

tude 94°11'25" W.) extending from the 5-mile radius area to a point 8 miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Fort Worth, Tex., on August 20, 1974.

HENRY L. NEWMAN,  
Director,  
Southwest Region.

[FR Doc.74-20079 Filed 8-29-74; 8:45 am]

[Airspace Docket No. 73-SO-62]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Transition Area

On November 26, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 32496), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Bainbridge, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 7, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

##### BAINBRIDGE, GA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Decatur County Industrial Airport (latitude 30°58'15" N., longitude 84°38'00" W.); within 3 miles each side of Bainbridge VOR (latitude 30°58'30" N., longitude 84°37'10" W.) 092° and 352° radials, extending from the 6.5-mile radius area to 8.5 miles east and north of the VOR; within a 6.5-mile radius of Commodore Decatur Airport (latitude 30°54'55" N., longitude 84°36'16" W.); within a 6.5-mile radius of Donalsonville Airport (latitude 31°01'00" N., longitude 84°52'30" W.).

Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 21, 1974.

DUANE W. FREER,  
Acting Director,  
Southern Region.

[FR Doc.74-20080 Filed 8-29-74; 8:45 am]

[Airspace Docket No. 74-SO-64]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### PART 73—SPECIAL USE AIRSPACE

##### Alteration of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation

Regulations is to designate Restricted Area R-2103 Fort Rucker, Ala., for joint-use. The amendments will provide a controlling agency for R-2103, delete the exclusion of R-2103 from the Alabama Transition Area and include R-2103 in the Continental Control Area.

These changes will provide additional airspace for public use when the restricted area is not required by the using agency.

Since these amendments relieve a burden on the public and are minor in nature, notice and public procedure thereon are unnecessary. Also, as it is essential to return the airspace to the public as soon as possible, good cause exists for making these amendments effective immediately.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective August 30, 1974, as hereinafter set forth.

§ 71.151 (39 FR 343) is amended to include the following restricted area: R-2103 Fort Rucker, Ala.

§ 71.181 (39 FR 440) is amended as follows: In Alabama, "excluding the portion within R-2101 and R-2103." is deleted and "excluding the portion within R-2101." is substituted therefor.

§ 73.21 (39 FR 648) is amended as follows: In R-2103 Fort Rucker, Ala., "Controlling agency, Federal Aviation Administration, Jacksonville ARTC Center." is added immediately following "Time of designation. Continuous."

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C. on August 26, 1974.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.74-20081 Filed 8-29-74; 8:45 am]

[Docket No. 12750; Amdt. No. 139-7]

#### PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

##### Miscellaneous Amendments

The purpose of these amendments to Part 139 of the Federal Aviation Regulations is to make a number of miscellaneous changes or amendments to existing provisions of Part 139.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rulemaking (Notice 73-12) issued on April 17, 1973 (38 FR 9517), and due consideration has been given to all comments received in response to the Notice. To the extent that comments or recommendations received were beyond the scope of the Notice, they are not discussed or treated herein. However, they will be considered as part of FAA's continuing study of airport certification and operations, with a view to future rulemaking. Except for a number of minor

editorial changes which have been made in the interest of clarity, and except as specifically discussed herein, these amendments and the reasons therefor are the same as those proposed in the Notice.

With respect to the proposed amendment of § 139.15 concerning the contents of the Airport Operating Certificate, a comment objected to the deletion of the requirement for listing the airport owner on the Airport Operating Certificate. The objection was based on the fact that FAA Form 5010 "Airport Master Record" lists the owner and for the sake of uniformity the name of the owner should also be listed on the operating certificate. The FAA agrees that § 139.15(a) should remain as written, and that the Airport Operating Certificate should continue to show both the name and address of the owner and operator.

Regarding the proposal to amend § 139.45(b)(1) to allow for design and construction differences which previously met FAA airport criteria in effect at the time of construction, a comment asserted that such an amendment would reduce the effectiveness of the rule. The comment viewed the proposal as a wholesale lowering of requirements, and argued that the issuance of exemptions in specific cases could more effectively deal with particular situations.

The proposal in the Notice to delete references to specific dimensions was made by the FAA in recognition of the difficulties attendant to prescribing specific standards to meet the situations found at the many airports which predated Part 139. Those standards have proven to be impracticable and unsuited to broad application. The FAA acknowledges that in particular situations the applicable FAA criteria in effect at the time of construction may not have required the runway safety area to extend a distance of 200 feet beyond the runway end. However, program experience indicates that in many cases compliance with the 200-foot requirement is practically or economically infeasible and as indicated in the preamble to the original issuance of Part 139 (37 FR 12278; June 21, 1972), it was not proposed or intended to require already constructed "landing strips" to be enlarged to conform with more recently adopted concepts of "runway safety areas." The FAA believes that with respect to those runway constructed prior to implementation of current FAA criteria, but constructed in conformance with then current FAA criteria, a runway safety area of adequate dimension is provided for.

With respect to the proposed amendment of § 139.47(a)(4) regarding approach aid lighting, the comments received were favorable and the proposal is being adopted. The listing of specific types of approach aid lighting is being deleted since the FAA does not believe it necessary or practicable to include a complete listing. The statements regarding "properly aimed" and "proper guidance" are deleted as inappropriate to a listing of items, and because these

requirements are considered to be included in the statement of requirements (operable condition) contained in paragraph (a) of § 139.47.

Regarding the proposed amendment of § 139.49 (airport fire fighting and rescue equipment service), the FAA has determined that in the second sentence of § 139.49(a), the words "computed on an annual basis" should be inserted between the words "day" and "served." This amendment is to provide clarification on how to determine average departures to identify an Index for an airport.

To permit Index selection or identification of fire fighting and rescue equipment requirements based on forecast aircraft activity included in the FAA National Airport System Plan, paragraphs (a), (a)(1) and (2) of § 139.49 are being amended to provide for determination of the applicable Index, if the applicant elects, based on departures "served or expected to be served" by the airport.

The applicable Index, described in § 139.49(a), is determined by the longest large aircraft operated by an air carrier user on an average of at least five scheduled departures per day. Where an Index has been established, based on scheduled large aircraft departures, additional unscheduled or small aircraft operations will not increase or affect Index selection.

In the second sentence of § 139.49(a), the word "scheduled" was inadvertently omitted in the notice. Amendment of the paragraph to delete the word was not intended and § 139.49(a) is unchanged in this respect.

Paragraph (b)(1) of § 139.49 is being amended, as proposed, by adding the words "for protein foam production" between the word "water" and "and" in the second sentence to make it clear that the required water is for protein foam production. Additionally, the word "compatible" is being inserted between the words "of" and "dry" to make it clear that the dry chemical required must be compatible with the protein foam to be used.

Paragraphs (b)(2), (3), (4), and (5) of § 139.49 are being amended, as proposed, by inserting the word "protein" between the words "for" and "foam" to clearly identify the basic type of protein foam production required.

A new paragraph (c)(3) is being added to § 139.49 to provide for the use of other extinguishing agents acceptable to the Administrator as substitutions for protein based foam that would provide equivalent fire fighting capability.

For clarification, the words "foam type" are being inserted between the words "each" and "fire" in § 139.49(d) to identify the fire fighting and rescue vehicles that must be capable of the discharge rate specified therein and the requirement has been revised to make it clear that the discharge is applicable to these vehicles only.

The FAA has determined that in the first sentence of § 139.49(d), the words

"less than 1½ minutes nor" should be deleted. Since the rule was promulgated, fire fighting equipment has been improved. The discharge rates, as provided by the manufacturers, are more efficient and the nozzles are more responsive to the pumping capacities. By deleting the 1½-minute time restriction, a greater degree of safety will be provided for and airport operators will have more flexibility in meeting the requirements of the rule.

In § 139.49(f), the specification of the color of the flashing beacon is being deleted since certain State laws permit or require other beacon colors for fire fighting vehicles.

Paragraph (g)(2) of § 139.49 is being amended, as proposed, to allow for means to be used other than a firehouse or station to insure vehicle operation and agent discharge under freezing conditions. Additionally, the "35 degrees F." in the proposed amendment was a typographical error and, therefore, the current 33 degrees F. criterion has been retained.

Paragraph (g)(3) of § 139.49 is being amended, as proposed, to allow for alerting fire fighting and rescue personnel by siren, alarm, or other means satisfactory to the Administrator.

A new paragraph (g)(4) is being added to § 139.49 to require that at airports with control towers or equipped with radio communications systems used for ground vehicle traffic management, the applicant have the capability to communicate by radio between each required fire fighting and rescue vehicle and the control tower or other central control point.

With respect to the proposed amendment to § 139.53(b) dealing with a segmented circle with traffic pattern indicator, comments requested clarification of the requirement for a segmented circle in § 139.53(b) when a control tower is not in operation for all air carrier operations. A comment recommended that the section be amended to indicate that traffic pattern indicators would be required only when traffic patterns are nonstandard.

The FAA has concluded in the light of comments received that the wording of § 139.53(b) should be changed to make it clear that a segmented circle around at least one wind direction indicator would be required if the airport has no control tower or if the control tower is not operating during air carrier operations, and that landing strip indicators and traffic pattern indicators, in addition to the segmented circle, would be required only if the airport has a right hand traffic pattern.

Regarding the proposed addition of a new paragraph (d) to § 139.89 which deals with airport fire fighting and rescue equipment and service, the comments received were favorable and the proposal is being adopted, and the airport operator will be required to meet the requirements of the higher Index when traffic increases make that higher Index applicable.

These amendments are made under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1429, 1430) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 139 of the Federal Aviation Regulations is amended effective October 3, 1974, as follows:

1. By revising paragraph (b) of § 139.45 to read as follows:

§ 139.45 Safety areas.

(b) As used in this section, "safety areas" are the following:

(1) "Runway safety area"—a cleared, drained, and graded area abutting the edges of a usable runway and symmetrically located about the runway (if constructed before February 18, 1970, the central portion of which is the usable runway, which extends beyond each end of the runway), conforming with FAA criteria in effect at the time of construction of the runway.

(2) "Taxiway safety area"—a cleared, drained, and graded area abutting the edges of a taxiway and symmetrically located about the taxiway conforming with FAA criteria in effect at the time of construction of the taxiway.

(3) "Extended runway safety area"—a rectangular area along the extended runway centerline that begins 200 feet from the end of a usable runway and extending outward in conformance with FAA criteria in effect at the time of construction of the runway.

2. By revising paragraph (a)(4) of § 139.47 to read as follows:

§ 139.47 Marking and lighting runways, thresholds, and taxiways.

(a) \* \* \*

(4) Approach aid lighting owned by the applicant.

3. By revising § 139.49 to read as follows:

§ 139.49 Airport fire fighting and rescue equipment and service.

Except to the extent that the Administrator determines under § 139.19 of this Part that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has, and will have, available during air carrier user operations, at least the airport fire fighting and rescue equipment with the vehicle response-time capability and trained personnel prescribed in this section.

(a) The applicant must show that it has at least the required fire fighting and rescue equipment assigned to the currently applicable Index listed in paragraph (b) of this section or, if the applicant elects, to the Index applicable to its airport under the 5-year forecast of aircraft activity reflected in the current FAA National Airport System Plan. The applicable Index is determined by the longest large aircraft, operated by an air

carrier user, with an average of five or more scheduled departures per day (computed on an annual basis), served or expected to be served by the airport. However—

(1) Where the airport serves or is expected to serve an average of five or more scheduled departures per day of large aircraft by air carrier users, but less than five scheduled departures of any one Index large aircraft, the required fire fighting and rescue equipment is that assigned to the next Index below that applicable to the longest aircraft operated by the air carrier users served by the airport; or

(2) Where the airport serves or is expected to serve an average of less than five scheduled departures per day of large aircraft by air carrier users, the required fire fighting and rescue equipment is that assigned to Index A aircraft.

(b) The following are the Indexes referred to in paragraph (a) of this section:

(1) *Index A: aircraft not more than 90 feet long.* One lightweight vehicle providing at least either 500 pounds of dry chemical extinguishing agents, or 450 pounds of dry chemical and 50 gallons of water for aqueous film forming foam (AFFF) production. However, when at the time of application the applicant shows that it serves or is expected to serve Index B turbine engine powered aircraft under conditions described in paragraph (a) (1) or (2) of this section, a lightweight vehicle providing at least 500 gallons of water for protein foam production and 300 pounds of compatible dry chemicals is required for Index A.

(2) *Index B: aircraft more than 90 and not more than 126 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of paragraph (b) (1) of this section, and one additional self-propelled fire extinguishing vehicle. The total quantity of water for protein foam production required for this Index is 1,500 gallons.

(3) *Index C: aircraft more than 126 and not more than 160 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of paragraph (b) (1) of this section, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for protein foam production required for this Index is 3,000 gallons.

(4) *Index D: aircraft more than 160 and not more than 200 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of paragraph (b) (1) of this section, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for protein foam production required for this Index is 4,000 gallons.

(5) *Index E: aircraft more than 200 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of paragraph (b) (1) of this section, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for protein foam

production required for this Index is 6,000 gallons.

(c) The quantity of water specified for each Index does not include any foam concentrate. One of the following substitutions for protein foam may be made:

(1) Aqueous film forming foam (AFFF) may be substituted for protein based foam and the quantity of water reduced by 30 percent from that specified.

(2) Dry chemicals in the ratio of 2.8 pounds per gallon of water may be substituted for up to 30 percent of the water specified for protein based foam.

(3) Other extinguishing agents acceptable to the Administrator that would provide an equivalent fire fighting capability.

(d) Each foam type fire fighting and rescue vehicle carrying less than 4,000 gallons of water and used under Indexes B through E must be capable of discharging one complete tank capacity with appropriate foam concentrate in not more than 2¼ minutes with all orifices open. Each vehicle carrying 4,000 or more gallons of water must be capable of discharging at a minimum rate of at least 1,800 gallons per minute.

(e) The applicant must show by a demonstration run that—

(1) At least one fire fighting and rescue vehicle required by the applicable Index can reach the midpoint of the farthest runway serving air carrier users from its assigned post within 3 minutes from the time of alarm to the time of initial agent application;

(2) At least one other fire fighting and rescue vehicle required by the applicable Index can reach the midpoint of the farthest runway serving air carrier users from its assigned post within 4 minutes from the time of alarm to the time of initial agent application; and

(3) All other fire fighting and rescue vehicles required by the applicable Index can reach the midpoint of the farthest runway serving air carrier users from their assigned posts 4½ minutes from the time of alarm to the time of initial agent application.

(f) The applicant must show that each item of required fire fighting and rescue equipment has a flashing beacon and is marked to insure rapid and positive identification. The color of each vehicle must insure contrast with the background environment for easy identification.

(g) The applicant must show that it has the capability to—

(1) Operate and maintain all required fire fighting and rescue equipment owned by it in operable condition;

(2) Provide cover or other means to insure vehicle operation and discharge under freezing conditions for all required fire fighting and rescue equipment owned by it, if the airport is located in a geographical area subject to prolonged temperatures below 33 degrees F.;

(3) Alert fire fighting and rescue personnel by siren, alarm, or other means satisfactory to the Administrator, to any existing or impending emergency that requires or might require their assistance; and

(4) Communicate by radio between each fire fighting and rescue vehicle required by Indexes A through E and the control tower or other central control point, at airports with control towers or equipped with radio communications systems used for ground vehicle traffic management.

(h) The applicant must show that it has available appropriately clothed and sufficiently qualified fire fighting and rescue personnel to insure at least 85 percent of the required maximum agent discharge rate of fire fighting equipment.

(i) The applicant must show that the fire fighting and rescue personnel are familiar with the operation of the fire fighting and rescue equipment and understand the basic principles of fire fighting and rescue techniques.

4. By revising paragraph (b) of § 139.53 to read as follows:

§ 139.53 Traffic and wind direction indicators.

\* \* \*

(b) A segmented circle around at least one wind direction indicator, and a landing strip and traffic pattern indicator for each right hand traffic pattern, if the airport has no control tower or if the control tower is not operating during air carrier operations.

5. By amending § 139.89 by adding a new paragraph (d) to read as follows:

§ 139.89 Airport fire fighting and rescue equipment and service.

\* \* \*

(d) When scheduled air carrier service at an airport is increased either by volume or length of aircraft to the extent that a higher fire fighting and rescue equipment Index applies, the operator shall comply with the appropriate Index requirements.

Issued in Washington, D.C., on August 23, 1974.

JAMES E. DOW,  
Acting Administrator.

[FR Doc. 74-20125 Filed 8-29-74; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM74-24; Order No. 609-B]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Availability of Information Acquired by Staff Investigation

AUGUST 23, 1974.

In the matter of order dismissing applications for rehearing, denying reconsideration and modifying previous order.

By Order No. 509 issued May 2, 1974, in Docket No. RM-74-24 (39 FR 16447 (1974)), the Commission promulgated § 2.72 of its general policy and interpretations to provide that upon request by a party to a proceeding, all relevant information, including workpapers, acquired by the Commission staff in the

course of any staff investigation conducted under section 8, 10 or 14 of the Natural Gas Act, 15 U.S.C. 717g, 1, and m, shall, without further order of the Commission, be free from the restraints of subsection (b) of section 8 regarding the divulgence of information, with respect to any matter set for formal hearing. The order was issued pursuant to the Commission's authority under the Natural Gas Act, particularly section 8(b) thereof, which provides, in part, that no member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books, records, data or accounts, except insofar as he may be directed by the Commission or by a court.

Order No. 509 is premised upon the fact that since the Commission can act under the substantive provisions of the Natural Gas Act only upon required statutory findings based upon substantial evidence, it is imperative that all relevant information be available for examination by all parties to a proceeding so that the Commission will have a complete record upon which to base its findings and conclusions. The Commission noted that natural gas companies might be reluctant to have the Commission reveal certain information obtained by staff investigation but concluded that the public interest outweighs the private interests of natural gas companies in maintaining the confidentiality of the information. The order stated that the Commission regards the statement of policy as a direction to its members, officers, and employees under subsection 8(b) of the Natural Gas Act and as the legal authorization contemplated by the Trade Secrets Act, 18 U.S.C. 1905, which provides criminal sanctions for the disclosure of information without legal authorization. Finally, the Commission noted that it does not regard its determination to release information as limited by the provisions of the Administrative Procedure Act, 5 U.S.C. 552(b) (4), (9).

Timely applications for rehearing of Order No. 509 have been filed by Amoco Production Company, Exxon Corporation, Mobil Oil Corporation, and Union Oil Company of California. Late petitions for rehearing were filed by Superior Oil Company and Atlantic Richfield Company. The applicants specifically allege the Commission improperly promulgated the statement of policy without giving adequate notice and without providing an opportunity for comment under the Administrative Procedure Act, 5 U.S.C. 553; that subsection 8(b) of the Natural Gas Act contemplates specific authorization in individual cases; that the statement of policy is contrary to the Trade Secrets Act, 18 U.S.C. 1905; that the statement of policy permits the release of information contrary to the intent of the Administrative Procedure Act, 5 U.S.C. 552(b); and that the release of such information is a sanction under the Administrative Procedure Act, 5 U.S.C. 551, which first requires an adjudicatory hearing. There

are also general allegations of abuse of discretion, ambiguity, unconstitutional, economic deprivation, and anticompetitive effects. Union Oil Company of California states that the policy will retard efforts to explore for oil and gas and further intensify the energy shortage facing the nation.

The Commission on June 28, 1974, issued an order granting rehearing for the purpose of further consideration. All of the applications for rehearing were filed by independent, major producers of oil and natural gas. No applications for rehearing were filed by pipeline companies or producing affiliates of pipeline companies. Accordingly, we shall consider the arguments raised in the applications for rehearing to be unique to the independent producer segment of the industry.

Initially, § 1.34 of the Commission's rules of practice and procedure<sup>1</sup> sets forth the procedure for applying for rehearing of "any final decision or order" under subsection 19(a) of the Natural Gas Act. Since Order No. 509 is a statement of general policy and not an order of the Commission that bears a degree of finality, rehearing does not lie. The order sets forth the future policy of the Commission to permit staff disclosure of information where relevant to a proceeding. For reasons set forth herein, the instant applications for rehearing must be dismissed. Applicants' requests for reconsideration of Order No. 509 will, however, be reviewed.

Order No. 509, as modified herein, promulgates a statement of policy based upon the Commission's conclusions from its experience in litigated matters to advise the public prospectively of the manner in which the Commission proposes to exercise a discretionary power under section 8(b) of the Natural Gas Act. Therefore, no notice is required by 5 U.S.C. 553(b) of the Administrative Procedure Act prior to the promulgation of such a statement.

Section 8(b) of the Natural Gas Act contains a provision for keeping information confidential in that no member, officer, or employee of the Commission may divulge information obtained in the course of an investigation unless directed by the Commission. Applicants submit that whether or not to disclose any information obtained under section 8(b) must be determined on a case-by-case basis. However, section 8(b) does not specifically require case-by-case authorization. It is characterized in general terms. It does not prohibit our blanket authorization for the disclosure of information in those cases scheduled for formal hearings where such information is relevant to the case. Moreover, the legislative history of section 301(b) of the Federal Power Act, 16 U.S.C. 825(b), a section giving the Commission

<sup>1</sup> See *Pacific Gas and Electric Co. v. F.P.C.*, \_\_\_ F.2d \_\_\_, \_\_\_ (D.C. Cir. June 26, 1974, No. 73-1358 at 8). "Except when notice or hearing is required by statute, this subsection does not apply—(A) to interpretive rules, general statements of policy or rules of agency organization or practice; . . ." 5 U.S.C. 553(b) (A).

similar access to records of public utilities, contains the same clause as section 8(b) of the Natural Gas Act requiring authorization prior to disclosure. Section 301(b) as first introduced in both houses of Congress originally required a case-by-case authorization for disclosure; however, that proposal was not adopted and the disclosure provision of section 8(b) thereafter tracked section 301(b) as adopted.

Applicants have not raised any constitutional or statutory objections which leads the Commission to alter the policy contained in Order No. 509. Applicants' concern about detriment to their proprietary interests arising out of our policy is not well founded. Order No. 509 applies to all information gathered by the Commission pursuant to investigation under sections 8, 10 and 14 whether or not in conjunction with a specific proceeding; it operates prospectively and does not permit the disclosure of any information provided to the Commission before the promulgation of Order No. 509 where confidentiality was explicitly or implicitly promised.

Within the last eighteen months to two years questions have arisen as to the confidentiality of so-called proprietary data of independent producers examined by our staff. Order No. 509 gives the public notice of implementation of instructions administratively given our staff. It is the policy of this Commission that our staff should examine no data of any participant in any proceeding before this Commission—whether adjudicatory or rulemaking—with any promise of confidentiality, express or implied, except as directed by this Commission, its duly delegated officers or a court of competent jurisdiction. In the course of investigation in any proceeding before this Commission our staff should accept access to no information on condition that such information be kept confidential. Should it develop that information sought by our staff is claimed by the owner or holder to be proprietary in nature such that its inspection by other parties to the proceeding would be detrimental to the interests of such owner or holder, the validity of such a claim should not be determined by our staff. It is not our intention that any party to a proceeding before this Commission be denied any legal right or protection with

<sup>2</sup> Both sections contain the following words:

"No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books, records, data, or accounts, except insofar as he may be directed by the Commission or by a court."

Section 301(b) originally read:  
" . . . no information furnished to the Commission . . . shall be open to public inspection or made public, except on order of the Commission, or by the Commission or a member thereof in the course of a hearing or proceeding."

Hearings Before the Committee on Interstate and Foreign Commerce on H.R. 5423, 74th Cong., 1st Sess. at 37 (1935); Senate, Confidential Committee Print of May 4, 1935.

respect to proprietary information, where such right is asserted or protection sought before an appropriate judicial or quasi-judicial body; our staff is not such a body. The effect of Order No. 509 is not intended to compel any party to submit confidential data to our staff upon request; any party is free to deny access to data considered to be confidential to our staff. If the data sought is considered by our staff to be essential to the proper conduct of the proceeding, our staff has ample legal procedures to seek production of the data or to move for dismissal of any application giving rise to the proceeding.

To fully indicate the purpose and intent of this policy, an addition to Order No. 509 and § 2.72 is required. As issued, Order 509 permits staff disclosure only upon the request by a party to the proceedings. It should also specifically authorize the staff to utilize information it obtains during investigations as required in its presentation of litigated cases or in the cross-examination of any other presentation. We will also recast the heading of § 2.72 so as to make clear that it relates to the availability in contested cases of information acquired by staff investigations.

So that there can be no question raised as to the deprivation of legal rights to confidential data previously gathered by our staff we shall modify Order No. 509 so as to clearly indicate that it is to be effective only with respect to information gathered by our Staff on and after May 2, 1974. We find the applications for rehearing to merit no further modification of Order No. 509.

The Commission finds: (1) Good cause for reconsideration of Order No. 509 has not been shown.

(2) Modification of Order No. 509 and § 2.72 is required to fully state the extent of the Commission's authorization to staff granted pursuant to Section 8(b) of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly subsection (b) of section 8 (52 Stat. 825, 15 USC 717g) and section 16 (52 Stat. 830, 15 USC 717o) thereof, and in accordance with 5 USC 553, orders:

(A) Part 2 of subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, is amended by revising § 2.72 to read as follows:

§ 2.72 Availability in contested cases of information acquired by staff investigation.

Pursuant to the Commission's authority under the Natural Gas Act, particularly subsection (b) of section 8 thereof, upon request by a party to the proceedings, or as required in conjunction with the presentation of a Commission staff case or staff's cross-examination of any other presentation therein, all relevant information acquired by Commission staff, including workpapers pursuant to any staff investigation conducted under sections 8, 10, or 14 of the Natural Gas Act shall, without further order of the Commission, be free from the restraints

of said Subsection (b) of section 8 regarding the divulgence of information, with respect to any matter hereafter set for formal hearing.

(Subsection (b), sec. 8, 52 Stat. 825, 15 USC 717g; sec. 16, 52 Stat. 830, 15 USC 717o)

(B) The amendment adopted herein shall be effective on date of issuance.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-20087 Filed 8-29-74; 8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 100—CIVIL PENALTIES FOR VIOLATION OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Revision and Reinstatement of Procedures for Informal Assessment; Correction

In FR Doc. 74-17293 appearing at page 27558 in the issue for Tuesday, July 30, 1974, the following corrections are made as set forth below:

1. In § 100.3(c) (2), the first line in the table under the heading "Violations per inspection day" is corrected to read "Under 0.3".

2. In § 100.8(a) the reference to § 100.4(b) (2) is corrected to read § 100.4(c) (2)".

C. K. MALLORY,  
Deputy Assistant Secretary  
of the Interior.

AUGUST 23, 1974.

[FR Doc.74-20099 Filed 8-29-74; 8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

Revision of Boundaries of Certain Military Reservations

This document amends the regulations describing the boundaries of five military reservations in the Canal Zone. The amendment transfers certain lands from Albrook Air Force Base to the Fort Clayton Army Reservation and to the Curundu Army Reservation, and from the United States Naval Reservation, Rodman, to Howard Air Force Base, because the subject lands have been declared surplus to the needs of the Departments of the Air Force and Navy respectively.

In 35 CFR Part 5 is amended as follows:

1. In § 5.24, the final three paragraphs of the section (which begin: "The above-described boundary line \* \* \*") are deleted, and a new parcel of land (Parcel No. 4) is added, to read as follows:

§ 5.24 Fort Clayton Army Reservation.

PARCEL No. 4

Beginning at monument No. 41, which is a 2-inch iron pipe, located at the southwest corner of the Gasoline Storage Area, and on the prolongation of the cyclone fence which borders the C-12 Road, the geodetic position of which is in latitude 9°00' N. plus 1765.0 feet and longitude 79°33' W. plus 5217.6 feet. Monument No. 41 is on the easterly boundary of Fort Clayton Army Reservation, and on the northerly boundary of the Curundu Army Reservation.

Thence from said initial point by metes and bounds:

Southeasterly, along the face of the above-mentioned cyclone fence, on the northeasterly side of the C-12 Road, to monument No. 42, which is a 1½-inch iron pipe, located on the prolongation of the fence line at the southeast corner of the Gasoline Storage Area, the geodetic position of which is in latitude 9°00' N. plus 1476.4 feet and longitude 79°33' W. plus 4759.8 feet;

N. 69°07'00" E., 20.4 feet, to monument No. 43, which is a 1½-inch iron pipe, located 50 feet northeasterly of the centerline of the C-12 Road and 18 inches from the above-mentioned cyclone fence;

Southeasterly, parallel to, and 50 feet from, the centerline of the C-12 Road, to monument No. 44, which is a 2-inch iron pipe, the geodetic position of which is in latitude 8°59' N. plus 5579.8 feet and longitude 79°33' W. plus 4236.2 feet;

S. 68°32'30" E., 115.5 feet, to monument No. 45, which is a 2-inch iron pipe;

N. 70°16'30" E., 389.5 feet, to monument No. 46, which is a 1½-inch iron pipe;

S. 37°28'00" E., 198.1 feet, to monument No. 47, which is a 2-inch iron pipe;

S. 64°36'20" E., 1184.6 feet, through monuments Nos. 48 and 49, which are 2-inch iron pipes, to monument No. 50, which is a 2-inch iron pipe, the distance being 67.8 feet, 565.8 feet and 551.0 feet, successively, from beginning of the course;

S. 49°51'50" E., 103.0 feet, to monument No. 51, which is a 1½-inch iron pipe;

S. 49°28'30" E., 835.5 feet, through monument No. 52, which is a 1½-inch iron pipe, to monument No. 53, which is a 1½-inch iron pipe, located 40 feet westerly from the centerline of the C-15 Road, the distances being 515.3 feet and 320.2 feet, successively, from beginning of the course;

S. 15°30'20" W., 1004.3 feet, along the westerly side of the C-15 Road, through monument No. 54 which is a 1½-inch iron pipe, to monument No. 55 which is a 2-inch iron pipe, located northeasterly and 50 feet from the centerline of the C-12 Road, the distances being 275.9 feet and 728.4 feet, successively, from beginning of the course;

S. 47°54'50" E., 153.9 feet, crossing the C-15 Road, to monument No. 56, which is a 2-inch iron pipe, located northeasterly, and 50 feet from the centerline of the C-12 Road;

N. 80°01'40" E., 558.9 feet, to monument No. 57, which is a 2-inch iron pipe;

N. 10°51'50" E., 645.2 feet, to monument No. 58, which is a 2-inch iron pipe;

N. 57°35'10" E., 378.5 feet, to monument No. 59, which is a 2-inch iron pipe;

N. 25°38'50" E., 681.5 feet, to monument No. 60, which is a brass plug in a concrete monument, being further identified as triangulation station "Cedro";

N. 87°37'40" E., 1856.0 feet, through monuments Nos. 61, 62, 63, 64, and 65, which are 2-inch iron pipes, to monument No. 66,

which is a 2-inch iron pipe, the distances being 92.0 feet, 90.5 feet, 284.1 feet, 415.7 feet, 107.8 feet and 865.9 feet, successively, from beginning of the course;

## RULES AND REGULATIONS

Due east, 1564.5 feet, through monuments Nos. 67, 68, 69, 70, and 71, which are 2-inch iron pipes, to an unmarked point called No. 72 which is on the Canal Zone-Republic of Panama boundary in the center of the Rio Curundu, the geodetic position of which is in latitude 8°59' N. plus 4948.6 feet and longitude 79°32' W. plus 3318.4 feet, the distances being 55.4 feet, 354.1 feet, 387.9 feet, 370.7 feet, 364.4 feet and 32.0 feet, successively from beginning of the course;

The above-described boundary line from monument No. 41 to unmarked point No. 72, is common with the northerly boundary of Curundu Army Reservation.

Northerly, along the centerline of the Rio Curundu, which is the Canal Zone-Republic of Panama boundary line, to monument "E" which is a brass plug set in a 10-inch square concrete post, the geodetic position of which is in latitude 9°01' N. plus 1046.6 feet and longitude 79°32' W. plus 2469.6 feet. Monument "E" is also on the southern boundary of Fort Clayton Army Reservation.

S. 89°59'20" W., 616.1 feet, through monuments Nos. 1, which is a 2-inch iron pipe, and 2, which is a 1½-inch iron pipe, to monument No. 3, which is a 2-inch iron pipe, the distances being 124.4 feet, 64.0 feet, and 427.7 feet, successively from beginning of the course;

Due west, 8000.1 feet, through monuments Nos. 4 to 23, inclusive, which are 2-inch iron pipes, to monument No. 24, which is a 3-inch iron pipe, the geodetic position of which is in latitude 9°01' N. plus 1046.6 feet and longitude 79°33' W. plus 5073.6 feet, the distances being 474.4 feet, 220.2 feet, 302.0 feet, 360.9 feet, 171.9 feet, 299.9 feet, 101.5 feet, 385.0 feet, 327.5 feet, 449.3 feet, 519.1 feet, 290.7 feet, 461.7 feet, 870.9 feet, 142.7 feet, 744.4 feet, 384.3 feet, 571.9 feet, 196.0 feet, 591.3 feet and 134.5 feet, successively, from beginning of the course;

Due south, 4419.5 feet, through monuments Nos. 25 to 38, inclusive, which are 2-inch iron pipes to monument No. 39, which is a 2-inch iron pipe, located at the northwest corner of the Gasoline Storage Area, the distances being 126.2 feet, 278.8 feet, 355.6 feet, 383.5 feet, 106.9 feet, 382.3 feet, 290.6 feet, 199.1 feet, 281.4 feet, 315.0 feet, 226.4 feet, 188.5 feet, 190.5 feet, 567.5 feet and 527.2 feet, successively, from the beginning of the course;

S. 09°00' W., 921.0 feet through monument No. 40, which is a 2-inch iron pipe, to monument No. 41, the point of beginning, the distances being 320.0 feet and 601.0 feet successively, from beginning of the course.

The directions of the lines refer to the true meridian. All geodetic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The area of Fort Clayton Army Reservation is 6,451.0 acres, more or less (Parcel No. 1 is 4,980.3 acres, more or less; Parcel No. 2 is 4.9 acres, more or less; Parcel No. 3 is 61.9 acres, more or less; and Parcel No. 4 is 1,403.9 acres, more or less) as shown on Canal Zone Government Drawing No. 6116-34 (Revision No. 8, dated June 27, 1974) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone," scale 1:10,000 dated May 29, 1952, on file in the Office of the Governor, Balboa Heights, Canal Zone.

#### § 5.26 [Amended]

2. In § 5.26, the fourth paragraph from the end of the section (which begins: "Excluded from the above reservation \* \* \*") is deleted and the following paragraph is substituted therefor:

Excluded from the above reservation is the isolated area described as Parcel No. 3 of Albrook Air Force Base.

3. In § 5.26, the number "774.5" in the penultimate paragraph of the section (which begins: "The area of Curundu Army Reservation \* \* \*") is deleted and the number "779.2" is substituted therefor.

#### § 5.48 [Amended]

4. In § 5.48, the description of Parcel No. 1 is deleted, and a revised description is added, to read as follows:

##### PARCEL No. 1

Beginning at an unmarked point called "R" on the drawing, located east 301 feet, more or less, from the centerline of Bruja Road and on the boundary line of Parcel No. 3, Fort Clayton Army Reservation, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°58' N. plus 2,606.03 feet and longitude 79°35' W. plus 3,714.69 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 68°00' E., 772 feet, more or less, to an unmarked point No. 13 located at the southeasterly corner of Parcel No. 3, Fort Clayton Army Reservation, the geodetic position of which is in latitude 8°58' N. plus 2,894.3 feet and in longitude 79°35' W. plus 3,000 feet;

N. 89°59'02" E., 1,496 feet, more or less, to monument "C" which is a 4-inch iron pipe;

East, 1,188 feet, more or less, to an unmarked point No. 4, the geodetic position of which is in latitude 8°58' N. plus 2,894.2 feet and in longitude 79°35' W. plus 316.4 feet;

S. 19°24'40" E., 5,280 feet along a line parallel to and 1,000 feet westerly from the west prism line of the Panama Canal, to an unmarked point No. 5, the geodetic position of which is in latitude 8°57' N. plus 3,961.6 feet and in longitude 79°34' W. plus 4,575 feet;

East, 1,060.3 feet, to an unmarked point No. 6, located on the west prism line of the Panama Canal, the geodetic position of which is in latitude 8°57' N. plus 3,961.6 feet and longitude 79°34' W. plus 3,514.7 feet;

S. 19°24'40" E., 4,155.8 feet, along a line coincident with the above mentioned west prism line of the Panama Canal, to an unmarked point No. 7, the geodetic position of which is in latitude 8°57' N. plus 42.1 feet and longitude 79°34' W. plus 2,133.6 feet;

S. 88°15'30" E., 1,752.1 feet, along a line coincident with the above mentioned west prism line of the Panama Canal, to an unmarked point No. 8, the geodetic position of which is in latitude 8°56' N. plus 4,713.7 feet and longitude 79°34' W. plus 1,048.7 feet;

N. 89°30'00" W., 4,665.5 feet, through monument No. 9, which is a concrete monument, to monument No. 1, which is an 8-inch square concrete monument, located 300 feet, more or less, westerly from the entrance to the U.S. Naval Reservation, Rodman, and is 75 feet northerly from the centerline of Thatcher Highway, the distances being 3,760.7 feet and 904.8 feet, successively, from the beginning of the course. The geodetic position of monument No. 1 is in latitude 8°56' N. plus 4,754.4 feet and longitude 79°34' W. plus 5,713.9 feet;

Westerly and northwesterly, 4,650 feet, more or less, along a line parallel to and 75 feet northerly from the centerline of the concrete pavement of Thatcher Highway to an unmarked point No. 15 which is located 75 feet from the centerline of Bruja Road;

Northerly 3,310 feet, more or less, along a line parallel to and 75 feet easterly from the 30-foot-wide concrete pavement of Bruja Road to an unmarked point No. 14-1;

N. 68°00' E., 257.0 feet, more or less, to an unmarked point "L";

N. 18°00' E., 628.0 feet, more or less, to an unmarked point "M";

N. 64°00' E., 1,012.0 feet, more or less, to an unmarked point "N";

N. 14°35' E., 840.0 feet, more or less, to an unmarked point "O";

N. 79°05' W., 756.0 feet, more or less, to an unmarked point "P";

N. 28°20' W., 462.0 feet, more or less, to an unmarked point "Q";

N. 38°10' W., 1,452.0 feet, more or less, to an unmarked point "R"; the point of beginning.

5. In § 5.48(a), the final two paragraphs (which begin: "The directions of the lines \* \* \*") are deleted, and the following paragraphs are substituted therefor:

The directions of the lines refer to true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The total area of U.S. Naval Reservation, Rodman, C.Z., is 1,200.9 acres, more or less (Parcel No. 1 is 1,067.2 acres, more or less; Parcel No. 2, is 133.7 acres, more or less) and is as shown on Panama Canal Drawing No. M-6120-33, entitled "Boundary of U.S. Naval Reservation, Rodman, C. Z.", scale 1:10,000, dated May 13, 1969, on file in the Office of the Governor, Balboa Heights, C.Z.

#### § 5.61 [Amended]

6. In § 5.61, Parcels No. 1 and No. 5 are revoked and reserved, as follows:

##### § 5.61 Albrook Air Force Base.

###### PARCEL No. 1 [RESERVED]

###### PARCEL No. 5 [RESERVED]

7. In § 5.61, the final three paragraphs (which begin: "The directions of the lines \* \* \*") are deleted, and the following paragraphs are substituted therefor:

The directions of the lines refer to the true meridian. All geodetic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The total area of Albrook Air Force Base is 1,269.5 acres, more or less; Parcel No. 2 is 1,136.1 acres, more or less; Parcel No. 3 is 31.8 acres, more or less; Parcel No. 4 is 98.6 acres, more or less; and Parcel No. 6 is 2.01 acres; and is as shown on Canal Zone Government Drawing No. 6116-34 (Revision No. 8 dated June 27, 1974) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone," scale 1:10,000 dated May 29, 1952, on file in the Office of the Governor, Balboa Heights, C. Z.

8. In § 5.62(a), the final two paragraphs (which begin: "The directions of the lines \* \* \*") are deleted, and a new parcel of land (Parcel No. 4) is added, to read as follows:

##### § 5.62 Howard Air Force Base.

###### PARCEL No. 4

Beginning at a 4-inch iron pipe monument marked "C" located on the northerly bound-

ary of Parcel No. 1 of U.S. Naval Reservation Rodman, the geodetic position of which referred to the Canal Zone triangulation system, is in latitude 8°58' N. plus 2,894.3 feet and in longitude 79°35' W. plus 1,504.4 feet from Greenwich.

Thence from said initial point by metes and bounds:

S. 89°59'02" W., 1,496 feet, more or less, along a line coincident with the northerly boundary of Parcel No. 1 of U.S. Naval Reservation, Rodman, to an unmarked point No. 13 which is in latitude 8°58' N. plus 2,894.3 feet and 79°35' W. plus 3,000.0 feet.

North, 290 feet, more or less, to an unmarked point No. 12;

West, 265 feet, more or less, to an unmarked point No. 11, located at the back of the easterly curb of Second Street;

Northeasterly and northwesterly, 495 feet, more or less, following along the back of the above mentioned easterly curb of Second Street, to an unmarked point No. 10;

S. 73°45' E., 110 feet, more or less, to an unmarked point No. 9;

N. 16°15' E., 40 feet, more or less, to an unmarked point No. 8;

S. 73°45' E., 40 feet, more or less, to an unmarked point No. 7;

S. 16°15' W., 40 feet, more or less, to an unmarked point No. 6;

S. 73°45' E., 100 feet, more or less, to an unmarked point No. 5;

N. 3°00' E., 190 feet, more or less, crossing Sago Avenue, to an unmarked point No. 4;

N. 73°45' W., 100 feet, more or less, to an unmarked point 3-D;

S. 16°15' W., 60 feet, more or less, to an unmarked point 3-C;

N. 73°45' W., 40 feet, more or less, to an unmarked point 3-B;

N. 16°15' E., 60 feet, more or less, to an unmarked point 3-A;

N. 73°45' W., 160 feet, more or less, to an unmarked point No. 3, located at the back of the curb of the northeasterly side of Second Street;

Northwesterly, 150 feet, more or less, following along the back of the northeasterly curb of Second Street and its northwesterly prolongation, crossing Tamarind Avenue, to an unmarked point No. 2, located at the back of the curb on the northerly side of Tamarind Avenue;

N. 40°26'35" E., 350 feet, more or less, to an unmarked point No. 1;

S. 49°33'25" E., 2,170 feet, more or less, through monuments B-2 and B-3, which are 2-inch iron pipes set in concrete, to monument "C", which is a 4-inch iron pipe, the distances being 990 feet, more or less, 325 feet, more or less, and 855 feet, more or less, successively, from the beginning of the course. Monument "C" is in latitude 8°58' N. plus 2,894.3 feet and in longitude 79°35' W. plus 1,504.4 feet, the point of beginning.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The total area of Howard Air Force Base is 6,852.7 acres, more or less. Parcel No. 1 contains an area of 4,258 acres, more or less, and is as shown on Canal Zone Government Drawing No. X-6121-47, Sheet 1 of 2, entitled "Boundaries of Howard Air Force Base and Fort Kobbe Army Reservation". Parcel No. 2 contains an area of 2,488.8 acres, more or less, and is as shown on Canal Zone Government Drawing No. X-6121-47, Sheet 2 of 2, entitled "Boundary of Parcel No. 2, Howard Air Force Base". Parcel No. 3 contains an area of 77.6 acres, more or less, and is as shown on Canal Zone Gov-

ernment Drawing No. X-6121-47, Sheet 2 of 2 entitled "Boundary of Parcel No. 2, Howard Air Force Base". Parcel No. 4 contains an area of 28.3 acres, more or less, and is as shown on Canal Zone Government Drawing No. M-6117-46 R1 (Revision No. 2, dated April 21, 1974) entitled "Fort Clayton Army Reservation". Drawing No. X-6121-47, Sheets 1 and 2, Scale 1:10,000 dated May 13, 1969 and Drawing No. M-6117-46 R1, Scale 1:3,000, dated June 27, 1955 are on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

**Effective date.** This amendment is effective August 15, 1974.

(2 C.Z.C. 31, 33, 76A Stat. 7, 35 CFR 3.3(c))  
Dated: July 19, 1974.

DAVID S. PARKER,  
Governor of the Canal Zone.

Approved: August 2, 1974.

HOWARD H. CALLAWAY,  
Secretary of the Army.

[FR Doc. 74-19996 Filed 8-29-74; 8:45 am]

**Title 36—Parks, Forests and Memorials**

**CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

**PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE**

**Assateague Island National Seashore, Maryland and Virginia; Operation of Oversand Vehicles**

A proposal was published at page 18658 of the FEDERAL REGISTER of May 29, 1974, to amend Part 7 of Title 36 of the "Code of Federal Regulations" by adding a new § 7.65(b). The purpose of the amendment is to authorize the establishment of a system of oversand permits to control and restrict off-road travel by oversand vehicles on Assateague Island National Seashore under guidelines provided by EO 11644 (37 FR 2877) by requiring that motor vehicles must obtain an oversand permit before traveling the designated off-road routes in the park area.

Interested persons were given 15 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. Consideration having been given to all relevant matters presented, it has been determined that the proposed regulations should be and are hereby adopted with the following change. The final notice corrects the definition given for "self-contained" vehicles in paragraph (b) (1) (ii) of the proposed rule so as to describe a class of vehicles.

This amendment shall take effect September 30, 1974.

(5 U.S.C. 553; 16 U.S.C. 3)

EARL W. ESTES,  
Acting Superintendent, Assateague Island National Seashore.

Section 7.65 is amended by revising paragraph (b) to read as follows:

§ 7.65 Assateague Island National Seashore.

(b) *Operation of oversand vehicles—*  
(1) *Definitions.* In addition to the definitions found in §§ 1.2 and 4.1 of this chapter, the following terms or phrases, when used in this section, have the meanings hereinafter respectively ascribed to them.

(i) *Oversand vehicle.* Any motorized vehicle which is capable of traveling over sand including—but not limited to—over-the-road vehicles such as beach buggies, four-wheel-drive vehicles, pickup trucks, and standard automobiles.

(ii) *Self Contained vehicle.* Any towed or self propelled camping vehicle that is equipped with a toilet and a permanently installed, waste, storage tank capable of holding a minimum of 2 days volume of material.

(iii) *Park area.* Any federally owned or controlled lands within the authorized boundaries of Assateague Island National Seashore which are under the administrative jurisdiction of the National Park Service.

(iv) *Primary dune.* Barriers or mounds of sand which are either naturally created or artificially established bayward of the beach berm which absorb or dissipate the wave energy of high tides and coastal storms.

(v) *Dunes crossing.* A maintained vehicle accessway over a primary dune designated and marked as a dunes crossing.

(2) *Oversand permits.* No oversand vehicle, other than an authorized emergency vehicle, shall be operated on a beach or designated oversand route in the park area except under an oversand permit issued by the Superintendent.

(i) The Superintendent is authorized to establish a system of oversand permits. Any person, firm, or corporation may apply to the Superintendent for a permit. Before granting the permit, the Superintendent shall consider whether or not the nature and extent of use is consistent with the criteria contained in sections 3 and 4 of EO 11644 (37 FR 2877) including such factors as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations.

(A) On this basis, the Superintendent may approve the application, deny the application, or grant the application with appropriate limitations or restrictions.

(ii) Oversand permits may be issued for periods of 1 day to 1 year depending on the reasonable requirements of the applicant.

(iii) No permit will be issued for a vehicle:

(A) Which is not equipped to travel over sand and which does not contain the following equipment to be carried at all times when traveling on a beach or designated oversand route in the park: shovel, jack, tow rope or chain, board or similar support for the jack, and low pressure tire gauge;

(B) Which does not conform to applicable State laws having to do with licensing, registering, inspecting, and insuring of such vehicles;

(C) Which fails to comply with provisions of §§ 4.12, 4.19, and 4.21; and

(D) Which has a manufacturer's rated capacity in excess of 1 ton or, for a travel trailer in excess of 26 feet long: *Provided*, That application may be made to the Superintendent for a single trip permit for a vehicle of greater capacity or length when such use is not inconsistent with the purposes of these regulations.

(iv) Oversand permits are not transferable and shall be carried by the operator of the vehicle for which it has been issued while traveling in the park. It shall be displayed as directed by the Superintendent at the time of issuance.

(3) *Authorized and prohibited travel.*  
(i) Except as otherwise provided in this section and in applicable parts of Parts 2 and 4 of this chapter, travel by oversand vehicles is permitted as follows:

(A) In Maryland south of the State park, daily throughout the year at any time, on a designated oversand route bayward of the primary dune and on designated portions of a beach seaward of the primary dune.

(B) In Virginia on the Toms Cove Hook area, daily throughout the year from 4 a.m. to 10 p.m., along designated portions of a beach seaward of the primary dune.

(ii) Travel by motorcycles is permitted only on the public highways and parking areas within the park area.

(iii) (A) Travel by self-contained vehicles is permitted under paragraph (3)(i) of this section provided that no overnight parking is allowed on a beach seaward of the primary dune at any time.

(B) In Maryland south of the State park, such vehicles may use designated self-contained areas bayward of the primary dunes for overnight parking.

(C) In Virginia, fishermen, who obtain a special overnight beach fishing permit, may remain in the park area between the hours of 10 p.m. one day and 4 a.m. the following day subject to special regulations jointly issued by the Superintendent and the Refuse Manager, Chincoteague National Wildlife Refuge.

(iv) Travel within the park area by authorized emergency vehicles is permitted at any time.

(v) Travel by oversand vehicles, other than authorized emergency vehicles, is prohibited in the following portions of the park area subject, however, to existing rights of ingress and egress:

(A) Between the Assateague State Park and the Ocean City Inlet.

(B) On the beach seaward of the primary dune within designated portions of the North Beach and Toms Cove public use complex.

(C) *Provided, however,* That the Superintendent may establish times when oversand vehicles may use portion of the beach in either the Maryland or Virginia public use complex by the posting of appropriate signs or marking on a map which may be available at the office of the Superintendent—or both.

(vi) When oversand vehicle use in a particular zone exceeds 12 vehicles per mile of beach, the Superintendent may temporarily close or limit access to that zone until a lower level of use is reestablished.

(4) *Rules of the road.* (i) Oversand vehicles shall be operated only in established tracks on designated portions of the park area. No such vehicles shall be operated on any portion of a dune except at posted crossings nor shall such vehicles be driven so as to cut circles or otherwise needlessly deface the sand.

(ii) Oversand vehicles shall not be parked so as to interfere with the flow of traffic on designated oversand routes. Such vehicles may not park overnight on a beach seaward of the primary dune unless one member of the party is actively engaged in fishing at all times. Towed travel trailers used as self-contained vehicles in the off-road portion of the park area may not be parked on a beach seaward of the primary dunes.

(iii) Upon approaching or passing within 100 feet of a person on foot, the operator of an oversand vehicle shall reduce speed to 15 miles per hour. Speed at other times on any designated oversand route shall not exceed 25 miles per hour.

(iv) When two vehicles approach from opposite directions in the same track, both operators shall reduce speed; and the operator with the ocean on his right shall pull out of the track to allow the other vehicle to pass.

(v) Passengers shall not ride on the fenders, hood, roof, or tailgate, or in any other position outside of a moving oversand vehicle; and such vehicles shall not be used to tow a person on any recreational device over the sand or in the air or water of the park area.

(vi) During an emergency, the Superintendent may close the park; or he may suspend for such period as he shall deem advisable any or all of the foregoing regulations in the interest of public safety; and he may announce such closure or suspension by whatever means are available.

(5) *Violations.* In addition to the penalties prescribed in § 1.3 of this chapter, the Superintendent may suspend or revoke any oversand permit issued under this part for violation of the foregoing regulations. Failure to operate a motor vehicle in conformance with the terms of a permit shall be deemed a violation of these regulations.

[FR Doc.74-20126 Filed 8-29-74; 8:45 am]

Title 39—Postal Service  
CHAPTER I—U.S. POSTAL SERVICE  
MISCELLANEOUS AMENDMENTS TO  
POSTAL SERVICE MANUAL

Chapter I of the Postal Service Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 111.1), has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 29, Issue 81, dated August 15, 1974.

In accordance with 39 CFR 111.3 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Manual will receive these amendments automatically from the

Government Printing Office. (For other availability of Chapter I of the Postal Service Manual, see 39 CFR 111.2).

Description of these amendments to Chapter I of the Postal Service Manual follows:

PART 144—POSTAGE METERS AND  
METER STAMPS

1. New section 144.38 is added to provide official instructions for the on-site meter setting program.

2. Existing sections 144.31, 144.32 and 144.33 are amended in conformity with new section 144.38.

3. Sections 144.61g, 144.61h and 144.63 are amended to require that unresolved meter discrepancies, use of unauthorized meters, and lost and stolen meters shall be reported to the regional controller instead of the regional mail classification branch.

4. Section 144.63 is also amended to direct postmasters to cooperate with postage meter manufacturers in the location of meter licensees who have moved without providing a forwarding address.

5. Section 144.734c is amended to clarify procedures regarding meter operators delivering postage-due mail to window callers.

PART 159—UNDELIVERABLE MAIL

6. Section 159.772b(2) is amended to update the address of the Money Order Division.

7. Section 159.813d is renumbered 159.813e and new 159.813d is added to require the destruction of any exposed or developed photographic material found in dead mail. A corresponding change is made in 159.851 by limiting the sale of photographic matter found in dead mail to unexposed matter.

PART 169—POST OFFICE BOXES

8. New § 169.27 is added to provide procedures to collect increased fees when there is a general change in the box rent fee schedule.

In consideration of the foregoing 39 CFR 111.3 is amended by adding the following:

PART III—GENERAL INFORMATION ON  
POSTAL SERVICE

§ 111.3 Amendments to Chapter I of Postal Service Manual.

AMENDMENTS TO POSTAL SERVICE MANUAL

Transmittal Letter: Letter 29, Issue 81;  
Dated: 8/15/74; F.R. Publication: 39  
FR 31634.

These amendments are effective immediately, with the exception of § 169.27, which was adopted and published in the FEDERAL REGISTER on June 27, 1974 as new paragraph (g) of § 169.2 of Title 39, Code of Federal Regulations, see 39 FR 23261.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408, 3001-3011, 3201-18, 3403-05, 3601, 3621 and 50 U.S.C. 1463-64.)

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