

A condition exists where insufficient packing or shimming material was fitted between wing drag link attachment longerons and spar frames. The condition was discovered and reported by the manufacturer. It may have resulted in deformation of the flange of the attachment fittings. Since this condition is likely to exist on other airplanes of the same type design, an airworthiness directive is being issued which requires a one-time inspection and as necessary, repacking and reshimming, and replacement of attachment fittings on certain Short Brothers Ltd. Model SD3-30 airplanes.

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

Adoption of Amendment

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

Short Brothers Ltd.

Applies to Model SD3-30 airplanes, Serial Numbers SH.3001 through SH.3013, certificated in all categories.

Compliance is required prior to the accumulation of 10,000 flights, or within the next 100 flights after the effective date of this AD, whichever occurs later, unless already accomplished.

To prevent fatigue of the affected components and possible structural failure of the wing, accomplish the following:

(a) Inspect to determine the adequacy of packing and shimming material between wing drag link attachment longerons and spar frames on the left and right sides of the airplane, and inspect the flange of Cleats SD3 11-0479/A and SD3 11-0480/A and Brackets SD3 11-1119, SD3 11-1121, and SD3 11-1123 for deformation due to the tightening of the bolts with inadequate packing or shimming under the flange, all in accordance with Section 2, "Accomplishment Instructions" of Short Brothers, Ltd. Service Bulletin SD3-53-29, dated June 21, 1978 (hereinafter referred to as the Service Bulletin) or an FAA-approved equivalent.

Note.—As used in the Service Bulletin the term "packing" means thick shimming. In British usage, shim stock is measured in thousandths and packing stock is measured in sixteenths.

(b) If, during the inspection required by paragraph (a) of this AD, inadequate packing or shimming material is found, repack and reshim, as necessary, in accordance with Section 2 of the Service Bulletin or an FAA-approved equivalent.

(c) If, during the inspection required by paragraph (a) of this AD, it is found that the

flange of a part specified in paragraph (a) of this AD is deformed due to the tightening of the bolts with inadequate packing under the flange, replace the part with a new part of the same part number and ensure that the packing and shimming material between wing drag link attachment longerons and spar frames is adequate, all in accordance with Section 2 of the Service Bulletin or an FAA-approved equivalent.

(d) For purposes of this AD, an FAA-approved equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

(e) For purposes of this AD, a flight consists of one take-off and one landing.

This Amendment becomes effective August 13, 1979. (Sec. 313(a), 601, and 603, Federal Aviation Act of 1958), as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89).

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

Issued in Washington, D.C., on July 20, 1979.

James M. Vines,

Acting Director, Flight Standards Service.

[FR Doc. 79-23127 Filed 7-27-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-GL-4-AD; Amdt. 39-3519]

Airworthiness Directives; Indiana Mills and Manufacturing, Inc.; IMM 111040-1, IMM 111040-2, IMM 111040-3, IMM 111040-4 and IMM 111040-8

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice adopts an airworthiness directive (AD) that requires the removal from service within the next 120 days of the following safety belt assemblies manufactured by Indiana Mills and Manufacturing, Inc. and marked as meeting the standards of FAA TSO-C22f:

IMM 111040-1 Shoulder and Lap Belt Assembly (only Lap Belt Assembly TSO approved).

IMM 111040-2 Front Passenger Harness Assembly (only Lap Belt Assembly TSO approved).

IMM 111040-3 Rear Passenger Harness Assembly (only Lap Belt Assembly TSO approved).

IMM 111040-4 Shoulder and Lap Belt Assembly (only Lap Belt Assembly TSO approved).

IMM 111040-8 Lap Belt Assembly.

The AD is needed since it was determined that the criteria of TSO-C22f and previously accepted deviation criteria for push-button release mechanisms are not met by these safety belt assemblies. The high release forces required to release the latch mechanism under certain conditions are considered unsatisfactory.

DATES: Effective August 2, 1979.

Compliance required within the next 120 days after the effective date of this AD, unless already accomplished.

FOR FURTHER INFORMATION CONTACT:

Terry Fahr, Engineering and Manufacturing Branch, Flight Standards Division, AGL-212, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 424.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring that certain models of Indiana Mills and Manufacturing, Inc. safety belt assemblies be removed from service was published in the *Federal Register*. The proposal was prompted by reports of higher than acceptable push-button release loads for these safety belt assemblies.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only commenter recommended that the AD should not be issued since (1) service history for these belts has not shown a problem with release forces and (2) the criteria used to evaluate this type of safety belt release mechanism is unrealistic.

The fact that service history has not shown a problem to this date with the release mechanism is in itself not sufficient grounds to conclude that the high push-button release force is not a potential hazard to expeditious emergency exit. The service exposure so far may not have included the situation envisioned by the push-button release criteria.

The push-button release force criteria has been specifically reviewed by the FAA since this problem arose. The present criteria has been accepted as a deviation to TSO-C22 for qualifying push-button release mechanisms. Since further acceptable deviation criteria based on sufficient data to be representative of the potential user environment has not been put forth, the present criteria is the only standard for push-button safety belt release mechanisms available. Alternate criteria

have not been ruled out, however, and will be evaluated when and if presented.

The FAA has determined that the above identified Indiana Mills and Manufacturing, Inc. safety belt assemblies do not meet the requirements of TSO-C22f or present acceptable deviation criteria for push-button release mechanisms. This latter criteria requires that the release force under a 250 pound load be no greater than 8 pounds on the push-button and under no conditions should the release force be less than 2.5 pounds on the push-button. Since this condition exists in the other safety belts of the noted models, this AD requires that these safety belts be removed from service.

Adoption of the Amendment

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

Indiana Mills and Manufacturing, Inc.

Applies to Model IMM 111040 -1, -2, -3, -4 and -8 safety belt assemblies marked as meeting the standards of FAA TSO-C22f. These safety belts are installed in, but not limited to, Gulfstream American Corp. (formerly Grumman American Aviation Corp.) AA-1B, AA-1C, AA-5, AA-5A, AA-5B model airplanes.

These safety belts can no longer be considered to meet the standards prescribed by FAA TSO-C22f and the approved special criteria for push-button release mechanisms which requires the push-button release force to be between 2.5 and 8 pounds when using the loading conditions specified in FAA TSO-C22f (§ 4.3.2.2 of NAS 802).

Within 120 days from the effective date of the AD, these safety belts shall not be used in type certificated aircraft.

Note.—Information regarding replacement safety belts for Gulfstream American airplanes can be obtained from: Gulfstream Light Aircraft Customer Service, P.O. Box 2206, Savannah, Georgia 31410, Telephone (912) 964-3000, Telex 54-6470.

This amendment becomes effective August 2, 1979.

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

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

copy of it may be obtained by writing to Terry Fahr, Engineering and Manufacturing Branch, Flight Standards Division, AGL-212, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 424.

Issued in Des Plaines, Illinois on July 19, 1979.

Wayne J. Barlow,

Acting Director, Great Lakes Region.

[FR Doc. 79-23129 Filed 7-27-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-WE-14-AD; Amdt. 39-3518]

Varga Aircraft Corp., Model 2150A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new Airworthiness Directive (AD) which was previously made effective as to known U.S. operators of Varga Aircraft Corporation Model 2150A airplanes by priority mail dated June 27, 1979. This AD was issued because failures of the elevator horn flange assembly will result in loss of elevator control and possible flutter. This AD requires, before further flight and before each subsequent flight, a close visual check for cracks in the horn flange, and also requires replacement with a modified horn assembly within ten (10) hours additional time in service.

DATES: Effective August 2, 1979, except with respect to certain persons specified in the body of the AD.

Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Varga Aircraft Corporation, 12250 East Queen Creek Road, Chandler, Arizona 85224.

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Wallace M. Frei, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: An emergency Airworthiness Directive (AD) was adopted on June 26, 1979 and made effective immediately upon receipt of the airmail letter dated June 27, 1979 to all known U.S. operators of Varga Aircraft Corporation Model 2150A airplane because of failures of the elevator horn flange assembly. This condition has caused the loss of elevator control. The AD required a visual check before further flight and replacement of horn assembly if cracks are found, and within 10 hours additional time in service from date of notification to replace horn assembly with a modified assembly.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known operators of Varga Aircraft Corporation Model 2150A airplane. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to Part 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

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

Varga Aircraft Corp.

Applies to Varga Aircraft Corporation Model 2150A airplanes certificated in all categories.

Compliance required as indicated.

To prevent failure of the elevator horn flange assembly, which will result in loss of elevator control capability and possible flutter, accomplish the following:

(a) Before further flight after the effective date of this AD, accomplish the following procedures and checks:

(1) Raise elevator for access to elevator horn.

(2) Remove paint from the elevator horn and flange in the area of the flange radius.

Note 1.—To prevent possible damage to this structure, use a recommended paint remover.

(3) Conduct a close visual check of this flange radius for cracks, and

(4) If any cracks are found, before further flight, accomplish replacement of complete elevator horn/balance arm assembly in accordance with (c) below.

(b) Before each subsequent flight, until (c) below is accomplished, conduct the procedures of close visual checks provided in (a)(1), (a)(2), and (a)(3) above.

If any cracks are found, before further flight, accomplish replacement of complete

elevator horn/balance arm assembly in accordance with (c) below.

The checks required by this AD may be performed by the pilot.

Note. 2.—For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173

(c) Within ten (10) hours additional time in service, after the effective date of this AD, unless already accomplished, remove the complete elevator horn/balance arm assembly, P/N VAC 6000J-26, and replace with a modified arm assembly, P/N VAC 6000K-26, in accordance with Varga Service Bulletin No. SB2150A-6, dated June 22, 1979.

(d) Equivalent modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective August 2, 1979 as to all persons except those persons to whom it was made immediately effective by the airmail letter dated June 27, 1979, which contained this amendment.

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

Issued in Los Angeles, California on July 18, 1979.

Benjamin Demps, Jr.,

Acting Director, FAA Western Region.

[FR Doc. 79-23315 Filed 7-27-79; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Parts 1204, 1216

Policy on Environmental Quality and Control; Procedures for Implementing the National Environmental Policy Act (NEPA)

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This rule sets forth procedures for implementing the provisions of the National Environmental Policy Act (NEPA) in accordance with the latest regulations of the Council on Environmental Quality (CEQ), 43 FR 55978 (1978) (to be codified in 40 CFR 1500 et seq.).

EFFECTIVE DATE: July 30, 1979.

ADDRESS: Mr. Nathaniel B. Cohen, Director, Management Support Office (External Relations), Code LB-4, National Aeronautics and Space Administration, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, 202-755-8383.

SUPPLEMENTARY INFORMATION: On May 9, 1979, NASA published proposed procedures (44 FR 27161-27168) for implementing the provisions of the National Environmental Policy Act (NEPA), 43 FR 55978 (1978) (to be codified in 40 CFR 1500 et seq.). Interested persons were given until June 8, 1979, to submit comments or suggestions. No such comments or suggestions were received.

Six changes were made, however, to improve clarity of certain sections of the proposed regulations and to correct minor errors. In §§ 1216.303(c), 1216.305(b)(3), and 1216.305(d)(3), the sentences have been rewritten to remove unintended ambiguity. In § 1216.305(d)(6), the word "funding" has been added. In § 1216.312(b), consultation with EPA has been substituted for consultation with CEQ on changing time periods in accordance with § 1506.10(d) of the CEQ Regulations. Finally, in § 1216.321(d)(1), the requirement for an EIS if there are significant environmental effects on the global commons has been added.

The proposed regulation is hereby adopted with the above changes and is set forth below.

Robert A. Frosch,
Administrator.

PART 1216—ENVIRONMENTAL QUALITY

1. In 14 CFR Chapter V, Subpart 1204.11 is redesignated as Subparts 1216.1 and 1216.3 and revised to read as follows:

Subpart 1216.1—Policy on Environmental Quality and Control

Sec.

- 1216.100 Scope.
- 1216.101 Applicability.
- 1216.102 Policy.
- 1216.103 Responsibilities of NASA officials.

Subpart 1216.3—Procedures for Implementing the National Environmental Policy Act (NEPA)

- 1216.300 Scope.
- 1216.301 Applicability.
- 1216.302 Definition of key terms.
- 1216.303 Responsibilities of NASA officials.

Agency Procedures

- 1216.304 Major decision points.
- 1216.305 Criteria for actions requiring environmental assessments.
- 1216.306 Preparation of environmental assessments.
- 1216.307 Scoping.
- 1216.308 Preparation of draft statements.
- 1216.309 Public involvement.
- 1216.310 Preparation of final statements.
- 1216.311 Record of the decision.
- 1216.312 Timing.

Sec.

- 1216.313 Implementing and monitoring the decision.
- 1216.314 Tiering.
- 1216.315 Processing legislative environmental impact statements.
- 1216.316 Cooperating with other agencies and individuals.
- 1216.317 Classified information.
- 1216.318 Deviations.

Other Requirements

- 1216.319 Environmental resources document.
- 1216.320 Environmental review and consultation requirements.
- 1216.321 Environmental effects abroad of major Federal actions.

Authority. The National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451 et seq.); the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.); the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.); Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609); Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977); the Council on Environmental Quality NEPA Regulations (43 FR 55978); and Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, January 4, 1979 (44 FR 1957).

Subpart 1216.1—Policy on Environmental Quality and Control

§ 1216.100 Scope.

This Subpart sets forth NASA policy on environmental quality and control and the responsibilities of NASA officials in carrying out these policies.

§ 1216.101 Applicability.

This Subpart is applicable to NASA Headquarters and field installations.

§ 1216.102 Policy.

NASA policy is to:

- (a) Use all practicable means, consistent with NASA's statutory authority, available resources, and the national policy, to protect and enhance the quality of the environment;
- (b) Provide for proper attention to and ensure that environmental amenities and values are given appropriate consideration in all NASA actions, including those performed under contract, grant, lease, or permit;
- (c) Recognize the worldwide and long-range character of environmental concerns and, when consistent with the foreign policy of the United States and its own responsibilities, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment;
- (d) Use systematic and timely approaches which will ensure the

integrated use of the natural and social sciences and environmental design arts in planning and decisionmaking for actions which may have an impact on the human environment;

(e) Pursue research and development, within the scope of NASA's authority or in response to authorized agencies, for application of technologies useful in the protection and enhancement of environmental quality;

(f) Initiate and utilize ecological and other environmental information in the planning and development of resource-oriented projects; and

(g) Invite cooperation, where appropriate, from Federal, State, local, and regional authorities and the public in NASA planning and decisionmaking processes.

§ 1216.103 Responsibilities of NASA officials.

(a) The Associate Administrator for External Relations or designee shall:

(1) Coordinate the formulation and revision of NASA policies and positions on matters pertaining to environmental protection and enhancement;

(2) Represent NASA in working with other governmental agencies and interagency organizations to formulate, revise, and achieve uniform understanding and application of governmentwide policies relating to the environment;

(3) Develop and ensure the implementation of agencywide standards, procedures, and working relationships for protection and enhancement of environmental quality and compliance with applicable laws and regulations;

(4) Develop, as an integral part of NASA's basic decision processes, procedures to ensure that environmental factors are properly considered in all proposals and decisions;

(5) Establish and maintain working relationships with the Council on Environmental Quality, Environmental Protection Agency, and other national, state, and local governmental agencies concerned with environmental matters;

(6) Acquire information for and ensure the preparation of appropriate NASA reports on environmental matters.

(b) Officials-in-Charge of Headquarters Offices and NASA Field Installation Directors are responsible for:

(1) Identifying matters under their cognizance which may affect protection and enhancement of environmental quality and for employing the proper procedures to ensure that necessary actions are taken to meet the

requirements of applicable laws and regulations;

(2) Coordinating environmental quality-related activities under their cognizance with the Associate Administrator for External Relations; and

(3) Supporting and assisting the Associate Administrator for External Relations on request.

(c) Officials-in-Charge of Headquarters Offices are additionally responsible for:

(1) Giving high priority, in the pursuit of program objectives, to the identification, analysis, and proposal of research and development which, if conducted by NASA or other agencies, may contribute to the achievement of beneficial environmental objectives; and

(2) In coordination with the Associate Administrator for External Relations, making available to other parties, both governmental and nongovernmental, advice and information useful in protecting and enhancing the quality of the environment.

(d) NASA Field Installation Directors are additionally responsible for:

(1) Implementing the NASA policies, standards and procedures for the protection and enhancement of environmental quality and supplementing them as appropriate in local circumstances;

(2) Specifically assigning responsibilities for environmental activities under the installation's cognizance to appropriate subordinates, while providing for the coordination of all such activities; and

(3) Establishing and maintaining working relationships with national, state, regional and governmental agencies responsible for environmental regulations in localities in which the field installations conduct their activities.

Subpart 1216.3—Procedures for Implementing the National Environmental Policy Act (NEPA)

§ 1216.300 Scope.

This Subpart sets forth NASA procedures implementing the provisions of Section 102(2) of the National Environmental Policy Act (NEPA). The NASA procedures of this Subpart supplement the regulations of the Council on Environmental Quality (43 FR 55978) which establish uniform procedures for implementing those provisions of NEPA.

§ 1216.301 Applicability.

(a) This Subpart is applicable to NASA Headquarters and field installations.

(b) The procedures established by this Subpart apply to all NASA actions which may have an impact on the quality of the environment. These actions may fall within any of the three NASA budget categories: Research and Development (R&D), Construction of Facilities (CofF), and Research and Program Management (R&PM), or, if not involving budget authority or other Congressional approval, may be separate from the categories.

§ 1216.302 Definition of key terms.

The definitions contained within Part 1508, *Terminology and Index*, CEQ Regulations, 43 FR 55978, apply to Subpart 1216.3. Additional definitions, necessary for the purpose of this Subpart, are as follows:

(a) *Budget Line Items*. The individual items in the annual NASA authorization legislation which are used here to classify the range of NASA actions. The three main budget line items are:

(1) *Research and Development (R&D)*. Those activities directed towards attaining the objectives of a specific mission, project, or program. All NASA's aeronautics and space program elements are categorized within the R&D program categories. R&D funds are expended chiefly for contracted research and development and for research grants. Some R&D funds are also expended in support of in-house research (e.g., equipment purchases and other research support, but not civil service salaries).

(2) *Research and Program Management (R&PM)*. Those activities directed towards the general support of the NASA institution charged with the conduct of the aeronautics and space program. R&PM funds are expended for the NASA civil service work force (both for performing in-house R&D and for planning, managing, and supporting contractor and grantee R&D), and for other general supporting functions.

(3) *Construction of Facilities (C of F)*. Those activities directed towards construction of new facilities; repair, rehabilitation, and modification of existing facilities; acquisition of related facility equipment; design of facilities projects; and advance planning related to future facilities needs.

(b) *Construction of Facilities Project*. The consolidation of applicable specific individual types of facility work, including related collateral equipment, which is required to fully reflect all of the needs, generally relating to one

facility, which have been or may be generated by the same set of events or circumstances which are required to be accomplished at one time in order to provide for the planned initial operational use of the facility or a discrete portion thereof. Facility projects are subject to the NASA decision processes of § 1216.304.

(c) *Environmental Analysis.* The analysis of the environmental effects of proposed actions, including alternative proposals. The analyses are carried out from the very earliest of planning studies for the action in question, and are the materials from which the more formal environmental assessments, environmental impact statements, and public record of decisions are made.

(d) *Institutional Action.* An action to establish, change, or terminate an aspect of the NASA institution, defined as the total NASA resource (plant, employees, skills).

(e) *R&D Project.* A discrete research and development activity, with a scheduled beginning and ending, which normally involves one of the following primary purposes:

- (1) The design, development, and demonstration of major advanced technology hardware items;
- (2) The design, construction, and operation of a new launch vehicle (and associated ground support) during its research and development phase; and
- (3) The construction and operation of one or more aeronautics or space vehicles (and necessary ground support) in order to accomplish a scientific or technical objective. R&D projects are each subelements in the NASA R&D budget line item. R&D projects are subject to the decision processes of § 1216.304.

§ 1216.303 Responsibilities of NASA officials.

(a) The Associate Administrator for External Relations or designee, who is responsible for developing the procedures of this Subpart and for ensuring that environmental factors are properly considered in all NASA planning and decisionmaking, shall:

- (1) Monitor these processes to ensure that the agency procedures are achieving their purposes;
- (2) Advise line management and inform NASA employees of technical and management requirements of environmental analysis, of appropriate expertise available in and out of NASA, and—with the assistance of the NASA General Counsel—of relevant legal developments; and
- (3) Consolidate and transmit to the appropriate parties NASA comments on

environmental impact statements and other environmental reports prepared by other agencies.

(b) Officials-in-Charge of Headquarters Offices (hereafter termed "Headquarters officials") are responsible for implementing the procedures established by these regulations for the consideration and documentation of the environmental aspects of the decision processes in their respective areas of responsibility.

(c) The Director, Office of Legislative Affairs, is responsible for ensuring that legislative environmental impact statements accompany NASA legislative proposals or recommendations or reports on proposals for legislation submitted to Congress. The Associate Administrator for External Relations, the Comptroller, and General Counsel will provide guidance as required.

Agency Procedures

§ 1216.304 Major decision points.

The possible environmental effects of a proposed action must be considered, along with technical, economic, and other factors, in the earliest planning. At that stage, the responsible Headquarters official shall begin the necessary steps to comply with all the requirements of Section 102(2) of the National Environmental Policy Act of 1969. Major NASA activities, particularly R&D and facility projects, generally have four distinct phases: The conceptual study phase; the detailed planning/definition phase; the development/construction phase; and the operation phase. (Other NASA activities have fewer, less well-defined phases, but can still be characterized by phases representing general or feasibility study, detailed planning or definition, and implementation.) Environmental documentation shall be linked to major decision points as follows:

(a) Completion of an environmental assessment and the determination as to whether an environmental impact statement is required must be made prior to the decision to proceed from the conceptual study phase to the detailed planning/definition phase of the proposed action. For example, this determination must be concurrent with:

- (1) Proposal of an R&D project for detailed planning and project definition;
- (2) Proposal of a major Construction of Facilities project for detailed planning and project definition;
- (3) Proposal of an institutional action (other than a facility project) for detailed planning and definition; and

(4) Proposal of a plan to define changes in an approved project.

(b) The final environmental impact statement (EIS) should be completed and circulated prior to the decision to proceed from the detailed planning/definition phase to the development/construction (or implementation) phase of the proposed action. For example, the EIS should be completed by, and incorporated with:

- (1) Proposal of an R&D project for development/construction;
- (2) Proposal of a major Construction of Facilities project for development/construction;
- (3) Proposal to undertake a significant institutional action (other than a facility project); and
- (4) Proposal to implement a program change.

§ 1216.305 Criteria for actions requiring environmental assessments.

(a) Whether a proposed NASA action within the meaning of the CEQ Regulations (43 FR 55978) requires the preparation of an environmental assessment, an environmental impact statement, both, or neither, will depend upon the scope of the action and the context and intensity of any environmental effects expected to result. A NASA action shall require the preparation of an environmental assessment (§§ 1501.3 and 1508.9 of the CEQ Regulations) provided the action is not one normally requiring an environmental impact statement (paragraph (c)) or it is not categorically excluded from the requirement for an environmental assessment and an environmental impact statement (paragraph (d)).

(b) Specific NASA actions normally requiring an environmental assessment are:

- (1) Specific spacecraft development and flight projects in space science.
- (2) Specific spacecraft development and flight projects in space and terrestrial applications.
- (3) Specific experimental projects in aeronautics and space technology and energy technology applications.
- (4) Development and operation of new space transportation systems and advanced development of new space transportation and spacecraft systems.
- (5) Reimbursable launches of non-NASA spacecraft or payloads.
- (6) Major Construction of Facilities projects.
- (7) Actions to alter ongoing operations at a NASA installation which could lead, either directly or indirectly, to natural or physical environmental effects.

(c) NASA actions expected to have a significant effect upon the quality of the human environment shall require an environmental impact statement. For these actions an environmental assessment is not required. Criteria to be used in determining significance are given in § 1508.27 of the CEQ Regulations (43 FR 55978). Specific NASA actions requiring environmental impact statements, all in the R&D budget category, are as follows:

(1) Development and operation of new launch vehicles.

(2) Development and operation of space vehicles likely to release substantial amounts of foreign materials into the earth's atmosphere, or into space.

(3) Development and operation of nuclear systems, including reactors and thermal devices used for propulsion and/or power generation. Excluded are devices with millicurie quantities or less of radioactive materials used as instrument detectors and small radioisotope heaters used for local thermal control, provided they are properly contained and shielded.

(d) NASA actions categorically excluded from the requirements to prepare either an environmental assessment or an EIS (§ 1508.4 of the CEQ Regulations) fit the following criteria: They are each sub-elements of an approved broadbased level-of-effort NASA science and technology program (basic research, applied research, development of technology, ongoing mission operations), facility program, or institutional program; and they are each managed relatively independently of other related sub-elements by means of separate task orders, Research and Technology Operating Plans, etc. Specific NASA actions fitting these criteria and thus categorically excluded from the requirements for environmental assessments and environmental impact statements are:

(1) R&D activities in space science (e.g., Physics and Astronomy Research and Analysis, Planetary Exploration Mission Operations and Data Analysis) other than specific spacecraft development and flight projects.

(2) R&D activities in space and terrestrial applications (e.g., Resource Observations Applied Research and Data Analysis, Technology Utilization) other than specific spacecraft development and flight projects.

(3) R&D activities in aeronautics and space technology and energy technology applications (e.g., Research and Technology Base, Systems Technology Programs) other than experimental projects.

(4) R&D activities in space transportation systems engineering and scientific and technical support operations, routine transportation operations, and advanced studies.

(5) R&D activities in space tracking and data systems.

(6) Facility planning and design (funding).

(7) Minor construction of new facilities including rehabilitation, modification, and repair.

(8) Continuing operations of a NASA installation at a level of effort, or altered operations, provided the alterations induce only social and/or economic effects but no natural or physical environmental effects.

(e) Even though an action may be categorically excluded from the need for a formal environmental assessment or environmental impact statement, it is not excluded from the requirement for an environmental analysis conducted during the earliest planning phases. If that analysis shows that the action deviates from the criteria for exclusion and it is concluded that there may be significant environmental effects, an environmental assessment must be carried out. Based upon that assessment, a determination must then be made whether or not to prepare an environmental impact statement.

§ 1216.306 Preparation of environmental assessments.

(a) For each NASA action meeting the criteria of § 1216.305(b), and for other actions as required, the responsible Headquarters official shall prepare an environmental assessment (§§ 1501.3 and 1508.9 of the CEQ Regulations) and, on the basis of that assessment, determine if an EIS is required.

(b) If the determination is that no environmental impact statement is required, the Headquarters official shall, in coordination with the Associate Administrator for External Relations, prepare a "Finding of No Significant Impact." (See § 1508.13 of the CEQ Regulations.) The "Finding of No Significant Impact" shall be made available to the affected public through direct distribution and publication in the *Federal Register*.

(c) If the determination is that an environmental impact statement is required, the Headquarters official shall proceed with the "notice of intent to prepare an EIS" (see § 1508.22 of the CEQ Regulations). The Headquarters official shall transmit this notice to the Associate Administrator for External Relations for review and subsequent publication in the *Federal Register* (see section 1507.3(e) of the CEQ

Regulations). The Headquarters official shall then apply procedures set forth in § 1216.307 to determine the scope of the EIS and proceed to prepare and release the environmental statement in accordance with the CEQ Regulations and the procedures of this Subpart.

(d) Environmental assessments may be prepared for any actions, even those which meet the criteria for environmental impact statements (§ 1216.305(c)) or for categorical exclusion (§ 1216.305(d)), if the responsible Headquarters official believes that the action may be an exception or that an assessment will assist in planning or decisionmaking.

§ 1216.307 Scoping.

The responsible Headquarters official shall conduct an early and open process for determining the scope of issues to be addressed in environmental impact statements and for identifying the significant issues related to a proposed action. The elements of the scoping process are defined in § 1501.7 of the CEQ Regulations and the process must include considerations of the range of actions, alternatives, and impacts discussed in § 1508.25 of the CEQ Regulations. The range of environmental categories to be considered in the scoping process shall include, but not be limited to:

- (a) Air quality;
- (b) Water quality;
- (c) Waste generation, treatment, transportation disposal and storage;
- (d) Noise, sonic boom, and vibration;
- (e) Toxic substances;
- (f) Biotic resources;
- (g) Radioactive materials and non-ionizing radiation;
- (h) Endangered species;
- (i) Historical, archeological, and recreational factors;
- (j) Wetlands and floodplains; and
- (k) Economic, population and employment factors, provided they are interrelated with natural or physical environmental factors.

§ 1216.308 Preparation of draft statements.

(a) The responsible Headquarters official shall prepare the draft environmental impact statement in the manner provided in Part 1502 of the CEQ Regulations and shall submit the draft statement and any attachments to the Associate Administrator for External Relations for NASA review prior to any formal review outside NASA. This submission shall be accompanied by a list of Federal, state, and local officials (Part 1503 of the CEQ Regulations) and a list of other

interested parties (§ 1506.6 of the CEQ Regulations) from whom comments should be requested.

(b) After the NASA review is completed, the Associate Administrator for External Relations shall submit the approved draft statement to the Environmental Protection Agency (EPA), Office of Federal Activities, and shall seek the views of appropriate agencies and individuals in accordance with Part 1503 and § 1506.6 of the CEQ Regulations.

(c) Comments received shall be provided to the originating official for consideration in preparing the final statement. To the extent possible, requirements for review and consultation with other agencies on environmental matters established by statutes other than NEPA, such as the review and consultation requirements of the Endangered Species Act of 1973, as amended, should be met prior to or through this review process (§ 1216.320).

§ 1216.309 Public involvement.

(a) Interested persons can get information on NASA environmental impact statements and other aspects of NASA's NEPA process by contacting the Director, Management Support Office (Code LB), NASA, Washington, DC 20546, 202-755-8383. Pertinent information regarding any aspect of the NEPA process may also be mailed to the above address.

(b) Responsible Headquarters officials and NASA Field Installation Directors shall identify those persons, community organizations, and environmental interest groups who may be interested or affected by the proposed NASA action and who should be involved in the NEPA process. They shall submit a list of such persons and organizations to the Associate Administrator for External Relations at the same time they submit:

- (1) A recommendation regarding a "Finding of No Significant Impact,"
- (2) A "Notice of Intent to Prepare an EIS,"
- (3) A recommendation for public hearings,
- (4) A preliminary draft EIS,
- (5) A preliminary final EIS,
- (6) Other preliminary environmental documents (§ 1216.321(d)).

(c) The Associate Administrator for External Relations may modify such lists referred to in paragraph (b) as appropriate to ensure that NASA shall comply, to the fullest extent practicable, with § 1506.6 of the CEQ Regulations and § 2-4(d) of Executive Order 12114.

(d) The decision whether to hold public hearings shall be made by the

Associate Administrator for External Relations in consultation with the General Counsel.

§ 1216.310 Preparation of final statements.

(a) After conclusion of the review process with other Federal, state, and local agencies and the public, the responsible Headquarters official shall consider all suggestions, revise the statement as appropriate, and forward the proposed final statement to the Associate Administrator for External Relations. The Associate Administrator for External Relations shall submit the approved final statement to the EPA Office of Federal Activities, to all parties who commented, and to other interested parties in accordance with CEQ Regulations.

(b) Each draft and final statement, the supporting documentation, and the record of decision shall be available for public review and copying at the office of the responsible Headquarters official, or at the office of a suitable designee. Copies of draft and final environment impact statements shall also be available at the NASA Information Center, 600 Independence Avenue, SW, Washington, DC 20546; at information centers at appropriate NASA field installations; and at appropriate state and local clearinghouses.

§ 1216.311 Record of the decision.

At the time of the decision on the proposed action, the originating Headquarters official shall consult with the Associate Administrator for External Relations and prepare a concise public record of the decision. (See § 1505.2 of the CEQ Regulations.)

§ 1216.312 Timing.

(a) Environmental impact statements are drafted when the Headquarters official has determined that the statement shall be prepared. No decision to proceed to the development/construction (or implementation) phase of the proposed action (the major decision point of § 1216.304(b)) shall be made by NASA until the later of the following dates (§ 1506.10 of the CEQ Regulations);

(1) Ninety days after publication of an EPA notice of a NASA draft EIS.

(2) Thirty days after publication of an EPA notice of a NASA final EIS.

(b) When necessary to comply with other specific statutory requirements, NASA shall consult with and obtain from EPA time periods other than those specified by the Council for timing of agency action.

§ 1216.313 Implementing and monitoring the decision.

(a) Section 1505.3 of the CEQ Regulations provides for agency monitoring to assure that mitigation measures and other commitments associated with the decision and its implementation and described in the EIS are carried out and have the intended effects.

(b) The responsible Headquarters official shall, as necessary, conduct the required monitoring and shall provide periodic reports as required by the Associated Administrator for External Relations.

If the monitoring activity indicates that resulting environmental effects differ from those described in the current documents, the Headquarters official shall reassess the environmental impact and consult with the Associate Administrator for External Relations to determine the need for additional mitigation measures and whether to prepare a supplement to the EIS (see § 1502.9 of the CEQ Regulations).

§ 1216.314 Tiering.

Actions which are the subject of an environmental impact statement and which represents projects of broad scope may contain within them component actions of narrower scope, perhaps restricted to individual sites of activity or sequential stages of a mission, and which themselves may require environmental assessments and, where necessary, environmental impact statements. The CEQ Regulations provide that agencies may use "Tiering" (§ 1508.28 of the CEQ Regulations) of environmental impact statements to relate such broad and narrow actions. When employing tiering, Headquarters officials shall, by reference, make maximum use of environmental documentation already available, and avoid repetition.

§ 1216.315 Processing legislative environment impact statements.

(a) Preparation of a legislative environmental impact statement shall conform to the requirements of § 1506.8 of the CEQ Regulations. The responsible Headquarters official, in coordination with the Associate Administrator for External Relations, shall identify those legislative proposals or reports on legislation that would require preparation of environmental impact statements in accordance with criteria set forth in § 1216.305.

(b) For the purposes of this provision, "legislation" not only excludes requests for appropriations (§ 1508.17 of the CEQ Regulations), but also excludes the

annual authorization bill submitted to the Congress.

§ 1216.316 Cooperating with other agencies and individuals.

(a) The Associate Administrator for External Relations shall ensure that NASA officials have an opportunity to cooperate with other agencies and individuals. He/she shall keep abreast of the activities of Federal, state, and local agencies, particularly activities in which NASA has expertise or jurisdiction by law (see § 1508.15 of the CEQ Regulations). He/she shall inform the responsible Headquarters official of the need for cooperation as necessary.

(b) At the request of the Associate Administrator for External Relations, Headquarters officials shall initiate discussions with another Federal agency concerning those activities which may be the subject of that agency's EIS on which NASA proposes to comment.

(c) At the request of the Associate Administrator for External Relations, the responsible Headquarters official shall, in the interest of eliminating duplication, prepare joint analyses, assessments, and statements with state and local agencies. These joint environmental documents shall conform with the requirements of these procedures and overall NASA policy.

(d) Because of the uniqueness of NASA's aerospace activities, it is unlikely that NASA will have the opportunity to "adopt" environmental statements prepared by other agencies (§ 1506.3 of the CEQ Regulations). However, should the responsible NASA official wish to adopt a Federal draft or final environmental impact statement or portion thereof, he/she shall consult with the Associate Administrator for External Relations to determine whether that statement meets NASA requirements.

(e) From time to time, there may be disagreements between NASA and other Federal agencies regarding which agency has primary responsibility to prepare an environmental impact statement in which both parties are involved. The Headquarters official with primary responsibility for the activity in question shall consult with the Associate Administrator for External Relations to resolve such questions in accordance with § 1501.5 of the CEQ Regulations.

(f) Responsibility for the environmental analyses and any necessary environmental assessments and environmental impact statements required by permits, leases, easements, etc., proposed for issuance to non-Federal applicants rests with the Headquarters official responsible for

granting of that permit, lease, easement, etc. The responsible Headquarters official shall consult with the Associate Administrator for External Relations for advice on the type of environmental information needed from the applicant and on the extent of the applicant's participation in the necessary environmental studies and their documentation.

§ 1216.317 Classified information.

Environmental assessments and impact statements which contain classified information to be withheld from public release in the interest of national security or foreign policy shall be organized so that the classified portions are appendices to the environmental document itself. The classified portion shall not be made available to the public.

§ 1216.318 Deviations.

From time to time there will arise good and valid reasons for a deviation from these procedures. These procedures are not intended to be a substitute for sound professional judgment. Accordingly, if and as problems arise which justify a deviation, the proposed deviation and supporting rationale shall be forwarded to the Associate Administrator for External Relations. Unless such documentation is received, it will be assumed that each planning and decisionmaking action is in accordance with these procedures.

§ 1216.319 Environmental resources document.

Each Field Installation Director shall ensure that there exists an environmental resources document which describes the current environment at that field installation, including current information on the effects of NASA operations on the local environment. This document shall include information on the same environmental effects as included in an environmental impact statement (See § 1216.307). This document shall be coordinated with the Associate Administrator for External Relations and shall be published in an appropriate NASA report category for use as a reference document in preparing other environmental documents (e.g., environmental impact statements for proposed actions to be located at the NASA field installation in question). The Director of each NASA field installation shall ensure that existing resource documents are reviewed and updated, if necessary, by December 31, 1980, and at appropriate intervals thereafter.

§ 1216.320 Environmental review and consultation requirements.

(a) Headquarters officials and Field Installation Directors shall, to the maximum extent possible, conduct environmental analyses, assessments, and any impact statement preparation concurrently with environmental reviews required by the laws and regulations listed below:

(1) Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470(f)) requires identification of National Register properties, eligible properties, or properties which may be eligible for the National Register within the area of the potential impact of a NASA proposed action. Evaluation of the impact of the NASA action on such properties shall be discussed in draft environmental impact statements and transmitted to the Advisory Council on Historic Preservation for comments.

(2) Section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq.) requires identification of and consultation on aspects of the NASA action that may affect listed species or their habitat. A written request for consultation, along with the draft statement, shall be conveyed to the Regional Director of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate, for the Region where the action will be carried out.

(3) Executive Order 11988 (Floodplains Management) and Executive Order 11990 (Wetlands), as implemented by 14 CFR Subpart 1216.2—Floodplains and Wetlands Management, prescribe procedures to avoid adverse impacts associated with the occupancy and modification of floodplains and wetlands and require identification and evaluation of actions which are proposed for location in or which may affect a floodplain or wetland. A comparative evaluation of such actions shall be discussed in draft environmental impact statements and transmitted to appropriate A-95 clearing-houses for comments.

(b) Other environmental review and consultation requirements peculiar to NASA, if any, shall be identified as a part of a NASA environmental handbook to be prepared.

§ 1216.321 Environmental effects abroad of major Federal actions.

(a) In accordance with these procedures and E.O. 12114, "Environmental Effects Abroad of Major Federal Actions" (44 FR 1957), dated January 4, 1979, the Headquarters official shall analyze actions under his/her cognizance with due regard for the

environmental effects abroad of such actions. The Headquarters official shall consider whether such actions involve:

(1) Potential environmental effects on the global commons (i.e., oceans and the upper atmosphere);

(2) Potential environmental effects on a foreign nation not participating with or not otherwise involved in the NASA activity;

(3) The export of products or facilities producing products (or emissions/effluents) which in the U.S. are prohibited or strictly regulated because their effects on the environment create a serious public health risk. The Associate Administrator for External Relations will provide additional guidance regarding the types of chemical, physical, and biological agents involved.

(4) A physical project which, in the U.S., would be prohibited or strictly regulated by Federal law to protect the environment against radioactive substances;

(5) Potential environmental effects on natural and ecological resources of global importance and which the President in the future may designate (or which the Secretary of State designates pursuant to international treaty). A list of any such designations will be available from the Office of the Associate Administrator for External Relations.

(b) Prior to decisions (§ 1216.304) on any action falling into the categories specified in paragraph (a), the Headquarters official shall make a determination whether such action may have a significant environmental effect abroad.

(c) If the Headquarters official determines that the action *will not have* a significant environmental effect abroad, he/she shall prepare a memorandum for the record which states the reasoning behind such a determination. A copy of the memorandum shall be forwarded to the Associate Administrator for External Relations. Note that these procedures do not allow for categorical exclusions (E.O. 12114, section 2-5(d)).

(d) If the Headquarters official determines that an action *may have* a significant environmental effect abroad, he/she shall consult with the Associate Administrator for External Relations and the Director, International Affairs Division. The Associate Administrator for External Relations, in coordination with the Director, International Affairs Division, shall (as specified in E.O. 12114) make a determination whether the subject action requires:

(1) An environmental impact statement (an EIS will be required if

there are significant effects on the global commons);

(2) Bilateral or multilateral environmental studies; or

(3) Concise reviews of environmental issues.

(e) When informed of the determination of the Associate Administrator for External Relations, the Headquarters official shall proceed to take the necessary actions in accordance with these implementing procedures.

(f) The Associate Administrator for External Relations shall, in coordination with the Director, International Affairs Division, determine when an affected nation shall be informed regarding the availability of documents referred to in paragraph (d) and coordinate with the Department of State all NASA communications with foreign governments concerning environmental matters as related to E.O. 12114 (44 FR 1957).

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 1204.11 (§§ 1204.1100-1204.1103) [Reserved]

2. In 14 CFR Chapter V, Subpart 1204.11 is reserved.

[FR Doc. 79-23482 Filed 7-27-79; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 127

[CGD7-79-08]

Security Zone—U. S. Territorial Waters and San Juan Harbor, Puerto Rico

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Security Zone Regulations establishes an area as a security zone within 100 yards of the Cuban vessel VIET NAM HEROICO while it is in U.S. Territorial Waters of Puerto Rico and San Juan Harbor. This security zone is established to prevent interference with, or sabotage to, the VIET NAM HEROICO.

DATES: This amendment is effective on 8:00 A.M., 29 June 1979 and is terminated on 12:00 A.M., 15 July 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. A. McGOUGH or Lieutenant Commander J. R. TOWNLEY, c/o Commanding Officer, U. S. Coast Guard Marine Safety Office, Post Office

Box 3666, Old San Juan, Puerto Rico, 00904, Tel: 809-725-0857.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rulemaking and is effective in less than 30 days from the date of publication because this security zone involves protection of a visiting communist flag vessel from anticipated danger. Insufficient advance notice of vessel's approved visit precluded public procedures.

DRAFTING INFORMATION: The principal persons involved in the drafting of this rulemaking are LT J. A. McGOUGH and LCDR J. R. TOWNLEY, USCG Marine Safety Office, San Juan, Post Office Box 3666, Old San Juan, Puerto Rico, 00904, Tel: 809-725-0857. In consideration of the above, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding 127.708, to read as follows:

§ 127.708 Puerto Rico, U. S. Territorial Waters of, and San Juan Harbor.

The area within 100 yards of the Cuban vessel VIET NAM HEROICO while it is in U. S. Territorial Waters of Puerto Rico or San Juan Harbor is a security zone.

(40 STAT. 220, as amended (50 U.S.C. 191), Sect. 1; 63 STAT. 503 (14 U.S.C. 91), Sec. 6(b)(1); 80 STAT. 937 (49 U.S.C. 1655(b)); EO 10173, EO 10277, EO 10352, EO 11249; 3 CFR 1949-1953 Comp. 356, 778, 873; 3 CFR 1964-1965 Comp. 349; 33 CFR Part 6; 49 CFR 1.46(b).)

Dated: 29 June 1979.

J. D. Webb,

Commander, U. S. Coast Guard, Captain of the Port, San Juan, PR.

[FR Doc. 79-23468 Filed 7-27-79; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD2-79-04-R]

Safety Zone—Ohio River Mile 319.3 to Mile 320.7

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes a safety zone on the Ohio River. This safety zone is established for the protection of the facilities in these areas.

EFFECTIVE DATE: This amendment is effective from 0900 EDT, 12 July 1979 to 1300 EDT, 12 July 1979.

FOR FURTHER INFORMATION CONTACT: LCDR STRASSER, USCG, C/o Marine Safety Office, 6th Avenue & 9th Street,