

regulated to have a summary of the application published in any official State publication in which rate change applications are usually noticed.

(2) A period of 45 days shall be permitted for receipt of written information, views, arguments, or other comments on the application, which period shall commence on the date the proposed notice of application is published in the Federal Register. Persons submitting such comments shall serve a copy on the applicant utility during such 45 day period.

[FR Doc. 80-682 Filed 1-9-80; 8:45 am]  
BILLING CODE 6450-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 261

#### Housing Improvement Program; Program Category Cost Limitations

January 3, 1980.

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Rule.

**SUMMARY:** This rulemaking is to amend Part 261 of Subchapter X, Chapter I of Title 25 of the Code of Federal Regulations. The purpose of the amendment of this part is to increase certain program category cost limits. Specifically, § 261.4(b)(3) and § 261.4(d)(3) cost limitations will be increased. This change was made to meet the increasing prices in labor and materials.

**DATES:** These regulations will become effective January 10, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. G. Ronald Peake, Chief, Division of Housing Assistance, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20245, 202/343-4876.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary of Indian Affairs authority to issue these regulations is 5 U.S.C. 301 and Sec. 463 and 465 of the revised statutes (25 U.S.C. 2 and 9) and 209 DM 8.

**Note.**—The Assistant Secretary of Indian Affairs has determined that this regulation is not a major Federal action within the scope of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c).

**Note.**—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this document is: Mr. G. Ronald Peake, Chief, Division of Housing Assistance, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, D.C. 20245, 202/343-4876.

Since the rules contained in these parts merely state the present cost limitations, a notice published as proposed rules would delay the intent of this change which is to increase these cost limitations. Therefore, advance notice and public procedure are dispensed with under the exception provided in 5 U.S.C. 553(b)(3)(1970).

Since these amendments to the present regulations relieve a restriction to the cost limitations, the 30-day deferred effective date is dispensed with under the exception provided in 5 U.S.C. 553(d)(1)(1970). Accordingly, these regulations will become effective January 10, 1980.

The amendments are adopted by revising paragraphs (b)(3) and the first two sentences of (d)(3) as set forth below:

#### § 261.4 Program categories.

(b) \* \* \*

(3) The cumulative total expenditure of the Housing Improvement Program funds should not exceed \$20,000 for any one dwelling.

(d) \* \* \*

(3) The cumulative total expenditure of funds should not exceed \$45,000 for a dwelling and equipment. (In the case of Alaska, the total expenditure of funds should not exceed \$55,000.) \* \* \*

Forrest J. Gerard,  
Assistant Secretary—Indian Affairs.

[FR Doc. 80-761 Filed 1-9-80; 8:45 am]  
BILLING CODE 4310-02-M

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Part 2610

#### Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Amendment to the interim regulation.

**SUMMARY:** This amendment to the interim regulation on Valuation of Plan Benefits prescribes the interest rates and factors the Pension Benefit Guaranty Corporation (the "PBGC") will use to value benefits provided under terminating pension plans covered by

Title IV of the Employee Retirement Income Security Act of 1974 (the "Act"). This valuation is necessary because under section 4041 of the Act, the PBGC must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the unfunded guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the regulation must be adjusted periodically to reflect changes in investment markets. This amendment adopts the rates and factors applicable to plans that terminated on or after September 1, 1979, but before December 1, 1979, and will enable the PBGC to value the benefits provided under those plans.

**EFFECTIVE DATE:** January 10, 1980.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-4895.

**SUPPLEMENTARY INFORMATION:** On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating plans covered under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 *et seq.*). Specifically, the regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors must be reflective of investment experience, it is necessary to update the rates and factors periodically. When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before September 1, 1979. (29 CFR 2610 (1979), 44 FR 42180, 44 FR 58908). The purpose of this amendment is to provide the rates and factors applicable to plans that terminated on or after September 1, 1979, but before December 1, 1979.

On April 16, 1979, after public notice and comment, the PBGC adopted a new procedure of issuing new interest rates and factors in final form without first publishing them in a Notice of Proposed Rulemaking (44 FR 22453 *et seq.*). Because the PBGC cannot value the

benefits provided under pension plans that terminated on or after September 1, 1979 and before December 1, 1979 until the new interest rates and factors contained herein are promulgated, and consistent with this new procedure, the PBGC finds that notice of and public comment on this amendment are impracticable and unnecessary. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that terminated on or after September 1, 1979, but before December 1, 1979, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the interim regulation effective immediately.

The PBGC has determined that this amendment to the Valuation of Benefits regulation is not "significant" under the criteria prescribed by Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (March 24, 1978), and the PBGC's Statement of Policy and Procedures implementing the Order, 43 FR 58237 (December 13, 1978). The reasons for this determination are that this amendment is not likely to engender substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Code of Federal Regulations, is hereby amended by adding a new Table XVI to Appendix B to read as follows:

#### Appendix B—Interest Rates and Quantities Used to Value Benefits

XVI. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after September 1, 1979, but before December 1, 1979.*

##### I. *Interest rate for valuing immediate annuities.*

An interest rate of 7¼ percent shall be used to value immediate annuities, to compute the quantity "G<sub>v</sub>" in § 2610.6 and for valuing both portions of a cash refund annuity.

##### II. *Interest rate for valuing death benefits.*

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

##### III. *Interest rates and quantities used for valuing deferred annuities.*

The following factors shall be used to value deferred annuities pursuant to § 2610.6:

- (1)  $k_1 = 1.07$
- (2)  $k_2 = 1.0575$

$$(3) k_3 = 1.04$$

$$(4) n_1 = 7$$

$$(5) n_2 = 8$$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)))

Issued at Washington, D.C., on December 20, 1979.

Ray Marshall,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue same.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 80-774 Filed 1-9-80; 8:45 am]

BILLING CODE 7708-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 164

[CGD 77-168]

#### Navigation Safety Regulations; Electronic Navigation Equipment

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** This document is to inform the public that the Coast Guard is no longer considering amending the "Interim Final Rule" published on May 31, 1979 (44 FR 31592) and corrected on June 7, 1979 (44 FR 32681), which required vessels of 1600 gross tons or more, when calling at a port in the continental U.S. or Alaska, to have installed a Loran-C or specified alternative electronic navigation receiver. The "Interim Final Rule" included an expansion of the area of applicability in Alaskan Coastal waters, and interested parties were invited to comment on that expansion. No comments have been received. Therefore, there is no need to publish changes to that rule.

**EFFECTIVE DATE:** This amendment is effective:

1. June 1, 1979, for tank vessels of 10,000 gross tons or more under Section 7 (j) of Section 5 of the Port and Tanker Safety Act of 1978 (Pub. L. 95-474, 92 Stat. 1480);
2. June 1, 1980, for other vessels of 10,000 gross tons or more; and
3. June 1, 1982, for vessels of 1600 but less than 10,000 gross tons.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Fred Schwer, Project Manager, Office of Marine Environment and

Systems (G-WLE4/TP11), Room 1608, Department of Transportation, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20593 (202-426-4958).

**SUPPLEMENTARY INFORMATION:** Drafting Information.—The principal persons involved in drafting of this rule are Mr. Fred Schwer, Project Manager, Office of Marine Environment and Systems, and Mr. Stanley Colby, Project Attorney, Office of Chief Counsel.

The rule, published without change, is set forth below:

#### § 164.30 [Amended]

1. By striking in § 164.30, the section number "164.35" and inserting the section number "164.41" in place thereof.
2. By adding a new § 164.41 to read as follows:

#### § 164.41 Electronic Position Fixing Devices

(a) This section applies to vessels calling at ports in the continental U.S. including Alaska south of Cape Prince of Wales, except those vessels owned or bareboat chartered and operated by the United States, by a state or its political subdivision, or by a foreign nation, and not engaged in commerce.

(b) Each vessel must have one of the following devices installed:

- (1) A Loran-C receiver meeting paragraph (c) of this section.
- (2) A continual update, satellite-based hybrid navigation receiver meeting paragraph (d) of this section.
- (3) A system that is found by the Commandant to meet the intent of the statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. "Department of Transportation (DOT) National Plan for Navigation" (Report No. DOT-TST-78-4, dated November 1977). A person desiring a finding by the Commandant under this subparagraph must submit a written request describing the device to: Commandant (G-WLE/73), U.S. Coast Guard, Washington, D.C. 20950. After reviewing the request, the Commandant may require additional information to establish whether or not the device meets the intent of the "DOT National Plan for Navigation."

Note.—The "DOT National Plan for Navigation" is available from the National Technical Information Service, Springfield, VA 22161. Government Accession No. AD-A-052269.

(c) Each Loran-C receiver installed after May 31, 1979 must meet the following:

- (1) Be a Type I or II receiver as defined in Section 1.2(e), meeting Part 2

(Minimum Performance Standards) of the Radio Technical Commission for Marine Services (RTCM) Paper 12-78/DO-100 dated December 20, 1977, and entitled "Minimum Performance Standards (MPS) Marine Loran-C Receiving Equipment". The standards referred to in this subparagraph are intended to be incorporated by reference as they exist on December 20, 1977 and notice of any change in these standards will be published in the **Federal Register**. This incorporation by reference was approved by the Director of the Federal Register on May 25, 1979 and is available for inspection at the Office of the Federal Register Library, Room 8401, 1100 L St. NW., Washington, D.C. 20408. The RTCM paper is available from the Radio Technical Commission for Marine Services, P.O. Box 19087, Washington, D.C. 20036 (202) 296-6610.

(2) After June 1, 1982, except as allowed by paragraph (c)(3) of this section, have a permanently affixed label containing—

(i) The name and address of the manufacturer; and

(ii) The following statement:

This receiver was designed and manufactured to comply with Part 2 (Minimum Performance Standards) of the RTCM MPS for Marine Loran-C Receiving Equipment.

(3) Each Loran-C receiver installed before June 1, 1982, that meets paragraph (c)(1) of this section must meet paragraph (c)(2) of this section on June 1, 1985.

(d) Each hybrid satellite system must have—

(1) Automatic acquisition of satellite signals after initial operator settings have been entered;

(2) Position updates derived from satellite information obtained during each usable satellite pass; and

(3) A continual tracking integrated complementary system that provides automatically, in between satellite passes, position updates at intervals of one minute or less.

(e) Each satellite navigation receiver installed before June 1, 1982, that meets paragraphs (d) (1) and (2), of this section must meet paragraph (d)(3) of this section on June 1, 1985.

#### § 164.53 [Amended]

3. By adding in § 164.53(b) the words "radio navigation receivers," after the

word "radar," "and before the word "gyrocompass,".

(Sec. 2, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4)).

Dated: January 3, 1980.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 80-878 Filed 1-9-80; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 183

[CGD 78-034]

#### Display of Capacity Information on Recreational Boats

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** This rule establishes a new format for the capacity label on certain boats under 20 feet in length. It requires that the persons capacity be stated in terms of the number of persons in addition to the maximum weight of persons, as is presently required. This format for the capacity label and the method of presenting the safe loading capacity information should increase the boat user's understanding of safe loading capacities and enhance boating safety.

**EFFECTIVE DATE:** This regulation is effective on August 1, 1980; however, manufacturers may voluntarily comply with the regulation any time after publication.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lars E. Granholm, Office of Boating Safety (G-BBT-2/TP42), 2100 Second Street S.W., U.S. Coast Guard, Department of Transportation, Washington, D.C. 20593, 202-426-4027.

**SUPPLEMENTARY INFORMATION:** On September 21, 1978, the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** (43 FR 43006). Interested persons were invited to participate in the proposed rulemaking by submitting relevant comments. The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of this final rule. The transcript of the proceedings of the National Boating Safety Advisory Council at which this final rule was discussed is available for examination in Room 4224, U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C.

The minutes of the meeting are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BA), U.S. Coast Guard, Washington, D.C. 20593.

#### Drafting Information

The principal persons involved in drafting this proposal are: Mr. Lars E. Granholm, Project Manager, Office of Boating Safety, and Ms. Mary Ann McCabe, Project Attorney, Office of Chief Counsel.

#### Discussion of Comments

Several commenters objected to the proposed effective date of August 1, 1979. They requested that the date be extended. This would provide time for tooling for new plates and also time to use up existing inventories. The Boating Industry Associations, which supplies capacity plates for the majority of the boats built, needs several months after the publication of the final rule to make necessary computer program changes for calculating the number of persons as well as pounds, processing orders, and working out the new format. The Coast Guard agrees to extend the effective date to August 1, 1980, consonant with the policy of issuing minimum regulation. Not to grant the request would impose an unreasonable burden without a corresponding benefit.

These commenters also requested that they be allowed to use the new plates prior to the effective date. This would allow them to start using the new plates when they run out of old ones. The Coast Guard accepts this comment because the new plate is expected to improve boating safety. A manufacturer may voluntarily comply with the rule any time after its publication.

The word "required" is removed from paragraph 183.25(c)(5). This rule does not prohibit additional information from being displayed on a common plate. The intent is that no other information be displayed on the yellow area, whether the additional information is required or optional. The required information is that referred to in paragraphs 183.25(c)(6) and (7), and the certification statement in § 181.5. The optional information might be a certification that a boat meets some additional standards, such as those required by the Boating Industry Associations.

Two commenters requested clarification of how the visibility could be determined as required in paragraph 183.25(a). They pointed out that the markings required cannot be visible to

both the operator and all passengers when getting the boat underway. Some boats have passenger areas so separated from the operator as to make visibility by both passengers and operator impossible. In response to these comments, the Coast Guard has decided to make no change in the present regulation which requires only that the markings be visible to the operator.

One commenter pointed out that the wording in paragraph 183.25(b) is not consistent with the specifications in Figure 183.25. The Coast Guard agrees and the wording in paragraph 183.25(b) is corrected. The same commenter also suggested that the wording in paragraph 183.25(b)(4), "This boat rated for manual propulsion", appears to warrant something the manufacturer does not necessarily intend. For example, on a multipurpose craft for either sail or oars, that statement would raise the question whether the craft was warranted for manual propulsion only. The Coast Guard agrees that the wording could be misinterpreted. For clarification, the wording is changed to read: "This boat not rated for propulsion by motor".

In reviewing § 183.25(c)(1), the Coast Guard noticed one unnecessary requirement. The height of the yellow area was specified to be a minimum of 1¼ inch. This disregarded the fact that the required information has to be displayed in 2, 3, or 4 lines of print depending on how the boat is powered. Thus, an inboard or inboard-outdrive boat which needs only 2 lines of print for its capacity information would have to display that on an area which is high enough for 4 lines of print, resulting in an unnecessarily large label. Although the cost of the material in a label is relatively low on a per boat basis, the collective cost would represent an unwarranted burden without any corresponding safety benefit. For this reason, the height of the yellow area is specified in § 183.25(c)(1)(ii) as a function of the number of lines of print required.

Some commenters objected to the requirement in paragraph 183.25(c)(3) that "Persons or XXX Pounds" be one-quarter inch high. The reason cited is that the Boating Industry Associations provides its members between 15,000 and 20,000 labels annually for immediate use on new model boats. A computer is used to calculate and print all of the numbers on these labels. The computer is unable to print these

numbers in type larger than approximately one-eighth inch high. These labels are provided to boat builders, usually in relatively small quantities, for their initial production of a new line of boats, based on information from prototype production. The manufacturer then orders new capacity plates, in quantity, for subsequent production. However, because of the time required to produce new plates, the computer printed labels are used until new plates are available. Unless the proposal is changed, this service would have to be discontinued.

The main purpose of the proposal was that the persons capacity be stated in numbers of persons in addition to the maximum weight of persons. This is accomplished by the requirements that that number be one-half inch high and black on yellow background. The other numbers shown are of less importance. The Boating Industry Associations has developed a method to affix by hand the number of persons in half-inch figures on the computer produced labels. The service which the Boating Industry Associations provides assures accurate and rapid computation of boat capacities. Discontinuation of this service would not be in the best interest of boating safety. Accordingly, the paragraph is changed to require that only the words in the line "XX Persons XXX Pounds" be one-quarter inch high. The number expressing the persons capacity in pounds may be one-eighth inch high, as are all other numbers on the label except the half-inch number for persons capacity.

The amendment has been reviewed and is not considered a significant rulemaking under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). A final evaluation has been prepared and has been included in the public docket. A copy of the final evaluation may be obtained from: Commandant (G-CMC/TP24), U.S. Coast Guard, 2100 Second Street, S.W., Washington, D.C. 20593.

In consideration of the foregoing, Part 183 of Title 33 of the Code of Federal Regulations is amended as follows:

#### Subpart B—Display of Capacity Information

1. By revising § 183.23 to read as follows:

##### § 183.23 Capacity marking required.

Each boat must be marked in the manner prescribed in § 183.25 and

§ 183.27 with the maximum persons capacity in whole numbers of persons and in pounds, the maximum weight capacity in pounds, determined under §§ 183.33 through 183.43, and the maximum horsepower capacity determined under § 183.53 or the statement "This Boat Not Rated for Propulsion by Motor".

2. By deleting Figure 183.23

3. By revising paragraphs 183.25 (a) and (b) and adding a new paragraph 183.25(c) and Figure 183.25 to read as follows:

##### § 183.25 Display of markings.

(a) Each marking required by § 183.23 must be permanently displayed in a legible manner where it is clearly visible to the operator when getting the boat underway.

(b) The information required by § 183.23 must be displayed in the following manner:

(1) For outboard boats:

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds  
XXX Pounds, persons, motor, gear  
XXX Horsepower, motor  
or

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds  
XXX Pounds, persons, motor, gear  
XXX Horsepower, motor with remote steering  
XXX Horsepower, motor without remote steering

(2) For inboard boats and inboard-outboard boats:

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds  
XXX Pounds, persons, gear

(3) For boats rated for motors of 2 horsepower or less:

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds  
XXX Pounds, persons, motor, gear  
XXX Horsepower, motor

(4) For boats rated for manual propulsion:

*U.S. Coast Guard Maximum Capacities*

XX Persons or XXX Pounds  
XXX Pounds, persons, gear

*This Boat Not Rated for Propulsion by Motor*

(c) The capacity information displays required in paragraph (b) must meet the following as illustrated in Figure 183.25:

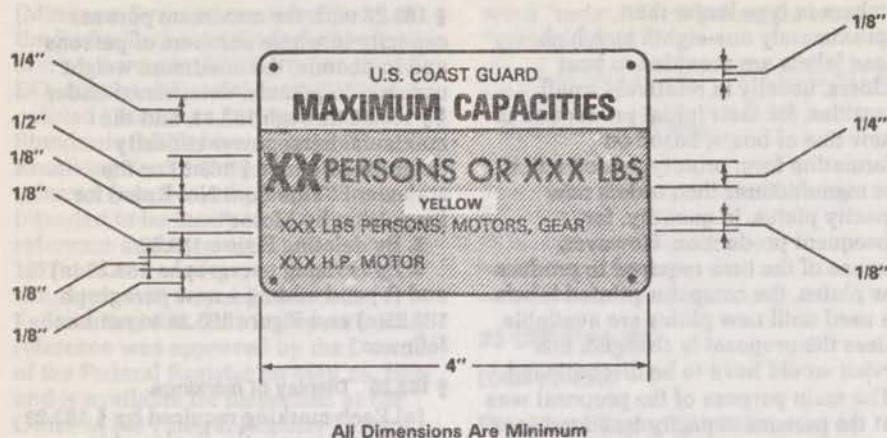


FIGURE 183.25

(1) The capacity information required in § 183.23 must be displayed within a yellow area that—

- (i) Is at least 4 inches wide; and
- (ii) Is high enough that each line of print is separated by at least  $\frac{1}{8}$  inch from each other and from the borders of the yellow area;

(2) The persons capacity in whole numbers must be black print with the following dimensions:

- (i) The height must not be smaller than one-half inch;
- (ii) The width of the numbers must be three-fifths of the height except for the number "4", which shall be one stroke width wider, and the number "1", which shall be one stroke in width;
- (iii) The stroke width shall be one-sixth of the height; and
- (iv) The minimum space between the numbers shall be one stroke width.

(3) The words in the line "XX Persons or XXX Pounds" must be at least one-quarter inch in height but not larger than one-half the height of the persons capacity number and of a color contrasting with yellow. The number of pounds in this line must be at least one-eighth inch in height but no larger than one-half the height of the persons capacity number and of a color contrasting with yellow.

(4) All remaining words and numbers required to be within the yellow area required in paragraph (c)(1) must be at least one-eighth inch in height, but no larger than one-half the height of the persons capacity number.

(5) All other words and numbers on the displays must be located outside the yellow area on a background color which contrasts with yellow.

(6) The words "Maximum Capacities" must be at least one-quarter inch in height and of color contrasting with its background.

(7) The words "U.S. Coast Guard" must be at least one-eighth inch in height and of color contrasting with its background.

4. By revising § 183.27 to read as follows:

**§ 183.27 Construction of markings.**

Each marking required by § 183.23 must be—

- (a) Capable of withstanding the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal operation of the boat, without loss of legibility; and
- (b) Resistant to efforts to remove or alter the information without leaving some obvious sign of such efforts.

**Subpart C—Safe Loading**

5. By revising § 183.39 to read as follows:

**§ 183.39 Persons capacity: Inboard and inboard-outdrive boats.**

(a) The persons capacity in pounds marked on a boat that is designed or intended to use one or more inboard engines or inboard-outdrive units must not exceed the lesser of—

- (1) The maximum weight capacity determined under § 183.33 for the boat; or
- (2) The maximum persons capacity in pounds determined in the following manner:
  - (i) Float the boat in calm water with all its permanent appurtenances, including installed engines, full fuel system and tanks, control equipment, drive units and batteries.
  - (ii) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area, but no higher than the height of the gunwale and distributed equally forward and aft of that center in a plane parallel to the

floorboards, until the boat assumes the maximum list or trim or both, without water coming aboard.

(iii) Compute the persons capacity in pounds in the following formula: Persons capacity =  $A/0.6$  where A is the total of the weights added in paragraph (a)(2)(ii) of this section.

(b) The maximum persons capacity in whole numbers of persons marked on a boat that is designed or intended to use one or more inboard engines or inboard-outboard units must not exceed the value obtained by adding 32 pounds to the value determined in paragraph (a)(2)(iii), dividing the sum by 141 and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next whole integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

6. By revising § 183.41 to read as follows:

**§ 183.41 Persons capacity: Outboard boats.**

(a) The persons capacity in pounds marked on a boat that is designed or intended to use one or more outboard motors for propulsion must not exceed the lesser of—

- (1) The maximum weight capacity determined under § 183.35 for the boat minus the motor and control weight, battery weight (dry), and full portable fuel tank weight from table 4 of Subpart H of this Part; or
- (2) The maximum persons capacity in pounds determined by the following test in calm water:
  - (i) Float the boat with all its permanent appurtenances.
  - (ii) Add, in normal operating positions, the dry motor and control weight, battery weight, and full portable fuel tank weight, if any, shown in table 4 of Subpart H of this Part for the maximum horsepower capacity marked on the boat. Permanently installed fuel tanks shall be full of fuel.
  - (iii) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area, but no higher than the height of the gunwale, and distributed equally forward and aft of that center in a plane parallel to the floorboards until the boat assumes the maximum list or trim, or both without water coming aboard.
  - (iv) Compute the persons capacity in pounds using the following formula: Persons capacity =  $A/0.6$  where A is the total of the weights added in paragraph (a)(2)(iii) of this section.

(b) The maximum persons capacity in whole numbers of persons marked on a boat designed or intended to use one or

more outboard motors for propulsion must not exceed the value obtained by adding 32 pounds to the lesser of the values determined in paragraph (a)(1) or (a)(2)(iv), dividing the sum by 141, and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next lower whole integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

7. By revising § 183.43 to read as follows:

**§ 183.43 Persons capacity: Boats rated for manual propulsion and boats rated for motors of 2 horsepower or less.**

(a) The persons capacity in pounds marked on a boat that is rated for manual propulsion or for motors of 2 horsepower or less must not exceed—

(1) For boats rated for manual propulsion, 90 percent of the maximum weight capacity in pounds; and

(2) For boats rated for motors of 2 horsepower or less, 90 percent of the maximum weight capacity in pounds, less 25 pounds.

(b) The maximum persons capacity, in whole numbers of persons marked on a boat that is rated for manual propulsion must not exceed the value obtained by adding 32 pounds to the value determined in paragraph (a)(1), dividing the sum by 141, and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next lower integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

(c) The maximum persons capacity in whole numbers of persons marked on a boat rated for motors of 2 horsepower or less must not exceed the value obtained by adding 32 pounds to the value determined in paragraph (a)(2), dividing the sum by 141, and rounding off the result to the nearest whole number. If the fraction is less than one-half, round down to the next lower whole integer and if the fraction is equal to or greater than one-half, round up to the next higher whole integer.

Dated: December 26, 1980.

J. B. Hayes,  
Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 80-366 Filed 1-9-80; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[FRL 1387-8]

**Approval and Promulgation of Implementation Plans; Mississippi: 1979 Plan Revision**

**AGENCY:** U.S. Environmental Protection Agency, Region IV.

**ACTION:** Final rule.

**SUMMARY:** EPA today announces its approval of the State Implementation Plan revision which the Mississippi Air and Water Pollution Control Commission submitted pursuant to the requirements of Part D of Title I of the Clean Air Act, as amended 1977, with regard to nonattainment areas.

**DATE:** These actions are effective January 10, 1980.

**ADDRESSES:** Copies of the materials submitted by Mississippi may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta Georgia 30308

Mississippi Air and Water Pollution Control Commission, Robert E. Lee Building, Jackson, Mississippi 39205

**FOR FURTHER INFORMATION CONTACT:** Mr. Melvin Russell, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30308.

**SUPPLEMENTAL INFORMATION:**

**Background**

In the June 19, 1979, *Federal Register* (44 FR 35264) EPA proposed approval of the Mississippi SIP revision for Jones County (Laurel), Mississippi. Jones County was designated nonattainment for Total Suspended Particulate Matter (TSP). An implementation plan revision, under Part D of Title I of the Clean Air Act, was developed by the State and submitted for EPA's approval on March 13, 1979. Receipt of the Mississippi revision was announced in the *Federal Register* of April 4, 1979 (44 FR 20281). The Mississippi revision has been reviewed by EPA in light of the Clean Air Act Amendments of 1977, EPA regulations and additional guidance materials. The criteria utilized in this review were detailed in the *Federal Register* On April 4, 1979 (44 FR 20373), supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and

November 23, 1979 (44 FR 67182), and need not be repeated here.

**General Discussion**

The notice of proposed approval in the June 19, 1979, *Federal Register* (44 FR 35264), discussed each of the requirements of section 172(b) of the Clean Air Act. It was stated that all applicable parts of this section were satisfied.

The sixth paragraph in section 5.3.3. of the revised plan makes the comment that sanctions will not be applied by the U.S. Environmental Protection Agency if the secondary standard is not attained by 1982. However, the State does not have authority to commit EPA to a position of non-enforcement in a particular situation.

The EPA received no comments relevant to the approvability of the revision. Based on the foregoing, EPA approves the Mississippi revision for the attainment of TSP standards in Jones County (Laurel). One commenter submitted extensive comments which it requested be considered part of the record for each state plan. Responses to these comments were included in the "Additional Comments" section of the September 18, 1979 *Federal Register* (44 FR 54047) approving plan revisions for Georgia and are incorporated herein by reference.

Under Section 110(a)(2)(A) of the Act, State Implementation Plans adopted in the early 1970's were to have attained ambient standards in most Regions by 1975, with some exceptions until 1977. Under Section 172(a), plan revisions for areas that still violate the standards are to provide for attainment as expeditiously as practicable, but for primary standards, no later than the end of 1982, or the end of 1987 for very difficult ozone or carbon monoxide problems.

For each nonattainment area where a revised plan provides for attainment by the deadlines under Section 172(a) of the Act, the new deadlines are added to the chart of attainment dates in 40 CFR Part 52, and the corresponding earlier deadlines for attainment under Section 110(a)(2)(A) of the Act are deleted. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements. However, the earlier deadlines under Section 110(a)(2)(A) found in the 1978 edition of the Code of Federal Regulations will still limit extensions

and variances from compliance schedule dates. Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements (see 123 Cong. Rec. H11958, daily ed., Nov. 1, 1977).

For a compliance schedule designed to provide for attainment by the deadline for attainment under Section 110(a)(2)(A), EPA lacks authority to approve an extension or variance for an individual source beyond that deadline except in rare circumstances. The reason is that no extension or variance may be approved if it will cause the plan to fail to comply with the requirements of Section 110(a)(2). An extension beyond the deadline under Section 110(a)(2)(A) will ordinarily result in the plan not providing for attainment of the standard by the deadline. (See *Train v. NRDC*, 421 U.S. 60, 70 (1975)). Therefore, EPA may not approve a compliance date variance or any other extension of a compliance requirement beyond the deadline under Section 110(a)(2)(A) merely because a plan revision providing for attainment by the later deadline under Section 172(a) has been approved. (This interpretation is confirmed by legislative history. 123 Cong. Rec. H 11958 (daily ed., November 1, 1977)). Extensions or variances beyond the deadline under Section 110(a)(2)(A) are permitted only in exceptional circumstances such as where (1) the extension or variance would not authorize emission contributing to a violation of an ambient standard or a PSD increment, or (2) new, more stringent emission limits are imposed that are inconsistent with the control required to meet the earlier deadline, and the State has made a case-by-case determination that a limited extension is therefore necessary. (See General Preamble on Proposed Rulemaking, 44 FR 20373-74 (April 4, 1979)).

Reference should be made to the 1978 edition of 40 CFR 52.1273 (1978) to determine the applicable deadlines for attainment under Section 110(a)(2)(A) of the Act.

EPA finds that good cause exists for making this action immediately effective for the following reasons:

(1) Implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden;

(2) EPA has a responsibility under the Act to take the final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Section 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: December 31, 1979.

Douglas M. Costle,  
Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

#### Subpart Z—Mississippi

1. In § 52.1270, paragraph (c) is amended by adding subparagraph (11) as follows:

#### § 52.1270 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(11) Implementation plan revisions for the Jones County, Mississippi total suspended particulate nonattainment area, submitted on March 13, 1979, by the Mississippi Air and Water Pollution Control Commission.

2. Section 52.1272 is revised to read as follows:

#### § 52.1272 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Mississippi's plan for the attainment and maintenance of national standards under § 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act as amended in 1977.

3. Section 52.1273 is revised to read as follows:

#### § 52.1273 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in Mississippi's plan.

Air quality control region	Pollutant*						
	TSP		SO <sub>2</sub>		NO <sub>x</sub>	CO	O <sub>3</sub>
	Primary	Secondary	Primary	Secondary			
Mobile (Alabama)-Pensacola-Panama City (Florida)							
Gulfport (Mississippi) Interstate:							
(a) Jones County Nonattainment Area	d	d	b	b	b	b	b
(b) Rest of AQCR	b	b	c	c	b	b	c
Metropolitan Memphis Interstate	c	c	b	b	b	b	c
Mississippi Delta Intrastate	b	b	b	b	b	b	b
Northeast Mississippi Intrastate	a	c	b	b	b	b	b

a. Air quality levels presently below primary standards.

b. Air quality levels presently below secondary standards.

c. June 1975.

d. December 31, 1982.

\*Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR § 52.1273 (1978).

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#### 40 CFR Part 52

[FRL 1388-1]

#### Approval and Promulgation of Implementation Plans; Florida, North Carolina, and Tennessee: 18-Month Extensions

AGENCY: Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA announces today that it is granting an 18-month extension of the January 1, 1979 statutory deadline for the submittal of implementation plan revisions providing for the attainment of the secondary national ambient air quality standard for particulate matter, as required under Part D of Title I of the