 1170 for any case pending under section 77 of the Bankruptcy Act on the date of enactment of the MRR. Again, the Commission's responsibility is to prepare a report for the bankruptcy court. However, under the MRR, the Commission report must be prepared in such a time as the appropriate bankruptcy court might prescribe. For example, the Milwaukee bankruptcy

court has indicated that it will seek Commission advice on no more than 120 days notice.

Because we have a responsibility to prepare reports for the bankruptcy court on proposed abandonments, we are developing these special procedures to be followed by bankrupt railroads proposing abandonment. These procedures will be codified as Subpart F of 49 CFR Part 1121. These procedures draw heavily from our regular abandonment procedures. However, there are some key differences which we have incorporated in order to perform better our function under 11 U.S.C. 1170.

Since we are operating under 11 U.S.C. 1170, and not 49 U.S.C. 10903 *et seq.*, we will not require bankrupt railroads filing for abandonment to comply with the requirements of prefiling system diagram map notice, and publication and posting of notice. Additionally, since we no longer have authority to consider offers of financial assistance to continue rail service or public use of right-of-way, we will not require evidence on those two issues.

We have modified the information which is required in a normal abandonment application. This information is drawn from 49 CFR 1121.32. We have reduced this information so that it will apply to the current condition of a bankrupt railroad. The time for which financial information is required has been reduced, and the bankrupt railroad will be required to file sworn statements in support of its proposal.

In order to obtain a balanced view of the proposed abandonment, we are giving parties an opportunity to comment on the proposed abandonment. They will have 30 days from the date we receive an application to file their comments in the form of sworn statements. Any comments which are not in this format or which are not timely filed will not be considered.

Section 19 of the MRR exempted transactions under its provisions from the National Environmental Policy Act. Therefore, for applications filed pursuant to the MRR, that is filed by railroads that were bankrupt on or before November 4, 1979, we will not require the filing of any environmental information.

Based on the information supplied, we shall prepare a report for the appropriate bankruptcy court. We do not intend to hold hearings in any abandonment case involving a bankrupt railroad. That is within the jurisdiction of the bankruptcy court.

We are adopting these procedures as final rules. The deadlines designated by

the MRR do not afford us sufficient time to request comments on these procedures.

The MRR requires that abandonment requests by bankrupt railroads be considered under the procedures of 11 U.S.C. § 1170. That section requires the filing of an "appropriate application" with the Commission. As section 1170 does not require the Commission to provide notice or hearing prior to determining the contents of an "appropriate application", we need not provide such notice and hearing except to the extent required by the Administrative Procedure Act (APA) or due process.

Our adoption of these procedures without public proceedings comports both with the APA and with the fundamental concepts of due process. Section 553(b)(B) of the APA establishes the following exemption from the general notice and comment requirements of the rulemaking process:

5 U.S.C. 553: Rule Making—(b) * * * Except when notice or hearing is required by statute, this subsection does not apply * * * (B) when the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

Under section 17(a) of the MRR, the bankruptcy court may impose deadlines on the Commission. By an order served November 21, 1979, the Milwaukee bankruptcy court indicated that it wanted reports in some cases by January 10, 1980; in other cases by March 1, 1980; and in newly filed cases, no later than 120 days after filing. It is impracticable for us to request public comments prior to determining the contents of an "appropriate application", when such an application can be filed imminently.

The procedures contained in this notice are a distillation of the ICC's existing abandonment regulations. See *Abandonment of Railroad Lines and Discontinuance of Service*, 49 CFR Part 1121 (1978). We have reduced the information required to that which is necessary to prepare a report to the bankruptcy court under 11 U.S.C. 1170. In adopting these procedures, we have used our expertise in the area of rail abandonments and railroad reorganization, and we have considered our responsibilities under the MRR and 11 U.S.C. 1170. Since these abandonment procedures are based on our existing regulations, public proceedings are unnecessary and would only delay our ability to implement urgently needed procedures for handling abandonment

requests filed pursuant to the MRR and 11 U.S.C. 1170.

Additionally, adoption of these procedures would not be contrary to the public interest since the public has already fully commented on our existing abandonment regulations (see *Abandonment of R. Lines & Discontinuance of Serv.*, 354 I.C.C. 129 (1976)) and since the MRR represents a clear Congressional response to the difficulties plaguing bankrupt rail carriers.

Accordingly, we are making these procedures effective immediately. In normal circumstances, we would delay the effectiveness of such procedures for 30 days pursuant to 5 U.S.C. 553(d). However, in view of the pending rail situation in the midwest and the Congressional intent behind the MRR, there is good cause here to make these procedures effective immediately. See 5 U.S.C. 553(d)(3).

These regulations are issued under the authority of 49 U.S.C. 10903 et seq., 11 U.S.C. 1170, and sections 5 and 17 of Pub. L. No. 96-101.

The attached appendix contains the procedures to be followed by a bankrupt railroad seeking abandonment.

We find:

(1) For good cause found, notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

(2) This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Decided: December 3, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Chairman O'Neal absent and not participating.

Agatha L. Mergenovich,
Secretary.

Appendix

PART 1121—ABANDONMENT OF RAILROAD LINES AND DISCONTINUANCE OF SERVICE

Accordingly, Part 1121 is amended as follows:

Subpart E is reserved as follows:

Subpart E—[Reserved]

Subpart F is added to read as follows:

Subpart F—Abandonment Procedures for Bankrupt Railroads

Sec.

- 1121.60 Filing and service requirements.
- 1121.61 Contents of the application.
- 1121.62 Responses to the application.
- 1121.63 Report of the Commission.

Authority: 49 U.S.C. 10903 et seq., 11 U.S.C. 1170, and sections 5 and 17 of Public Law No. 96-101.

Subpart F—Abandonment Procedures for Bankrupt Railroads

§ 1121.60 Filing and Service Requirements.

(a) The application for abandonment shall be filed with the Commission at the same time the proposal to abandon is presented to the Bankruptcy Court.

(b) An original and six copies of the application, typewritten or printed on paper approximately 8½ inches by 11 inches with 1½ inch left margin shall be filed with the Secretary of the Interstate Commerce Commission, Washington, D.C. 20423. The original shall bear the date and signature of the officer or other person authorized to file the application, and shall be complete in itself. The signature may be stamped or typed and the notarial seal may be omitted on the copies. A check or money order payable to the Interstate Commerce Commission must also be submitted to cover the applicable filing fee.

(c) Service. Concurrent with the filing of an application with the Commission, a copy of the application shall be served on all parties entitled to receive notice under 49 CFR 1121.30.

§ 1121.61 Contents of the Application.

Applications filed by bankrupt railroads concerning the abandonment of railroad lines or the discontinuance of rail service shall contain the following information and each paragraph (a) through (i) of this section shall be attested to by a person having personal knowledge of the matters contained therein:

(a) General. (1) Exact name of applicant.

(2) Whether applicant is a common carrier by railroad subject to the Interstate Commerce Act.

(3) Whether the carrier which owns or operates the line of railroad to be abandoned or over which service is to be discontinued is a part of any railroad system.

(4) Relief sought (abandonment of line or discontinuance of service).

(5) Detailed map of the subject line on a sheet not larger than 8 x 10½ inches, drawn to scale, and with the scale shown thereon. The map must show, in clear relief, the exact location of the rail line to be abandoned or over which service is to be discontinued and its relation to other rail lines in the area, highways, water routes, and population centers.

(6) Detailed statement of reasons for filing application.

(7) Name, title, address, and telephone number of the representative of applicant to whom correspondence should be sent.

(8) A statement that a response to the application may be submitted to the Commission within 30 days, and must conform to 49 CFR 1121.62.

(9) Certificate of service.

(b) *Condition of properties.* (1) The present physical condition of the line including any operating restrictions and estimate of deferred maintenance and rehabilitation costs (e.g., number of ties that need replacing, miles of rail that need replacing and/or new ballast, bridge repairs or replacement needed, and estimated labor expenses necessary to upgrade the line to minimum Federal Railroad Administration Class I safety standards). The bases for the estimates shall be stated with particularity, and workpapers shall be made available upon request of the Commission or any interested persons.

(2) Statement whether the line, or any portion of line, could be operated profitably if necessary deferred maintenance and rehabilitation were performed.

(c) *Service provided.* Describe service performed on the line during the most recent full calendar year for which information is available, and that part of the current year for which information is available. This should include: (1) Number of trains operated and their frequency; (2) Miles of track operated (include main line and all railroad-owned sidings); (3) Average number of locomotive units operated; (4) Carload commodity group tonnage on the line; (5) Overhead or bridge traffic by carload commodity group tonnage (include detailed information on overhead or bridge traffic to be retained by the carrier); (6) Average crew size; (7) Level of maintenance; (8) Any important changes in train service undertaken in the 5 calendar years immediately preceding the filing of the application; and (9) Reasons for decline in traffic, if any, in the best judgment of applicant.

(d) *Revenue and cost data.* (1) Computation of the revenues attributable, avoidable costs and reasonable return on value for the line to be abandoned for the most recent full calendar year (to the extent such branch level data is available), in accordance with the methodology prescribed in § 1121.46, as Exhibit 1.

(2) If the line to be abandoned or over which service is to be discontinued is less than the entire mileage owned or operated by the carrier, a detailed statement showing the effect of the proposed abandonment or discontinuance on its net railway operating income for the calendar year

immediately preceding the filing of the application and for that part of the current year for which information is available.

(3) If the line to be abandoned or over which service to be discontinued is operated as a part of a system under common control and management, a detailed statement showing the effect of the proposed abandonment or discontinuance on the net railway operating income of the other individual members of the system for the calendar year immediately preceding the filing of the application and for that part of the current year for which information is available.

(e) *Service area.* (1) The name and population (identify source and date of figures) of each community in which a station on the line is located.

(2) Identification of significant users, as defined in § 1121.11(m), by name, address, principal commodity, and by tonnage and/or carloads for that part of the current year and the previous calendar year for which information is available.

(3) Detailed description of the alternate sources of transportation service (rail, motor, water, air) available, including a detailed description and nature of operations, and the highway network in the proximate area.

(4) Statement of efforts which have been made to continue service through solicitation of additional traffic, and the sale or subsidy of the line and the results of those efforts.

(f) *Environmental and energy impact.* The applicant shall submit as a part of its abandonment or discontinuance application full and complete information with regard to the environmental impact of the proposed abandonment or discontinuance in compliance with 49 CFR 1106 and 1108.12 (b) and (c). If certain information required by the environmental regulations duplicates wholly or in part information required elsewhere in an abandonment or discontinuance application, the environmental information requirements may be met by a direct and specific reference to the location of the required information elsewhere in the abandonment or discontinuance application. Environment information should not be submitted for those cases covered by the Milwaukee Railroad Restructuring Act, Pub. L. No. 96-101 (1979).

(g) *Passenger service.* If passenger service is provided on the line, submit a statement of whether appropriate steps have been taken for discontinuance pursuant to 49 U.S.C. 10908 and 10909.

(h) All testimony considered necessary to support the proposal shall

be filed with the application in the form of verified statements.

(i) *Verification.* The original application shall be executed and verified in the form set forth below by an officer of the carrier having knowledge of the facts and matters relied upon.

Verification

State of _____ ss. County of _____

_____, (Name of affiant) makes oath and says that he is the _____ (Title of Affiant) of the _____ (Name of applicant) applicant herein; that he has been authorized by the applicant (or as appropriate, a court) to verify and file with the Interstate Commerce Commission the foregoing application in AB-

_____, (Sub-No. _____); that he has carefully examined all of the statements in the application as well as the exhibits attached thereto and made a part thereof; that he has knowledge of the facts and matters relied upon in the application; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.

(Signature)
Subscribed and sworn to before me _____ in and for the State and County above named, this _____ day of _____, 19__.

My commission expires _____

§ 1121.62 Responses to the application.

(a) *Filing.* The original and six copies of responses to the application shall be filed with the Commission within 30 days of the filing of the application. A copy of each response shall be concurrently served on the carrier and Bankruptcy Court. A certificate of service shall accompany the response.

b. *Verification.* Each response shall be verified.

State of _____ ss. County of _____

_____, (Name of affiant) makes oath and says that he has been authorized to verify and file with the Interstate Commerce Commission the foregoing response in AB-

_____, (Sub-No. _____), that he has carefully examined all of the statements in the response; that he has knowledge of the facts and matters relied upon; and that all representations set forth are true and correct to the best of his knowledge, information, and belief.

(Signature)
Subscribed and sworn to before me _____ in and for the State and County above named, this _____ day of _____, 19__.

My commission expires _____

(c) *Warning.* The Commission will not consider untimely, unserved, or unverified responses.

§ 1121.63 Report of the Commission.

The Commission, or designee thereof, shall prepare a report for the Bankruptcy Court within the time allotted by the Court pursuant to 11 U.S.C. 1170. The Commission report shall rely on the application and responses.

[FR Doc. 79-38511 Filed 12-14-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries; Closure of Surf Clam Fishing Area

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final rulemaking.

SUMMARY: This document provides notice of the closure of an area of the fishery conservation zone (FCZ) offshore of Ocean City, Maryland to surf clam fishing because of the predominance of small (less than 4½ inches) surf clams. The area being closed is approximately 25 square miles. It is located between six and ten nautical miles directly offshore of Ocean City, Maryland.

This action is taken based on reports of commercial fishermen and scientific researchers which indicate that the surf clams in this area are generally under 4½ inches. Therefore, the area falls within the criteria governing closure.

EFFECTIVE DATE: December 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION:

Regulations implementing the fishery management plan for the Atlantic surf clam and ocean quahog fisheries contain provisions for the closure of areas which contain beds of small surf clams.

Section 652.8(b) allows the Regional Director to close an area to surf clam fishing if he determines (based on logbook entries, processors' reports, survey cruises, or other information)

that the area contains surf clams of which 60 percent or more are smaller than 4½ inches in size and not more than 15 percent are larger than 5½ inches in size.

Since the beginning of this year, numerous fishermen and processors of surf clams have indicated that large numbers of small surf clams were present in areas offshore of Ocean City, Maryland. A special study was conducted in August and September to locate and define the area where small clams predominate. The study delineated an area within which the surf clam size distribution meets the criteria for closure under provisions of § 652.8 of the regulations. According to the study, a weighted average of 88 percent of the surf clams within the area are under 4½ inches. Therefore, the area meets the criteria for closure.

On November 1, 1979, a public hearing was held in Ocean City, Maryland to determine the social and economic effects of the proposed closure. Those in attendance strongly supported the need for closure of the area. It appears that, while the area has yielded significant harvests of surf clams recently, no harvesting activity has been undertaken in the area for the last several months. Therefore, the social and economic impact of closing the area is expected to be negligible.

The area being closed is approximately 25 square miles. It is located between six and ten nautical miles offshore of Ocean City, Maryland, and is defined as follows: Beginning at a point at 74°57' W. longitude and 38°17' N. latitude; thence northeasterly in a straight line to 74°51' W. longitude and 38°20.5' N. latitude; thence southeasterly in a straight line to 74°48.5' W. longitude and 38°19' N. latitude; thence southwesterly in a straight line to 74°51' W. longitude and 38°12.5' N. latitude; thence northwesterly in a straight line to 74°57' W. longitude and 38°17' N. latitude, the point of beginning.

The corners of the area are also approximated by loran "C" bearings. Overlay on National Ocean Survey chart 12211. The bearings are, respectively, 52540-70430; 52470-70420; 52470-70435; 52540-70465. Fishermen are cautioned that these loran "C" bearings are provided for their convenience only; the legally closed area which will be enforced is that area described by the latitude and longitude coordinates above.

Surveys of the closed area will be conducted periodically to monitor the growth of the surf clams. Based upon the

data of the surveys, the Regional Director will determine when the area may be reopened to fishing.

Signed at Washington, D.C., this 12th day of December, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-38690 Filed 12-13-79; 2:22 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 44, No. 243

Monday, December 17, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 19842]

Airworthiness Directives; British Aerospace, Aircraft Group (Formerly British Aircraft Corp.) Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require inspection for cracks or corrosion and repair as necessary of the lower fuselage skin in the area covered by the forward and rear underwing fairings on British Aerospace, Aircraft Group, Model BAC 1-11 200 and 400 series airplanes. This AD is needed to prevent cracks which could result in cabin depressurization and is required to protect the structural integrity of the pressure vessel.

DATES: Comments must be received on or before February 15, 1980.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 19842, 800 Independence Avenue, S.W., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 19842. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m. The applicable service bulletin may be obtained from: British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There has been a report of a crack in the forward fuselage skin of a British Aerospace, Aircraft Group, Model BAC 1-11 200 series airplane which, if left undetected and unrepaired, could result in lowering the structural integrity of the pressure vessel to a hazardous level and possible cabin depressurization. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require repetitive inspection of the fuselage structure for cracks and corrosion and rework or repair as necessary on Model BAC 1-11 200 and 400 series airplanes.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

British Aerospace, Aircraft Group (formerly British Aircraft Corporation). Applies to Model BAC 1-11 200 and 400 series airplanes, certificated in all categories.

Compliance is required as indicated unless already accomplished.

To detect cracking and corrosion and to prevent structural failure of the fuselage pressure vessel with the resultant cabin depressurization, accomplish the following:

(a) Within the next 12 months after the effective date of this AD, unless already accomplished within the last 2 years, and thereafter at intervals not to exceed 3 years from the last inspection, visually inspect for corrosion and cracks the interior of the lower fuselage skin at stations 416-456 between stringers 32 (LH) and 32 (RH) and the interior of the lower fuselage skin at stations 630-690 between stringers 32 (LH) and 32 (RH), and ensure that drain paths in these areas are unobstructed, in accordance with paragraphs 2.1.1 and 2.1.2 of British Aerospace Alert Service Bulletin 53-A-PM5632, dated August 18, 1978 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(b) On an airplane which has a long range fuel tank or a water injection tank installed, remove any such tanks to perform the inspections required by paragraph (a) of this AD. In addition, an airplane may not be considered to have been previously inspected in accordance with paragraphs 2.1.1 and 2.1.2 of the Service Bulletin or an FAA-approved equivalent, unless the inspection was made with these tanks removed.

(c) If cracks or corrosion are found during any inspection required by this AD, before further flight, rework or repair in accordance with Structural Repair Manual, Chapters 53-01-0 or 53-02-0 as appropriate, or an equivalent approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Brussels, Belgium, and continue the repetitive inspections at the intervals specified in paragraph (a) of this AD.

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

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C., on December 10, 1979.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 79-38485 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-73]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter VOR Federal Airway V-7 between Montgomery, Ala., and Vulcan, Ala. The realignment would improve traffic flow between Montgomery and Birmingham, Ala., terminal areas and reduce controller workload.

DATES: Comments must be received on or before January 16, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 79-SO-73, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

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. Lewis W. Still, Airspace Regulations Branch (ATT-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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 16, 1980, 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) that would alter VOR Federal Airway V-7, in the vicinity of Montgomery, Ala., by realigning V-7 from Montgomery direct to Vulcan, Ala. Presently, Federal Airway V-7 is aligned from Montgomery to Vulcan via a west dogleg. This dogleg segment is also codesignated as Federal Airway V-115. The realignment of Federal Airway V-7 will designate an airway in an area where aircraft are normally vectored thereby reducing controller workload. Also, traffic flow in the Montgomery and Birmingham, Ala., terminals would be improved because of additional flexibility. Subpart C of Part 71 was republished in the *Federal Register* on January 2, 1979, (44 FR 307).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) as follows:

Under V-7, "Montgomery; INT Montgomery 323° and Vulcan, Ala., 177° radials; Vulcan;" is deleted and "Montgomery; Vulcan, Ala.;" is substituted therefor.

Note.—The FAA has determined that this document involves a proposed 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 and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on December 7, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-38303 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-61]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Rushford, Minnesota to accommodate a new Very High Frequency Omnidirectional Range (VOR—A) instrument approach into Rushford, Municipal Airport, Rushford, Minnesota established on the basis of a request from the Rushford Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

EFFECTIVE DATE: Comments must be received on or before January 7, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-CL-61, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the

700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-CL-61, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before January 7, 1980, 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, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future 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 Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Rushford, Minnesota. Subpart G of Part 71 was republished in the *Federal Register* on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following transition area is added:

Rushford, Minn.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Rushford Municipal Airport, Rushford, MN, (latitude 43°49'15" N, longitude 91°49'45" W) and 2.5 miles each side of the

242° true bearing from the Nodine, MN VORTAC (latitude 43°54'45" N, longitude 91°28'03" W) extending from the 6.5 mile radius area out to 7.0 miles.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 C.F.R. 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-61, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on December 7, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-38304 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-60]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Jackson, Ohio to accommodate a new instrument approach into James Rhodes Airport, Jackson, Ohio established on the basis of a request from the James Rhodes Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before January 14, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-60, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel,

Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-60, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before January 14, 1980, 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, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future 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 Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Jackson, Ohio. Subpart G of Part 71 was republished in the *Federal Register* on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (44 FR 442) the following transition area is added:

Jackson, Ohio

That airspace extending upward from 700 feet above the surface within a seven mile radius of the James Rhodes Airport, Jackson, Ohio (latitude 3858°47' N, longitude 8234°41' W).

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-60, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on November 28, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-38305 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-58]

Revocation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke several airways in the vicinity of Carleton, Mich. These routes are rarely utilized and therefore should not be retained. Also, revocation of these airway segments will reduce chart clutter.

DATES: Comments must be received on or before January 16, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 79-GL-58, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018.

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. Lewis W. Still, 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, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before January 16, 1980, 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, 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 Subpart C of Part 71 of

the Federal Aviation Regulations (14 CFR Part 71) that would revoke V-47, V-297 and V-493 segments in the vicinity of Carleton, Mich. These airway segments are not being utilized and therefore should be revoked. This action would improve flight planning, and reduce controller workload and chart clutter.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) as follows:

Under V-47

"Waterville, Ohio; INT Waterville 353° and Salem, Mich., 197° radials; Salem; to the INT Salem 021° and Flint, Mich., 088° radials." is deleted and "to Waterville, Ohio." is substituted therefor.

Under V-297

"Carleton; INT Carleton 334° and Saginaw, Mich., 182° radials; Saginaw; INT Saginaw 353°" is deleted and "to Carleton. From Saginaw; INT Saginaw 353°" is substituted therefor.

Under V-493

"Carleton, Mich.; INT Carleton 334° and Mt. Pleasant, Mich., 142° radials; to Mt. Pleasant." is deleted and "to Carleton, Mich." 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 11.65.)

Note.—The FAA has determined that this document involves a proposed 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 and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C. on December 7, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-38306 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 18605/79-AWE-17]

Proposed Group II Terminal Control Area—San Diego, Calif.

Correction

In FR Doc. 79-37485, published at page 70181, on Thursday, December 6, 1979 make the following corrections:

1. On page 70186, in the first column, in the second line of paragraph 1, under *Primary Airports*, "(Lat. 23°..." should be corrected to read "(Lat. 32°..."

2. On page 70187, after the signature, the File Line should be added to read "[FR Doc. 79-37485; Filed 12-5-79; 8:45 am]".

BILLING CODE 1505-01-M

14 CFR Part 71

[Airspace Docket No. 79-RM-30]

Alteration of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to alter the 700' and 1,200' transition areas at Glasgow, Montana, to provide controlled airspace for aircraft executing the new instrument landing system (ILS) runway 28 standard instrument approach procedure developed for the Valley Industrial Airpark, Glasgow, Montana (formerly Glasgow Air Force Base).

DATES: Comments must be received on or before January 14, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: Pruet Helm, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-530), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

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 be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the

proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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 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 (FAA) is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 700' and 1,200' transition areas at Glasgow, Montana. This proposal is necessary to provide controlled airspace for aircraft executing the new instrument landing system (ILS) runway 28 standard instrument approach procedure developed for the Valley Industrial Airpark, Glasgow, Montana. Accordingly, the FAA proposes to amend subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending § 71.181 so as to alter the following transition areas to read:

Glasgow, Mont.

That airspace extending upward from 700' above the surface within 9 miles each side of the Glasgow VORTAC (latitude 48°12'55" N., longitude 106°37'30" W.) 016°/196° radials extending from the VOR 9 miles southwest and 24.5 miles northeast, and that airspace extending upward from 1,200' above the surface starting at latitude 48°40'00" N., longitude 106°00'00" W.; to latitude 48°32'00" N., longitude 105°50'00" W.; to latitude 48°03'00" N., longitude 105°50'00" W.; to latitude 48°05'00" N., longitude 106°10'00" W.; to latitude 47°54'00" N., longitude 106°22'30" W.; to latitude 48°16'00" N., longitude 107°07'00" W.; to latitude 48°40'00" N., longitude 107°07'00" W., thence, to point of beginning, excluding that area designated as the Wolf Point, Montana 1,200' transition area.

Drafting Information

The principal authors of this document are Pruet Helm, Air Traffic Division, and Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

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 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, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colo., on December 12, 1979.

M. M. Martin,

Director, Rocky Mountain Region.

[FR Doc. 79-38704 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-NW-13]

Proposed Designation of Transition Area; Burns, Oreg.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making. (NPRM)

SUMMARY: This notice proposes to establish a 700' and 1200' Transition Area at Burns, Oregon, to provide controlled airspace for aircraft executing the new NDB Runway 29 and the new VOR Runway 29 Standard Instrument Approach procedures developed for the Burns Municipal Airport, Burns, Oregon.

DATES: Comments must be received on or before January 20, 1980.

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 Specialist, 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 January 20, 1980, 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 NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a 700' and 1200' Transition Area at Burns, Oregon. This proposal is necessary to provide controlled airspace for aircraft executing the new NDB and VOR standard instrument approach procedures for Burns, Oregon.

Accordingly, the FAA proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending § 71.181 so as to designate the following transition areas to read:

Burns, Oreg.

That airspace extending upward from 700 feet above the surface within 12.5 miles northeast and 11.5 miles southwest of the 141° true and 321° true radials of the Wildhorse VOR, (Burns, Oregon) extending from 11 miles southeast to 10.5 miles northwest of the VOR; and that airspace extending upward from 1200 feet above the surface within 12.5 miles northeast and 11.5 miles southwest of the northeast and 11.5 miles southwest of the 141° true and 321° true radials of the Wildhorse VOR, (Burns, Oregon) extending from 23 miles southeast to 10.5 miles northwest of the VOR.

Drafting Information

The principal authors of this document are Robert L. Brown, Air Traffic Division, and Hays V. Hettinger, Regional Counsel, Northwest Region. 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). 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, and a comment period of less than 45 days is appropriate.

Issued in Seattle, Washington, on December 7, 1979.

C. B. Walk, Jr.,
Director.

[FR Doc. 79-38556 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 18605/79-APC-1]

Proposed Group II Terminal Control Area, Honolulu, Hawaii

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: As part of a comprehensive program announced on December 27, 1978, in the FAA Administrator's Plan for Enhanced Safety of Flight Operations in the National Airspace System, the FAA proposes to establish a Group II Terminal Control Area (TCA) at Honolulu, Hawaii. Operation in the proposed TCA would be subject to the

operating and equipment rules for operation in Group II TCAs specified in § 91.90(b) of Part 91 of the Federal Aviation Regulations. This includes, among other rules, the requirement to have an operable VOR, TACAN receiver, two-way radio, and a transponder to operate in the TCA. An altitude encoder would not be required. This action is intended to increase the capability of the Air Traffic Control (ATC) system to separate all aircraft in the terminal airspace around the Honolulu International Airport, Honolulu, Hawaii. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involves visual flight rules (VFR) aircraft that are not required to be under ATC control. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users.

DATES: Comments must be received on or before March 17, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Pacific-Asia Region, Attention: Chief, Air Traffic Division, Docket No. 18605/79-APC-1, Federal Aviation Administration, P.O. Box 50109, Honolulu, Hawaii 96850.

The docket for this action may be examined at the office of the Regional Air Traffic Division, Room 7123, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850, or at the FAA, Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Robert C. Bishop, Operations, Airspace and Procedures Branch (APC-530), Air Traffic Division, Federal Aviation Administration, P.O. Box 50109, Honolulu, Hawaii 96850; telephone: (808) 546-8346.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the Director, Pacific-Asia Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 50109, Honolulu, Hawaii 96850. All communications received on or before March 17, 1980, 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 FAA Regional and Headquarters Rules Dockets for examination by interested persons.

Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice shall submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 18605/79-APC-1." The postcard will be date/time stamped and returned to the commenter.

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.

Prior Public Participation

The proposal contained in this notice was preceded with broad and helpful public participation with the FAA in considering the development of an airspace description for a TCA that is responsive to the need to increase safety and to the needs of both transient and local aircraft operators who might be affected. An extensive publicity effort was made to invite all interested persons to participate in the meeting. In addition to published notices, notice was given through mailing of notices to hundreds of persons believed to have an interest in the proposal, through posting of notices in airports, and through press, radio, and TV coverage. As a result of the meeting, adjustments to TCA configurations were made and are reflected in the configuration proposed in this notice. An additional opportunity for public participation is provided by this notice to ensure full consideration of public concerns at every stage of the rulemaking process. Based on the public participation and other available data, several locations that were included among the 44 candidates for new TCAs have been dropped from further consideration. Other locations may be dropped later if commensurate levels of safety can be sustained without TCA designations or operational requirements do not justify such designations.

Background: The Need for Increased Positive Control in Terminal Airspace

The takeoff and landing phases of flight result in the concentration of inflight aircraft in a relatively limited volume of airspace surrounding an airport. The number of aircraft per unit volume of airspace at a specific instant of time is a function of the number of aircraft using that airport and its proximity to one or more adjacent airports that share or abut that airspace. As air traffic activity at an airport increases, the need for increasingly precise control of aircraft and protection of airspace from unknown aircraft becomes essential for continued safe operations. The FAA has developed a spectrum of air traffic procedures which, when coupled with precision navigational aids, airport surveillance radar facilities, automated radar data processing capability, and a highly skilled workforce, forms a comprehensive system to provide safe and efficient flight operations at all controlled airports.

The scope of services range from simple suggested airport traffic flows at lowest density airports, to terminal control areas at the busiest airports which provide positive controlled airspace. Within the latter, all aircraft are subject to specific operating rules and avionics equipment requirements.

The FAA is proposing to take action to extend or enhance the application of these proven control techniques and hardware subsystems to more airports to assure greater protection of air traffic in the airspace regions most commonly used by passenger-carrying aircraft.

An analysis of the need for extending the ability of ATC to separate visual flight rules (VFR) aircraft and instrument flight rules (IFR) aircraft in terminal airspace is contained in the Administrator's Plan for Enhanced Safety which announced FAA's intent to propose, for public comment, establishment of 44 new Group II TCAs, and the vertical and lateral enlargement of the 21 previously established TCAs. This proposal to establish a Group II TCA at the Honolulu International Airport is in accordance with that plan.

Near Midair Collisions in Terminal Airspace

The FAA experience since the establishment of mandatory TCAs and voluntary Terminal Radar Service Areas indicates that, in terminal airspace, ATC control of VFR aircraft reduces the potential for hazardous traffic conflicts. A comparison of periods before and after the establishment of terminal control areas and terminal radar service

areas is instructive. In 1968, the FAA conducted an extensive study of near midair collision hazard in U.S. airspace. The results of this study were published in the "Near Midair Collision Report of 1968," July, 1969. A major portion of the report was devoted to the collision potential in terminal airspace. For the year 1968 (which preceded the establishment of terminal control areas), the report concluded that, for the airports now served by terminal control areas, there were 271 incidents reported as "hazardous" to flight. In response to that study, since 1970, 21 terminal control areas were established. For the fiscal years 1975, 1976, and 1977, there were a total of 64 reported near midair collisions (NMACs) in these terminal control areas. For comparison purposes, this translates into an average of approximately 20 reported incidents per year, under TCA requirements, in contrast with the 271 incidents for the year 1968. These figures are not conclusive indicators of the absolute numbers of incidents, but are viewed as pointing toward the critical relationship between the absence of control of all aircraft and the likelihood of hazardous traffic conflicts in terminal airspace. As a result of public comments, in response to Notice No. 78-19 (44 FR 1322, January 4, 1979), questioning the adequacy of FAA's near midair collision information, a comprehensive review of that information has been undertaken.

The mix of controlled and uncontrolled aircraft in the Honolulu terminal area is much less than that surrounding many major mainland U.S. airport locations because of the absence of satellite reliever airports generating other activity. There are two military fields nearby that impact the Honolulu terminal area, plus another airport which does not have any based aircraft but is used by general aviation for landing practice. These are Wheeler AFB, Barbers Point NAS, and Ford Island ALF, respectively. The high passenger loads (discussed below) and the mix of various type aircraft using the airspace in and around the Honolulu International Airport make it highly desirable to add the assurance that the flight paths of air carrier aircraft using this airport are contained within airspace regulated to be free of uncontrolled flights.

The "Highest Degree" of Air Transportation Safety

The near midair collision statistics cited above indicate that, for all classes of users of terminal airspace, the furnishing of separation service by ATC, in addition to the duty of pilots to see and avoid each other, can result in a

higher level of air traffic safety. For the millions of air carrier passengers who enter and leave the major air terminals each year, the Congress has directed that the highest feasible degree of safety be achieved. The FAA believes that the continued presence of a "mix" of ATC controlled aircraft and uncontrolled VFR aircraft can interfere unnecessarily with this high safety objective.

The congressional mandate is clear with respect to the high level of safety intended for passengers in air transportation. Section 601 of the Federal Aviation Act of 1958 requires that the FAA give full consideration to the duty resting on air carriers to perform their services with the "highest possible degree of safety in the public interest * * *". This Congressional concern for air transportation, as a distinct class to be protected, was restated in the Airline Deregulation Act of 1978 (Pub. L. 95-504, October 24, 1978) which amended Section 102 of the Federal Aviation Act of 1958 to emphasize the "dedication of the Congress to the furtherance of the highest degree of safety in air transportation and air commerce, and the maintenance of the safety vigilance that has evolved within air transportation and air commerce and has come to be expected by the traveling and shipping public" (49 U.S.C. 1302(a)). The Airline Deregulation Act of 1978 also directed the Secretary of Transportation ("Secretary") to complete a thorough review of the safety regulations applicable to air carriers in order to ensure that "all classes of air carriers are providing the highest possible level of safe, reliable air transportation to all the communities served by those air carriers." The Administrator is directed to respond to the Secretary's review by promulgating regulations that may be needed to "maintain the highest standard of safe, reliable air transportation in the United States." The "high standard of safety in air transportation" is also stressed in relation to annual reports to be submitted to the Congress by the Secretary beginning not later than January 31, 1980, (new Section 107 of the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978). The orderly and extensive expansion of positive controlled airspace, including the proposal in this notice, would ensure that the system-wide capability of the FAA to assure separation protection for air carrier passengers remains commensurate with the encouragement and growth of a vigorous, safe and efficient air

transportation system under the new Act.

Building on Past Programs

While the TCA action described herein is proposed as part of the Administrator's Plan for Enhanced Safety, it follows, and is a logical extension of, programs that first gained momentum in 1962. That year, initiating many years of pilot participation in terminal radar service programs, such a program was established at Atlanta to solve communications workload problems and assist in aircraft sequencing. This was followed by a similar program at Merced Air Force Base, California, in 1965. This service was gradually extended until 1970, when the National Terminal Radar Program signalled a major expansion of ATC separation service following the 1968 New Midair Collision Report (discussed below). Beginning with the TRSA at Nashville, a total of 86 nonregulatory Terminal Radar Service Areas (TRSAs) covering 105 airports were established under that program, the last being the Peoria TRSA in 1978. The safety enhancement program includes the proposed addition of 80 new TRSAs in phases ending in 1983.

In addition to these nonregulatory programs, the 1970 National Radar Program initiated the regulatory development of TCAs, also in response to the 1968 Near Midair Collision Report. The TCA concept, as a regulatory means of providing positive control in terminal airspace, was added to the Federal Aviation Regulations in Amendments 71-6 and 91-78, which were published in the **Federal Register** (35 FR 7782) on May 21, 1970, to be effective on June 25 of that year. Those amendments, which defined the nature and operational aspects of TCAs, followed extensive public comment in response to Notice No. 69-41, issued on September 30, 1969, (34 FR 15252); 22 public meetings; and a supplemental notice of proposed rulemaking (Notice No. 69-41B) issued on March 11, 1970, (35 FR 4519). That regulatory history led to the issuance of § 71.12 of Part 71 of the Federal Aviation Regulations, under which TCAs are issued, and § 91.90 of Part 91 of the Federal Aviation Regulations, which describes the equipment and operating rules for participating in a TCA. The TCA action proposed in this notice is issued under § 71.12 and incorporates, without changing, the provisions of § 91.90. While the safety enhancement plan identified 44 new locations for possible Group II TCAs, the legal basis for, and description of, the TCA concept was established under these 1970

amendments to Parts 71 and 91. That regulatory concept would not be changed by this notice. It is noted that the 44 locations were only proposals. Each site is being evaluated on its own merits. In fact, the FAA's analysis to date has led to dropping the following cities from the original list—Des Moines, Iowa; El Paso, Texas; Jacksonville, Florida; Lihue, Hawaii; Salt Lake City, Utah; and Tucson, Arizona. The evaluation is continuing with the very real possibility that other cities may be dropped, even before the issuance of a notice of proposed rulemaking.

National Benefits

The Plan for Enhanced Safety contains an analysis of the safety increases, in terms of passengers protected, that are expected to result from the establishment of 44 new TCAs originally under consideration. Six of those proposed sites are no longer under consideration at this time. However, if all of those TCAs were established the original analysis indicates that the percentage of air carrier enplaned passengers protected by mandatory ATC separation, compared with the 21 TCAs in existence in January 1978, would rise from 62% to 87%. In addition, those TCAs would expand the protected commuter passenger enplanements from 38.5% to 49.7% (in the contiguous 48 states). While those figures have been reduced because of the reduction of the number of candidate sites, the increased protection at the remaining locations is still substantial. This is during a period in which substantial increases in total enplanements are forecast for both classes of air transportation, with annual air carrier and commuter air carrier enplanements expected to exceed 418 million and 14 million, respectively, by 1989.

Parallel increases are also expected for general aviation. For this large and expanding class, the numbers of aircraft, and the total operations, are forecast to increase by more than 60% between 1977 and 1989. In addition, manufacturing trends indicate that increasing proportions of the general aviation fleet are being purchased with equipment intended for operation in the busy terminal airspace in which the "mix" of controlled and uncontrolled aircraft has been identified as a common factor in reported near midair collisions.

For all classes of airspace user, therefore, the FAA believes that the extensive expansion of TCAs would significantly increase the ability of ATC to provide an effective, additional margin of safety to that furnished by the pilot's duty to see and avoid other aircraft.

Local Benefits

The establishment of a Group II TCA, as proposed in this notice would make a meaningful contribution to the system-wide increase in safety. In fiscal year 1978, there were over 5½ million air carrier passenger enplanements at Honolulu International Airport. This represented 2.24% of the national enplaned passengers, and more than each of the existing or other proposed Group II TCA locations except Denver, Colorado. In the same period there were over 365 thousand total airport operations at Honolulu. In the next five years, these counts are forecast to reach over 8½ million passengers and 445 thousand operations according to the Terminal Area Forecast issued by the FAA in June 1978.

Economic Impacts

The FAA is committed to ensuring that the costs of establishing the Honolulu, Hawaii, TCA are considered before final regulatory decisions are made. Since these costs may affect other TCA proposals announced in the Plan for Enhanced Safety, a comprehensive economic assessment, covering the entire program as described in that plan, was made available to attendees at an informal airspace meeting held at the Honolulu International Airport on March 7, 1979, and is in the Regional and Washington dockets for public comment. The assessment includes system-wide assumptions concerning the impact of all 44 proposed TCAs, including the Honolulu, Hawaii, TCA proposal. Since six of the original sites are no longer under current consideration, the cost impact system-wide is even less but the underlying assumptions are still valid as applied to the remaining candidate sites. A detailed addendum to the broad national study has been prepared. This addendum is appended to the national assessment and is also in the Regional and Washington, dockets. To assist in this determination, public comment on these economic assessments is invited.

Environmental Impacts

In a manner similar to that described above for the national and local economic assessments, an environmental assessment has been prepared, which addresses the overall national environmental effect of the 44 proposed TCAs. This assessment addresses the aircraft noise, aircraft emissions, and fuel consumption impacts of the program as a whole, and concludes that these impacts would not significantly affect the quality of the human environment. This national

assessment was also made available at the March 7, 1979, informal airspace meeting and is in the Regional and Washington dockets. In addition, like the economic study, this program-wide assessment has been supplemented with an environmental assessment, prepared by the Regional office, responding to the site-specific impacts of the Honolulu, Hawaii, TCA proposal. This local assessment is in both dockets for public comments. The local supplement will assist the Administrator in evaluating local and national environmental impacts before decisions are made concerning the proposed TCA. Public comment on these environmental assessments is invited.

Airspace Outside the United States

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 pertain to the establishment of air navigational facilities and services necessary to promote the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure 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 jurisdiction of a contracting State, derived from 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 involves, 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 Terminal Control Area

The airspace description for the proposed TCA action in this notice was developed by the FAA Pacific-Asia Region in consultation with affected users to minimize the potential impact of the proposal. On March 7, 1979, an informal airspace meeting open to the public was held at the Honolulu International Airport to obtain public participation in the development of an airspace description responsive to the needs of both transient and local users who might be affected. Sixty-five persons attended the meeting. A report describing this meeting has been placed in the Regional and Washington dockets for public review. Public comment is invited on FAA's proposed disposition of comments and options discussed at the informal airspace meeting. There was both support and opposition expressed about the FAA's intention to propose a TCA at Honolulu. The rationale for the proposal to establish additional TCAs has been discussed previously in this notice. This TCA is proposed in order to limit the presence of uncontrolled aircraft in that airspace around the Honolulu International Airport in which the transport of passengers by air carriers is involved, thereby reducing the potential of a midair collision between aircraft.

The FAA is considering the establishment of the proposed TCA under Part 71. The TCA is described in detail below, but in general terms would lie in the southern half of a 32 mile circle centered on the Honolulu International Airport, would be divided into 10 subdivisions identified as Areas A through J, and would extend vertically up to 9,000 feet MSL with the base altitudes of the various subdivisions increasing outward from the airport from the surface up to 5,000 feet MSL. The design is configured to contain the flight paths of large turbine powered aircraft operating from the Honolulu International Airport, plus enlarging some additional areas (Areas I and J) to provide added separation to other users close to the airport. No VFR corridor through the proposed TCA is provided. Since the TCA is only proposed to cover slightly over 180° of area south of the airport, flight over most of the island is unaffected by the TCA. A considerable

number of VFR air tour aircraft overfly Oahu each afternoon en route to Kauai. These aircraft are expected, weather permitting, to normally pass beneath Area F at 4,500 feet or lower, north of Areas A, C and J and over or north of Area I. Other aircraft overflying the area would use these same areas or request approval to transit the TCA. Concern was expressed about potential delays due to traffic, whether sufficient controller staffing would exist to compensate for any increase of activity, and whether adequate controller equipment was provided. Any delays that might occur because of a TCA would be insignificant. Almost all aircraft using the Honolulu Airport and transiting the area are currently being provided the same IFR and VFR Stage III service as would be provided in the TCA. As traffic density increases in the future the potential for added delay could exist. Controller staffing and equipment are adequate to provide the necessary level of service.

Several changes have been made already to the proposed airspace configuration as a result of comments submitted. (1) Instead of centering the TCA using the coordinates of the airport surveillance radar (ASR), the ILS Runway 4R DME site is used for all radii except that the control zone boundary is used in Area I, and ranges from the Honolulu VORTAC are used in Areas G and H. This will allow added navaid capability to determine some TCA boundaries. Otherwise pilots will be expected to correlate their position visually or to plot their position from other navaids or landmarks. (2) The airspace in the Barbers Point NAS area has been redefined. The previous Area G has been reduced to delete airspace south of the ILS Runway 8L localizer not normally used by Honolulu arrivals. A new Area H is also included that deletes airspace previously proposed that does not contain the IFR approach procedures to Honolulu. This reduces the impact on Barbers Point VFR airport activity. (3) Area D has been extended to contain ALCOR DME fix to ensure all the approach segments are contained in the TCA. (4) The initial and intermediate approach segments on all but the NDB Runway 8L procedures would be raised to contain them within the TCA. These altitudes are not unreasonable and do allow sufficient distance for jet aircraft to descend, slow and stabilize prior to final descent. The TCA floor altitudes were selected simultaneously and in conjunction with selecting amended approach segment altitudes. (5) The floor altitude south of Diamond Head has been lowered from 1,500 feet to

1,000 feet to contain the Stage III arrival procedure to Runways 4 within TCA airspace. This area has been combined with the area over the Ala Wai Heliport which was raised from 500 feet to 1,000 feet because jet aircraft would be above that altitude in that area. This combined area is now labeled Area J. (6) The northwest boundary of Area F has been relocated so that the flight paths of arrivals over BAMBO Intersection are clearly contained within the TCA.

The following are proposed responses to recommendations made that the FAA proposes not to adopt: (1) It was stated that the TCA should not contain airspace used by hang gliders. This suggestion would be rejected because hang glider operations would not involve aircraft operating from the Honolulu Airport. (2) It was requested the ceiling of Area I (previously identified as Area H) be lowered to 2,500 feet to allow earlier exiting of the TCA. This is not being proposed because of the communications requirement in the airport traffic area for other aircraft operating in the area at or below 3,000 feet. To keep pilot procedural requirements as uncomplicated as possible, it is simpler to contain the airport traffic area northeast of the airport within the TCA. (3) Suggested vertical buffers of flight paths are not provided. Pilots of aircraft operating beneath the TCA could expect that aircraft in the TCA may be at a floor altitude. In most cases, however, these aircraft will be climbing or descending and would more likely be closer to the floor altitude on the boundary of an area closer to the airport. (4) It was stated that heavily loaded jet departures may not be able to remain at or above the floor altitudes nor to exit out the top of the TCA (for those flights at or above 9,000 feet). Observation of aircraft performance has verified that these aircraft are able to remain within the TCA. If an aircraft that is required to operate at or above the designated floor of the TCA is unable to make a sufficient rate of climb, the pilot would be expected to request authorization from ATC to operate at a lower altitude or extend the flight path a sufficient distance to reach the altitudes. It is expected this need would rarely arise. (5) It was suggested that the proposed floor altitude of Area F is too high for departures of heavy aircraft climbing during trade wind conditions and for BAMBO arrivals during Kona conditions. In both conditions sufficient flight path distance is available. A minimum of 21 flying miles would exist to Area F from takeoff on Runway 8R flying the Standard

Instrument Departure (SID) routes. For the Runway 26L arrival, aircraft are normally vectored south of BAMBO, around Koko Head and then to the airport. The shortest distance would be 30 flying miles to the runway; however, a slightly longer route length is normal. (6) For the same reasons, the suggestion to relocate the boundary between Areas E and F to the Koko Head VORTAC 111°T(100°M) radial is not being proposed. Leaving altitudes below 5,000 feet available for other VFR use also provided airspace for known overflights that are expected to transit the area outside the TCA, i.e., under Area F and north and over the remaining areas. (7) It was stated that the floor of Area D was too high to conduct an approach from ALCOR to Runway 8L and 4R and that Area G should be expanded to allow earlier descent for a stabilized approach. For the ILS Runway 8L procedures, the glide slope interception altitude would be raised 100 feet to use a cardinal altitude that will correspond to Area D. The normal flight path and altitudes from ALCOR on vector to Runways 4 would be at or above 3,000 feet until clear of the Barbers Point airport traffic area. The nonradar altitudes have been amended to be contained in the TCA. Area G and the new Area H are proposed to contain the ILS and VOR procedures to Runway 8L and 8R. The original calculations of altitude and range data have been corrected in the current proposal. These areas are designated so the flight paths and altitudes of the large turbine powered aircraft are contained in the TCA and provide the least possible impact on airport activity. (8) Airways and standard terminal arrival route (STAR) minimum en route altitudes (MEAs) have not been entirely contained in the proposed TCA nor is that the normal practice. SIDs, descent profiles and IFR approach procedures are contained in the TCA proposal. (9) An opinion was expressed that the TCA would compress air carrier flight procedures into the smallest airspace possible because the initial and intermediate approach segment altitudes were being raised rather than designating the TCA to contain the altitudes previously published. The previous altitudes were based on absolute minimum altitudes considering obstructions and navaid reception. The new altitudes proposed are more realistic in terms of actual need and use and still provide adequate transition from the en route to approach phase of flight. With regard to the narrowness of the proposed Areas G and H, the noise abatement procedures, minimum radar

vectoring altitudes and VFR traffic activity in the Barbers Point traffic pattern area south of that airport preclude a normal radar turn on to the ILS below 3,000 feet. Therefore, establishing these two areas as proposed would not adversely affect aircraft making an approach to Runway 8L. This configuration also responds to a need expressed by the U.S. Navy, which operates Barbers Point and its control tower.

FAR 91.90(a)(ii) requires that, unless otherwise authorized by ATC, a large turbine powered airplane operating to or from a primary airport shall operate at or above the designated floors while within the lateral limits of the TCA. It is the FAA's intention, through the design of the TCA, that aircraft enter and exit through the ceiling except when approaching at, or requesting to exit at, a lower altitude. Rate of climb used for planning purposes considers a worst case condition of 300 feet per mile. This same rate is used in planning descent profiles. The design also is intended to fully contain the IFR procedures used by large turbine powered aircraft arriving and departing the primary airport. These guidelines have been followed except that an aircraft flying the Coral SID and using the standard climb rate would exit the TCA at 8,100 feet. This is not considered a significant deviation since the top altitude of 9,000 feet was selected to contain overflights north of this area transiting the island chain to Kauai. As previously stated, public comment is invited on FAA's proposed disposition of those comments and suggestions.

The proposed TCA would be established as a Group II TCA; therefore, the requirements of § 91.90(b) would apply to operations within the TCA. This includes ATC authorization to enter the TCA, two-way radio communications within the TCA, and the requirement that large turbine engine powered airplanes remain at or above the designated floors of the TCA segments while operating to or from the primary airport within the TCA. Aircraft operating within the TCA would be required to be equipped with a VOR or TACAN receiver (except for helicopters), two-way radio, and a transponder. Section 91.90(b) should be reviewed for the details of these provisions.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 660) by adding a new

Group II Terminal Control Area to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation.

* * * * *

(b) Group II, Terminal Control Areas:

* * * * *

Honolulu, Hawaii, Terminal Control Area

Primary Airport

Honolulu International Airport (Lat. 21° 19' 20" N., Long. 157° 55' 27" W.) Boundaries.

Area A. That airspace extending upward from the surface to and including 9,000 feet MSL within an area bounded by a line beginning at the Honolulu ILS Runway 4R DME (Lat. 21° 20' 01" N., Long. 157° 54' 23" W.), thence via a bearing 105°T (094°M) to the 4-mile DME point, thence direct to a point bearing 145°T (134°M) and 4.5 miles from the ILS Runway 4R DME, thence via a 145°T (134°M) bearing to and clockwise via the 7.5-mile radius arc of the ILS Runway 4R DME to and along the Honolulu VORTAC (Lat. 21° 19' 41" N., Long. 158° 01' 56" W.) 179°T (168°M) and 359°T (348°M) radials to and eastbound along a line 0.5-miles north of and parallel to the ILS Runway 8L localizer course to a point 1.5-miles west of the ILS Runway 4R DME, thence direct to the point of beginning.

Area B. That airspace extending upward from 1,500 feet MSL to and including 9,000 feet MSL between 7.5-miles and 15-miles of the ILS Runway 4R DME and between the Honolulu VORTAC 134°T (123°M) radial clockwise to a line 1.5-miles northwest of and parallel to the ILS Runway 4R localizer course, excluding Area A.

Area C. That airspace extending upward from 2,000 feet MSL to and including 9,000 feet MSL between 15-miles and 22-miles of the ILS Runway 4R DME and between the Koko Head VORTAC (Lat. 21° 16' 06" N., Long. 157° 42' 21" W.) 111°T (100°M) radial clockwise to a line 1.5-miles northwest of and parallel to the ILS Runway 4R localizer course.

Area D. That airspace extending upward from 3,000 feet MSL to and including 9,000 feet MSL that is within 22-miles of the ILS Runway 4R DME south of a line 0.5-miles north of and parallel to the Honolulu VORTAC 293°T (282°M) radial, north of a line 1.5-miles northwest of and parallel to the ILS Runway 4R localizer course, and west of the Honolulu VORTAC 179°T (168°M) and 359°T (348°M) radials, excluding Areas G and H.

Area E. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL within a 32-mile radius of the ILS Runway 4R DME extending from the Honolulu VORTAC 119°T (108°M) radial clockwise to Lat. 20° 49' 00" N., Long. 157° 46' 35" W., to Lat. 20° 52' 00" N., Long. 157° 50' 00" W., to Lat. 20° 48' 20" N., Long. 157° 50' 00" W., thence clockwise via a 32-mile radius of the ILS Runway 4R DME to Lat. 20° 51' 30" N., Long. 158° 10' 00" W., to Lat. 21° 00' 00" N., Long. 158° 10' 00" W., to Lat. 21° 00' 00" N., Long. 158° 18' 00" W., to Lat. 20° 59' 02" N., Long. 158° 19' 58" W., thence clockwise via a 32-mile radius of the ILS Runway 4R DME to a line 0.5-miles north of and parallel to the

Honolulu VORTAC 293°T (282°M) radial, excluding Areas A, B, C, D, G and H.

Area F. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL bounded by a line 0.5-miles northwest of and parallel to the Koko Head VORTAC 050°T (039°M) radial beginning at the Koko Head 291°T (380°M) radial and extending to Lat. 21° 25' 15" N., thence via a southeast-bound line tracking 152°T (141°M) to and along the 32-mile radius arc of the ILS Runway 4R DME to and along the Honolulu VORTAC 119°T (108°M) radial to a point 22-miles from the ILS Runway 4R DME, thence direct to the point of beginning, excluding Areas C and J.

Area G. That airspace extending upward from 1,600 feet MSL to and including 9,000 feet MSL within an area bounded by lines 0.5-miles parallel to and on both sides of the ILS Runway 8L localizer course, on the east by the Honolulu VORTAC 179°T (168°M) and 359°T (348°M) radials and on the west by the 2-mile radius arc from the Honolulu VORTAC.

Area H. That airspace extending upward from 2,200 feet MSL to and including 9,000 feet MSL within an area bounded by lines 0.5-miles parallel to and on both sides of the ILS Runway 8L localizer course, on the east by the 2-mile radius arc from the Honolulu VORTAC and on the west by an arc 9-miles west of the Honolulu VORTAC.

Area I. That airspace extending upward from the surface to and including 3,000 feet MSL that is within the Honolulu, Hawaii, control zone east of Long. 157° 56' 00" W., excluding Area A.

Area J. That airspace extending upward from 1,000 feet MSL to and including 9,000 feet MSL between 4-miles and 15-miles of the ILS Runway 4R DME and between the Koko Head VORTAC 111°T (100°M) and 291°T (280°M) radials clockwise to the Honolulu VORTAC 134°T (123°M) radial, excluding Area A.

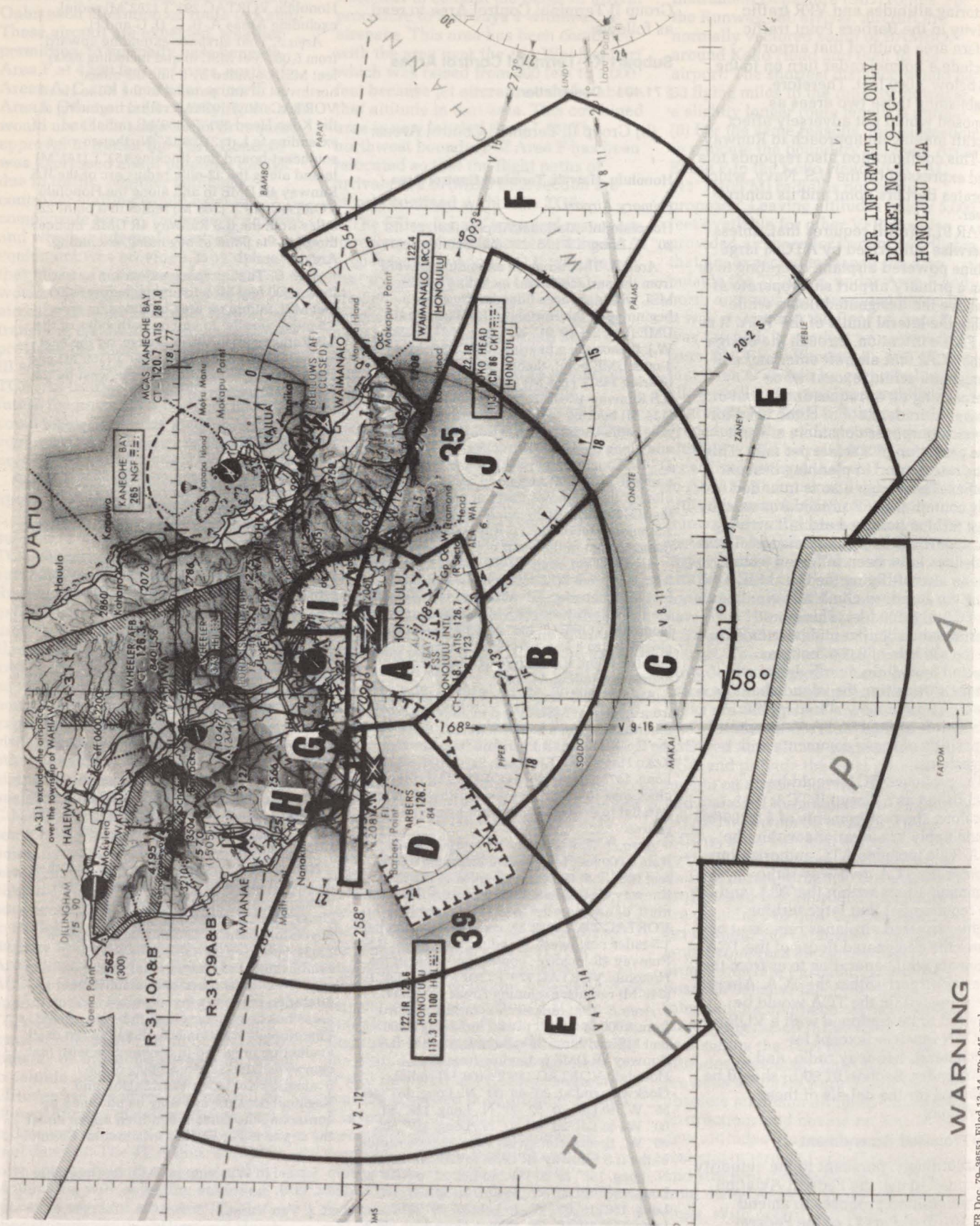
(Secs. 307, 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). However, establishment of this terminal control area in concert with the proposed establishment or alteration of many other terminal control areas has been determined to be significant. Therefore, this action is included in the draft evaluation prepared in conjunction with that comprehensive action. Copies of the evaluation are in the Washington and Regional dockets, and may be obtained by contacting the person identified above under the caption "For Further Information Contact * * *

Issued in Washington, D.C., on December 12, 1979.

R. J. Van Vuren,
Acting Director, Air Traffic Service.

BILLING CODE 4910-13-M



CONSUMER PRODUCT SAFETY COMMISSION**16 CFR Ch. II****Consumer Products Containing Asbestos; Extension of Comment Period on Advance Notice of Proposed Rulemaking****AGENCY:** Consumer Product Safety Commission.**ACTION:** Extension of comment period.

SUMMARY: The Commission extends the time for submission of comments and information on the Commission's Advance Notice of Proposed Rulemaking on Consumer Products Containing Asbestos from December 17, 1979 until February 18, 1980. The Commission is taking this action at the request of several interested parties who indicate that they are unable to prepare comments by the December 17 deadline.

DATE: Comments and information are due on or before February 18, 1980. Comments received after this date will be considered only to the extent practicable.

ADDRESS: Comments and information should be sent, preferably in five copies, to Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, and should refer to "Asbestos." Received comments and other relevant information may be examined in copies obtained from Office of the Secretary, 1111 18th Street, N.W., 3rd Floor, Washington, D.C. 20207 during business hours Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Francine Shacter, Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6557. For information concerning financial compensation for public participation in this investigation, contact Catherine Bolger, Office of the Secretary at the above address, telephone (202) 254-6241.

SUPPLEMENTARY INFORMATION: On October 17, 1979 the Commission published in the *Federal Register* (44 FR 60057) an Advance Notice of Proposed Rulemaking (ANPRM) concerning consumer products containing asbestos. At the same time the Environmental Protection Agency (EPA) published an ANPRM concerning human exposure to asbestos from many sources (44 FR 60061). The two agencies announced their plan that all investigations on asbestos and any possible resulting regulations would be coordinated, compatible, and nonduplicative to the extent possible.

In its ANPRM, the Commission stated that consumer exposure to asbestos from consumer products may present an unreasonable risk of injury from cancer and respiratory disease and that some consumer products containing asbestos may present a substantial product hazard. In order to have the best possible information available to it as it makes regulatory decisions concerning asbestos, the Commission solicited in the notice general information on the use of asbestos in consumer products. The notice also described the Commission's proposed regulatory approach to asbestos and asked for public comment on the approach. The notice specified that comments and information should be submitted on or before December 17, 1979.

On November 21, 1979 the Commission received a request from the Asbestos Information Association/North America (AIA/NA) that the Commission extend the comment deadline in the ANPRM for 120 days or in the alternative, for 60 days initially, to discuss possible problems in responding to the ANPRM. The primary reason for the AIA/NA request was that the Association needed additional time to compile the information on many different product lines which is requested in the CPSC ANPRM. After receipt of the AIA/NA letter, the Commission received four other similar requests for extensions of the comment period. The John-Manville Corporation requested a 120 day extensions; the General Electric Company and the Armstrong Cork Company asked for 90 day extensions and the Sears, Roebuck and Company requested a 30 day extension.

The Commission is aware that EPA has received a number of requests for extension of the December 17 comment deadline announced in its ANPRM. Elsewhere in this issue of the *Federal Register* EPA is extending this deadline by two months.

In an effort to obtain the best possible information from the public on asbestos in consumer products and to continue to coordinate Commission asbestos activities with those of EPA, the Commission has decided to extend the comment period on its ANPRM for two months until February 18, 1980. The Commission believes this extension should provide commenters with sufficient time to respond to the questions raised in the Commission's ANPRM.

In conclusion, comments on the ANPRM concerning consumer products containing asbestos are due by February 18, 1980. As explained in the ANPRM, the Commission will make available

financial compensation for reasonable expenses incurred in furnishing comments for groups or individuals who might otherwise not have the means to furnish comments in this matter. Interested individuals or groups should promptly contact the Office of the Secretary concerning financial compensation. Requests for confidentiality of comments and information submitted will be handled in accordance with section 6(a)(2) of the CPSCA (15 U.S.C. 2055(a)), the Freedom of Information Act as amended (5 U.S.C. 552), and the Commission's regulations under that act. (16 CFR Part 1015, February 22, 1977).

Dated: December 11, 1979.

Sadye E. Dunn,

Consumer Product Safety Commission.

[FR Doc. 79-38688 Filed 12-14-79; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Parts 280 and 284**

[Docket No. RM80-11]

Statement of Policy on Distributor Access to Outer Continental Shelf Gas; Extension of Time

December 7, 1979.

AGENCY: Federal Energy Regulatory Commission.**ACTION:** Notice of Extension of Time.

SUMMARY: The date for filing comments on the proposed rulemaking and the date for the public hearing are extended pursuant to a request by the Interstate Natural Gas Association of America.

DATES: Comments due on or before January 7, 1980; Requests to participate in the public hearing due on or before December 31, 1979; Public hearing rescheduled to January 7, 1980.

ADDRESS: FERC, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357-8400.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38488 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 6

Applicability to Aircraft of Customs Laws and Regulations Applicable to Vessels

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: Aircraft arriving from contiguous foreign territory currently are subject to Customs laws and regulations applicable to *vehicles* arriving from contiguous foreign territory. Aircraft arriving from any other (non-contiguous) foreign territory are subject to Customs laws and regulations applicable to *vessels* arriving from non-contiguous foreign territory. Because of this difference in treatment, aircraft arriving from contiguous foreign territory are not subject to the same administrative and enforcement provisions as aircraft arriving from non-contiguous foreign territory.

This document proposes to amend the Customs Regulations to provide that aircraft arriving from any foreign territory and the persons and merchandise, including baggage, carried on the aircraft shall be subject to the *vessel* laws and regulations enforced and administered by Customs.

DATES: Comments must be received on or before February 15, 1980.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 2335, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Stuart P. Seidel, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, N.W. Washington, D.C. 20229 (202-566-5476).

SUPPLEMENTARY INFORMATION:**Background**

Section 6.10, Customs Regulations (19 CFR 6.10), currently differentiates between aircraft arriving from contiguous foreign territory and those arriving from any other (non-contiguous) foreign territory. Aircraft arriving from contiguous foreign territory are subject to the Customs laws and regulations applicable to *vehicles* arriving from contiguous foreign territory. Aircraft arriving from any other (non-contiguous) foreign territory are subject to the Customs laws and regulations

applicable to vessels arriving from non-contiguous foreign territory.

Customs has determined that for purposes of entry, aircraft arriving from contiguous and non-contiguous foreign territory are in fact treated the same. However, because of the wording of § 6.10, aircraft arriving from contiguous foreign territory are not subject to the same administrative and enforcement provisions as aircraft arriving from noncontiguous foreign territory. For example, section 3 of the Anti-Smuggling Act of 1935 (19 U.S.C. 1703) provides for the seizure and forfeiture of vessels built, purchased, or fitted out for the purpose of being employed to defraud the revenue or to smuggle merchandise into the United States or into the territory of a foreign government (providing the foreign government has reciprocal provisions with respect to the laws of the United States). That section further provides that the fact that the vessel has become subject to pursuit as provided in 19 U.S.C. 1581, or fails to display lights as required by law, shall be *prima facie* evidence that the vessel is being employed to defraud the revenue of the United States.

Under 49 U.S.C. 1509, the Secretary of the Treasury is authorized to apply to civil aircraft the laws and regulations relating to the administration of the Customs laws and to the entry and clearance of vessels, to such extent as the Secretary deems necessary. Furthermore, 49 U.S.C. 1474 establishes a \$500 penalty for each violation of such regulations and, in the case of a violation by the owner or person in command, the penalty is a lien against the aircraft which may be enforced by summary seizure or a libel *in rem*. In addition, any aircraft used in connection with any violation of the Customs laws or regulations made applicable to aircraft shall be liable to seizure and forfeiture as provided for in the Customs laws.

Based on these statutes, the provisions of the Anti-Smuggling Act, particularly those sections relating to seizure of vessels fitted out for smuggling or not displaying lights (19 U.S.C. 1703), may be made applicable to aircraft, regardless of the origin of the flight. An aircraft thus could be seized under 19 U.S.C. 1703 for having been employed to defraud the revenue or to smuggle merchandise. Operating without lights would constitute a statutory presumption of such violation. However, because of the wording of section 6.10, 19 U.S.C. 1703 applies only to aircraft arriving from non-contiguous foreign territories. Customs is not aware of any reason for the different treatment

applicable to aircraft arriving from contiguous and non-contiguous foreign territory which is provided for by section 6.10.

The inability to apply the provisions of 19 U.S.C. 1703 to aircraft arriving from contiguous foreign territory has hampered Customs enforcement efforts on the United States-Mexico border. Customs officers have documented an increasing number of aircraft crossing the border under cover of darkness to avoid detection and apprehension. All aircraft are required to display navigation lights after sunset and before sunrise by the Federal Aviation Administration regulations (14 CFR 91.73). Numerous instances of aircraft flying without navigation lights have been detected by Customs officers along the border and many aircraft have been found with seats removed or other wise altered or fitted out for smuggling. Therefore, it is believed that many of these "smuggler" aircraft could be detected and apprehended if the appropriate Customs laws were applied. Accordingly, it is proposed to amend section 6.10 to provide for the application to aircraft arriving or having arrived from *any* foreign territory of all enforcement and administrative provisions administered by Customs which are applicable to vessels arriving or having arrived from a foreign port or place.

Authority

This amendment is proposed under the authority of R.S. 251, as amended, and sections 624, 644, 46 Stat. 759, 761, (19 U.S.C. 66, 1624, 1644, 49 U.S.C. 1474, 1509 (b) and (c)).

Comments

Before adopting this proposal, consideration will be given to any written comments, submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, N.W. Room 2335, Washington, D.C. 20229.

Inapplicability of E.O. 12044

This document is not subject to the Treasury Department directive (43 FR 52120) implementing Executive Order 12044, "Improving Government Regulations", because the proposal was in process before May 22, 1978, the effective date of the directive.

Drafting Information

The principal author of this document was Leonard L. Rosenberg, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Proposed Amendment to the Regulations

It is proposed to amend section 6.10, Customs Regulations (19 CFR 6.10), to read as follows:

§ 6.10 General provisions.

Except as otherwise provided for in this part, and insofar as such laws and regulations are applicable, aircraft arriving or having arrived from any foreign port or place and the persons and merchandise, including baggage, carried thereon, shall be subject to the laws and regulations applicable to vessels arriving or having arrived from any foreign port or place, to the extent that such laws and regulations are administered by the Customs Service.

R. E. Chasen,

Commissioner of Customs.

Approved: November 13, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79-38538 Filed 12-14-79; 8:45 am]

BILLING CODE 4810-22-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 79-4]

General Provisions; Compulsory License for Cable Systems

AGENCY: Library of Congress, Copyright Office.

ACTION: Advance notice of proposed regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress proposes to adopt certain technical and clarifying amendments to its revised regulations implementing portions of section 111 of the Copyright Act of 1976, title 17 U.S.C. That section prescribes conditions under which cable systems may obtain a compulsory license to retransmit copyrighted works, including the filing of Statements of Account. The proposed amendments would revise certain regulatory requirements concerning the filing of Statements of Account.

DATE: Written comments should be received on or before January 21, 1980.

ADDRESSES: Ten copies of written comments should be addressed, if sent by mail, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Call No. 2999, Arlington, Virginia 22202.

If delivered by hand, the copies should be brought to: Office of the General Counsel, Room 519, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (703) 557-8731.

SUPPLEMENTARY INFORMATION: Section 111(c) of the Copyright Act of 1976 (Act of October 19, 1976, 90 Stat. 2541) establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. The compulsory license is subject to various conditions, including requirements that the cable system comply with provisions regarding deposit of Statements of Account under section 111(d)(2).

On June 27, 1978, the Copyright Office published in the *Federal Register* (43 FR 27827) amendments to its regulations (37 CFR 201.17) governing the form, content, and filing of Statements of Account. Further experience with these regulations has led us to propose certain clarifying and technical amendments, as follows:

1. *Date or dates of receipt.* When Statements of Account, royalty fee payments, or other related documents or payments are received in the Copyright Office, the Licensing Division of the Copyright Office checks whether they contain obvious errors or omissions. However, the Licensing Division does not examine the documents or payments for all possible errors or omissions. For example, on Forms CS/SA-2 and CS/SA-3, we will check to make sure that the same "gross receipts" figure is given in spaces K and L, and we will check the accuracy or the arithmetic laid out in space L. However, although there should be some rough correspondence between the amount of "gross receipts" given in space K and the result of multiplying the number of subscribers and the amounts of rates given in space E, it is not our practice to compute totals in space E and compare the result with space K. This is because the information in the two spaces reflect different time periods (space E calls for figures as of the last day of the accounting period and space K calls for gross receipts for the entire accounting period) and also because the figure in space K may vary depending on

whether the cable system's accounting is done on an accrual or cash basis.

The present regulations concerning deposit of royalty fees and filing of Statements of Account (37 CFR 201.17(c)(2)) provide for a "date of acceptance by the Copyright Office" and authorize the Office to require correction of errors or omissions before the documents will be "accepted." The text of the relevant paragraph reads as follows:

(2) The date of acceptance by the Copyright Office will be the date when both a proper Statement of Account and appropriate royalty fee are received in the Copyright Office. The Copyright Office will advise cable systems of errors or omissions appearing on the face of documents submitted to it, and will require that any such obvious errors or omissions be corrected before the documents will be accepted. However, acceptance and filing of any document by the Copyright Office shall establish only the fact and date thereof; such acceptance and filing shall in no case be considered a determination that the document was, in fact, properly prepared or that all of the requirements to qualify for a compulsory license have been satisfied.

Consistent with this provision, the boxes in the upper right hand corner of the three Statement of Account forms (CS/SA-1, 2, and 3) call for two dates to be added by the Copyright Office under the headings "Application Received" and "Accepted."

Since statutory deadlines are involved, and since there could be serious consequences for late filing, it is important that the form reflect the exact date when the royalty fee was deposited and the Statement of Account was received in the Copyright Office. There will necessarily be a time lag between receipt and examination—and, since the bulk of filings are made just before the deadline, it may be days or weeks before the Office determines whether errors or omissions exist that require correction or whether an additional royalty fee must be deposited. If, following letters, phone calls, or personal visits, changes are made in the information on the Statement or an additional fee is deposited, the date when the additional information or money was received should also be reflected on the form.

At the same time, having spaces for two dates on the form, the way the headings of those two spaces are worded, and the language in the regulations about "acceptance," have led to various misunderstandings. We believe that nothing on the form as finally placed on record should in any way suggest either that (1) the filing date, with its statutory consequences, has anything to do with the date the Copyright Office examines and finally

processes the document; or (2) that the Office has sought to verify the information given and, by placing it on record, has given it some sort of official imprimatur or evidentiary weight. To remove any possible ambiguity on these points, we are proposing the following changes:

(1) The headings of the two boxes on the forms will be changed to read: "Deposit and Statement Received" and "Additional Deposit and/or Information Received." To avoid the expense of reprinting the forms for this purpose, the present printed headings will be changed by hand at the time of examination.

(2) The date given in the box headed "Deposit and Statement Received" will be the date when the fee and form are physically received in the Copyright Office. If there are no errors or omissions requiring changes on the form or deposit of additional money, this is the only date that will appear in the boxes on the form.

(3) If an additional deposit is made or if there are changes in the information on the form as the result of communications between the Copyright Office and the cable system, the date that additional deposit or information was actually received in the Office will be added to the box headed "Additional Deposit and/or Information Received."

(4) The regulations will be amended to reflect this practice and to delete any reference to "acceptance."

Under the proposed amendment the Licensing Division will continue to examine the Statements of Account and royalty fee payments for errors and omissions, and will continue to require correction of obvious errors or omissions before placing the Statement in the completed record of Statements of Account. If additional fees or information are received, the Statement of Account will reflect both the original date of receipt and the later date of receipt of the additional material. However, the regulations will continue to make clear that placing the documents in the completed records of the Copyright Office does not imply any determination that the statutory requirements of section 111 have been met, and will add that the statement of a date or dates of receipt on the form reflect actual receipt in the Copyright Office, and are not intended to be taken as a legal determination by the Copyright Office that the statutory deadlines have or have not been met.

2. *Time limitations.* Under section 111(d) of the Act, the Copyright Office has issued regulations setting forth certain time limitations in connection with the filing by cable system owners

of the Statements of Account and royalty fees, 37 CFR 201.17(c)(1). For the first semiannual accounting period in a particular year (January 1 through June 30), the Statement and fee should be deposited between July 1 and August 29 of that year; for the second semiannual accounting period in a particular year (July 1 through December 31), the Statement and fee should be deposited between January 1 and March 1 of the next succeeding year.

We are proposing to add a new subparagraph (3) to § 201.17(c) to clarify the relationship of these filing periods to our handling of Statements and fees. The first part of the subparagraph states that Statements of Account and fees will not be accepted before the end of the accounting period they purport to cover; for example, a Statement covering the accounting period of January 1, 1980 through June 30, 1980, will not be accepted before July 1, 1980. The second part states the general rule that we will not inquire into the timeliness of Statements and fees filed after the end of the accounting period, and makes clear that we will not refuse to accept late filings. As indicated above, the form will give the actual date or dates of receipt, without characterizing that information in any other way. It must be emphasized, however, that our action in such cases cannot be interpreted as relieving the compulsory licensee of any statutory obligations or of the consequences of a late filing, and will only have whatever effect a court may determine.

3. *Distant signal equivalent values.* Paragraph (f) of section 111 of the Copyright Act sets forth the definition of "distant signal equivalent," and this definition is incorporated by reference in the Copyright Office regulations. This definition provides that, in four specified exceptions, the ordinary distant signal equivalent value of a distant television station can be reduced in accordance with certain special formulas. Stated generally, these four exceptions cover certain cases of: (1) Part-time specialty programming; (2) late-night programming; (3) part-time carriage because of lack of activated channel capacity; and (4) live non-network programming substituted for programs deleted at the option of the cable system. Space G of Statement of Account Forms CS/SA-2 and CS/SA-3 requires identification of the basis on which cable systems carried distant stations during the accounting period, and Space I requires logging of substitute carriage. The DSE Schedule attached to Form CS/SA-3 is then used by those systems whose semiannual

gross receipts for secondary transmissions total \$160,000 or more in calculating their total number of distant signal equivalents. This schedule carefully follows the formulas set out in the statute in allowing reduction of distant signal equivalents on the bases specified in paragraph (f) of section 111.

In the course of examining Statements of Account covering the first three accounting periods, we have come across several Statements where the effort had been made to reduce distant signal equivalents on some basis other than those specifically addressed in the DSE Schedule. We have also received inquiries as to whether apportionment, or pro-rata adjustment of DSE values might be possible in cases other than those in the DSE Schedule. Situations raising these questions include the following:

- A distant signal is either added or deleted during an accounting period;
- The market position of a station changes during an accounting period, with the result that the station's signals become "may carry" rather than "must carry" (or vice versa);
- A signal is carried full-time for part of an accounting period, and on a part-time, late-night, specialty, or substituted basis during another part of the accounting period;
- During an accounting period, a signal changes its "type of station" status from a network station or a noncommercial educational station to an independent station (or vice versa); or
- For some reason, such as grandfathering, one part of a cable system receives more distant secondary transmissions than other parts of the same system.

None of the provisions of the Copyright Act allowing for the adjustment of the DSE of a station is broad enough to cover any of these situations, nor is there any indication in the Act or its legislative history that adjustments going beyond the language of section 111(f) were contemplated or might be permissible. Accordingly, we are proposing to add a new subparagraph (3) to § 201.17(f) of the regulations to eliminate any doubt concerning this matter. (The existing subparagraph (3) would be renumbered and amended, as discussed in the next section of this notice.)

4. *Computation of distant signal equivalents.* Subparagraph (3) of § 201.17(f) allows cable systems to "round off to the third decimal point" in computing DSE's. During our examining process, we have come across several Statements where, when rounding off a

fourth decimal point of 5 (for example, .3575), the owner rounded off to the lower of the two possible third decimal points (for example, .357 rather than .358). Although our regulation does not expressly cover the point we believe that, if the cable system chooses to round off in this situation, it should use the higher of the two possible third decimal points. We therefore propose to amend § 201.17(f) to clarify this position.

5. Corrections, supplemental payments, and refunds. As already discussed earlier in this notice, where the Copyright Office notes an obvious mistake in a Statement of Account or fee, it will notify the cable system owner and seek to get the error corrected. There have also been cases where, after the normal examining process has been completed, cable system owners themselves discovered their errors and requested corrections of Statements of Account, acceptance of supplemental royalty payments, or refunds of amounts paid. Although the Copyright Act does not expressly deal with these situations, we have concluded that it is within our authority and it would be reasonable, and beneficial to the accuracy of our records, to allow corrections, supplemental payments, and refunds to be made in limited cases and under certain conditions.

We are proposing to add a new paragraph (i) to § 201.17 of the regulations to deal with these cases. Paragraph (i)(1) specifies that corrections, supplemental payments, or refunds should be allowed in three situations: (1) Where incorrect or incomplete information was submitted; (2) where the royalty fee was miscalculated; or (3) where, in a special situation that existed only during the January 1–June 30, 1978 accounting period, the royalty fee was underpaid because the cable operator failed to compute royalties attributable to carriage of late-night, part-time, or specialty programming between January 1, 1978, and February 9, 1978. Confusion on the part of some cable system owners concerning the computation of the royalty fee in the latter case resulted from a provision in our regulations exempting cable systems from including in their Statements of Account the dates and hours of such carriage during that limited period. That exemption applied only to the requirements of paragraph (e)(9)(vi) of § 201.17 concerning the filing of information. The Copyright Office, of course, had no authority to relieve cable systems from their royalty obligations for such carriage, and had no intention of doing so.

New paragraph (i)(2) makes clear that corrections and supplemental payments will be accepted, and refunds will be issued, only on the basis of changes that took place during the accounting period in question. Changes occurring after the last day of that period would be relevant only to the next accounting period. Of course, this provision is not intended to relieve cable system owners from filing a "Notice of Change of Identity or Signal Carriage Complement" under § 201.11 of our regulations when such a Notice is required.

New paragraph (i)(3) of § 201.17 establishes the conditions under which corrections, supplemental payments, and refunds will be made in those cases where they are appropriate. These conditions are designed to give cable systems owners enough time to discover and advise the Copyright Office of errors, while also safeguarding the interests of copyright owners in obtaining accurate information and the full compensation due them for the use of their works by compulsory licensees. Paragraph (i)(3)(i)(B) requires that a request for a refund be made "before the expiration of 60 days from the end of the Statement of Account filing period provided for in paragraph (c)(1) of this section or by April 15, 1980, whichever is later." There are several good reasons for placing a rather short and strict time limit on requests for refunds: to enable the Copyright Office to fulfill its statutory obligation promptly to transfer royalty payments to the Treasury for investment in interest-bearing securities; to provide detailed accounting to the Copyright Royalty Tribunal; to assure that copyright owners will derive the intended benefits of prompt transfers and investment; and to prevent the Copyright Royalty Tribunal from being hampered in distributing the accumulated fees and interest to copyright owners.

New paragraph (i)(3)(iv)(A) requires the cable system to submit a check or money order payable to the Register of Copyrights in the amount of \$15 where a correction is submitted, a supplemental royalty fee is deposited, or a refund is sought under paragraphs (i)(1)(i) and (ii) of § 201.17. This filing fee is to cover our administrative expenses and is authorized under section 708(a)(11) of the Copyright Act; since the error was the fault of the cable owner, we do not feel that the processing costs involved in correcting our records and accounts should be deducted either from the royalties owing to copyright owners or from the general operating funds of the Office. (A special exception is made in paragraph (i)(3)(iv)(A): no filing fee is

required where a supplemental payment is made under paragraph (i)(1)(iii), covering the period January 1, 1978–February 9, 1978.)

With respect to the form of the payment of royalty fees, paragraph 10 of the supplementary information accompanying our final regulations as issued on June 27, 1978 (43 FR 27829) stated:

Copyright royalty fees are due on the dates specified in the regulations, and, after deducting administrative costs of the Copyright Office, are to be invested by the Department of the Treasury in "interest-bearing United States securities for later distribution with interest" to copyright owners. Copyright owners are thus entitled to interest earned on royalty fees from the earliest date on which purchase of the securities can be accomplished. In order to assure that none of this interest is lost to copyright owners because of payment by a check drawn on an account with insufficient funds, and also to assure that no administrative costs are incurred in handling bad checks, we are requiring in § 201.17(h) that all copyright royalty fee payments be made by certified check, cashier's check, or money order.

Despite some continuing complaints about this requirement, we believe that, as an accounting matter, we are obliged to obtain royalty fees in a form immediately payable upon receipt—that is, certified check, cashier's check, or money order. Under new paragraph (i)(3)(iv)(B), this requirement will also apply to supplemental payments made under the new procedure to correct an underpayment. However, since the same accounting considerations do not apply to the \$15 filing fee, we would accept personal or company checks payable to the Register of Copyrights for payment of this fee, and this is made clear in paragraph (i)(3)(iv)(A).

The statute does not itself provide specifically for amendments or supplemental payments, and it does make proper and timely filing a condition of the compulsory license. For this reason, new paragraph (i)(4) also states that "the filing of a correction or supplemental payment shall have only such effect as may be attributed to it by a court of competent jurisdiction."

In consideration of the foregoing, it is proposed to amend Part 201 of 37 CFR Chapter II, in the manner set forth below.

§ 201.17 Statements of account covering compulsory licenses for secondary transmissions by cable systems. [Amended]

1. By revising § 201.17(c)(2) (as adopted on June 27, 1978) to read as follows:

* * * * *

(c) ***

(1) ***

(2) Upon receiving a Statement of Account and royalty fee, the Copyright Office will make an official record of the actual date when such Statement and fee were physically received in the Copyright Office. Thereafter, the Office will examine the Statement and fee for obvious errors or omissions appearing on the face of the documents, and will require that any such obvious errors or omissions be corrected before final processing of the documents is completed. If, as the result of communications between the Copyright Office and the cable system, an additional fee is deposited or changes or additions are made in the Statement of Account, the date that additional deposit or information was actually received in the Office will be added to the official record of the case. However, completion by the Copyright Office of the final processing of a Statement of Account and royalty fee deposit shall establish only the fact of such completion and the date or dates of receipt shown in the official record. It shall in no case be considered a determination that the Statement of Account was, in fact, properly prepared and accurate, that the correct amount of the royalty fee had been deposited, that the statutory time limits for filing had been met, or that any other requirements to qualify for a compulsory license have been satisfied.

2. By adding a new subparagraph (3) to § 201.17(c) to read as follows:

(3) Statements of Account and royalty fees received before the end of the particular accounting period they purport to cover will not be processed by the Copyright Office. Statements of Account and royalty fees received after the filing deadlines of August 29 or March 1, respectively, will be accepted for whatever legal effect they may have, if any.

3. By adopting, after subparagraph (2) of § 201.17(f) (as adopted on June 27, 1978), a new subparagraph (3) to read as follows:

(f) ***

(1) ***

(2) ***

(3) In computing the DSE of a primary transmitter in a particular case, the cable system may make no prorated adjustments other than those specified as permissible "exceptions and limitations" in the definition of "distant signal equivalent" in the fifth paragraph

of section 111(f) of title 17 of the United States Code, as amended by Pub. L. 94-553. The four prorated adjustments, as prescribed in the fourth and fifth sentences of said definition, are permitted under certain conditions where:

(i) A station is carried pursuant to the late-night programming rules of the Federal Communications Commission;

(ii) A station is carried pursuant to the specialty programming rules of the Federal Communications Commission;

(iii) A station is carried on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals which it is authorized to carry; and

(iv) A station is carried on a "substitute" basis under rules, regulations, or authorizations of the Federal Communications Commission in effect on October 19, 1976.

4. By deleting subparagraph (3) of § 201.17(f) (as adopted on June 27, 1978), and by adding a new subparagraph (4), to read as follows:

(4) In computing a DSE, a cable system may round off to the third decimal point. If a DSE is rounded off in any case in a Statement of Account, it must be rounded off throughout the Statement. Where a cable system has chosen to round off, and the fourth decimal point for a particular DSE value would, without rounding off, have been 1, 2, 3, or 4, the third decimal point remains unchanged; if, in such a case, the fourth decimal point would, without rounding off, be 5, 6, 7, 8, or 9, the third decimal point must be rounded off to the next higher number.

5. By adding a new paragraph (i) to § 201.17 to read as follows:

(i) *Corrections, supplemental payments, and refunds.* (1) Upon compliance with the procedures and within the time limits set forth in paragraph (i)(3) of this section, corrections to Statements of Account will be placed on record, supplemental royalty fee payments will be received for deposit, or refunds will be issued, in the following cases:

(i) Where, with respect to the accounting period covered by a Statement of Account, any of the information given in the Statement filed in the Copyright Office is incorrect or incomplete;

(ii) Where for any reason except that mentioned in paragraph (i)(1)(iii) of this section, calculation of the royalty fee payable for a particular accounting

period was incorrect, and the amount deposited in the Copyright Office for that period was either too high or too low; or

(iii) Where, for the semiannual accounting period of January 1, 1978, through June 30, 1978, the total royalty fee deposited was incorrect because the cable operator failed to compute royalties attributable to carriage of latenight, specialty, or part-time programming between January 1, 1978, and February 9, 1978.

(2) Corrections to Statements of Account will not be placed on record, supplemental royalty fee payments will not be received for deposit, and refunds will not be issued, where the information in the Statements of Account, the royalty fee calculations, or the payments were correct as of the date on which the accounting period ended, but changes (for example, addition or deletion of a distant signal) took place later.

(3) Requests that corrections to a Statement of Account be placed on record, that fee payments be accepted, or requests for the issuance of refunds, shall be made only in the cases mentioned in paragraph (i)(1) of this section. Such requests shall be addressed to the Licensing Division of the Copyright Office, and shall meet the following conditions:

(i) The request must be in writing, must clearly identify its purpose, and, in the case of a request for a refund, must be received in the Copyright Office before the expiration of 60 days from the last day of the applicable Statement of Account filing period, as provided for in paragraph (c)(1) of this section, or before April 15, 1980, whichever is later. A request made by telephone or by telegraphic or similar unsigned communication, will be considered to meet this requirement if it clearly identifies the basis of the request, if it is received in the Copyright Office within the required 60-day period, and if a written request meeting all the conditions of this paragraph (i)(3) is also received in the Copyright Office within 14 days after the end of such 60-day period;

(ii) The Statement of Account to which the request pertains must be sufficiently identified in the request (by inclusion of the name of the owner of the cable system, the community or communities served, and the accounting period in question) so that it can be readily located in the records of the Copyright Office;

(iii) The request must contain a clear statement of the facts on which it is based, in accordance with the following requirements:

(A) In the case of a request filed under paragraph (i)(1)(i) of this section, where the information given in the Statement of Account is incorrect or incomplete, the request must clearly identify the erroneous or incomplete information and provide the correct or additional information;

(B) In the case of a request filed under paragraph (i)(1)(ii) of this section, where the royalty fee was miscalculated and the amount deposited in the Copyright Office was either too high or too low, the request must be accompanied by an affidavit under the official seal of any officer authorized to administer oaths within the United States, or a statement in accordance with section 1746 of title 18 of the United States Code, made and signed in accordance with paragraph (e)(14) of this section. The affidavit or statement shall describe the reasons why the royalty fee was improperly calculated and include a detailed analysis of the proper royalty calculations;

(C) In the case of a request filed under paragraph (i)(1)(iii) of this section, the request shall be identified as "Transitional and Supplemental Royalty Fee Payment" and include a detailed analysis of the proper royalty calculations;

(iv)(A) All requests filed under this paragraph (i) (except those filed under paragraph (1)(iii) of this paragraph) must be accompanied by a filing fee in the amount of \$15 for each Statement of Account involved. Payment of this fee may be in the form of a personal or company check, or of a certified check, cashier's check or money order, payable to: Register of Copyrights. No request will be processed until the appropriate filing fees are received.

(B) All requests that supplement royalty fee payment be received for deposit under this paragraph (i), must be accompanied by a remittance in the full amount of such fee. Payment of the supplemental royalty fee must be in the form of a certified check, cashier's check or money order, payable to: Register of Copyrights. No such request will be processed until acceptable remittance in the full amount of the supplemental royalty fee has been received.

(v) All requests submitted under this paragraph (i) must be signed by the cable system owner named in the Statement of Account, or the duly authorized agent of the owner, in accordance with paragraph (e)(14) of this section.

(4) Following final processing, all requests submitted under this paragraph (i) will be filed with the original Statement of Account in the records of the Copyright Office. Nothing contained

in this paragraph shall be considered to relieve cable systems from their full obligations under title 17 of the United States Code, and the filing of a correction or supplemental payment shall have only such effect as may be attributed to it by a court of competent jurisdiction.

(17 U.S.C. 111, 702, 708)

Dated: December 10, 1979.

Barbara Ringer,
Register of Copyrights.

Approved:

Daniel J. Boorstin,
The Librarian of Congress.

[FR Doc. 79-38539 Filed 12-14-79; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPTS-61005A; FRL 1377-5]

Commercial and Industrial Use of Asbestos Fibers; Extension of Comment Period and Announcement of Additional Control Option

AGENCY: Office of Pesticides and Toxic Substances, Environmental Protection Agency (EPA, or the Agency).

ACTION: Extension of Comment Period for Advance Notice of Proposed Rulemaking (ANPRM) and Announcement of Additional Control Option.

SUMMARY: EPA extends the comment period on the Commercial and Industrial Use of Asbestos Fiber ANPRM to February to February 18, 1980. The extension is granted to accommodate industry requests and to provide additional time to comment on the ANPRM. The Agency also announces an additional control option under consideration.

DATE: All comments should be received by the Record Clerk by February 18, 1980.

ADDRESS: All comments should be sent to Mrs. Joni T. Repasch, Record Clerk, Office of Pesticides and Toxic Substances (TS-793), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Comments should include the docket number OPTS-61005A. Comments received on this Notice will be available for reviewing and copying from 9:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays, in Room 447 East Tower, EPA Headquarters, 401 M Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Industry Assistance Office, Office of

Pesticides and Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Phone: 800-424-9065 (In Washington, D.C., call 544-1404).

SUPPLEMENTARY INFORMATION: On October 17, 1979 (44 FR 60061), EPA issued an ANPRM on the Commercial and Industrial Use of Asbestos Fibers. The comment period expires December 17, 1979. EPA has received requests from the Asbestos Information Association/North America, Johns-Manville Corporation, Armstrong Cork Company, the American Paper Institute, Inc., the National Electrical Manufacturers Association, the Resilient Floor Covering Institute, and the Asbestos Cement Pipe Producers Association for extension of the comment period on the asbestos use ANPRM. The extension requests range from 30 to 120 days. Industry representatives are seeking these extensions because they believe that the information requested by EPA is complex, extensive, and not readily available.

EPA has developed an additional regulatory control option since publication of the ANPRM. The comment period deadline has been extended to February 18, 1980, to provide more time for industry to produce the information requested and also to allow for public review of the additional regulatory control option. Submission of information during the ANPRM comment period will insure that the Agency will consider that information in proposing the asbestos regulation. In proposing a rule, however, EPA will consider all relevant information to the extent possible, even if that information is submitted after the close of the comment period.

Should EPA's evaluation of human health risks and economic impacts determine that all but essential uses of asbestos present unreasonable risk, a possible regulatory strategy may be to ban the manufacture, processing, distribution in commerce, and import of asbestos for all nonessential asbestos uses at some fixed date in the future. EPA is seeking comment on this overall regulatory approach and on an appropriate date for instituting a general use ban. Effective dates presently under evaluation range from 1985 to 1995.

EPA anticipates providing an opportunity for essential use exemptions should a total asbestos ban be instituted. The exemption criteria may be based on factors such as established benefits, limited public health risks, commercial availability of substitutes, and significant economic impact if the use is banned. Persons seeking

exemptions would be asked to submit the following types of information with their exemption applications: (a) The asbestos use or product's contribution to public health, safety, and energy conservation; (b) Fiber emissions and human exposure during processing, normal use, and disposal; (c) Availability, performance characteristics, and relative health risks of substitutes; (d) Contribution of the asbestos product or use to local or national economy and small business; (e) Test data on emissions associated with the asbestos use and; (f) Data on substitute investigations.

There are also a variety of ways to process exemptions. In a single step exemption process, all requests for exemptions would be received at one time immediately prior to the ban's effective date. In a multiple step process, persons seeking an exemption would submit their requests four or five years before the ban becomes effective. EPA would screen these applications for award of conditional exemptions. Persons holding conditional exemptions could request actual exemptions immediately before the ban is implemented, assuming reasonable substitutes were still unavailable or the economic impact of transition was still excessive.

EPA would grant the essential use exemptions for some specified time, perhaps two to four years. These exemptions would have to be renewed upon expiration. All other uses would be prohibited. EPA's preliminary analysis indicates that a multiple step exemption process may be more appropriate since it would encourage substitute research, streamline the actual exemption process, and provide an early indication for those companies that will not continue producing asbestos products at the time of the ban. EPA is seeking comments on appropriate exemption criteria and procedures should a ban on all nonessential asbestos uses be established.

Industry is expected to continue to process asbestos fibers and produce many asbestos-containing products from now through the time an asbestos ban is implemented. These uses and articles will present continued exposure risks to users for many years. To eliminate some of this risk, EPA is considering a labeling requirement on all future asbestos fiber packaging and asbestos-containing articles. The labels would provide information on asbestos content, form, and associated health risks. The labels would also warn users to avoid exposure to fibers wherever possible.

EPA also anticipates that information beyond that supplied in response to the

ANPRM will be needed to support Agency rulemaking and exemption decisions. This information would help EPA evaluate present exposure to asbestos, potential impacts on industry, the development of substitute materials, and the health risks from substitutes. Therefore, EPA may promulgate reporting rules under Section 8(a) and 8(d) of the Toxic Substances Control Act (TSCA). EPA is seeking comments on the appropriate scope of the reporting rules, who should report, and the schedule for reporting this information.

EPA would consider sponsoring or initiating a program to help determine the technical acceptability of substitutes. This program and the reporting rules would help ensure continuing research efforts and track industry progress toward commercially acceptable nonasbestos substitutes.

Dated: December 11, 1979.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 79-38689 Filed 12-14-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 460

Professional Standards Review; Redesignation of PSRO Areas in California

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed rule.

SUMMARY: This proposed rule would redesignate PSRO areas in California in order to combine PSRO Areas XIX and XXIII. The redesignation will result in a more effective coordination with Medicare/Medicaid fiscal agents and in a higher degree of congruence with the Health Service Area (HSA) designations. In addition, the redesignation will facilitate initiation of PSRO activity in the currently uncovered area of Los Angeles, California which is now designated as Area XIX.

DATES: Consideration will be given to written comments or suggestions received on or before February 15, 1980.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 17082, Baltimore, Maryland 21235. In commenting, please refer to File Code HSQ-67-P. Comments will be available

for public inspection beginning approximately two weeks after publication, in Room 5220 of the Department's offices at 330 C Street, S.W., Washington, D.C. on Monday through Friday of each week, from 8:30 a.m. to 5:00 p.m. (202) 245-0365.

FOR FURTHER INFORMATION CONTACT: Tony Culotta, (301) 594-4272.

SUPPLEMENTARY INFORMATION: On March 18, 1974, regulations were published in the *Federal Register* (39 FR 10204), which were amended on November 29, 1978 (43 FR 55936), designating 28 PSRO areas within California. The purpose of this present proposal is to redesignate PSRO areas so that the cities and postal zones of Los Angeles County previously designated as PSRO Areas XIX are transferred to PSRO Area XXIII which consists of a group of cities in Los Angeles County.

Redesignation of Area XXIII

Guidelines for the redesignation of PSRO areas (42 CFR 460.2) provide that we may revise area designations when we determine it is necessary and that we may consider the coordination with existing health service areas and the coordination with Medicare/Medicaid fiscal agents in our redesignation decisions. The local health service area covers all of Los Angeles County. Therefore, any consolidation of PSRO areas within Los Angeles County diminishes problems of coordination, data sharing and other health planning efforts for the Los Angeles County health service area. The Medicare/Medicaid fiscal agents covering the Los Angeles County area currently must relate to eight different PSRO areas resulting in considerable duplication of effort. This is particularly true since there is considerable overlap of medical practice patterns and service areas across PSRO area boundaries. Any consolidation would result in more efficient coordination for these fiscal agents.

Area XIX has never had a conditional PSRO and the contract with the planning organization which had formed in the area expired on March 30, 1979, so there is currently no PSRO in Area XIX. The redesignation would facilitate the administering of the PSRO program by allowing the PSRO organization in Area XXIII to assume responsibility for the hospitals in the currently designated Area XIX where no PSRO exists, and the Area XXIII PSRO would be capable of rapidly implementing PSRO activity in these hospitals.

Clarification of Permanent Boundaries of Area XXIII Areas XVIII through XXV are designated by city, community, and

postal zone boundaries which were in effect in 1974 and these boundaries remain fixed regardless of subsequent changes in postal zones or communities. A detailed description of the boundaries for the proposed California Area XXIII is included below. In order to avoid confusion from renumbering PSRO areas in California, there will be no area designated as PSRO Area XIX.

The precise boundaries proposed for Area XXIII in accordance with the 1974 city, community, and postal zone boundaries are as follows:

Beginning at the Pacific Ocean at its intersection with the southern side of the Marina Del Rey Channel, thence running northeasterly along the City of Los Angeles side of the City of Los Angeles/Marina Del Rey Channel to its intersection with the unincorporated Los Angeles County border; then following south along the City of Los Angeles side of the City of Los Angeles and unincorporated Los Angeles County border to its intersection with Centinela Avenue; then southeasterly along the southern side of Centinela Avenue to its intersection with La Cienega Blvd.; then north along the eastern side of La Cienega Blvd. to its intersection with the northwest most point of the City of Los Angeles/City of Inglewood border; then east and southeasterly along the City of Inglewood side of the City of Inglewood/City of Los Angeles border to its intersection with the unincorporated Los Angeles County border; then south along the City of Inglewood side of the City of Inglewood/unincorporated Los Angeles County border to its intersection with the City of Hawthorne border; then running east and south along the City of Hawthorne side of the side of the City of Hawthorne/unincorporated Los Angeles County border to its intersection with El Segundo Blvd.; then easterly along the southern side of El Segundo Blvd. to its intersection with Vermont Avenue; then south along the western side of Vermont Avenue to its intersection with Rosecrans Avenue; then easterly along the southern side of Rosecrans Avenue to its intersection with Central Avenue; then north along the eastern side of Central Avenue to its intersection with El Segundo Blvd.; then east along the southern side of El Segundo Blvd. to its intersection with Mona Blvd.; then north on the eastern side of Mona Blvd. to its intersection with Imperial Highway; then east on the southern side of Imperial Highway to its intersection with Alameda Street; then north on the eastern side of Alameda Street to its intersection with Slauson Avenue; then east along the City of Huntington Park

side of the City of Huntington Park/City of Vernon border to its intersection with the unincorporated Los Angeles County border; then east and north along the City of Huntington Park side of the City of Huntington Park/unincorporated Los Angeles County border to its intersection with the City of Vernon border; then following the City of Huntington Park side of the City of Huntington Park/City of Vernon border to its intersection with the City of Maywood border; then north along the City of Maywood side of the City of Maywood/City of Vernon border to its intersection with Slauson Avenue; then easterly along the southern side of Slauson Avenue to its intersection with Long Beach Freeway (State Highway 7); then south along the western side of Long Beach Freeway to its intersection with the City of Bell Gardens/City of Commerce border; then easterly along the City of Bell Gardens side of the City of Bell Gardens/City of Commerce border to its intersection with the City of Downey border; then following the City of Downey/City of Commerce border to its intersection with the City of Pico Rivera border; then following the City of Downey side of the City of Downey/City of Pico Rivera border to its intersection with the San Gabriel River; then south along the western side of the San Gabriel River to its intersection with the City of Norwalk/City of Bellflower/City of Cerritos border; then east along the City of Cerritos side of the City of Cerritos/City of Norwalk border to its intersection with the unincorporated Los Angeles County/City of Norwalk border then following the unincorporated Los Angeles County side of the unincorporated Los Angeles County/City of Norwalk border to its intersection with the City of Cerritos border; then following the City of Cerritos side of the City of Cerritos/City of Norwalk border to its intersection with the City of Artesia border; then following the City of Artesia side of the City of Artesia/City of Norwalk border to its intersection with the City of Cerritos border; then following the City of Cerritos side of the City of Cerritos/City of Norwalk border to its intersection with the City of Sante Fe Springs border; then following the City of Cerritos side of the City of Cerritos/City of Sante Fe Springs border to its intersection with the City of La Mirada border; then following the City of Cerritos side of the City of Cerritos/City of La Mirada border to its intersection with the City of Buena Park border; then following the City of Cerritos side of the City of Cerritos/City of Buena Park border to its intersection with the City of

La Palma border; then generally southwesterly along the City of Cerritos side of the City of Cerritos/City of La Palma border to its intersection with the unincorporated Orange County border; then following the City of Cerritos side of the City of Cerritos/unincorporated Orange County border to its intersection with the City of La Palma border; then following generally south along the Los Angeles County side of the Los Angeles County/Orange County border to its intersection with the Pacific Ocean, the point of beginning. The Island of Catalina is also within the area.

42 CFR 460.7 is amended to read as follows:

§ 460.7 California.

Twenty-seven Professional Standards Review Organization areas are designated in California. Areas XVIII through XXV are designated by city, community, and postal zone boundaries as in effect in 1974. All other areas are designated by counties. The boundaries for PSRO Areas XVIII through XXV will remain fixed, unless specifically revised through rulemaking, even though the 1974 boundaries for postal zones or other community areas may change. Therefore, detailed specifications of these PSRO areas have also been prepared and are available upon request from HCFA.

* * * * *

Area XIX (Consolidated with Area XXIII).

* * * * *

Area XXIII

Gardena	El Segundo
Hermosa Beach	Hawthorne
Lomita	Inglewood
Manhattan Beach	Lawndale
Palos Verdes	Lennox
Redondo Beach	Avalon
Compton	Dominquez
Downey	Hawaiian Gardens
Home Gardens	Lakewood
Huntington Park	Long Beach
Lynwood	Los Alamitos
Maywood	Terminal Island
Paramount	Wilmington
South Gate	Harbor City
Rolling Hills	Palos Verdes Estates
Torrance	Palos Verdes Peninsula
Artesia	San Pedro
Bell	Los Angeles
Bellflower	Postal Zones:
Bell Gardens	90009
Willowbrook	90045

* * * * *

(Sections 1102 and 1152 of the Social Security Act (42 U.S.C. 1302 and 1320c-1))

Dated: November 6, 1979.

Leonard D. Schaeffer,
Administrator, Health Care Financing
Administration.

Approved: December 8, 1979.

Patricia Roberts Harris,
Secretary.

[FR Doc. 79-38487 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5752]

National Flood Insurance Program Proposed Zone Designations for the County of Frederick, Md.

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Proposed Rule.

SUMMARY: Technical information or
comments are solicited on the proposed
zone designations described below.

The proposed zone designations 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 days following the second
publication of this proposed rule in the
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
zone designations are available for
review at Winchester Hall, East Church
Street, Frederick, Maryland.

Send comments to: Mrs. Mary G.
Williams, President, Board of County
Commissioners, Winchester Hall, East
Church Street, Frederick, MD 21701.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting
Assistant Administrator, Program
Implementation & Engineering Office,
National Flood Insurance Program, 451
Seventh Street, SW., Washington, D.C.
20410. (202) 755-6570 or toll free line
(800) 424-8872.

SUPPLEMENTARY INFORMATION: The
Federal Insurance Administrator gives
notice of the proposed zone designations
for the County of Frederick, Maryland,
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 44 CFR 67.4(a) (presently
appearing at its former Section 24 CFR
1917.4(a)).

Zone designations and base (100-year)
flood elevations, together with the flood
plain management measures required by
Section 60.3 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. The proposed zone
designations 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 areas with proposed approximate
A zone designation are:

Flood source	Approximate length of new zone A (feet)
Tuscarora Creek Tributary No. 12	4,000
Tuscarora Creek Tributary No. 11	13,200
Point of Rocks Tributary No. 10	14,100
Broad Run	41,500
Bennett Creek	19,000
Fahrney Branch	20,000
Knoxville Tributary No. 1	6,000
Catoctin Creek	25,500
Catoctin Creek Tributaries:	
Little Catoctin Creek	10,500
Little Catoctin Creek Tributary No. 3	4,000
Little Catoctin Creek Tributary No. 4	6,500
Sigler Road Tributary No. 6	6,500
Horne Road Tributary No. 5	6,000
State Route 180 Tributary	7,500
Bussard Road Tributary No. 9	11,000
Roy Shafer Road Tributary	8,000
Poffenberger Road Tributary	11,500
Remsburg Road Tributary	7,500
Broad Run Tributaries:	
Huffer Road Tributary	4,900

¹ From Big Woods Road to county line.

² Between Broad Run Road and Carol Boyer Road.

(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: November 19, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-38483 Filed 12-14-79; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 61, and 63

[CC Docket No. 79-252]

Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor; Correction

AGENCY: Federal Communications
Commission.

ACTION: Erratum.

SUMMARY: The Notice of Inquiry and
Proposed Rulemaking in the Matter of
Policy and Rules concerning rates for
competitive common carrier services
and facilities authorizations (CC Docket
No. 79-252, released November 2, 1979)
44 FR 67445 has been corrected.
Paragraph 22 has been corrected to
include Eastern Microwave as a carrier
which provides domestic satellite
service by combining its own earth
stations with satellite capacity obtained
from underlying carriers. Footnote 36
has been corrected to note that Eastern
Microwave has been authorized to
carry, in addition to the signals noted,
WOR-TV, New York, and the late-night
programming of WCVB-TV, Boston.

DATES: Comments on Part VII due
February 1, 1980 and Replies due March
14, 1980; Comments on Part XI due
February 29, 1980, and Replies due
March 21, 1980.

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

FOR FURTHER INFORMATION CONTACT:
Jim Keegan, Common Carrier Bureau,
(202) 632-7695.

[44 FR 67445]

Released: December 4, 1979.

In the matter of: Policy and rules
concerning rates for competitive
common carrier services and facilities
authorizations therefor, CC Docket No.
79-252.

1. A Notice of Inquiry and Proposed
Rulemaking in this proceeding was
released on November 2, 1979 (FCC 79-
599).

2. Paragraph 22, fifth (5th) sentence is
corrected to read as follows:

*** Examples include American
Satellite Corporation, which has its own
transmit and receive earth stations but
leases transponder space from WU,
Southern Satellite Systems, Inc., United
Video, Inc., and Eastern Microwave,
Inc., which transmit distant television
signals to cable television systems via
satellite facilities of RCA Americom.

3. Footnote 36 is corrected to read as
follows:

³⁶ See *Southern Satellite Systems, Inc.* 62
F.C.C. 2d 153 (1976); *United Video, Inc., et al.*

69 F.C.C. 2d 1629 (1978). Also, temporary authority to carry station KTVU, San Francisco was recently granted to Satellite Communications Systems, Inc., and ASN, Inc. has been granted authority to carry the signals of WGN-TV, Chicago, KTTV-TV, Los Angeles and WOR-TV, New York. Eastern Microwave, Inc. has been authorized to carry WOR-TV, New York, WSBK-TV, Boston, Massachusetts and the late night programming of WCBS-TV, New York, and WCVB-TV, Boston.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-38541 Filed 12-14-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-321; RM-3442]

FM Broadcast Station in Marana, Ariz.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to Marana, Arizona, in response to a petition filed by Steven Russell and Thomas Curley. The proposed channel could be used to provide a first local aural broadcast service to the community.

DATES: Comments must be filed on or before February 4, 1980, and reply comments on or before February 25, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 4, 1979.

Released: December 6, 1979.

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making¹ was filed by Steven Russell and Thomas Curley ("petitioners"), proposing the assignment of Channel 252A to Marana, Arizona, as that community's first FM assignment.

(b) The channel can be assigned to Marana in compliance with the minimum distance separation requirements.

(c) Petitioners state they will file an application for use of the channel, if assigned.

2. *Community Data:* (a) *Location:* Marana, in Pima County, is located approximately 40 kilometers (25 miles) northwest of Tucson.

(b) *Population:* Marana—1,982²; Pima County—351,667.³

(c) *Local Aural Broadcast Service:* There is no local aural broadcast service in Marana.

3. *Economic Considerations:* Petitioners state that the economy of Marana is based on agriculture and copper mining. They add that retail and service establishments also provide employment to a substantial number of the local population. Petitioners note that Marana is the headquarters of the Marana School District which has an enrollment of 3,000 students. They state that Marana is served by a weekly newspaper.

4. An initial review of the petition suggests that there may be a need for a first local aural broadcast service in Marana. The proposal is being advanced for the purpose of determining whether such an assignment is warranted. Marana is not listed in the 1970 Census which lists all incorporated communities and unincorporated communities having a population of at least 1,000. Petitioners claim that the present population of Marana is 1,982 but do not indicate the source from which this figure was obtained. It is requested that this information be furnished in comments.

5. Since Marana is located within 320 kilometers (199 miles) of the U.S.-Mexico border, Mexican concurrence to the proposal must be obtained.

6. In order to consider the possibility of assigning an FM channel to Marana, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules), as it pertains to Marana, Arizona:

City and Channel No.

Marana, Ariz.; Present:—; Proposed: 252A.

7. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **Note:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before February 4, 1980, and reply comments on or before February 25, 1980.

9. For further information concerning this proceeding, contact Mildred B.

² There is no population figure listed for Marana in the 1970 U.S. Census. Petitioners claim that the present population of the community is 1,982.

³ Population figure taken from the 1970 U.S. Census.

Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

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

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

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in

¹ Public Notice of the petition was given on August 17, 1979, Report No. 1188.

connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-38560 Filed 12-14-79; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1300, 1303, 1304, 1306, 1307, 1308, 1310, and 1312

[Ex Parte No. 370]

Tariff Improvement

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing public comments in this notice of proposed rulemaking.

SUMMARY: By this notice the Commission is extending the time for filing comments in the tariff improvement proceeding by 45 days. The extension is being granted in response to requests filed by interested persons.

DATES: Comments in this proceeding are due on or before January 31, 1980.

ADDRESS: Send comments and 10 copies, if possible, to: Secretary, Interstate

Commerce Commission, Room 5356, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Martin E. Foley, (202) 275-7348.

SUPPLEMENTARY INFORMATION: Petitions seeking an extension of the time period for filing comments in this proceeding published at 44 FR 60122, October 18, 1979 have been received by the Commission. The petitioners seek extensions ranging from 30 to 90 days. The prior due date for comments was December 17, 1979.

The petitioners feel that the original 60-day comment period allowed in this proceeding is insufficient for the formulation of their comments. Specifically, the petitioners offer the following as reasons for an extension:

1. A report concerning the greater use of electronic technology in tariff related areas is expected to be submitted to the Board of Directors of the Transportation Data Coordinating Committee by the end of December. Time is needed to review this report and include its findings in comments to be filed in this proceeding.

2. A meeting of the Freight Forwarders Conference is scheduled for December 11, 1979. A comment due date of December 17 would not allow for the preparation of comprehensive comments which would reflect the precise position of the Conference in this proceeding.

A 90-day extension would be excessive and does not appear to be warranted. However, an extension of 45 days does appear to be appropriate.

The time for filing comments in this proceeding is extended 45 days. Comments are now due on or before January 31, 1980.

Decided: December 11, 1979.

By the Commission, Chairman O'Neal.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-38781 Filed 12-14-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for the Plymouth Red-Bellied Turtle; Additional Public Meeting and Hearing, and Reopening of the Comment Period**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of the comment period; notice of public meeting and hearing.

SUMMARY: The public comment period on the Service's reproposal of Critical Habitat for the Plymouth red-bellied turtle, *Chrysemys rubriventris bangsi*, is hereby reopened between January 10, 1980 and February 13, 1980. In addition, a public meeting and hearing will be held on this reproposal. The date, time, and place of the meeting and hearing are set forth below.

DATES: The Service will consider all comments on this reproposal received between January 10, 1980 and February 13, 1980. The public meeting will be held on Tuesday, January 15, 1980, from 7 to 9 p.m. and the hearing from 7 to 9 p.m. on Tuesday, January 29, 1980.

ADDRESS: Both the public meeting and hearing will take place at the Myles Standish Room, 2nd floor of the Plymouth Memorial Hall, 83 Court Street, Plymouth, Massachusetts.

FOR FURTHER INFORMATION CONTACT: For further information on the reproposal of Critical Habitat or the meeting and hearing, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771) or the Endangered Species Staff, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158 (617-965-5100, ext. 316).

SUPPLEMENTARY INFORMATION: In the Federal Register of September 13, 1979, (44 FR 53422-4) the Service repropoed Critical Habitat for the Plymouth red-bellied turtle. In that document there was an announcement that a public meeting and hearing relative to that reproposal would be held on Wednesday, October 17, 1979. The meeting and hearing were held as scheduled. During the public hearing and the comment period which closed November 16, 1979, a number of requests from the public for an additional meeting and hearing were

made. In the interest of insuring full public participation in the Critical Habitat designation process, the Service had decided to hold an additional meeting and hearing at the time and place specified above.

Accordingly, the comment period on the Service's proposal of September 13, 1979 (44 FR 53422-4) regarding the Plymouth red-bellied turtle is hereby opened between January 10, 1980 and February 13, 1980.

A public meeting and hearing on this proposal will be held as set forth above. All comments and statements presented at this meeting and hearing will be made part of the public record on this species and will be considered before any final decisions are made concerning the proposal.

Dated: December 7, 1979.

Robert S. Cook,

Acting Director, Fish and Wildlife Service

[FR Doc. 79-38504 Filed 12-14-79; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 44, No. 243

Monday, December 17, 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 AGRICULTURE

Farmers Home Administration

Business and Industrial Loans; Insured Loan Interest Rates

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR § 1980.423(b) is as follows: a. Insured loans to private entrepreneurs will be at the rate of eleven and five-eighths percent (11 $\frac{5}{8}$ %). This rate will remain in effect until a change is published in the Federal Register.

EFFECTIVE DATE: December 17, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. LaVerne A. Isenberg, Room 6338, Farmers Home Administration, USDA, Washington, D.C. 20250. Phone: 202-447-2852.

Dated: November 30, 1979.

Gordon Cavanaugh,
Administrator, Farmers Home
Administration.

[FR Doc. 79-38298 Filed 12-14-79; 8:45 am]

BILLING CODE 3410-07-M

CIVIL AERONAUTICS BOARD

[Docket No. 37157; Order 79-12-39]

Compagnie Nationale Air France (Air France) and Scandinavian Airlines System (SAS); Order Suspending and Investigating Tariffs

* Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of November, 1979; Transatlantic arbitrary fare increase proposed by Compagnie Nationale Air France Scandinavian Airlines System.

By tariff increases filed November 9, 1979, for effect December 9, 1979, Compagnie Nationale Air France (Air France) and Scandinavian Airlines System (SAS) propose an approximate 20 percent increase in their arbitrary fares, used to construct through international fares between U.S. interior points and transatlantic points over the New York gateway.¹ These carriers contend the increases are necessary to offset U.S. domestic fare increases which have been approved by the Board and are now effective in domestic tariffs.

We have decided to suspend those proposed increases that would apply to construction of through normal economy fares for those U.S. interior cities currently receiving nonstop services to France and Denmark.

Our policy objective for several years has been to seek an international fares situation in which competitive forces operate, with minimal intervention by governments, to provide consumers with as many price/quality options as possible. This can only be achieved by injecting more competition into the market. We have authorized a number of U.S. and foreign carriers to provide new direct transatlantic services not only from the traditional New York gateway but also from interior points not traditionally considered gateways. To illustrate, new direct transatlantic services are now in place between Dallas-Fort Worth and Houston, on the one hand, and Belgium, Germany, France, the Netherlands and the United Kingdom, on the other, as well as between Atlanta and Belgium, France and the United Kingdom.

Against this background, we must now question whether traditional methods of constructing through international fares from interior U.S. points, as typified in the proposal before us, now operate to the best interests of the traveling public. We acknowledge that in the past, use of an arbitrary (or proportional) fare has produced a through fare that often is lower than that produced under a strict combination of fares principle; however, this has usually been in cases where either the most direct routing is via the New York gateway or the fare from the nearest U.S. point with direct international service is itself constructed by use of an

arbitrary fare. But with the fundamental changes now occurring in transatlantic service patterns, there is every indication that this proposal, by limiting construction to the New York gateway, has the effect of charging many interior point passengers excessive prices as illustrated below.

The two carriers offer nonstop transatlantic services between Chicago, Houston, and Los Angeles, on one hand, and Paris, on the other; and between Chicago, Seattle, and Los Angeles, on one hand, and Copenhagen, on the other. Yet despite the availability of such nonstop services, normal economy fares from these points are still constructed over New York by means of arbitrary fares. As a consequence, under the proposed increases, a nonstop passenger traveling from Chicago, Houston, or Los Angeles to Paris would pay a per mile fare 5 to 13 percent greater than his New York counterpart. Similarly, a nonstop passenger traveling from Chicago, Los Angeles, or Seattle to Copenhagen would pay a per mile fare that ranges from 15 to 23 percent greater.

Moreover, there is every indication the present construction techniques unduly penalize off-line, interior point normal economy fare passengers as well. Were fares to interior points receiving nonstop services established at levels equal to the fare per mile paid at New York,² these off-line passengers would benefit from the lowest combination of sector fares over the nearest gateway. For example, a normal economy passenger from Omaha, traveling to Paris and paying a one-way fare equal to the sum of the local fare to Chicago and a Chicago-Paris fare established in accordance with the above principle, would pay a total fare \$16 less than that resulting from the traditional construction over New York. A similar passenger traveling from St. Louis to Copenhagen and paying a one-way fare established in the same manner would pay \$21 less.

In view of these circumstances, we believe the present system of arbitrary fares is due for reform. These fares, we believe, should reflect the realities of the marketplace, taking into consideration direct services to interior cities, and not limit construction to a single traditional

²A generous assumption, actually, since pricing theory holds that per mile fares should vary inversely with distance over the range of a given aircraft type.

¹Tariff C.A.B. No. 71, Supplement No. 47, Air Tariffs Corporation, Agent.

gateway. Several carriers have already filed such fares in a few transatlantic markets. Delta and Sabena have proportional fares on file for service over Atlanta; Braniff, for service over Dallas-Fort Worth; and British Caledonian, for service over Houston. We are encouraged by this trend which offers lower fares for interior U.S. point traffic. We urge all carriers who offer nonstop services to interior U.S. cities to file point-to-point fares for those cities receiving such service, and if competitive circumstances dictate, proportional fares for use in constructing through fares from other interior points over the nearest point receiving direct service. Meanwhile, because the present proposal has the effect of charging passengers from interior U.S. points receiving nonstop service to France and Denmark excessive fares, we will suspend, pending investigation, the proposed arbitraries insofar as they are used to construct normal economy fares for Air France between Chicago, Houston and Los Angeles, on the one hand, and Paris, on the other; and for SAS, between Chicago, Seattle, and Los Angeles, on the one hand, and Copenhagen, on the other.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in Appendix A hereof, and rules and regulations or practices affecting such fares and provisions, are or will be unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful; and if we find them to be unlawful, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we hereby suspend the tariff provisions specified in Appendix A and defer their use from December 9, 1979, to and including December 8, 1980, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President³ and it shall become effective on December 9, 1979, and

4. We shall file copies of this order in the aforesaid tariffs and serve them on Compagnie Nationale Air France and Scandinavian Airlines System.

We shall publish this order in the **Federal Register**.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

**Appendix A.—Transatlantic Passenger Fares
Tariff No. A-1, C.A.B. No. 71, Issued by Air
Tariffs Corp., Agent**

In Supplement No. 47:

1. On Page 4: The \$106.00 Normal Economy Class (Y) Arbitrary between *Chicago, Ill.*, and New York, N.Y., insofar as said arbitrary would apply to construct through fares:

a. to/from Paris, France, for Compagnie Nationale Air France;

b. to/from Copenhagen, Denmark, for Scandinavian Airlines System;

2. On Page 8: The \$164.00 Normal Economy Class (Y) Arbitrary between *Houston, Texas*, and New York, New York, insofar as said arbitrary would apply to construct through fares to/from Paris, France, for Compagnie Nationale Air France;

3. On Page 10: The \$267.00 Normal Economy Class (Y) Arbitrary between *Los Angeles, California*, and New York, N.Y., insofar as said arbitrary would apply to construct through fares:

a. to/from Paris, France, for Compagnie Nationale Air France;

b. to/from Copenhagen, Denmark, for Scandinavian Airlines System;

4. On Page 17: The \$214.00 Normal Economy Class (Y) Arbitrary between *Seattle, Washington*, and New York, N.Y., insofar as said arbitrary would apply to construct through fares to/from Copenhagen, Denmark, for Scandinavian Airlines System.

[FR Doc. 79-38565 Filed 12-14-79; 8:45 am]

BILLING CODE 6320-01-M

**Western Airlines, Inc; Applications for
Certificates of Public Convenience and
Necessity and Foreign Air Carrier
Permits Filed Under Subpart Q of the
Board's Procedural Regulations**

Notice is hereby given that, during the week ended December 7, 1979 CAB has received the applications listed below, which requested the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR Part 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due with 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
Dec. 4, 1979.....	37202	Western Air Lines, Inc., 6060 Avion Drive, Los Angeles, California 90045. Application of Western Air Lines, Inc., under Subpart Q of the Board's Procedural Regulations, pursuant to Section 401 of the Act, requests amendment of its certificate of public convenience and necessity for Route 19 so as to authorize Western to engage in non-stop air transportation between Miami, Florida, and Las Vegas, Nevada, by deletion of that city pair from the list of restricted markets in Appendix A to Western's certificate issued by Order 79-8-81, August 15, 1979. Answers may be filed by December 18, 1979.
Dec. 4, 1979.....	37203	Western Air Lines, Inc., 6060 Avion Drive, Los Angeles, California 90045. Application of Western Air Lines, Inc., under Subpart Q of the Board's Procedural Regulations, pursuant to Section 401 of the Act, requests amendment of its certificate of public convenience and necessity for Route 19 so as to authorize Western to engage in non-stop air transportation between Miami, Florida, and San Antonio, Texas, by deletion of that city pair from the list of restricted markets in Appendix A to Western's certificate issued by Order 79-8-81, August 15, 1979. Answers may be filed by December 18, 1979.
Dec. 4, 1979.....	37204	Western Air Lines, Inc., 6060 Avion Drive, Los Angeles, California 90045. Application of Western Air Lines, Inc., under Subpart Q of the Board's Procedural Regulations, pursuant to Section 401 of the Act, requests amendment of its certificate of public convenience and necessity for Route 19 so as to authorize Western to engage in non-stop air transportation between Orlando, Florida, and Los Angeles, California, by deletion of that city pair from the list of restricted markets in Appendix A to Western's certificate issued by Order 79-8-81, August 15, 1979. Answers may be filed by December 18, 1979.
Dec. 4, 1979.....	37205	Western Air Lines, Inc., 6060 Avion Drive, Los Angeles, California 90045. Application of Western Air Lines, Inc., under Subpart Q of the Board's Procedural Regulations, pursuant to Section 401 of the Act, requests amendment of its certificate of public convenience and necessity for Route 19 so as to authorize Western to engage in non-stop air transportation between Miami, Florida, and Phoenix, Arizona, by deletion of that city pair from the list of restricted markets in Appendix A to Western's certificate issued by Order 79-8-81, August 15, 1979. Answers may be filed by December 18, 1979.

³We submitted this order to the President on November 27, 1979.

Subpart Q Applications—Continued

Date filed	Docket No.	Description
Nov. 30, 1979.....	37061	Air Midwest, Inc., c/o Nathaniel P. Breed, Jr., Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Amendment No. 1 to the Application of Air Midwest, Inc., pursuant to Section 401(g) of the Act and Subpart Q of the Board's Procedural Regulations, Air Midwest hereby applied for amendment of its certificate of public convenience and necessity for Route 175 in the following respect: To redesignate the terminal point "Kansas City, Mo." to read "Kansas City, Mo. (to be served through Kansas City International Airport)". Air Midwest requests that the foregoing relief be processed by show-cause procedures, and requests final action by January 15, 1980. Conforming applications and answers are due December 28, 1979.
Dec. 4, 1979.....	37209	TTI Travel, Inc., c/o Howard S. Boros, Boros & Garofalo, 1120 Connecticut Avenue, N.W., Suite 460, Bender Building, Washington, D.C. 20036. Application of TTI Travel, Inc., pursuant to Section 302. 1750(a)(4) of the Board's Procedural Regulations and pursuant to Section 402 of the Act requesting a foreign indirect air carrier permit for authority to engage in the indirect air transportation of passengers, as provided for in the Board's rules and regulations, between any point in the United States and any point outside thereof. Answers may be filed by January 2, 1980.
Dec. 7, 1979.....	37237	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Application of National Airlines, Inc., under Subpart Q and Section 401 of the Act requests a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: "Between the terminal point San Diego, CA., and the terminal point San Francisco, CA." Conforming Applications and Answers are due January 3, 1980.
Dec. 7, 1979.....	37238	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Application of National Airlines, Inc., under Subpart Q and Section 401 of the Act requests a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: "Between the terminal point Minneapolis, MN., and the terminal points Tampa, Orlando, Miami, and Ft. Lauderdale, FL." Conforming Applications and Answers are due January 3, 1980.
Dec. 7, 1979.....	37239	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Application of National Airlines, Inc., under Subpart Q and Section 401 of the Act requests a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: "Between the terminal point Milwaukee, WI., and the terminal points New York (LaGuardia Airport), NY, New York (Kennedy Airport) NY, and Newark, NJ." Conforming Applications and Answers are due January 3, 1980.
Dec. 7, 1979.....	37240	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Application of National Airlines, Inc., under Subpart Q and Section 401 of the Act requests a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: "Between the terminal point Denver, CO., and the terminal points Houston, TX., New York, NY. (JFK & LGA), Portland, OR., and Seattle, WA." Conforming Applications and Answers are due January 3, 1980.
Dec. 7, 1979.....	37241	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Application of National Airlines, Inc., under Subpart Q and Section 401 of the Act requests a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: "Between the terminal point Portland, OR., and the terminal points Los Angeles, CA., and San Francisco, CA." Conforming Applications and Answers are due January 3, 1980.

Phillis T. Kaylor,
Secretary.

[FR Doc. 79-38566 Filed 12-14-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Travel Service

Travel Advisory Board; Meeting

On December 4, 1979, notice was given in the *Federal Register* (44 FR, Page 69706), that the Travel Advisory Board would meet on January 3, 1980. Notice is hereby given that the Travel Advisory Board meeting will begin at 1:00 p.m. in Room 1858 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Establishing in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended, and the Act of July 19, 1940, as amended.

Agenda items are as follows:

1. U.S. Customs presentation—"we can help each other."
2. Restructuring of the TAB in FY '81.
3. Department Organization Order 25-1, dated November 4, 1979.
 - A. Headquarters functions
 - B. Overseas programs
 - C. Market Research
5. 2nd General Assembly and 11th & 12th sessions of the Executive Council of the World Tourism Organization
 - U.S.-U.S.S.R. statistical discussions
6. Tourism Group—U.S. Mexico Consultative Mechanism
7. Report on DATO/ESSTO/Travel Outlook Forum meetings.
8. Trade reorganization of Department of Commerce—Transfer of Commercial Offices from State Department to Commerce
9. New business

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Sue Barbour, Travel Advisory Board liaison Officer of the United States Travel Service, Room 1858, U.S. Department of Commerce, Washington, D.C., 20230, (telephone (202) 377-4904) will respond to public requests for information about the meeting.

Lee J. Wells,

Acting Deputy Assistant Secretary for Tourism.

[FR Doc. 79-38505 Filed 12-14-79; 8:45 am]

BILLING CODE 3510-11-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From the Socialist Republic of Romania Effective January 1, 1980

December 12, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import levels for certain cotton, wool and man-made fiber textile products imported from Romania during the twelve-month period beginning on January 1, 1980.

SUMMARY: The Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, and the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania establish specific levels of restraint for certain wool and man-made fiber textile products in Categories 443, 643/644 and

645/646. The bilateral agreements also provide consultation levels for certain categories of cotton, wool and man-made fiber textile products, such as Categories 335, 338, 435/444, 634, and 647, which are not subject to specific limits and which may be increased during the year upon agreement between the two governments. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreements, to prohibit, during the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in Categories 335, 338, 435/444, 443, 634, 643/644, 645/646 and 647 in excess of the designated levels.

[A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).]

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreements, but are designed to assist only in the implementation of certain of their provisions.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Shirley Hargrove, Trade and Industry Assistant, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 12, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, and the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January

1, 1980 and for the twelve-month period extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 335, 338 435/444, 443, 634, 643/644, 645/646 and 647, produced or manufactured in Romania, in excess of the following level of restraint:

Category and 12-Month Level of Restraint

- 335—36,320 dozen.
- 338—256,000 dozen of which not more than 97,222 dozen shall be in T.S.U.S.A. numbers 380.0028, 380.0029, 380.0651 and 380.0652.
- 435/444—6,944 dozen.
- 443—7,483 dozen.
- 634—53,269 dozen of which not more than 16,949 dozen shall be in T.S.U.S.A. numbers 376.5609, 380.0445, 380.5168, 380.8410, 380.8416, 380.8417, and 791.7471; and not more than 36,320 dozen shall be in T.S.U.S.A. numbers 380.0405, 380.8101, 380.8109, 380.8111, and 791.7460.
- 643/644 pt. 1—22,611 dozen.
- 643/644 pt. 2—2,083 dozen.
- 645/646—149,457 dozen.
- 647—39,326 dozen.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, except Categories 335 and 647, produced or manufactured in the Socialist Republic of Romania, which have been exported to the United States prior to January 1, 1980, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979. In the event the levels of restraint established for that period have been exhausted by previous entries such goods shall be subject to the levels set forth in this letter.

Cotton and man-made fiber textile products in Categories 335 and 647 which have been exported to the United States prior to January 1, 1980 shall not be subject to this directive.

Cotton and man-made fiber textile products in Categories 335 and 647 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreements, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) certain wool and man-made fiber textile products that are subject to specific limits may be exceeded within the applicable group limits by designated percentages to account for flexibility; (2) consultation levels may be increased upon agreement between the two governments; and (3) administrative arrangements or adjustments may be made to

¹In Category 643/644, only T.S.U.S.A. numbers 380.0464, 380.5176, 380.8451, 380.8452, 382.0478, 382.4282, and 382.8187.

²In Category 643/644, all T.S.U.S.A. numbers in the category except those listed in footnote 1.

resolve minor problems arising in the implementation of the agreements. Any appropriate future adjustments under the foregoing provision of the bilateral agreements will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton, wool and man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-38588 Filed 12-14-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Intent To Prepare Environmental Impact Statement (EIS)

AGENCY: Department of Energy.

ACTION: Notice of intent to prepare environmental impact statement.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS evaluating the impact of its proposed Prohibition Order for Units 4 and 5 of the Lovett Generating Station. These electric powerplants, located in Tompkins Cove, New York, are owned and operated by Orange and Rockland Utilities, Inc., headquartered in Pearl River, New York. The Prohibition Order if finalized would prohibit the burning of petroleum or natural gas in these units. This EIS will be prepared in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA).

All interested agencies, organizations, or persons wishing to submit comments or suggestions for consideration in connection with the preparation of the EIS are invited to do so.

DOE desires to have the benefit of the public's views as to the scope of the EIS and the significant environmental issues which it should address. Such comments may be expressed in writing or at a meeting which will be held for this purpose on January 11, 1980, in Room 305 A-B-C, at 26 Federal Plaza, New York, New York. The meeting is scheduled to begin at 10:00 a.m. and may continue until 5:00 p.m. If public interest warrants, the meeting will extend into the evening hours.

In order for DOE to better gauge public interest in this EIS, those planning to attend the meeting and present information should contact Mr. Steven E. Ferguson, Chief, Environmental Analysis Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3322-D, Washington, D.C. 20461, telephone (202) 634-6523.

Upon completion of the Draft EIS, its availability will be announced in the *Federal Register*, at which time comments will be solicited.

Written comments should be transmitted to Steven E. Ferguson (address above), by February 1, 1980.

For general information on the EIS process, contact: Robert J. Stern, Acting Director, Division of NEPA Affairs, Department of Energy, 100 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-4600.

SUPPLEMENTARY INFORMATION: On October 29, 1979, ERA published a proposed Prohibition Order for Units 4 (197 MW) and 5 (202 MW) of the Lovett Generating Station, in the *Federal Register* (44 FR 61989). The order, if finalized, would prohibit the two units from burning natural gas or petroleum as their primary energy source. The proposed Prohibition Order was based on ERA's finding that these powerplants have or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding was based on the information that the powerplants were designed and constructed to burn coal as a primary energy source and burned coal during 1969 and part of 1974.

Environmental Impact Statement

An EIS will be prepared in order to conduct a comprehensive analysis of the environmental impacts of ERA's action in issuing a final order prohibiting Units 4 and 5 at the Lovett Generating Station from burning natural gas or petroleum as primary fuels. This analysis will discuss the environmental consequences of the proposal and alternatives including the environmental impacts of

burning coal or other alternative fuels as primary fuels. Among the impacts to be discussed are air quality, water quality, solid waste generation and disposal, and transportation and storage of fuel, as well as other impacts determined to be potentially significant during the public comment process. In addition, the EIS will evaluate methods of meeting the requirement of the Clean Air Act, Federal Water Pollution Control Act, Resource Conservation and Recovery Act, and other relevant environmental statutes.

Scoping Meeting

DOE desires to know what the public considers to be the major environmental issues associated with prohibiting Lovett Units 4 and 5 from burning natural gas or petroleum as their primary energy source. The meeting on January 11, 1980, will be held to receive comments on the structure of the EIS, anticipated energy/environmental problems, actions that might be taken to address them, and reasonable alternatives which should be considered.

If possible, those planning to present information at the meeting should notify Mr. Ferguson. Participants are encouraged to submit to Mr. Ferguson, in advance, their intent to participate and copies of any written material. However, public participation is encouraged even without the advance submission of written material. All comments or suggestions made at the meeting will be carefully considered, as well as written material submitted until February 1, 1980. Attendees at the meeting will be asked to register.

Questions regarding the meeting should be addressed to Mr. Ferguson.

Issued in Washington, D.C., December 13, 1979.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 79-38778 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

Compliance With the National Environmental Policy Act; Intent To Prepare Environmental Impact Statement (EIS)

AGENCY: Department of Energy.

ACTION: Notice of intent to prepare environmental impact statements.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare two EISs evaluating the impact of its Proposed Prohibition Orders for the Arthur Kill (units 20 and 30) and the Ravenswood (units 30N and 30S) Generating Stations. Arthur Kill is

located on Staten Island, New York City; Ravenswood is located in Queens, New York City, and both are owned and operated by the Consolidated Edison Company of New York. The Prohibition Orders, if finalized, would prohibit the burning of petroleum or natural gas in these units. One EIS will be prepared for each generating station with cumulative impacts addressed in each document, where appropriate. These EISs will be prepared in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA).

All interested agencies, organizations, and persons wishing to submit comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so.

DOE desires to have the benefit of the public's views as to the scope of the EISs and the significant environmental issues which each should address. Such comments may be expressed in writing and/or at a meeting which will be held for this purpose on January 10, 1980, in Room 305 A-B-C at the Federal Building, 26 Federal Plaza, New York, New York. The meeting is scheduled to begin at 9 a.m. and may continue until 4 p.m. If the public interest warrants, the meeting will extend into the evening hours.

In order for DOE to better gauge public interest in these EISs, those planning to attend the meeting and present information should contact Mr. Steven E. Ferguson, Chief, Environmental Analysis Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3322, Washington, D.C. 20461, telephone (202) 634-6523. Upon completion of each draft EIS, its availability will be announced in the *Federal Register*.

Written comments should be transmitted to Steven E. Ferguson (address above) by February 1, 1980.

For general information on the EIS process, contact: Robert J. Stern, Acting Director, Division of NEPA Affairs, Office of the Assistant Secretary for Environment, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-4600.

SUPPLEMENTARY INFORMATION: On August 29, 1979, ERA published proposed Prohibition Orders for both the Ravenswood Generating Station (powerplants 30 N with 464 MW, and 30 S with 464 MW) and the Arthur Kill Generating Station (powerplants 20 with 335 MW, and 30 with 491 MW) in the *Federal Register*. (44 FR 50638, and 44

FR 50636, respectively). The orders, if finalized, would prohibit these units from burning natural gas or petroleum as their primary energy source. The proposed prohibition orders were based on ERA findings that these powerplants have, or previously had, the technical capability to use an alternate fuel (coal) at their primary energy source. These findings were based on the information that the powerplants were designed and constructed to burn coal as a primary energy source and burned coal during 1971.

Environmental Impact Statement

The EIS will present a comprehensive analysis of the environmental impact of ERA's proposed action to issue a final order prohibiting Arthur Kill Units 20 and 30 and Ravenswood Units 30N and 30S from burning natural gas or petroleum as primary fuels. These analyses will discuss the environmental consequences of the proposal and alternatives, including the environmental impacts of burning coal or other fuels as primary fuels. Among the impacts to be discussed are air quality, water quality, solid waste generation and disposal, and transportation and storage of fuel, as well as other impacts determined to be potentially significant during the public comment process. In addition, the EIS will evaluate methods of meeting the requirements of the Clean Air Act, Federal Water Pollution Control Act, Resource Conservation and Recovery Act, and other relevant environmental statutes.

Scoping Meeting

DOE desires to know what the public considers to be the major environmental issues associated with prohibiting Arthur Kill Units 20 and 30 and Ravenswood Units 30N and 30S from burning natural gas or petroleum as their primary energy source. The meeting on January 10, 1980, will be held to receive comments on the structure of the EISs, anticipated energy/environmental problems, actions that might be taken to address them, and reasonable alternatives which should be considered.

If possible, those planning to present information at the meeting should notify Mr. Ferguson. Participants are encouraged to submit to Mr. Ferguson, in advance, their intent to participate, and copies of any written material. However, public participation is encouraged even without the advance submission of written material. All

comments or suggestions made at the meeting will be carefully considered in the preparation of the draft EIS, as well written material submitted until February 1, 1980. Attendees at the meeting will be asked to register.

Questions regarding the meeting should be addressed to Mr. Ferguson.

Issued in Washington, D.C., December 13, 1979.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 79-38780 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Beacon Oil Co.; Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: Pursuant to 10 CFR 205.199], the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199](c), no Consent Order involving sums in excess of \$500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On October 12, 1979, ERA published notice of a Proposed Consent Order which was executed by the Office of Enforcement of the ERA and Beacon Oil Company (44 FR 58950). With that notice, and in accordance with 10 CFR 205.199], ERA invited interested persons to comment on the Proposed Consent Order. Also in that notice, interested persons who believe that they have a claim to all or a portion of certain refund amounts, as described in the notice, were instructed to provide written notification to ERA.

Approximately ninety-five persons submitted written notifications of claim; five of those notifications contained comments on the terms, conditions, or procedural aspects of the Consent Order. All five persons commenting stated a preference that refund amounts due them be made in the form of lump-sum cash payments, rather than in the form of payments that could extend over a period of time of up to eighteen months in length. ERA, while appreciative of this preference, must, however, also consider the need for Beacon to continue its business functions in an orderly fashion. A

remedial program occurring over a period of time approximately equal in length to the time over which Beacon received the refundable dollar amounts reconciles these two conflicting objectives.

ERA has concluded that the Consent Order as executed on September 10, 1979 between ERA and Beacon is an appropriate resolution of the compliance proceedings described in the notice published October 12, 1979, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on December 17, 1979.

Issued in Washington, D.C., November 28, 1979.

Robert D. Gerring,

*Director, Program Operations Division,
Economic Regulatory Administration.*

[FR Doc. 79-38489 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-102]

Consolidated Edison Co. of New York, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Consolidated Edison Company of New York, Inc. (Con Ed) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Astoria, East River, Narrows, Ravenswood, Waterside, and 60th Street steam and electric generating facilities in New York City with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on October 5, 1979. Notice of that application was published in the *Federal Register* (44 FR 65431, November 13, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication (December 27, 1979). No comments were received.

The ERA has carefully reviewed Con Ed's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Con Ed's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on December 7, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix I

December 11, 1979.

Mr. Kenneth F. Plumb,

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Re: ERA Certification of Eligible Use, ERA Docket No. 79-CERT-102, Consolidated Edison Company of New York, Inc.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the *Federal Register* and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, NW., Room 4126, Washington, D.C. 20461, telephone (202) 254-8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-102.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Enclosure.

[ERA Docket No. 79-CERT-102]

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Consolidated Edison Co. of New York, Inc.

Application for Certification

Pursuant to 10 CFR Part 595, Consolidated Edison Company of New York, Inc. (Con Ed) filed an application for certification of an eligible use of up to 150,000 Mcf of natural gas per day at its Astoria, East River, Narrows, Ravenswood, Waterside, and 60th Street steam and electric generating facilities in New York City, with the Administrator of the Economic Regulatory Administration (ERA) on October 5, 1979. The application states that the eligible seller of the gas is Consumers Power Company (Consumers) and that the gas will be transported by the Trunkline Gas Company, the Transcontinental Gas Pipe Line Corporation, and the Texas Eastern Transmission Corporation. The application and supplemental information indicate that the use of this natural gas is estimated to

displace up to 2,942,000 barrels of residual fuel oil (0.3 percent sulfur) for the period October 1, 1979 to June 1, 1980. The application also indicates that neither the gas or the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 150,000 Mcf of natural gas per day at Con Ed's Astoria, East River, Narrows, Ravenswood, Waterside, and 60th Street steam and electric generating facilities purchased from Consumers is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facilities purchased from the same eligible seller.

Issued in Washington, D.C., on December 7, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-38493 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

E.D.G., Inc. (Formerly Named Edgington Oil Co.); Action Taken on Consent Order

Pursuant to 10 CFR 205.199j, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) as successor to the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.197(c), no Consent Order involving sums in excess of \$500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On October 5, 1979, ERA published a notice of a Proposed Consent Order which was executed between the Trustees for the benefit of the former shareholders of E.D.G., Inc., formerly named Edgington Oil Company (E.D.G.) and the Office of Enforcement of the ERA (44 FR 57468, October 5, 1979). With that notice, and in accordance with 10 CFR 205.199j, ERA invited interested persons to comment on the proposed Consent Order.

Also, in that notice, and in accordance with 10 CFR 205.283, interested parties who believe that they have a claim to all or a portion of the refund were

instructed to provide written notification to ERA.

Several parties submitted written notification of claims; however, no comments on the terms, conditions or procedural aspects of the Consent Order were received. Therefore, ERA has concluded that the Consent Order as executed between ERA and E.D.G. is an appropriate resolution of the compliance proceedings described in the notice published October 5, 1979 and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on December 10, 1979.

Issued in Washington, D.C. on the 7th day of December 1979.

Robert D. Gerring,

*Director, Program Operations Division,
Economic Regulatory Administration.*

[FR Doc. 79-38491 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Presidential Permit for 230 kV International Interconnection, PP-64: Basin Electric Power Cooperative

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Issuance of Presidential Permit for 230 kV International Interconnection, PP-64: Basin Electric Power Cooperative.

SUMMARY: The Department of Energy (DOE) gives notice of the issuance of a Presidential Permit, PP-64, to Basin Electric Power Cooperative for a 230 kV International Interconnection at the United States-Canadian Border.

FOR FURTHER INFORMATION CONTACT: James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-8247; and Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 5E-064, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-2900.

SUPPLEMENTARY INFORMATION: On July 24, 1979, Basin Electric Power Cooperative (Basin) applied to the Economic Regulatory Administration (ERA) for authorization, pursuant to Executive Order No. 10485, as amended by Executive Order No. 12038, to construct, connect, operate and maintain an international interconnection at a point on the United States-Canadian border forty-five miles due north of Tioga, North Dakota. The three-phase, 60 hertz, 230 kilovolt overhead transmission line, which is approximately 135 miles in length, will interconnect with a similar transmission

line owned and operated by the Saskatchewan Power Corporation. Basin also applied to the Rural Electrification Administration (REA) for a loan guarantee in order to construct this line.

On September 14, 1979, the Department of Energy adopted the environmental impact statement on this project, which was prepared by REA as lead agency, pursuant to an agreement between REA and DOE. REA issued a notice of availability of the final environmental impact statement on September 25, 1979 (44 F.R. 55221).

The Secretary of State by letter dated October 24, 1979 and the Secretary of Defense by letter dated November 21, 1979 favorably recommended that the permit be granted.

Upon consideration of the matter, ERA found that issuance of the Permit was appropriate and consistent with the public interest. Accordingly, the Administrator of ERA issued the Permit on November 30, 1979 authorizing Basin Electric Power Cooperative to construct, connect, operate and maintain an electric transmission facility at the United States-Canadian border.

Copies of the order and the record of decision, which also was signed by the administrator on November 30, 1979, are on file with ERA and upon request will be made available for public inspection and copying at the ERA Docket Room, Room B-210, 2000 M Street, N.W., Washington, D.C. and at the System Reliability and Emergency Response Branch, Room 4110, 2000 M Street, N.W., Washington, D.C.

Issued in Washington, D.C., December 10, 1979.

Jerry L. Pfeffer,

*Assistant Administrator for Utility Systems,
Economic Regulatory Administration.*

[FR Doc. 79-38492 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

PGP Gas Products, Inc.; Action Taken on Consent Order

Pursuant to 10 CFR 205.199], the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199](c), no Consent Order involving sums in excess of \$500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On October 24, 1979, ERA published a notice of a Proposed Consent Order which was executed between PGP Gas Products, Inc. and the ERA (44 FR 61242, October 24, 1979). With that notice, and

in accordance with 10 CFR 205.199], ERA invited interested persons to comment on the proposed Consent Order. Also, in that notice, and in accordance with 10 CFR 205.283, interested parties who believe that they have a claim to all or a portion of the refund were instructed to provide written notification to ERA.

One party submitted written notification of claim; however, no comments on the terms, conditions or procedural aspects of the Consent Order were received. Therefore, ERA has concluded that the Consent Order as executed between ERA and PGP Gas Products, Inc. is an appropriate resolution of the compliance proceedings described in the notice published October 24, 1979, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on December 11, 1979.

Issued in Dallas, Texas, this 27th day of November, 1979.

Wayne I. Tucker,

*District Manager, Southwest District
Enforcement, Economic Regulatory
Administration.*

[FR Doc. 79-38490 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-105]

United States Steel Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

United States Steel Corporation (USSC) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Minntac facility in Mt. Iron, Minnesota, with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595 on October 9, 1979. Notice of that application was published in the *Federal Register* (44 FR 65432, November 13, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication (December 27, 1979). No comments were received.

The ERA has carefully reviewed USSC's application in accordance with the 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that USSC's application satisfied the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy

Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on December 7, 1979.

Doris J. Dewton

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

December 11, 1979.

Re ERA Certification of Eligible Use, ERA Docket No. 79-CERT-105, United States Steel Corporation.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254-8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-105.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Enclosure.

ERA Docket No. 79-CERT-105

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the United States Steel Corp.

Application for Certification

Pursuant to 10 CFR Part 595, United States Steel Corporation (USSC) filed an application for certification of an eligible use of 1.5 Bcf of natural gas at its Minntac facility in Mt. Iron, Minnesota, with the Administrator of the Economic Regulatory Administration (ERA) on October 9, 1979. The application states that the eligible seller of the gas is Channel Industries Gas Company (Channel) and that the gas will be transported by Tenngasco, Incorporated, the Northern Natural Gas Company, the Peoples Natural Gas Division of Northern Natural Gas Company, and the Oasis Pipe Line Company. The application and supplemental information indicate that the use of this natural gas is estimated to displace 264,500 barrels of No. 2 fuel oil (low

sulfur) at the Minntac facility between November 1, 1979 and May 31, 1980. The application also indicates that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of 1.5 Bcf of natural gas at USSC's Minntac facility purchased from Channel is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facility purchased from the same eligible seller.

Issued in Washington, D.C., on December 7, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-38494 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 50868-2444-02-41, 50868-2444-02-41, 50868-2444-03-41, 50868-2444-04-41, 50868-2444-05-41, 50868-2444-06-41, and 50868-2444-07-41]

El Paso Electric Co.; Petition for Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the El Paso Electric Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 7, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 31677) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the

requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of low sulfur residual fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification No.	Low sulfur residual fuel oil (barrels)	Percent sulfur content
Rio Grande (Sunland Park, N. Mex.).	2	1.5	0.45
	3	6.4	.45
	4	27.8	.45
	5	45.2	.45
	6	219.8	.45
	7	268.6	.45

These powerplants will burn an estimated 3,804,030 MCF of natural gas annually which will result in an estimated displacement of 569.3 barrels of low sulfur residual fuel oil per day (207,789 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary

energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of low sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for an initial period from the effective date of this Decision and Order until December 31, 1981. These exemptions will be automatically extended for an additional three year period upon written acceptance by ERA of a conservation plan pursuant to the third term and condition set forth below in this Decision and Order. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter

the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the initial period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan, or

(3) If the petitioner seeks to have the exemptions automatically extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional three year period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the pertinent fuel conservation plan.

Issued in Washington, D.C. on December 11, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-38571 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 54015-2390-05-41, 54015-2390-07-41, and 54015-2390-08-41]

Jersey Central Power & Light Co.; Petition for Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Jersey Central Power and Light Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on April 19, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the May 11, 1979, **Federal Register** (44 FR

27668) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 201(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of low sulfur residual fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating Station	Powerplant identification No.	Low sulfur residual fuel oil (barrels)	Percent sulfur content
Sayreville (Sayreville, N.J.)	5	44.7	0.3
	7	704.1	0.2
	8	484.9	0.3

These powerplants will burn an estimated 2,878,000 MCF of natural gas annually which will result in an estimated displacement of 1233.7 barrels of low sulfur residual fuel oil per day (450,300 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. The petitioner has also shown that the proposed use of natural gas as a primary

energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of low sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for an initial period from the effective date of this Decision and Order until December 31, 1981. These exemptions will be automatically extended for an additional three year period upon written acceptance by ERA of a conservation plan pursuant to the third term and condition set forth below in this Decision and Order. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 315 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the initial period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan, or

(3) If the petitioner seeks to have the exemptions automatically extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional three year period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the pertinent fuel conservation plan.

Issued in Washington, D.C., on December 11, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-38572 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 51685-2511-01-41, 51685-2511-02-41, 51685-2514-04-41, and 51685-2514-05-41]

Long Island Lighting Co.; Petition for Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 3111(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Long Island Lighting Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on April 30, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the May 11, 1979, **Federal Register** (44 FR 27668) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the

requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of low sulfur residual fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification No.	Low sulfur residual fuel oil (barrels)	Percent sulfur content
E. F. Barrett (Island Park, N.Y.).	1	1,293.2	0.37
Glenwood (Glenwood Landing, N.Y.).	2	2,463.0	.37
	4	991.8	.37
	5	898.6	.37

These powerplants will burn an estimated 20,384,000 MCF of natural gas annually which will result in an estimated displacement of 5646.6 barrels of low sulfur residual fuel oil per day (2,061,000 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as units that are either prohibited from using natural gas as a primary energy source by Section

301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of low sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for an initial period from the effective date of this Decision and order until December 31, 1981. These exemptions will be automatically extended for an additional three year period upon written acceptance by ERA of a conservation plan pursuant to the third term and condition set forth below in this Decision and Order. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter

the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the initial period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this Plan, or

(3) If the petitioner seeks to have the exemptions automatically extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional three year period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the pertinent fuel conservation plan.

Issued in Washington, D.C. on December 11, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-38573 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 52414-2398-01-41, 52414-2398-02-41, 52414-2403-01-41, 52414-2411-01-41, 52414-2411-02-41, 52414-2411-03-41, and 52414-2411-04-41]

Public Service Electric & Gas Co.; Petition for Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Public Service Electric and Gas Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 15, 1979. Notice of the petition and a proposed order granting these

temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 31677) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of low sulfur residual fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification No.	Low sulfur residual fuel oil (barrels)	Percent sulfur content
Bergen (Ridgefield, N.J.).	1	1,156.2	0.3
Hudson (Jersey City, N.J.).	2	3,378.1	.3
	1	3,906.8	.3
Sewaren (Sewaren, N.J.).	1	104.1	.3
	2	87.7	.3
	3	454.8	.3
	4	832.9	.3

These powerplants will burn an estimated 23,554,000 MCF of natural gas annually which will result in an estimated displacement of 9920.5 barrels of low sulfur residual fuel oil per day (3,621,000 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas in preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals,

it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of low sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for an initial period from the effective date of this Decision and Order until December 31, 1981. These exemptions will be automatically extended for an additional three year period upon written acceptance by ERA of a conservation plan pursuant to the third term and condition set forth below in this Decision and Order. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order

are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the initial period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan, or

(3) If the petitioner seeks to have the exemptions automatically extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional three year period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to

ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the pertinent fuel conservation plan.

Issued in Washington, D.C. on December 11, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-38574 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act; Issuance of Orders Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on December 11, 1979, it issued orders granting temporary public interest exemptions, pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, and 10 CFR 501.68 and 10 CFR 508, from the prohibitions of Section 301(a) (2) and (3) of the Act to the following powerplants:

Docket No.	Owner	Generating station location	Power-plant identification	Daily low-sulfur residual displacement (barrels)
51685-2511-01-41	Long Island Lighting Co	E. F. Barrett, (Island Park, N.Y.)	No. 1	1,293.2
51685-2511-02-41			No. 2	2,463.0
51685-2514-04-41			No. 4	991.8
51685-2514-05-41	Jersey Central Power & Light Co	Sayreville (Sayreville, N.J.)	No. 5	898.6
54015-2390-05-41			No. 5	44.7
54015-2390-07-41			No. 7	704.1
54015-2390-08-41			No. 8	484.9
50868-2444-02-41	El Paso Electric Co	Rio Grande (Sunland Park, N. Mex.)	No. 2	1.5
50868-2444-03-41			No. 3	6.4
50868-2444-04-41			No. 4	27.8
50868-2444-05-41			No. 5	45.2
50868-2444-06-41	Public Service Electric & Gas Co	Bergen (Ridgefield, N.J.)	No. 6	219.8
50868-2444-07-41			No. 7	268.6
52414-2390-01-41			No. 1	1,156.2
52414-2398-02-41			No. 2	3,378.1
52414-2403-01-41	Hudson (Jersey City, N.J.)	Sewaren (Sewaren N.J.)	No. 1	3,906.8
52414-2411-01-41			No. 1	104.1
52414-2411-02-41			No. 2	87.7
52414-2411-03-41			No. 3	454.8
52414-2411-04-41			No. 4	832.9

Petitions were received and filed with ERA, pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) for temporary public interest exemptions for the use of natural gas as a primary energy source.

Notice of the petitions and the proposed orders granting these

temporary exemptions were published in the **Federal Register** on May 11, and June 1, 1979 (44 FR 27668 and 44 FR 31677). Written comments were requested on the proposed orders. All comments were considered by ERA.

A general comment from Allied Chemical Corporation expressed concern that the chemical industry has experienced production curtailments

and plant shutdowns due to inadequate gas supplies for nonsubstitutable feedstock and process needs at the same time that DOE has concluded that excess supplies of natural gas are available. The Allied Chemical Corporation comment did not refer to any specific region nor did it specify impacts resulting from any particular petition or proposed order.

The State of New Jersey Department of Environmental Protection supports ERA's decision, stating, "Besides representing a positive response to the Nation's need to reduce its demand for imported petroleum products and related problems, ERA's action will result in a net air quality benefit * * *."

The State of New York Department of Environmental Conservation is "in favor of the use of natural gas wherever possible, since the environmental benefits are obvious * * *."

These temporary exemptions will allow the above-named units to burn an estimated total of 50,618,030 MCF of natural gas annually, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, displacing an estimated 17,370.1 barrels of low sulfur residual fuel oil per day (6,340,089 barrels annually).

The orders granting these temporary exemptions shall become effective sixty days following publication in the *Federal Register* in accordance with Section 702(a) of FUA. Owners of the above-named powerplants have received the Decision and Order by certified mail.

The individual orders are set forth following this notice. These temporary exemptions shall be in effect, subject to terms and conditions stated in each order, for an initial period ending December 31, 1981 and may be terminated by ERA, upon six months written notice, if ERA determines such termination to be in the public interest. The temporary exemptions may be extended for an additional period of three years upon written acceptance by ERA of a system-wide fuel conservation plan. Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B-110, 2000 M Street, N.W., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Acting Director, Existing Facilities Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7442.

Issued in Washington, D.C., on December 11, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-38570 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER80-120]

Central Hudson Gas & Electric Corp.; Filing

December 10, 1979.

The filing Company submits the following:

Take notice that Central Hudson Gas & Electric Corporation (Central Hudson) on December 4, 1979 tendered for filing as a supplement to its Rate Schedule F.P.C. No. 22 a letter of notification dated November 20, 1979 from Central Hudson to New York State Electric & Gas Corporation. Central Hudson states that this letter provides for an increase in the monthly operation and maintenance charge from \$1,999.62 to \$2,142.17 in accordance with Article IV.2 of its Rate Schedule F.P.C. No. 22. The increase is proposed to become effective January 1, 1980.

Copies of the filing by Central Hudson have been sent to the New York State Electric & Gas Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-38460 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-28]

Cimarron Transmission Co.; Third-Party Protests¹

December 10, 1979.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,² and "Order on Rehearing of Order No. 23-B,"³ the staff of the Commission protested on October 15, 1979, the assertion by the Cimarron Transmission Company (Cimarron) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A of this notice does not constitute authority for the producer to increase prices to the extent claimed by Cimarron in its evidentiary submission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before December 26, 1979, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth Plumb,
Secretary.

Appendix A

Producer	Rate Schedule No. or contract date
Vi-Roi Oil Income Development Program 1975.....	4-10-78
Jerome M. Westheimer.....	4-10-78
Westheimer-Neustadt Corp.....	4-10-78
Lincoln Rock Corporation.....	12-1-76
Holden Energy Corp.....	12-19-78
Texaco, Inc.....	188

[FR Doc. 79-384671 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

¹ The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

² "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

³ Docket No. RM79-22, issued August 6, 1979.

[Project No. 2232]**Duke Power Co.; Application for Approval of Change in Land Rights**

December 10, 1979.

Take notice that an application was filed on April 19, 1979, under the Federal Power Act, 16 U.S.C. Sections 791(a)-825(r), by Duke Power Company (Applicant) for approval of a change in land rights at the Wateree Development of the Catawba-Wateree Project No. 2232. The Wateree Development is located on the Wateree River in Fairfield County, South Carolina. Correspondence with the Applicant on this matter should be addressed to: Mr. John E. Lansche, Assistant General Counsel, Duke Power Company, Box 2178, Charlotte, North Carolina 28242.

Applicant requests approval to sell, in fee, three islands, totalling approximately 147.22 acres of project lands, and to grant three small rights-of-way to its subsidiary Crescent Land and Timber Corporation (Crescent). The three small (66 feet wide) rights-of-way would provide access over existing causeways which are located between the mainland and the islands to be conveyed. The islands are near the western shore of Lake Wateree, between Dutchmans Creek and Taylor Creek approximately 12 miles upstream from Wateree Dam.

Crescent, in exchange for other lands owned by the State, would thereafter convey the three islands and rights-of-way to the South Carolina Department of Parks, Recreation, and Tourism, for development of a state park.

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 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments 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 comments, protest, or petition to intervene must be filed on or before January 21, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38462 Filed 12-14-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2232]**Duke Power Co.; Application for Approval of Change in Land Rights**

December 10, 1979.

Take notice that an application was filed on September 5, 1979, under the Federal Power Act, 16 U.S.C. 791a-285r, by Duke Power Company (Applicant) for approval of a change in land rights at the Cowen's Ford Development of the Catawba-Wateree Project No. 2232. The project lands to be conveyed are adjacent to the Catawba River (Lake Norman) in Iredell County, North Carolina. Correspondence with the Applicant on this matter should be addressed to: Mr. John E. Lansche, Assistant General Counsel, Duke Power Company, Box 2178, Charlotte, North Carolina 28242.

Applicant requests Commission approval to convey, in fee, five small parcels of project land, totalling 1.62 acres, to Mr. Irwin Belk, a private property owner. The parcels are located adjacent to Mr. Belk's property, which is in Davidson Township, Iredell County, south of the County Road Number 1111.

The five parcels of land, which were filled, bulkheaded and planted with vegetation approximately 10 years ago without Applicant's approval or knowledge, would be removed from the project. Applicant states in its application that the removal of these parcels from the project lands would not affect the operational or recreational aspects of the project.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or petitions to intervene must be filed on or before January 21, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38463 Filed 12-14-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2232]**Duke Power Co.; Application for Approval Of Change in Land Rights**

December 10, 1979.

Take notice that an application was filed on June 13, 1979, under the Federal Power Act, 16 U.S.C. Section 791 (a)-825(r), by Duke Power Company (Applicant) for the approval of a change in land rights at the Catawba Development of the Catawba-Wateree Project No. 2232. The project lands to be conveyed are on the Catawba River (Lake Wylie) in Gaston County, North Carolina. Correspondence with the Applicant on this matter should be addressed to: Mr. John E. Lansche, Assistant General Counsel, Duke Power Company, Box 2178, Charlotte, North Carolina 28242.

Applicant requests Commission approval to sell, in fee, approximately 4.32 acres of project lands to Daniel J. Stowe, a private landowner. The project lands to be conveyed are currently inundated by three small impoundments, which are wholly within the project boundary, and were created by damming small coves of the project reservoir. The impoundments are located in an area between the South Fork River and the Catawaba Creek. The dams were constructed approximately 15 years ago, and the small impoundments have been managed by Mr. Stowe, as wildlife and waterfowl feeding and sanctuary areas, since that time. The intended use of the impoundments would remain the same.

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 Procedures 18 CFR 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments

filed, but a person who merely files a protest or other comments 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 comments, protest, or petition to intervene must be filed on or before January 21, 1980. The Commission's address is: 825 North Capitol Street, N.E. Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38464 Filed 12-14-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. GP80-29]

Florida Gas Transmission Co.; Third-Party Protests¹

December 10, 1979.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,² and "Order on Rehearing of Order No. 23-B,"³ the staff of the Commission protested on October 15, 1979, the assertion by the Florida Gas Transmission Company (Florida Gas) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A of this notice does not constitute authority for the producer to increase prices to the extent claimed by Florida Gas in its evidentiary submission.

Take further notice that "Florida Cities" also filed a third-party protest on October 15, 1979. "Florida Cities" protests that the contracts in Appendix B do not constitute contractual authority for the producer to increase prices to the applicable NGPA maximum lawful price. Florida Cities' position has been adopted and incorporated in protests filed by the Arizona Corporation Commission, the Associated Gas Distributors, the Gas Consumers Group, the Cities of Mangum, Oklahoma and Winfield, Kansas, the Kansas State Corporation Commission, Congressman Andrew

Maquire, the Memphis Light, Gas and Water Division, the Public Service Commission of the State of New York, Lone Star Florida Pennsuco, Inc., the South Dakota Public Service Commission and the Minnesota Public Service Commission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before December 26, 1979, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,
Secretary.

Appendix A

Producer	Rate schedule No. or contract date
Texaco, Inc.	239
Exxon	477
Florida Gas Exploration Co.	6
Amoco	439
Sun Oil	505
Louisiana Land and Exploration Co.	10
Kerr McGee	125

Appendix B

Producer	Rate schedule No. or contract date
Amerada Hess	82
Gulf Oil Co.	159
Gulf Oil Co.	344
Partnership Properties Petro-Lewis	1-14-59
Phillips Petroleum Corp.	417
Phillips Petroleum Corp.	372
Amoco	439
Exxon	409
Texaco	281
Texaco	279
Superior Oil Co.	112
Amoco	668
Aminol	45
Florida Gas Exploration Co.	30
Atlantic Richfield	200
Getty Oil	88
Perry R. Bass	4
Perry R. Bass	3
Florida Gas Exploration Co.	35
Getty Oil	86
Mitchell Energy	20
Perry R. Bass	44
Chevron USA	75
Dow Chemical et al., including J. M. Huber	90
Exxon	477
Exxon	504
Florida Gas Exploration Co.	6
Gulf Oil Co.	158
Gulf Oil Co.	437
Florida Gas Exploration Co.	26
MAPCO, Inc.	26
Florida Gas Exploration Co.	36
Shell Oil Co.	8-1-78
Florida Gas Exploration Co.	10
Shell Oil Co.	409
Florida Gas Exploration Co.	11
MAPCO, Inc.	25
Shell Oil Co.	229

Appendix B—Continued

Producer	Rate schedule No. or contract date
Florida Gas Exploration Co.	21
Do	19
Do	20
Do	24
Do	17
Do	23
Do	25
Do	22
Do	31
Do	13
Shell Oil Co.	416
Shell Oil Co.	194
Superior Oil Co.	87
Sabine Production Co.	8
Systems Fuels, Inc.	32
MAPCO, Inc.	27
Louisiana Land & Exploration Co.	25
Sun Oil Co.	592
Florida Gas Exploration Co.	7
MAPCO, Inc.	23
Florida Gas Exploration Co.	32
Florida Gas Exploration Co.	34
Gulf Oil Co.	157
H. L. Hunt	26
Shell Oil Co.	192
Superior Oil Co.	86
Superior Oil Co.	84
Kerr McGee	125
Louisiana Land & Exploration Co.	10
Louisiana Land & Exploration Co.	7
Sun Oil Co.	505
Shell Oil Co.	264
Texaco	238
Texaco	457
Texaco	485
Phillips Petroleum Corp.	352
George R. Brown	19
Texaco	239
Sun Oil Co.	254
Superior Oil Co.	83
Superior Oil Co.	229

[FR Doc. 79-38465 Filed 12-14-79; 8:45 am]

BILLING CODE 6540-01-M

[Docket No. ER80-119]

Holyoke Water Power Co.; Filing

December 10, 1979.

The filing Company submits the following:

Take notice that Holyoke Water Power Company (the "Company") on December 4, 1979, tendered for filing an electric rate schedule entitled:

Resale Service Rate CD-1

Service Agreement Between Holyoke Water Power Company and City of Chicopee, Massachusetts Municipal Lighting Plant

The City of Chicopee is presently served under the Company's Rate Schedule FPC No. 5. The proposed rate schedule (the "CD-1 Rate") is intended to supercede Rate Schedule FPC No. 5. The CD-1 Rate is the so-called "contract demand" (or "CD") rate form which was approved by the Commission's Order issued October 20, 1975, in Dockets No. E-8798 and E-8843, as part of a settlement which provided that Chicopee could elect to receive a portion of its firm power service requirements in accordance with the contract demand rate form specified in said settlement.

¹ The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

² "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

³ Docket No. RM79-22, issued August 6, 1979.

The charges in the proposed rate schedule have been designed to achieve the revenue levels agreed upon in the Settlement Agreement approved by the Commission in Docket No. ER77-90 (less that portion of the settlement revenues which are attributable to replacement energy charges by the Company for the backup of Chicopee's entitlements in the Maine Yankee and Vermont Yankee nuclear units).

The Company proposes an effective date of December 1, 1979, the date which Chicopee has indicated to the Company it wishes to receive service under the CD-1 Rate. The Company states that copies of the filing were served upon Chicopee and the Commonwealth of Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest before December 28, 1979, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38466 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-118]

Idaho Power Co.; Filing

December 10, 1979.

The filing Company submits the following:

Take notice that on December 3, 1979, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during October, 1979, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest

with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38467 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-16]

Mid-Louisiana Gas Co.; Third-Party Protests¹

December 10, 1979.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,² and "Order on Rehearing of Order No. 23-B,"³ the staff of the Commission protested on October 15, 1979, the assertion by the Mid-Louisiana Gas Company (Mid-Louisiana) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect certain applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A does not constitute authority for the producer to increase price to the extent claimed by Mid-Louisiana in its evidentiary submission.

Any person, other than Mid-Louisiana and the sellers, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before December 24, 1979, a petition to intervene in accordance with 18 CFR 1.8. The seller

¹ The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

² "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

³ Docket No. RM79-22, issued August 6, 1979.

need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,
Secretary.

Appendix A

Producer	Rate Schedule No. or contract date
Burke Royalty Co.....	4-18-75
Richard B. Nelson	8-1-77

[FR Doc. 79-38468 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-17]

Mississippi River Transmission Corp.; Third-Party Protests¹

December 10, 1979.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,² and "Order on Rehearing of Order No. 23-B,"³ the staff of the Commission protested on October 15, 1979, the assertion by the Mississippi River Transmission Corporation (Mississippi) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect certain applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A does not constitute authority for the producer to increase price to the extent claimed by Mississippi in its evidentiary submission.

Any person, other than Mississippi and the sellers, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before December 24, 1979, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in

¹ The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

² Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

³ Docket No. RM79-22, issued August 6, 1979.

the first sale is automatically joined as a party.

Kenneth F. Plumb,
Secretary.

Appendix A

Producer	Rate schedule No. or contract date
Dyco Petroleum	9-7-78
Jack T. Everett, et al.	6-12-78
Jake L. Haman	7-29-77
Hinton Production Co., et al.	7-29-77
Hinton Production Co., et al.	3-10-78
MRT Exploration Co.	RS#10
MRT Exploration Co.	RS#11
Amoco Production Co.	RS#31
Hurley Foundation	4-23-51
Kaiser-Francis Oil Co.	5-31-77
Natamas North America, Inc.	1-21-77
Chevron, USA, Inc.	RS#163
Four M. Properties, Ltd.	8-16-78
MRT Exploration Co.	RS#9
MRT Exploration Co.	RS#12
Union Oil Co. of California	RS#243

[FR Doc. 79-38469 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-117]

The Montana Power Co.; Filing

December 10, 1979.

The filing Company submits the following:

Take notice that on November 30, 1979, The Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff, M-1 during October, 1979, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38470 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-30]

Mountain Fuel Supply Co.; Third-Party Protests¹

December 10, 1979.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,² and "Order on Rehearing of Order No. 23-B,"³ the staff of the Commission protested on October 15, 1979, the assertion by the Mountain Fuel Supply Company (Mountain Fuel) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A of this notice does not constitute authority for the producer to increase prices to the extent claimed by Mountain Fuel in its evidentiary submission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the commission, on or before December 26, 1979, a petition to intervene in accordance with 18 C.F.R. 1.8. The seller need not file for intervention because under 18 C.F.R. § 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,
Secretary.

Appendix A

Producer	Rate schedule No. or contract date
Gulf Oil Corp	519
Gulf Oil Corp	520
Energy Reserves Group, Inc.	123
Energy Reserves Group, Inc.	103
Belco Petroleum Corp.	4
Belco Petroleum Corp.	7

[FR Doc. 79-38471 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

¹ The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

² "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

³ Docket No. RM-79-22, issued August 6, 1979.

[Project No. 2981]

Nevada Irrigation District; Application for Preliminary Permit

December 10, 1979.

Take notice that the Nevada Irrigation District (Applicant) filed on October 5, 1979, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C., § 791(a)-825(r)] for a proposed water power project to be known as the Lake Combie Power Project, FERC No. 2981, located on the Bear River and Lake Combie in the County of Nevada, California.

Correspondence with the Applicant should be directed to: Mr. Fred Bandy, General Manager, Nevada Irrigation District, P.O. Box 1019, Grass Valley, California, 95945, and Mr. David H. Minasian, Esq., Minasian, Minasian, Spruance & Baber, Attorneys at Law, P.O. Box 1679, Oroville, California, 93270.

Purpose of Project—Applicant would use the power generated at the project to operate the pumps at its Magnolia #3 pumping station. Energy in excess of pumping requirements would be sold to a public or private utility or banked with a utility in exchange for energy on demand or utilized internally by the Applicant.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct surveys and investigations, make comparative studies, prepare cost estimates, consult with agencies, perform an environmental assessment, prepare a feasibility report, and prepare a FERC license application. The estimated cost for the work required up to and including the submittal of a license application is \$100,000.

Project Description—The proposed Lake Combie Power Project would consist of: (1) an existing reservoir with a gross storage capacity of 7,164 acre-feet; (2) an existing concrete-arch dam, 85 feet high and 762 feet long; (3) an existing steel outlet pipe, 34 inches in diameter; (4) a proposed "Y" branch to be connected to the outlet pipe, which would allow water to flow to either the powerhouse or the existing Combie North Aqueduct; (5) a proposed penstock; (6) a proposed powerhouse with an installed capacity of 1,000 kW; (7) a proposed return conduit from the powerplant to the Combie North Aqueduct; and (8) a proposed 13.8/kV transmission line. The proposed powerplant would be designed to allow power to be generated while supplying

to the Bear River. During periods when water is required in the aqueduct the powerplant would operate utilizing a head of 35 feet. When flows are released into the river, the powerplant would operate utilizing a head of 70 feet.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—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 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a persons who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a persons must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before February 11, 1980. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 11, 1980, either the

competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 11, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38472 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-116]

Niagara Mohawk Power Corp.;

Filed: December 10, 1979.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on December 3, 1979, tendered for filing an agreement between Niagara and the Village of Lake Placid, New York (Village) dated July 11, 1979.

Under the terms of this agreement, Niagara has agreed to construct a 115 Kv transmission line from Niagara's Lake Colby Substation to the Village. In exchange for Niagara's consent to construct this line, the Village has agreed to make certain cash payments to Niagara and to pay additional wheeling rates over and above those currently paid to the Power Authority of the State of New York (PASNY).

Niagara requests a waiver of the prior notice requirements to allow the agreement to become effective on November 28, 1979, the date that the new line was scheduled to be energized.

Niagara states that copies of the filing were served on the Village, PASNY and the Public Service Commission, State of New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38473 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-36]

Northwest Pipeline Corp.; Third-Party Protests¹

December 10, 1979.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,² and "Order on Rehearing of Order No. 23-B,"³ the staff of the Commission protested on October 15, 1979, the assertion by the Northwest Pipeline Corporation (Northwest) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A of this notice does not constitute authority for the producer to increase prices to the extent claimed by Northwest in its evidentiary submission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before December 26, 1979, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR § 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,
Secretary.

Appendix A

Producer	Rate schedule No. or contract date
Chandler & Associates, Inc.....	1-9-78
Do.....	1-9-78
Do.....	1-9-78
Do.....	1-9-78
Do.....	12-28-76
Do.....	12-28-76
Do.....	12-28-76

[FR Doc. 79-38474 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

¹ The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

² "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 22, 1979.

³ Docket No. RM79-22, issued August 6, 1979.

[Docket No. HB24-63-3 (formerly E-7719)]

**Public Service Co. of Colorado;
Proposed Determination of Headwater
Benefits Payments in the Upper
Colorado River Basin**

December 11, 1979.

Take notice that Commission staff proposes a determination pursuant to the provisions of Section 10(f) of the Federal Power Act, 16 U.S.C. 803, of certain payments for benefits provided by the federal Green Mountain headwater improvement in the Upper Colorado River basin to the downstream Shoshone hydroelectric plant owned by the Public Service Company of Colorado. The proposed payment of \$433,465 for benefits, plus \$50,311 for costs of the investigation, for the period of November 16, 1942, through December 31, 1970. The proposed payments are based on a report dated November 1974 by the Commission's Office of Electric Power Regulation (formerly Bureau of Power). Adjustments have been made subsequent to the report.

The report has been circulated for comment. Legal and technical objections have been raised to the report. Commission staff recognized only those objections to the effect of net evaporation from federal reservoirs and irrigation diversions by certain holders of junior water rights as appropriate for adjusting the computations. The payments proposed above reflect revised computations for those effects.

Anyone desiring to be heard or to make any protest about this report 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 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments 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 comments, protest, or petition to intervene must be filed on or before January 17, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The report is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38475 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. SA80-40]

**RJB Pipeline Co.; Application for
Determination of First Sale Status or
for Adjustment and Interim Relief**

December 10, 1979.

Take notice that on November 28, 1979, RJB Gas Pipeline Company (RJB), 3080 Liberty Tower, Oklahoma City, Oklahoma 73102, filed with the Federal Energy Regulatory Commission (Commission) in Docket No. SA80-40, an application for determination of first sale status or in the alternative for an adjustment and interim relief under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) 15 USC 3301 *et seq.*, and sections 280.202, 270.203(b)(2), 271.1105, and 271.1106 of the Commission's Regulations (18 CFR § 202; 203(b)(2); 1105; 1106).

Specifically, RJB requests the Commission to determine not to treat its sales of natural gas from wells located in Baca County, Colorado to Colorado Interstate Gas Company (CIG) as first sales retroactive to March 1, 1979; or in the alternative for the Commission to grant an adjustment to permit recovery of gathering costs as indicated in the cost of service attached to the application filed with the Commission. Furthermore, RJB seeks interim relief to permit RJB to collect from CIG a \$.20 per Mcf gathering charge retroactive to March 1, 1979.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR § 1.41 *et seq.* See also Commission Order No. 24 issued March 22, 1979. (44 F.R. 18961, March 30, 1979.)

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of 18 CFR § 1.41(e). All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register** and should be sent to the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C., 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38476 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2101]

**Sacramento Municipal Utility District;
Application for Amendment of License**

December 10, 1979.

Take notice that on August 13, 1979, Sacramento Municipal Utility District (Licensee) filed an application for amendment of its license for the existing Upper American River Project No. 2101, located on the Rubicon River and tributaries, Silver Creek and tributaries, and South Fork of the American River in El Dorado County, California.

Correspondence concerning the application should be sent to Mr. William C. Walbridge, General Manager, and Mr. David S. Kaplan, General Counsel, Sacramento Municipal Utility District, P.O. Box 1583, Sacramento, California 95813.

The license for the Upper American River Project was issued on August 28, 1957, for a period of 50 years. The Commission has, since that time, issued several orders approving additional power facilities. The project, as it presently exists, consists of: three main dams and storage reservoirs; eight diversion dams and regulating reservoirs; 6 powerhouses with total installed capacity of 596,000 kW; and associated tunnels and penstocks.

Proposed Project Description—The Licensee now seeks authorization to construct: (1) a reinforced concrete powerhouse, to be located on the downstream face of Slab Creek Dam, containing one turbine generating unit with an installed capacity of 400 kW; and (2) approximately 200 feet of transmission line which would connect to an existing 12-kV transmission line. The existing outlet works for the Slab Creek Dam would be modified for power development. The power plant and the 200-foot transmission line would be located within the existing project boundary.

Estimated Cost—The Licensee estimates the capital cost of the proposed project at \$716,000.

Purpose Of The Project—The plant would generate about 2.95 million kWhs annually and would be connected, through the Licensee's interconnected system, to the Northern California Power Grid System.

Recreation Facilities—The Licensee states, in the application, that the recreation facilities of the Upper American River Project have been fully developed under the original license and that the economics of the proposed power plant do not justify any new recreation facilities at this time.

Agency Comments—Federal, State, and local agencies that receive this

notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of an order amending project license. A copy of the application may be obtained directly from the applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene— Anyone desiring to be heard or 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 C.F.R. Section 1.8 or Section 1.10 (1979). 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, petition to intervene, or agency comments must be filed on or before January 21, 1980. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

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

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38477 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-22]

Texas Gas Pipeline Co.; Third-Party Protests¹

December 10, 1979.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,² and "Order on Rehearing of Order No. 23-

¹ The term "third party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

² "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

B,"³ the staff of the Commission protested on October 15, 1979, the assertion by the Texas Gas Pipeline Company (Texas Gas) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts contained in Appendix A of this notice does not constitute authority for the producer to increase prices to the extent claimed by Texas Gas in its evidentiary submission.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before December 26, 1979, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR § 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,
Secretary.

Appendix A

Producer	Rate Schedule No. or Contract date
Sun Oil Co	41
Sun Oil Co	42

[FR Doc. 79-38478 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER80-115]

The Toledo Edison Co.; Service Agreement

December 10, 1979.

The filing Company submits the following:

Take notice that The Toledo Edison Company on December 3, 1979, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1. The changes consist of the filing of a Service Agreement executed by the Southeastern Michigan Rural Electric Co-operative Inc.

Toledo Edison states that the executed Service Agreement with Southeastern Michigan Rural Electric Co-operative Inc. provides that service will be rendered under the terms of a new rate classification identical in all respects to the Company's existing Municipal Resale Service Rate—Small. Toledo Edison further states that the

³ Docket No. RM79-22, issued August 6, 1979.

service which it has rendered and will render to Southeastern Michigan Rural Electric Co-operative Inc. is necessary to alleviate a low voltage condition being experienced on a portion of Southeastern's distribution system. An effective date of March 1, 1978 has been requested for the filed Service Agreement.

Copies of this filing were served upon Southeastern Michigan Rural Electric Co-operative Inc. and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38479 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP77-107, RP71-41, et al.]

United Gas Pipeline Co.; Request for Approval of Refund Procedure

December 7, 1979.

Take notice that on December 4, 1979, United Gas Pipeline Company (United) requested that this Commission issue an order approving the payment of certain refunds to its customers. United states that, pursuant to Commission orders approving settlements in the proceedings involving the refunds, such refunds would not flow until those orders are no longer subject to judicial review. United further states its willingness to pay out the refunds, notwithstanding the fact that one party has sought review of the orders approving the settlements. United also requests that the Commission grant approval by December 27, 1979, and that certain protective conditions be attached to the grant of approval, all as more fully set out in the application, which is on file and available for inspection at the Commission. Should the appellant prevail on appeal, these protective conditions would permit

United to, in the future, recoup from customers amounts refunded.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 18, 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-38480 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Nuclear Energy

Nuclear Proliferation and Civilian Nuclear Power; Publication of Report of the Nonproliferation Alternative Systems Assessment Program and Announcement of Public Meeting

The draft final report of the Nonproliferation Alternative Systems Assessment Program (NASAP), *Nuclear Proliferation and Civilian Nuclear Power*, was released by the U.S. Department of Energy on December 14, 1979.

The goal of the NASAP study has been to provide recommendations for the development and deployment of more proliferation-resistant civilian nuclear power systems and institutions without jeopardizing the development of nuclear energy. In this context, "proliferation resistance" is the capability of a nuclear power system to inhibit, impede, or prevent the diversion of the system's fuel cycle materials or facilities from civilian to military uses. In addition, NASAP has supported, through its technical studies and analyses, U.S. participation in the International Nuclear Fuel Cycle Evaluation Studies.

The ten-volume draft report, consisting of an Executive Summary, a Program Summary and eight supporting technical volumes, was prepared by the Division of Nuclear Alternative Systems

Assessment within the Office of the Assistant Secretary for Nuclear Energy.

It is now being released for public review and comment. The comment period will extend through February 15, 1980. The final report, reflecting the public review, is scheduled to be issued by the Department of Energy in the summer of 1980.

The principal findings and recommendations of the NASAP study are described in the following summary.

The NASAP report concludes that nuclear power systems can be made more proliferation resistant. All nuclear fuel cycles would entail varying degrees of proliferation risks. However, the light-water reactor fuel cycle which discharges spent fuel to interim storage involves no directly weapons-usable material in any part of the fuel cycle. It is a more proliferation-resistant fuel cycle than those which use highly enriched uranium or pure plutonium.

Differences in proliferation risk can be reduced by the introduction of combinations of technical and institutional measures rather than by technical measures alone. Some of these measures would be: wider acceptance of international safeguards on all civilian nuclear activities and wider acceptance of existing nonproliferation treaties; adherence to export controls and guidelines adopted by each of the nuclear supplier nations; cooperative arrangements to perform breeder reactor R&D only when the need is clear and then under international auspices; and limiting research reactor material to enrichment levels that minimize the presence of weapons-usable material.

A major theme of the NASAP report, which in many ways summarizes its findings, is that U.S. policy should continue to be directed toward establishing a nonproliferation regime which recognizes the need for security of energy supply.

To enhance security of supply and nonproliferation effectiveness, existing international arrangements must be improved and new ones established on a cooperative basis. In this area, NASAP made the following major observations: New enrichment capacity should be under effective multinational or international auspices; improved institutional arrangements for spent-fuel storage and disposal services should be pursued; the U.S. should continue to urge others to refrain from developing reprocessing capability until it is clearly needed. However, where reprocessing occurs, there would be less proliferation risk if services were to be provided by a few large facilities, if safeguards were to

be strengthened at all bulk-handling facilities, and if services were to be supplied based on fast-breeder and advanced reactor R&D needs where there exist both economic and technical justification; and the U.S. should seek to insure that an international plutonium-management regime operates under effective and credible nonproliferation norms.

The nuclear systems examined by the study ranged from those currently in use throughout the world to others that have not yet progressed beyond the conceptual stage. They were examined not only from the standpoint of proliferation risk, but also in terms of their efficiency of resource use, cost, and safety and environmental characteristics. These elements, along with the commitments that would have to be undertaken in performing the research, development and demonstration of the systems, were summarized in an assessment of commercial potential.

Consistent with the report's theme of both assuring supply and strengthening the nonproliferation regime, recommendations for research, development and demonstration were provided:

- Support for developing and improving safeguards technology;
- Improving fuel utilization efficiency of today's light-water reactors by 1990, and developing still more resource efficient light-water fuel for commercial adoption by 2000;
- Completing the National Uranium Resource Evaluation Program by 1985 and continuing research and development of uranium discovery and extraction methods;
- Demonstrating low enriched uranium fuel for use in research reactors as compared to today's use of high enriched uranium fuel; 20-45% U-235 enriched fuel by 1982, less than 20% U-235 enriched fuel by 1984;
- Continuing with the development of the Liquid Metal Fast Breeder Reactor so that it could be commercially available, if needed, by about 2010 to 2020 while postponing the decision to start or defer a demonstration project until after the completion of the Conceptual Design Study;
- Continuing planned commitments to expand domestic enrichment capacity, improving the performance of existing technology and demonstrating the technical and economic performance of Advanced Isotopic Separation processes;
- Completing the Light Water Breeder Reactor proof-of-breeding demonstration in Shippingport;
- Demonstrating designs to improve the proliferation resistance of reprocessing in pilot facilities in the fast breeder program;
- Assessing unique markets such as for process heat and for use in water scarce regions for the High Temperature Gas-Cooled Reactor; and
- Investigating high burnup fuel technology for the Fast Mixed-Spectrum Reactor.

Copies of the Executive Summary and Volume I

The Program Summary, of the draft report of the Nonproliferation Alternative Systems Assessment Program are available from: Technical Information Center, P. O. Box 62, Oak Ridge, Tennessee 37830 (Attention: *NASAP Report*, DOE/NE-0001).

Public Comments

We welcome comments on any aspect of the draft report. All comments should be submitted in writing by February 15, 1980, to: Dr. Hugh Kendrick, Acting Director, Division of Nuclear Alternative Systems Assessment, NE-50 (P), Mail Stop B-107, U.S. Department of Energy, Washington, D.C. 20545.

In order to facilitate handling, the designation *NASAP Report*, should appear on all comments as well as on the outside envelope.

Public Meeting

The U.S. Department of Energy will conduct a public meeting to discuss the findings and recommendations of the Report of the Nonproliferation Alternative Systems Assessment Program on Thursday, January 17, 1980, in Washington, DC. The meeting will be held at 9:30 a.m. at the Department of Commerce Auditorium. The entrance is on 14th Street, NW. between Constitution Avenue and E Street. Parking and public transportation is available at 12th Street, NW. and Pennsylvania Avenue.

Following a short presentation, a panel will be available to respond to questions and hear comments. Questions may be submitted in advance to: Dr. Hugh Kendrick, Acting Director, Division of Nuclear Alternative Systems Assessment, NE-50 (P), Mail Stop B-107, U. S. Department of Energy, Washington, D.C. 20545, Attention: *NASAP Public Meeting*.

In addition, questions may be brought to the public meeting in written form or will be taken from the floor.

For further information contact: Mr. Howard Rohm, Division of Nuclear Alternative Systems Assessment, NE-50, Mail Stop B-107, U.S. Department of Energy, Washington, D.C. 20545 or call 301/353-4988.

Issued in Washington, D.C., December 10, 1979.

John W. Crawford, Jr.,

Acting Assistant Secretary for Nuclear Energy.

[FR Doc. 79-38495 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals

Notice is hereby given that during the week of November 19 through November 23, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Within 20 days after publication of this notice, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). Within 30 days of the publication of this notice, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause show. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Issued in Washington, D.C.

Melvin Goldstein,

Director, Office of Hearings and Appeals.
December 12, 1979

Alcatraz Mobil Service, Oakland, Calif.,
BRO-0819, motor gasoline

On November 20, 1979, Alcatraz Mobil Service, 6392 Telegraph Avenue, Oakland, California 94609, filed a Notice of Objection to a Proposed Remedial Order that the Department of Energy Western District Office of Enforcement issued to the firm on October 3, 1979. The Proposed Remedial Order found that during the period August 1, 1979 through September 19, 1979 Alcatraz committed pricing violations of \$2,890.77 in connection with the sale of motor gasoline in the State of California.

Edwards Producing Co., Inc., Jackson, Miss.,
BRO-0178, crude oil

On November 20, 1979, Edwards Producing Company, Inc., 1755 Lella Drive, Suite 301, Jackson, Mississippi 39216 filed a Notice of Objection to a Proposed Remedial Order which the Department of Energy Southeast District Office of Enforcement issued to the firm on November 1, 1979. In the Proposed Remedial Order the Southeast District found that during the period September 1, 1973 through December 31, 1977, Edwards Producing Company, Inc. violated the Mandatory Petroleum Price Regulations in connection with its sales of crude oil. According to the Proposed Remedial Order

the Edwards Producing Company, Inc. violation resulted in \$125,567.47 of overcharges.

Exxon Co., U.S.A., Houston, Tex., BRO-0177,
Benzene/Toluene

On November 20, 1979, Exxon Company, U.S.A., 800 Bell Street, Houston, Texas 70002 filed a Notice of Objection to a Proposed Remedial Order which the Department of Energy Office of Special Counsel for Compliance issued to the firm. In the Proposed Remedial Order the Office of Special Counsel found that during February through May 1974, Exxon carried over (banked) price premiums for benzene and toluene, in violation of the Mandatory Petroleum Price Regulations. According to the Proposed Remedial Order the Exxon Company overstated its banks for such products in the amount of \$3,952,000.

[FR Doc. 79-38575 Filed 12-14-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50425A; FRL 1377-1]

Amendment to Experimental Use Permit Issued to U.S. Department of Agriculture

On Monday, May 7, 1979 (44 FR 26794), information appeared pertaining to the issuance of an experimental use permit, No. 42634-EUP-2, to the U.S. Department of Agriculture. At the request of the department, that permit has been amended. The program is now authorized in the State of Georgia as well as Louisiana. (PM-17, Franklin Gee, Room: E-341, Telephone: 202/426-9417.)

(Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136j))

Dated: December 4, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-38506 Filed 12-14-79; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-59000A; FRL 1374-5]

Pesticides and Toxic Substances; Approval of Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Approval for an exemption for test marketing activities from the premanufacture notification requirements of Section 5 of the Toxic Substances Control Act (TSCA).

SUMMARY: On October 22, 1979 EPA received an application from Hesser and Associates of Overland Park, Kansas to import sucrose tallowate for test marketing purposes. EPA has reviewed

information supplied in the exemption application and other information gathered by the Agency. EPA has determined that Hesser's test marketing of sucrose tallowate will not present any unreasonable risk of injury to health or the environment. Therefore the Agency has granted Hesser an exemption from the premanufacture reporting requirements for the import of sucrose tallowate for test marketing in the manner described in the application. The exemption is effective immediately. A **Federal Register** notice published on November 20, 1979 (44 FR 66671) announced the receipt of the exemption application.

FOR FURTHER INFORMATION CONTACT:

Paige Beville, Application Manager, Premanufacturing Review Division (PTS-794), Office of Pesticides and Toxic Substances, EPA, Washington, D.C. 20460 (202/426-8815).

SUPPLEMENTAL INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b)(1) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contained several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit the persons to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On October 22 EPA received an application from Hesser and Associates, 10100 Santa Fe Drive, Overland Park, Kansas for an exemption from the requirements of sections 5(a) and 5(b) of

TSCA, to import sucrose tallowate for test marketing purposes. Under this test marketing exemption, Hesser intends to import sucrose tallowate, and mixtures containing this substance with any or all of the following existing chemicals:

1. Mono- and diglycerides of tallow fatty acids;
2. Calcium salts of tallow fatty acids; and
3. Potassium salts of tallow fatty acids.

Sucrose tallowate is a detergent and emulsifying agent, with a potentially wide application as an ingredient in household detergents, foods and cosmetics. The components of sucrose tallowate are common table sugar and naturally occurring fatty acids derived from beef tallow which have been chemically joined to form esters. During the test marketing phase, Hesser plans to supply the substance and mixtures containing the substance primarily to the detergents industry for laboratory testing as ingredients in laundry and dishwashing detergents. [The applicant also may supply other samples to the cosmetics industry for laboratory testing as ingredients in protective hand creams; these uses are not covered under this exemption because they may be regulated under the Federal Food, Drug, and Cosmetic Act]. Hesser stated that samples of the formulated product will not be supplied to the general consumer.

Data reviewed by EPA indicate no acute toxicity problems associated with sucrose tallowate. Animal feeding studies using very close structural analogs of sucrose tallowate indicate that the analogs are not toxic to test animals when fed in quantities up to 10% of their diets. The Agency found no data on carcinogenic, mutagenic, or teratogenic effects of sucrose tallowate. However, based on the nature of the components of sucrose tallowate and the structure of the derived compound, we have no reason to suspect that it will cause any of these effects.

With regard to ecological effects, the Agency found no data concerning hazards to invertebrates, plants, fish, mammals, birds or most micro-organisms. There is no reason to anticipate such problems, however, based on the non-toxic nature of the components, their biodegradability, and the low amounts that would be discharged to the environment during the test marketing period. No effects on ecosystem processes were reported and none are expected as a result of test marketing.

Based upon the relatively benign nature of sucrose tallowate and its limited exposure during test marketing, EPA has determined that sucrose

tallowate will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described in this application. Accordingly, EPA grants Hesser and Associates an exemption, effective immediately, from the premanufacture reporting requirements for purposes of test marketing sucrose tallowate as an import in the manner described above.

This exemption is granted only for importation of the substance, and samples will be provided only to industrial laboratories for end-product testing. Therefore EPA has not evaluated possible worker and consumer exposures that may result from full-scale commercialization. However, prior to import into the United States for purposes other than test marketing, and before the substance is manufactured in this country for either test marketing or commercialization, a premanufacture notice (PMN) must be submitted as required under section 5(a) of TSCA. At such time as it reviews the PMN, EPA will evaluate worker and consumer exposures.

Dated: December 11, 1979.

Douglas M. Costle,
Administrator.

[FR Doc. 79-38507 Filed 12-14-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Request To Establish Advisory Committee on AM Broadcasting in Region 2

December 5, 1979.

The Commission has requested the Committee Management Secretariat of the National Archives and Records Service (GSA) to approve the creation of an "Advisory Committee on AM Broadcasting in Region 2." The Committee will provide advice to FCC representatives responsible for participating in the preparatory and plenary sessions of the Region 2 Administrative Radio Conference on AM broadcasting, and in the implementation of agreements which may be prepared by the Conference concerning use of the AM broadcast spectrum by the nations of the Western Hemisphere.

Advice by interested agencies, institutions, organizations, industry sectors and other members of the public will be needed on the matters to be dealt with by the Region 2 Conference. These include the designation of frequencies to be used as AM broadcast channels, the classification and

conditions governing use of each class of channels, the protection to be afforded to AM stations in other countries, the technical standards to be used in determining service and interference, and related matters.

The Committee will have up to 30 members. Membership will be selected on the basis of individual experience and expertise in the following areas: (1) the transmission and reception of AM broadcast signals, (2) the design capacities and manufacture of transmitting and receiving equipment, (3) the operation of stations providing AM broadcast service, and (4) the public purposes and goals of the AM service. The Commission will attempt to ensure that the composition of the Committee is fairly balanced and representative of all technically qualified parties having an interest in AM broadcasting.

Although the Committee cannot be instituted unless and until GSA approves the FCC's proposal, the Commission would like to give early consideration to the selection of members. The Commission accordingly invites recommendations as to the composition of the proposed Committee, and the submission of the names of persons who it is believed could contribute usefully to the work of advising FCC staff responsible for participation in the Administrative Radio Conference for Region 2, and in the preparations and implementation of sub-regional agreements which may be negotiated on the basis of such Regional radio agreement as the Conference may develop.

If approval is obtained for establishing the proposed advisory committee, it will be important that its membership be so constituted as to afford balanced representation of diverse interests, views, and experience, and that minorities and women be represented.

All suggestions on the composition and membership of the Committee will be welcome. They should be addressed no later than December 14, 1979, to Federal Communications Commission, Washington, D.C. 20554, Attention: Wilson La Follette, Room 8104.

Action by the Commission November 20, 1979. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, Brown and Jones.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 79-38451 Filed 12-14-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-EA-1979-1]

Finding of No Significant Impact on Environment of Relocations, Consolidations and Related Moves To Establish and Activate the Federal Emergency Management Agency (FEMA) in the 10 Federal Cities

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1508), the Federal Emergency Management Agency (FEMA) has prepared an environmental assessment of the relocation of resources resulting from the reorganizations of FEMA regional offices to implement the ten Federal city regional concept.

The assessment concludes that there will be no significant impact on the natural or manmade environment as a result of the establishment of the ten regional offices and the accompanying relocations of personnel and functions. It is estimated that these plans represent a movement of approximately 185 employees (including possible local recruitment), spread out over the ten regions. The relocation costs for personnel and necessary equipment should total about \$768,500, also spread out over the ten regions.

It is therefore found that there will be no significant impact on the environment caused by the relocations, consolidations and related moves of personnel, records, furniture and equipment to establish and activate FEMA regional offices in the ten Federal cities. On this basis, an environmental impact statement will not be prepared.

Copies of the environmental assessment are available for inspection at: Federal Emergency Management Agency, Room 802, 1725 I Street, NW., Washington, DC 20472, Telephone (202) 634-4100.

A limited number of single copies are available and may be obtained by writing the above offices.

Dated: December 11, 1979.

John W. Macy, Jr.,
Director.

[FR Doc. 79-38534 Filed 12-14-79; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-611-DR]

Marshall Islands of the Trust Territory; Notice of Major Disaster and Related Determinations

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Marshall Islands of the Trust Territory (FEMA-611-DR), dated December 1, 1979, and related determinations.

DATED: December 1, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7845.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the director under Federal Emergency Management Agency Delegation of Authority, 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 December 1, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Marshall Islands of the Trust Territory resulting from seawave action and flooding, beginning on or about November 26, 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 Marshall Islands Trust Territory.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Francis S. Manda of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Marshall Islands of the Trust Territory to have been affected adversely by this declared major disaster.

The following for Individual Assistance and Public Assistance:

Majuro Atoll.

T. R. Casey,

Acting Director, Disaster Response and Recovery.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

[FR Doc. 79-38540 Filed 12-14-79; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM**Florida National Banks of Florida, Inc., Acquisition of Bank**

Florida National Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Florida National Bank of Martin County, the successor by merger to Stuart National Bank, Stuart, Florida and Port Salerno National Bank, Port Salerno, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 10, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38471 Filed 12-14-79; 8:45 am]

BILLING CODE 6210-01-M

Gulf Southwest Bancshares, Inc.; Formation of Bank Holding Company

Gulf Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.8 per cent or more of the voting shares of Merchants Park Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing

the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 10, 1979.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 79-38528 Filed 12-14-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION**Early Termination of the Waiting Period of the Premerger Notification Rules; American Petrofina Inc.**

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: American Petrofina Incorporated is granted early termination of the waiting period provided by law and the premerger notification rules respect to its proposed acquisition of Wintershall Oil and Gas 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 Wintershall Oil and Gas Company. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 6, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons 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 permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-38455 Filed 12-14-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Howard L. Terry

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Mr. Howard L. Terry is granted early termination of the waiting period provided by law and the premerger notification rules with respect to his proposed acquisition of certain voting securities of the Penn Central Corporation. 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 Mr. Terry. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 5, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons 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 permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-38456 Filed 12-14-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; United Parcel Service of America, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: United Parcel Service of America, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of NUPARMAC

Corporation. 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 requests for early termination submitted by both parties to the transaction. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 6, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons 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 permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 79-38458 Filed 12-14-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; NVF Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: NVF Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of the assets of UV Industries, Inc. 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 requests for early termination submitted by both parties to the transaction. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons 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 permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 79-38457 Filed 12-14-79; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 10, 1979 (CAB) and December 11, 1979 (NRC). See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the *Federal Register* is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before January 4, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Civil Aeronautics Board

The CAB requests clearance of a new Form 297A, Registration or Amendment under Part 297 of the Economic Regulations of the Civil Aeronautics Board. This form must be filed by every foreign air freight forwarder and foreign cooperative shippers' association not later than 60 days before the start of operations as in indirect air carrier, pursuant to Part 297 of the Board's Economic Regulations and Section 402 of the Federal Aviation Act of 1958, as amended. The CAB estimates that respondents will number approximately 15 and that 3 hours will be required for preparation of a registration or amendment.

Nuclear Regulatory Commission

The NRC requests an extension without change clearance of Form NRC-212, Qualifications Investigation (Professional). Information entered on Form 212 is used to determine the qualifications and suitability of applicants for employment with the NRC and of current NRC employees for reassignment, reinstatement, transfer, and promotion. Respondents are supervisors and former supervisors of individuals who have applied for employment with the NRC or are being considered for promotion, transfer, or reinstatement. The NRC estimates that respondent burden will average 15 minutes for each response and that approximately 2,000 responses will be received annually.

The NRC requests an extension without change clearance of Form NRC-212A, Qualifications Investigation (Secretarial/Clerical). Information entered on Form 212A is used to determine the qualification and suitability of applicants for employment with the NRC and of current NRC employees for reassignment, reinstatement, transfer, and promotion. Respondents are supervisors and former supervisors of individuals who have applied for employment with the NRC or are being considered for promotion, transfer, or reinstatement. The NRC estimates that respondent burden will average 15 minutes for each response and that approximately 2,000 responses will be received annually.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-38564 Filed 12-14-79; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Board of Scientific Counselors, National Institute of Environmental Health Sciences; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, January 30-31, 1980, in Building 18 conference room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina.

This meeting will be open to the public from 9 a.m. to 12 noon on January 30, for the purpose of discussing recent developments in the Institute's budget, personnel, permanent facilities, contracts, scientific programs, and plans of the Laboratory of Molecular Genetics and the Laboratory of Animal Genetics. 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 Pub. L. 92-463, the meeting will be closed to the public on January 30 from 1 p.m. to adjournment on January 31, 1980, for the evaluation of the program of the Laboratory of Molecular Genetics and the Laboratory of Animal Genetics, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Charles E. Carter, Scientific Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 541-3205, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: December 7, 1979.

Suzanne L. Freneau,
*Committee Management Officer, National
Institutes of Health.*

[FR Doc. 79-38521 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, January 10-11,

1980, Federal Building, Conference Room 6C01, Bethesda, Maryland.

This meeting will be open to the public on January 10 from 8:30 a.m. to noon when the current progress of the Beta Blocker Heart Attack Trial will be discussed, and January 11 from 8:30 a.m. to adjournment for discussion of initiatives and plans. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 10, from noon to adjournment for the review, discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Yourk Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21 National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of meetings and rosters of committee members. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: December 7, 1979.

Suzanne L. Freneau,
*Committee Management Officer, National
Institutes of Health.*

[FR Doc. 79-38523 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

Epilepsy Advisory Committee Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, NIH, February 7-8, 1980, Room 6C01, Federal Building, Bethesda, MD 20205.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. to discuss research progress and research plans related to the Institute's epilepsy program. Attendance by the public will be limited to space available.

Dr. Roger J. Porter, Acting Chief, Epilepsy Branch, Neurological Disorders Program, NINCDS, Federal Building, Room 114, National Institutes of Health,

Bethesda, MD 20205, telephone 301/496-1917, will provide summaries of the meeting, rosters of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: December 10, 1979.

Suzanne L. Freneau,
*Committee Management Officer, National
Institutes of Health.*

[FR Doc. 79-38518 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, January 28-29, 1980, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on January 28 from 9:00 a.m. to 5:00 p.m. with current status reports, review of the Reproductive Biology Program, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 29 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Council Secretary, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864 and 13.865, National Institutes of Health)

Dated: December 7, 1979.

Suzanne L. Freneau,
*Committee Management Officer, National
Institutes of Health.*

[FR Doc. 79-38525 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Council on Aging; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on January 28, 29, and 30, 1980 in Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. until adjournment on January 28, and 29. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 30, 1980 for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary, National Institute on Aging, Building 31, Room 5C-05, National Institutes of Health, Bethesda, Maryland, 20205, (Area Code 301, 496-5345), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health)

Dated: December 7, 1979.

Suzanne L. Freneau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-38522 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Dental Research Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on January 31-February 1, 1980, in Conference Room 9, Building 31-C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to adjournment on February 1 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on January 31 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual grant

applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Dorothy Costinett, Committee Management Assistant, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C36, Bethesda, MD 20205, (phone 301 496-6705) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13-840 thru 13-845, and 13-878, National Institutes of Health)

Dated: December 7, 1979

Suzanne L. Freneau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-38520 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Environmental Health Sciences Council Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, January 28-29, 1980, in Building 18 conference room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina.

This meeting will be open to the public on January 28, 1980, from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, interagency activities, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 28, from 1:00 p.m. to adjournment on January 29, 1980, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Leota B. Staff, Committee Management Officer, NIEHS, Building 31, Room 4B31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 755-4015, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.892, 13.893, 13.894, National Institutes of Health)

Dated: December 7, 1979.

Suzanne L. Freneau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-38524 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the National Diabetes Advisory Board on January 14 and 15, 1980, in Houston, Texas. The Executive Committee will meet on January 14 and the Board meeting will be held on January 15, 1980. The time and exact location of the meetings may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Maryland 20014, (301) 496-6045.

The meetings, which will be open to the public, are being held to continue review of the status and implementation of national diabetes programs. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne (address above) will provide summaries of the meeting and a roster of the committee members.

Dated: December 10, 1979.

Suzanne L. Freneau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-38517 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on February 21 and 22, 1980, in Conference Room 7, Building 31, at the National Institutes of Health, Bethesda, Maryland.

The entire meeting, from 8:30 a.m. on February 21 until 4:00 p.m. on February 22, will be open to the public. The Committee will discuss proposed initiatives for Division programs during fiscal year 1981. Attendance by the public will be limited to the space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.838, National Institutes of Health)

Dated: December 7, 1979.

Suzanne L. Freneau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-38519 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

Review of Contract Proposals and Grant Applications Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute. These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the

meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, unless otherwise stated.

Name of committee: Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee)

Dates: January 16, 1980

Place: Roswell Park Research Study Center, Cary Meeting Room, 666 Elm Street, Buffalo, New York

Times:

Open: January 16, 8:30 a.m.-9:00 a.m.

Closed: January 16, 9:00 a.m.-adjournment

Closure reason: To review grant applications

Executive secretary: Dr. Andrew Chiarodo

Address: Westwood Building Room 853,

National Institutes of Health

Phone: 301/496-7481

(Catalog of Federal Domestic Assistance Number 13.393, 13.394, 13.395, National Institutes of Health)

Name of committee: Biometry and Epidemiology Contract Review Committee

Dates: January 23, 1980

Place: Building 31C Conference Room 9, National Institutes of Health

Times:

Open: January 23, 8:30 a.m.-9:00 a.m.

Closed: January 23, 9:00 a.m.-adjournment

Closure reason: To review contract proposals

Executive secretary: Dr. Wilna A. Woods

Address: Westwood Building Room 821,

National Institutes of Health

Phone: 301/496-7153

(Catalog of Federal Domestic Assistance Number 13.393 National Institutes of Health)

Name of committee: Clinical Cancer Program Project and Cancer Center Support Review Committee (Clinical Cancer Program Project Review Subcommittee)

Dates: March 24-26, 1980

Place: Building 31C Conference Room 6, National Institutes of Health

Times:

Open: March 24, 8:30 a.m.-10:00 a.m.

Closed: March 24, 10:00 a.m.-adjournment;

March 25, 8:30 a.m.-adjournment; March 26, 8:30 a.m.-adjournment

Closure reason: To review grant applications

Executive secretary: Dr. Louise G. Thomson

Address: Westwood Building Room 809,

National Institutes of Health

Phone: 301/496-7924

(Catalog of Federal Domestic Assistance No. 13.397, National Institutes of Health)

Dated: December 7, 1979.

Suzanne L. Freneau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-38526 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-08-M

Office of Education

Consumers' Education Program

AGENCY: Office of Education, HEW.

ACTION: Extension of Closing Date for Submission of Applications.

SUMMARY: The closing date for the submission of applications for the Consumers' Education Program is extended from December 19, 1979 to approximately 60 days after publication of the final regulations. Proposed regulations for the Consumers' Education Program were published in the *Federal Register* on May 16, 1979. The proposed regulations have been revised extensively in light of public comment. The deadline is being extended to give applicants sufficient time to submit or amend their applications to take into account any changes in the regulations when they are published in final form.

The new notice of closing date will be published together with the final regulations in the same issue of the *Federal Register*. That notice will include instructions for submitting applications and program information.

FOR INFORMATION CONTACT: Dr. Dustin W. Wilson, Jr., Director, Office of Consumers' Education, U.S. Office of Education, 400 Maryland Avenue, S.W., (Room 807, Riviere Building), Washington, DC 20202, (202) 653-5983.

Dated: December 10, 1979.

John Ellis,

Executive Deputy Commissioner for Educational Programs.

(Catalog of Federal Domestic Assistance Number 13.564, Consumers' Education Program)

[FR Doc. 79-38448 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-02-M

Library Training Program

AGENCY: Office of Education, HEW.

ACTION: Notice of Closing Date for Transmittal of Applications for New Projects.

Applications are invited for new projects under the Library Training Program.

Authority for this program is contained in sections 201, 221, and 222 of the Higher Education Act of 1965, as amended. (20 U.S.C. 1021, 1031, 1033)

This program issues awards to individual institutions of higher education and other nonprofit library agencies and organizations.

The purpose of the awards is to assist in training persons in librarianship through the conduct of traineeship and fellowship programs.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by February 19, 1980.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.468, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S. Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Priority levels of training for new awards in FY 1980 are contained in §§ 132.11 and 132.12 of the program regulations. Institute proposals will not be considered for funding in FY 1980, since the legislation gives priority funding to fellowship/traineeship grants and in view of the reduced level of funding for the Library Training Program.

Available funds: It is expected that approximately \$667,000 will be available for the Library Training Program in FY 1980.

It is estimated that these funds could support 20 new projects, and 4 competing continuation projects.

The anticipated award for each new project will be between \$12,600 and \$85,000.

However, these estimates do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by January 4, 1980. They may be obtained by writing to the Library Education and Postsecondary Resources Branch, U.S. Office of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 30 pages in length. The Commissioner further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Library Training Program (45 CFR Part 132); and
(b) General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The proposed Education Division General Administrative Regulations (EDGAR) were published in the *Federal Register* on May 4, 1979 (44 FR 26298). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs.

If EDGAR takes effect before grants are made under this program, those grants will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must Be Met by a Grantee?); Subpart F (What Are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures Does the Education Division Use to Get Compliance?).

Further information: For further information contact Mr. Frank A. Stevens, Chief, Library Education and Postsecondary Resources Branch, U.S. Office of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue SW., Washington, D.C. 20202, Telephone: (202) 245-9530.

(20 U.S.C. 1021, 1031, 1033)
(Catalog of Federal Domestic Assistance No. 13.468, Library Training Program)

Dated: December 12, 1979.

John Ellis,

Executive Deputy Commissioner for Educational Programs.

[FR Doc. 79-38508 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-02-M

Office of the Secretary

Medicare Program; Premium Rate for the Uninsured Aged

AGENCY: Office of the Secretary (OS), HEW.

ACTION: Notice.

SUMMARY: This notice announces Medicare's monthly hospital insurance premium for the uninsured aged for the 12 months beginning July 1, 1980. Section 1818(d)(2) of the Social Security Act requires the Secretary of HEW to publish during the last quarter of each calendar year, the amount of the monthly hospital insurance program (Part A of Medicare) premium for voluntary enrollment for the 12 month period beginning with the following July 1.

EFFECTIVE DATE: July 1, 1980.

FOR FURTHER INFORMATION CONTACT: Guy King, Director, Division of Medicare Cost Estimates, 3-0-3 Operations Building, Baltimore, Maryland 21235, Telephone: (301) 594-2826.

SUPPLEMENTARY INFORMATION: Under the authority in Section 1818(d)(2) of the Social Security Act (42 U.S.C. 1395i-2(d)(2)), I have determined that the monthly Medicare hospital insurance premium for the uninsured aged for the 12 months beginning July 1, 1980, is \$78.

Section 1818 of the Social Security Act provides for voluntary enrollment in the hospital insurance program (Part A of Medicare), subject to payment of a monthly premium, of certain persons age 65 and older who are uninsured for social security or railroad retirement benefits and do not otherwise meet the requirements for entitlement to hospital insurance. (Persons insured under the Social Security or Railroad Retirement Acts need not pay premiums for hospital insurance.)

Section 1818(d)(2) of the Act requires the Secretary to determine and publish, during the last quarter of each calendar year, the amount of the monthly Part A premium for voluntary enrollment for the 12-month period beginning with the following July 1. This section also requires that, for the period beginning July 1, 1980, the premium must be \$33 multiplied by the ratio of (1) the 1980 inpatient hospital deductible to (2) the 1973 inpatient hospital deductible, rounded to the nearest multiple of \$1 or, if midway between multiples of \$1, to the next higher multiple of \$1.

Under Section 1813(b)(2) of the Act, the 1980 inpatient hospital deductible was determined to be \$180. (See 44 FR 55660, September 27, 1979.) The 1973 deductible was actuarially determined to be \$76, although the 1973 deductible

was actually promulgated to be only \$72 to comply with a ruling of the Cost of Living Council. (See 37 FR 21452, October 11, 1972.) The monthly premium for the 12-month period beginning July 1, 1980, has been calculated using the \$76 deductible for 1973, since this more closely satisfies the intent of the law. Thus, the monthly hospital insurance premium is $\$33 \times (180/76) = \78.16 , which is rounded to \$78.

(Section 1818(d)(2) of the Social Security Act (42 U.S.C. 395i-2(d)(2)) (Catalog of Federal Domestic Assistance Program No. 13.773, Medical Hospital Insurance)

Dated: December 8, 1979.

Patricia Roberts Harris,
Secretary.

[FR Doc. 79-38499 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-35-M

Office of the Assistant Secretary for Management and Budget; Statement of Organization, Functions and Delegations of Authority

This Notice amends Part A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, by modifying certain portions of Chapter AMG, "Office of Grants and Procurement" (42 FR 36312, dated July 14, 1977). This announcement abolishes the Division of Materiel Policy and Regulations Development and the Division of Procurement Policy and Regulations Development, replacing them with an Office of Procurement Policy.

1. Replace Section AMG 10. Organization with the following:
Section AMG.10 Organization. The Office of Grants and Procurement reports through the Deputy Assistant Secretary for Grants and Procurement to the Assistant Secretary for Management and Budget. The Office consists of the following:

- Immediate Office (AMG).
- Division of Grants Policy and Regulations Development (AMG1).
- Division of Analysis, Review, and Compliance (AMG2).
- Division of Minority Business (AMG4).
- Office of Procurement Policy (AMG5).
- Office of Grant and Contract Financial Management (AMG8).

2. Delete Section AMG20. D in its entirety and add the following in its place.

D. Office of Procurement Policy. 1. Develops and issues Departmental and recommends Government-wide policies and procedures pertaining to (a) the procurement from all sources of

personal property and non-personal services (including construction) by such means as purchasing, renting, leasing (including real property), contracting, bartering, seizure, condemnation, donation, or requisition. Recommends issuance of procurement regulations. Coordinates with OFEPM concerning material involving architectural/engineering and construction related matters; (b) supply and transportation, including utilization, inventory management, storage and distribution and disposition of materials, supplies and equipment as well as transportation and traffic management; (3) the commercial and industrial activities; and (4) the acquisition and management of automatic data processing equipment and services in conjunction with the Office of Management Analysis and Systems.

2. Provides staff guidance to activities of the Department on all procurement, supply, and transportation management matters.

3. Approves all new or revised forms to be used for contracts, supply, and transportation and develops general and standard forms for Departmental use.

4. Maintains liaison with other Government agencies and represents the Department in interagency activities, such as the GSA Interagency Procurement Policy Committee, the National Supply System Advisory Board, and the Office of Management and Budget Procurement Committee on procurement, supply, and transportation matters other than small business, disadvantaged business and labor surplus area programs.

5. Conducts research, originates, and develops innovations in procurement, supply, and transportation concepts, philosophies, and practices.

6. Reviews and makes recommendations on the determination and findings required by statute or regulation to be made at the Office of the Secretary level, such as research and development, etc., and reviews findings and determinations for advance payments.

7. Reviews and takes necessary action on cases involved with mistakes in bid, protests of awards, and complaints regarding contractual arrangements.

8. Recommends proposed delegations of procurement, supply, and transportation authority to Principal Operating Components.

9. Directs and provides Departmental training to procurement, supply and transportation management personnel, or program officials engaged in the processes. Directs and monitors a Department-wide certification program.

Dated: December 3, 1979.

Nathan J. Stark,
Under Secretary.

[FR Doc. 79-38507 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-12-M

Public Health Service and Food and Drug Administration

Office of the Commissioner (HFA), et al.; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (35 FR 33685, 1970, as amended most recently at 44 FR 27750, May 11, 1979) is amended to reflect the establishment of an Office of Consumer Affairs (OCA) within the Office of the Commissioner. The OCA is being created to serve as the Agency focal point for gathering and channelling consumer input into, and stimulating consumer participation in, Agency policy development.

Section HF-B, Organization and Functions, is amended by deleting paragraph (a) and substituting a new paragraph (a) reading as follows:

(a) *Office of the Commissioner (HFA).* The Commissioner and the Deputy Commissioner are responsible for the efficient and effective implementation of the Food and Drug Administration's (FDA) mission.

(a-1) *Office of Consumer Affairs (HFA-C).* Serves as the Agency focal point for coordinating information from the Bureaus and other Agency components about significant or public interest issues; develops mechanisms to gather consumer views for use in developing Agency policy recommendations to the Commissioner on these issues; monitors the development of Agency policy on these issues; appraises the Policy Board and Commissioner of the impact of consumer involvement in resolving these issues.

Serves as the Agency focal point for contacting and involving national consumer groups in Agency public participation programs; analyzes consumer feedback at the national level in collaboration with the Executive Director of Regional Operations (EDRO) to assess potential major health issues, to determine national trends in consumer concerns, and to compile a consumer perspective of Agency regulatory policies and activities.

Serves as the Agency focal point for coordinating information from Bureaus and other Agency components about potential public participation opportunities and informs the consumer of these activities.

Designs and administers special community outreach projects to broaden Agency interaction with special target audiences, including the economically and educationally disadvantaged and the minorities.

Designs public participation compliance programs for implementation by field Consumer Affairs Officers (CAO); reviews and approves CAO consumer education compliance programs developed by other Agency components to assess the public participation impact.

Administers consumer awareness and advocacy skills training programs, designed to educate lay consumers and current/potential consumer representatives for advisory committees to enhance their participation in Agency regulatory and decision-making processes.

Administers the Agency selection process for consumer representatives on advisory committees and panels.

Administers the Agencywide Public Participation Reimbursement Program.

Dated: December 6, 1979.

Nathan J. Stark,
Under Secretary.

[FR Doc. 79-38568 Filed 12-14-79; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Intent To Prepare a Strategic Plan

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Advance notice of preparation of a strategic plan for the Alaska Area, United States Fish and Wildlife Service.

SUMMARY: The United States Fish and Wildlife Service has expanded its operation in Alaska. Impending Alaska Lands legislation, increased support services, and Alaska Native Claims Settlement Act responsibilities have created a situation wherein it is imperative that the agency prepare a planning document that will inform both Service employees and the public about the approach the Fish and Wildlife Service will take in meeting these responsibilities. The Fish and Wildlife Service is seeking public input in this planning process. The purpose of this Intent to Prepare a Strategic Plan is to

invite comments as to what this plan should contain. It is pointed out that this will not be a detailed operational plan—operational plans will be prepared later. Neither is this a rulemaking. The strategic plan will include, but not necessarily be limited to or constrained to, the following sections: I. Introduction; II. Authorities; III. Responsibilities; IV. Mission and Goals; V. Alaska Program Objectives; VI. Policies; VII. Issues and Strategies; VIII. Summary; IX. Glossary of Terms.

DATE: Comments will be received on or before January 14, 1980. Individual responses will not be provided; however, all comments will be considered in preparing the draft plan.

ADDRESS: Send written comments to Mr. Keith M. Schreiner, Area Director, United States Fish and Wildlife Service, Department of the Interior, 1011 East Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Mr. Jan E. Riffe, Assistant Area Director, United States Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, Telephone: (907) 276-3800, Extension 537.

SUPPLEMENTARY INFORMATION: In keeping with the United States Fish and Wildlife Service policy of public involvement in its planning process, this notice of intent to prepare a strategic plan for USFWS-Alaska is published. The Area Director has determined that this document will not establish any new policy or alter any old policy. Rather, this document will codify for and inform both Service employees and the public of existing policies and processes. Therefore, pursuant to the provisions of the National Environmental Policy Act an environmental impact statement is not necessary. A negative declaration is on file in the Area Office.

The Need for a Strategic Fish and Wildlife Service Plan for Alaska. The responsibilities of the Fish and Wildlife Service in Alaska are broad and varied. Currently there is no public document available to explain what these responsibilities are nor how they will be met. This plan will serve that need.

Procedures for Drafting the Plan. A task force of Fish and Wildlife Service personnel has been assigned the responsibility of preparing the draft plan. Written public comments will be received and appropriate agencies and groups will be informally contacted for their views. No public hearings will be held on this Intent to Prepare a Strategic Plan. A draft of this plan is scheduled to be completed by July 1, 1980. At that time the draft will be published in the *Federal Register* and specific comments

invited. At least one public hearing will be held in Alaska. Final publication will depend upon the extent of the specific comments.

Dated: December 5, 1979.

Keith M. Schreiner,
Alaska Area Director, United States Fish and Wildlife Service.

[FR Doc. 79-38452 Filed 12-14-79; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 40.13]

A.I.D. Missions and Offices

Pursuant to the authority delegated to me by Delegation of Authority No. 40 dated March 5, 1978, I hereby redelegate to the officials in the field having authority to waive source requirements for goods (under Redelegations of Authority Nos. 40.5, 40.8, 40.9, 40.10, 40.11, and 40.12) the following authority: To waive, in accordance with the criteria prescribed in Supplement B of AID Handbook 1, the flag registry requirements for ocean and air transportation services to permit financing of transportation on aircraft or ocean vessels under flag registry of the cooperating country, any country included in AID Geographic Code 941, or any country included in AID Geographic Code 899; *provided, however, that such authority may be exercised only for shipment of goods for which the official has approved a commodity source waiver and for which the cost of shipment does not exceed twenty-five (25) percent of the official's authority to waive commodity source requirements. All waivers approved pursuant to this authority which permit financing of transportation on aircraft or ocean vessels under flag registry of any country included in AID Geographic Code 899 shall contain a certification by the approving official that "The interests of the U.S. are best served by permitting financing of transportation services on aircraft or ocean vessels under flag registry of free world countries other than the cooperating country and countries included in Code 941."*

The authority herein redelegated to the officials specified above may not be further redelegated by these officials, but may be exercised by duly authorized persons who are performing the functions of such officials in an "Acting" capacity. This redelegation of authority is effective immediately.

Dated: December 7, 1979.

Donald G. MacDonald,
Assistant Administrator, Bureau for Program
and Management Services.

[FR Doc. 79-38543 Filed 12-14-79; 8:45 am]

BILLING CODE 4710-02-M

[Delegation of Authority No. 134]

**Authorization To Register Private and
Voluntary Organizations; Delegation of
Authority**

1. In accordance with Executive Order 12163 of September 29, 1979 and Delegation of Authority No. 1 from the Director of the International Development Cooperation Agency to me, I hereby delegate to the Assistant Administrator, Bureau for Private and Development Cooperation, the authority to register private and voluntary organizations for purposes of Sections 123(b), 607(a) and 635(c) of the Foreign Assistance Act of 1961 and Sections 104(f) and 202(a) of the Agricultural Trade Development and Assistance Act of 1954 and for such other purposes as may be necessary under these Acts.

2. Authorities hereby delegated may be redelegated.

3. This Delegation of Authority is effective immediately.

Dated: November 26, 1979.

Douglas J. Bennet,
Administrator.

[FR Doc. 79-38544 Filed 12-14-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

**Proposed Consent Decree in Action
To Enjoin Discharge of Water
Pollutants by the City of Colorado
Springs, Colo.**

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on November 8, 1979, a proposed consent decree in *United States v. City of Colorado Springs* (D. Colo., Civ. No. 78-F-589), was lodged with the United States District Court for the District of Colorado. The proposed consent decree requires the City to pay a civil penalty and improve its waste water treatment plant to insure that it complies with the requirements of the Clean Water Act.

The proposed consent decree may be examined at the office of the United States Attorney, 674 United States Courthouse, Room C-330, 1929 Stout Street, Denver, Colorado 80294, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2633, Ninth and Pennsylvania Avenue, N.W.,

Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree on or before January 14, 1980. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. City of Colorado Springs, Colorado* (D. Colo., Civ. No. 78-F-589), D.J. Ref. 90-5-1-1-1003.

Angus Macbeth,

Deputy Assistant Attorney General, Land and
Natural Resources Division.

[FR Doc. 79-38454 Filed 12-14-79; 8:45 am]

BILLING CODE 4410-01-M

**Dayton Power & Light Co.; Proposed
Consent Decree in Action To Enjoin
Discharges of Water Pollutants by the
City**

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States v. Dayton Power and Light Company*, Civil Action No. C-1-79-642, filed November 13, 1979, is available for public inspection and comment. The proposed consent decree calls for the company to install the best available control technology economically achievable ("BAT") to reduce discharges of pollutants on or before November 1, 1981, a compliance date over two years in advance of the July 1, 1984 statutory deadline.

The Department of Justice will receive comments relating to the proposed consent decree on or before January 14, 1980. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Ninth and Pennsylvania Ave., N.W., Washington, D.C. 20530 and should explicitly note that they are in reference to *United States v. Dayton Power and Light Co.*, D.J. No. 90-5-1-1-1236.

The proposed decree may be examined at the office of the United States Attorney, 722 U.S. Post Office and Courthouse, Cincinnati, Ohio 45202; at the Region V office of the United States Environmental Protection Agency, Enforcement Division, 12th Floor, 230 South Dearborn Street, Chicago, Illinois 60604; and, at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Ninth and Pennsylvania

Avenue, N.W., Washington, D.C. 20530 (Room 2644). A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division. In requesting a copy please enclose a check in the amount of \$2.40 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and
Natural Resources Division.

[FR Doc. 79-38453 Filed 12-14-79; 8:45 am]

BILLING CODE 4410-01-M

**Law Enforcement Assistance
Administration**

**Competitive Research Grant To Study
Relationships Between Commercial
Land Use, Crime, and Fear of Crime;
Solicitation**

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant to study relationships between commercial land use, crime, and fear of crime. The first part of the research is to examine public records dealing with commercial land use and crime to determine whether significant relationships exist at the block or sub-neighborhood level. If they are demonstrated, data should be obtained to explain how the location of certain commercial facilities can affect each other and a surrounding area. In the second part of the project, research should specifically address the problem of fear that may be generated by particular types of commercial activity at the local level. Findings from the research will be synthesized and discussed in terms of their relevance to land use and criminal justice system planners, police, and others. The grant will be awarded for not more than 24 months and \$250,000.

The solicitation requests submission of full proposals and requires that submitting organizations have experience in and resource capabilities for designing and conducting research on social issues. Additional qualifications include knowledge of the substantive areas of land use analysis and utilization of criminal justice data.

To be considered for funding, all proposals must be postmarked not later than February 15, 1980.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request #80-110, Commercial Land Use and Crime, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: December 3, 1979.

Approved:

Harry M. Bratt,

Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-38548 Filed 12-14-79; 8:45 am]

BILLING CODE 4410-18-M

LIBRARY OF CONGRESS

Copyright Office

[Docket LPR 80-1]

Report of the Register of Copyrights on the Effects of 17 U.S.C. 108 on the Rights of Creators and the Needs of Users of Works Reproduced by Certain Libraries and Archives; Public Hearing

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of public hearing.

SUMMARY: The Copyright Office of the Library of Congress is preparing a report for Congress in accordance with 17 U.S.C. 108(i). The subject of the report is the extent to which 17 U.S.C. 108 has achieved the intended balance between the rights of creators and the needs of users of copyrighted works which are reproduced by certain libraries and archives. This notice announces and invites participation in the first of a series of regional public hearings designed to elicit views, comments, and information from all interested persons, including copyright proprietors, librarians, and users of all types of libraries. The Copyright Office actively seeks the participation not only of organizational representatives, but also of any individual whose informed opinion may contribute to the preparation of the report and the possible recommendation of changes in the copyright law.

DATES: The hearing will be held in the Red Lacquer Room of the Palmer House Hotel, State and Monroe Streets, Chicago, Illinois on January 19, 1980, beginning at 9:30 a.m. This is immediately before the midwinter meeting of the American Library Association. (It is anticipated that the remaining regional hearings will be held, later in 1980, in several geographically diverse cities.)

Anyone desiring to testify should submit a written request to present testimony by January 11, 1980, to the address set forth below. Ten copies of written statements must be received by the Copyright Office by 4:00 p.m. on January 11, 1980.

Supplemental statements will be entered into the record until February

19, 1980. Ten copies of such statements should be submitted.

ADDRESSES: Written requests to present testimony and ten copies of written statements or of supplementary statements should be submitted as follows: If sent by mail: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Virginia 22202. If delivered by hand, the copies should be brought to: Office of the General Counsel, Room 519, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

All requests to testify should clearly identify the individual or group desiring to testify and the amount of time desired. The Copyright Office will try to contact all witnesses to confirm the times of their appearances.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, Telephone: (703) 557-8731.

SUPPLEMENTAL INFORMATION:

1. Background and Purpose of the Report

The Copyright Act of 1976, 17 U.S.C. 101 *et. seq.*, was a product of many years of intense effort by Congress to replace what many felt was a copyright law which was ill-suited to such technological developments of the twentieth century as cable television, computers, and photocopying machines. One of the most difficult problems to resolve concerned the photomechanical reproduction, in whole or in part, of copyrighted works by libraries and archives. In addition to codifying the doctrine of fair use for the first time (17 U.S.C. 107), the Copyright Act of 1976 contains provisions authorizing certain acts of reproduction and distribution by qualifying libraries (17 U.S.C. 108).

These provisions represent a rather delicate balance between the positions forcefully advocated by the proprietor and user communities in testimony before Congress during the legislative effort that resulted in the current Act. Because of the uncertainty about their effect, at present and in the future, Congress provided that the Register of Copyrights should prepare, at five-year intervals, reports concerning the effectiveness of the balance created by the Copyright Act. The first such report, the subject of the hearing here announced, is due January 1, 1983. An advisory committee composed of ten representatives of concerned interests meets regularly with the Copyright Office to plan the preparation of the report. In addition to public hearings,

the Copyright Office has under consideration the possibility of conducting an empirical survey to provide objective data on the effects of section 108.

The purpose of this hearing is to examine practices under section 108 as they have developed since January 1, 1978, when the Copyright Act of 1976 became effective. It would therefore be most helpful if witnesses not simply reiterate positions previously taken with respect to library copying, but amplify their remarks with a discussion of ways in which the Act has or, of equal importance, has not affected their practices.

2. Summary of Section 108

Under section 106 of the Copyright Act of 1976, authors and other owners of copyright are given the exclusive rights, among others, to reproduce the copyrighted work in copies or phonorecords and to distribute copies or phonorecords of the copyrighted work to the public. These exclusive rights are subject to several exemptions, including those contained in section 107 ("fair use") and section 108 ("reproduction by libraries and archives").

Section 108 deals with a variety of situations involving photocopying and other forms of reproduction by libraries and archives. Subsection (a) provides that " * * * it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy or phonorecord of a work, or to distribute such a copy or phonorecord, under the conditions specified by this section if—"

(1) The reproduction or distribution is made without any purpose of direct or indirect commercial advantage;

(2) The collections of the library or archives are open to the public or specialized researchers; and

(3) The reproduced or distributed material includes a notice of copyright.

Thus, paragraph (a) of section 108 establishes the basic conditions under which a library or archives may claim an exemption from the exclusive rights of copyright proprietors. In addition, for the library activity to be exempt under section 108, one of the other conditions set forth in paragraphs (b) through (f) must be satisfied. Moreover, under paragraph (h), the exemptions for nonprint copyrighted works are modified substantially. Very generally, with the exception of facsimile duplication for preservation purposes and to replace damaged, deteriorating, or lost copies, the exemptions of section 108 apply primarily to books and periodicals.

Archival preservation (section 108(b)). This exemption applies only to unpublished works in the current collection of a library or archives. It allows reproduction only in facsimile form, and only for "purposes of preservation or security or for deposit for research use in another library or archives."

Replacement (section 108(c)). Libraries or archives are authorized to duplicate a published work in facsimile form solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost or stolen but only if they find that an unused replacement copy cannot be obtained at a fair price. The legislative reports offer some guidance as to what is meant—they indicate that a reasonable investigation will always require recourse to commonly known trade sources in the United States, and in the normal situation also to the publisher or copyright owner or an authorized reproducing service.

Journal articles, small excerpts, etc. (section 108(d)). This paragraph applies to "no more than one article or other contribution to a copyrighted collection or periodical issue, or to * * * a small part of any other copyrighted work." The only conditions for suppling a reproduction are that: "The copy becomes the property of the user"; there is no reason to suppose that it "would be used for any purposes other than private study, scholarship, or research"; and the library or archives must display prominently, at the place where orders are accepted, and include on the order form, a warning of copyright in language prescribed by a Copyright Office regulation.

Entire works or substantial parts (section 108(e)). With one addition, the conditions applicable under paragraph (d), as listed above, apply under paragraph (e) to "the entire work," or "a substantial part of it." The added condition is that "the library or archives has first determined, on the basis of a reasonable investigation, that a copy or phonorecord of a copyrighted work cannot be obtained at a fair price." This paragraph applies essentially to out-of-print works.

General exemptions (section 108(f)). In addition to the specific exemptions described above, paragraph (f) makes clear that no copyright liability attaches to a library or its employees for copying done on unsupervised copying machines provided the machines bear a warning that certain copying activity may represent an infringement of the copyright law. Also, nothing in section 108 "in any way affects the right of fair use as provided by section 107," and a

small number of copies of an audiovisual news program may be made and distributed by lending.

Multiple and systematic copying (section 108(g)). Section 108 does not permit copying when the library or archives, or its employee—

(1) Is aware or has substantial reason to believe that it is making or distributing multiple copies of the same material, whether on one or several occasions, or

(2) Engages in the systematic reproduction or distribution of copies of periodical articles or excerpts from other copyrighted works; however, certain copying for interlibrary loan purposes is permissible, even if it might otherwise appear "systematic."

Copying for interlibrary loan purposes is authorized to the extent that libraries receiving copies so made do not do so "in such aggregate quantities as to substitute for a subscription to or purchase of such work." Guidelines for interpretation of the language "such aggregate quantities * * *" were adopted by Congress during its enactment of the Copyright Act, and their effectiveness is a subject of this hearing. They, as the Act, represent a compromise between proprietary and user interests. Because they were drafted by the interested parties with the administrative support of the National Commission on New Technological Uses of Copyrighted Works (CONTU), they have come to be known as the "CONTU Guidelines." (CONTU was a temporary commission which examined certain copyright issues related to computers and photocopying in order to permit Congress to proceed with its revision of the copyright law in general.)

The guidelines which were adopted provide, essentially, that copying for interlibrary loans is permissible—

(1) If no more than five requests for copies of periodical articles from any given periodical are filled for a requesting library during a calendar year, with respect to articles less than five years old. (There is no provision covering the copying of older articles);

(2) If no more than five requests for copies of excerpts of any given work are filled for a requesting library within a calendar year; and

(3) If requesting libraries state that their requests comply with the Act and keep records of their requests for three years.

3. Copyright Clearance Center

In an attempt to establish a centralized mechanism to facilitate payment of royalty fees for copying activities not exempt under the

Copyright Act, publishers, with planning assistance by authors and librarians, established the Copyright Clearance Center, Inc. The Center, which is a not-for-profit organization, does not provide copies or grant permission to copy. Each publisher sets its own article copying fees and, to the extent feasible, publishes an article-fee code on the first page of articles to inform users of the appropriate charges for copying.

Participating libraries register with the Center and obtain a user-registration number for use in reporting copying. They submit periodic reports of copying activities and pay the applicable royalty fees on the basis of their chosen payment method, including deposit accounts, billing, and possible prepayment through a stamping meter or stamp.

Presently, this clearance system operates with respect to works in journals, magazines, newsletters, proceedings, symposia, and similar works. Its operating costs are borne by participating publishers.

4. Specific Questions

The Copyright Office is interested in receiving comments and testimony about any issues relevant to section 108 which concern copyright owners, librarians, and their patrons. Of particular interest are answers to the following questions:

(1) To what extent has section 108 changed library procedures? Has there been any significant effect on users' and librarians' access to information?

(2) To what extent has section 108 affected established patterns in the publishing industry and the relationship between authors, libraries, and library users?

(3) Depending upon the type of library involved, describe the effect, if any, of section 108 upon the type and amount of copying performed by the library on its own behalf or on behalf of users. To what extent have publishers and authors experienced a change in the number of requests from libraries to reproduce works since the present law went into effect?

(4) In what manner has the establishment of the Copyright Clearance Center affected your experience under section 108? (The intent of this question is to elicit responses from publishers and authors on the one hand and libraries and library users on the other.)

(5) Describe the impact, if any, that section 108 has had upon the replication of nonprint materials, including the ability of libraries to reproduce phonorecords and audio visual works dealing with news. In response to this

question describe any problems which have been encountered as the result of the narrower exemptions for nonprint materials under section 108.

(6) How has the CONTU "rule of five" worked in practice? How should periodicals more than five years old be treated?

(7) What is your opinion of the relationship between section 107 ("fair use") and section 108 ("reproduction by libraries and archives")?

(8) If problems do exist, can they be resolved without resort to legislative amendment? If so, what are the problems, and how could they best be resolved? If not, what changes should be made in the law?

(17 U.S.C. 108)

Dated: December 10, 1979.

Barbara Ringer,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 79-38537 Filed 12-14-79; 8:45 am]

BILLING CODE 1410-03-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Advisory Committee; Meetings

December 6, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506.

1. Date: January 10 & 11, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 1134. Purpose: To review NEH publications proposals submitted to the National Endowment for the Humanities for projects beginning after March 1, 1980.
2. Date: January 17 & 18, 1980. Time: 2:00 a.m. to 5:30 p.m. Room: 1023. Purpose: To review applications in Archaeology that have been submitted to the General Research Program of the National Endowment for the Humanities for projects beginning after April 1, 1980.
3. Date: January 17 & 18, 1980. Time: 9:00 a.m. 5:30 p.m. to Room: 1134. Purpose: To review NEH publications proposals submitted to the National Endowment for the Humanities for projects beginning after March 1, 1980.
4. Date: January 24 & 25, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 1134. Purpose: To review Research Conferences Program proposals submitted to the National Endowment for the Humanities for projects beginning after March 1, 1980.
5. Date: January 25, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 1023. Purpose: To review

applications in Basic Research that have been submitted to the General Research Program of the National Endowment for the Humanities for projects beginning after May 1, 1980.

6. Date: January 28 & 29, 1980. Time: 9:00 a.m. to 5:30 p.m. Room: 807. Purpose: To review applications submitted to the Research Tools Program of the National Endowment for the Humanities for projects using computer technology beginning June 15, 1980.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1979, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552(b)(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

If you desire more specific information, contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call 202-724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79-38498 Filed 12-14-79; 8:45 am]

BILLING CODE 7536-01-M

Office of Partnership Panel (State Programs Section); 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 Office of Partnership Panel (State Programs Section) to the National Council on the Arts will be held January 9, 1980 from 8:30 a.m.-6:00 p.m.; January 10, 1980 from 8:30 a.m.-6:00 p.m.; January 11, 1980 from 8:30 a.m.-4:30 p.m. in Room 1426, Columbia Plaza Office Building, 2401 E St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on January 9, 1980 from 8:30-9:15 a.m. and 3:00-6:00 p.m.; January 10, 1980 from 3:00 p.m.-6:00 p.m.; January 11, 1980 from 8:30 a.m.-4:30 p.m. Reports and recommendations on applications will be discussed.

The remaining sessions of this meeting on January 9, 1980 from 9:15 a.m.-3:00 p.m. January 10, 1980 from 8:30 a.m.-3:00 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.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 79-38547 Filed 12-14-79; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes; Public Meeting

The Nuclear Regulatory Commission's (NRC) Advisory Committee on the Medical Uses of Isotopes will hold a public meeting at 9:00 a.m. on Friday, January 18, 1980 in Room 150, Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

The following agenda is scheduled:

1. *Training and Experience Criteria for Physician-Users.* The Committee will review and discuss NRC's current physician-user qualification program. By way of background, NRC's objective is to ensure that authorized physician-users have sufficient training and experience to handle safely the radioactive material they request. The current criteria are stated in Appendix A, Regulatory Guide 10.8 for Groups I through VI and in NUREG-0339 for teletherapy.

Evidence of adequate training and experience may be documented by using Supplements A and B of Form NRC-313M. The physician-applicant completes Items 4 and 5 of Supplement A outlining his training in basic radioisotope handling techniques and his experience in using various types and quantities of radioactive material. The physician's preceptor completes and signs Supplement B describing the applicant's clinical experience.

In lieu of documenting training and experience by submitting Supplements A and B, Form NRC-313M, a physician

may submit evidence of certification by certain medical specialty boards. The current acceptable specialty boards and nuclear medicine procedures are referenced in Appendix A and in NUREG-0339.

Relative to this subject, the following questions will be discussed:

a. Whether NRC's method of ensuring this objective is appropriate.
b. Whether current criteria are appropriate.

c. Whether NRC should require certification that the physician has successfully completed a course in basic radioisotope handling techniques.

d. Whether NRC should require that the preceptor certify that the physician-applicant is qualified to perform independently the clinical procedures specified on Supplement B, Form NRC-313M.

e. Whether there are other medical specialty board certifications other than those currently accepted by NRC that can be used as evidence of adequate training and experience.

2. *Training and Experience for Physicians Whose Use of Byproduct Material is Limited to Nuclear Cardiology.* At its December 14, 1978 meeting the ACMUI discussed criteria for the training and experience of physicians performing only nuclear cardiology studies. It was decided that training and experience criteria should be almost identical to that for all diagnostic procedures (Groups I-III). The exception was a reduction in the required number of clinical hours to 250. Individuals and professional societies have disagreed with these criteria. The NRC staff will request additional guidance on this subject.

3. *Regulation of Naturally Occurring and Accelerator Produced Radioactive Materials (NARM).* The Atomic Energy Act of 1954, as amended, authorizes the Commission to regulate byproduct, source and special nuclear materials. The regulation of NARM is not covered under this Federal legislation. The regulation of NARM at the Federal and State levels is fragmented and non-uniform.

Whether NRC should seek additional legislative authority to regulate NARM will be discussed.

4. *Status Report on Proposed and Final Rule Changes and Other Items Of Interest.* The NRC staff will provide a report on the current status of various rule changes (e.g., misadministration reporting requirement; changes in composition and function of medical isotopes committee) and other items of interest (e.g., disposal of radioactive waste, model program for medical licenses for keeping radiation exposures

as low as reasonably achievable, retention in Group IV of use of iodine-131 to treat cardiac dysfunction, rewriting of 10 CFR Part 20).

Practical considerations may dictate alterations in the above agenda.

Mr. Richard Cunningham, Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, will serve as Chairperson of the Advisory Committee meeting. Mr. Cunningham is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

The following requirements shall apply to public participation in the agenda items listed above.

1. Persons wishing to submit written statements on agenda items may do so by providing a readily reproducible copy at the beginning of the meeting. Persons wishing to mail written comments may do so by sending at least one readily reproducible copy (preferably 25 copies) to Mr. Cunningham in care of NRC, Washington, D.C. 20555. Comments postmarked no later than January 11, 1980 should be received in time for consideration at the meeting. The minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

2. Person desiring to make oral statements should make a request to do so prior to the beginning of the meeting, identifying the agenda items and describing the need for the oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 60 minutes at a time chosen by the Chairperson. The Chairperson shall rule on requests to make oral statements and shall apportion the available time among those he selects to make oral statements.

3. Questions may be asked only by Committee members, consultants, and staff.

4. Seating for the public will be on a first come-first served basis.

5. Rulings on requests to make oral statements and the time allotted may be obtained by prepaid telephone call to Mr. Cunningham at (301) 427-4485 between 9:00 a.m. and 5:00 p.m. EST on January 15, 16 or 17, 1980.

6. Other information regarding the meeting may be obtained by prepaid telephone call to Dr. William J. Walker at (301) 427-4232 between 9:00 a.m. and 5:00 p.m. EST.

7. A copy of the minutes of the meeting will be available for inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555

on or before March 7, 1980. Copies of the minutes may be obtained upon payment of required charges.

The meeting is held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a), Federal Advisory Committee Act (Pub. L. 92-463), Executive Order 11769, and the Commission's regulations in Title 10, Code of Federal Regulations, Part 7.

Dated at Washington, D.C., this 10th day of December 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-38529 Filed 12-14-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-348]

Alabama Power Co.; Granting of Relief From ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Alabama Power Company (the licensee). The relief relates to the inservice testing program for the Farley Nuclear Plant Unit No. 1 located in Houston County, Alabama. The ASME Code requirements are incorporated by reference into the Commission's regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of the substitution of visual or surface examinations for certain Class 1, 2, and 3 component ASME Code examination requirements and the extension intervals for certain components until disassembled for maintenance.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the licensee's requests for relief contained in the submittal to the Commission dated July 8, 1977, supplemented on November 21, 1977, March 16 and March 30, 1978, and (2) the Commission's letter to the licensee dated December 7, 1979.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of December 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1,
Division of Operating Reactors.

[FR Doc. 79-38532 Filed 12-14-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-324]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-62, issued to Carolina Power and Light Company (the licensee) for operation of the Brunswick Steam Electric Plant, Unit No. 2 (the facility), located in Brunswick, North Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to provide corrected Minimum Critical Power Ratio (MCPR) Limits for the latter part of Cycle 3.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need

not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated October 10, 1979, (2) Amendment No. 49 to License No. DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 10 day of December 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3,
Division of Operating Reactors.

[FR Doc. 79-38530 Filed 12-14-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District, which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of the date of its issuance.

This amendment modifies the Technical Specifications to allow termination of the aquatic surveillance study and evaluation program.

The application for the amendment complies with the standard and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant

environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the application for amendment dated July 10, 1979, (2) Amendment No. 60 to License No. DPR-46, and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 7th day of December, 1979.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 3,
Division of Operating Reactors.

[FR Doc. 79-38531 Filed 12-14-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, RS 917-4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 1.97 and is entitled "Instrumentation for Light-Water-Cooled Nuclear Power Plants To Assess Plant and Environs Conditions During and Following an Accident." The guide was originally developed to provide a method acceptable to the NRC staff for complying with the Commission's regulations to provide instrumentation for monitoring plant variables and systems during and following an accident in a light-water-

cooled nuclear power plant. The proposed revision is being developed on a high-priority basis in order to include applicable lessons learned in an investigation of the accident at Three Mile Island. The scope of the guide has been expanded to include all accident-monitoring instrumentation needed by the licensee to protect the health and safety of the public, including that required for emergency planning. Proposed Revision 2 to Regulatory Guide 1.97 endorses, with certain exceptions, Draft 4 dated November 1979, of Standard ANS-4.5, "Functional Requirements for Accident Monitoring in a Nuclear Power Generating Station." Comments received on the draft standard will be transmitted to the ANS-4 working group that is developing the standard in addition to being given consideration by the staff for inclusion in the regulatory guide.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by February 14, 1980.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission

approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 6th day of December 1979.

For the Nuclear Regulatory Commission.
Guy A. Arlotto, Director,
Division of Engineering Standards, Office of Standards Development.

[FR Doc. 79-38533 Filed 12-14-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

December 12, 1979.

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, extensions, or reinstatements. 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 require 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 further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

New Forms

Science and Education Administration
*Soil/Plant Laboratory Testing

Activities

SEA-501

Other (See SF-83)

Testing laboratories, 78 responses, 38 hours

Charles A. Ellett, 395-5080

Revisions

Economics, Statistics, and Cooperatives Service

*Hay Production and Sales Inquiry Annually

Farmers producing hay, 13,000 responses, 1,083 hours

Office of Federal Statistical Policy and Standard, 673-7974.

Food and Nutrition Service

Food Stamp Program Regulations—Part 278, Participation of Retail Food Stores, Wholesale Food Concerns and Banks

FNS 252, 252-2 and 350

On occasion

Retailers, wholesalers meal service organizations, 269,530 responses, 25,482 hours

Charles A. Ellett, 395-5080

Rural Electrification Administration

Service Area Data

REA 50

On occasion

REA borrowers, 380 responses, 855 hours

Charles A. Ellett, 395-5080

Reinstatements

Food and Nutrition Service

Part 215—Special Milk Program for Children

On occasion

State agencies, school food authorities, child care institutions, 46,124 responses, 65,124 hours

Charles A. Ellett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

Departmental and other

Pilot Study: Tracking Lighting Design Decisions for New Open Office Projects

NBS-1135

Single time

Architecture firms, 20 responses, 65 hours

Richard Sheppard, 395-3211

Revisions

Maritime Administration

Application for Ship Financing Guarantees

MA-163

On occasion

Shipowners, 60 responses, 4,200 hours

Richard Sheppard, 395-3211

Extensions

Bureau of Economic Analysis

Direct Transactions of U.S. Reporter With Foreign Affiliate Incorporated Abroad

BE-577

Quarterly

U.S. Enterprises owning foreign enterprises, 48,000 responses, 48,000 hours

Office of Federal Statistical Policy and Standard, 673-7974

Bureau of Economic Analysis

Direct Transactions of U.S. Reporter With Unincorporated Foreign Affiliate, Except a Bank

BE-578

Quarterly

U.S. Enterprises owning foreign enterprises, 9,200 responses, 9,200 hours

Office of Federal Statistical Policy and Standard, 673-7974

Bureau of Economic Analysis

U.S. Reporter's Directly-Owned Foreign Affiliate's Share in Net Income of Indirectly-Owned Foreign Affiliate

BE-577s

Annually

U.S. Enterprises owning foreign enterprises, 300 responses, 2,400 hours
Office of Federal Statistical Policy and Standard, 673-7974

Bureau of Economic Analysis

Direct Transactions of U.S. Reporter With Unincorporated Foreign Banking Affiliate

BE-578(B)

Quarterly

U.S. Enterprises owning foreign enterprises, 1,200 responses, 1,200 hours

Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245-7488

Revisions

National Institutes of Health

Questionnaire for Source Director

On occasion

Suppliers of laboratory animals, 25 responses, 25 hours

Richard Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

New Forms

Community Planning and Development CDBG Indian Program Application Form

Annually

Tribal governments, 300 responses, 24,000 hours

Arnold Strasser, 395-5080

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343-6716

Revisions

Bureau of Land Management

Transfer/Sublease Forms Oil/Gas Lease Record Title/Operating Rights Assignment

3106-5 and 3106-14

On occasion

Holders of oil and gas leases/subleases, 60,000 responses, 30,000 hours

Charles A. Ellett, 395-5080

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

Reinstatements

Employment and Training

Administration

ESARS Handbook Chapter VII, Report Preparation

ETA Handbook No. 309

Monthly

State employment service offices, 624 responses, 192,920 hours

Arnold Strasser, 395-5080

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—254-9515

New Forms

Smoke and Fire Detector Survey Questionnaire

FEMA OT-2

Single time

Nat's prob. samp. of 1200 hshlds supp. samp. of 300 in so., 1,500 responses, 450 hours

Edward H. Clarke, 395-5867

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—632-7737

New Forms

*Notice if Child Is Unable To Qualify for survivor

Benefits Paid for Him

BRI 49-235A

On occasion

Survivor annuitants (students), 10,000 responses, 833 hours

Laverne V. Collins, 395-3214

Extensions

*Presidential Management internship Program evaluation

OPM 1378

Annually

Nominees to PMIP, 1,000 responses; 500 hours

Laverne V. Collins 395-3214

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4693

Revisions

*Annual Policing Questionnaire G-19

Annually RRA beneficiaries, 12,000 responses, 1,000 hours

Barbara F. Young, 395-6132

*Survivor Questionnaire

RL-94F

On Occasion

Survivor or potential beneficiary of deceased employee, 26,500 responses, 4,858 hours

Barbara F. Young, 395-6132

Extensions

*Certificate of Guardian-in-Fact of Person in Loco Parentis

G-469

On occasion

Per. Fil. for surv. bene. on behalf of beneficiary (BRA), 300 responses, 50 hours

Barbara F. Young, 395-6132

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-38644 Filed 12-14-79; 8:45 am]

BILLING CODE 3110-01-M

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act of 1974; Systems of Records; Annual Publication

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Annual Privacy Act Notice; advance notice of new routine uses and new systems of records; and final notice of amendments to existing systems of records.

SUMMARY: This document sets forth the annual notice of the systems of records maintained by the Pension Benefit Guaranty Corporation, as required by the Privacy Act of 1974. In addition, this document provides final notice of several records systems description changes and advance notice of routine uses. Because of these multiple changes, this notice contains the complete text of all the Pension Benefit Guaranty Corporation's systems of records and routine uses.

DATES: The annual notice is effective on December 17, 1979. The new proposed routine uses are published for comment and will be effective on January 16, 1980, unless a notice is published to the contrary. Comments must be received on or before January 16, 1980.

ADDRESSES: Send comments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. Written comments will be available for public inspection at the PBGC, Suite 7000, at the same address, on weekdays between 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, (202) 254-4895.

SUPPLEMENTARY INFORMATION: As a result of the Pension Benefit Guaranty Corporation's annual review of the records it maintains subject to the Privacy Act, the PBGC has: (1) determined it has two previously unannounced systems of records; (2) determined it is necessary to provide notice of two proposed routine uses; (3) found it necessary to make minor editorial corrections and revisions in the descriptions of several systems of

records; and (4) determined that the method of storage of two systems has changed. By this document the PBGC is making the necessary changes and providing the necessary notices. Public comment is invited on the first, second and fourth actions. Actions (1), (3) and (4) are effective immediately. Action (2) and the routine uses announced in action (1) will be effective January 16, 1980, unless the PBGC publishes a notice to the contrary.

Notice of Two Existing Systems

As required by 5 U.S.C. 552a(e)(4), this document presents initial statements of the existence and character of two systems of records. These two systems were previously included in the system of records designated PBGC-6, Personnel Records, but a review of PBGC records maintenance practices indicates that these two systems are now separately maintained and should therefore be reported separately. The two systems are PBGC-7, Equal Employment Opportunity Discrimination Complaints, and PBGC-8, Employee Adverse Action Files.

Since these systems are already in existence, suspending operation of the systems would adversely affect the PBGC employees and applicants for employment covered by the systems. Therefore, concurrently with this publication, a waiver of advance notice of the establishment of these systems is being requested from OMB. A report on the new systems required by the Privacy Act, 5 U.S.C. 552a(o), is being filed concurrently with the publication of this notice. The public is invited to comment on the new systems of records.

Additional Routine Uses

The PBGC is also publishing two proposed routine uses for public comment. Section 552a(e)(11) of the Privacy Act requires that notice of an intended routine use of records be published at least 30 days prior to the implementation of the use and that the public be given an opportunity to comment on the routine use. The proposed routine uses are set forth below. They will become final on January 16, 1980, unless PBGC publishes a notice to the contrary.

The first routine use involves the release of information to recognized labor organizations which represent PBGC employees. This routine use would allow certain records from record system PBGC-3, Payroll, Leave and Attendance Records, PBGC-5, Personnel Records, and PBGC-8, Employee Adverse Action Files to be disclosed to the recognized bargaining representative of PBGC employees when necessary for

full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining and for representation of employees in the bargaining unit. This routine use is needed to enable the PBGC to comply with Executive Order 11491 concerning Labor-Management Relations in the Federal Service. If adopted, the routine use would apply to records systems PBGC-3, PBGC-5, and PBGC-8. The proposed routine use reads as follows:

Pursuant to Title VII of the Civil Service Reform Act, pertinent records from this system may be furnished to a labor organization upon its request when needed by that organization to perform its duties as the recognized collective bargaining representative of PBGC employees in the bargaining unit.

The second routine use involves the release of records from records system PBGC-6, Plan Participant and Beneficiary Data, to a union representative of the plan participants. The representative must be an official of a labor organization which is the duly recognized collective bargaining representative of the plan participant about whom the request is made.

PBGC has had requests from labor unions which represent the plan participants in a terminated plan for information included in record system PBGC-6. PBGC believes it would be to the benefit of plan participants to allow this release without requiring the union to obtain the written consent of each participant about whom information is requested. The following proposed routine use would apply to records system PBGC-6 and reads as follows:

Disclosure may be made to an official of a labor organization which is the duly recognized collective bargaining representative of the individual about whom the request is made.

As required by 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views or arguments on the above-described proposed routine uses. The routine uses may be changed in light of the comments received.

Editorial Corrections and Revisions

The PBGC has determined that it is necessary to make certain editorial corrections and revisions to the descriptions of its systems of records. These changes do not affect the general character or purpose of any system as described nor do they expand the population of individuals to which the systems apply. The modifications merely provide a more accurate description of the affected systems of

records. Two of the more noteworthy changes are that:

(1) The system managers were changed in some cases because of an internal reorganization;

(2) In PBGC-6, Personnel Records, employment applications and additional information submitted by applicants for attorney positions are now shown as kept by the Office of the General Counsel, rather than by the Personnel Office.

Change in Method of Storage of Systems of Records

The PBGC has been computerizing records that were previously kept manually in file folders. The records in systems PBGC-5 and PBGC-6 are now partially computerized, and are also maintained in file folders. Safeguards for the computerized sections of the systems have been developed and include restriction of access to the computer areas. Waiver of advance notice of these changes is being requested from OMB, and a systems report is being filed concurrently with the publication of this notice. The public is invited to comment on these changes.

Issued in Washington, D.C. this 10th day of Dec. 1979.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

Table of Contents

1. Correspondence Between PBGC and Persons Outside PBGC—PBGC.
2. Disbursements—PBGC.
3. Employee Payroll, Leave and Attendance Records—PBGC.
4. Employee Travel Records—PBGC.
5. Personnel Records—PBGC.
6. Plan Participant and Beneficiary Data—PBGC.
7. Equal Employment Opportunity Discrimination Complaints—PBGC.
8. Employee Adverse Action Files—PBGC.

Prefatory Statement of General Routine Uses

The following routine uses, except for number 3, apply to and are incorporated by reference into each system of records set forth below. Routine use number 3 applies to and is incorporated by reference into systems 1-5 and 7-8 set forth below.

1. Routine Use—Law Enforcement: In the event that a system of records maintained by the PBGC to carry out its functions indicates a violation or potential violation of law, whether criminal, civil or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether federal,

state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Routine Use—Disclosure When Requesting Information: A record from this system of records may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the letting of a contract.

3. Routine Use—Disclosure of Requested Information: A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. Routine Use—Disclosure During and in Anticipation of Litigation: A record from this system of records may be disclosed during litigation, including disclosure to all counsel in the course of discovery or settlement negotiations and during the presentation of evidence to a court, magistrate or administrative tribunal, or during proceedings in reasonable anticipation thereof.

5. Routine Use—Disclosure to OMB: A record contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Routine Use—Congressional Inquiries. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PBGC-1

SYSTEM NAME:

Correspondence Between PBGC and Persons Outside PBGC—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Pension Benefit Guaranty Corporation, Los

Angeles Regional Office, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have corresponded with PBGC and with divisions of the PBGC and individuals who have received replies in response to their correspondence with the PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence containing the name and address of the correspondent and other information regarding various aspects of the PBGC and Title IV of the Employee Retirement Income Security Act of 1974. Correspondence is kept by the Office Director to whom the correspondence was addressed or the Office Director who replied to the correspondent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for regulatory purposes including use in evidence in proceedings before the PBGC and the courts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

RETENTION AND DISPOSAL:

Retained for 6 years, then transferred to Federal Records Center. Offered to National Archives and Records Service after 15 years.

SYSTEMS MANAGER(S) AND ADDRESS:

Executive Director, Director of Office of Financial Operations, Director of the Office of Information Management, Director of the Office of Management Services, Director of the Office of Program Operations, Director of the Office for Research and Evaluation, and General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Special Assistant for Field Liaison, Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room

4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Individuals writing to the PBGC and the PBGC responses.

PBGC-2

SYSTEM NAME:

Disbursements—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants and vendors to PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payment vouchers, including SF 1081.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal of data to United States Department of Treasury to effect payments to consultants and vendors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

RETENTION AND DISPOSAL:

Records created after June 30, 1975 are destroyed 6 years and 3 months after date of voucher.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of Financial Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORDS PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject consultant or vendor.

PBGC-3

SYSTEM NAME:

Employee Payroll, Leave and Attendance Records—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; social security number and employee number; earnings records; leave status and data; jury duty data; military leave data; time and attendance records, including number of regular, overtime, holiday, Sunday and other hours worked, co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Transmittal of data to United States Department of Labor to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes and to effect tax withholdings and other authorized deductions.

2. Pursuant to Title VII of the Civil Service Reform Act, pertinent records from this system may be furnished to a labor organization upon its request when needed by that organization to perform its duties as the recognized collective bargaining representative of PBGC employees in the bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and in machine readable form.

RETRIEVABILITY:

Indexed by name and/or employee or social security number.

SAFEGUARDS:

Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours. Magnetic tapes and computer records are kept under restricted access.

RETENTION AND DISPOSAL:

Sent to Federal Record Center after 3 years and destroyed after 7 years.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of Financial Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Special Assistant for Field Liaison, Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individual and Office of Personnel Management.

PBGC-4

SYSTEM NAME:

Employee Travel Records—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of PBGC who have filed travel vouchers and related documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel vouchers and related documents filed by employees of PBGC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal of data to United States Department of Treasury to effect reimbursement to employees for travel expenses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained manually in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in lockable file cabinets which are locked after office hours, in areas of restricted access.

RETENTION AND DISPOSAL:

Retained for 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of Financial Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Special Assistant for Field Liaison, Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

PBGC employee executing vouchers.

PBGC-5**SYSTEM NAME:**

Personnel Records—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records that the PBGC maintains, including applications and

related information for attorneys maintained by the Office of the General Counsel. (Records included in the Permanent Official Personnel File are maintained as a system of records by the Office of Personnel Management and are not included in this system of records).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. These records are used to carry out authorized personnel programs.

2. Pursuant to Title VII of the Civil Service Reform Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained manually in file folders and in machine readable form.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in areas of restricted access and in lockable file cabinets which are locked after office hours. Magnetic tapes and computer records are kept under restricted access.

RETENTION AND DISPOSAL:

Temporary Personnel File records are kept until the employee leaves PBGC, at which time they are destroyed. Applications for employment and training are kept indefinitely. Attorney applicant files are kept for 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Personnel Programs and Services, Office of Management Services, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and the Management Officer, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, present and past employers, references given by subject individuals and responses to security investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from access and contest and certain other provisions of the Privacy Act 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f), to the extent it includes material which would reveal the identity of a source who furnished information to the PBGC under an express promise that the identity of the source would be held in confidence or prior to September 27, 1975, was provided to the PBGC under an implied promise of confidentiality.

PBGC-6**SYSTEM NAME:**

Plan Participant and Beneficiary Data—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants and beneficiaries in terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, address, telephone number, sex, social security number and other social security data, date of birth, date of hire, salary, marital status, time of plan participation, participant status, pay status, benefit data, health data, and insurance information where plan benefits are guaranteed by private insurers. The individual records listed herein are included only as pertinent or applicable to the individual plan participant or beneficiary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302, 1322 and 1341.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosed to third parties, such as banks, insurance companies and trustees, for the purpose of paying benefits to plan participants and beneficiaries.

2. Disclosure, in furtherance of proceedings under Title IV of the

Employee Retirement Income Security Act of 1974, of plan participant and beneficiary data to an employer maintaining the plan.

3. Disclosure may be made to an official of a labor organization which is the duly recognized collective bargaining representative of the individual about whom the request is made.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and in machine readable form.

RETRIEVABILITY:

Indexed by plan and participant and/or beneficiary name.

SAFEGUARDS:

Manual records are maintained in lockable file cabinets which are locked after office hours, in areas of restricted access. Magnetic tapes and computer records are kept under restricted access.

RETENTION AND DISPOSAL:

Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by General Services Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Program Operations, and Director, Internal Audit, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedures.

RECORD SOURCE CATEGORIES:

Plan administrators and Social Security Administration.

PBGC-7

SYSTEM NAME:

Equal Employment Opportunity Discrimination Complaints—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, Equal Employment Opportunity Office, Room 4033A, 2020 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC employee and applicant complainants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain names, work locations, dates, Social Security numbers, and other information as included on affidavits, interviews, informal and formal discrimination complaint reports and investigative files of complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR Part 1613.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Purpose—Used by EEO Officer, staff of Equal Employment Opportunity Commission, staff of the Merit System Protection Board, Complaints examiners, Contract EEO investigators, PBGC EEO investigators and PBGC EEO counselors to investigate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program:

Use—

1. Disclosed to complainant's representative.
2. Portions may be disclosed to the alleged discriminating official and his/her representative.
3. Disclosed to Equal Employment Opportunity Commission and Merit Systems Protection Board to carry out authorized investigations, to adjudicate appeals of discrimination complaints, and make recommendations regarding discrimination complaints.
4. Disclosed to Contract EEO investigators.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders, binders and marked exhibits.

RETRIEVABILITY:

Indexed by complainant's name.

SAFEGUARDS:

Records are kept in lockable file cabinets which are locked after office hours in rooms with restricted access.

RETENTION AND DISPOSAL:

Files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Equal Employment Opportunity Officer, Division of Personnel Programs and Services, Office of Management Services, Pension Benefit Guaranty

Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORDS PROCEDURES:

Same as notification procedure above.

RECORD SOURCE CATEGORIES:

Information is received from the complainants, respondent and from investigations and interviews.

PBGC—8

SYSTEM NAME:

Employee Adverse Action files—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC employees against whom an adverse action covered by this system has been initiated, or a PBGC employee who has initiated a grievance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notices to employees of disciplinary actions, performance warning letters, adverse actions, reductions-in-force, employees' replies to notices, employee notice of grievance, employee notice of appeal, records of hearing proceedings, appeal decisions and rebuttals, notice of action, investigative reports and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—

Provides a record keeping system, 1) for grievances and related appeals filed by an employee who alleges his rights regarding compensation, benefits, or other terms and conditions of employment have been adversely affected and, 2) for adverse actions brought against a PBGC employee.

Use—

1. Disclosed to employee's representative.
2. Disclosed to the Office of Personnel Management and Merit Systems Protection Board to carry out their authorized functions.
3. Pursuant to Title VII of the Civil Service Reform Act, records from this

system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is retained manually in file folders.

RETRIEVABILITY:

Indexed by employee name.

SAFEGUARDS:

Records are kept in lockable file cabinets which are locked after office hours in areas of restricted access.

RETENTION AND DISPOSAL:

Records are kept for two years in active files and then are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Division of Personnel Programs and Services, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORD PROCEDURES:

Same as notification procedure above.

RECORD SOURCE CATEGORIES:

Information is received from an employee who initiates a grievance, or against whom an adverse action is initiated, employee's supervisors, and other PBGC employees and from investigations and interviews.

[FR Doc. 79-38579 Filed 12-14-79; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS CONFERENCE COMMISSION

White House Conference on Small Business

Small Business Conference Public Forum

January 14, 1980—2:00 p.m.—5:00 p.m., Sheraton Washington Hotel, 2660 Woodley Road, N.W., Washington, D.C.

Public Forum

Views on the future of small business in the national economy will be aired at public hearings scheduled by the White

House Conference on Small Business on Monday, January 14, 1980 from 2:00 p.m.—5:00 p.m. at the Sheraton Washington Hotel.

The hearing, a part of the White House Conference's week-long activities, are intended to elicit positions and opinions relative to this broad subject area from organizations and the public. The White House Conference on Small Business was established in May 1978 by executive order of President Carter. Recommendations emanating from the Conference will be presented to the President within 60 days of these hearings.

The Conference program is organized around 12 major issue areas: Capital Formation and Retention, Minority Business Development, Economic Policy and Government Programs, Women in Business, Government Regulations and Paperwork, Inflation, International Trade, Federal Procurement, Education Training/Assistance, Innovation and Technology, Energy and Veterans in Business. Witnesses should focus their remarks within these issue areas.

The Conference is an important opportunity for citizens' organizations, public interest groups, labor and business representatives and state and local officials to recommend ways in which the private sector and government at all levels can work toward a better future for small business.

Those interested in testifying personally or in submitting written statements should communicate in writing no later than December 28, 1979 at 5:00 p.m. EST to: Ms. Elise Knapp, White House Conference on Small Business, 730 Jackson Place, N.W., Washington, D.C. 20006.

Dated: December 12, 1979.

Michael B. Kraft,

Deputy Advocate for Advisory Councils, U.S. Small Business Administration.

[FR Doc. 79-38569 Filed 12-14-79; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Phipps Bend-Pocket 500-kV Transmission Line; Finding of No Significant Impact

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), and section V-B1 of the Tennessee Valley Authority's Procedures for Environmental Planning and Assessment (39 FR 5671-75 (1974)) and consistent with § 1501.4 of the Council on Environmental Quality Provisions for Implementing NEPA (43 FR 55,978-56,007 (1978)), the Tennessee

Valley Authority (TVA) hereby gives notice that it has determined that the construction and operations of its portion (about 11 miles in length) of a 500-kV transmission line connection from TVA's Phipps Bend 500-kV Substation to Kentucky Utilities Company's Pocket 500-kV Substation (located in Lee County, approximately two miles north of Pennington Gap, Virginia), is not a major Federal action significantly affecting the quality of the human environment and an environmental statement is not necessary for this proposed action. TVA has prepared an environmental evaluation of the impacts related to this proposal and has identified measures to minimize the effects of construction and operation on the environment. The proposal is compatible with both regional and local planning and no significant adverse comments have been received from the public. The evaluation record also addresses Kentucky Utilities' portion of the transmission facilities.

This project is required in order to maintain acceptable operating voltage levels and to maximize electric power transfer capabilities between the two systems. Although the proposed transmission line route will traverse several floodplains and could require the installation of transmission structures within an area subject to flooding, TVA is of the opinion that neither the construction activities associated with their installation nor their presence will significantly impact the floodplain. TVA has determined that there are no practical alternate means to achieve the needed project purposes or practical alternative routes which would avoid traversing one or more of these floodplains, and that the proposed action is consistent with policies on Floodplain Management. TVA will assure in the construction of its facility that the floodplains will not be (1) irreparably damaged by construction activities; (2) altered significantly in volume and rate of flow; and (3) significantly reduced in flood storage capacity. Should transmission line structures be located in a floodplain, for each foot of flood elevation less than one cubic foot of flood capacity per tower will be displaced.

A preannounced public meeting on this proposal was held at the city hall in Church Hill, Tennessee, on February 6, 1979. Information was presented concerning the project and TVA personnel answered questions from several of the approximately 100 people in attendance. No significant conflicts or environmental impacts related to this

project were identified at the meeting or by any of the agencies contacted by TVA.

Copies of the environmental evaluation are available to the public by calling TVA's toll free Citizen Action Line at 1-800-362-9250 (inside Tennessee), 1-800-251-9242 (outside Tennessee), and 632-4100 in Knoxville or by contacting TVA's Information Office, 400 Commerce Avenue, Knoxville, Tennessee 37902.

Any questions or comments concerning this proposal should be directed to: Mohamed T. El-Ashry, Ph.D., Director of Environmental Quality, Forestry Building, Norris, Tennessee 37828.

No further action will be taken on this proposal before January 2, 1980, pending receipt of public comment.

Dated: December 5, 1979.

Mohamed T. El-Ashry,
Director of Environmental Quality.

[FR Doc. 79-38545 Filed 12-14-79; 8:45 am]

BILLING CODE 8120-01-M

Phipps Bend-Sullivan 500-kV No. 2 Transmission Line, Loop to Appalachian Electric Power Co.'s Substation; Finding of No Significant Impact

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), and section V-B-1 of the Tennessee Valley Authority's Procedures for Environmental Planning and Assessment (39 FR 5617-75 (February 14, 1974)) and consistent with § 1501.4 of the Council on Environmental Quality Provisions for Implementing NEPA (43 FR 55978-56007 (November 29, 1978)), the Tennessee Valley Authority (TVA) hereby gives notice that it has determined that the construction and operation of a 500-kV transmission line connection from TVA's Phipps Bend 500-kV Substation to Appalachian Electric Power Company's Substation site (located in Stanley Valley, just south of the Virginia-Tennessee State line), is not a major Federal action significantly affecting the quality of the human environment and an environmental statement is not necessary for this proposed action.

The proposed route is approximately 6.3 miles in length and 300 feet wide and proceeds through and across Carter Valley, generally paralleling U.S. 11 West. This facility is required to maintain acceptable operating voltage levels and maximize electric power transfer capabilities between the two systems. TVA has prepared an environmental evaluation of the impacts related to this proposal and has

identified measures to minimize the effects of construction and operation on the environment. The proposal is compatible with both regional and local planning and is not considered controversial.

Copies of the environmental evaluation are available to the public by calling TVA's toll free Citizen Action Line at 1-800-362-9250 (inside Tennessee), 1-800-251-9242 (outside Tennessee), and 632-4100 in Knoxville or by contacting TVA's Information Office, 400 Commerce Avenue, Knoxville, Tennessee 37902.

Any questions or comments concerning this proposal should be directed to: Mohamed T. El-Ashry, Ph.D., Director of Environmental Quality, Forestry Building, Norris, Tennessee 37828.

No further action will be taken on this proposal before January 2, 1980, pending receipt of public comment.

Dated: December 5, 1979.

Mohamed T. El-Ashry,
Director of Environmental Quality.

[FR Doc. 79-38546 Filed 12-14-79; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

First Commuter Air Carrier Safety Symposium

The Department of Transportation hereby announces the First Commuter Air Carrier Safety Symposium. This two day symposium will commence at 9 a.m. on January 16, 1980, at the Sheraton International Conference Center, 11810 Sunrise Valley Drive, Reston, Virginia 22091.

The purpose of this symposium is for the FAA to exchange safety ideas with the commuter industry and the public on operations, maintenance, training, security, and other issues touching on commuter air carrier operations under the purview of the revised Federal Aviation Regulation Part 135. This revised regulation was issued December 1, 1978, with the objective of upgrading the level of safety for operations conducted under this part by commuter air carriers, on demand air taxi operators and commercial operators. The commuters had until December 1, 1979, to upgrade their operations to meet the new safety requirements. However, FAA expects the commuters will have further refinements to make in their operations and maintenance programs over the next few months, and the symposium will give them a chance to

discuss some of the problems expected to arise in adjusting to the new rules.

Following an opening morning session, the symposium will include an FAA presentation on Commuter Air Carrier Safety Issues, an Industry panel on Commuter Operations Overview, User/Government panels on: (1) Concerns of the Consumer, (2) Training and Proficiency Issues in Commuter Air Carrier Operations, and (3) Commuter Air Carrier Maintenance Issues and a Wrap-up session. All sessions will include a question and answer period and audience participation will also be included in the Wrap-up session. It is also planned to have a prominent speaker at the luncheon on each day.

Although the meeting is open to the public (space permitting) the hotel levies a per day rate of \$18 per registrant which covers the cost of lunch and coffee breaks for that day. This rate is incorporated as a registration fee.

Further information concerning the symposium may be obtained from the Federal Aviation Administration, Office of Aviation System Plans, ASP-10, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3912.

Issued in Washington, D.C., on December 10, 1979.

Charles R. Foster,
Acting Associate Administrator for Aviation Standards.

[FR Doc. 79-38497 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee—136 Installation of Emergency Locator Transmitters (ELT) in Aircraft; 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 RTCA Special Committee 136 on Installation of Emergency Locator Transmitters (ELT) in Aircraft to be held on January 8-9, 1980, in RTCA Conference Room 261, 1717 H Street NW., 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 Fifth Meeting held September 6-7, 1979; (3) Reports of Working Group Activities; (4) Review of Initial Draft of Committee Report; (5) Working Groups Meet in Separate Sessions; (6) Committee Plenary Session; and (7) 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

statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street NW., 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 December 7, 1979.

Karl F. Bierach,
Designated Officer.

[FR Doc. 79-38496 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier *Federal Register* publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes January 2, 1980.

ADDRESSED TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should refer to the

application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
1862-X.....	Greer Hydraulics, Inc., City of Commerce, Calif. ¹	1862
2326-X.....	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	2326
3302-X.....	NCG Industrial Gases, Chicago, Ill ...	3302
4390-X.....	MCB Manufacturing Chemists, Inc., Cincinnati, Ohio.	4390
4390-X.....	Eastman Kodak Company, Rochester, N.Y.	4390
4490-X.....	National Aeronautics and Space Administration, Washington, D.C.	4490
5022-X.....	Aerojet Solid Propulsion Company, Sacramento, Calif.	5022
5062-X.....	Dow Chemical Company, Freeport, Tex. ²	5062
5243-X.....	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	5243
5454-X.....	Air Products & Chemicals, Inc., Allentown, Pa. ³	5454
5520-X.....	Pennwalt Corporation, Philadelphia, Pa.	5520
5520-X.....	Amchem Products, Inc., Ambler, Pa.	5520
5526-X.....	MCB Manufacturing Chemists, Inc., Cincinnati, Ohio.	5526
5854-X.....	Sea-Land Service, Inc., Elizabeth, N.J.	5854
6173-X.....	Publicker Industries, Inc., Greenwich, Conn.	6173
6173-X.....	Allied Chemical Corp., Morristown, N.J.	6173
6232-X.....	Department of the Army, Washington, D.C. ⁴	6232
6614-X.....	FMC Corporation, Philadelphia, Pa. ⁵	6614
6614-X.....	Georgia-Pacific Corp., Newport Beach, Calif.	6614
6629-X.....	Fenwal Incorporated, Ashland, Ma...	6629
6720-X.....	Sea-Land Service, Inc., Elizabeth, N.J.	6720
6762-X.....	DuBois Chemicals, Cincinnati, Ohio.	6762
6793-X.....	Container and Pressure Vessels Ltd., Monaghan, Ireland. ⁶	6793
6913-X.....	Conoco Inc., Houston, Tex.	6913
6969-X.....	State of Kansas, Topeka, Kans.	6969
6974-X.....	Tavco, Inc., Chatsworth, Calif.	6974
7060-X.....	Summit Airlines, Inc., Philadelphia, Pa.	7060
7060-X.....	Federal Express Corp., Memphis, Tenn.	7060
7280-X.....	Department of the Army, Washington, D.C.	7280
7409-X.....	Sea-Land Service, Inc., Elizabeth, N.J.	7409
7803-X.....	Plastican, Inc., Leominster, Mass.	7803
7882-X.....	Dow Chemical Company, Midland, Mich.	7882
7890-X.....	Union Carbide Corp., Bound Brook, N.J.	7890
7895-X.....	Dow Corning Corp., Midland, Mich.	7895
8136-X.....	Eastman Kodak Co., Rochester, N.Y. ⁷	8136
8206-X.....	Rexnord, Inc., Milwaukee, Wis. ⁸	8206
8207-X.....	Rexnord, Inc., Milwaukee, Wis. ⁹	8207
8246-X.....	Honeywell, Inc., Minneapolis, Minn.	8246
4453-P.....	Atlas Powder Co., Dallas, Tex.	4453
5704-P.....	Hercules Inc., Wilmington, Del.	5704
5792-P.....	Publicker Chemical Corp., Greenwich, Conn.	5792
5972-P.....	Quadrel Leasing Corp., Rahway, N.J.	5972
7835-P.....	Synthatron Corp., Parsippany, N.J.	7835
7897-P.....	Eurotainer, Paris, France.	7897
7952-P.....	White Chemical Corp., Bayonne, N.J.	7952
8229-P.....	Austin Powder Co., Cleveland, Ohio.	8229
8240-P.....	Hoyer S.A.G.L., Chiasso, Switzerland.	8240
8273-P.....	Rocket Research Co., Redmond, Wash.	8273
8325-P.....	SLEMI, Paris, France.	8325

¹To authorize a newly designed seamless hydraulic accumulator for shipment of nitrogen.

²To authorize a new cargo tank design for the shipment of hydrogen chloride.

³To renew and authorize water as an additional mode of transportation.

⁴To authorize a second survival kit containing a butane lighter and a signal kit.

⁵To renew and to remove the restriction against interstate shipments transported by common carrier.

⁶To authorize uprating of the working pressure on containers presently authorized for shipment of various hazardous materials.

⁷Request authorization to ship acetic acid, glacial as additional commodity.

⁸To authorize water, cargo-only aircraft, and rail as additional modes of transportation.

⁹To authorize water, cargo-only aircraft, and rail as additional modes of transportation.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on December 10, 1979.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-38439 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comment period closes January 16, 1979.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the application are available for

inspection in the Dockets Branch, Room 8426, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

Each mode of transportation for which a particular exemption is requested is

indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8323-N	Westerwalder Eisenwerk, Gerhard G.m.b.H., Weitefeld Sieg, West Germany.	49 CFR 173.136, 173.247, 173.249, 173.510, 173.605.	To authorize shipment of various flammable, corrosive, and ORM-A liquids in non-DOT specification IMCO Type I portable tanks. (Modes 1, 2, 3.)
8324-N	Rexnord, Inc., Milwaukee, Wis	49 CFR 173.245(a)(17), 175.3, 178.131.	To authorize shipment of certain corrosive liquids, n.o.s., in a 1 gallon tin can, placed in a molded polyethylene liner, overpacked in a modified 26 gauge unlined DOT Specification 37A 5-gallon steel drum containing a non-hazardous resin mix. (Modes 1, 3, 4.)
8325-N	Fauvet-Girel, Paris, France	49 CFR Part 173, Subparts D, F, and H.	To authorize shipment of various flammable, corrosive and poisonous liquids in non-DOT specification IMCO Type I portable tanks. (modes 1, 2, 3.)
8326-N	3M Company, St. Paul, Minn	49 CFR 173.3	To authorize shipment of packaged hazardous waste, classed as flammable liquids, overpacked in salvage drums. (Mode 1.)
8327-N	Dow Chemical Co., Midland, Mich	49 CFR 173.245	To authorize shipment of 4-Tertiary butyl catechol, classed as a corrosive liquid, n.o.s., in a DOT Specification 51 portable tank either stainless steel or poly lined. (Modes 1, 2, 3.)
8328-N	Rockwell International Canoga Park, Calif	49 CFR 173.301(h), 173.304 (a), (e), 173.305(c), 173.306(a)(3)(11), and (v), 175.3.	To authorize shipment of a Leak Plugging System containing a polystyrene foam mixture and three individual compressed gases (methyl chloride, carbon dioxide, and a refrigerant gas). (Modes 1, 3, 4.)
8329-N	Texas Instruments, Inc., Dallas, Tex	49 CFR 173.266(e)	To authorize shipment of up to 35% hydrogen peroxide in 200-gallon capacity portable tanks, complying with DOT Specification 57 except for marking, to be loaded and transported with other hazardous materials. (Mode 1.)
8330-N	General Dynamics, Pomona, Calif.; Flying Tiger Line, Inc., Los Angeles, Calif.	49 CFR 172.101	To authorize a one time shipment of ammunition for cannon, Class A and B explosives, which are not presently authorize for shipment by air. (Mode 4.)
8331-N	Department of the Army, Washington, D.C.	49 CFR 173.102, 173.108, 175.3.	To authorize shipment of life support equipment (parachutes and signal devices) containing a minute quantity of Class C explosive overpacked in an aerosol delivery bag aboard passenger carrying aircraft. (Mode 5.)
8332-N	Drew Chemical Corp., Boonton, N.J.	49 CFR 173.245, 173.276	To authorize shipment of hydrazine solutions and cleaning or rust preventing compounds in DOT Specification 57 portable tanks. (Mode 1.)
8334-N	Ford Aerospace & Communications Corp., Newport Beach, Calif.; Flying Tiger Line, Inc., Los Angeles, Calif.	49 CFR 172.101, 175.3	To authorize a one time shipment of Class A, B, and C explosives which are not presently authorize for shipment by air. (Modes 4.)
8335-N	Hughes Aircraft Co., El Segundo, Calif	49 CFR 173.336, 179.300-7	To authorize shipment of nitrogen tetroxide in non-DOT specification tank car tanks complying with DOT Specification 110A500W except for marking and material of construction. (Modes 1, 2.)
8336-N	Cities Service Co., Tulsa, Okla	49 CFR 173.315(a)(1), 173.315(c)(1).	To authorize shipment of certain compressed gases, n.o.s. (methane-ethane mixture) in DOT Specification MC-331 tank motor vehicles. (Mode 1.)
8337-N	Industrial & Municipal Engineering, Galva, Ill	49 CFR 173.119(a)(17), 173.245(a) (30), (31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks for shipment of flammable or corrosive waste, liquid, or semi-solids. (Mode 1.)
8338-N	Dow Chemical Co., Midland, Mich	49 CFR 173.357(b)(3)	To authorize shipment of chloropicrin mixtures (containing no compressed gases nor poison A liquids) in DOT Specification 17C drums of 55-gallon capacity. (Modes 1, 2, 3.)
8339-N	Eastern Steel Barrel Corp., Piscataway, N.J.	49 CFR Part 173, Subpart D, F, and H.	To manufacture, mark and sell non-DOT Specification 55-gallon capacity polyethylene containers for shipment of various liquid hazardous materials. (Modes 1, 2, 3.)
8340-N	Columbus Steel Drum Co., Blacklick, Ohio	49 CFR 173.28(o), 178.118-10(a)	To authorize conversion of non-DOT Specification tight head drum 18-gauge steel 55-gallon drums to DOT Specification 17H except for location of markings for shipment of all commodities presently authorized in a DOT Specification 17H drum. (Modes 1, 2, 3, 4.)
8341-N	Pacific Coast Drum Co., South El Monte, Calif	49 CFR 173.28(o), 178.118-10(a)	To authorize conversion of non-DOT Specification tight head 18-gauge steel 55-gallon drums to DOT Specification 17H except for location of markings for shipment of all commodities presently authorized in a DOT Specification 17H drum. (Modes 1, 2, 3, 4.)
8342-N	Great Lakes Chemical Corp., Southfield, Mich	49 CFR 173.28(o), 178.118-10(a)	To authorize conversion of non-DOT Specification tight head 18-gauge steel 55-gallon drums to DOT Specification 17H except for location of markings for shipment of all commodities presently authorized in a DOT Specification 17H drum. (Modes 1, 2, 3, 4.)
8343-N	Westerwalder Eisenwerk, Gerhard G.m.b.H., Weitefeld Sieg, West Germany.	49 CFR 173, Subpart D and F	To authorize shipment of various flammable, combustible, and corrosive liquids in non-DOT Specification IMCO Type II portable tanks. (Modes 1, 2, 3.)
8344-N	All Sports Supply, Inc., Portland, Oreg	49 CFR 173.197a, 177.821(f)	To authorize certain packages of smokeless powder for small arms to be shipped as a flammable solid. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued at Washington, D.C., on December 7, 1979.

J. R. Grothe,
Chief, Exemptions Branch,
Office of Hazardous
Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-38440 Filed 12-14-79; 8:45 am]

BILLING CODE 4910-60-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on January 9, 1980, at 1:00 p.m., the Winston-Salem Veterans Administration Regional Office Station Committee on Educational Allowances shall at Room 609, Federal Building, 251 North Main Street, Winston-Salem, North Carolina, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Jefferson College, Greensboro, North Carolina, should be discontinued, as provided in 38 C.F.R. 21.4207, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: December 7, 1979.

Kenneth E. McDonald,

Director, Veterans Administration Regional Office.

[FR Doc. 79-38576 Filed 12-14-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: December 11, 1979.

In our decision of November 13, 20, 27, and December 4, 1979, a 10-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

Although the weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 10.4 percent, we are authorizing that the 10-percent surcharge on this traffic remain in effect. All owner-operators are to continue to receive compensation at the 10-percent level. In addition, no change will be made in the existing authorization of a 1.8 percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators. However, we are authorizing a 3.9 percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered: This decision shall become effective Friday, 12:01 a.m., December 14, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis.

Agatha L. Mergenovich,
Secretary.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)			
January 1, 1979.....			63.5¢
Date of current price measurement and price per gallon (including tax)			
December 10, 1979			102.5¢
	(1) From transportation performed by owner-operators ¹	(2) Other ²	(3) Bus carriers
Average percent: Fuel expenses (including taxes) of total revenue	16.9	2.9	6.3
Percent surcharge developed	10.4	1.8	3.9
Percent surcharge allowed	10.0	1.8	3.9

¹ Apply to all truckload rated traffic.

² Including less-truckload traffic.

[FR Doc. 79-38500 Filed 12-14-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

December 12, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43778, joint rail/water rates on general commodities, in containers, from rail stations in Texas and Oklahoma, to Ports in Singapore and Indonesia, via rail interchange at Los Angeles and San Francisco, CA, in Hoegh Lines A.S. Tariff ICC HOLU 700, to become effective December 30, 1979. Grounds for relief—water competition.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-38501 Filed 12-14-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 213]

Motor Carrier Temporary Authority Applications

November 20, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests, to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval if its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 213

November 20, 1979.

MC14215 (Sub-76TA), filed September 24, 1979. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Iron and steel articles*, from the facilities of Connor Steel Co. at

Huntington, WV to points in IL, IN, MI, OH, PA, and MD, and (2) *materials and supplies used in the manufacture of the commodities specified in (1) above*, from points in IL, IN, MI, OH, PA, and MD to the facilities of Connor Steel Co. at Huntington, WV for 180 days. Supporting shipper: Connor Steel Co., P.O. Box 118, Huntington, WV 25706. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 29555 (Sub-102TA), filed October 4, 1979. Applicant: BRIGGS TRANSPORTATION CO., N. 400 Griggs-Midway Bldg., St. Paul, MN 55104. Representative: Stephen F. Grinnell, same address as applicant. *Common carrier: regular routes: General commodities, except those of unusual value, livestock, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading serving Mt. Vernon, IN as an off-route point in connection with applicant's authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Applicant requests authority to interline at Chicago & Rockford, IL; Cincinnati, OH; Louisville, KY; and St. Paul, MN and to tack this authority with authority it presently holds in No. MC-29555 Sub-No. 88. Supporting shipper: There are 7 statements of support attached to this application which may be examined at the ICC in Washington, DC or the field office named below. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.*

MC 30374 (Sub-29TA), filed November 1, 1979. Applicant: TRI-STATE TRANSPORTATION CO., INC., PO Box 488, Bellmawr, NJ 08031. Representative: Michael R. Werner, PO Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Wearing apparel, on hangers and in cartons and materials, supplies and equipment used in the manufacture of wearing apparel (except commodities in bulk) Between Secaucus, NJ on the one hand, and on the other, Buffalo, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: M. Wile & Co., Inc. 2020 Elmwood Avenue, Buffalo, NY 14207. Send protests to: Joel Morrow, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.*

MC 50935 (Sub-28TA), filed October 3, 1979. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Road, Pontiac, MI 48057. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48064. *Malt beverages, from St. Paul, MN, and*

the commercial zone thereof to Toledo, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Seaway Beverage Company, 3917 Imlay Street, Toledo, OH 43612. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 59655 (Sub-34TA), filed October 30, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Glass Containers and accessories, from Charlotte, MI to Williamsburg, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Owens-Illinois, Inc., Glass Container Division, P.O. Box 1035, Toledo, OH 43666. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.*

MC 59655 (Sub-35TA), filed October 26, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, POB 357, Gladstone, NJ 07934. *Malt beverages and related advertising materials, and materials, equipment, and supplies used in the manufacture and sale of malt beverages, between points in Onondaga and Oswego Counties, NY, on the one hand, and, on the other points in the state of MI; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Miller Brewing Company, 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.*

MC 59655 (Sub-36TA), filed October 31, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, PO Box 357, Gladstone, NY 07934. *Containers between Liverpool and Syracuse, NY and its commercial zone on the one hand, and on the other, Needham Heights and Boston, MA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Can Company, American Lane, Greenwich, CT 06830. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.*

MC 59655 (Sub-37TA), filed October 31, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, PO Box 357, Gladstone, NJ 07934. *Glass containers*

and accessories, from the warehouse facilities of Owens-Illinois Inc. located in Onondaga and Oswego Counties, NY to Merrimack, NH and Williamsburg, VA; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Owens-Illinois, Inc., PO Box 1035, Toledo, OH 43666. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 61825 (Sub-116TA), filed September 21, 1979. Applicant: ROY STONE TRANSFER CORP., V.C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same as applicant). *Glass containers and container accessories from Oswego and Syracuse, NY to Eden, Midway, Winston-Salem, NC and Williamsburg, VA and from S. Volney, NY to Winston-Salem, NC and Williamsburg, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.*

MC 61955 (Sub-27TA), filed August 24, 1979. Applicant: Centropolis Transfer Co, Inc., 701 North Sterling, Sugar Creek, MO 64054. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. *Cement, in bulk, from the facilities of Missouri Portland Cement, Kansas City, MO to Redfield, AR and points within 10 miles thereof, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Missouri Portland Cement Company, 7711 Carondelet Avenue, St. Louis, MO 63105. Send protests to: Vernon V. Coble, District Supervisor, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.*

MC 69224 (Sub-45TA), filed October 23, 1979. Applicant: H & W MOTOR EXPRESS COMPANY, 3000 Elm St., Dubuque, IA 52001. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Batteries and packaged acid solutions from Manchester, IA, to Horicon and Milwaukee, WI, and points in their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Prestolite Battery Division, P.O. Box 931, Toledo, OH 43694. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 69224 (Sub-46TA), filed October 23, 1979. Applicant: H & W MOTOR EXPRESS COMPANY, 3000 Elm St., Dubuque, IA 52001. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Iron castings from*

Marshalltown, IA, to Milwaukee and Racine, WI, and points in their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gra-Iron Foundry Corporation, 501 South 12th Ave., Marshalltown, IA 50158. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 81495 (Sub-6TA), filed October 1, 1979. Applicant: GRAYPORT TRANSFER & STORAGE CO., INC., P.O. Box 1499, 500 South Alder, Aberdeen, WA 98520. Representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. *Wood pulp in bales and rolls*, between Cosmopolis, WA on the one hand and Everett, Seattle, Tacoma, Longview, WA and Portland, OR and those points on the U.S.-Canada International border at or near Blaine and Sumas, WA on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Weyerhaeuser Company, Tacoma, WA 98401. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 85255 (Sub-69TA), filed August 17, 1979. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526 (3720 Airport Way So.), Seattle, WA 98124. Representative: James F. Walker, 3720 Airport Way So., Seattle, WA 98134. *Acids and chemicals, excluding commodities in bulk*, between Kalama, WA and Seattle, Tacoma, Everett, Longview, Vancouver, WA and Portland, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Kalama Chemical, Inc., Suite 1110, Bank of Calif. Center, Seattle, WA 98164. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 98864 (Sub-6TA), filed October 2, 1979. Applicant: EDWARD SITAR TRUCKING CO., INC., 2501 South Artesian, Chicago, IL 60608. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Batteries, battery trays and battery parts*, between the plant site of the K W Battery Co. at Skokie, IL on the one hand, and on the other points in: IN, IA, KY, MI, MN, OH and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: K W Battery Company, 3555 Howard St., Skokie, IL 60076. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 99234 (Sub-17TA), filed October 9, 1979. Applicant: WESTWAY MOTOR FREIGHT, INC., 5231 Monroe St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264.

Foodstuffs from Delta, CO to points in AZ, CA, NM, OK, UT and TX for 180 days. ETA filed seeking 90 days authority. Supporting shipper: Skyland Foods Corporation, Delta, CO 81416. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 106074 (Sub-134TA), filed October 9, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and US Hwy. 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. (1) *Foodstuffs, pet foods, and animal feeds*, (2) *such commodities that are used in the processing, milling, packaging, manufacturing or sale of foodstuffs, pet foods, and animal feeds (except commodities in bulk, in tank vehicles)* between points in the US in and east of ND, SD, NE, CO, OK and TX. Restricted to transportation of traffic originating at or destined to the facilities of Carnation Company, for 180 days. Supporting shipper: Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: Sheila Reece, TA, 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 106775 (Sub-43TA), filed October 23, 1979. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, TX 77015. Representative: Hugh R. Arnold (same as applicant). *Iron or steel pipe, tubing or conduit, other than oilfield pipe*, from Houston, TX to Lone Star, TX and points within 5 miles of Lone Star, TX, restricted to shipments having prior movements in interstate commerce, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lone Star Steel Company, P.O. Box 35888, Dallas, TX 75235. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 107064 (Sub-137TA), filed October 3, 1979. Applicant: STEERE TANK LINES, INC., P.O. Box 220998, Dallas, TX 75222. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Sodium sulfate, in bulk* from the plantsite and facilities of Ozark-Mahoning Co. at or near Seagraves and Brownfield, TX to points in the states of AL, AR, CO, GA, FL, IL, IN, IA, KS, LA, MD, MI, MN, MS, MO, NE, NY, OH, OK, TN, and WI for 180 days. Underlying ETA. Supporting shipper(s): Ozark-Mahoning Co., 1870 South Boulder St., Tulsa, OK 74119. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 107064 (Sub-138TA), filed November 2, 1979. Applicant: STEERE TANK LINES, INC., P.O. Box 220998, Dallas, TX 75222. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower,

Dallas, TX 75201. *Nitrogen compounds, in bags*, from points in Eddy County, New Mexico to points in Utah and Wyoming for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): N-Ren Southwest, Post Office Drawer H, Carlsbad, NM 88220. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 107515 (Sub-1296TA), filed October 9, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: David I. Funk, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Foodstuff* from the facilities of J. Hungerford Smith Co., Inc., at or near Humboldt, TN, to points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. Hungerford Smith Co., Inc., 1500 North Central Avenue, Humboldt, TN 38343. Send protests to: Sara K. Davis T/A, ICC 1252 W. Peachtree St., NW, Room 300, Atlanta, GA 30309.

MC 107934 (Sub-33TA), filed October 31, 1979. Applicant: BYRD MOTOR LINE, INCORPORATED, Hargrave Rd., Box 787, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. *Soybean oil (except commodities in bulk in tank vehicles)* from Louisville, KY to Lexington, NC and return or rejected shipments from Lexington, NC to Louisville, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): PPG Industries, Inc., P.O. Box 949, Lexington, NC 27292. Send protests to: Sheila Reece, T/A 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 107934 (Sub-34TA), filed October 31, 1979. Applicant: BYRD MOTOR LINE, INCORPORATED, Hargrave Rd., Box 787, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. *Paper forming tubes* from Donalds, SC and Minerva, OH to Lexington, NC and return or rejected shipments from Lexington, NC to Donalds, SC and Minerva, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): PPG Industries, Inc., Works 53, P.O. Box 949, Lexington, NC 27292. Send protests to: Sheila Reece, T/A 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.

MC 109124 (Sub-94TA), filed October 15, 1979. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800,

Columbus, OH 43215. *Lime* in bulk, from Huron, OH to points in IL, IN, KY, MI, PA and WV, for 180 days. Supporting shipper: Federal Lime & Stone Company, 20600 Chagrin Blvd., Room #420, Shaker Heights, OH 44122. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 109584 (Sub-201TA), filed October 26, 1979. Applicant: ARIZONA PACIFIC TANK LINES, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Meat fats and tallow*, in bulk, in tank vehicles from San Angelo, TX to points in AZ and CA for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper: San Angelo By-Products, P.O. Box 631, San Angelo, TX 76902. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 109584 (Sub-202TA), filed October 26, 1979. Applicant: ARIZONA PACIFIC TANK LINES, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Sodium hydrosulfide*, in bulk, in tank vehicles, from Los Angeles, CA to Sahuarita, AZ for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper: Kerley Chemical Co., 2801 W. Osborn St., Phoenix, AZ. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 111434 (Sub-103TA), filed October 22, 1979. Applicant: DON WARD, INC., 241 W. 56th Ave., Denver, CO 80216. Representative: Susan B. Price, 1700 Western Federal Bldg., Denver, CO 80202. *Industrial sand* from points in CO to points in KS, OK, TX, NM, UT, WY, NE and MT, for 180 days. Supporting shipper: Fountain Sand and Gravel Company, P.O. Box 535, Pueblo, CO 81002. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 111545 (Sub-297TA), filed September 28, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, GA 30065. (1) *Tractors*; (2) *industrial, construction and material handling equipment*; and (3) *parts and attachments for (1) and (2) above*, from Terre Haute, IN to AZ, CA, FL, GA, NM, NV, NC, OK, SC, TX, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: J. I. Case Company, 700 State Street, Racine, WI 53404. Send protests to: Sara K. Davis T/A, ICC, 1252 W. Peachtree St., NW, Room 300, Atlanta, GA 30309.

MC 111545 (Sub-298TA), filed October 23, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, GA 30065. *Mag-coke in drums*, from the facilities of American Cast Iron Pipe at or near Birmingham, AL to Silvis, IL; East Chicago, IN; and St. Paul, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cast Iron Pipe Company, 2930 16th Street, Birmingham, AL 35202. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 112304 (Sub-215TA), filed October 4, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Iron and steel articles* from the facilities of New York Wire Mills Corp., at or near Tonawanda, NY to points in IL, IN, KY, MD, MI, MN, MO, NJ, ND, OH, PA, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): New York Wire Mills Corp., 3937 River Road, Tonawanda, NY 14150. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila. PA 19106.

MC 112304 (Sub-216TA), filed October 9, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Iron and steel articles* from Baytown, TX, to points in the states of AL, FL, GA and TN, for 180 days. Supporting shipper(s): United States Steel Corp., 600 Grant St., Pittsburgh, PA 15230. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila. PA 19106.

MC 116254 (Sub-297TA), filed October 31, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: M. D. Miller (same address as above). *Cullet*, in dump vehicles, from Cedar Rapids, IA and Des Moines, IA, to MN, IL, and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion Cullett, P.O. Box K, Champion, PA 15622. Send protests to: Mabel E. Holston, T.A., I.C.C., Room 1616—2121 Building, Birmingham, AL 35203.

MC 117574 (Sub-340TA), filed September 26, 1979. Applicant: DAILY EXPRESS, INC., 1076 Harrisburg Pike, P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same as applicant). *Cranes, excavators, and self-propelled industrial and construction equipment between points in the U.S.*

(except AK and HI), restricted to the transportation of shipments originating at or destined to the facilities owned or used by Markim, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Markim, Inc., 11700 Roosevelt Blvd., Phila., PA 19116. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 119555 (Sub-25TA), filed October 31, 1979. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: D. S. Vincent (same address as applicant) *Alcohol (NOS)*, in bulk, in tank vehicles, from ports of entry on the U.S.-Canada International Boundary line located in MI to Plainfield, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McGuinness Distillers Limited, 2 Algoma St., Toronto, ON, Canada M8Y 1B9. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 119765 (Sub-94TA), filed October 26, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Fire retardant chemicals, in bags* from Phoenix, AZ to points in IL, IA, KS, KY, MI, ND, OR, SD and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): H.J.H. Insulation Chemical, Inc., James R. Blasius, President, 2229 East Magnolia, Phoenix, AZ. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 119974 (Sub-88TA), filed October 1, 1979. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance St., Green Bay, WI 54305. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. *Packinghouse products*, in bulk, in tank vehicles, from the plantsites and storage facilities of Lauridsen Foods, Inc., at or near Britt, IA to IL, IN, IA, KY, MI, MN, MO, OH & WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour & Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 120675 (Sub-11TA), filed October 10, 1979. Applicant: ACME TRUCK LINE, INC., P.O. Box 183, Harvey, LA 70059. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78767. *Iron and steel articles* from Baytown, TX to points in AL, AR, FL, GA, LA, MS, and TN, for 180 days. Supporting shipper(s): United States Steel Corporation, 600 Grant St.,

Pittsburgh, PA 15230. Send protests to: Robert J. Kirsipel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 123194 (Sub-11TA), filed October 9, 1979. Applicant: ENTERPRISE TRUCK LINE, INC., 1336 West 15th Avenue, Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Meats, meat products, meat by-products, and articles distributed by meat packing houses as described in Sections A, B & C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 706 (except hides and commodities in bulk, in tank vehicles),* from the facilities of Peet Packing, Inc. located at or near Chesaning, MI to points in IL and IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peet Packing, Inc., 1100 North Line Street, Chesaning, MI 48616. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 124174 (Sub-161TA), filed October 11, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Composition boards and wood fiber products* from the facilities of The United States Gypsum Co. at Auburn, ME to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SC, SD, TN, TX, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Gypsum Company, Russell S. Hancock, Traffic Manager, 101 South Wacker Drive, Chicago, IL 60606. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124835 (Sub-25TA), filed October 10, 1979. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Sodium sulfate*, from Lowland, TN, to all points in AL, GA, KY, NC, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Salt Co., 1600 Tullie Circle, N.E., Suite 133, Atlanta, GA 30329. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 125335 (Sub-87TA), filed October 9, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68528. *Confectionery* from the facilities of Wilbur Chocolate Co., Inc. at or near Lititz, PA to points in IN, IL, WI, MN, IA,

NE, KS, CO, OK, TX, and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilbur Chocolate Co., Inc., 48 N. Broad St., Lititz, PA 17543. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 128685 (Sub-34TA), filed October 9, 1979. Applicant: DIXON BROS., INC., P.O. Drawer No. 8, Newcastle, WY 82701. Representative: Jerome Anderson, Attorney at Law, 100 Transwestern Building, Billings, MT 59101. (a) *Lubricating oil* in containers from Ponca City, OK to Gillette, WY; (b) *Anti Freeze* in containers from Omaha, NE to Gillette, WY; (c) *Empty Barrels* from Gillette, WY to Kansas City, MO and Tulsa, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northeastern Oil Co., Inc., P.O. Box 964, Gillette, WY 82716. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105, Federal Building & Court House, 111 South Wolcott, Casper, WY 82601.

MC 129124 (Sub-26TA), filed September 29, 1979. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166 (100 Pine St.), Harrisburg, PA 17108. *Coal, in bulk in dump vehicles*, from Snow Shoe Township, Centre County, PA to the facilities of Joseph E. Seagram & Sons, Inc. at or near Relay, MD, and *Fly ash, in dump vehicles in bulk*, from said facilities to Snow Shoe Township, Centre County, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Basic Energies, Inc., 414 Main St., Reynoldsville, PA 15851; Joseph E. Seagram & Sons, Inc., P.O. Box 208, Relay, MD 21203. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 133095 (Sub-280TA), filed October 30, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. *Fresh Meats* from Shreveport, LA to New York, NY, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell and Co., 208 South LaSalle St., Chicago, IL 60604. Send protests to: Marianne Minnich, TCS, Interstate Commerce Commission, Rm. 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133805 (Sub-38TA), filed October 3, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair

Rd., Ft. Worth, TX 76112. *Frozen processed boxed meat* from facilities of Prepared Foods, Inc. at or near El Paso, TX to points in CO, UT, ID, MT, OR, WA, and all point in US east of the states of ND, SD, NE, KS, OK, and TX for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Prepared Food, Inc., P.O. Box 26918, El Paso, TX 79926. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 134105 (Sub-75TA), filed October 29, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. *Alcoholic beverages and wine (except in bulk)*, from the facilities of Heublein, Inc., at Paducah, KY to AL, FL, IA, LA, TX and Detroit, MI, Chicago, IL, Columbia, SC, Aurora and Denver, CO, and San Francisco, CA restricted to the transportation of traffic originating at the named origin, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Heublein, Inc., 5000 CHARTER Oak Dr., Paducah, KY 42001. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37023.

MC 134134 (Sub-51TA), filed October 22, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Hwy. 50 & I-80, Omaha, NE 68137. *Alcoholic beverages, including wine* from points in IN, KY, MD, NJ and NY to Kansas City, MO and points in its commercial zone for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): General Standard, Inc., Charles Mieras, Controller, 165 W. 9th Avenue, North Kansas City, MO 64116. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 138104 (Sub-86TA), filed September 12, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76116. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Iron and steel articles, including pipe* from Laredo and Eagle Pass, TX to points in AL, AZ, AR, CA, CO, IL, KS, LA, MS, MO, NM, OK, TN, and UT for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): A. H. M. S. A. Steel International, Inc., P.O. Box 5906, San Antonio, TX 78201. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor Street, Ft. Worth, TX 76102.

MC 138304 (Sub-17TA), filed October 9, 1979. Applicant: NATIONAL PACKERS EXPRESS, INC., 3445 Patterson Plank Road, North Bergen, NJ 07047. Representative: Craig B. Sherman, Attorney at Law, Broad and Cassel, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. *Steel nuts, bolts, screws and metal fasteners*, from New Haven and Bridgeport, CT and Baltimore, MD to points in OH, IN, IL, WI, MN, IA, NE, KS, MO and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied International—American Eagle Trading Corp., 77 Purchase Street, Rye, NY 10580. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 139495 (Sub-497TA), filed October 4, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Springs, MD 20910. *Frozen fruits, vegetables and juice concentrates* from Monte Alto & Brownsville, TX to points in Atlanta & Augusta, GA; Barrington & Chicago, IL; Birmingham & Mobil, AL; Jackson, MS; Jersey City, NJ; Kansas City & St. Louis, MO; Jessup, MD; Memphis & Nashville, TN; Monore & New Orleans, LA; New York City, NY; Norfolk, VA; Oklahoma City & Tulsa, OK; Pittsburgh & Springhouse, PA; & Winston Salem, NC; for 180 days, common, irregular. Supporting shipper: Monte Alto Foods, Inc., Monte Alto, TX 78538. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67292.

MC 140444 (Sub-2TA), filed October 26, 1979. Applicant: HIGHLAND TOURS, INC., 8550 B—Atlantic Blvd., Jacksonville, FL 32216. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Passengers and express and baggage, when moving on the same vehicles with passengers* between Jacksonville, FL on the one hand, and, on the other points in Camden County, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 8 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 141804 (Sub-285TA), filed October 30, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Plastic articles*, (1) From City of

Industry, CA to points in TX, and points in the U.S. west of ND, SD, NE, KS, OK, and TX (except AK and HI), and (2) From Rockaway and Kearney, NJ and their commercial zones to points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): A & E Plastics, Division of A & E Plastic Pak, P.O. Box 1288, Industry, CA 91749. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142364 (Sub-22TA), filed October 26, 1979. Applicant: KENNETH SAGELY d.b.a. SAGELY PRODUCE, 2802 Kibler Rd., Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. *Ground clay cat box filler*, from the facilities of Absorbent Clay Products, Inc., at or near Anna, IL, to points in the U.S. (except AK, AZ, CA, CO, HI, ID, MT, ND, NV, NM, OR, SD, UT, WA and WY), for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Absorbent Clay Products, Inc., 200 N. Main St., Anna, IL. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 142364 (Sub-23TA), filed October 26, 1979. Applicant: KENNETH SAGELY d.b.a. SAGELY PRODUCE, 2802 Kibler Rd., Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. *Cardboard sheets* from points in TN and TX to the facilities of West-Ark Specialties, Inc., at or near Ft. Smith, AR, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Westark Specialties, Inc., 7209 Jenny Lind, Ft. Smith, AR 72901. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 144574 (Sub-3TA), filed October 22, 1979. Applicant: RUSSELL TRANSFER COMPANY, INC., P.O. Box 829, Washington, GA 30673. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Beer and malt liquors*, from Winston-Salem, NC, to Charleston, Port Royal and Hanahan, SC for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Henry J. Lee Distributors, Inc., 5802 N. Rhett Ave., Box 9727, Hanahan, SC 29410. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 144715 (Sub-7TA), filed October 17, 1979. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC

20005. *Malt beverages* from Williamsburg, VA and Jacksonville, FL and points in their commercial zones to North Wilkesboro, NC and points in its commercial zone, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Forrester Beverage Corp., Rt. 5, Box 2A, North Wilkesboro, NC 28659. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 145625 (Sub-5TA), filed September 28, 1979. Applicant: DUTCHLAND TRUCKING, INC., 1051 Center Ave., Oostburg, WI 53070. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Such commodities as are dealt in by auto supply stores (except tires, batteries, automotive repair parts and commodities in bulk)*, from the facilities of Crystal Manufacturing & Packaging, Inc., at or near Melrose Park, IL to points in WI, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Crystal Manufacturing & Packaging, Inc., 2731 W. Lake St., Melrose Park, IL 60160. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 147644 (Sub-3TA), filed October 9, 1979. Applicant: J.M.C. TRANSPORT, INC., 900 W. Stephen Foster Blvd., Bardstown, Ky. 40004. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD. 20760. (1) Glass Bottles and ceramic decanters from Joilet and Lincoln, IL, to Bardstown, KY, and (2) Alcoholic Beverages (except in bulk) from Pekin, IL, to Bardstown, KY, for 180 days. Supporting shipper(s): Russell Broadbudd, Chairman of Bd., Old Bardstown Distilling Co., Inc., 900 W. Stephen Foster Blvd., Bardstown, KY 40004. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 148445 (Sub-1TA), filed October 11, 1979. Applicant: WLD TRUCKING COMPANY, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, Esq., Evans, Hammond & Milliken, 3003 N. Central, Suite 1705, Phoenix, AZ 85012. (A) *Materials, equipment and supplies used in the manufacture of wooden flush doors, and wooden flush doors and component parts thereof*, from points in the United States (except AK and HI), to the facilities of Walled Lake Door Co. at Tupelo, MS, Cameron, TX, Mobile, AL, and Gila Bend, AZ, between the facilities of Walled Lake Door Co. at Tupelo, MS, Cameron, TX, Mobile, AL, and Gila Bend, AZ, (B) *Wooden flush*

doors and component parts thereof, from the facilities of Walled Lake Door Co. at Tupelo, MS, Cameron, TX, Mobile, AL and Gila Bend, AZ, to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Walled Lake Door Co., 4527 N. 16th St., Phoenix, AZ 85064. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 147874 (Sub-1TA), filed September 13, 1979. Applicant: STEVE ZIOLKOWSKI, d.b.a. Zilk Enterprises, 2807 S. Maple St. Brookfield, Illinois. Representative: James R. Madler, 120 W. Madison St., Chicago, Illinois 60602. *Such commodities as are dealt in or used by wholesale and retail shoe and apparel stores, between Chicago, IL on the one hand, and, on the other, points in MI, OH, IN, and WI. Restricted to shipments originating at or destined to the facilities of Butler Shoe Corp., Elk Grove Village, IL for 180 days. Supporting shipper(s): Butler Shoe Corp., 1600 Pratt Blvd., Elk Grove Village, Illinois. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn, Room 1386, Chicago, Illinois 60604.*

MC 148225 (Sub-1TA), filed October 29, 1979. Applicant: ARNOLD M. SCHLAM and JONATHAN MARKS, d.b.a. SPA CARRIERS, 5706 Ostin, Woodland Hills, CA 91367. Representative: Arnold M. Schlam (same address as applicant). *Contract: Irregular: Spas and hot tubs, between CA and points in AZ, CO, FL, ID, IL, KS, MO, NE, NM, OK, OR, TX, UT, and WA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Islander Spas, 3321 W. Castor Street, Santa Ana, CA 92704. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.*

MC 148334 (Sub-1TA), filed October 30, 1979. Applicant: BLUE MOUNTAIN TRUCKING CORPORATION, P.O. Box 86, Blue Mountain, MS 38610. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Contract: (1) New furniture, from the facilities of Bench Craft, Inc. at or near Blue Mountain, MS to points in AL, AR, CO, IL, IA, KS, KY, LA, MI, MO, NE, ND, OH, OK, TN, TX, SD, WI, and IN and (2) Equipment, materials and supplies used in the manufacture and distribution of the commodity in (1) above in the reverse direction under a continuing contract or contracts with Bench Craft, Inc., Blue Mountain, MS, for 180 days. An underlying ETA seeks 90 days*

authority. Supporting shipper(s): Bench Craft, Inc., P.O. Box 86, Blue Mountain, MS 38610. Send protests to: Floyd A. Johnson, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 148364 (Sub-1TA), filed October 1, 1979. Applicant: COOPER AIR FREIGHT SERVICE, INC., 2710 Barris Drive, Memphis, TN 38132. Representative: Henry E. Cooper, 2710 Barris Dr., Memphis, TN 38132. *General commodities of air freight. The authority granted herein is restricted to shipments of general commodities having immediately prior or subsequent thereto been moved by aircraft, between Memphis, TN on the one hand, and, on the other, points in AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Applicant has three (3) supporting shippers. Send protests to: Floyd A. Johnson, Rm. 2006—100 N. Main St., Memphis, TN 38103.*

MC 148465 (Sub-1TA), filed October 23, 1979. Applicant: ASSOCIATED CARRIERS COMPANY, 1759 East Grand Ave., Des Moines, IA 50316. Representative: Thomas E. Leahy, Jr., 1980 Financial Ctr. Des Moines, IA 50309. *Motor vehicle, in truckaway service, (1) between Des Moines, IA, on the one hand, and, on the other, points in CO, IL, ID, MN, MO, NE, OK, and WI; (2) between the Chicago, IL, commercial zone on the one hand, and, on the other, points in CO, LA, ID, MN, MO, NE, OR, OK, WA, UT, WI, and WY; and (3) between Pennsauken, NJ, on the one hand, and on the other, points in CO, IA, IL, ID, MN, MO, NE, OR, OK, UT, WA, WI, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Herbert W. Aallen, DS, ICC, 518, Federal Bldg., Des Moines, IA 50309.*

MC 148615 (Sub-1TA), filed October 29, 1979. Applicant: JACK F. HERMANN TRUCKING INC., 3246 Virginia Street, Springfield, Oregon 97477. Representative: Jack F. Hermann, 3246 Virginial Street Springfield, Oregon 97477 (505)-746-7109. (1) Wooden furniture stock, in cartons, (2) Kiln dry lumber (1) from Eugene, Oregon to points in Washington California, Arizona, New Mexico, Texas, Utah, Idaho, and Colorado and (2) from points in Washington to Eugene, Oregon, for 180 days. Supporting shipper(s): Whittier Wood Products, 3787 West 1st Avenue, Eugene, Oregon 97402, 503-687-0213. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, Oregon 97204.

Notice No. 219

MC 682 (Sub-19TA), filed October 9, 1979. Applicant: BURNHAM VAN SERVICE, INC., P.O. Box 7966, Columbus, GA 31908. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. *Carpet Padding from Shelbyville, TN, to points in NC, SC, GA, FL, AL, MS, LA, AR, and TN for 180 days. Supporting shipper(s): General Felt Industries, Park 80 Plaza, West -1, Saddlebrook, NJ 07662. Send protests to: Sara K. Davis, T/A ICC, 1252 W. Peachtree St., NW, Room 300, Atlanta, GA 30309.*

MC 2392 (Sub-133TA), filed October 4, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" Street, Omaha, NE 68127. Representative: Keith D. Wheeler (same address as applicant). *Alcohol ethanol 200 proof from Atchison, KS to points in IA and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Oil Products, D. A. Christensen, President, 101 So. 18th St., Council Bluffs, IA 51501; (2) Jones Oil Company, Terry I. Jones, President, 3301 Cornhusker, P.O. Box 30225, Lincoln, NE 68504. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.*

MC 11722 (Sub-67TA), filed September 17, 1979. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N. E. Weidler St., Portland, OR 97232. *Rolled paper wrapping combined or coated with plastic, and boxes, pulp board, other than corrugated, KDF, without wooden frames (paper boxes) from facilities of American Can Co., in or near Sunnyside, WA to Albany, Stayton, Salem, Woodburn and Hermiston, Or and Twin Falls, American Falls, and Blackfoot, ID for 180 days. A Corresponding ETA, R-60, has been granted for 30 plus 2, effective September 17, 1979, expiring December 15, 1979, and a permanent will be filed. Supporting shipper(s): American Can Co., 310-314 E. Edison Ave., Sunnyside, WA 98944. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.*

MC 111302 (Sub-158TA), filed September 4, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Spent Methyl Propyl Ketone, in bulk, in tank vehicles, from the facilities of The Polaroid Corp. in Freetown, Waltham, and New Bedford,*

Mass. to the facilities of Tennessee Eastman Company in Kingsport, TN, for 180 days. Supporting shipper(s): Polaroid Corp., 140 Kendrick St., Needham Heights, MA 02194. Send protests to: Glenda Kuss, TA, I.C.C., Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 11302 (Sub-159TA), filed September 4, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid chemicals, in bulk, in tank vehicles*, from the facilities of The Goodyear Tire and Rubber Co., in Calhoun, GA., to points in, IN, IL, MA, MD, NE, NJ, OH, PA, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Goodyear Tire and Rubber Co., 1144 E. Market St., Akron, OH 44316. Send protests to: Glenda Kuss, TA, I.C.C., Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 111302 (Sub-160TA), filed September 6, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid chemicals, in bulk, in tank vehicles*, from the facilities of Sherwin Williams Company, in Morrow, GA., to points in, AL, AR, KY, FL, MS, NC, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Sherwin Williams Co., 6795 S. Main St., Morrow, GA 30260. Send protests to: Glenda Kuss, TA, I.C.C., Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 111302 (Sub-161TA), filed September 7, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Water treating compounds, in bulk, in tank vehicles*, from the facilities of Betz Labs, in Macon GA, to points in AR, LA, DE, NC, SC, PA, NJ, AL, MS, VA, TX, FL, KY, IL, IN, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Betz Laboratories, Inc., 4636 Somerton Rd., Trevoise, PA 19047. Send protests to: Glenda Kuss, TA, I.C.C., Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 111302 (Sub-162TA), filed September 7, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen (same address as

applicant). *Lubricating, oils, Hydraulic fluids, defoaming compounds and plasticizers in bulk, in tank vehicles*, from the facilities of E. F. Houghton Company, Carrollton, GA, to points in: TX, AR, LA, MS, AL, NC, SC, TN, Milwaukee, WI, Finksburg, MD, Chicago, IL, Fogelsville, PA, Reading, PA, Ravenswood, WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E.F. Houghton & Co., Madison & Van Buren Aves., Valley Forge, PA 19482. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 111812 (Sub-694TA), filed September 4, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). (1) *Lead and lead products and shot bins or shot containers* from Anoka and Minneapolis, MN to Lonoke, AR and (2) *lead shot* from Lonoke, AR to Anoka, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Federal Cartridge Corp., 9th and Tyler Street, Anoka, MN 55303. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 112962 (Sub-17TA), filed September 13, 1979. Applicant: CRUPPER TRANSPORT COMPANY, INC., 25 South Third, Kansas City, KS 66118. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. *Show displays and exhibits and machinery, equipment, materials and supplies used in connection therewith for display and show purposes only, between points and places in the United States except AL and HI, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Greyhound Exposition Services, 1919 Cherry Street, Kansas City, MO 64108. Send protests to: Vernon V. Coble, DS, I.C.C., 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 113362 (Sub-371TA), filed September 7, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Millwork, hardwood furniture parts, and hardwood furniture dimension stock* from the facilities of Foreston Dimension Co. and Woodcraft Industries, Inc. at Foreston and St. Cloud, MN, to points in AR, IN, IA, KY, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Woodcraft Industries, Inc., 525 Lincoln Ave., S.E.,

St. Cloud, MN 56301. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107162 (Sub-58TA), filed September 13, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route #1, Brimley, MI 49715. Representative: John Duncan Varda, 121 Spitj ¼omclmeu Street, Madison, WI 53701. *Lumber*; from the ports of entry on the International Boundary Line between the United States and Canada, at or near Detroit, MI to points in MI, IN, and OH. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schultz, Snyder & Steele Lumber Co., Inc., P.O. Box 24128, Lansing, MI 48909. Send protests to: C. R. Flemming, D/S, I.C.C., Room 201 Corb Bldg., 300 E. Michigan Avenue, Lansing, MI 48933.

MC 107912 (Sub-31TA), filed September 6, 1979. Applicant: Rebel Motor Freight, Inc., 3934 Homewood, Memphis, TN 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Containers*, from the facilities of Inland Steel Containers, Inc., Canton, MS to West Helena, AR, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Inland Steel Containers, Inc., 480 Industrial Drive, Canton, MS. Send protests to: Floyd A. Johnson, Suite 2006-100 N. Main St., Memphis, TN 38103.

MC 123502 (Sub-55TA), filed September 10, 1979. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, MD 21061. Representative: Judith Anne Hough (same as applicant). *Petroleum fuel oil flue dust, in bulk, in dump vehicles* from Strasburg, VA to Bartlesville & Tulsa, OK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Philipp Brothers, 1221 Avenue of the Americas, New York, NY 10020. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Building, 101 North 7th Street, Room 620, Philadelphia, PA 19106.

MC 127022 (Sub-5TA), filed September 4, 1979. Applicant: SECO TRUCKING CO., 219 North Jackson, Mason City, IA 50401. Representative: Thomas F. Kilroy, 406 Executive Bldg., 6901 Old Keene Mill Road, Springfield, VA 22150. *Malt beverages and advertising materials* from (a) St. Louis, MO to Independence, KS and (b) between Columbus, KS, on the one hand, and, on the other, Evansville, IN and La Crosse, WI for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Best Beverage Sales, Inc., 709 N. 20th, Independence, KS 67301; Saporito

Beverage Co., RFD Route 3, Box 71, Columbus, KS67301. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 127042 (Sub-286TA), filed September 4, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98-Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). *Meats, meat products and articles distributed by meat packinghouses* from the facilities of Wilson Foods Corp. at Cedar Rapids and Des Moines, IA to points in CO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 127602 (Sub-24TA), filed September 12, 1979. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., 5555 East 58th Avenue, Commerce City, CO 80022. Representative: Richard E. Cole (same address as above). *Liquor, Beverage: Wine (except in bulk), from points in CA to points in CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (4 supporting shippers, which can be examined at the field office listed below or Headquarters). Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.*

MC 129032 (Sub-113TA), filed October 5, 1979. Applicant: TOM INNMAN TRUCKING, INC., 5656 S. 129th East Ave., Tulsa, OK 74121. Representative: David R. Worthington, 5656 S. 129th East Ave., Tulsa, OK 74121. *Candy and confectionery and commodities used in the production of candy and confectionery (except in bulk, in tank vehicles) from the state of IL (excluding Chicago and its commercial zone) to the facilities of Bunte Candies, Inc. located at or near Oklahoma City, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bunte Candies, Inc., 129 E. California, Oklahoma, OK 73126. Send protests to: Connie Stanley, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 135052 (Sub-22TA), filed September 18, 1979. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. (1) *Battery boxes*, from Waterbury, CT to Cleveland, TN and Lancaster, SC; (2) *battery tubes or sleeves*, from Rockford, IL to Cleveland, TN and Lancaster, SC; (3) *zinc powder, in containers*, from Palmerton, PA to Cleveland, TN and

Lancaster, SC; (4) *batteries, alkaline or carbon zinc*, from Lancaster, SC and Cleveland, TN to Indianapolis, IN, Bethel, CT, Dallas and Fort Worth, TX; (5) *steel coils, palletized*, from Warren, OH to Waterbury, CT, for 180 days. An underlying ETA seeks 90 days. Supporting shipper: Duracell Products Company, A Subsidiary of Dart Industries, Berkshire Industrial Park, Bethel, CT 06801. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 135052 (Sub-23TA), filed September 19, 1979. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 320 N. Meridian Street, #777, Indianapolis, IN 46204. (1) *Paper and paper products*, (a) from Indianapolis, IN to points in the States of FL, MO, NJ, NY, PA, and WI, and (b) from Cayuga, IN to points in the states of IA, IL, KY, MI, MO, OH, PA, and WI. (2) *Waste paper for recycling*, (a) from points in the states of FL, IA, IL, KY, LA, MI, MO, NY, OH, PA, TN, TX, WI & WV, to Cayuga, IN, (b) from points in the states of AL, GA, IA, IL, KS, KY, MI, MN, MO, NE, OH, TN, WI, to points in IN. (3) *Pulpboard, NOIBN*, from Indianapolis, IN to AL, AR, CT, DE, DC, FL, GA, IA, IL, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, and WV. (4) *Kaolin clay*, from Wrens, GA to Indianapolis, IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Channel Resources, Inc., 444 North Lakeshore Drive, Chicago, IL 60611; Inland Container Corp., 151 North Delaware Street, Indianapolis, IN 46204; Stenotype Supplies Co., Inc., 6666 Guion Road, Indianapolis, IN; Beveridge Paper Company, 717 West Washington St., Indianapolis, IN 46204. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.

MC 135082 (Sub-94TA), filed September 13, 1979. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Blvd. NE, P.O. Box 26748, Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). *Gypsum wallboard* from the plantsite of Gold Bond Building Products, Division of National Gypsum, Phoenix, AZ, to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Gypsum Corp., P.O. Box 1888, Long Beach, CA 90801. Send protests to: DS/ICC, 1106 Federal Office Building,

517 Gold Ave. SW, Albuquerque, NM 87101.

MC 135082 (Sub-95TA), filed September 13, 1979. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Blvd. NE, P.O. Box 26748, Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). *Grinding balls and castings*, from the facilities of Midland-Ross Corp. Capitol Casting Div. at or near Phoenix, AZ to Questa, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Capitol Casting Division, Midland-Ross Corporation, P.O. Box 759, Phoenix, AZ 85001. Send protests to: DS/ICC, 1106 Federal Office Building, 517 Gold Ave. SW, Albuquerque, NM 87101.

MC 135082 (Sub-96TA), filed September 13, 1979. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Blvd. NE, P.O. Box 26748, Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). *Fencing, fencing materials, and commodities used in the installation thereof*, from facilities of American Tube & Fence, Phoenix, AZ, to points in the US in and west of WI, IL, MO, AR, LA (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Tube Company, Inc., 2525 North 27th Ave., Phoenix, AZ 85005. Send protests to: DS/ICC, 1106 Federal Office Building, 517 Gold Ave. SW, Albuquerque, NM 87101.

MC 135082 (Sub-97TA), filed September 14, 1979. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Blvd. NE, P.O. Box 26748, Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). *Scrap car bodies*, from Odessa, TX to Eagle Pass, TX on export traffic destined to the Republic of Mexico, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): AHMSA Steel International, Inc., P.O. Box 5906, San Antonio, TX 78201. Send protests to: DS/ICC, 1106 Federal Office Building, 517 Gold Ave. SW, Albuquerque, NM 87101.

MC 135082 (Sub-98TA), filed September 18, 1979. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Blvd. NE, P.O. Box 26748, Albuquerque, NM 87125. Representative: D. F. Jones (same address as applicant). *Resin in drums and commodities used in the manufacture of insulation and return of empty containers*, from Benicia, CA to the facilities of West Con Industries, Tucson, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Con Industries, 2030 N. Forbes Blvd., Suite 102, Tucson, AZ

85705. Send protests to: DS/ICC, 1106 Federal Office Building, 517 Gold Ave. SW, Albuquerque, NM 87101.

MC 140612 (Sub-74TA), filed September 10, 1979. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). *Foodstuffs and materials, equipment, and supplies used in the manufacture, sale, and distribution of foodstuffs (except commodities in bulk, in tank vehicles) between Battle Creek, Grand Rapids, and Kalamazoo, MI; Omaha, NE; Memphis, TN; and San Leandro, CA, on the one hand, and, on the other, points in and west of MI, OH, KY, TN, NC, SC, GA, and FL, for 180 days. Restricted to traffic originating at or destined to facilities used by the Kellogg Co. An underlying ETA seeks 90 days authority. Supporting shipper: Kellogg Company, 235 Clift, Battle Creek, MI 49106. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 141212 (Sub-6TA), filed September 17, 1979. Applicant: JOHN M. RADKE, Rt. 2, Box 93, Marathon, WI 54448. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Feed and feed ingredients, in bulk, from Minneapolis-St. Paul, MN Commercial Zone to points in WI, restricted to traffic originating at facilities of Cargill, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Cargill, Inc., Dept. 17, P.O. Box 9300, Minneapolis, MN 55440. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.*

MC 141402 (Sub-45TA), filed September 17, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Contract carrier. Irregular routes: *Paper and paper products, from the facilities of Willamette Industries, Inc., Western Craft Paper Group, at or near Hawesville, KY, to points in AL, CT, DE, DC, FL, GA, IL, IN, IA, MD, MA, ME, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV and WI under a contract or continuing contracts with Willamette Industries, Inc., Western Craft Paper Group, for 180 days. Supporting shipper: Willamette Industries, Inc., Western Craft Paper Group, P.O. Box 130, Hawesville, KY 42348. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.*

MC 141532 (Sub-52TA), filed September 11, 1979. Applicant: PACIFIC

STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Common carrier: irregular routes: Saturated felt, from the facilities of Tarco, Inc., at or near North Little Rock, AR to points in AZ, CA, ID, MT, NM, NV, OR and WA. An underlying ETA seeks 90 days authority. Supporting shipper: Tarco, Inc., Highway 130, Post Office Box 3330, North Little Rock, Arkansas 72117. Send protests to: Shirley Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.*

MC 142082 (Sub-9TA), filed October 4, 1979. Applicant: OLIVER BROWN TRUCKING CO., INC., 700 South Avenue, Middlesex, NJ 08846. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract carrier, irregular routes for 180 days. Paper and paper products and materials, equipment and supplies used in the manufacture and sale of paper and paper products (except commodities in bulk and those which because of size or weight require the use of special equipment) between the facilities of Packaging Corporation of America at or near Northampton, MA, Lancaster and Trexletown, PA and Harrisonburg, VA, on the one hand, and, on the other points in CT, MA, MD, NJ, PA, RI and VA. An underlying ETA seeks 90 days authority. Supporting shipper: Packaging Corporation of America, 1603 Orrington Avenue, Evanston, IL 60204. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 142672 (Sub-87TA), filed September 12, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Such commodities as are dealt in or used by wholesale and retail discount and variety stores, from points in AL, CA, CT, IA, IL, IN, MO, OH, TX, VA and WV, to the facilities of Wal-Mart Stores, Inc. at or near Bentonville and Searcy, AR, for 180 days. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 142672 (Sub-88TA), filed September 14, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Fresh meats and packaged meats from facilities of John Morrell & Company, at or near East St. Louis, IL, to points in AR for 180 days. Underlying ETA seeks 90*

days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 142672 (Sub-89TA), filed October 10, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Refined sugar (except in bulk) from Reserve and Kenner, LA to points in AL, AR, FL, GA, IL, IN, KY, MO, MS, NC, OH, SC, TN and TX, for 180 days. Supporting shipper: Godchaux-Henderson Sugar Company, Inc., P.O. Drawer AM, Reserve, LA 70084. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 142672 (Sub-90TA), filed October 19, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Steam cleaning equipment from the facilities of Delco Manufacturing Company, at or near Siloam Springs, AR to points AL, CA, GA, KY and TN, for 180 days. Supporting shipper: Delco Manufacturing Company, Siloam Springs, AR. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 142672 (Sub-91TA), filed October 19, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Confectionery and chewing gum from Philadelphia, PA to points in GA, IL, IN, OH and SC, restricted to transportation of traffic originating at facilities of Fleer Corporation, at or near Philadelphia, PA, for 180 days. Supporting shipper: Fleer, Inc., 10th and Somerville Sts., Philadelphia, PA 19107. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 144442 (Sub-7TA), filed October 19, 1979. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Rd., Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M St., N.W., Washington, D.C. 20037. Contract carrier—Irregular routes: *Frozen and fresh meats from the Ports of Miami and Tampa, FL to the states of NC, OH, PA, SC, VA, WI, GA, IL, IN, MI, NJ, NY, and MA for 180 days. Supporting shipper: United Beef Packers, 1630 N.W. 70th St., Miami, FL 33126. Send protests to: Donna M. Jones, T/A, ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.*

MC 144842 (Sub-5TA), filed October 16, 1979. Applicant: CLIFFORD L.

RIGGINS d.b.a. RIGGINS TRUCKING, 1004 W. Maple St., Springdale, AR 72764. Representative: Nancy Pyeat, 815 15th St., N.W., Washington, DC 20005. Alcoholic beverages (except in bulk) (1) from Brooklyn, NY to points in CA; Phoenix and Tucson, AZ; Las Vegas, NV; (2) from Lodi, Los Angeles, and San Jose, CA to Brooklyn, NY, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Monarch Wine Company, 4500 Second Ave., Brooklyn, NY 11232. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145022 (Sub-5TA), filed October 9, 1979. Applicant: MARSH BROS. TRUCKING SERVICE, INC., Box 7398, Station B, Dayton, OH 45407. Representative: Paul F. Berry, 275 E. State St., Columbus, OH 43215. (1) *Iron and steel and iron and steel articles*, and (2) *equipment, materials and supplies used in the manufacture of the commodities named in (1) above* (1) between the plant site of Armco Inc at Middletown, OH on the one hand, and on the other points in IN, IL, OH, PA, WV and the lower peninsula of MI (2) between the plant site of the Fisher Body Division of General Motors Corp at Fairfield, Mansfield, Cleveland, Columbus, and Elyria, OH; Marion, IN; Flint, Grand Rapids, Grand Blanc, Kalamazoo, MI on the one hand, and on the other, points in IN, IL, OH, PA, WV and the lower peninsula of MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Fisher Body Division of General Motors Corp., 30001 Van Dyke Ave, Warren, MI 48090. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 145072 (Sub-28TA), filed October 16, 1979. Applicant: M. S. CARRIERS, 7372 Eastern, Germantown, TN 38138. Representative: Doyle Cloud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Christmas tree decorations, notions, and supplies; paper products, scrap aluminum and janitorial supplies*, between New Madrid, MO, on the one hand, and, on the other, all points in or east of the states of TX, OK, KS, IA and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Continental Warehouse of Missouri, Inc., P.O. Box 236, New Madrid, MO 63869. Send protests to: Floyd A. Johnson, Rm. 2006—100 N. Main St., Memphis, TN 38103.

MC 145152 (Sub-119TA), filed October 4, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Electrical*

appliances, equipment and parts, as defined by the Commission in Descriptions in Motor Carrier Certificates, 61 M.C.C. 283, Appendix VII, and (2) *Materials, equipment and supplies used in the manufacture of the commodities named in (1) above* (except in bulk, in tank vehicles), between the facilities of Bigson-Metalux Corporation, at or near Eufala, AL on the one hand, and on the other, points in the U.S. (except AK and HI) for 180 days. Supporting shipper: Gibson-Metalux Corporation, P.O. Box 1207, Americus, GA 31709. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145152 (Sub-120TA), filed October 4, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Such commodities as are dealt in or used by discount, variety and grocery stores* (except in bulk), from points in AL, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV and DC, to Harrison, AR, for 180 days. Supporting shipper: Mass Merchantsiders, Inc., P.O. Box 790, Harrison, AR 72601. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146102 (Sub-4TA), filed September 4, 1979. Applicant: TAMWAY CORPORATION, P.O. Box 888, Simpsonville, SC 29681. Representative: Henry P. Willimon, P.O. Box 1075, Greenville, SC 29602. *Such commodities as are dealt in by distributors or suppliers of empty containers and packaging materials*, between points in the United States in and east of MI, TN, KY, IL and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Industrial Packaging, Inc., P.O. Box 5794, Sta. B, Greenville, SC 29606. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 146392 (Sub-3TA), filed October 1, 1979. Applicant: AMALGAMATED TRANSPORTATION, INC., 121—12th St., N.W., Cedar Rapids, IA 52405. Representative: Dennis L. Wengert (same address as applicant). Contract Carrier—irregular routes. *General commodities (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment)* between Anamosa, Belle Plaine, Burlington, Centerville, Council Bluffs, Clinton, Davenport, Decorah, Des Moines, Dubuque, Fairfield, Fort Dodge,

Fort Madison, Grinnell, Keokuk, Iowa City, Marshalltown, Montezuma, Monticello, Mt. Pleasant, Mason City, Muscatine, Newton, Oelwein, Ottumwa, Oskaloosa, Sioux city, Spencer, Washington, Waterloo, West Union, and Williamsburg, IA, and their respective commercial zones on the one hand, and, on the other, Chicago, IL, and its commercial zone, for 180 days. Restricted to traffic having prior or subsequent transportation by air. An underlying ETA seeks 90 days authority. Authority sought would be performed under contract with Burlington Northern Air Freight, Inc. Supporting shipper: Burlington Northern Air Freight, Inc., 3317 McKinley Ave., Des Moines, IA 50321. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146782 (Sub-22TA), filed October 17, 1979. Applicant: ROBERTS CONTRACT CARRIER CORP., 300 First Avenue South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. *Iron and steel articles*, between the facilities of Volunteer Structures, Inc., at or near Nashville, TN, on the one hand, and on the other, points in the United States (except AK and HI), for 180 days. Restriction: Restricted to transportation of the above named commodities originating at or destined to the above named facilities. Supporting shipper: Volunteer Structures, Inc., 4108 Dakota Avenue, P.O. Box 90405, Nashville, TN 37209. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 146892 (Sub-9TA), filed October 1, 1979. Applicant: R & L TRANSFER, INC., P.O. Box 271, Wilmington, OH 45177. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Paper, paper products and supplies*, between Mt. Orab, OH, on the one hand, and, on the other, points in KY, WV, VA, IN, OH, PA, and the southern peninsula of MI, for 180 days. Restricted, to the transportation of shipments originating at or destined to the facilities of N.A.L. Co., Inc. at or near Mt. Orab, OH. An underlying ETA seeks 90 days authority. Supporting shipper: N.A.L. Co., Inc., P.O. Box 14, Mt. Orab, OH 45154. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146892 (Sub-10TA), filed October 11, 1979. Applicant: R & L TRANSFER, INC., P.O. Box 271, Wilmington, OH 45177. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of automotive parts*, between Hillsboro, OH, on the one

hand, and, on the other, points in MI, KY, IN, OH, WV, PA and MD, for 180 days. Restricted to the transportation of shipments originating at or destined to the facilities of Hillsboro Manufacturing at or near Hillsboro, OH. An underlying ETA seeks 90 days authority. Supporting shipper: Hillsboro Manufacturing Co., 120 Moore Rd., Hillsboro, OH 45133. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147242 (Sub-7TA), filed October 11, 1979. Applicant: 12-90 Plaza Corp., trading as PLAZA FREIGHT TRANSPORT, 12-90 Plaza Road, Fairlawn, NJ 07410. Representative: Arthur Lieberstein, 888 Seventh Avenue, New York, NY 10019. Contract, irregular. *Toilet preparations and packaging materials for displays thereof, except commodities in bulk*, between East Hills, NY on the one hand, and on the other, Chicago, IL and Los Angeles and San Francisco, CA, over irregular routes, under continuing contract with Helena Rubenstein, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Helena Rubenstein, Inc., Greenvale, Long Island, NY 11548. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 147322 (Sub-2TA), filed October 1, 1979. Applicant: NOR-PAC DISTRIBUTING CORP., P.O. Box 429, Cosmopolis, WA 98537. Representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. *Lumber, plywood, particle board, hardboard, cants, and wood pulp in bales or rolls*, between points in WA (Aberdeen, Hoquiam, Raymond, S. Bend, Humptulips, Aloha, Tacoma, Seattle, Cosmopolis, Bellingham, Arlington, Snohomish, Everett, Olympia, Longview, Kelso, Vancouver, DuPont, Kent, Puyallup, Auburn, Renton, Bremerton, Bellevue, Port Angeles and Spokane) and points in OR (Portland, Beaverton, Gaston, Springfield, Albany, Eugene, Salem, Roseburg, Grants Pass, Medford and The Dalles) and between those pts and the U.S./Canada Int'l Border at Blaine, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, Tacoma, WA 98477; Hampton Hardwoods, Inc., P.O. Box 111, South Bend, WA 98586. Send protests to: Shirley M. Holmes, T/A ICC, 858 Federal Building, Seattle, WA 98174.

Notice No. 220

MC 64932 (Sub-607TA), filed October 5, 1979. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: William F. Farrell (same address as applicant).

Chemicals, in bulk, in tank vehicles, from LA and TX to points in the United States in and east of the states of MN, IA, MS, AR and LA for 180 days. Supporting Shipper: Sherex Chemical Company, Inc., 5200 Blazer Parkway, Dublin, OH 43017. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 82492 (Sub-250TA), filed October 11, 1979. Applicant: Michigan & Nebraska Transit Co., Inc., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle, 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. *Frozen foods* (except in bulk) from the facilities of ITT Continental Baking Co. at Points in the lower peninsula of MI and points in WI to Russellville, AR; Chicago, IL; Minneapolis, MN; St. Louis, MO; Omaha, NE; Cleveland and Cincinnati, OH. Restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. For 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: ITT Continental Baking Co., P.O. Box 731, Rye, NY 10580. Send protests to: C. R. Flemming, D/S, I.C.C., 201 Corr Building, 300 E. Michigan Avenue, Lansing, MI 48933.

MC 109632 (Sub-32TA), filed October 11, 1979. Applicant: LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, MA 02154. Representative: Joseph M. Klements, 84 State Street, Boston, MA 02109. *Iron and Steel Wire Rods, in coils*, from Perth Amboy, NJ to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and DC, and returned material in the reverse direction. For 180 days. Supporting Shipper: Raritan River Steel Co., P.O. Box 309, Perth Amboy, NJ 08862. Send protests to: Mr. John Thomas, District Supervisor, I.C.C., 150 Causeway Street, Boston, MA 02114.

MC 111812 (Sub-696TA), filed October 18, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). *Foodstuffs (except commodities in bulk)* from the facilities of Universal Foods Corporation at Peru, IN, Chicago, IL; and Beloit and Milwaukee, WI to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Universal Foods Corporation, 433 East Michigan Street, Milwaukee, WI 53201. Send protests to: J. L. Hammond, DS, I.C.C., Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-697TA), filed October 18, 1979. Applicant: MIDWEST COAST

TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). *Dairy products* from the facilities of Swift & Co. at Green Bay, WI to points in AL, FL and GA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: J. L. Hammond, DS, I.C.C., Room 455, Federal Bldg., Pierre, SD 57501.

MC 113362 (Sub-372TA), filed October 12, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Floor covering and materials and supplies used in the installation thereof* (except in bulk) from the facilities of General Felt Industries at Philadelphia, PA, and its commercial zone to points in AR, LA, MS, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: General Felt Industries, Inc., Park 80 Plaza West-One, Saddle Brook, NJ 07662. Send protests to: Herbert W. Allen, DS, I.C.C., 518 Federal Bldg., Des Moines, IA 50309.

MC 115092 (Sub-95TA), filed October 1, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84178. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Cement and sheet rock* in packages, from Fort Worth, TX to points in Maricopa, Pima and Pinal Counties, AZ and San Luis, Obispo, Kern and San Bernardino Counties, CA and counties thereof, and from Amarillo, TX to points in AZ for 180 days. Supporting shipper(s): Contrade Company, 1908 E. Randol Mill Road, Arlington, TX 76010. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-94TA), filed October 1, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Flat glass* From Provo, UT to Owensville, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jahabow Industries, P.O. Box 1164, Provo, UT 84601. Send protests to: L. D. Helfer, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-96TA), filed October 4, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84178. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Lumber and lumber products* from Anderson, Blue Lake Calpella, Camino, Crescent Mills, Davenport,

Diamond Springs, Fresno, Grass Valley, Healdsburg, Inyokern, Johnsondale, Loomis, Martell, Northfork, Ordville, Sacramento, Santa Fe Springs, Stockton, Susanville, Yreka and Yuba City, CA to points in CO, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eagle Forest Products, 5671 Warehouse Way, Sacramento, CA 95826. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115162 (Sub-509TA), filed October 24, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address of applicant). *Cement and lime*. From points in Jefferson, Marengo, St. Clair and Shelby Counties, AL to points in the states of FL, GA, MS and TN, for 180 days. Supporting shipper(s): Martin Marietta Cement, 1800 Daniel Building, Birmingham, AL 35233; Alpha Portland Cement Company, P.O. Drawer B, Midfield: Birmingham, AL 35228. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115162 (Sub-510TA), filed October 30, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address of applicant). *Fuel wood and compressed logs*, from Pocahontas, AR and Memphis, TN to points in the United States in and east of the states of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper: Agnew Environmental Products, Inc., 211 SE 10th, P.O. Box 1168, Grants Pass, OR 97526. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 118142 (Sub-239TA), filed October 5, 1979. Applicant: M. BRUENGER & CO., INC., 6250 No. Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202. *Alcoholic beverages* (except commodities in bulk in tank vehicles) from Lawrenceburg, IN; Bardstown, Clermont, Frankfort, Lawrenceburg and Louisville, KY; and Detroit, MI to points in KS; for 180 days, common, irregular; An underlying ETA seeks 90 days authority. Supporting shipper: Standard Liquor Corporation, 3629 N. Hydraulic, Wichita, KS 67219; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 118142 (Sub-240TA), filed October 10, 1979. Applicant: M. BRUENGER & CO., INC., 6250 No. Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. *Bananas and agricultural commodities* otherwise exempt from

regulation under Section 203(b)(3) of the Interstate Commerce Act when moving in mixed loads with bananas from New Orleans, LA to points in AR, CO, IL, IN, IA, KS, MI, MO, NE, ND, OK, SD, TN & TX. Restricted to the transportation of traffic having prior movement by water; for 180 days, common, irregular; An underlying ETA seeks 90 days authority. Supporting shipper: American Fruit Company, 725 Girod St., New Orleans, LA 70130; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 119012 (Sub-17TA), filed August 22, 1979. Applicant: RIVER TERMINALS TRANSPORT, INC., 202 George Street, Aurora, IN 47001. Representative: Fred Schmits (same address as applicant). *Manufactured concrete block, steel, and brick, except commodities in bulk, in tank vehicles* (A) manufactured concrete block from the facilities of C-Block of Ohio, Inc. to points in OH, IN, KY & WV; (B) same from facilities of C-Block of Indiana, Inc. to points in OH, IN, KY & WV; (C) Steel from points in IN & OH to facilities of C-Block of OH & IN, Inc; (D) brick from points in IN & OH to facilities of C-Block of OH & IN, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: C-Block, Inc., 4183 Taylor Road, Batavia, OH 45103. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN 46204.

MC 119192 (Sub-13TA), filed August 31, 1979. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CT 06607. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier: irregular routes: (1) Such commodities as are dealt in by department stores, and materials, supplies and equipment (except in bulk) used in the conduct of such business, from Rutherford, NJ to points in PA and DE. From St. Davids, PA to points in NJ and DE. (2) Return shipments of the commodities specified in (1) above, from points in PA and DE to Rutherford, NJ. From points in DE and NJ to St. Davids, PA. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: B. Altman & Company, 1 Altman Blvd., Rutherford, NJ 07070. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.*

MC 124692 (Sub-313TA), filed August 30, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). (1) *Buildings, complete, knocked down or in*

sections; (2) building sections and building panels; (3) parts and accessories used in the installation and completion of commodities in (1) and (2) above; and (4) metal prefabricated structural components and panels and accessories used in the installation and completion of such commodities, from the facilities of Armco, Inc., Hanford, CA to points in WA, OR, ID, NV, UT, AZ, CO, MT, WY, ND, SD, NE, KS, OK, NM and TX, for 180 days. Supporting shipper: Armco, Inc., 703 Curtis Street, Middletown, OH 45043. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 126472 (Sub-25TA), filed October 1, 1979. Applicant: WILLCOXSON TRANSPORT, INC., R.R. #1, Kahoka, MO 63445. Representative: Kenneth F. Dudley, 1501 East Main St., P.O. Box 279, Ottumwa, IA 52501. *Nitrogen Fertilizer Solution, in bulk, in tank vehicles, and Potash, in hopper and dump trucks*, From Pekin, IL, Janesville, WI and Brunswick, MO, to points in IA. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Amoco Oil Company, 200 East Randolph Drive, Chicago, IL 60601. Send protests to: Vernon Coble D/S, 600 Federal Building, 911 Walnut St., Kansas City, MO 64106.

MC 127042 (Sub-288TA), filed October 12, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, Sioux City, IA 51108. Representative: Joseph B. Davis, same address as applicant. *Dairy products* from West Bend, WI to points in CA and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Level Valley Dairy Company, Craig Devenport, Traffic Manager, 807 Pleasant Valley Road, West Bend, WI 53095. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 127042 (Sub-289TA), filed October 16, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98—Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from Chicago, IL to points in IA, NE, MO, TX, OK and KS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Nationwide Beef, Jim Nelson, Traffic Manager, 219 N. Green St., Chicago, IL. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 128102 (Sub-1TA), filed August 13, 1979. Applicant: STATE MOTOR FREIGHT, INC., 3905 E. A. Pasco, WA 99300. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *Dry and liquid fertilizer (including anhydrous ammonia)*, from points in Benton County, WA to points in the States of OR and ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: There are 7 statements of support attached to this application which may be examined at the ICC in Washington, D.C., or copies of which may be examined in the field office named below. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 129032 (Sub-112TA), filed October 3, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Avenue, Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). *Candy and confectionery and commodities used in the production of candy and confectionery*, (except in bulk, in tank vehicles), from Chicago, IL and its commercial zone, to Oklahoma City, OK, (restricted to commodities originating at named origin and destined to the indicated destination), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Bunte Candies, Inc., 129 E. California, Oklahoma City, OK 73126. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W., 3rd, Oklahoma City, OK 73102.

MC 129732 (Sub-6TA), filed October 12, 1979. Applicant: EMPIRE FUEL & TRANSFER CO., P.O. Box 126, Coos Bay, OR 97420. Representative: David C. White, 2400 S.W. Fourth Ave., Portland, OR 97201. (1) Dry sodium sulfate, in bulk; and (2) paper mill machinery and machinery parts (10 from the facilities of Menasha Corp. at North Bend, OR to Seattle, WA; and (2) between the facilities of Menasha Corp. at North Bend, OR on the one hand, and, on the other, points in WA, for 180 days. A corresponding ETA has been granted and a permanent will be filed. Supporting shipper: Manasha Corp., P.O. Box 329, North Bend, OR 97459. Send protests to: A. E. Odoms, D/S, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 135762 (Sub-6TA), filed October 15, 1979. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, Ft. Smith, AR 72913. Representative: John H. Neal, (same address as applicant). Contract carrier over irregular routes; *Fencing, fencing materials, wire and wire products*, from the facilities of Bekaert Steel Wire Corporation, at or near Van Buren, AR, to points in IA, IL, IN, KS, KY, MI, MN,

MO, NE, ND, OH, PA, SD, WV and WI, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Bekaert Steel Wire Corporation, P.O. Box 668, Van Buren, AR 72956. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 136212 (Sub-30TA), filed October 11, 1979. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, P.O. Box 81849, Lincoln, NE 68501. *Inedible meats, meat products and meat by-products, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 and offal (except commodities in bulk, in tank vehicles)* between points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, OH, OK, SD, TN, TX, UT and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: In-Tex Commodities Corporation, Lynn Gumm, Traffic Manager, Suite 705B, 605 South Sherman, Richardson, TX 75080. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE, 68102.

MC 136342 (Sub-18TA), filed October 10, 1979. Applicant: JACKSON & JOHNSON, INC., P.O. Box 327, Savannah, NY 13146. Representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, NY 14580. Contract carrier-irregular routes. *Cranberries and cranberry products, grapefruit, grapefruit juice, prunes and prune products in containers*, for the account of Ocean Spray Cranberries, Inc., between North East, PA, on the one hand, and, on the other, points in MA, NY, OH, and Bordentown, NJ; and between the facilities of Ocean Spray Cranberries, Inc., in MA on the one hand, and, on the other, Bordentown, NJ (except as otherwise authorized), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ocean Spray Cranberries, Inc., Bridge & Wood St., P.O. Box 152, Middleborough, MA 02346. Send protests to: R. H. Cattadoris, DS, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 138322 (Sub-15TA), filed October 3, 1979. Applicant: BHY TRUCKING, INC., 9231 Whitmore, El Monte, CA 91733. Representative: Robert Fuller, Suite 310, 13215 East Penn Street, Whittier, CA 90602. *Cat litter, in packages*, from Maricopa (Kern County), CA to points and places in the United States west of the Mississippi River, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper: Panamint Marketing, Traffic Manager, Elkhorn

Valley Road, Maricopa, CA 93252. Send protests to: Irene Carlos, TA, ICC, Room 1321—Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 13872 (Sub-32TA), filed October 1, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5546, Orange, California 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Road, Suite 325, San Ramon, California 94583. *Lumber, lumber products, and wood products*, from points in Oregon and Washington, to points in Arizona and New Mexico, for 180 days. Supporting shippers: Bendix Forest Products Corporation, Manager of Physical Distribution and Transportation, 2740 Hyde Street, San Francisco, California 94109. American International Forest Products, Inc., Manager of Truck Transportation, P.O. Box 4166, Portland, Oregon 97208. North Pacific Lumber Company, Trucking Division Manager, 1505 S.E. Gideon Street, P.O. Box 3915, Portland, Oregon 97208. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 138732 (Sub-33TA), filed October 12, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 N. Cypress St., P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Rd., Suite 325, San Ramon, CA 94583. *Building materials*, as described in Descriptions in Motor Carrier Certificates 61 MCC 209, 279-283 (1952) from points in Alameda, Contra Costa, Kern, Los Angeles, Orange, San Francisco and San Mateo Counties, California, to points in Carson City, Churchill, Douglas, Lyon, Mineral, Storey and Washoe Counties, Nevada for 180 days. Supporting shipper: Flintkote Supply Company, 2201 E. Washington Blvd. Los Angeles, CA 90021. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 139482 (Sub-161TA), filed October 9, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 N. 5th St., Minneapolis, MN 55403. *Building materials and supplies, and fireplaces, wood stoves and materials and supplies used in the manufacture of fireplaces and wood stoves* between Santa Cruz, CA, Jacksonville and Miami, FL, Valdosta, GA, Boise, ID, Chicago, IL, Elkhart, IN, Blue Earth, Montevideo, New Ulm and Worthington, MN, St. Genevieve, MO, Madison and Watertown, SD, Beaverton, Eugene and Harrisburg, OR, Marion, VA and Stevens Point and Wisconsin Rapids, WI, for 180 days. An

underlying ETA seeks 90 days authority. Supporting shipper: DG Shelter Products Company, P.O. Box 174, New Ulm, MN 56073. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 139482 (Sub-162TA), filed October 10, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Plumbing fixtures and fittings and accessory parts and supplies* from the facilities of American Standard, Inc. at New Orleans, LA to points in and west of MT, WY, CO, and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 141742 (Sub-7TA), filed October 4, 1979. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, California 95603. Representative: William D. Taylor, 100 Pine Street, San Francisco, California 94111. *Millwork* from the facilities of Rocklin Forest Products, Inc. at or near Douglas, AZ, on the one hand, and, on the other, Albuquerque, NM and/or Colorado Springs and Denver, CO., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Rocklin Forest Products, Inc., P.O. Box 400, Roseville, CA 95678. Send protests to: DS W. J. Huetig, ICC, 705 N. Plaza, Carson City, NV 89701.

MC 144572 (Sub-29TA), filed August 23, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th St. Suite 2600, Denver, CO 80202. *Plastic and iron pipe fittings and adhesive cement* (except in bulk, in tank vehicles) from the facilities of U Brand Corporation at or near Shelby, OH to points in CO, KS, MO and NE for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper: U Brand Corporation, Central Ohio Industrial Park, Building No. 6, P.O. Box 255, Shelby, OH 44875. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 144982 (Sub-9TA), filed September 4, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., 2385 S. High St., Columbus, OH 43207. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Quarry Tile and building brick* from the facilities utilized by Summitville Tile, Inc. at or near Summitville, OH to points in CA, OR,

and WA for 180 days. Supporting shipper: Summitville Tile, Inc., Summitville, OH 43962. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 145042 (Sub-5TA), filed September 17, 1979. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Street, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Vegetable Oil*, in bulk, in tank vehicles, from the facilities of Cargill, Incorporated, at or near Chicago, IL to points in IL, IN, KY, MI and OH. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Cargill, Incorporated, 122nd Street and Torrence, Chicago, IL 60617. Send protests to: C. R. Flemming, D/S, Room 201 Corr Building, 300 East Michigan Avenue, Lansing, MI 48933.

MC 145072 (Sub-27TA), filed September 10, 1979. Applicant: M. S. CARRIERS, INC., 7372 Eastern Avenue, Germantown, TN 38138. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Petroleum products, lubricating oils (except in bulk), auto parts and accessories, material, equipment and supplies used in service station operations*, from Baton Rouge, LA to points in TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001. Send protests to: Floyd A. Johnson, Suite 2006—100 N. Main St., Memphis, TN 38103.

MC 145152 (Sub-121TA), filed October 10, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Confectionery* from the facilities of Peter Paul-Cadbury, Inc., at or near Naugatuck, CT; Chicago, IL; Frankfort, IN; Hazleton and York, PA, to Salinas, CA; Dallas, TX and points in OR and WA; and (2) *Foodstuffs* from the facilities of Peter Paul-Cadbury, Inc., in CA to Naugatuck, CT; Frankfort, IN; and York, PA, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Peter Paul-Cadbury, Inc., New Haven Road, Naugatuck, CT 06770. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145152 (Sub-122TA), filed October 10, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Paper bags* from the facilities of Environmental Control Systems, Inc., at or near Gallaway, TN to Philadelphia, PA and New York, NY,

for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Environmental Control Systems, Inc., P.O. Box 167, Gallaway, TN 38036. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145152 (Sub-123TA), filed October 12, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72756. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Candy and confectionery* from the facilities of Zachary Confections, Inc., at or near Chicago, IL to Orlando, FL; Shelbyville, KY; and Hattiesburg, MS for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Zachary Confections, Inc., 855 W. Washington Blvd., Chicago, IL 60607. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145152 (Sub-124TA), filed October 12, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Kent L. Tharel, P.O. Box 334, Fayetteville, AR 72701. *Such commodities as are dealt in by health and beauty aid distributors and wholesalers*, from facilities of Supreme Distributors Company and Advance Promotions, Inc., in or near Detroit, MI, to points in CA, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, IN, OH, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, DC, MD, DE, NJ, PA, CT, RI, MA, NH and NY, for 180 days. Supporting shipper: Supreme Distributors Co., 6501 McNichols Rd., Detroit, MI 48212. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145152 (Sub-125TA), filed October 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Candy and confectionery* from the facilities of Queen Anne Candy Company, at or near Hammond, IN, to points in OR and WA for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Queen Anne Candy Company, P.O. Box 948, Hammond, IN 46325. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145152 (Sub-126TA), filed October 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *BX broilers, cookers, roasters*, (outdoor BBQ type, gas-fired, cast aluminum; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above,

between the facilities of Arkla Industries, Inc., at or near Paragould, AR on the one hand, and on the other, points in the U.S., (except AK and HI) for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Arkla Industries, Inc., P.O. Box 1309, Paragould, AR 72450. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145152 (Sub-127TA), filed October 16, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Candy and confectionary products* from the facilities of R. M. Palmer Candy Company, at or near West Reading, PA, to points in the U.S. (except CT, DE, FL, MA, MD, ME, MT, NH, NJ, NY, RI, VA, VT, WV and WY) for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): R. M. Palmer Candy Company, Second & Franklin Sts., West Reading, PA 19602. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145152 (Sub-128TA), filed October 10, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Candy and Confectionary* from the facilities of Bortz Chocolate Company, at or near Reading, PA to points in CA, FL, LA, MN, TN, TX and WA for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting Shipper(s): Bortz Chocolate Company, 1414 Moss Street, Reading, PA 19604. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146102 (Sub-5TA), filed September 4, 1979. Applicant: TAMWAY CORPORATION, P.O. Box 888, Simpsonville, SC 29681. Representative: Henry P. Willimon, P.O. Box 1075, Greenville, SC 29602. *Tools and machinery, and materials and supplies used in the manufacture and sale thereof*, between Greenville, SC, on the one hand, and, on the other, points in the United States, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Standard Manufacturing Company, P.O. Box 4626, Taylors, SC 29608. North American Tool Co., Woodruff Rd., Industrial Park, Greenville, SC 29608. Consolidated Tool & Equipment Company, 18 Crestone Drive, Greenville, SC. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 146102 (Sub-6TA), filed September 4, 1979. Applicant: TAMWAY CORPORATION, P.O. Box 888, Simpsonville, SC 29681. Representative: Henry P. Willimon, P.O. Box 1075, Greenville, SC 29602. *Insulation materials*, from points in IN and GA to points in SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Galloway & Tripp Insulation Co., P.O. Box 256, Easley, SC 29640. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 146102 (Sub-7TA), filed September 4, 1979. Applicant: TAMWAY CORPORATION, P.O. Box 888, Simpsonville, SC 29681. Representative: Henry P. Willimon, P.O. Box 1075, Greenville, SC 29602. *Industrial chemicals, adhesives, solvents, cotton softeners, and cleaning compounds (except in bulk)*, Between Greenville and Simpsonville, SC, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, MO, IA and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Intex Products, Inc., P.O. Box 6648, Greenville, SC 29606. Para-Chem Southern, Inc., P.O. Box 127, Simpsonville, SC 29681. Crucible Chemical Company, Donaldson Center, Greenville, SC. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 146222 (Sub-5TA), filed August 27, 1979. Applicant: ILCO TRUCKING, INC., P.O. Box 57087, Birmingham, AL 35209. Representative: Marc A. Pearl, 3390 Peachtree Road NE, 5th Floor, Atlanta, GA 30326. Contract, Irregular: *Materials, machinery, equipment and supplies used in the manufacture, distribution and sale of iron and steel products and parts*, from points in the United States in and east of MT, WY, CO, and NM, to the facilities of American Cast Iron Pipe Company located at or near Birmingham, AL, under a continuing contract or contracts with American Cast Iron Pipe Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cast Iron Pipe Company, P.O. Box 2727, Birmingham, AL 35202. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC (146232TA), filed August 30, 1979. Applicant: LITTLE SQUAW TRUCK LINES, INC., 4420 Mariposa Road, Stockton, CA 95205. Representative: John E. Himle, P.O. Box 5038, Stockton, CA 95205. *Wood and wood products and building materials* between points in CA, AZ, NV and OR for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper(s): Down River International, Inc., P.O. Box 15290-C, Sacramento, CA 95813; Haley Bros., Inc., 5700 South San Pedro Street, Los Angeles, CA 90011. Send protests to: A. J. Rodriguez, TS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

Notice No. 228

November 30, 1979.

MC 1515 (Sub-280TA), filed October 3, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: Lat J. Celmins (same address as applicant). Regular Route, *Passengers and their baggage and express and newspapers in the same vehicle with passengers*, (A) between the junction of Interstate Hwy 80 and Marconi Ave. and the junction of Marconi Ave. and Fulton Ave., serving all intermediate points: From the junction of Interstate Hwy 80 and Marconi Ave. over Marconi Ave. to junction Fulton Ave. and return over the same route, (B) between the junction of Interstate Hwy 80 and Fulton Ave. and the junction of Watt Ave. and U.S. Hwy 50, serving all intermediate points: From the junction of Interstate Hwy 80 and Fulton Ave. over Fulton Ave. to junction Fair Oaks Blvd., thence over Fair Oaks Blvd. to junction Watt Ave., thence over Watt Ave. to junction of U.S. Hwy 50 and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant proposes to tack the authority here applied for to its MC-1515. Supporting shipper(s): There are twelve (12) supporting shippers. Their statements may be reviewed at the below listed field office or at Washington, D.C. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 1934 (Sub-43TA), filed October 26, 1979. Applicant: THE ARROW LINE, INCORPORATED, 105 Cherry Street, East Hartford, CT 06108. Representative: Dominick T. Bisetti (same address as applicant). *Common carrier: irregular routes: passengers and their baggage when moving in the same vehicles with passengers in special round trip operations during the televised racing meets of each year at "Teletrack"*, located in New Haven, Connecticut, beginning and ending at Springfield, Massachusetts on the one hand, and, on the other, the site of Teletrack at New Haven, Connecticut. Said operations are restricted to transportation of passengers and their baggage having a sole desire to attend televised racing meets at New Haven, Connecticut. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):

Nineteen attached. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 44605 (Sub-54TA), filed July 17, 1979. Applicant: MILNE TRUCK LINES, INC., 2500 West California Avenue, Salt Lake City, UT 84104. Representative: Ann M. Pougiales, Loughran & Hegarty, 100 Bush Street, San Francisco, CA 94104. *Common carrier*: regular routes: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Reno, NV, and Los Angeles, CA, serving the intermediate point of Carson City, NV: (1) from Reno over US Hwy 395 to junction CA Hwy 14 or Walker Pass, the over CA Hwy 14 to Los Angeles, and return over the same route; (2) from Reno over US Hwy 395 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, and return over the same route; (3) from Reno over Interstate Hwy 80 to junction Interstate Hwy 5 at Sacramento, CA, then over Interstate Hwy 5 to Los Angeles, and return over the same route; and (4) from Reno over Interstate Hwy 80 to junction Temporary Interstate Hwy 5 and CA Hwy 99 at Sacramento, CA, then over Temporary Interstate Hwy 5 and CA Hwy 99 to junction Interstate Hwy 5 at Wheeler Ridge, then over Interstate Hwy 5 to Los Angeles, for 180 days. An underlying ETA seeks 90 days authority. NOTE: Applicant proposes to tack the authority here applied for to its MC 44605 (lead), Sub-No. 13, and Sub-No. 39, and to interline with other carriers at Sparks, NV, Fontana, CA, and points in the commercial zones of Reno, NV, and Los Angeles, CA. Supporting shipper(s): None. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 20894 (Sub-25TA), filed August 31, 1979. Applicant: P. CALLAHAN, INC., 5240 Comly St., Philadelphia, PA 19135. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, N.W., Washington, DC 20005. *Such commodities* as are dealt in by retail stores, department stores and mail order houses, *glass products*, and *plastic products*, between Philadelphia, PA and points in Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery and Northampton Counties, PA, points in DE, points in Cecil, Harford, Baltimore, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worcester and Somerset Counties, MD, Westminster, MD, and

points in Accomack and Northampton Counties, VA, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority in this application to previous authority held under docket MC-20894. Applicant intends to interline with another carrier in Philadelphia, PA. Supporting shipper(s): J. C. Penny Catalog Distr. Ctr., 5500 S. Expressway, Forest Park, GA 30050. Wheaton Industries, Inc., Millville, NJ 08332. Sears Roebuck & Co., 4640 Roosevelt Blvd., Phila, PA 19132. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm 620, Phila, PA 19106.

MC 29555 (Sub-103TA), filed October 9, 1979. Applicant: GRIGGS TRANSPORTATION CO., N. 400 Griggs-Midway Bldg., St. Paul, MN 55104. Representative: Winston W. Hurd (same address as applicant). *Common carrier*: regular routes: *General commodities*, except those of unusual value, livestock, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (except those requiring temperature control) and those injurious or contaminating to other lading serving Milwaukee, West Milwaukee, West Allis, Wauwatosa Sherwood and Whitefish Bay, WI and the town of Milwaukee, Lake, Greenfield, Wauwatosa and Granville, Milwaukee County, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 15 statements of support attached to this application which may be examined at the ICC in Washington, DC or the field office named below. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

Note.—Applicant request authority to interline and to tack this authority with authority it presently holds in No. MC-29555 and MC-F-13936.

MC 69224 (Sub-47TA), filed September 27, 1979. Applicant: H & W MOTOR EXPRESS COMPANY, 3000 Elm St., Dubuque, IA 52001. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Common carrier*, regular routes, *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment) between Davenport, IA, and points in its commercial zone and Peoria, IL, and points in its commercial zone, from Davenport, IA, over Interstate Highway 74 to Peoria, IL, and return over the same route, for 180 days. Applicant intends to tack with authority in MC-69224 and interline with other carriers at Davenport, IA, and points in its commercial zone and

Peoria, IL, and points in its commercial zone. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 23 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 94265 (Sub-325TA), filed October 11, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. *Toilet preparations and related sundries carried by retail chains*; (1) from Detroit, MI, to AL, GA, NC, VA, WV, MD, DE, TN east of I-65, Philadelphia, PA, and SC; and (2) from Pulaski and Falmouth, VA, and Irwin, TN, to Detroit, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Supreme Distributors Company, 6501 E. McNichols, Detroit, MI 48205. Advance Promotions, Inc., 5570 Bellvue, Detroit, MI 48211. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila, PA 19106.

MC 107544 (Sub-149TA), filed October 9, 1979. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: Daryl J. Henry, P.O. Box 580, Marion, VA 24354. *Coal Treating Compounds and industrial water treating compounds, liquid, in bulk*, from Muscle Shoals, AL to points in KY, TN, VA and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nalco Chemical Co., 2901 Butterfield Rd., Oak Brook, IL 60521. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 109324 (Sub-44TA), filed October 25, 1979. Applicant: GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, AR 72601. Representative: W. D. Kirkpatrick, P.O. Box 1000, Staunton, VA 24401. *Common carrier* over regular routes: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Oklahoma City, OK, and Sherman, TX, serving no intermediate points: from Oklahoma City over Interstate Hwy 35 to its junction with U.S. Hwy 82, then over U.S. Hwy 82 to Sherman, and return over same route, for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to tack and interline. Supporting shipper(s): Approximately 10 shippers. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 109324 (Sub-45 TA), filed October 25, 1979. Applicant: GARRISON

MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, AR 72601. Representative: W. D. Kirkpatrick, P.O. Box 1000, Staunton, VA 24401. Common carrier over regular routes: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Joplin, MO and Quapaw, OK, serving no intermediate points: from Joplin over U.S. Hwy 66 to Quapaw, and return over same route; between junction of U.S. Hwy 82 and Interstate Hwy 30 and Sherman, TX, serving no intermediate points, and serving the junction of U.S. Hwy 82 and Interstate Hwy 30 for joinder only: from the junction of U.S. Hwy 82 and Interstate Hwy 30 over U.S. Hwy 82 to Sherman, and return over same route; between Sherman, TX and Dallas, TX, serving no intermediate points: from Sherman over U.S. Hwy 75 to Dallas, and return over same route, restricted against handling of traffic between any two points in TX, for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to interline and tack. Supporting Shipper(s): Approximately 26 shippers. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

Note.—This authority shall become null and void if for any reason the control of Rocket Freight Lines Company by Garrison Motor Freight, Inc., authorized in Docket MC-F-13638, is terminated.

MC 110325 (Sub-114 TA), filed October 2, 1979. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, CA 90245. Representative: Wentworth E. Griffin, Esq., Griffin, Dysart, Taylor, Penner & Lay, P.C., 1221 Baltimore Avenue, Kansas City, Missouri 64105. *General commodities, (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between the junction of Interstate Hwy 40 and U.S. Hwy 77 and the junction of Interstate Hwys 70 and 25, serving no intermediate points; from the junction of Interstate Hwy 40 and U.S. Hwy 77 over Interstate Hwy 40 to the junction of U.S. Hwy 270, then over U.S. Hwy 270 to the junction of OK Hwy 3, then over OK Hwy 3 to the junction of U.S. Hwy 83, then over U.S. Hwy 83, to the junction of Interstate Hwy 70, then over Interstate Hwy 70, to the junction of Interstate Hwy 25, and return over the same route, for 180 days. An underlying ETA seeks up to 90 days operating authority. Applicant intends to interline and tack. Supporting Shipper(s): Applicant's statement of operating economies. The

statement of support may be examined at the office listed below and at the Interstate Commerce Commission Headquarters. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 110325 (Sub-115 TA), filed October 2, 1979. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, CA 90245. Representative: Wentworth E. Griffin, Esq., Griffin, Dysart, Taylor, Penner & Lay, P.C., 1221 Baltimore Avenue, Kansas City, Missouri 64105. *General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between the junction of Interstate Hwy 20 and U.S. Hwy 81 and the junction of Interstate Hwys 25 and 70 serving no intermediate points, but serving the junction of Interstate Hwy 40 and U.S. Hwy 287 for purposes of joinder only, from the junction of Interstate Hwy 20 and U.S. Hwy 81 over combined U.S. Hwys 81 and 287 to the junction of U.S. Hwy 287, then over U.S. Hwy 287 to the junction of combined U.S. Hwys 287 and 87, then over combined U.S. Hwys 287 and 87 to the junction of U.S. Hwy 87, then over U.S. Hwy 87, to the junction of Interstate Hwy 25, then over Interstate Hwy 25, to the junction of Interstate Hwy 70, and return over the same route, for 180 days. An underlying ETA seeks up to 90 days operating authority. Applicant intends to interline and tack. Supporting Shipper(s): Applicant's statement of operating economies. The statement of support may be examined at the office listed below and at the Interstate Commerce Commission Headquarters. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 110325 (Sub-121 TA), filed October 5, 1979. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, CA 90245. Representative: Wentworth E. Griffin, Esq., Griffin, Dysart, Taylor, Penner & Lay, P.C., 1221 Baltimore Avenue, Kansas City, Missouri 64105. *General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between the junction of Interstate Hwy 20 and U.S. Hwy 81 and the junction of CA Hwys 99 and 58, serving no intermediate points, from the junction of Interstate Hwy 20 and U.S. Hwy 81 over combined U.S. Hwy 81 and 287 to the junction of U.S. Hwy 287, then over U.S. Hwy 287 to the junction of Interstate Hwy 40,

then over Interstate Hwy 40 to the junction of CA Hwy 58, then over CA Hwy 58 to the junction of CA Hwy 99, and return over the same route, for 180 days. An underlying ETA seeks up to 90 days operating authority. Applicant intends to interline and tack. Supporting Shipper(s): There are no Certificates of Support attached, as this is an Application for an Alternate Route, and all the testimony will relate to the operating efficiencies and economy accruing to the Applicant. Send protests to: Irene Carlos, TA, ICC, 1321 Federal Building, 300 North Los Angeles St., Los Angeles, CA 90012.

MC 120364 (Sub-22TA), filed October 1, 1979. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Robert Kaske (same address as applicant). *General commodities (with the usual exceptions)*, between Edgerton, Stoughton, and Madison, WI on the one hand, and, on the other, points in that part of IL bounded by a line beginning at the IL-WI line and extending southerly on IL 78, then to junction with IL Hwy. 88, then southeasterly on IL Hwy. 88 to junction IL Hwy. 92, then easterly on IL Hwy. 92 to junction with U.S. Hwy. 34, then easterly on U.S. Hwy. 34 to junction IL Hwy. 59, then northerly on IL Hwy. 59 to junction with IL Hwy. 83, to the IL-WI State line, then west on the State line to the place of beginning. Then also the points of Chicago, Des Plaines, Mt. Prospect, Arlington Heights, Elizabeth, Savanna, Mundelein, Round Lake, Woodbine, Apple River, Waudege Hanover, North Chicago, Galena, and Scales Mound, IL for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline and tack. Supporting shipper(s): There are ten supporting shippers. Their statements can be examined at the office listed below and Headquarters. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 121794 (Sub-7TA), filed November 9, 1979. Applicant: JAMES WILKETT, and individual, d.b.a. WILKETT TRUCKING COMPANY, P.O. Box 209, Stigler, OK 74662. Representative: John J. McMackin, Jr., Esq., 1101 Connecticut Avenue, Suite 500, Washington, DC 20036. *Coal*, from points in Haskell, LeFlore, Muskogee, Latimer, and Pittsburg Counties, OK, to points in Bosque, Morris, Freestone, and Harris Counties, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Great National Corp.—Nevada, P.O. Box 35, McCurtain, OK 74944; Westhoff Brothers, Inc., Box 1096, Great Bend, KS 67930; and Randall

& Blake, Oklahoma, Inc., Box 133E, Route 1, Kinta, OK 74552. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 123255 (Sub-218TA), filed September 14, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr., (same address as applicant). *Paper and paper products and equipment, materials, and supplies* used in the manufacture and distribution thereof, from Philadelphia, PA commercial zone to all points in the States of IL, IN, and OH; from Columbus and Sandusky, OH, to all points in the States of IL, IN, and KY; from Jacksonville, FL, to all points in the States of AL, GA, and LA; From Mobile, AL, to all points in the States of IL, IN, OH and LA; and from Winslow, ME, to all points in the States of NJ, NY, OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Co., Scott Plaza, Phila., PA 19113. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 124004 (Sub-53TA), filed November 2, 1979. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Recycled materials*, between New York, NY on the one hand, and, on the other, points in the U.S. east of and including AR, IA, MN, MO and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Parsons and Whittemore, Inc., 200 Park Avenue, New York, NY 10017. Send protests to: Joel Morricks, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 124774 (Sub-121TA), filed October 15, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Iron and steel articles* from Marengo, IL to the facilities of Phillips Manufacturing Co., Inc. at Omaha, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Phillips Manufacturing Co., Inc., Phil Sokolof, President, 4601 South 76th Street, Omaha, NE 68127. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124964 (Sub-60TA), filed October 17, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier, irregular routes, transporting foodstuffs, as are dealt in by retail, wholesale,*

chain grocery, and food business houses, from Starkville, MS, to points in FL, GA, and NC for 180 days. Under a continuing contract or contracts with Borden Foods, Division of Borden, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Borden Foods, Div. of Borden, Inc., 180 E. Broad Street, Columbus, OH 43215. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 126514 (Sub-61TA), filed October 30, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. La Salle St., Chicago, IL 60603. *Costume jewelry*, from the facilities of Avon Products, Inc., at Suffern, NY; Mansfield, MA; and Hoboken, NJ to Pasadena, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Avon Products, Inc., 9 West 57th St., New York, NY 10019. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 129974 (Sub-16TA), filed June 28, 1979. Applicant: THOMPSON BROS., INC., 3604 Hoveland Drive, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier: irregular routes: (1) Pipe, pipe fittings, conduit, couplings and building materials; (2) materials and supplies used in the installation of those commodities names in part (1) above* from the facilities of Certain-Teed Corp. at or near McPerson, KS to points in MN, ND and SD for the account of Certain-Teed Corp. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Certain-Teed Corp., P.O. Box 860, Valley Forge, PA. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 133655 (Sub-190TA), filed October 22, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Boxed cookies* from Abilene, TX to Birmingham, AL; Chatanooga, TN; Knoxville, TN; and Memphis, TN, for 180 days. An underlying ETA filed. Supporting shipper: Sunbeam Cookies, Inc., 6803 Anson Hwy, Abilene, TX 79604. Send protests to: Marianne Minnich, TCS, Interstate Commerce Commission, Rm. 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133405 (Sub-11TA), filed June 29, 1979. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 353, Waldorf, MD 20601. Representative:

Daniel B. Johnson, 4304 Eastwest Highway, Washington, D.C. 20014. *Malt beverages and materials and supplies used or useful in the manufacture of malt beverages (except commodities in bulk)* (1) between St. Louis, MO; Columbus, OH; Newark, NJ; Merrimack, NH; Williamsburg, VA; and Jacksonville and Tampa, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Anheuser-Busch, Inc., St. Louis, MO 63118. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 133805 (Sub-39TA), filed October 11, 1979. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Gerald Ragle, 9632 Palo Pinto Road, Fort Worth, TX 76116. *Chemicals (except commodities in bulk) and materials and supplies used in the distribution thereof* from St. Louis, MO, points in CA and WY, and all points in the states east of the states of MN, IA, MO, AR, and LA, except Memphis, TN and Midland, MI, to the facilities of McKesson Chemical Company in the states of AR, LA, OK, TX and at Memphis, TN for 180 days. Supporting shipper(s): McKesson Chemical Company, 3525 N. Causeway Blvd., Jefferson Bank Bldg., Metairie, LA 70002. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134404 (Sub-55TA), filed October 11, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract, irregular. Calcium carbonate, drugs, chemicals, medicines and toilet preparations (except commodities in bulk)*, between the facilities of Miles Laboratories, Inc., at or near West Haven, CT; Savannah, Ga; Elkhart, IN; Mechanicsburg, PA and Memphis, TN, for 180 days. Supporting shipper(s): Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, IN. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 134405 (Sub-91TA), filed October 26, 1979. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Proppant*, in bulk, from Fort Smith, AR, to points in TX, OK, WY, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Norton Company, One New Bond St., Worcester, MA 01606. Send protests to: Connie Stanley, ICC, 240 Old U.S. Post Office and Courthouse, 215

Northwest Third Street, Oklahoma City, OK 73102.

MC 135605 (Sub-9TA), filed October 30, 1979. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, TN 38103. (1) *Plywood* from the facilities of McKnight Plywood, Inc., at or near Helena, AR, to points in the states of AL, KS, MS, OK, TN and TX; and (2) *particle board* from LA and OK to the facilities of McKnight Plywood, Inc. at or near Helena, AR; and (3) *veneer* from New Albany, IN, to the facilities of McKnight Plywood, Inc. at or near Helena, AR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McKnight Plywood, Inc., Garland Avenue, Helena, AR 72342. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135684 (Sub-98TA), filed October 16, 1979. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Ronald L. Knorowski, P.O. Box 391, Old Croton Road, Flemington, NJ 08822. *Such commodities as are dealt in by retail, chain grocery and food business houses; material and supplies used in the manufacture and distribution of the above (restricted against transportation of commodities in bulk).* Between the facilities of Lever Brothers Company at or near Chicago, IL and Hammond, IN on the one hand, and on the other, points in CO, IL, LA, MN, MI, MO, MD, NJ, NY, OH, PA, RI, TX, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lever Brothers Company, 390 Park Avenue, New York, NY 10022. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 135895 (Sub-72TA), filed September 26, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. (1) *Salt and salt products* and (2) *equipment, materials and supplies used in the manufacture and distribution of salt and salt products* (except commodities in bulk and those requiring special equipment) between the facilities of Morton Salt Division of Morton-Norwich Products, Inc. at or near Weeks Island, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MO, MS, NC, OK, SC, TN and TX. Supporting shipper: Morton Salt Division of Morton-Norwich Products, Inc., 110 N. Wacker Dr., Chicago, IL 60606. Send protests to: Alan Tarrant, D/S, ICC, Federal Bldg.,

Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 138635 (Sub-97TA), filed October 22, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton, Box 3995, Gastonia, NC 28052. *Printed matter* from Gallatin, TN to points in GA, SC, NC, VA, NJ, PA, MD, DE, NY, CT, DC, WA, ID, OR, CA, UT, NV, and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Donnelly Printing Company, Gallatin Manufacturing Division, Steam Plant Rd., Gallatin, TN 37066. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.

MC 138635 (Sub-98TA), filed October 22, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton, P.O. Box 3995, Gastonia, NC 28052. *Materials, equipment, parts, and accessories used in the manufacture and distribution of trucks and truck tractors* from points in CA, OR, WA to Madison, TN and Denton, TX, restricted to traffic destined to the facilities of Peterbilt Motors Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peterbilt Motors Company, 430 Myatt Dr., Madison, TN 37115. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.

MC 138885 (Sub-3TA), filed June 25, 1979. Applicant: BALDWIN LEASING COMPANY, INC., 801 Industrial Blvd., Bay Minette, AL 36507. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Contract, irregular: *Cabinets, moulding, lumber and other materials used in the manufacture of cabinets* between Bay Minette, AL, on the one hand, and, on the other, points in the U.S. (except Alaska and Hawaii), from 180 days. Supporting shipper(s): Southern Kitchens, and W. N. Stuckey Moulding & Dimension Co., Inc., P.O. Box 428, Bay Minette, AL 36507. Send protests to: Mabel E. Holston, TA, 2121 Building, Suite 1616, 2121 Eighth Avenue, North, Birmingham, AL 35203.

MC 147475 TA filed November 15, 1979. Applicant: WHITE TOP TRANSPORT, INC., P.O. Box 675, 355 2nd Street, Lafayette, OR 97127. Representative: Patton Boggs & Biow, 2550 M Street NW., Washington, DC 20037, 202-457-6495. Contract, Irregular (1) *Scrap iron and steel and other raw materials, used in the manufacturing operations of Cascade Steel* from points in the United States west of the Mississippi River (except points in Alaska and Hawaii), on the one hand, to

McMinnville, OR, on the other; (2) *Steel bars, fence posts and finished steel products* from McMinnville, OR, on the one hand, to points in the United States west of the Mississippi River (except points in Alaska and Hawaii), on the other, for 180 days. Supporting shipper(s): Cascade Steel Rolling Mills, Inc., 3200 N. Highway 99W, P.O. Box 687, McMinnville, OR 97128. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 S.W. Yamhill, Portland, OR 97204.

MC 147904 (Sub-1TA), filed July 27, 1979. Applicant: BALLY CASE & COOLER, INC., Bally, PA 19503. Representative: Irving W. Coleman, 825 N. 12th Street, Allentown, PA 18102. *Contract carrier: irregular routes: glass refrigerator and freezer doors*, from Anthony's Manufacturing Co., Inc.'s premises in San Fernando, CA, to Anthony's customers east of the Mississippi. Initially, delivery points will be Fleetwood, PA, and Mt. Vernon, NY, for 180 days. Supporting shipper(s): Anthony's Manufacturing Co., Inc., 12812 Arroyo Street, San Fernando, CA 91342. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila, PA 19106.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-38502 Filed 12-14-79; 8:45 am]
BILLING CODE 7035-01-M

Fourth Section Application for Relief; Correction

In FR Doc. 79-37456, appearing page 70274 in the issue of Thursday, December 6, 1979, make the following change:

In the fourth line the date "January 7, 1980" should read "December 21, 1979".

BILLING CODE: 1505-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 243

Monday, December 17, 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

	Item
Civil Aeronautics Board.....	1, 2
Federal Home Loan Bank Board.....	3
Securities and Exchange Commission.....	4
Tennessee Valley Authority.....	5

1

[M-260, Amdt. 1; Dec. 10, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion and addition of items to the December 13, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., December 13, 1979.

PLACE: Room 1027 (Open), Room 1011 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

Deletion

15. Dockets 36174, 36397, 36384, 36321, 36395, 36389, 36392, 36386, and 36460; Pittsburgh/Houston-El Paso/Albuquerque/San Diego Show Cause Proceeding; new applications of American, Continental, Eastern, Hughes Airwest, Pan American, Republic, Southwest, Texas International and USAir. (BDA).

Addition

24a. Fuel-related transpacific fare increases proposed by Air New Zealand. (BIA).

STATUS: Open (Items 1-24a), Closed (Item 25).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 15 is being deleted because it was improperly identified (should have been submitted as a "delegated authority" item), it was inadvertently placed on December 13, 1979 calendar. Item 24a must be acted upon by the Board prior to December 18, 1979, in order that the President be given his full ten days for review period. Because of the press of other work, it was not possible to submit Item 24a on a more timely basis. Accordingly, the following Members have voted that agency business requires the deletion of Item 15 and the addition of Item 24a to the December 13, 1979 agenda and that no earlier

announcement of these changes was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-2439-79 Filed 12-12-79; 4:29 pm]

BILLING CODE 6320-01-M

2

[M-260, Amdt. 2; Dec. 12, 1979]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the December 13, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., December 13, 1979.

PLACE: Room 1027—(Open) 1825 Connecticut Avenue, NW., Room 1011—(Closed) Washington, D.C. 20428

SUBJECT:

16a. Dockets 37249 and 37250—Coleman Air Transport Corporation's 90-day notice and emergency exemption to suspend service at Cedar Rapids, Cincinnati, Des Moines, Indianapolis, Milwaukee and Moline (BDA) (Memo 9355)

24b. National's proposed fare increases between the Mainland and Puerto Rico (BDA) (Memo 9354)

STATUS: 1-24 (Open), 25 (Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: The 90-day notice to terminate service was filed on December 11, 1979 along with an emergency exemption to terminate the service on one day's notice, effective December 11, 1979. Therefore, because of the time frame, Item 16a is being added to the December 13, 1979 agenda. Item 24b is being added to the December 13, 1979 agenda because that is the only remaining meeting before the effective date of the tariff, December 15. The reason for adding this item late is that the proposal was made on 30 days notice and a complaint was filed at the Division on November 27. Consultations were required with other offices of the Board. Accordingly, the following Members have voted that Items 16a and 24b be added to the December 13, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

Member, Gloria Schaffer

[S-2443-79 Filed 12-13-79; 4:00 pm]

BILLING CODE 6320-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., December 20, 1979.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE

INFORMATION: Franklin O. Bolling, (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Branch Office—Fidelity Federal Savings and Loan Association, West Palm Beach, Florida

Application for Branch Office—Heritage Federal Savings and Loan Association, Kingsport, Tennessee

Application for Branch Office—Rusk Federal Savings and Loan Association, Rusk, Texas

Application for Branch Office—Western Federal Savings and Loan Association, Los Angeles, California

Application for Branch Office—Coast Federal Savings and Loan Association, Los Angeles, California

Application for Branch Office—Home Federal Savings and Loan Association, Marion, Ohio

Application for Branch Office—Coast Federal Savings and Loan Association, Los Angeles, California

Application for Limited Facility Branch Office—Naples Federal Savings and Loan Association, Naples, Florida

Service Corporation Investment in Limited Partnership—First Federal Savings and Loan Association of LaCrosse, La Crosse, Wisconsin

Merger—Northeast Savings and Loan Association, Honesdale, Pennsylvania INTO Citizens Savings Association, Mount Pocono, Pennsylvania

Merger—Holdrege Savings and Loan Association, Holdrege, Nebraska INTO Commercial Federal Savings and Loan Association, Omaha, Nebraska

Merger—Commerce Building and Loan Association, Commerce, Georgia INTO Athens Federal Savings and Loan Association, Athens, Georgia

Modification of Merger Condition—First Federal Savings and Loan Association of Tuscaloosa, Tuscaloosa, Alabama

Application for Bank Membership—Poughkeepsie Savings Bank, Poughkeepsie, New York

Application for Bank Membership—Branford Savings Bank, Branford, Connecticut

Application for Insurance of Accounts—
Concho Valley Savings and Loan
Association, San Angelo, Texas

Bank Membership and Insurance of
Accounts—Lynnwood Savings and Loan
Association, Lynnwood, Washington
Request for Extension of Time for
Membership and Insurance Compliance—
Mother Lode Savings and Loan Association,
Sacramento, California

Preliminary Application for Conversion to
a Federal Mutual Association—Standard
Savings and Loan Association, Columbia,
South Carolina

Permission to Organize a New Federal
Association—Porter S. Horgan, et al.,
Hammond, Louisiana

Modification of Order—Surety Savings
Association, Houston, Texas

Nomination of Director—Farmington
Valley Savings and Loan Association,
Farmington, Connecticut

Reconsideration Request Re:—Westchester
Federal Savings and Loan Association, New
Rochelle, New York

Proposed Automation of Consumer
Complaint System

Authority to Incur Debt—Greater Ohio
Corporation, Columbus, Ohio

Modification of Branch Office Resolution—
First Federal Savings and Loan Association
of Council Bluffs, Council Bluffs, Iowa

No. 300, December 13, 1979.

[S-2442-79 Filed 12-13-79; 3:28 pm]

BILLING CODE 6720-01-M

4

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 December 17, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Tuesday, December 18, 1979, at 10 a.m., immediately followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. 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 meeting 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)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, December 18, 1979, at 10 a.m., will be:

1. Consideration of whether to amend certain rules which would (a) delegate to the Director of the Division of Investment Management ("Investment Management Director") the authority (i) to issue notices and orders in connection with certain applications for exemptive orders under the Investment Advisers Act of 1940 ("Advisers Act") and (ii) to permit the withdrawal of applications under the Advisers Act; and (b) delegate to the Investment Management Director, the Director of the Division of Enforcement and each of the Regional Administrators the authority to make written demands upon certain nonresident investment advisers to furnish to the Commission copies of certain books and records. For further information, please contact Michael J. Eizelman at (202) 272-2079.

2. Consideration of a petition of H. J. Heinz Company for review of the refusal by the Division of Corporation Finance to grant a request for an extension of time to file an annual report on Form 10-K for the fiscal year ended May 2, 1979, and the denial of a request for an extension of time to file the quarterly report on Form 10-Q for the three months ended August 1, 1979. For further information, please contact Michael A. Haring at (202) 272-2692 or Edward R. Zaval at (202) 272-2688.

3. Consideration of whether to adopt amendments to Rule 13a-13 [17 CFR 240.13a-13] and 15d-13 [17 CFR 240.15d-13] which are designed to defer the applicability of the quarterly reporting requirements to small life insurance companies through 1980. For further information, please contact Robert Rupp at (202) 272-2644.

The subject matter of the closed meeting scheduled for Tuesday, December 18, 1979, immediately following the 10 a.m. open meeting, will be:

Formal orders of investigation.
Access to investigative files by Federal, state, or self-regulatory authorities.
Litigation matters.
Chapter X proceedings.
Settlement of administrative proceeding of an enforcement nature.
Institution of injunctive action.
Freedom of Information Act appeal.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272-2091.

December 12, 1979.

[S-2440-79 Filed 12-13-79; 9:18 am]

BILLING CODE 8010-01-M

5

[Meeting No. 1233]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 9:30 a.m., EST,
Thursday, December 20, 1979.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS FOR ACTION:

Personnel Actions

1. Change of status for Ronald G. Domer from Chief, Civil Engineering Branch, to Assistant Manager of Engineering Design, Office of Engineering Design and Construction.¹

2. Change of status for Robert O. Barnett, Jr., from Civil Engineer to Chief, Civil Engineering Branch, Office of Engineering Design and Construction.¹

3. Change of status for George F. Dilworth, Jr., from Nuclear Engineer to Chief Nuclear Engineer, Office of Engineering Design and Construction.¹

4. New wage schedules for hourly and annual trades and labor employees and other recommendations resulting from negotiations between TVA and Tennessee Valley Trades and Labor Council. 45th Annual Wage Conference.¹

Purchase Awards

1. Amendment to Contract No. 65P-47-T1 with AMAX, Inc., for coal for Paradise Steam Plant.

2. Req. No. 603008—Indefinite quantity term contract for carbon steel sheets, coils and strips (nuclear) for any TVA nuclear plant.

Project Authorization

1. No 3217.1—Amendment to project authorization for participation in Concurrent Scrubber Test Project with Electric Power Research Institute.

Real Property Transaction

1. Abandonment of easement rights in the Cleveland-Lonsdale telephone line right of way in Cleveland, Tennessee.

Unclassified

1. Revised TVA policy code relating to transportation.

CONTACT PERSON FOR MORE

INFORMATION: Lee C. Sheppard, Acting Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: December 13, 1979.

[S-2441-79 Filed 12-13-79; 2:42 pm]

BILLING CODE 8120-01-M

¹ These items were approved by individual Board members. This would give formal ratification to the Board's action.

Reader Aids

Federal Register

Vol. 44, No. 243

Monday, December 17, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

- 202-783-3238 Subscription orders (GPO)
 202-275-3054 Subscription problems (GPO)
 "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
 202-523-5022 Washington, D.C.
 312-663-0884 Chicago, Ill.
 213-688-6694 Los Angeles, Calif.
 202-523-3187 Scheduling of documents for publication
 523-5240 Photo copies of documents appearing in the Federal Register
 523-5237 Corrections
 523-5215 Public Inspection Desk
 523-5227 Index and Finding Aids
 523-5235 Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

- 523-3419
 523-3517
 523-5227 Index and Finding Aids

Presidential Documents:

- 523-5233 Executive Orders and Proclamations
 523-5235 Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

- 523-5266 Public Law Numbers and Dates, Slip Laws, U.S.
 -5282 Statutes at Large, and Index
 275-3030 Slip Law Orders (GPO)

Other Publications and Services:

- 523-5239 TTY for the Deaf
 523-5230 U.S. Government Manual
 523-3408 Automation
 523-4534 Special Projects
 523-3517 Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, DECEMBER

69271-69608.....	3
69609-69916.....	4
69917-70114.....	5
70115-70448.....	6
70449-70700.....	7
70701-71398.....	10
71399-71804.....	11
71805-72068.....	12
72069-72568.....	13
72569-73000.....	14
73001-74780.....	17

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	402.....	71813
	408.....	71813
Administrative Orders:	409.....	71814
Memorandums:	415.....	71815
December 11, 1979.....	416.....	72089
Executive Orders:	417.....	72089
11223 (Amended by	418.....	72090
EO 12178).....	419.....	72093
11888 (Amended by	423.....	70115
EO 12180, 12181).....	424.....	70115
	430.....	72094
12103 (Amended by	432.....	70115
EO 12176).....	729.....	70452
12173.....	905.....	69917, 69918, 72095,
12174.....		73008
12175.....	906.....	73008
12176.....	907.....	70116, 72571, 73008
12177.....	908.....	73008
12178.....	909.....	73008
12179.....	910.....	69918, 70454, 72572
12180.....		73008
12181.....	911.....	73008
Proclamations:	912.....	69918, 73008
4705.....	913.....	69918, 73008
4706.....	915.....	73008
4707.....	916.....	73008
4708.....	917.....	73008
Reorganization Plans:	918.....	73008
No. 3 of 1979.....	919.....	73008
	921.....	73008
4 CFR	922.....	73008
6.....	923.....	73008
400.....	924.....	73008
403.....	926.....	73008
410.....	927.....	73008
420.....	928.....	71401, 73008
	929.....	73008
5 CFR	930.....	73008
213.....	931.....	73008
315.....	932.....	73008
737.....	944.....	73008
871.....	945.....	73008
Proposed Rules:	946.....	73008
Ch. I.....	947.....	73008
213.....	948.....	73008
	950.....	73008
6 CFR	953.....	73008
701.....	958.....	73008
702.....	959.....	73008
703.....	965.....	73008
704.....	966.....	73008
705.....	967.....	73008
706.....	971.....	73008
707.....	979.....	73008
	982.....	70116
	987.....	69919
7 CFR	989.....	70117
Subtitle A.....	1049.....	71402
16.....	1260.....	71404
68.....	1280.....	72866, 72884, 72888
227.....	1435.....	69611
230.....	1464.....	69277, 69278
273.....	1701.....	71405

2852.....69613, 72572	613.....69631	231.....70130	23 CFR
Proposed Rules:	614.....69631	239.....70131	650.....72109
273.....70684	616.....69631	240.....70132, 70326, 71821, 72583	713.....73018
723.....71424	708.....71816	249.....70132	Proposed Rules:
726.....69655	720.....70709	Proposed Rules:	630.....70191
906.....69303	13 CFR	Ch. I.....69304	656.....70753
928.....70176	108.....72102	230.....70349	657.....69586
944.....69303	118.....72102	231.....72604	1251.....70192
1004.....70483	120.....70455	240.....70349, 70360, 72606	24 CFR
1260.....72838	121.....72582	241.....70189, 72604	201.....70716
1421.....69656, 71838	122.....70455, 72102	18 CFR	207.....70716
1426.....69656, 69657	Proposed Rules:	1.....69284	207.....70716
1438.....71839	111.....72604	2.....69935, 71821	300.....71412
1446.....71838	14 CFR	271.....69642, 69935	570.....70717
1802.....69937	39.....69279-69281, 70123, 70124, 70712, 70713, 72102, 72103, 73013, 73014	274.....69642	600.....72036
1930.....69937	71.....69282-69284, 70124, 70714, 72104, 72105, 73015	701.....72583	886.....70362
1960.....71839	73.....70714, 72106	707.....69921	Proposed Rules:
1980.....70741	75.....70715	713.....72892	115.....72185
2851.....72599	97.....73015	Proposed Rules:	203.....72186
9 CFR	109.....72344	Ch. I.....70752	204.....72186
78.....72574	191.....72344	35.....70752	234.....70194
92.....72574	207.....69640	46.....71428	390.....69977
112.....71406, 71407	208.....69640	271.....70189	570.....69673
113.....71407	211.....69640	280.....73121	571.....69304
201.....69279	212.....69641	284.....73121	803.....70194
202.....72575	215.....69641	292.....69978	888.....70194
Proposed Rules:	296.....69641	19 CFR	3282.....70195
113.....71425	297.....69633	4.....70458	25 CFR
201.....71802	385.....69642	159.....70138	31a.....70139
203.....71802	399.....69915	171.....70459	31b.....70139
307.....69659	1209.....69935	Proposed Rules:	31g.....70139
319.....71427	1216.....69920	6.....73122	31h.....70139
381.....69659	Proposed Rules:	20 CFR	112a.....70139
10 CFR	Ch. I.....70177	404.....73018	26 CFR
205.....72096	39.....72181, 73019	676.....72584	1.....73019
210.....70118	71.....70181, 70742, 72182, 72183, 73110-73114	Proposed Rules:	48.....69924
211.....70118, 72575	73.....72183	Ch. III.....72728	601.....72113
212.....69594, 70118, 70121, 72566	91.....70743	21 CFR	Proposed Rules:
271.....69594	241.....69968	Ch. I.....72585	1.....71429, 71430
515.....69919	380.....69912	10.....70459	7.....71429
Proposed Rules:	15 CFR	12.....70459	20.....71436
2.....70408	Proposed Rules:	13.....70459	31.....71430
19.....70408	369.....69665	14.....70459	36.....71430
20.....70408	377.....69968	15.....70459	46.....71430
21.....70408	935.....69970	16.....70459	48.....71430
30.....70408	2303.....70743	178.....69649	49.....71430
40.....70408	16 CFR	510.....71412	154.....71430
51.....70408	5.....69284	520.....71412, 72586	301.....71430
60.....70408	13.....70125, 70126, 70716, 71408	522.....71412	601.....71430
70.....70408	306.....69920	526.....71412	27 CFR
211.....69664, 69962	438.....70456	529.....72587	5.....71613
212.....69599, 69602, 69664	460.....73017	548.....69650	13.....71613
376.....70390	600.....70457	558.....71412	19.....71613
390.....70390	1205.....70127, 70380	1000.....71728	170.....71613
430.....72276	1500.....71411	1308.....71822	173.....71613
570.....70799, 71842	Proposed Rules:	Proposed Rules:	186.....71613
576.....70692	Ch. II.....73121	Ch. I.....71428, 72728	194.....71613
12 CFR	13.....70484	25.....71742	195.....71613
11.....69614	457.....70485	58.....69666	196.....71613
211.....70708	17 CFR	131.....69668, 69669, 72613	197.....71613
303.....73012	1.....71817	320.....69669	200.....71613
304.....73012	140.....72107	333.....71428	201.....71613
545.....72578	155.....71820	438.....69768	211.....71613
563.....72578	200.....70457	452.....69670	212.....71613
Proposed Rules:	230.....70326	868.....69673, 70486	213.....71613
211.....72181		22 CFR	231.....71613
225.....69629		42.....72108	240.....71613
226.....69630			250.....71613
265.....70708			251.....71613
545.....72602			252.....71613
563.....72602			Proposed Rules:

5.....69674, 70797, 71612

13.....69674, 70797, 71612
 19.....69674, 70797, 71612
 170.....69674, 70797, 71612
 173.....69674, 70797, 71612
 186.....69674, 70797, 71612
 194.....69674, 70797, 71612
 195.....69674, 70797, 71612
 196.....69674, 70797, 71612
 197.....69674, 70797, 71612
 200.....69674, 70797, 71612
 201.....69674, 70797, 71612
 211.....69674, 70797, 71612
 212.....69674, 70797, 71612
 213.....69674, 70797, 71612
 231.....69674, 70797, 71612
 240.....69674, 70797, 71612
 250.....69674, 70797, 71612
 251.....69674, 70797, 71612
 252.....69674, 70797, 71612

28 CFR

0.....69926

29 CFR

40.....72587
 2200.....70106

Proposed Rules:

1999.....69675
 2200.....70195

30 CFR

601.....69927

Proposed Rules:

250.....70196

31 CFR

316.....69286
 321.....69286
 332.....69286
 342.....69286
 351.....72826
 352.....72838
 535.....69286, 69650

Proposed Rules:

350.....72187

32 CFR

230.....70460
 812.....71825
 813.....71827
 860.....69286

Proposed Rules:

2002.....71842

32 A CFR**Proposed Rules:**

166.....71845

33 CFR

3.....70719
 82.....69297
 161.....70719
 117.....73020
 147.....73020
 175.....73021, 73025
 183.....73025
 204.....69298
 207.....69650

Proposed Rules:

117.....72188
 150.....69305
 158.....72188
 160.....69306

36 CFR

223.....73028

37 CFR**Proposed Rules:**

201.....73123
 202.....69977

39 CFR

111.....70720
 601.....71412

Proposed Rules:

927.....69682

40 CFR

51.....72589
 52.....69928, 70140, 70141,
 71780, 72116, 72118, 72589,
 73031-73033

53.....72589
 55.....72593
 58.....72589
 60.....69298, 70465
 81.....70143, 70466
 86.....69416
 180.....70143

Proposed Rules:

Ch. I.....69978
 52.....69683-69685, 70486,
 70754, 70776, 71847, 72199,
 72614, 72615

61.....70196
 65.....69685, 71436
 81.....69685, 70486
 136.....69464
 180.....70777
 230.....72615
 410.....69687
 425.....69688
 763.....73127

41 CFR

Ch. 44.....70424

Proposed Rules:

Ch. 51.....69308
 24-1.....71438
 101-20.....72200

42 CFR

36.....69933
 122.....71754
 123.....71754

Proposed Rules:

Ch. I.....72728
 Ch. II.....72728
 Ch. III.....72728
 Ch. IV.....72728
 85.....69689
 85a.....69689
 460.....73128

43 CFR

Ch. I.....71828
 Ch. II.....72014

Proposed Rules:

2090.....69868
 2300.....69868
 2310.....69868
 2320.....69868
 2340.....69868
 2350.....69868

Public Land Orders:

5688.....70467
 5689.....73034

5691.....73035

44 CFR

11.....73035
 64.....71830, 71831, 72594,
 72595
 65.....71835
 67.....70468, 72164
 205.....71790, 71793, 71794

Proposed Rules:

10.....70197
 67.....70497, 70498, 70778-
 70791, 73130
 70.....72178-72180

45 CFR

1010.....70145
 86.....71413
 1060.....69299

Proposed Rules:

Subtitle A.....72728
 Subtitle B.....72728
 174.....70652
 175.....70652
 176.....70652
 1328.....70064

46 CFR

2.....73038
 12.....70154
 14.....70154
 15.....70154
 16.....70154
 25.....73047
 151.....69299
 153.....69299
 159.....73038
 160.....73048, 73055
 161.....73048
 187.....72130
 310.....69301
 503.....70721

Proposed Rules:

4.....69308
 26.....69308
 33.....69311
 35.....69308
 42.....70791
 78.....69308
 93.....70791
 94.....69311
 97.....69308
 109.....69308
 167.....69308
 185.....69308
 192.....69311
 196.....69308
 508.....72616
 510.....70795

47 CFR

0.....70471
 1.....69301
 18.....70472
 73.....69933, 70474
 83.....73095
 87.....73098
 90.....70158
 94.....69301
 95.....70158
 97.....73099, 73100

Proposed Rules:

0.....73130
 61.....73130
 63.....73130

73.....70201, 73131
 90.....69689, 70498
 97.....70499

49 CFR

1.....70163
 171.....70721
 172.....70721, 72131
 173.....70721
 174.....70721, 72131
 175.....70721
 176.....70721
 177.....70721
 178.....70721
 195.....70164
 231.....73101
 399.....70721
 571.....72131, 73102
 1033.....69302, 70475-70477,
 70733, 71828-71830, 72159,
 72597, 72598

1043.....70167
 1045B.....70167
 1046.....70167
 1121.....73105
 1204.....72160
 1249.....70478
 1252.....70479
 1300.....73132
 1303.....73132
 1304.....73132
 1306.....73132
 1307.....73132
 1308.....73132
 1310.....73132
 1312.....73132

Proposed Rules:

192.....72201
 571.....70204
 1036.....71848
 1041.....71438
 1060.....71849
 1082.....71849
 1100.....69693
 1127.....71851

50 CFR

17.....70677
 26.....72161
 603.....70480
 652.....73108

Proposed Rules:

17.....70680, 70796, 73133
 32.....70210
 33.....70210
 611.....72204
 651.....69312, 71440
 652.....70503

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

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 July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

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

COMMODITY FUTURES TRADING COMMISSION

- 65735 11-15-79 / Designation of senior official to oversee Commission use of national security information

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

- 65974 11-16-79 / Listing of silver as color additive exempt from certification

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

- 65924 11-15-79 / Section 8 Housing assistance payments program—Fair market rents and automatic annual adjustment factors, Schedule C

Office of the Assistant Secretary for Community Planning and Development—

- 69590 11-15-79 / Community development block grants technical amendments; interim rule

INTERSTATE COMMERCE COMMISSION

- 62517 10-31-79 / Pipeline companies, annual and quarterly reporting; elimination effective 12-17-79

Listing of Public Laws

Last Listing December 12, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

- H.R. 3354 / Pub. L. 96-137 To authorize appropriations for fiscal year 1980 for conservation, exploration, development, and use of naval petroleum reserves and naval oil shale reserves, and for other purposes. (Dec. 12, 1979; 93 Stat. 1061) Price \$.75.

- H.R. 4259 / Pub. L. 96-138 Authorizing the President of the United States to present a gold medal to the American Red Cross. (Dec. 12, 1979; 93 Stat. 1063) Price \$.75.

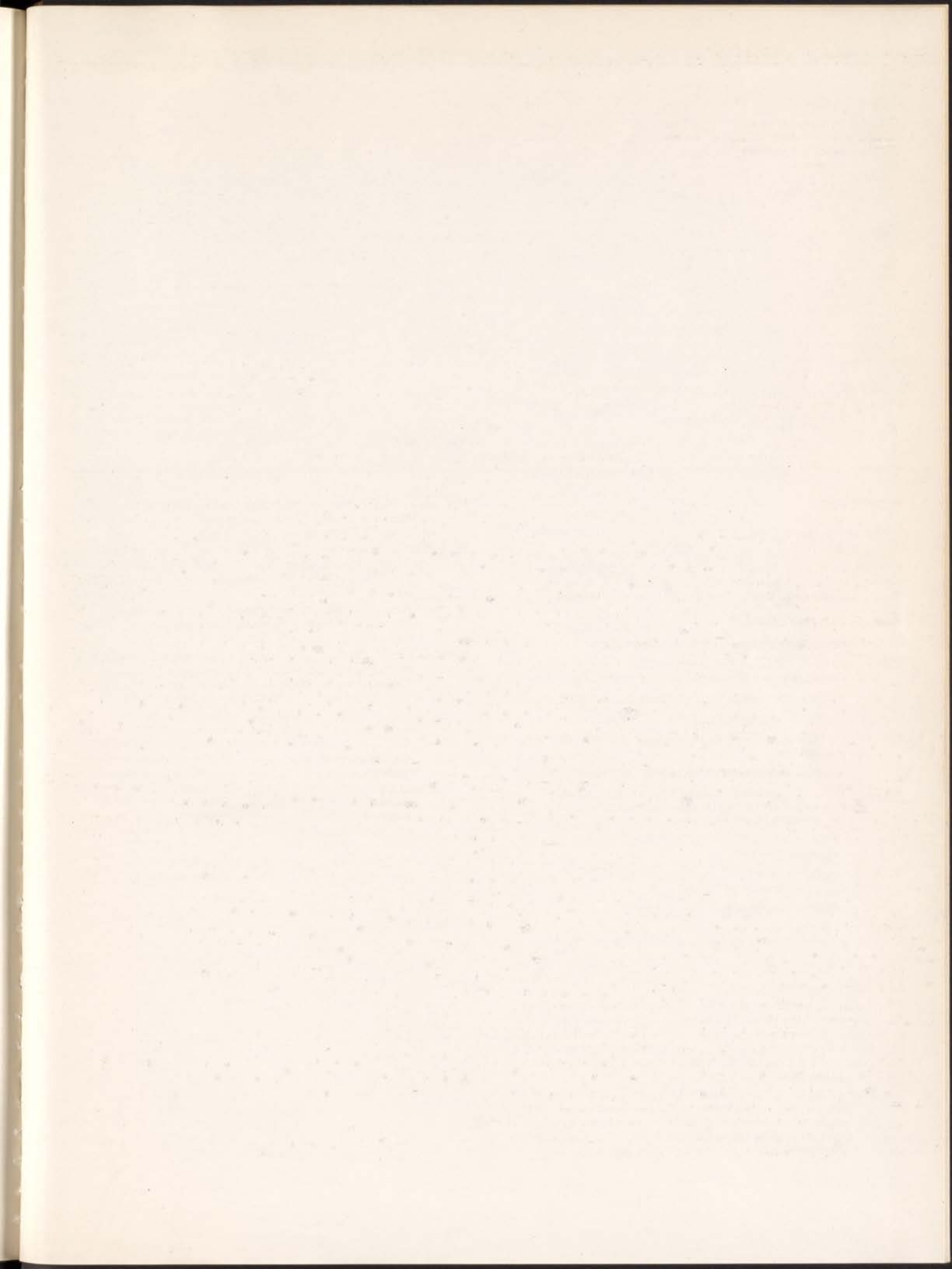
- S. 1491 / Pub. L. 96-139 To designate the building known as the Federal Building, at 211 Main Street, in Scott City, Kans., as the "Henry D. Parkinson Federal Building". (Dec. 12, 1979; 93 Stat. 1064) Price \$.75.

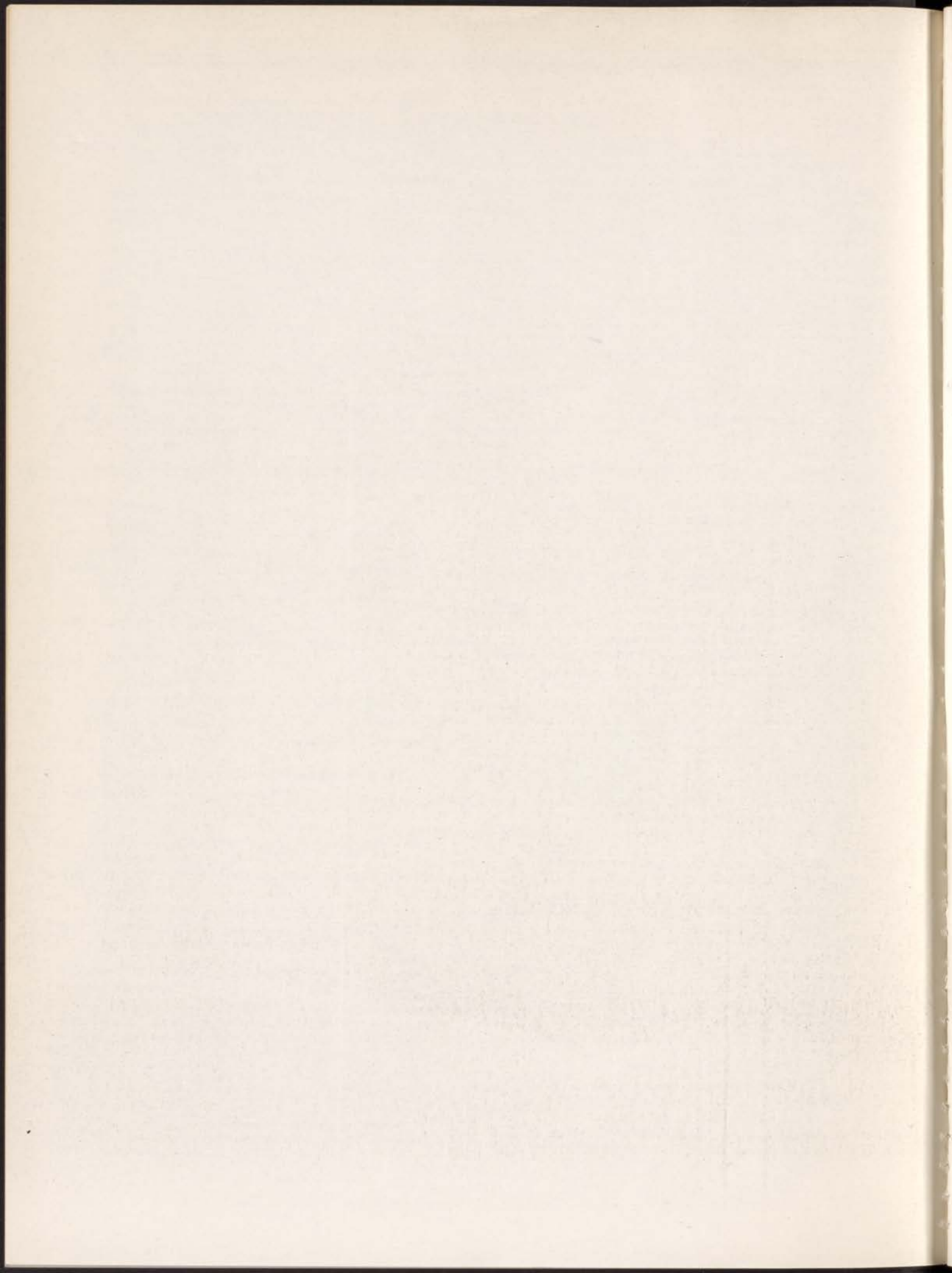
- S. 1535 / Pub. L. 96-140 To designate the Federal Building in Rochester, N.Y., the "Kenneth B. Keating Federal Building". (Dec. 12, 1979; 93 Stat. 1065) Price \$.75.

- S. 1655 / Pub. L. 96-141 To designate the building known as the Department of Labor Building in Washington, District of Columbia, as the "Frances Perkins Department of Labor Building". (Dec. 12, 1979; 93 Stat. 1066) Price \$.75.

- S. 497 / Pub. L. 96-142 To extend for three fiscal years the authorizations of appropriations under section 789 and title XII of the Public Health Service Act relating to emergency medical services, to revise and improve the authorities for assistance under such title XII, to increase the authorizations of appropriations and revise and improve the authorities for assistance under part B of title XI of such Act for sudden infant death syndrome counseling and information projects, and for other purposes. (Dec. 12, 1979; 93 Stat. 1067) Price \$.75.

- S. 239 / Pub. L. 96-143 "Domestic Volunteer Service Act Amendments of 1979". (Dec. 13, 1979; 93 Stat. 1074) Price \$1.00.





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