among participants concerning their applicability. In order to eliminate this uncertainty and conform the rule to what has been the practice, we have decided to amend § 76.9 of the rules to include specific references to petitions for forfeiture action.

2. The amended language of § 76.9 will require parties filing petitions to initiate forfeiture proceedings or submitting responsive pleadings thereto to comply with the same time frame and other filing requirements already in effect for show cause petitions. Consistent with existing show cause practice, the Commission may in appropriate circumstances establish a shorter period for the submission of pleadings than specified in the rule.

3. Due to the alternative hearing and notice of apparent liability mechanisms by which forfeiture matters may be pursued [2] we have added Note 3 to the provisions of § 76.9 requiring petitioners to specifically justify any request to proceed by hearing in a forfeiture action in lieu of the more usual notice of apparent liability. This requirement reflects our determination that forfeiture actions will ordinarily be handled through the hearing process only when an adjudicatory proceeding is being conducted for reasons other than the assessment of a fine. *See* § 1.80(g) of the rules. In any event, of course, the Commission retains discretion to proceed by whichever approach it deems will better serve the ends of justice.

4. Since the rules we are adopting today relate only to Commission procedure, the prior notice and effective date provision of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

Authority for the rules adopted herein is contained in Sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective October 1, 1979, Part 76 of the Commission's rules and regulations is amended as set forth in the attached Appendix below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; (47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317.))

[2] *See* §§ 1.80(f) and 1.80(g) of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 76.9, the caption is amended, paragraphs (a), (b), (c), (f), and note 2 are amended, and a new note 3 is added, to read as follows:

§ 76.9 Order to Show Cause; Forfeiture Proceeding.

(a) Upon petition by any interested person, the Commission may:

(1) Issue an order requiring a cable television operator to show cause why it should not be directed to cease and desist from violating the Commission's rules;

(2) Initiate a forfeiture proceeding against a cable television operator for violation of the Commission's Rules.

(b) The petition may be submitted informally, by letter, but shall be accompanied by a certificate of service on any interested person who may be directly affected if an order to show cause is issued or a forfeiture proceeding initiated. An original and two copies of the petition and all subsequent pleadings should be filed.

(c) The petition shall state fully and precisely all pertinent facts and considerations relied on to support a determination that issuance of an order to show cause or initiation of a forefeiture proceeding would be in the public interest. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

* * * * *

(f) The Commission, after consideration of the pleadings, shall determine whether the public interest requires the issuance of an order to show cause or the initiation of a forfeiture proceeding.

* * * * *

Note 2.—Nothing in this Section is intended to prevent the Commission from initiating show cause or forfeiture proceedings on its own motion; *Provided, however,* That show cause proceedings and forfeiture proceedings pursuant to § 1.80(g) of the rules will not be initiated by such motion until the affected parties are given an opportunity to respond to the Commission's charges.

Note 3.—Forfeiture proceedings are generally nonhearing matters conducted pursuant to the provisions of § 1.80(f) of the rules (Notice of Apparent Liability). Petitioners who contend that the alternative hearing procedures of § 1.80(g) of the rules should be followed in a particular case must support this contention with a specific showing of the facts and considerations relied on.

[FR Doc. 79-29989 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. 9; Notice 79-18]

Standard Time Zone Boundary in the State of Alaska; Relocation of Time Zone Boundary

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The Department of Transportation is relocating the boundary between the Pacific and Yukon Time Zones in the State of Alaska so as to move Juneau, Alaska, and a portion of the surrounding area, from the Pacific to the Yukon Zone. This action which has been requested by the governing body of the city and borough of Juneau, is taken because it appears that relocation would serve the convenience of commerce, which is the statutory standard.

EFFECTIVE DATE: 2:00 a.m., PST, Sunday, April 27, 1980.

FOR FURTHER INFORMATION CONTACT: Jack Lusk, Office of General Counsel, Department of Transportation, 400 Seventh Street, S.W.—Room 10421, Washington, D.C. 20590, (202) 426–4723.

SUPPLEMENTARY INFORMATION: Pursuant to a formal petition from the assembly of the city and borough of Juneau, Alaska, the Department of Transportation (DOT) proposed to relocate the boundary between the Pacific and Yukon Time Zones in the State of Alaska so as to move Juneau and parts of the surrounding area from the Pacific to the Yukon Time Zone. (44 FR 28696; May 16, 1979). Interested parties were given until July 16, 1979, to submit comments on the proposal; additionally representatives of DOT conducted a public hearing in Haines on June 6, 1979, and in Juneau on June 7, 1979. Comments were received, at the hearings and to the docket, from approximately 60 persons.

Under Section 4 of the Uniform Time Act of 1966 (15 U.S.C. 261) (The Act) the Secretary of Transportation has the authority to modify the boundaries between time zones in the United States so as to move an area from one time zone to another. The Act's standard is "regard for the convenience of commerce and the existing junction points and division points of common

carriers engaged in interstate or foreign commerce."

The State of Alaska is in four of the eight time zones that are formally recognized under the Act and that span the United States. From east to west the four are Pacific, Yukon, Alaska-Hawaii, and Bering. Juneau, the capital city of Alaska, has been in the Pacific Time Zone since 1937. There is currently a difference of three hours between Nome, in the Bering Zone, and Juneau; there is a two hour difference between the Anchorage-Fairbanks region, in the Alaska-Hawaii Zone and Juneau. The decision by the Secretary endorsing the request by the Juneau Assembly will have the effect of moving Juneau and the surrounding area, on the north and east reaching to the Canadian border, and abutting the Yukon Time Zone on the west, one hour closer to these major cities.

The preponderance of the evidence indicates that the convenience of commerce would better be served if Juneau were to observe Yukon Time and not, as in the past, Pacific Standard Time. On balance, the record supports the Assembly's petition to the effect that Juneau would become more accessible to the other major cities in the State, will be better able to provide services to those cities and to the parts of the population living in the rest of the State, and that government and its related activities constitute Juneau's largest business. The change to the Yukon Time Zone has also received support because the move places Juneau in the geographically correct time zone.

A number of significant issues were raised in the written comments and oral testimony received on this matter. A number of commenters stated their belief that a change of the Capital's time zone would not have any effect on the Capital move issue or induce the advocates of the Capital move to change their minds. We do not take any position on the ultimate location of the State Capital, since that is a State matter. However, we do agree with the position of the Assembly of the City and Borough of Juneau that the change in time would make Juneau more accessible to the large population centers in the western part of the State, and that such accessibility is important to Juneau's commerce for as long as Juneau is the State Capital.

Another group of commenters argued that, by breaking up the southeastern part of the State into two time zones, a great deal of confusion would be created and commerce would be adversely affected. We acknowledge that this change could potentially be somewhat disruptive to the traditionally close commercial ties existing in the southeastern part of Alaska. Nevertheless, at the time that the Juneau Assembly originally made this proposal, inquiries were sent, by the Juneau Assembly, to the city governments of all the other municipalities in southeastern Alaska seeking their comments on the proposal. Though all the cities south of Juneau declined the invitation to join in the proposed time zone move, support for Juneau's proposal was received from several of the other major cities, including Petersburg and Ketchikan, which preferred themselves to remain on Pacific Time, but concurred in a change for Juneau. No comments were received from any of these localities opposing the creation of the two time zones in this southeastern area.

A number of commenters also raised the question of whether commerce between the affected area and the continental United States, especially Seattle and the west coast, as well as neighboring portions of Canada, would be adversely affected. In particular, several commenters felt that by moving Juneau and the surrounding area to a more westerly time zone, political and business relationships with the rest of the country would be disrupted. The possible disruption of commerce between these areas and Juneau has been carefully considered in this rulemaking. However, we find that the probable benefits to Juneau outweigh these arguments at this time.

Several commenters questioned whether the new time zone boundaries proposed by Juneau would cross commercial fishing zone boundaries in a disruptive manner. Although the State Division of Commercial Fisheries indicated the result would be inconsequential, the boundary lines have been revised to minimize the problems that might have been caused by the boundary which was first proposed. The revised boundary line will include the following boroughs and cities in the Yukon Time Zone: Yakutat; Skagway; Klukivan; Haines; Gustavus; Juneau; and Hoonah. (Reference is Alaska Department of Community and Regional Affairs Map dated January 1, 1979.)

It was announced in the **Federal Register** notice of May 16, 1979, that, if adopted, the proposed time zone change would become effective on September 2, 1979. Several comments to the docket were received that cited possible confusion resulting from a change in time zones so shortly after a decision is announced. In the interest of minimizing disruption and easing the transition, the time zone boundary change will now take effect at 2:00 a.m. Pacific Standard Time on Sunday, April 27, 1980, the moment Daylight Saving Time begins. The effect will be that clocks in the Juneau area will not have to be changed.

Note.—The Office of the Secretary has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures published in the **Federal Register** on February 26, 1979 (44 FR 11034). Furthermore, the economic impact of the proposed regulation is so minimal that a full Regulatory Evaluation is not warranted.

In consideration of the foregoing, section 71.11 of Title 49 CFR, is amended to read as appears below. (Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) Department of Transportation Act (49 U.S.C. 1655(d)(5)).)

Issued in Washington, D.C. on September 19, 1979.

Neil E. Goldschmidt,

Secretary of Transportation.

§ 71.11-1 Boundary line between Yukon and Pacific Zones.

* * * * *

Alaska. Beginning at Boundary Peak No. 74 on the Alaska/Canadian borderline; thence running westerly on a straight line to the head of Endicott Arm; thence northwesterly, along the southerly and southwesterly edge of Endicott Arm to Point Astley; thence southerly along the east edge of Stevens Passage to Point League; thence southwesterly across Stevens Passage to Point Hugh on the south end of Glass Peninsula on Admiralty Island; thence northerly along the east edge of Seymour Canal to 57°37′ north latitude; thence west on 57°37′ north latitude to the west edge of Seymour Canal; thence northwesterly across Admiralty Island to Fishery Point, being on the easterly edge of Chatham Strait; thence westerly to East Point on Chichagof Island; thence northwesterly approximately 11 miles, to a mountain with an elevation of 2,775 feet; thence northwesterly approximately 8 miles to a mountain with an elevation of 3,408 feet; thence northwesterly approximately 2.5 miles, to a mountain with an elevation of 3,030 feet; thence northwesterly approximately 4.5 miles, to a mountain with an elevation of 3,430 feet, all of said mountains being on Chichagof Island; thence due south to the northerly edge of Tenakee Inlet; thence northwesterly, along the northerly edge of said inlet to the head of said inlet; thence northwesterly approximately 2

miles to a mountain with an elevation of 3,253 feet; thence westerly approximately 6 miles to Pyramid Peak; thence westerly to Crag Mountain; thence northwesterly to Mount Althorp; thence northwesterly to Column Point located on the northwest side of Althorp Peninsula; thence due west from Column Point until an intersection is reached with 137° west longitude.

[FR Doc. 79-29993 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Parts 171,173 and 178

[Docket No. HM-163C; Amdt. Nos. 171-50, 173-132, 178-57]

Transfer of Approval Registration and Reporting Functions

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final Rule.

SUMMARY: The purpose of these amendments to the Department's Hazardous Materials Regulations is to transfer from the Transportation Systems Center to the Bureau's Associate Director for operations and Enforcement (OE) responsibility for: (1) approving cigarette lighters or other ignition devices (§ 173.21(d)); (2) registering container manufacturers' mark or symbol; and (3) receiving and maintaining reports required to be filed in connection with hazardous materials shipping containers and packagings. Specifically, these changes to the regulations (1) provide that the Associate Director for OE will issue approvals for cigarette lighters and similar ignition devices based on his review and acceptance of the results of examinations and tests performed for the applicant by test facilities recognized by the MTB, and (2) require registration of container manufacturers' marks, symbols, and the filing of reports directly with the Associate Director for OE. As part of these amendments, MTB is also identifying the Bureau of Explosives as the initial recoginized test facility for the examination of cigarette lighters.

DATE: The effective date is September 27, 1979

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: On August 17, 1978, the Materials Transportation Bureau published a final rule, Docket HM-163; Amdt. Nos. 171-41, 173-119, 178-49 (43 FR 36445) which assigned certain regulatory responsibilities to the Transportation Systems Center. This action reassigns those responsibilities. The MTB is taking this action because it believes that it can more effectively employ TSC's capability on other than basic testing activities and record keeping, and because it sees an opportunity to make its approvals system more responsive through giving recognition to more than a single test facility.

Since these amendments do not impose additional requirements, public notice has not been provided and this amendment is effective upon publication in the **Federal Register** (September 27, 1979). The MTB has determined that the environmental and economic impact associated with these amendments is minimal. Primary drafters of this document are Darrell L. Raines, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, and George W. Tenley, Office of Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, 49 CFR Parts 171, 173, and 178 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§ 171.8 [Amended]

1. In § 171.8 the paragraph containing the definition of "MTB-TSC" is deleted.

2. §171.18 is revised to read as follows:

§171.18 Continuation of effectiveness of existing Bureau of Explosives registrations.

A registration filed with the Bureau of Explosives in compliance with a requirement of this subchapter, which is valid at the time that registration function is assumed by MTB remains valid to the same extent as if it had been filed originally with MTB.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. In §173.21 paragraph (d) is revised to read as follows:

§173.21 Prohibited packing.

* * * * *

(d) The offering for transportation of any package containing a cigarette lighter or other similar ignition device charged with fuel and equipped with an ignition element, or any self-lighting cigarette, is forbidden unless design of the device and its packaging insofar as they affect safety in transportation have been examined by the B of E or another test facility recognized by the MTB and, based on the results of that examination, approved by the Associate Director for OE. (An approval which was issued by the B of E before August 17, 1978, remains valid to the same extent as if it had been issued by MTB.) For lighters containing flammable gases, also see §173.308.

§ 173.24 [Amended]

4. The abbreviation "MTB-TSC" is changed to read Associate Director for OE in §173.24(c)(1)(ii).

§§ 173.34 and 173.119 [Amended]

5. The abbreviation "MTB-TSC" is changed to read Associate Director for OE each time it appears in the following sections:

§ 173.34(1)(2)
§ 173.34(1)(3)
§ 173.119(b)(3) Note 1.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

6. The abbreviation "MTB-TSC" is changed to read Associate Director for OE each time it appears in the following sections:

§ 178.1-4(a)
§ 178.1-9(f)
§ 178.2-6(a)(2)
§ 178.3-8(a)(2)
§ 178.4-4(b)
§ 178.4-8(f)
§ 178.5-9(f)
§ 178.6-10(f)
§ 178.7-7(a)(2)
§ 178.8-7(a)(2)
§ 178.12-9(a)(2)
§ 178.13-5(a)(2)
§ 178.14-7(a)(2)
§ 178.15-7(b)
§ 178.19-6(a)(3)
§ 178.24-5(a)(2)
§ 178.33-9(a)(2)
§ 178.35-3(b)(2)
§ 178.36-4(d)
§ 178.37-4(d)
§ 178.38-4(d)
§ 178.39-4(d)
§ 178.40-4(d)
§ 178.41-4(d)
§ 178.42-4(d)
§ 178.43-4(d)
§ 178.44-4(d)
§ 178.47-4(d)
§ 178.48-4(d)
§ 178.49-4(d)
§ 178.50-4(d)
§ 178.51-4(d)
§ 178.52-19(a)(2)
§ 178.53-18(a)(2)
§ 178.54-20(a)(2)
§ 178.55-20(a)(2)
§ 178.56-19(a)(2)
§ 178.57-20(a)(3)
§ 178.58-21(a)(2)
§ 178.59-18(a)(2)
§ 178.60-22(a)(2)
§ 178.61-20(a)(2)
§ 178.68-19(a)(2)
§ 178.81-11(a)(2)
§ 178.83-11(a)(2)
§ 178.85-10(a)(2)
§ 178.88-10(a)(2)
§ 178.1-8(a)(2)
§ 178.2-4(a)
§ 178.3-4(a)
§ 178.3-9(f)
§ 178.4-7(a)(2)
§ 178.5-7(a)(2)
§ 178.6-8(a)(2)
§ 178.7-3(a)
§ 178.7-8(f)
§ 178.9-7(a)(2)
§ 178.13-2(a)
§ 178.14-3(a)
§ 178.14-8(f)
§ 178.18-8(a)(2)
§ 178.21-2(b)(2)
§ 178.27-2(c)(2)
§ 178.33a-9(a)(2)
§ 178.35a-2(c)(2)
§ 178.36-20(a)(3)
§ 178.37-20(a)(3)
§ 178.38-20(a)(2)
§ 178.39-19(a)(2)
§ 178.40-20(a)(2)
§ 178.41-19(a)(2)
§ 178.42-14(a)(2)
§ 178.43-20(a)(2)
§ 178.44-23(a)(2)
§ 178.47-21(a)(2)
§ 178.48-19(a)(2)
§ 178.49-19(a)(2)
§ 178.50-19(a)(2)
§ 178.52-4(d)
§ 178.53-4(d)
§ 178.54-4(d)
§ 178.55-4(d)
§ 178.56-4(d)
§ 178.57-4(d)
§ 178.58-4(d)
§ 178.59-3(c)
§ 178.60-3(c)
§ 178.61-4(d)
§ 178.68-4(d)
§ 178.80-11(a)(2)
§ 178.82-11(a)(2)
§ 178.84-11(a)(2)
§ 178.87-11(a)(2)
§ 178.89-9(a)(2)

§ 178.90–10(a)(2)
§ 178.92–12(a)(2)
§ 178.98–9(a)(2)
§ 178.100–9(a)(2)
§ 178.102–4(a)(2)
§ 178.107–9(a)(2)
§ 178.109–9(a)(2)
§ 178.111–8(a)(2)
§ 178.115–10(a)(2)
§ 178.117–11(a)(2)
§ 178.119–10(a)(2)
§ 178.131–9(a)(3)
§ 178.133–9(a)(2)
§ 178.135–8(a)(3)
§ 178.140–6(a)(2)
§ 178.146–15(a)(2)
§ 178.148–5(a)(2)
§ 178.150–7(a)(3)
§ 178.165–13(b)
§ 178.169–18(d)
§ 178.171–17(d)
§ 178.176–6(b)
§ 178.181–11(b)
§ 178.185–19(b)
§ 178.186–19(b)
§ 178.190–9(a)(2)
§ 178.193–6(a)(2)
§ 178.196–15(a)(2)
§ 178.198–4(a)(2)
§ 178.206–18(a)(2)
§ 178.208–12(a)(2)
§ 178.209–14(a)
§ 178.211–6(a)(2)
§ 178.214–17(a)(2)
§ 178.218–10(a)(2)
§ 178.219–13(a)(2)
§ 178.224–4(a)(2)
§ 178.225–3(a)(2)(ii)
§ 178.230–8(a)(2)
§ 178.234–9(a)(2)
§ 178.237–7(b)
§ 178.239–7(b)
§ 178.241–5(b)
§ 178.255–15(a)
§ 178.91–11(a)(2)
§ 178.97–9(a)(2)
§ 178.99–9(a)(2)
§ 178.101–9(a)(2)
§ 178.103–6(a)(3)
§ 178.108–9(a)(2)
§ 178.110–8(a)(2)
§ 178.112–10(a)(2)
§ 178.116–10(a)(2)
§ 178.118–10(a)(2)
§ 178.130–8(a)(2)
§ 178.132–9(a)(3)
§ 178.134–4(a)(2)
§ 178.136–9(a)(2)
§ 178.141–7(a)(2)
§ 178.147–15(a)(2)
§ 178.149–7(a)(2)
§ 178.156–12(a)(2)
§ 178.168–18(d)
§ 178.170–17(d)
§ 178.172–19(b)
§ 178.177–6(b)
§ 178.182–4(a)(2)
§ 178.185–22(c)(2)
§ 178.187–5(b)
§ 178.191–9(a)(2)
§ 178.194–6(b)
§ 178.197–14(a)(2)
§ 178.205–18(a)(2)
§ 178.207–18(a)(2)
§ 178.209–13(a)(2)
§ 178.210–12(a)(2)
§ 178.212–9(a)(2)
§ 178.214–18(a)
§ 178.218–11(a)
§ 178.219–14(a)
§ 178.225–3(a)(1)(ii)
§ 178.226–4(a)(2)
§ 178.233–9(a)(2)
§ 178.236–7(b)
§ 178.238–7(b)
§ 178.240–10(a)(2)
§ 178.245–7(a)

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this document will not have a major impact under Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on September 24, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79-30005 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 525

[Docket No. FE 76-04; Notice 4]

Exemptions From Average Fuel Economy Standards; Final Rule

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule makes several amendments to the requirements governing the contents of petitions by manufacturers of fewer than 10,000 passenger automobiles annually for exemption from the generally applicable fuel economy standards and in the procedures followed by the National Highway Traffic Safety Administration (NHTSA) in processing those petitions. These amendments will require that petitions for exemption contain more information concerning the fuel economy testing of the vehicles, but otherwise simplify the general content requirements for these petitions. In addition, the notice of receipt of the petitions and the proposed decision on the petitions will now be combined into one notice. These changes will simplify and expedite the preparation and processing of these petitions.

EFFECTIVE DATE: This rule is effective with respect to petitions for exemption for 1980 and subsequent model years.

FOR FURTHER INFORMATION CONTACT: William Devereaux, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, DC 20590 (202–755–9384).

SUPPLEMENTARY INFORMATION: Section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act), provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards for passenger automobiles if those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if the NHTSA establishes an alternative standard for the manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one who manufactures fewer than 10,000 passenger automobiles in the model year for which the exemption is sought (the affected model year) and who manufactures fewer than 10,000 passenger automobiles in the second model year preceding the affected model year.

To implement section 502(c), NHTSA issued Part 525, Exemptions from Average Fuel Economy Standards. Part 525 prescribes the content of exemption petitions and sets forth the agency procedures for processing those petitions. In connection with the processing of petitions submitted by low volume manufacturers, several problems with the process for handling exemption petitions became apparent. The most obvious problems were the amount of time needed to obtain a complete petition from the petitioners and the amount of time needed to publish a final decision on the petitions. To reduce these problems, NHTSA published a notice of proposed rulemaking to amend Part 525 at 44 FR 21051; April 9, 1979.

Two comments were submitted in response to this proposal. One comment addressed the issue of the fuel economy improvements to be expected from improved lubricants, but did not address any of the issues raised in the notice. Accordingly, that comment will not be discussed further in this notice.

The other comment was submitted by Aston Martin Lagonda, a low volume manufacturer. Aston Martin suggested that the rule be amended so that low volume manufacturers not be required to submit petitions two years before the affected model year. This suggestion has not been adopted. For the same reasons set forth in the final rule originally establishing Part 525 (42 FR 38374; July 28, 1977), NHTSA believes that retention of the two year requirement is more consistent with the energy conservation purposes of the Act. Early submission allows NHTSA to set standards at levels that require maximum fuel economy improvements by the exempted manufacturers. The agency also believes that it is essential that low volume manufacturers know the fuel economy standard which they will have to meet as far in advance of the affected model year as possible, so that the manufacturers can make any necessary changes in their product plans with a maximum of efficiency and a minimum of expense and disruption.

Aston Martin went on to argue that it should not be expected to make any significant alterations to its vehicles. This does not relate to the issues raised in the proposal, but on how NHTSA should determine a manufacturer's maximum feasible average fuel economy. As such, the comment is not relevant to the issues raised in the notice.

Neither of these commenters responded to NHTSA's request for comments as to means of avoiding an annual submission and processing of petitions for exemption, and the request for comments on extending the duration of the exemption from the current three year maximum to a longer period. Since no commenter has raised any objection to the proposed amendments, they are being adopted without change.

In consideration of the foregoing, 49 CFR Part 525 is amended to read as follows:

PART 525—EXEMPTIONS FROM AVERAGE FUEL ECONOMY STANDARDS

1. Section 525.4(b) is revised to read as follows:

§ 525.4 Definitions.

* * * * *

(b) *Other terms.* (1) The term "base level" and "vehicle configuration" are used as defined in 40 CFR 600.002–77.

(2) The term "vehicle curb weight" is used as defined in 40 CFR 85.002.

(3) The term "interior volume index" is used as defined in 40 CFR 600.315–77.

(4) The term "frontal area" is used as defined in 40 CFR 86.129–79.

(5) The term "basic engine" is used as defined in 40 CFR 600.002–77(a)(21).

(6) The term "designated seating position" is defined in 49 CFR 571.3.

(7) As used in this Part, unless otherwise required by the context—

"Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513), as amended by the Energy Policy and Conservation Act (Pub. L. 94–163);

"Administrator" means the Administrator of the National Highway Traffic Safety Administration;

"Affected model year" means a model year for which an exemption and alternative average fuel economy standard are requested under this Part;

"Production mix" means the number of passenger automobiles, and their percentage of the petitioner's annual total production of passenger automobiles, in each vehicle configuration which a petitioner plans to manufacture in a model year; and

"Total drive ratio" means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

2. Section 525.6 is amended as follows: Paragraph (b) is revised and paragraph (e) is amended.

§ 525.6 Requirements for petition.

* * * * *

(b) Be submitted not later than 24 months before the beginning of the affected model year, unless good cause for later submission is shown;

* * * * *

(e) State the full name, address, and title of the official responsible for preparing the petition, and the name and address of the manufacturer;

* * * * *

3. Section 525.7 is amended as follows: Paragraph (a) is revised, paragraph (d) is revised, paragraph (e) is amended, and paragraph (h) is amended.

§ 525.7 Basis for petition.

(a) The petitioner shall include the information specified in paragraphs (b) through (h) in its petition.

* * * * *

(d) For each affected model year, the petitioner's projections of the most fuel efficient production mix of vehicle configurations and base levels of its passenger automobiles which the petitioner could sell in that model year, and a discussion demonstrating that these projections are reasonable. The discussion shall include information showing that the projections are consistent with—

* * * * *

(e) * * *

(1) Frontal area;

* * * * *

(4) Basic engine, displacement, and SAE net horsepower;

(5) * * *

(6) Drive train configuration and total drive ratio;

(7) * * *

(8) Dynamometer road load setting, determined in accordance with 40 CFR Part 86, and the method used to determine that setting, including information indicating whether the road load setting was adjusted to account for the presence of air conditioning and whether the setting was based on the use of radial ply tires; and

(9) Use of synthetic lubricants, low viscosity lubricants, or lubricants with additives that affect friction characteristics in the crankcase, differential, and transmission of the vehicles tested under the requirements of 40 CFR Parts 86 and 600. With respect to automobiles which will use these lubricants, indicate which one will be used and explain why that type was chosen. With respect to automobiles which will not use these lubricants, explain the reasons for not so doing.

* * * * *

(h) Information demonstrating that the average fuel economy figure provided for each affected model year under paragraph (g) of this section is the maximum feasible average fuel economy achievable by the petitioner for that model year, including—

(1) For each affected model year and each of the two model years immediately following the first affected model year, a description of the technological means selected by the petitioner for improving the average fuel economy of its automobiles to be manufactured in that model year.

(2) A chronological description of the petitioner's past and planned efforts to implement the means described under paragraph (h)(1) of this section.

(3) A description of the effect of other Federal motor vehicle standards on the fuel economy of the petitioner's automobiles.

(4) For each affected model year, a discussion of the alternative and additional means considered but not selected by the petitioner that would have enabled its passenger automobiles to achieve a higher average fuel economy than is achievable with the means described under paragraph (h)(1) of this section. This discussion must include an explanation of the reasons the petitioner had for rejecting these additional and alternative means.

(5) In the case of a petitioner which plans to increase the average fuel economy of its passenger automobiles to be manufactured in either of the two model years immediately following the first affected model year, an explanation of the petitioner's reasons for not making those increases in that affected model year.

4. Section 525.8 is amended as follows: Paragraph (a) is deleted, paragraphs (b) through (f) are redesignated as paragraphs (a) through (e), respectively, and the paragraph redesignated as (d) is revised.

§ 525.8 Processing of petitions.

* * * * *

(d) Any interested person may, upon written request to the Administrator not later than 15 days after the publication of a notice under paragraph (c) of this section, meet informally with an appropriate official of the National Highway Traffic Safety Administration to discuss the petition or notice.

* * * * *

Note.—The agency has reviewed the impacts of this rule and determined that they are minimal, and that the rule is not a significant regulation within the meaning of Executive Order 12044.

The program official and attorney principally responsible for the development of this proposed regulation are William Devereaux and Stephen Kratzke, respectively.

Authority: Sec. 9, Pub. L. 89–670, 80 Stat. 981 (49 USC 1657); sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 USC 2002); delegation of authority at 41 FR 25015, June 22, 1976.

Issued on September 19, 1979.

Joan Claybrook,

Administrator.

[FR Doc. 79–29685 Filed 9–26–79; 8:45 am]

BILLING CODE 4910–59–M

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49 CFR Part 571

[Docket No. 1–18; Notice 14]

Federal Motor Vehicle Safety Standards; Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Response to petitions for reconsideration.

SUMMARY: This notice responds to petitions for reconsideration of Federal Motor Vehicle Safety Standard (FMVSS) 101–80, *Controls and Displays*, published June 26, 1978. Several aspects of the petitions are granted, most notably those relating to clarification of the references to other vehicle safety standards and additional symbols. The other aspects of the petitions are denied.

EFFECTIVE DATE: September 1, 1980, except that the amendments to Federal Motor Vehicle Safety Standard No. 208 (49 CFR 571.208) become effective on September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Erickson, Office of Vehicle Safety Standards, 400 Seventh Street, S.W., Washington, D.C. 20590, 202–426–2720.

SUPPLEMENTARY INFORMATION: On June 26, 1978, the NHTSA published (42 FR 27541) a final rule establishing new requirements in FMVSS 101–80 for the location, identification, and illumination of controls and displays in passenger cars, multipurpose passenger vehicles, trucks, and buses.

Petitions for reconsideration of FMVSS No. 101–80 were received from the following organizations: Ford Motors Company, American Motor Corporation, British Leyland UK Ltd., Volkswagen of America, Blue Bird Body Company and Mack Trucks, Inc. A discussion of the issues raised by the petitions and their resolution follows. All petitions are denied except as otherwise noted.

Ford requested that vehicles over 10,000 pounds gross vehicle weight rating (GVWR) be excluded from the control requirements. Blue Bird made a similar request, asking that school buses over 10,000 pounds GVWR be excluded. The notice of proposed rulemaking, issued on October 21, 1976 (41 FR 46460) would have required all passenger cars, multipurpose passenger vehicles, trucks, and buses to meet its control and display requirements. The agency, however, found merit in the comments of truck manufacturers who objected to the application of display requirements to heavy duty vehicles. As a result, the final rule provided that heavy duty vehicles need not comply with the display requirements, but must meet the control requirements. Ford and Blue Bird believe that the reasons for excluding these vehicles from the display requirements are equally applicable to the control requirements. They indicated that the operators of these vehicles are professionals who are familiar with the controls and their functions. They further stated that compliance would impose unwarranted redesign and expenditures.

Neither Ford nor Blue Bird addressed the issue of applicability to heavy duty vehicles in commenting on the proposed rule. No other manufacturers of these vehicles have petitioned for reconsideration of those requirements.

The agency draws a distinction between controls and displays in regard to the safety significance of drivers' being able to quickly and correctly locate and identify them. Controls are typically far more important than displays in driving safely and responding to emergency operating conditions. Further, while drivers do become familiar in time with control location, the identification of controls can be critical during the period of familiarization and continues to promote safety even after that period. The agency notes that it has plans for examining the desirability of further regulating controls and displays by standardizing their location and, in the case of some controls, their manner of operation. If rulemaking is undertaken on this matter, the requirements for controls would be put into effect first. The agency concludes that the task of complying with the existing control requirements is not so difficult as to justify foregoing the benefits of those requirements.

British Leyland petitioned for the ISO symbol for the Manual Choke to be added to Table 1 and the ISO symbol for the Brake System to be added to Table 2. No amendment of the standard is necessary to permit use of these two symbols since FMVSS 101–80 does not specify any requirements regarding symbols for those items. Amendment of the standard to require the use of those symbols would require a new proposal to be issued since such an amendment would be beyond the scope of the October 12, 1976, proposal which led to the June 26, 1978 final rule. Treating this part of British Leyland's petition as a petition for rulemaking instead of a petition for reconsideration, the agency grants it. It should be understood that granting the petition does not necessarily mean that an amendment will ultimately be adopted.

American Motors Corporation petitioned to have the requirement for the turn signal control symbol deleted from the final rule because it was not part of the 1976 proposal and they did not have an opportunity to comment. The commenter stated also that there was no safety need because the column mounted lever was in common usage and standardized through accepted industry practice. The commenter's suggestion that there was no notice for the turn signal control symbol lacks merit. Under the Administrative Procedures Act, notice may be given for a requirement by generally raising the issue in the preamble of a proposal or by setting forth the text of the proposed requirement. While the turn signal control symbol was inadvertently omitted from Table I (concerning control symbols) in the proposed rule, S5 of that rule required use of a turn signal control symbol. The symbol to be used could have been determined from the preamble which expressly provided that the proposal would require use of the ISO turn signal control symbol. Further, that symbol was shown in Table II (concerning display symbols) of the proposed rule.

The location and operation of the turn signal control has over the past several years, become standardized as a finger tip operated lever mounted on the left side of the steering column. There are no reported incidents of accident causation because of the driver's unfamiliarity with the position and use of this control. NHTSA is, therefore, granting AMC's petition to delete the requirement for symbol identification with regard to those vehicles that have a single standardized finger tip operated lever mounted on the left side of the steering column.

American Motors also objected to the use of the highbeam telltale, stressing that it was already uniquely identified by a blue color. It further stated that most vehicles have the highbeam located in the same area as the speedometer dial. This position is in the normal line of sight of the driver, thereby minimizing the time of diversion from the roadway. AMC indicated that an additional graphic representing the highbeam would require its relocation to an area further from the normal line of sight because of the limited area near the speedometer. Such a relocation, AMC argued, would offset any potential benefit. It, therefore, urged that the highbeam telltale symbol be optional.

The NHTSA believes that the highbeam telltale symbol is necessary to alert drivers to the fact that their highbeams are on. Its presence would educate new drivers and act as a reminder to all drivers, especially those who drive infrequently. As to the alleged uniqueness of the use of blue to indicate highbeams, there is no regulation prohibiting its use for telltales other than highbeams. In fact, the color blue is also being proposed by Working Group 5 of Subcommittee 13 of the ISO Technical Committee 22 to the ISO as the color that would be used to indicate spot lamp, long range lamp, cold air, and cold. Therefore, it is possible that

further use of the color blue could lead to confusion unless the highbeam symbol also is required. The NHTSA also believes that the space in the area of the speedometer face is sufficient to allow the symbol for the highbeam to be located there. Therefore, AMC's petition is denied with regard to the highbeam telltale symbol.

In a related vein, Mack, British Leyland, and Mercedes Benz petitioned the agency to substitute the ISO master lighting switch symbol (an illuminated light bulb) for the headlamp and tail lamp symbol (an illuminated headlamp) specified in Table 1 of FMVSS 101–80 or to add the ISO symbol as an optional alternative to the currently specified symbol. The commenters indicatd that the European Economic Community's (EEC) Directive 78/316 requires use of the ISO symbol and that Canada allows either that symbol or the one specified by FMVSS 101–80. Mack argued that use of the ISO symbol should be permitted to enable the company to avoid expensive changes in vehicles that are shipped overseas.

If a vehicle contains a master lighting control in addition to a headlamp and tail lamp control, the ISO symbol may be used for the master lighting control. The agency recognizes, however, that most vehicles presently sold in this country have one control that operates all lights, including the headlamps and tail lamps. On those vehicles, the single control must be identified by the headlamp and tail lamp symbol specified in FMVSS 101–80. The agency believes that this requirement should be retained because the headlamps and tail lamps are the more important lights controlled by a master light control. Further, the agency believes that the headlamp and tail lamp symbol is more easily recognizable as related to those lamps than is the ISO master lighting symbol. However, in the agency's forthcoming proposal on controls and displays, the agency will propose that the ISO symbol be required on master lighting controls in vehicles having both a master lighting control and a headlamp and tail lamp control. We will, however, request comments on allowing the ISO symbol as an optional alternative to the headlamp/tail lamp symbol and or requiring the ISO symbol instead of the headlamp/tail lamp symbol.

American Motors raised a final question about the phase-in of the requirements of the final rule. It noted that S4 of the existing Federal Motor Vehicle Safety Standard (FMVSS) 101 was amended to allow any manufacturer to meet the requirements of that standard with regard to the location, identification and illumination of the listed controls or to meet the requirements of FMVSS 101–80 with respect to such controls. Although the amendment did not expressly provide for early compliance with the display requirements of FMVSS 101–80, early compliance is nevertheless permissible. Early compliance with a new FMVSS is always permissible unless the requirements of the new FMVSS conflict with those of an existing FMVSS. If early compliance is to be allowed in the case of a conflict, then the existing standard must be amended to permit compliance with the new FMVSS in lieu of compliance with the existing FMVSS. As to display requirements, there is no conflict since FMVSS 101 does not regulate displays.

Volkswagen of America petitioned to allow the use of yellow as an alternative color for the telltale indicator for the headlamp highbeam. It maintains that the designated blue color or alternative blue-green will prohibit the use of light emitting diodes (LEDs). VW submitted supporting documentation that blue LEDs are not currently in production and technically will not be feasible for a number of years. They also stated that several European countries are permitting the color yellow, as well as red, as alternatives for the highbeam indicator. VW stressed the reliability and longer service of LEDs as reasons for installing them in vehicles rather than the current incandescent lamps. VW also alleged that the color yellow is more desirable for the telltale than blue or blue-green.

The NHTSA does not believe that the available information justifies granting VW's request. Presently, the activation of the highbeam indicator is conveyed primarily by the colors blue or red. The ISO and EEC are currently undergoing an effort, like that of the NHTSA, to further standardize the color to blue, thereby improving driver performance. The introduction of a yellow indicator is likely to result in greater driver confusion. Further, VW's contention that reliablility is an important design criterion for the highbeam telltale is not of great significance. The highbeam is in use approximately 5 percent of the total driving time. Given this small usage rate, current incandescent lamps are capable of lasting many years. Replacements are also inexpensive and readily available. The NHTSA also disagrees with VW that yellow is more desirable than blue or blue-green. As the eye becomes more adapted to the dark it is more sensitive to blue, not yellow. For these reasons, Volkswagen's petition is denied.

Several minor technical changes have also been made in the rule. In Table I, the abbreviations "Mfg" are changed to "Mfr". In Column 3 of Table 2, the cross reference for Brake Air Pressure is changed from FMVSS 108 to FMVSS 121, the cross reference for Malfunction in Anti-Lock is changed from FMVSS 121 to FMVSS 105–75, and the cross reference for Malfunction Brake System is changed from FMVSS 121 to FMVSS 105–75. Footnote 5 to Table 2 is changed to read "Framed areas may be filled."

Federal Motor Vehicle Safety Standard 208 is also amended to permit the seat belt telltale symbol specified in FMVSS 101–80 to be displayed in place of the words "Fasten Seat Belts" or "Fasten Belts."

In consideration of the foregoing, Part 571 of Title 49 of the Code of Federal Regulations is amended as follows:

1. The first sentence of S4.5.3.3(b)(1) of § 571.208, *Occupant Crash Protection*, is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S4.5.3.3(b) (1) At the left front designated seating position (driver's position), be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belt" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101–80 when condition (A) exists simultaneously with condition (B).

2. The first sentence of S7.3 of § 571.208, *Occupant Crash Protection*, is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S7.3 Seat belt warning system. A seat belt assembly provided at the driver's seating position shall be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belt" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101–80 when condition (a)

exists, and a continuous or intermittent audible signal when condition (a) exists simultaneously with condition (b).

3. The first sentence of S7.3.1 of § 571.208, *Occupant Crash Protection,* is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S7.3.1 Seat belt assemblies provided at the front outboard seating positions in accordance with S4.1.1 or S4.1.2 shall have a warning system that activates, for at least 1 minute, a continuous or intermittent audible signal and continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belt" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101–80 when condition (a) exists, simultaneously with either of conditions (b) or (c).

4. The first sentence of S7.3a of § 571.208, *Occupant Crash Protection,* is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S7.3a A seat belt assembly provided at the driver's seating position shall be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101–80 when condition (a) exists, and a continuous or intermittent audible signal when condition (a) exists simultaneously with condition (b).

5. Table 1 of § 571.101–80. *Controls and Displays,* is amended to read:

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TABLE 1
Identification and Illumination of Controls

Column 1	Column 2	Col. 3	Col. 4
Hand Operated Controls	Identifying Words or Abbreviation	Identifying Symbol	Illumination
Headlamps and Tail Lamps	Lights	 [2, 4]	—
Turn Signal	—		—
Hazard Warning Signal	Hazard	 [4]	Yes
Clearance Lamps System	Clearance Lamps or Cl Lps	 [3, 4]	Yes
Windshield Wiping System	Wiper or Wipe		Yes
Windshield Washing System	Washer or Wash		Yes
Windshield Washing and Wiping Combined	Wash-Wipe		Yes
Heating and/or Air Conditioning Fan	Fan		Yes
Windshield Defrosting and Defogging System	Defrost, Defog or Def.		Yes
Rear Window Defrosting and Defogging System	Rear Defrost, Rear Defog or Rear Def		Yes
Engine Start	Engine Start[1]	—	—
Engine Stop	Engine Stop[1]	—	Yes
Manual Choke	Choke	—	—
Hand Throttle	Throttle	—	—
Automatic Vehicle Speed	(Mfr. Option)	—	Yes
Identification Lamps	Identification Lamps or Id Lps	—	Yes
Heating and Air Conditioning System	(Mfr. Option)	—	Yes

1. Use when engine control is separate from the key locking system.

2. Use also when clearance, identification, parking and/or side marker lamps are controlled with the headlamp switch.

3. Use also when clearance lamps, identification lamps and/or side marker are controlled with one switch other than the headlamp switch.

4. Framed areas may be filled.

6. Table 2 of § 571.101-80, Controls and Displays, is amended to read:

TABLE 2
Identification and Illumination of Internal Displays

Display	Col. 2 Telltale Color	Column 3 Identifying Words or Abbreviation	Col. 4 Identifying Symbol	Col. 5 Illuminate
Turn Signal Tell-Tale	Green	Also see FMVSS 108	 [1] [5]	—
Hazard Warning Tell-Tale	Red [4]	Also see FMVSS 108	 [2] [5]	—
Seat Belt Tell-Tale	Red [4]	Also see FMVSS 208		—
Fuel Level Tell-Tale	Yellow	Fuel		—
Gauge	—	Fuel		Yes
Oil Pressure Tell-Tale	Red [4]	Oil		—
Gauge	—	Oil		Yes
Coolant Temperature Tell-Tale	Red [4]	Temp		—
Gauge	—	Temp		Yes
Electrical Charge Tell-Tale	Red [4]	Volts, Charge or Amp		—
Gauge	—	Volts, Charge or Amp		Yes
Speedometer	—	MPH and Km/h	—	Yes
Odometer	—	— [3]	—	—
Automatic Gear Position	—	Also see FMVSS 102	—	Yes
High Beam Tell-Tale	Blue [4]	Also see FMVSS 108	 [5]	—
Brake Air Pressure Tell-Tale	Red [4]	Brake Air Also see FMVSS 121	—	—
Malfunction in Anti-Lock or	Yellow	Anti-Lock Also see FMVSS 105-75	—	—
Brake System	Red [4]	Brake Also see FMVSS 105-75	—	—

1. The pair of arrows is a single symbol. When the indicators for left and right turn operate independently, however, the two arrows will be considered separate symbols and may be spaced accordingly.
2. Not required when arrows of turn signal tell-tales that otherwise operate independently flash simultaneously as hazard warning tell-tale.
3. If the odometer indicates kilometres, then "KILOMETRES" shall appear; otherwise, no identification is required.
4. Red can be red-orange. Blue can be blue-green.
5. Framed areas may be filled.

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7. The first sentence of S5.2.1 of § 571.101–80, *Controls and Displays*, is amended to read:

§ 571.101–80 Standard No.101–80, Controls and Displays. (Effective Sept. 1, 1980.)

* * * * *

S5.2.1. Except for a turn signal control which is operated in a plane essentially parallel to the steering wheel by the only lever mounted on the left side of the steering column, any hand operated control listed in column 1 of Table 1 that has a symbol designated in column 3 shall be identified by that symbol.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on September 19, 1979.

Joan Claybrook,

Administrator.

[FR Doc. 79–29619 Filed 9–26–79; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1364–A]

Wabash Valley Railroad Co., Illinois Terminal Railroad Co., and Consolidated Rail Corp. Authorized To Operate Multiple-Car Shipments of Less Than Number of Cars Required by Tariff

Decided: September 18, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1364–A.

SUMMARY: Service Order No. 1364 authorizes the Wabash Valley Railroad Company, Illinois Terminal Railroad Company and Consolidated Rail Corporation to operate multiple-car shipments of corn syrup in less than the number of cars required by tariff. Since the subject tariff has been amended to include smaller minimum shipments, Service Order No. 1364 is no longer required and will be vacated at the below published date and time.

EXPIRATION DATE: 11:59 p.m., September 21, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275–7840.

Upon further consideration of Service Order No. 1364 (44 FR 12039), and good cause appearing therefore:

It is ordered: § 1033.1364 *Wabash Valley Railroad Company, Illinois Terminal Railroad Company, and Consolidated Rail Corporation authorized to operate multiple-car shipments of less than number of cars required by tariff.* Service Order No. 1364 is vacated effective 11:59 p.m., September 21, 1979.

(49 U.S.C. (10304–10305 and 11121–11126))

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–29984 Filed 9–26–79; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Parts 1207 and 1240

[No. 36137 (Sub No. 1)]

Revision of Levels of Revenue Which Define Classes of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is revising the class revenue levels for motor carriers of property to: $5 million or more for Class I carriers; $1 million to less than $5 million for Class II carriers; and less than $1 million for Class III carriers. This revision will relieve small motor carriers of property from detailed accounting and reporting to the Commission.

DATES: Effective for the reporting year beginning January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–6236.

SUPPLEMENTARY INFORMATION: In our Notice of Proposed Rulemaking served 1/8/79, and published in the **Federal Register** January 11, 1979 (43 FR 2407), we proposed to increase class revenue levels for motor carriers of property. We estimated that the proposed revision would result in 700 Class II and Class I carriers, being reclassified downward to Class III and Class II carriers, respectively, and about 800 Class III carriers would remain Class III carriers. We received 40 responses to the NPR from motor carriers of property, a motor carrier holding company, rate bureaus (RBO's), and trade associations. Thirty-six respondents generally favored the new class revenue levels while four were opposed. The major issues, as viewed by the respondents, are considered in the following discussion.

Reduction or Loss of Data Base. The American Trucking Association (ATA) opposes the revision because it would curtail financial data availability and comparability. The ATA contends that the industry, the general public, and the Commission would be deprived of a data base for evaluating the consequences of economic regulation, especially at a time when its merits are under public scrutiny. The Central Analyses Bureau, Inc., representing the interests of insurance companies, contends the revision would reduce the flow of financial data used to evaluate and monitor carrier insurability. RBO's contend that the revision is inconsistent with the Commission's demand for more and better data in general rate increase proceedings. Further, they expressed concern that the Commission's cost studies might be jeopardized as a direct result of data flow reduction.

Financial and Statistical Reporting Policy. In the past, the Commission perceived data collection for external users as a public service. While that policy benefited some special interest groups, it was also responsible for some of the administrative and financial burden of small motor carriers. To remedy this situation, the Commission adopted a new reporting policy that only requires the reporting of basic and currently needed information. The Commission will no longer collect data beyond the nature and scope of its regulatory needs, merely to satisfy the needs of specical interest groups. Moreover, the classification of carriers as a means of collecting needed data and reducing carrier reporting burden has become a component of Commission policy on financial and statistical reporting.

Any reduction in the flow of financial data at the discomfiture of insurance companies, would be no less a public disservice than the enforcement of reporting requirements that are burdensome to small motor carriers. Insurance companies have been providing insurance coverage for cargoes of some 13,000 Class III carriers. These carriers do not file detailed reports with the Commission. If cargo insurance coverage hinges on the insurance companies' capability to evaluate and monitor carrier insurability, the insurance companies have been apparently unhampered by the lack of detailed reports for Class III