County, Texas, and shown on a replat of Fryer's Creek as prepared by Dunlap & Associates (dated May, 1976), is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 480034A Panel 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on March 1, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36534 Filed 12-10-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7442]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Special Elections for Certain Section 403(b) Annuity Contracts

Correction

In FR Doc. 76-35040, appearing at page 52295 in the issue for Monday, November 29, 1976, make the following changes:

1. On page 52296, in the first column, first full paragraph, the thirteenth line should read "amount is subject to cost of living in-".

2. On page 52296, in the first paragraph, first column, the 4th word in the fifteen line now reading "emplyee", should read "employer".

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 673-76]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart I—Civil Division

Subpart K—Criminal Division

TRANSFER OF CERTAIN LITIGATION RESPONSIBILITIES

This order assigns to the Civil Division certain litigation responsibilities presently handled by the Criminal Division.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Subparts I and K of Part O of Chapter I of Title 28, Code of Federal Regulations, are amended as follows:

1. Paragraph (h) of § 0.45 of Subpart I is revised by adding a comma and the following phrase immediately after "Subpart H of this part":

§ 0.45 General functions.

* * * * *

(h) * * *, civil proceedings seeking exclusively equitable relief assigned to the Criminal Division by §§ 0.55(i) and 0.61(d), * * *

2. Paragraph (i) of § 0.55 of Subpart K is revised to read as follows:

§ 0.55 General functions.

* * * * *

(i) Civil proceedings seeking exclusively equitable relief against investigations, prosecutions, convictions or other criminal justice activities (including without limitation applications for writs of habeas corpus and coram nobis) except that any such proceeding may be conducted, handled, or supervised by another division by agreement between the head of such division and the Assistant Attorney General in charge of the Criminal Division.

* * * * *

3. Paragraph (d) of § 0.61 of Subpart K is revised to read as follows:

§ 0.61 Functions relating to internal security.

* * * * *

(d) Civil proceedings seeking exclusively equitable relief against laws, investigations or administrative actions designed to protect the national security (including without limitation personnel security programs and the foreign assets control program).

* * * * *

Dated: December 3, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76-36464 Filed 12-10-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-187]

PART 110—ANCHORAGE REGULATIONS

Naval Anchorage Grounds—Waimea, Hawaii

On July 8, 1976, there was published in the FEDERAL REGISTER (41 FR 27975), a notice of proposed rulemaking to establish a Naval Anchorage Grounds off Waimea, Hawaii to prevent interference with Naval submarine operations. Only Naval vessels will be permitted to use the Anchorage Grounds.

No written objections have been received and the proposed regulations are hereby adopted without change as set forth below.

Effective date: These regulations are effective January 13, 1977.

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive order 11821 and OMB Circular A-107.

Dated: December 7, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

Part 110 of Title 33 of the Code of Federal Regulations is amended by adding a new § 110.237 to read as follows:

§ 110.237 Pacific Ocean at Waimea, Hawaii, Naval Anchorage.

(a) *The Anchorage grounds.* All the waters within a circle having a radius of 300 yards centered at latitude 21°-57'02'' N., longitude 159°41'33'' W.

(b) *The regulation.* Except in an emergency, no vessel except a Naval vessel may anchor or moor in this anchorage without permission of the Captain of the Port, Honolulu, Hawaii.

(Sec. 7, 38 Stat. 1053 as amended (33 U.S.C. 471); sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1).)

Dated: June 29, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-36424 Filed 12-10-76;8:45 am]

[CGD 74-191]

PART 110—ANCHORAGE GROUNDS

Special Anchorage—Lahaina, Island of Maui, Hawaii

On August 16, 1976, there was published in the FEDERAL REGISTER (41 FR 34649), a notice of proposed rulemaking to amend the anchorage regulations for Lahaina, Island of Maui, Hawaii by establishing a special anchorage area. This anchorage is needed to provide for the safety of pleasure craft anchoring in this vicinity. The anchorage will be for general use of the public.

No objections have been received and the proposed regulations are hereby adopted without change as set forth below.

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Effective date: These regulations are effective January 13, 1977.

Dated: December 7, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

A new § 110.128a is added to Part 110 of Title 33 of the Code of Federal Regulations to read as follows:

§ 110.128a Lahaina, Island of Maui, Hawaii.

The water area of the Pacific Ocean, west of Lahaina, Hawaii enclosed by a line beginning at latitude 20°52'39" N., longitude 156°41'11" W.; thence to latitude 20°52'40" N., longitude 156°41'09" W.; thence to latitude 20°52'32" N., longitude 156°41'03" W., thence to latitude 20°52'31" N., longitude 156°41'04" W.; thence to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2).)

[FR Doc.76-36425 Filed 12-10-76;8:45 am]

[CGD 75-240]

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

Tank Vessels Carrying Oil in Trade

• *Purpose.* The purpose of these amendments to the pollution regulations is to add design, equipment, and operation requirements for seagoing U.S. flag tank vessels of 150 gross tons or more engaged in foreign trade and for foreign flag tank vessels of 150 gross tons or more that enter the navigable waters of the United States. •

Interested persons were given an opportunity to participate in the rule making by a notice that appeared in the April 15, 1976 issue of the FEDERAL REGISTER (41 FR 15859). In addition to receiving written comments on the proposed rules, a public hearing was held by the Coast Guard on May 20, 1976, to receive oral and written comments.

The public docket on the rule making contains correspondence from 12 commenters. Comments made at the public hearing and all written comments submitted to the Coast Guard were considered in promulgating these final rules.

A commenter who presented the views of 8 environmental groups recommended that the proposed discharge standards for U.S. vessels being derivative of internationally agreed standards be enforced against foreign flag vessels which violate those standards by denying those vessels entry to U.S. ports. He urges that the United States, as a principal advocate of a port state enforcement regime in the ongoing Law of the Sea Conference, take the lead in implementing that regime. It is his contention that the concept of port state enforcement of international discharge standards, if not part of international law, represents the emerging consensus, citing Part III, Article 23 of the Revised Single Negotiating Text (Third Conference of the Law of the Sea, A/Conf. 62/WP.8/.1/Part III (May 6, 1976)).

It is true that in the Law of the Sea Conference the United States is a strong advocate of a universal port state enforcement regime. However, the concept, although seemingly favored by a growing number of nations participating in that forum, cannot yet be said to have been accepted by the community of nations. As the President of the Conference states in his Introductory Note, the Revised Single Negotiating Text "represent(s) a further stage in the work of the Conference". The texts "have no other status than that of serving as a basis for continued negotiation without prejudice to the right of any delegation to move any amendment or to introduce any new proposals. The texts must not be regarded as committing any delegation or delegations to any of their provisions." Further, in his report on the work of the committees at the Fifth Session of the Conference (Aug. 2 to Sept. 17, 1976) the chairman points out that various issues relating to Article 23 remain unresolved. Article 23, therefore, at this stage of the negotiation of the Convention, binds no one and does not represent a consensus.

More pertinent to the Coast Guard's resolution of this issue is the method employed in Article 4 of the International Conference on Marine Pollution 1973 (1973 Convention). It reads as follows:

ARTICLE 4

VIOLATION

(1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.

(2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

(a) cause proceedings to be taken in accordance with its law; or

(b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

(3) Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.

(4) The penalties specified under the law of a Party pursuant to the present Article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur."

Article 4 conforms to established international law. It is a principle that can be read in other recent international conventions, such as Article 2 of the United Nations "Convention on the High Seas", (13 UST 2312, TIAS 5200, 450 UNTS 82). Article 2 states that the high seas being open to all nations, no state may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, inter alia, both for coastal and noncoastal States: (1) Freedom of navigation; (2) Freedom of fishing; (3) Freedom to lay submarine cables and pipelines; (4) Freedom to fly over the high seas. These freedoms, and other which are recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

It is a principle recognized by the Supreme Court in *United States* v. *Louisiana et al* (363 US 1, 33): "—the high seas, as distinguished from inland waters, are generally conceded by modern nations to be subject to the exclusive sovereignty of no single nation."

This concept is expressed as follows in *"The International Law of the Sea"* by C. John Colombos (6th edition):

80. Right of regulation by the community of nations.

It results from the above considerations that the high sea cannot be under the sovereignty of any State and that no State has a right to exercise jurisdiction over it. The sea must remain common to all nations in order to fulfill its main mission of an international highway. It does not follow, however, that because no jurisdiction is enjoyed by any State on the high seas, that the community of nations is not entitled to provide, by international agreement, binding rules on the proper use of the sea to the greatest possible advantage of all States and also for the purpose of establishing a legal order in and over it. If this were not so, a state of anarchy and lawlessness would prevail on the open seas, not only rendering its use incapable of proper exploitation, but endangering the lives and property of persons sailing in it. A right to regulate the open seas must therefore be recognized to the international community of nations * * *

It is the Coast Guard's opinion that this is a well established principle of international law, and the commenter's recommendation, since it ignores this principle, cannot be accepted.

One commenter requested the proposed § 157.24(d)(3) be changed to allow the submission of hydrostatic tables. The commenter stated that instead of curves of form, which would be required under § 157.24(d)(3), he uses computed hydrostatic tables that contain accurate data for every inch of the draft. The Coast Guard finds this request reasonable and has changed § 157.24(d)(3) to include hydrostatic tables as an alternative to curves of form.

This commenter also suggested that tank capacity tables should be substituted for tank sounding tables in proposed § 157.24(d)(8). The commenter contends that tank sounding tables are not normally available before construction. Since the Coast Guard would accept tank sounding tables or tank capacity tables, § 157.24(d)(8) has been changed to allow submission of either table.

Commenters criticized the proposed requirements as attempting to introduce unilaterally, for foreign-flag vessels, detailed requirements "that exceed internationally agreed standards". A commenter suggested that it could be counter productive to the objective of pollution avoidance to specify, "at this stage", the distribution of the segregated ballast. He also suggested that it is unreasonable to specify a 20 percent reduction in the maximum hypothetical outflow specified in the 1973 Convention.

The 1973 Convention requires parties to meet its standards. It does not prohibit more stringent standards, especially on issues for which no specifications are

supplied. The distribution of segregated ballast spaces is considered by the Coast Guard as a logical and beneficial corollary to a segregated ballast capacity on new tank vessels. The Coast Guard's position on this issue was explained in the preamble in the April 15, 1976, notice of proposed rule making. The suggestion to withdraw this requirement is not accepted by the Coast Guard.

One of the commenters also criticized the ballast location proposal because "it appears to be of secondary value and to have been considered in relation to only a limited number of possible tanker designs or alternative measures." This commenter appears to have misunderstood the objective of the regulations, as stated in the preamble in the October 14, 1975 issue of the FEDERAL REGISTER. The primary purpose (or "value") of these regulations is to protect the marine environment by reducing operational pollution. A secondary purpose (or "value") of these regulations is, with the proper positioning of segregated ballast, to achieve a significant measure of additional protection, as a result of the extra cubic capacity that such ballast provides, over a range of accident circumstances. The study group report of April 28, 1975, has been included in the Final Environmental Impact Statement on Regulations for Tank Vessels Engaged in the Carriage of Oil in Domestic Trade. The study states the following:

> This study was necessarily carried out within a limited time frame. Every effort was made to include all of the creative thinking and analysis work that various industry and government groups had already developed on this subject. The study group expressed a good deal of its own creative ability but the possibility remains that there are other design concepts which might exist and be found advantageous. The time limitations also forced the study group to do most of its evaluation on designs in the 120–250,000 dwt size range with lesser attention to ships up to 500,000 dwt. Different design alternatives might be more or less advantageous on ships which fall outside the 120–250,000 dwt size range. The study group also necessarily focused its attention on designs with conventional ratios of length to beam to depth. The same problems may apply with designs which are not conventional in this regard. The study group also recognizes that a correction factor to the formula may be necessary for ship sizes larger than those primarily studied. Time limitations again precluded particular consideration of this item. There is almost no quantitative data available which relates resulting internal structural integrity to the depth of accidental penetration. The study group used the same approach as in the IMCO hypothetical outflow regulation in regard to the point of penetration. While this is a simplified assumption, it should provide a relative measure of effectiveness for differing designs in accident circumstances.

Since the object of the study was to provide this measure, the Coast Guard considers the study results worthwhile. It is notable that in spite of wide discussion and publicity regarding the segregated ballast distribution concept, all commenters objected in principle rather than to the technical merits of the proposal.

A commenter has directed attention to what he considers inconsistencies in the effective dates of the proposed rules and the 1971 amendments to the International Convention for the Prevention of Pollution of the Sea by Oil (London, May 12, 1954) (12 UST 2989, TIAS 4900, 327 UNTS 3). He suggested that the Coast Guard should deal sympathetically with any problems that might arise over these differences in dates. The effective dates in the proposed regulations are consistent with the 1971 amendment dates. The Coast Guard expects that almost all affected vessels will be in compliance by the time the regulations are effective, since builders and owners are aware of the calendar dates in the 1971 amendments. The Coast Guard does not expect the problems anticipated by the commenter to arise.

A commenter suggested that the Coast Guard should have the discretion to accept existing vessels with "purpose-built" slop tanks of slightly lower than 3 percent of oil carrying capacity. Proposed § 157.15, to which the comment is directed, would not become effective for an existing foreign or domestic vessel until December 31, 1979. Only non-segregated ballast tank vessels or tank vessels that have tank eductors installed must have a slop tank capacity of 3 percent or more of the oil carrying capacity of the vessel. Other tank vessels with slop tanks meeting § 157.15 must have a 2 percent or more capacity. In either case, if it can be established that the vessel's tank capacity does not meet § 157.15 but can satisfy the equivalence requirements under § 157.07, the Coast Guard will accept that vessel.

Commenters suggested that the requirements for rerouting piping systems be eliminated in proposed § 157.11 because the rearrangements will not in themselves effect a significant reduction in oil discharge during normal tanker operations and is unjustified on grounds of cost effectiveness, especially in older vessels. Before making the proposal, the Coast Guard studied this issue and determined that the proposed resolution is technically desirable and economically feasible. Section 157.11 requires the fixed piping system to discharge to the sea from above the weather deck or the side above the waterline of the deepest ballast condition. The same pumps capable of pumping cargo to deck level and then ashore are capable of pumping oil mixtures over the side, as required, without rearrangement. Accordingly, the Coast Guard did not accept this suggestion.

Commenters criticized proposed § 157.24 because it implies that the Coast Guard has a legitimate interest in the plans for a foreign vessel that may never approach the United States. The Coast Guard agrees with this criticism. The proposed requirement did not clearly state the intent of the Coast Guard; therefore, § 157.24 has been changed. The words "before construction of the vessel" have been changed to "before that vessel enters the navigable waters of the United States".

A commenter stated that proposed § 157.43(a), which applies to foreign vessels in U.S. waters, refers to § 157.37, which does not apply to foreign vessels. The Coast Guard agrees with the comment that the two requirements conflict. For clarification, § 157.25(a) has been changed by adding § 157.37(a)(6) to the list of requirements that apply to foreign vessels when they discharge into the navigable waters of the United States. In addition, § 157.25(b) has been changed to exclude § 157.37(a)(6) from the list of requirements that do not apply to foreign vessels.

A commenter stated that the requirement for an automatic oil discharge monitoring and control system, as a condition for the discharge of clean ballast, is unrealistic since the degree of accuracy needed is not yet available at this stage of that device's development. The Coast Guard is aware of the problem and will not enforce the requirement until a specification regulation for the device is published in the FEDERAL REGISTER, after the public participates in the rule making procedure. The Coast Guard anticipates publishing a proposed specification within the next 6 months.

Commenters stated that it is unclear whether or not the proposed requirements apply to foreign vessels trading to or from U.S. ports, entering internal waters, or exercising the right of innocent passage through the territorial waters of the United States. The language, with which the commenters have difficulty, is taken from the law under which the regulations are proposed, title II of the Ports and Waterways Safety Act of 1972, as amended, 46 U.S.C. 391a. That language is as follows:

> "All vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk * * *" (underscoring supplied.)

There was nothing in the regulations, nor in the Coast Guard's intent in proposing the regulations, to contravene the international law principle of innocent passage. However, since the regulations appear to lack clarity in this respect, § 157.01(a)(2) is changed by adding the words "to engage in commercial service" after the words "United States."

Although deepwater ports are not by statutory definition within the "navigable waters of the United States", vessels that call at these ports are subject to these and other regulations by virtue of provisions of the Deepwater Ports Act of 1974 (Pub. L. 93–627, 88 Stat. 2126, 33 U.S.C. 1501,) et seq.

A commenter suggested that the proposed distribution of ballast exceeds the coastal state powers to be agreed upon by the Law of the Sea Conference. Also, this commenter states that the proposed dates used for new vessels, that anticipate the 1973 Convention, are outside the interpretation of international agreement as conceived in the Law of the Sea discussion. Since the Law of the Sea is only in the drafting stage, it can have no

impact, at this time, on the proposed regulations. Nevertheless, it should be pointed out to the commenter that the powers exercised under these regulations are those of a port state and not a coastal state.

A commenter recommended that the Coast Guard consider modifying the requirements of the proposed regulations for U.S. tank vessels operating from foreign port to foreign port. It is this commenter's view that if these U.S. tank vessels are required to comply with the regulations, they would be placed at a competitive disadvantage with respect to their foreign counterparts. Subsection 7(D) of the Ports and Waterways Safety Act of 1972 specifies that any rule or regulation for the protection of the marine environment promulgated pursuant to subsection (7) must be equally applicable to U.S. flag vessels engaged in foreign trade and to foreign flag vessels entering the navigable waters of the United States. Since there is no provision in the Act authorizing any distinction in treatment between U.S. vessels engaged in foreign-to-U.S. trade and U.S. vessels engaged in foreign-to-foreign trade, the Coast Guard cannot accept this recommendation.

A commenter suggested that proposed § 157.21 should apply to new foreign flag tank vessels as well as new U.S. flag vessels. He bases his suggestion on the following:

1. Section 157.21 and the two compartment standards of subdivision in the 1973 Convention indicate that the requirements in the International Convention on Load Lines, 1966 (18 UST 1857, TIAS 6331, 640 UNTS 133) (1966 Convention) are not adequate to prevent the total loss of a vessel from a casualty and a subsequent massive oil spill.

2. Because of the stringency of § 157.21 and its unilateral application, foreign flag tankers would have a competitive advantage over U.S. flag tankers.

Since the subdivision and stability requirements in the 1973 Convention will supersede the subdivision and stability requirements in the 1966 Convention, other signatory countries will follow the United States lead in applying the more stringent requirements to their flag vessels. The only difference between proposed § 157.21 and the 1966 Convention is the subdivision and stability requirements for vessels while in a partially loaded condition. The Coast Guard considers that any foreign flag tank vessel that meets the requirements in the 1966 Convention would attain an equivalent level of safety to the requirements in § 157.21. Acknowledging that a small competitive advantage may accrue to foreign tankers, the Coast Guard, balancing the advantages and disadvantages of the requirement, does not accept the suggestion.

During preparation of this document, the Coast Guard determined that the rule published as § 157.15(b) was in error. The notice for this rule, published in the June 28, 1974 issue of the FEDERAL REGISTER (39 FR 24150), proposed the exception in the alternative. This wording conformed to the 1973 Convention and no comments were received on this paragraph. When the rule was published, however, the exception was stated in the conjunctive. This document corrects the drafting error and returns the wording of the requirement as it was proposed in the June 28th notice.

A final environmental impact statement (EIS), Regulations for U.S. Tank Vessels Carrying Oil in Foreign Trade and Foreign Tank Vessels That Enter the Navigable Waters of the United States, has been filed with the President's Council on Environmental Quality on November 1, 1976, and has been made available to the public on November 12, 1976. Copies of the final EIS are available upon request to the Executive Secretary (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590, and may be read or copied at any Coast Guard district office.

This proposal has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200).

There are an estimated 900 tankers engaged in U.S. trade. The estimated average retrofitting cost per tanker to meet these regulations is $200,000. The total average cost to be recovered would be 18 million dollars per year, assuming the average life of a tanker as being 20 years with an average of 10 years of useful life remaining per existing tanker. This cost would be recovered through increased transportation costs over the remaining life of a tanker. The cost from constructing new vessels under these regulations is estimated to be 44 to 60 million dollars over a period of 20 years.

These requirements are necessary to bring the vessels to which they apply into compliance with requirements already applicable to U.S. tank vessels in domestic trade. The benefits of these requirements are to reduce the influx of oil into the marine environment from the normal deballasting and tank cleaning operation of tank vessels and also to reduce the outflow of oil in event of hull breaching accidents suffered by tank vessels.

In consideration of the foregoing, the amendments proposed in the April 15, 1976 issue of the FEDERAL REGISTER (41 FR 15859) are hereby adopted subject to the changes as discussed in the preceding paragraphs.

In consideration of the foregoing, Part 157 of Title 33, Code of Federal Regulations, is amended as follows:

1. The title of Part 157 is revised to read as set forth above.

2. Section 157.01 is revised and a note is added to follow § 157.01 to read as follows:

§ 157.01 Applicability.

(a) This part prescribes design, equipment, and operation requirements for tank vessels of 150 gross tons or more carrying oil in bulk that—

(1) Are documented under the laws of the United States (U.S. vessels); or

(2) Are not U.S. vessels and enter the navigable waters of the United States to engage in commercial service (foreign vessels).

(b) This part does not apply to public vessels not engaged in commercial service.

NOTE: Additional requirements for U.S. vessels are found in 46 CFR Subchapters O and D.

3. Section 157.03 is amended by revising paragraphs (i) and (w) to read as follows:

§ 157.03 Definitions.

* * * * *

(i) "New vessel" means—

(1) A U.S. vessel in domestic trade that—

(i) Is constructed under a contract awarded after December 31, 1974;

(ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(iii) Is delivered after December 31, 1977; or

(iv) Has undergone a major conversion for which—

(A) The contract is awarded after December 31, 1974;

(B) In the absence of a contract, conversion is begun after June 30, 1975; or

(C) Conversion is completed after December 31, 1977; and

(2) A foreign vessel or a U.S. vessel in foreign trade that—

(i) Is constructed under a contract awarded after December 31, 1975;

(ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(iii) Is delivered after December 31, 1979; or

(iv) Has undergone a major conversion for which—

(A) The contract is awarded after December 31, 1975;

(B) In the absence of a contract, conversion is begun after June 30, 1976; or

(C) Conversion is completed after December 31, 1979.

* * * * *

(w) "Foreign trade" means any trade that is not domestic trade.

* * * * *

4. Section 157.08 is revised to read as follows:

§ 157.08 Applicability of subpart B.

This subpart applies to vessels under this part that are seagoing, except as follows:

(a) Section 157.21 also applies to vessels under this part on voyages on the Great Lakes.

(b) Sections 157.11, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt.

(c) Sections 157.11, 157.13, 157.15, and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while proceeding en route.

(d) Sections 157.19 and 157.21 do not apply to a tank barge whose certificate is endorsed by the Coast Guard for a limited short protected coastwise route

if the barge is constructed and certificated primarily for service on an inland route.

(e) Section 157.09(d) does not apply to any—

(1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

5. The note following § 157.11 is revised to read as follows:

NOTE: Effective date of § 157.11. An existing vessel that is a U.S. vessel in domestic trade must comply with § 157.11 before December 31, 1977. An existing vessel that is a foreign vessel or a U.S. vessel in foreign trade must comply with § 157.11 before December 31, 1979.

6. Section 157.15(b) and the note following § 157.15 are revised to read as follows:

§ 157.15 Slop tanks in vessels.

* * * * *

(b) *Capacity.* Slop tanks must have the total capacity to retain slops from tank washings, oil residues, and dirty ballast residues of three percent or more of the oil carrying capacity, except two percent capacity is allowed if there are—

(1) Segregated ballast tanks that meet the requirements in § 157.09; or

(2) No eductors arrangements that use water in addition to the washing water.

* * * * *

NOTE: Effective date of § 157.15. An existing vessel that is a U.S. vessel in domestic trade must comply with § 157.15 before December 31, 1977. An existing vessel that is a foreign vessel or a U.S. vessel in foreign trade must comply with § 157.15 before December 31, 1979.

7. The note following § 157.17 is revised to read as follows:

NOTE: Effective date of § 157.17. An existing vessel that is a U.S. vessel in domestic trade must comply with § 157.17 (a) and (b) before December 31, 1977. An existing vessel that is a foreign vessel or a U.S. vessel in foreign trade must comply with § 157.17 (a) and (b) before December 31, 1979.

8. Section 157.19(a) and the note following § 157.19 are revised to read as follows:

§ 157.19 Cargo tank arrangement and size.

(a) This section applies to—

(1) A U.S. or foreign vessel that is delivered after January 1, 1977;

(2) A U.S. vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972; and

(3) A foreign vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1974, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1974.

* * * * *

NOTE: Effective date of § 157.19. Vessels to which § 157.19(a)(2) applies must meet § 157.19 before December 31, 1976; however, if a vessel is constructed under a contract awarded before January 1, 1974 and does not carry crude oil, fuel oil, heavy diesel oil, or lubricating oil, the requirements in § 157.19 do not apply. Vessels to which § 157.19(a)(3) apply must meet § 157.19 before June 30, 1978.

* * * * *

9. The introductory text of § 157.21 is revised to read as follows:

§ 157.21 Subdivision and stability.

A new vessel that is a U.S. vessel must meet the following subdivision and damage stability criteria after assuming side and bottom damages, as defined in Appendix B of this Part. A U.S. vessel that meets the requirements in this section is considered by the Coast Guard as meeting 46 CFR 42.20–5.

* * * * *

10. Section 157.24 is amended by revising the introductory text and paragraphs (a), (b), and (d) to read as follows:

§ 157.24 Submission of calculations, plans, and specifications.

The owner, builder, or designer of a new vessel shall submit the following to the Coast Guard before that vessel enters the navigable waters of the United States:

(a) Calculations to substantiate compliance with the tank arrangement and size requirements under § 157.19, or a letter from the government of the vessel's flag state that certifies compliance with—

(1) Section 157.19; or

(2) Regulations 24 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973.

(b) Except for a new vessel that is a foreign vessel, calculations to substantiate compliance with subdivisions and damage stability requirements under § 157.21.

* * * * *

(d) Plans and specifications for the vessel that include—

(1) Design characteristics;

(2) A lines plan;

(3) Curves of form (hydrostatic curves) or hydrostatic tables;

(4) A general arrangement plan of each deck and level;

(5) Inboard and outboard profile plans showing oiltight and watertight bulkheads;

(6) A midship section plan;

(7) A capacity plan showing the capacity and the vertical and longitudinal centers of gravity of each cargo space, tank, and similar space;

(8) Tank sounding tables or tank capacity tables;

(9) Draft mark locations;

(10) Detailed plans of watertight doors; and

(11) Detailed plans of vents.

11. Section 157.25 is revised to read as follows:

§ 157.25 Exceptions to applicability.

(a) Sections 157.29, 157.31, 157.37(a)(6), and 157.43 apply to foreign vessels when they discharge into the navigable waters of the United States.

(b) Sections 157.35, 157.37, except paragraph (a)(6), 157.39, 157.45, and 157.47 do not apply to foreign vessels.

12. Section 157.43 is revised to read as follows:

§ 157.43 Discharges: clean and segregated ballast.

(a) Clean ballast may be discharged in accordance with § 157.37(a)(6).

(b) The master of a vessel under this part shall ensure that segregated ballast is not discharged unless he finds no oily mixture in the ballast after—

(1) Visually examining the top of the ballast contents of each tank; or

(2) Testing the ballast contents of each tank with an oil/water interface detector.

13. The introductory text of § 157.47 is revised to read as follows:

§ 157.47 Information for master.

A master or person in charge of a new vessel shall operate the vessel in accordance with the information required in 46 CFR 31.10–30(d) that includes the following:

* * * * *

(R.S. 4417a (3) and (7), as amended (46 U.S.C. 391a (3) and (7)); 49 CFR 1.46(n)(4).)

Effective date: These amendments shall become effective on April 1, 1977, except as follows:

1. Sections 157.11, 157.15, 157.17 (a) and (b) are effective on December 30, 1977, for an existing vessel that is a U.S. vessel in domestic trade and on December 30, 1979, for an existing vessel that is a foreign vessel or a U.S. vessel in foreign trade.

2. Section 157.19(a)(2) is effective on December 30, 1976, for each U.S. tank vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972, except those vessels constructed under a contract awarded before January 1, 1974, that do not carry crude oil, fuel oil, heavy diesel oil, or lubricating oil.

3. Section 157.19(a)(3) is effective on June 29, 1978, for each foreign tank vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1974, or if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1974.

The Coast Guard has determined that this document does not contain a major rule requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: December 7, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.76-36426 Filed 12-10-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 656-2]

PART 455—PESTICIDE CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Interim Final Rulemaking; Correction

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting 40 CFR Part 455, Pesticide Chemicals Manufacturing Point Source Category as set forth below. On November 1, 1976, the Agency published a notice of interim final rulemaking (41 FR 48088) establishing effluent limitations and guidelines for existing sources for the pesticide chemicals manufacturing point source category.

The purpose of this notice is to correct errors in the preamble, Subparts A through E and Appendices A through C. The corrections encompass typographical, clerical and editorial errors and do not involve any substantive or policy issues.

The Agency will accept amendments to comments already filed where, and to the extent, such comments specifically relied upon numbers or words contained in the November 1 notice and corrected today. Amended comments must be received within 30 days of the date of this notice.

In FR Doc 76-31935 appearing on pages 48087 through 48096 in the issue of November 1, 1976, the following corrections are being made:

1. In the preamble on page 48088, second column, the phrase "with annual costs of $10.2." should read "with annual costs of $10.2 million."

2. In the preamble on page 48088, second column, the sentence "The aggregate impact on formulators is expected to be small since no direct dischargers have been identified;" is corrected to read: "The aggregate impact on formulators is expected to be small since no direct dischargers have been identified. It was shown that those operations which may discharge could cease discharge by implementation of relatively simple and commonly practiced systems such as containment and evaporation of wastes or elimination of wastes by suitable modes of operation."

3. In the preamble on page 48088, third column, the phrase "the Environmental Protcetion Agency" should read "the Environmental Protection Agency".

4. On page 48089, section 455, General Definitions, "Total pesticides" is corrected to read: "Total pesticides means with respect to each facility covered by this part the sum of all pesticides manufactured at that facility, whether or not those materials are intended for interstate commerce."

5. On page 48089, § 455.12, under Effluent limitations, the phrase "English units (pounds per ton)" should be corrected to read: "English units (pounds per 1000 pounds of product)."

6. On page 48090, § 455.22, under Effluent limitations, the phrase "English units (pounds per ton)" should be corrected to read: "English units (pounds per 1000 pounds of product)."

7. On page 48090, § 455.32, under Effluent limitations, the phrase "English units (pounds per ton)" should be corrected to read: "English units (pounds per 1000 pounds of product)."

8. Paragraph 455.50 on page 48091, the first paragraph should read: "The provisions of this subpart are applicable to discharges resulting from the pesticide formulators and packagers; such pesticides may have as active ingredients any of the compounds listed but are not limited to the representation in Section X of the development document."

9. On page 48091, column two of Appendix A, the phrase "the organ-ophosphorous pesticides, subcategory" should read: "the organo-phosphorous pesticide subcategory".

10. In Appendix B on page 48092, column one, Subcategory C should read: "Same as subcategory B above plus aerobic digestion."

11. In Appendix B, page 48093, second column, the sentence beginning "The cost as a percent of the selling price" should read: "These costs are no more than 2.2 percent of the selling price, however, it is possible that for certain low cost products, the cost may exceed 5 percent of the selling price."

12. In Appendix C, on page 48093, third column, the word "Interstate" should read: "Interstate".

13. In Appendix C, on page 48096, in comment 30, the word "meaningful" should read: "meaningful".

Date: December 6, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-36537 Filed 12-10-76;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RP-1, Notice 1]

PART 211—RULES OF PRACTICE

General Revision

On July 8, 1976, the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348 (Authorization Act), was enacted. In addition to providing authorization for continued railroad safety appropriations, that statute contains a provision that requires the Secretary of Transportation to develop and publish within 180 days, rules of practice applicable to all proceedings conducted under the authority of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.). This provision also provides that these rules of practice shall include specific time limits for the disposition of all proceedings under the Railroad Safety Act, taking into consideration the varying natures of such proceedings. However, in no event shall the prescribed time limit for any such proceeding exceed 12 months after the date it was initiated.

Since issuance of these rules of practice is specifically required by the provisions of section 5(a) of the Authorization Act, this rulemaking does not require an evaluation of the regulatory impact of these rules in accordance with the policies of the Department of Transportation as stated in the FEDERAL REGISTER (41 FR 16200, April 16, 1976).

DISCUSSION OF INDIVIDUAL RULES

The part name is amended to "rules of practice" to conform with statutory terminology. This change reflects the fact that these rules also apply to proceedings other than "rulemaking and related proceedings".

The rules of practice are divided into five subparts: Subpart A—General; Subpart B—Rule Making Procedures; Subpart C—Waivers; Subpart D—Safety Emergency Orders; and Subpart E—Miscellaneous Safety-Related Proceedings and Inquiries. Subparts A, B and C apply to both safety-related and other proceedings; Subparts D and E apply only to safety proceedings.

SUBPART A—GENERAL

Section 211.1 defines the applicability of this part and prescribes mandatory specific time limits for certain proceedings. The mandatory specific time limits apply only to proceedings initiated after December 31, 1976, under the authority of the Federal Railroad Safety Act of 1970. However, these time limits will be observed to the extent practicable in like proceedings initiated under other acts administered by FRA.

As required by section 5(a) of the Authorization Act, each proceeding under the 1970 Safety Act will be disposed of within 12 months after it is initiated. It should be noted, however, that a proceeding is initiated and the time period for its disposition begins on the date a petition or application that complies with the requirements of this part is received by the person designated in § 211.7—the Docket Clerk or the Secretary of the Railroad Safety Board. Thus, if an incomplete petition or application is filed, the time limit will not begin until the date that the petition or application is amended to so comply. Likewise, the time limit for a misdirected petition or application will not begin until it is actually received by the person designated in § 211.7.

This section also defines several terms used throughout Part 211.

Section 211.3 describes the manner in which interested persons may participate in FRA proceedings and inquiries.

Section 211.5 explains the regulatory docket system for FRA proceedings and states where dockets may be inspected and how copies of docketed material may be obtained.

Section 211.7 describes the manner in which rulemaking and waiver petitions, applications for special approval, signal applications and all comments, protests, or other material pertaining thereto, are

to be filed with FRA. Applications for special approval, signal applications and all material pertaining thereto are to be filed, in triplicate, with the Secretary of the Railroad Safety Board in the Office of Safety. Rulemaking and waiver petitions and all material pertaining thereto are to be filed, in triplicate, with the Docket Clerk, in the Office of Chief Counsel. Waiver petitions must be submitted three months in advance of the proposed effective date unless good cause is shown for not doing so. FRA will acknowledge receipt of each petition and application. If the petition or application is deficient. FRA will so advise the petitioner or applicant within 60 days of receipt.

Section 211.9 sets forth the minimum requirements for the content of rulemaking and waiver petitions. Each petition must sufficiently identify or describe the subject matter and the interest of the petitioner. It must also contain sufficient supporting information including a cost benefit evaluation quantified to the extent practicable. Each petition pertaining to safety regulation must also contain relevant safety data.

SUBPART B—RULEMAKING PROCEDURES

Section 211.11 describes the manner in which petitions requesting FRA to initiate rulemaking are processed. Upon receipt, each petition is referred to the head of the appropriate office to review and prepare an appropriate recommendation for its disposition. While there is no public hearing or oral argument before a rulemaking petition is decided, a FEDERAL REGISTER notice may be published inviting written comment concerning the merits of the petition.

Each rulemaking petition is granted or denied within six months after receipt. If the petition is granted, the Administrator initiates rulemaking by publishing in the FEDERAL REGISTER an advance notice or notice of proposed rulemaking requesting public input in the development of a proposed rule or by publishing a notice of proposed rulemaking inviting public comment on a specific proposed rule.

If the petition is denied, the petitioner is so advised, the proceeding is terminated and the docket closed. However, if the denied petition pertains to railroad safety, the Administrator may, at his discretion, commence an informal safety inquiry under § 211.61 to collect information on the subject matter of that petition.

Section 211.13 describes the manner in which rulemaking proceedings are initiated by the FRA. It also provides that each rulemaking proceeding is to be completed within 12 months after the initial notice is published in the FEDERAL REGISTER. However, in the case of a rulemaking proceeding that originates from the granting of a petition for rulemaking, the rulemaking proceeding will be completed within 12 months after the petition was filed.

Section 211.15 provides that in rulemaking proceedings, an advance notice or notice of proposed rulemaking will normally be published in the FEDERAL REGISTER inviting public comment on proposed substantive rules. However, in the case of procedural and substantive rules of general applicability pertaining to public property, loans, grants, benefits, or contracts, such notices will be issued only when the Administrator determines that the subject is of substantial public interest. With respect to interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice, they will be prescribed as final without notice or public proceeding unless the FRA determines that public proceedings are necessary or desirable.

Section 211.17 outlines the information that will be provided in each advance notice or notice of proposed rulemaking published in the FEDERAL REGISTER.

Section 211.19 provides that petitions for extension of comment periods in rulemaking proceedings may be filed by any person but must be filed at least 10 days before the end of the comment period. The filing of such a petition does not in itself extend the comment period.

The petitioner must show a substantive interest in the proposed rule and good cause for the extension. If the petition meets these requirements and if time permits and the extension is in the public interest, the petition is granted. However, because of the statutory requirement that rulemaking proceedings under the Safety Act be completed within 12 months, extensions will not be granted unless time permits, taking into consideration the complexity of the proceeding and the time required by FRA to analyze the comments and develop a final rule. Moreover, such extensions will not exceed one month. If an extension is granted, it is granted to all persons and a notice to this effect is published in the FEDERAL REGISTER.

Section 211.21 provides that all timely-filed comments on a rulemaking proposal are considered by FRA before final action is taken and that late-filed comments will be considered so far as practicable without incurring additional expense or delay.

Section 211.23 provides that other public proceedings such as oral arguments, conferences and informal hearings may be held in FRA rulemaking proceedings.

Section 211.25 describes when and how hearings will be held. Hearings will be held if required by statute or FRA finds it necessary or desirable. Except in instances where "on the record" hearings are required by statute (for example, the review of emergency orders under § 211.47 of this part), all hearings in FRA rulemaking, waiver and other proceedings will be informal "legislative" hearings; there will be no formal pleadings or adverse parties and FRA's action or decision will not be based exclusively on the hearing record. A representative of the Administrator will preside at the hearing, assisted by a legal officer designated by the Chief Counsel.

Section 211.27 provides that an appropriate notice will be published in the FEDERAL REGISTER whenever a final rule is issued or an advance notice or notice of proposed rulemaking is withdrawn.

Sections 211.29 and 211.31 describe how petitions for reconsideration of final rule are to be filed and processed. Except in unusual circumstances, such petitions must be filed not later than 20 days after the final rule was published in the FEDERAL REGISTER. Since final rules often become effective 30 days after publication, FRA is requiring petitions for reconsideration to be filed not later than 20 days after publication to allow sufficient time for FRA to determine whether the final rule should be stayed from becoming effective and, when appropriate, to publish a timely "stay" notice in the FEDERAL REGISTER. It should be noted that the mere filing of a petition for reconsideration does not stay the effectiveness of a rule. Each petition for reconsideration of a final rule will be granted or denied not later than 4 months after receipt by the Docket Clerk. If the Administrator grants a petition, he may amend the final rule on reconsideration or initiate a new rulemaking proceeding by publishing an appropriate FEDERAL REGISTER notice. Whenever a petition is granted or denied a notice to this effect is sent to the petitioner.

SUBPART C—WAIVERS

Section 211.41 describes the manner in which petitions requesting waiver of safety rules, regulations and standards are processed. Each petition is to be decided by the Railroad Safety Board within 9 months after receipt. A notice inviting public comment is published and a hearing is held when required by statute or the Board or the Administrator deems this desirable. Whenever a waiver petition is granted or denied, the petitioner is notified. If a petition is granted, interested persons are also notified or a notice is published in the FEDERAL REGISTER. A waiver petition will not be granted unless the petition contains the information prescribed in § 211.9 and the Board determines that the waiver is justified. Conditions will be imposed on the grant of a waiver if the Board concludes they are necessary to assure safety or in the public interest. Any person may petition for reconsideration of the grant or denial of a waiver petition using the procedures set forth in § 211.57 and such petitions will be processed and decided in accordance with § 211.59.

Section 211.43 describes the manner in which petitions for waiver of other than safety rules, regulations and standards are processed. A petition will not be granted unless the petition contains the information prescribed in § 211.9 and the Administrator finds that the waiver is justified. Conditions will be imposed on the grant of the waiver if the Administrator concludes they are necessary to achieve the purposes of affected programs or are otherwise in the public interest. In all other respects, the procedures of this section are identical to those of § 211.41.

SUBPART D—EMERGENCY ORDERS

Section 211.47 prescribes the procedures for review of emergency orders is-

sued under section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432). This review will be provided in accordance with section 554 of Title 5 of the United States Code. Petitions requesting such review must be submitted to the Office of Chief Counsel. Upon receipt, FRA will immediately contact the petitioner and arrange for a conference on the earliest date acceptable to the petitioner. At this conference, the petitioner may submit facts, arguments and proposals for modification or withdrawal of the emergency order. If the controversy is not resolved at the conference and the petitioner desires a hearing, he must submit a written request for a hearing within 15 days after the conference. The hearing will commence within 14 days after receipt of the request and will be conducted in accordance with sections 556 and 557 of Title 5 of the United States Code. Each petition for review of an emergency order will be decided within 3 months of receipt. The emergency order will remain in full force and effect and must be observed pending decision on a petition for review unless the emergency order is stayed or modified by the Administrator.

SUBPART E—MISCELLANEOUS SAFETY-RELATED PROCEEDINGS AND INQUIRIES

Section 211.51 describes the circumstances under which the Administrator may temporarily suspend compliance with a safety rule or regulation in connection with the conduct of FRA approved test programs and the procedures to be followed in doing so.

Section 211.53 describes procedures for filing and processing of applications for approval of signal applications under Parts 235 and 236 of this chapter. These applications will be decided not later than 9 months after receipt.

Section 211.55 provides procedures for filing and processing of requests for special approval not otherwise provided for in this Chapter. These requests will be decided not later than 9 months after receipt.

Sections 211.57 and 211.59 prescribe the manner in which petitions for reconsideration of final actions taken by FRA in waiver and safety-related proceedings are filed and processed. Each such petition will be decided not later than 4 months after receipt.

Section 211.61 prescribes procedures for informal safety inquiries on selected topics relating to railroad safety. The purpose of these procedures is to provide a means equally accessible to railroads, rail employee organizations, rail equipment manufacturers and the general public, to provide FRA with information concerning subjects it has under study. Notices will be published in the FEDERAL REGISTER outlining the areas of inquiry and inviting public assistance through submission of written material or participation in informal public conferences or discussions. The Administrator will review the information thus obtained and may, on his own motion, initiate rulemaking or take whatever other action he believes appropriate.

Since this general revision of Part 211 does not affect any substantive right or duty and pertains solely to procedures and practice before the FRA, notice and public procedure thereon are unnecessary and this revision is effective on January 1, 1977.

In consideration of the foregoing, Part 211 of Title 49 of the Code of Federal Regulations is revised to read as set forth below.

Issued in Washington, D.C., on December 7, 1976.

ASAPH H. HALL,
Administrator.

Subpart A—General

Sec.
211.1 General.
211.3 Participation by interested persons.
211.5 Regulatory docket.
211.7 Filing requirements.
211.9 Content of rulemaking and waiver petitions.

Subpart B—Rulemaking Procedures

211.11 Processing of petitions for rulemaking.
211.13 Initiation and completion of rulemaking proceedings.
211.15 Notice and participation.
211.17 Publication and contents of notices.
211.19 Petitions for extension of time to comment.
211.21 Consideration of comments received.
211.23 Additional public proceedings.
211.25 Hearings.
211.27 Publication of adopted rules and withdrawal of notices.
211.29 Petitions for reconsideration of a final rule.
211.31 Proceedings on petitions for reconsideration of a final rule.

Subpart C—Waivers

211.41 Processing of petitions for waiver of safety rules.
211.43 Processing of other waiver petitions.

Subpart D—Safety Emergency Orders

211.47 Review procedures.

Subpart E—Miscellaneous Safety-Related Proceedings and Inquiries

211.51 Tests.
211.53 Signal applications.
211.55 Special approvals.
211.57 Petitions for reconsideration.
211.59 Proceedings on petitions for reconsideration.
211.61 Informal safety inquiries.

AUTHORITY: Secs. 6, 9, Pub. L. 89-670, 80 Stat. 937, 944 (49 U.S.C. 1655, 1657); the statutes referred to in sec. 6(e) (1), (2), (3), (6)(A) of Pub. L. 89-670, 80 Stat. 939 (49 U.S.C. 1655); sec. 202 of Pub. L. 91-458, 84 Stat. 971 as amended by sec. 5(a) of Pub. L. 94-348 (45 U.S.C. 431); and § 1.49 of Title 49, Code of Federal Regulations.

Subpart A—General

§ 211.1 General.

(a) This part prescribes rules of practice that apply to rule making and waiver proceedings, review of emergency orders issued under 45 U.S.C. 432, and miscellaneous safety-related proceedings and informal safety inquiries. The specific time limits for disposition of proceedings apply only to proceedings initiated after December 31, 1976, under the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.). When warranted, FRA will extend these time limits in individual proceedings. However, each proceeding under the Federal Railroad Safety Act shall be disposed of within 12 months after the date it is initiated. A proceeding shall be deemed to be initiated and the time period for its disposition shall begin on the date a petition or application that complies with the requirements of this chapter is received by the person designated in § 211.7.

(b) As used in this part—

(1) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or the delegate of either of them.

(2) "Waiver" includes exemption.

(3) "Safety Act" means the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 421 et seq.).

(4) "Docket Clerk" means the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590.

(5) "Railroad Safety Board" means the Railroad Safety Board, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590.

(c) Records relating to proceedings and inquiries subject to this part are available for inspection as provided in Part 7 of this title.

§ 211.3 Participation by interested persons.

Any person may participate in proceedings and inquiries subject to this part by submitting written information or views. The Administrator may also permit any person to participate in additional proceedings, such as informal appearances, conferences, or hearings at which a transcript or minutes are kept, to assure informed administrative action and protect the public interest.

§ 211.5 Regulatory docket.

(a) Except as provided in paragraph (b) of this section, records of the Federal Railroad Administration concerning each proceeding subject to this part are maintained in current docket form by the Docket Clerk. These records include rule making and waiver petitions, emergency orders, notices, comments received in response to notices, hearing transcripts, final rules, denials of rulemaking petitions, grants and denials of waiver and other petitions.

(b) Records pertaining to applications for special approval under § 211.55, signal applications under Parts 235 and 236 of this chapter and informal safety inquiries under § 211.61, are maintained in a current docket form by the Secretary of the Railroad Safety Board.

(c) Any person may examine docketed material in the office where it is maintained. Copies of docketed material other than commercially prepared transcripts may be obtained upon payment of the fees prescribed in Part 7 of this title.

§ 211.7 Filing requirements.

(a) Any person may petition the Administrator for issuance, amendment, re-

peal or permanent or temporary waiver of any rule or regulation. In the case of a petition for waiver, it must be submitted at least 3 months before the proposed effective date, unless good cause is shown for not doing so.

(b) Except as provided in paragraph (c) of this section, all petitions, applications, comments submitted in response to a notice, and other material pertaining to proceedings subject to this part, shall be submitted in triplicate to the Docket Clerk. Each petition received shall be acknowledged in writing. The acknowledgment shall contain the FRA docket number assigned to the petition and state the date the petition was received. Within 60 days following receipt, FRA will advise the petitioner or applicant of any deficiencies in its petition or application.

(c) Applications for special approval under § 211.55 and signal applications under Parts 235 and 236 of this chapter, and protests or comments and all other material pertaining to them shall be submitted in triplicate to the Secretary of the Railroad Safety Board.

§ 211.9 Content of rulemaking and waiver petitions.

Each petition for rulemaking or waiver must:

(a) Set forth the text or substance of the rule, regulation, standard or amendment proposed, or specify the rule, regulation or standard that the petitioner seeks to have repealed or waived, as the case may be;

(b) Explain the interest of the petitioner, and the need for the action requested; in the case of a petition for waiver, explain the nature and extent of the relief sought, and identify and describe the persons, equipment, installations and locations to be covered by the waiver;

(c) Contain sufficient information to support the action sought including an evaluation of anticipated impacts of the action sought; each evaluation shall include an estimate of resulting costs to the private sector, to consumers, and to Federal, State and local governments as well as an evaluation of resulting benefits, quantified to the extent practicable. Each petition pertaining to safety regulations must also contain relevant safety data.

Subpart B—Rulemaking Procedures

§ 211.11 Processing of petitions for rulemaking.

(a) *General.* Each petition for rulemaking filed as prescribed in §§ 211.7 and 211.9 is referred to the head of the office responsible for the subject matter of the petition to review and recommend appropriate action to the Administrator. No public hearing or oral argument is held before the Administrator decides whether the petition should be granted. However, a notice may be published in the FEDERAL REGISTER inviting written comments concerning the petition. Each petition shall be granted or denied not later than six months after its receipt by the Docket Clerk.

(b) *Grants.* If the Administrator determines that a rule making petition complies with the requirements of § 211.9 and that rulemaking is justified, he initiates a rulemaking proceeding by publishing an advance notice or notice of proposed rulemaking in the FEDERAL REGISTER.

(c) *Denials.* If the Administrator determines that a rulemaking petition does not comply with the requirements of § 211.9 or that rulemaking is not justified, he denies the petition. If the petition pertains to railroad safety, the Administrator may also initiate an informal safety inquiry under § 211.61.

(d) *Notification; closing of docket.* Whenever the Administrator grants or denies a rulemaking petition, a notice of the grant or denial is mailed to the petitioner. If the petition is denied, the proceeding is terminated and the docket for that petition is closed.

§ 211.13 Initiation and completion of rulemaking proceedings.

The Administrator initiates all rulemaking proceedings on his own motion by publishing an advance notice of proposed rulemaking or a notice of proposed rulemaking in the FEDERAL REGISTER. However, he may consider the recommendations of interested persons or other agencies of the United States. A separate docket is established and maintained for each rulemaking proceeding. Each rulemaking proceeding shall be completed not later than 12 months after the initial notice in that proceeding is published in the FEDERAL REGISTER. However, if it was initiated as the result of the granting of a rulemaking petition, the rulemaking proceeding shall be completed not later than 12 months after the petition was filed as prescribed in §§ 211.7 and 211.9.

§ 211.15 Notice and participation.

(a) Except as provided in paragraph (c) of this section, or when the Administrator finds for good cause that notice is impractical, unnecessary, or contrary to the public interest (and incorporates the findings and a brief statement of the reasons therefore in the rules issued), an advance notice or notice of proposed rulemaking is published in the FEDERAL REGISTER and interested persons are invited to participate in the rulemaking proceedings with respect to each substantive rule.

(b) Unless the Administrator determines that notice and public rulemaking proceedings are necessary or desirable, interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice, including those relating to agency management or personnel, are prescribed as final without notice or other public rulemaking proceedings.

(c) An advance notice or notice of proposed rulemaking is issued and interested persons are invited to participate in rulemaking proceedings with respect only to those procedural and substantive rules of general applicability relating to public property, loans, grants, benefits, or contracts which the Administrator has determined to be of substantial public interest.

§ 211.17 Publication and contents of notices.

Each advance notice or notice of proposed rulemaking is published in the FEDERAL REGISTER and includes—

(a) A statement of the time, place and nature of the proposed rulemaking proceeding;

(b) A reference to the authority under which it is issued;

(c) A description of the subjects or issues involved or the substance or terms of the proposed rule;

(d) A statement of the time within which written comments must be submitted and the required number of copies; and

(e) A statement of how and to what extent interested persons may participate in the proceeding.

§ 211.19 Petitions for extensions of time to comment.

(a) Any person may petition the Administrator for an extension of time to submit comments in response to an advance notice or notice of proposed rulemaking. The petition must be received by the Docket Clerk not later than 10 days before expiration of the time stated in the notice and must contain reference to the FRA docket number for the proceeding involved. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Administrator grants the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if time permits and the extension is in the public interest. Extensions will not be granted unless time permits and will not exceed one month. If an extension is granted, it is granted as to all persons and a notice of the extension is published in the FEDERAL REGISTER.

§ 211.21 Consideration of comments received.

All timely comments are considered before final action is taken on a rulemaking proposal. Late-filed comments will be considered so far as possible without incurring additional expense or delay.

§ 211.23 Additional public proceedings.

The Administrator may conduct other public proceedings that he finds necessary or desirable. For example, he may invite interested persons to present oral arguments, participate in conferences, or appear at informal hearings.

§ 211.25 Hearings.

(a) A hearing will be held if required by statute or the Administrator finds it necessary or desirable.

(b) Except for statutory hearings required to be on the record—

(1) Hearings are fact-finding proceedings, and there are no formal pleadings or adverse parties;

(2) Any rule issued in a proceeding in which a hearing is held is not based exclusively on the record of the hearing; and

(3) Hearings are conducted in accordance with section 553 of Title 5, United

States Code; sections 556 and 557 of Title 5 do not apply to hearings held under this part.

(c) The Administrator conducts or designates a representative to conduct any hearing held under this part. The Chief Counsel serves or designates a member of his staff to serve as legal officer at the hearing.

§ 211.27 Publication of adopted rules and withdrawal of notices.

Whenever the Administrator adopts a final rule or withdraws an advance notice or notice of proposed rulemaking, the final rule or a notice of withdrawal is published in the FEDERAL REGISTER.

§ 211.29 Petitions for reconsideration of a final rule.

(a) Any person may petition the Administrator for reconsideration of any rule issued under this part. Except for good cause shown, such a petition must be submitted not later than 20 days after publication of the rule in the FEDERAL REGISTER. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not possible, is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests consideration of additional facts, he must state the reason they were not presented to the Administrator within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator specifically provides otherwise, and publishes notice thereof in the FEDERAL REGISTER, the filing of a petition under this section does not stay the effectiveness of a rule.

§ 211.31 Proceedings on petitions for reconsideration of a final rule.

(a) The Administrator may grant or deny, in whole or in part, any petition for reconsideration of a final rule without further proceedings. Each petition shall be decided not later than 4 months after its receipt by the Docket Clerk. In the event he determines to reconsider a rule, the Administrator may amend the rule or initiate a new rulemaking proceeding. An appropriate notice is published in the FEDERAL REGISTER.

(b) Whenever the Administrator determines that a petition should be granted or denied, a notice of the grant or denial of a petition for reconsideration is sent to the petitioner. When a petition is granted, a notice is published in the FEDERAL REGISTER.

(c) The Administrator may consolidate petitions relating to the same rule.

Subpart C—Waivers

§ 211.41 Processing of petitions for waiver of safety rules.

(a) *General.* Each petition for a permanent or temporary waiver of a safety rule, regulation or standard filed as prescribed in §§ 211.7 and 211.9, is referred to the Railroad Safety Board for decision and decided not later than 9 months after receipt.

(b) *Notice and Hearing.* If required by statute or the Administrator or the Railroad Safety Board deems it desirable, a notice is published in the FEDERAL REGISTER, an opportunity for public comment is provided, and a hearing is held in accordance with § 211.25, before the petition is granted or denied.

(c) *Grants.* If the Railroad Safety Board determines that the petition complies with the requirements of § 211.9 and that a waiver is justified, it grants the petition. Conditions may be imposed on the grant of waiver if the Board concludes they are necessary to assure safety or are in the public interest.

(d) *Denials.* If the Railroad Safety Board determines that the petition does not comply with the requirements of § 211.9 or that a waiver is not justified, it denies the petition.

(e) *Notification.* Whenever the Railroad Safety Board grants or denies a petition, a notice of that grant or denial is sent to the petitioner. When a petition has been decided, interested persons are also notified or a notice is published in the FEDERAL REGISTER.

(f) *Petitions for reconsideration.* Any person may petition for reconsideration of the grant or denial of a waiver under procedures set forth in § 211.57. Each petition shall be processed in accordance with § 211.59.

§ 211.43 Processing of other waiver petitions.

(a) *General.* Except as provided in § 211.41, each petition for a permanent or temporary waiver of a rule, regulation or standard shall be filed and processed as prescribed in §§ 211.7 and 211.9.

(b) *Notice and hearing.* If required by statute or the Administrator deems it desirable, a notice is published in the FEDERAL REGISTER, an opportunity for public comment is provided, and a hearing is held in accordance with § 211.25, before the petition is granted or denied.

(c) *Grants.* If the Administrator determines that the petition complies with the requirements of § 211.9 and that a waiver is justified, he grants the waiver. Conditions may be imposed on the grant of waiver if the Administrator concludes they are necessary to achieve the purposes of programs affected by the grant of waiver or are otherwise in the public interest.

(d) *Denials.* If the Administrator determines that the petition does not comply with the requirements of § 211.9 or that a waiver is not justified, he denies the waiver.

(e) *Notification.* Whenever the Administrator grants or denies a petition, a notice of the grant or denial is sent to the petitioner. When a petition has been decided, interested persons are also notified or a notice is published in the FEDERAL REGISTER.

(f) *Petitions for reconsideration.* Any person may petition for reconsideration of the grant or denial of a waiver under procedures set forth in § 211.57. Each petition shall be processed in accordance with § 211.59.

Subpart D—Emergency Orders

§ 211.47 Review procedures.

(a) As specified in section 203, Pub. L. No. 91-458, 84 Stat. 972 (45 U.S.C. 432), opportunity for review of Emergency Orders issued under that section will be provided in accordance with section 554 of Title 5 of the United States Code. Petitions for such review must be submitted in writing to the Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Upon receipt of a petition, FRA will immediately contact the petitioner and make the necessary arrangements for a conference to be held at the earliest date acceptable to the petitioner. At this conference, the petitioner will be afforded an opportunity to submit facts, arguments and proposals for modification or withdrawal of the Emergency Order. If the controversy is not resolved at the conference and a hearing is desired, the petitioner must submit a written request for a hearing within 15 days after the conference. The hearing will commence within 14 calendar days of receipt of the request and will be conducted in accordance with sections 556 and 575, Title 5, United States Code. Each petition for review shall be decided not later than 3 months after receipt.

(b) Unless stayed or modified by the Administrator, the requirements of each Emergency Order shall remain in effect and be observed pending decision on a petition for review.

Subpart E—Miscellaneous Safety-Related Proceedings and Inquiries

§ 211.51 Tests.

(a) Pursuant to the Department of Transportation Act (80 Stat. 931, 49 U.S.C. 1651 et. seq.), the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421, 431-441), or both, the Administrator may temporarily suspend compliance with a substantive rule of the Federal Railroad Administration, if:

(1) The suspension is necessary to the conduct of a Federal Railroad Administration approved test program designed to evaluate the effectiveness of new technology or operational approaches or instituted in furtherance of a present or proposed rulemaking proceeding;

(2) The suspension is limited in scope and application to such relief as may be necessary to facilitate the conduct of the test program; and

(3) The suspension is conditioned on the observance of standards sufficient to assure safety.

(b) When required by statute, a notice is published in the FEDERAL REGISTER, an opportunity is provided for public comment, and a hearing is held in accordance with § 211.25, before the FRA approved test program is implemented.

(c) When the Administrator approves suspension of compliance with any rule in connection with a test program, a description of the test program containing an explanatory statement responsive to paragraph (a) of this section is published in the FEDERAL REGISTER.

§ 211.53 Signal applications.

Applications for approval of discontinuance or material modification of a signal system authorized by Part 235 or waiver of a requirement of Part 236 of this chapter must be submitted in triplicate to the Secretary, Railroad Safety Board, handled in accordance with procedures set forth in Part 235 or 236, respectively, and decided not later than 9 months after receipt. When a decision is issued, the applicant and other interested parties are notified or a notice is published in the FEDERAL REGISTER.

§ 211.55 Special approvals.

Requests for special approval pertaining to safety not otherwise provided for in this chapter, must be submitted in triplicate to the Secretary, Railroad Safety Board; specifying the action requested. These requests shall be considered by the Board and appropriate action shall be taken not later than 9 months after receipt. When a decision is issued, the requestor and other interested parties are notified or a notice is published in the FEDERAL REGISTER.

§ 211.57 Petitions for reconsideration.

(a) Any person may petition the Administrator for reconsideration of final action taken in proceedings subject to Subparts C or E of this part.

(b) The petition must specify with particularity the grounds for modification or revocation of the action in question.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator specifically provides otherwise, and gives notice to interested parties or publishes notice in the FEDERAL REGISTER, the filing of a petition under this section does not stay the effectiveness of the action sought to be reconsidered.

§ 211.59 Proceedings on petitions for reconsideration.

(a) The Administrator may invite public comment or seek a response from the party at whose request the final action was taken before deciding a petition for reconsideration submitted under § 211.57.

(b) The Administrator may reaffirm, modify, or revoke the final action without further proceedings and shall issue notification of his decision to the petitioner and other interested parties or publish a notice in the FEDERAL REGISTER. Each petition for reconsideration shall be decided not later than 4 months after receipt. Petitions for reconsideration relating to the same rule may be consolidated for decision. In the event the Administrator determines to reconsider a final action, and appropriate notice is published in the FEDERAL REGISTER.

§ 211.61 Informal safety inquiries.

The Administrator may conduct informal safety inquiries to collect information on selected topics relating to railroad safety. A notice of each such inquiry will be published in the FEDERAL REGISTER outlining the area of inquiry and inviting interested persons to assist by submitting written material or participating in informal public conferences and discussions. Upon completion of the inquiry, the Administrator will review the information obtained and may, on his own motion, initiate a rulemaking proceeding under § 211.13 or take whatever other action he deems appropriate.

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proposed rules

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 71]

[Airspace Docket No. 76-SO-66]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-3 and V-35 north and east of Key West, Fla.

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 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 12, 1977, 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.

An official docket will be available for examination by interested persons at the Federal Aviation Administrative, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the 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 navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the 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 undertermined 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 of 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 amendment would realign the following VOR airways:

a. V-3 from Key West, Fla., to Rancho, Fla., INT, via the INT of Key West 083°T (082°M) and Miami 205°T(205°M) radials, excluding the airspace within the Cudjoe Key, Fla., Restricted Area R-2916.

b. V-35 from Key West, Fla., to Fort Myers, Fla., via the INT of Key West 083°T(082°M) and Biscayne Bay, Fla., 204°T(204°M) radials; Biscayne Bay; and also the INT of Biscayne Bay 288°T(288°M) and Fort Myers 137°T(136°M) radials, excluding the airspace within the Cudjoe Key, Fla., Restricted Area R-2916.

c. V-35W from Biscayne Bay, Fla., to the INT of the Biscayne Bay 288°T(288°M) and the Fort Myers, Fla., 137°T(136°M) radials via the INT of the Biscayne Bay 262°T (262°M) and the Fort Myers 137°T(136°M) radials.

The proposed action would provide designated airways over routes that are presently being used as direct routes and radar vectors. It would also reduce pilot/controller work load and communication congestion.

(Sec. 307(a), 1110 Federal Aviation Act of 1958, (49 U.S.C. 1348(a) and 1510), Executive order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 7, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-36477 Filed 12-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-57]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the control zone at Killeen, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before January 12, 1977, 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 Chief, Airspace and Procedures Branch. 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.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (41 FR 355), the Killeen, Tex., control zone is amended as follows:

KILLEEN, TEX.

Within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.); within a 4-mile radius of Killeen Municipal Airport) (latitude 31°05'10" N., longitude 97°41'05" W.); within 3 miles each side of the Hood VOR 219° radial extending from the 4-mile radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.); within 3.5 miles each side of the 341° bearing from the NDB (latitude 31° 10'03" N., longitude 97°52'41" W.), extending from the 5-mile radius zone to 8 miles north of the NDB.

Installation of an ILS at Robert Gray AAF and relocation of the Gray NDB require alteration of the control zone to provide controlled airspace for instrument approach procedures based on these aids.