

(ii) Transverse extent (inboard from the dredge's side at a right angle to the centerline at the level of deepest draft): B/5 or 11.5 m (37.7 ft.), whichever is shorter, where B is the maximum beam.

(iii) Vertical extent: from the base line upward without limit.

(2) Bottom penetration: (i) At any position forward of a point 0.3L aft of the forward perpendicular:

(A) Longitudinal extent: $\frac{1}{3}$ L $\frac{2}{3}$ or 14.5 m (0.495 L $\frac{2}{3}$ or 47.6 ft.) whichever is shorter.

(B) Transverse extent: B/5 or 5 m (16.4 ft.), whichever is shorter.

(C) Vertical extent (from the molded line of the shell at the center line): B/15 or 2 m (6.6 ft.), whichever is shorter.

(e) If the dredge has an open hopper, the calculations under paragraph (d) of this section may include the effects of the loss of cargo as the dredge heels.

(f) Permeability.

(1) The assumed permeability of a floodable space must be as follows:

(i) Storerooms: 0.60.

(ii) Accommodation Spaces: 0.95.

(iii) Machinery Space: 0.85.

(iv) Consumable liquid tanks: 0.00 or 0.95, whichever results in the more disabling condition.

(2) The permeability of a cargo tank must be consistent with the actual density and amount of liquid carried in the tank.

§ 93.40-30 Damage survival.

(a) A dredge is presumed to survive assumed damage if it meets the following conditions:

(1) Heel angle. The maximum angle of heel does not exceed 30 degrees.

(2) Final waterline. The waterline, taking into account sinkage, heel, and trim, is below the lower edge of each opening through which progressive flooding may take place (such as an airpipe). Openings closed by watertight doors or hatch covers are considered to be openings through which progressive flooding may take place. The following are considered to be openings through which progressive flooding will not take place:

(i) Watertight manhole covers.

(ii) Watertight flush scuttles.

(iii) Small watertight cargo tank hatch covers that maintain the integrity of the deck.

(iv) Remotely-operated, watertight sliding doors.

(v) Side scuttles of the non-opening type.

(3) Range of stability.

(i) The righting arm curve is positive and has a minimum range of 20 degrees beyond the angle of equilibrium.

(ii) The maximum righting arm within the range specified in paragraph (a) (3)

(i) if this section must be at least 100 mm (4 inches).

(iii) Each opening within or partially within the 20 degree range beyond the angle of equilibrium must be at least watertight.

(b) After flooding, the dredge metacentric height must be at least 50 mm (2 inches) when the dredge is in an upright position.

(c) Equalization arrangements requiring mechanical aids such as valves or cross-flooding lines may not be considered for reducing the angle of heel. Spaces joined by ducts with large cross-sectional areas may be assumed to be common spaces.

(d) If an intermediate stage of flooding is more critical than the final stage, calculations for the intermediate stage must be submitted to Commandant for special approval.

§ 93.40-35 Watertight doors.

(a) Each watertight door below the bulkhead deck must be a Class 3 sliding watertight door that is approved under 46 CFR Subpart 163.001 of this chapter unless it can be shown by the calculations required in this part that the door sill is not submerged in any damaged condition.

(b) If the sill of a door below the bulkhead deck is shown by the calculations not to be submerged in any damage condition, then a quick acting hinged watertight door (Class 1) may be used.

(Sec. 1, 49 Stat. 888; as amended (46 U.S.C. 88); sec. 1, 33 Stat. 1022 as amended (46 U.S.C. 375); sec. 1, 22 Stat. 346 as amended (46 U.S.C. 362) secs. 1, 2, 49 Stat. 1544, 1545 as amended (46 U.S.C. 367); 49 CFR 1.46(b).)

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

December 5, 1979.

[FR Doc. 79-37814 Filed 12-7-79; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[Docket No. 78-53]

Independent Ocean Freight Forwarder Bids on Government Shipments at U.S. Ports; Discontinuance of Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of proposed rulemaking.

SUMMARY: On December 12, 1978, the Federal Maritime Commission published a notice of proposed rulemaking (43 FR 58098) with respect to practices of independent ocean freight forwarders

who submit bids to United States Government agencies. After full consideration of the issues and comments from interested parties, the Commission has decided that the adoption of a new rule at this time is unnecessary.

DATES: December 10, 1979.

ADDRESSES: For further information contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: On March 18, 1977, the Commission issued a decision in Docket No. 74-10¹ holding that fees assessed the General Services Administration (GSA) for ocean freight forwarding services were, in certain instances, so low² as to be in violation of section 16 First, of the Shipping Act, 1916 (46 U.S.C. 815), and the Commission's General Order 4 (46 CFR Part 510).

Section 16 First, of the Shipping Act, 1916 *inter alia*, makes it unlawful for a forwarder:

To make or give undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or to subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Rule 510.24(b) of General Order 4 provides:

"No (Forwarder) shall render, or offer to render, any forwarding service free of charge or at a reduced forwarding fee in consideration of * * * receiving compensation from an ocean-going common carrier on the shipment * * *"

However, in its decision in Docket 74-10 the Commission stated:

"We are reluctant to establish binding rules of universal application governing the level of freight forwarder fees on the basis of the existing limited record. The important matter of what objective standards, if any, should be adopted to judge the acceptability of forwarding GSA bids under the Shipping Act, 1916, and the Commission's regulations, is one that requires considerably more study and analysis. We do not intend to take any precipitous action, no matter how well motivated, that might result in the establishment of requirements which could prove impossible of application or unduly or unnecessarily disruptive of the freight forwarder industry. Whatever standards are finally adopted must be well-reasoned, economically sound and consistent with

¹ Freight Forwarder Bids on Government Shipments at United States Ports—Possible Violations of the Shipping Act, 1916, and General Order 4.

² Fees as low as four and one half cents were being bid on GSA shipments.

responsible regulatory policy * * * We will therefore hold under advisement, pending further study and review, the issue raised in our Order instituting this proceeding, of 'whether the Commission's General Order 4 should be amended to include a rule governing the practices of forwarders bidding on GSA contracts and providing services thereunder.'"

After the above mentioned "further and review" of the issue was concluded, it appeared that a new rule might be the most effective method of preventing the type of unlawful practice found in Docket 74-10.³ The Commission therefore published a notice of proposed rulemaking (43 FR 58098) instituting the instant proceeding, Docket No. 78-53, on December 12, 1978.

After consideration of all the comments submitted and carefully weighing the advantages and disadvantages of the proposed rule, the Commission has determined that the benefits to be derived from a new rule do not currently justify the burdens which would be imposed on the forwarding industry. Accordingly, this proposed rulemaking proceeding will be discontinued.

The Commission now gives notice that it intends to monitor the level of forwarder bids submitted to GSA and take whatever action it deems appropriate on a case-by-case basis. Appropriate action includes civil penalties and license suspension or revocation.

Therefore, it is ordered, That Docket No. 78-53 is discontinued; and

It is further ordered, That notice of this Order be published in the Federal Register.

By the Commission.
Francis C. Hurney,
Secretary.

[FR Doc. 79-37807 Filed 12-7-79; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Withdrawal of Five Expired Proposals for Listing of 1,876 Species, and Intent To Revise 1975 Plant Notice Which Includes Most of These Species

AGENCY: Fish and Wildlife Service, Interior.

³ Despite the findings in Docket 74-10, GSA's next request for bids produced bids as low as one cent.

ACTION: Notice of withdrawal of five expired proposed rules.

SUMMARY: As amended November 10, 1978, the Endangered Species Act mandatorily withdraws proposed rules to list species which have not been finalized within two years of the proposal. The amended Act also authorized a one-year suspension of all withdrawals, until November 10, 1979. The time limits have expired for 1,876 plants and animals in five proposals, and this constitutes notice of their withdrawal. Species from all States except Nebraska, North Dakota, South Dakota and West Virginia, and from over 27 foreign countries, are included. The majority of the withdrawn species are native plants which remain under notice of review. The Service requests substantive data on plants by March 15, 1980, for a revised notice.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

In accord with Section 4(f)(5), all species in these proposed rules which either had not been previously withdrawn, or have not already been the subjects of final rules were mandatorily withdrawn on November 10, 1979.

This action gives notice of the withdrawal of approximately 1,876 proposed native and foreign plants and animals, and involves range in all fifty states except Nebraska, North Dakota, South Dakota and West Virginia, and range in over twenty-seven foreign countries.

Approximately 1,726 of these species are native plants which were proposed as Endangered in the June 16, 1976 Federal Register (41 FR 24523). The majority of these plant species were also included in a notice of review in the July 1, 1975 Federal Register (40 FR 27823). That notice was in response to House Document No. 94-51, the report of the Smithsonian Institution to Congress as required by Section 12 of the Act. It contained a list of 3,187 U.S. vascular

SUPPLEMENTARY INFORMATION:

Background

Section 4(f)(5) of the Endangered Species Act of 1973, as amended November 10, 1978, states that:

A final regulation adding a species to any list published pursuant to subsection (c) shall be published in the Federal Register not later than two years after the date of publication of notice of the regulation proposing such listing under paragraph (B)(i)(1). If a final regulation is not adopted within such two-year period, the Secretary shall withdraw the proposed regulation and shall publish notice of such withdrawal in the Federal Register not later than 30 days after the end of such period. The Secretary shall not propose a regulation adding to such a list any species for which a proposed regulation has been withdrawn under this paragraph unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation for the listing of any species published before the date of the enactment of the Endangered Species Act Amendments of 1978 shall be withdrawn under this paragraph before the end of the one-year period beginning on such date of enactment.

The two-year time limit on proposals and one-year period on suspension of withdrawals which were established in this subsection have expired for the five proposed rules indicated below:

Proposed rule	Date	FR reference
Proposed Endangered status for 216 species appearing on Convention on International Trade	Sept. 26, 1975	40 FR 44329-33
Proposed Endangered or Threatened status for 32 U.S. snails	Apr. 28, 1976	41 FR 17742-6
Proposal to determine 2 birds, 1 lizard, 3 snails, and 1 insect, all indigenous to the California Channel Islands, to be Endangered species.	June 1, 1976	41 FR 22073-5
Proposed Endangered status for some 1700 U.S. vascular plant taxa	June 16, 1976	41 FR 24523-72
Proposed Endangered or Threatened status for 41 U.S. species of Fauna	Jan. 12, 1977	42 FR 2507-15

plant taxa considered by the Smithsonian Institution to be endangered, threatened, or extinct.

Notice Continued and Information Requested

The Service has accepted the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act. The notice of review in the July 1, 1975, Federal Register (40 FR 27823-27924) continues for the approximately 3,131 plant taxa which have not been the subjects of final rules. The Service has mentioned the continuing review of these taxa in previous Federal Register documents on June 24, 1977 (42 FR 32374) and April 26, 1978 (43 FR 17910). As a consequence of this continuing review, these plant taxa should be considered in environmental planning.

The Service recognizes that the data and information on these taxa and other vulnerable plants have changed in the more than four years that the notice of

review has been in effect. Therefore, the Service intends to publish a new notice in the near future to supersede the notice of July 1, 1975. In this regard, substantive data and information to indicate appropriate candidate plant taxa which may qualify for listing under the Act, and which should be included in this revised notice, are hereby solicited by March 15, 1980. The information should be sufficient to decide whether the plant taxon should be dropped from the 1975 notice, or included in the new notice which will supersede it. The Service will use this contemplated new list of plant taxa to guide further plant conservation review; it does not constitute the first step to another single proposal of a large number of plant taxa such as the proposal of June 16, 1976 (41 FR 24523). New proposals of taxa must conform with all requirements of the amended Act.

Such information as is requested above should be sent to the Chief, Office of Endangered Species, Attention: Plant Notice, U.S. Fish and Wildlife Service, Washington, D.C. 20240; the deadline for receipt of information is March 15, 1980.

With respect to each of the 1,876 proposed species withdrawn because of Section 4(f)(5), it should be kept in mind that the subsection authorizes reproposal of such species if it is determined that sufficient new information is available to warrant the new proposed listing.

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884, 92 Stat. 3751). The primary author of this notice is Dr. Bruce MacBryde, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

Dated: December 5, 1979.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 79-37786 Filed 12-7-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 5, 13, 19, 170, 173, 186, 194, 195, 196, 197, 200, 201, 211, 212, 213, 231, 240, 250, 251 and 252

[Reference Notice No. 330]

The Distilled Spirits Tax Revision Act of 1979 (Public Law 96-39)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Correction notice.

SUMMARY: On December 4, 1979, the Bureau of Alcohol, Tobacco and Firearms published a notice of public seminars in the *Federal Register* (44 FR 69674). The notice set dates and addresses for seminars which were being held to discuss the Distilled Spirits Tax Revision Act of 1979, Subtitle A of Title VIII of the Trade Agreements Act of 1979 (Public Law 96-39), with the distilled spirits industry, wine industry, and others concerned. This notice changes the location of one of these public seminars. The public seminar scheduled for San Jose, California, will be held in Santa Clara, California. The new location is the Edgewater Hotel, 2930 El Camino Real, Santa Clara, California, on December 11 and 12, 1979, from 9 a.m. to 4:30 p.m.

All other seminars will be held as originally scheduled.

FOR FURTHER INFORMATION CONTACT:

Melvin T. Bruce, All-in-Bond Coordinator, Bureau of Alcohol, Tobacco and Firearms, Washington, DC, Telephone: 202-566-7568.

Signed: December 7, 1979.

G. R. Dickerson,

Director.

[FR Doc. 79-37968 Filed 12-7-79; 11:23 am]

BILLING CODE 4810-31-M