paragraph (c) and inserting "(Office of Commodity Management)" in its place.

Subpart D—Responsibilities of Suppliers

6. In Section 201.31, paragraph (d)(1) is revised as follows:

§ 201.31 Suppliers of commodities.

* * * * *

(d) *Marking of shipping containers and commodities*—(1) *Affixing emblems and identification numbers.* The supplier of commodities shall be responsible for assuring that all export containers, whether shipped from the United States or from any other source country, carry the official AID (clasped hands) emblem. Additionally, except as AID may otherwise prescribe, when the supplier is given notice by the importer that the importer is the government of a cooperating country or any of its subdivisions or instrumentalities, the supplier shall also be responsible for assuring that all commodities carry the AID emblem. The last five digits of the AID financing document number shall be marked on each export shipping container in characters at least equal in height to the shippers marks.

(i) * * *

(ii) * * *

(iii) *Design and color of emblems.* Emblems shall conform in design and color to samples available from AID/W (Office of Commodity Management) and from the USAID.

* * * * *

§ 201.31 [Amended]

7. Section 201.31, paragraph (d)(3) is amended by deleting "(Office of Small Business)" and inserting "(Regional Assistant Administrator or his/her designee)" in its place.

8. Also in § 201.31, paragraph (d)(4) is deleted.

9. Section 201.31, paragraph (g) is amended by deleting "Office of the Controller" and inserting "Office of Financial Management" in its place.

§ 201.32 [Amended]

10. In § 201.32, paragraph (b) is deleted and reserved.

11. Section 201.32 is also amended by deleting "Controller" from paragraph (c) and inserting "Office of Financial Management" in its place and by deleting "Office of the Controller" from paragraph (d) and inserting "Office of Commodity Management" in its place.

Subpart F—Payment and Reimbursement

§ 201.51 [Amended]

12. In § 201.51, paragraph (d)(4) is amended by deleting "(Office of the Controller)" and inserting "(Office of Financial Management)" in its place.

Subpart G—Price Provisions

§ 201.61 [Amended]

13. In § 201.61, paragraphs (p), (s), (u), and (y) are deleted and reserved.

14. In § 201.65, paragraph (i) is revised to read as follows:

§ 201.65 Commissions, service payments, and discounts.

* * * * *

(i) *Commissions and other payments or benefits attributable to AID financing.* Every commission or other payment, credit, allowance, or benefit of any kind paid, made or given in connection with the sale of commodities financed under this part to any person described in paragraphs (h)(1), (2), or (3) of this § 201.65 shall be presumed conclusively to have been paid from AID funds and shall thereby be subject to the requirements of this Part 201.

* * * * *

§ 201.67 [Amended]

15. In § 201.67, paragraph (a)(5)(ii) is amended by deleting the word "Controller" and inserting "Office of Financial Management" in its place.

Subpart H—Rights and Responsibilities of Banks

16. In § 201.72, paragraph (b)(4) is revised to read as follows:

§ 201.72 Making payments.

* * * * *

(b) * * *

(4) *Description.* The documents shall describe and identify the commodities or services in a manner which, according to good commercial practice, is not inconsistent with the description contained in the letter of credit or payment instructions issued under a letter of commitment or a request for the opening of a special letter of credit. The bank shall not be required to determine whether the supplier's invoice meets the detailed requirements of § 201.52(a)(2)(i).

* * * * *

Subpart I—Rights and Remedies of AID, and Waiver Authority

17. Section 201.82 is revised as follows:

§ 201.82 Rights of AID against suppliers

Without limiting the responsibility of the borrower/grantee or other parties, AID may require an appropriate refund to it by a supplier under any transaction which violates the requirements of this part, whenever in AID's opinion the failure of the supplier to comply with the rules and other requirements of this part has contributed to such violation. Any refund requested will include interest from the time of payment to the supplier. Interest will be charged at the rate established by the Secretary of the Treasury in accordance with the Internal Revenue Code, 26 U.S.C. 6621(b).

This amendment is issued pursuant to the authority of Section 621 of the Foreign Assistance Act of 1961, as amended, 75 Stat. 4214; 22 U.S.C. 2381 and 22 CFR 201.85.

Dated: October 17, 1980.

Donald G. MacDonald,
Assistant Administrator for Program and Management Services.

[FR Doc. 80-33735 Filed 10-29-80; 8:45 am]
BILLING CODE 4710-02-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1690

Coordination of Federal Equal Employment Opportunity Programs

Correction

In FR Doc. 80-31930, appearing at pages 68358-68364 in the Tuesday, October 14, 1980 issue of the Federal Register, make the following changes:

1. In § 1690.107—Definitions, in the third line of paragraph (h), delete "to".

2. In the heading for § 1690.305, delete the "or", and insert "of" in its place.

3. In § 1690.307, paragraph (b), the five line should have a period immediately following the word "review" such that the line reads as follows:

"subject to review. EEOC reserves the * * *"

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

[CGD 79-148]

Electronic Relative Motion Analyzer; Corrections

AGENCY: Coast Guard, DOT.

ACTION: Correction of final rule.

SUMMARY: On August 14, 1980, at 45 FR 54037, the Coast Guard published a final rule regarding carriage requirements for an electronic relative motion analyzer (ERMA). Three portions of Appendix A to the final rule were unintentionally omitted. This correction document inserts the omitted paragraphs. Additionally, Appendix A, as published, was based on a draft resolution of the Intergovernmental Maritime Consultative Organization (IMCO). The final resolution (IMCO Res. A.422(XI)) contained some non-substantive amendments to the draft wording which are incorporated herein. Finally, an error in the title of the IMCO performance standard is corrected by this document. The final rule also invited interested parties to comment on the inclusion of rigidly intergrated tug-barge combinations in the applicability of the rule. No comments were received, so the applicability will remain as stated in the final rule.

EFFECTIVE DATE: This correction is effective October 30, 1980. The effective date of the final rule remains July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Schwer, Project Manager Office of Marine Environment and Systems (G–WWM–2/11), Room 1608, Department of Transportation. U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) regarding this topic was published on February 21, 1980, at 45 FR 11790. The final rule was published on August 14, 1980, at 45 FR 54037. The Coast Guard intended to make no change to Appendix A as it appeared in the NPRM. However, the following paragraphs were unintentionally omitted from the final rule: 3.6.1.1, 3.6.1.2., 3.8.2 (table), and 3.8.3 (table). These omissions are corrected by this document. Since this correction is necessary in any case, the document is also being used to correct two minor typographical errors and to amend some of the wording in Appendix A to parallel the final IMCO phraseology. Finally, paragraph (b)(2)(ii) of §164.38 referred to the IMCO standard as "Operational Standards for automatic Radar Plotting Devices." The correct title of this standard should read "Performance Standards for Automatic Radar Plotting Aids (ARPA)." In consideration of the foregoing the final rule which was published on August 14, 1980 at 45 FR 54037 is corrected as follows:

1. On page 54039, paragraph 164.38(b)(3)(ii), correct the title of the IMCO document to read "Performance Standards for Automatic Radar Plotting Aids (ARPA)".

2. On page 54039, paragraph 1.1 delete the words. . ."required by Regulation 12, Chapter V, of the 1974 SOLAS Convention, as amended. . ." and the asterisked footnote thereto. The reference is not necessary and has been deleted from the final version of the IMCO resolution.

3. On page 54039, Appendix A, paragraph 1.2, change the bracketed words to read "(IMCO Res. A.281(VII))". This change is made simply for ease of reference.

4. On page 54040, Appendix A, change paragraph 3.4.2 to read:

13.4.2 The design should be such that any malfunction of ARPA parts producing information additional to information to be produced by the radar as required by the performance standards for navigational equipment adopted by IMCO should not affect the integrity of the basic radar presentation.

This too is a change in the wording of the final IMCO resolution. It provides a more precise description of the requirement and does not affect the substance of the paragraph.

5. On page 54040, Appendix A, change paragraph 3.4.3 to read:

3.4.3 The display on which ARPA information is presented should have an effective diameter of at least 340 mm.

Again, the final resolution was reworded for clarity.

6. On page 54040, Appendix A, paragraph 3.6.1, after the words ". . . in regard to any tracked target," add the following:

1. present range to the target;
2. present bearing of the target;.

7. On page 54040, Appendix A, at the end of paragraph 3.8.2 add the following table:

Scenario/data	Relative course (degress)	Relative speed (Knots)	CPA (n.m.)
1	11	2.8	1.6
2	7	0.6	
3	14	2.2	1.8
4	15	1.5	2.0

8. On page 54040, Appendix A, at the end of paragraph 3.8.3, add the following table:

Senario/data	Relative course (degrees)	Relative speed (knots)	C.P.A. (n.m.)	TCPA (mins)	True course (degrees)	True speed (knots)
1	3.0	0.8	0.5	1.0	7.5	1.2
2	2.3	.3			2.9	.8
3	4.4	.9	.7	1.0	3.3	1.0
4	4.6	.8	.7	1.0	2.6	1.2

9. On page 54041, ANNEX 2 to Appendix A, change the title to "—Operational Scenarios" to correct a spelling error.

(92 Stat. 1471 (46 U.S.C. 391a as amended))

W. E. Caldwell,

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

October 22, 1980.

[FR Doc. 80-33468 Filed 10-29-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 238

[ER 1165-2-21]

Water Resources Policies and Authorities: Flood Damage Reduction Measures in Urban Areas

AGENCY: U.S. Army Corps of Engineers.

ACTION: Final rule.

SUMMARY: The Chief of Engineers is promulgating a revised regulation for Civil Works elements of the U.S. Army Corps of Engineers to follow in participating in urban flood control projects. This revised regulation provides current policy guidance and procedures when participating with local interests to alleviate existing and future flood damage problems. It establishes criteria to distinguish between flood damage reduction measures and storm sewer systems in urban areas. Provision of urban drainage systems is customarily regarded as storm drainage which, with all appurtenances, is considered a local responsibility. This policy guidance seeks to provide an economically efficient degree of flood protection consistent with safety of life and property and wise land use in urban and urbanizing areas. It further encourages

long range planning for flood damage reduction measures and storm systems in these areas.

EFFECTIVE DATE: October 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Howard J. Prante, Office of Policy, Directorate of Civil Works (DAEN-CWR-R) Washington, D.C. 20314, (202) 272-0123.

SUPPLEMENTARY INFORMATION: This regulation was originally published as a final regulation on 8 May 1978 (43 FR 19804). The earlier regulation contained criteria to distinguish between flood damage reduction measures and storm sewer systems in urban areas. As a result of our experiences in utilizing these criteria, it has become apparent that in some circumstances certain exceptions to these criteria are justified. Accordingly, these special cases are now identified and procedures specified for granting justified exceptions. These criteria changes are contained in paragraph 238.7(a). The remainder of the regulation is unchanged from the 8 May 1978 version. This is an interpretive rule providing agency guidance concerning Corps of Engineers participation in urban flood control projects. It is exempt from the Notice of Proposed Rulemaking requirements in 5 U.S.C. 553(6)(3)(A).

Note.—The Corps of Engineers has determined that these regulation revisions do not contain a major proposal requiring the preparation of a regulatory analysis under E.O. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978).

Dated: October 24, 1980.

Approved:

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

Part 238 of Title 33 is hereby revised to read as follows:

PART 238—WATER RESOURCES POLICIES AND AUTHORITIES: FLOOD DAMAGE REDUCTION MEASURES IN URBAN AREAS

Sec.

Authority: Pub. L. 738, 74th Congress, 33 U.S.C. 701a.

§ 238.1 Purpose.

This regulation provides policies and guidance for Corps of Engineers participation in urban flood damage reduction projects and establishes criteria to distinguish between improvements to be accomplished by the Corps under its flood control authorities and storm sewer systems to be accomplished by local interests.

§ 238.2 Applicability.

This regulation is applicable to all OCE elements and all field operating acitivities having Civil Works responsibilities.

§ 238.3 References.

(a) Executive Order 11988—Floodplain Management, dated 24 May 1977

(b) U.S. Water Resources Council, Floodplain Management Guidelines, (43FR6030), to February 1978

(c) ER 1105-2-811

(d) ER 1140-2-302

(e) ER 1140-2-303

(f) EP 1165-2-2

§ 238.4 Definitions.

For purposes of this regulation the following definitions apply:

(a) "Urban areas" are cities, towns, or other incorporated or unincorporated political subdivisions of States that:

(1) Provide general local government for specific population concentrations, and,

(2) Occupy an essentially continuous area of developed land, containing such structures as residences, public and commercial buildings, and industrial sites.

(b) "Flood damage reduction works in urban areas" are the adjustments in land use and the facilities (structural and non-structural) designed to reduce flood damages in urban areas from overflow or backwater due to major storms and snowmelt. They include structural and other engineering modifications to natural streams or to previously modified natural waterways. Flood damage reduction works are designed to modify flood behavior typified by temporary conditions of inundation of normally dry land from the overflow of rivers and streams or from abnormally high coastal waters due to sever storms.

(c) "Storm sewer systems" are the facilities in urban areas designed to collect and convey runoff from rainfall or snowmelt in the urban area to natural water courses or to previously modified natural waterways. They include storm drains, inlets, manholes, pipes, culverts, conduits, sewers and sewer appurtenances, on-site storage and detention basins, curbs and gutters, and other small drainageways that remove or help to manage runoff in urban areas. Storm sewer systems are designed to solve storm drainage problems, which are typified by excessive accumulation of runoff in depressions; overland sheet flow resulting from rapid snowmelt or rainfall; and excessive accumulation of water at the facilities listed in this paragraph because of their limited capacity.

§ 238.5 Comprehensive planning.

Coordinated comprehensive planning at the regional or river basin level, or for an urban or metropolitan area, can help to achieve solutions to flood problems that adequately reflect future changes in watershed conditions, and help to avoid short-sighted plans serving only localized situations. This planning is particularly important in areas where significant portions of a watershed are expected to be urbanized in the future. Changes in land use may result in major alterations of the runoff characteristics of the watershed. Hydrologic changes must be projected for the period of analysis. In this effort, responsible local planning organizations should provide information and assist the Corps in development of projected land uses and expected practices for collection and conveyance of runoff over the period of analysis. Conversely, the Corps may be able to provide non-Federal interests with valuable information about water related consequences of alternative land uses and drainage practices.

§ 238.6 General policy.

(a) Satisfactory resolution of water damage problems in urban areas often involves cooperation between local non-Federal interests and the Federal flood control agencies. In urban or urbanizing areas, provision of a basic drainage system to collect and convey the local runoff to a stream is a non-Federal responsibility. This regulation should not be interpreted to extend the flood damage reduction program into a system of pipes traditionally recognized as a storm drainage system. Flood damage reduction works generally address discharges that represent a serious threat to life and property. The decision criteria outlined below therefore exclude from consideration under flood control authorities small streams and ditches with carrying capacities typical of storm sewer pipes. Location of political boundaries will not be used as a basis for specifying project responsibility. Project responsibilities can be specified as follows:

(1) Flood damage reduction works, as defined in this regulation, may be accomplished by the Corps of Engineers.

(2) Construction of storm sewer systems and components thereof will be a non-Federal responsibility. Non-

Federal interests have a responsibility to design storm sewer systems so that residual damages are reduced to an acceptable level.

(b) Consideration will be given to the objectives and requirements of Executive Order 11988 (reference § 238.3(a)) and the general guidelines therefor by the U.S. Water Resources Council (reference § 238.3(b)).

§ 238.7 Decision criteria for participation.

(a) *Urban Flood Control.* (1) Urban water damage problems associated with a natural stream or modified natural waterway may be addressed under the flood control authorities downstream from the point where the flood discharge of such a stream or waterway within an urban area is greater than 800 cubic feet per second for the 10-percent flood (one chance in ten of being equalled or exceeded in any given year) under conditions expected to prevail during the period of analysis. Those drainage areas which lie entirely within the urban area (as established on the basis of future projections, in accordance with § 238.5 above), and which are less than 1.5 square miles in area, shall be assumed to lack adequate discharge to meet the above hydrologic criteria. Those urban streams and waterways which receive runoff from land outside the urban area shall not be evaluated using this 1.5 square mile drainage area criterion.

(2) A number of conditions within a drainage area may limit discharges for the 10-percent flood, without proportionately reducing discharges for larger floods, such as the one-percent flood. Examples include the presence of extremely pervious soils, natural storage (wetlands) or detention basins or diversions with limited capacity. Other conditions could result in a hydrological disparity between the 10- and one-percent flood events.

(3) Division Engineers, except for NED and POD, are authorized to grant exceptions to the 800 cfs, 10-percent flood discharge criterion specified in § 238.7(a)(1) above whenever both of the following criteria are met:

(i) The discharge for the one-percent flood exceeds 1800 cfs; and

(ii) The reason that the 10-percent flood discharge is less than 800 cfs is attributable to a hydrologic disparity similar to those described in § 238.7(a)(2) above.

Requests for exceptions to the hydrologic criterion contained in § 238.7(a)(1) from NED and POD should be submitted to HQDA (DAEN–CWP) WASH DC 20314.

(4) Flood damage reduction works must conform to the definition in § 238.4(b) and must be justified based on Corps of Engineers evaluation procedures in use at the time the evaluation is made. Flood reduction measures, such as dams or diversions, may be located upstream of the particular point where the hydrologic criteria (and area criterion, if appropriate) are met, if economically justified by benefits derived within the stream reach which does qualify for flood control improvement. Similarly, the need to terminate flood control improvements in a safe and economical manner may justify the extension of some portions of the improvements, such as levee tiebacks, into areas upstream of the precise point where Federal flood control authorities become applicable.

(b) *Storm sewer system.* Water damage problems in urban areas not consistent with the above criteria for flood control will be considered to be a part of local storm drainage to be addressed as part of the consideration of an adequate storm sewer system. The purpose of this system is to collect and convey to a natural stream or modified natural waterway the runoff from rainfall or snowmelt in the urbanized area.

(c) *Man-made conveyance structures.* (1) Man-made conveyance structures will be assumed to be a part of storm sewer systems except when: (i) A natural stream has been or is to be conveyed in the man-made structure; or (ii) The man-made structure is a cost-effective alternative to improvement of a natural stream for flood damage reduction purposes or is an environmentally preferable and economically justified alternative. Water damage associated with inadequate carrying capacity of man-made structures should be designated as a flood problem or a local drainage problem in a manner consistent with the structure's classification as flood damage reduction works or a part of a storm sewer system.

(2) Man-made structures that convey sanitary sewage or storm runoff, or a combination of sanitary and storm sewage, to a treatment facility will not be classified as flood damage reduction works. Flows discharged into a natural or previously modified natural waterway for the purpose of conveying the water away from the urbanized area will be assumed to be a part of the flow thereof regardless of quality characteristics.

(d) *Joint Projects.* Certain conditions may exist whereby the Corps of Engineers and the Department of Housing and Urban Development (HUD), or another Federal agency, could jointly undertake a project that would be impractical if one agency were to undertake it alone. The Corps may, for example, under provisions of Section 219 of the Flood Control Act of 1965, design or construct a project that is part of a larger HUD plan for an urban area (see ER 1140–2–302). Such efforts should be undertaken only when requirements cannot be handled better by one agency acting alone. If a joint effort is preferable, then the Corps may participate as required.

(e) *Disagreements.* If a disagreement arises between the Corps and another Federal agency that cannot be resolved at the field level, the matter will be forwarded to HQDA (DAEN–CWR) WASH DC 20314 for guidance.

§ 238.8 Other participation.

In addition to providing flood damage reduction works in urban areas, the Corps may provide related services to State and local governments on a reimbursable basis. Under Title III of the Inter-governmental Cooperation Act of 1968, specialized or technical services for which the Corps has specific expertise may be furnished only when such services cannot be procured reasonably and expeditiously from private firms (see ER 1140–2–303).

§ 238.9 Local cooperation.

(a) Cost sharing and other provisions of local cooperation shall be in conformity with applicable regulations for structural and non-structural flood damage reduction measures.

(b) Responsible non-Federal entities will be required to provide satisfactory assurances that they will adopt, enforce, and adhere to a sound, comprehensive plan for flood plain management for overflow areas of communities involved. To this end, District Engineers will inform HUD, and other concerned Federal and non-Federal planning and governing agencies, of flood plain management services available under Section 206 of the Flood Control Act of 1960, as amended (33 USC 709a).

§ 238.10 Coordination with other Federal agencies.

In conducting flood damage reduction studies, reporting officers shall comply with the 1965 Agreement between the Soil Conservation Service and the Corps (contained in EP 1165–2–2) in determining the responsible Federal agency. Corps personnel should also keep abreast of the public works programs administered by other Federal agencies, such as the Environmental Protection Agency, the Department of Housing and Urban Development, Farmers Home Administration and the

Department of Commerce, in order to coordinate flood control improvements with storm sewer system improvements and to avoid program overlap. Coordination of planning activities with A-95 clearinghouses will help to achieve this objective (see ER 1105-2-811).

[FR Doc. 80-33833 Filed 10-29-80; 8:45 am]

BILLING CODE 3710-92-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5942]

Identification and Mapping of Special Hazard Areas; Corrections

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule; Corrections.

SUMMARY: In the Federal Register, Docket No. FEMA 5909 appearing at pages 66016 thru 66167, in the issue of Monday, October 6, 1980, please make the following corrections as indicated below.

Add the latest effective revision dates for the communities listed.

On page 66020: Town of Falmouth, Barnstable Co., MA (Comm. No. 255211), 9-30-77.

On page 66057: City of Northport, Tuscalosa Co., AL (Comm. No. 010202) 3-18-80.

City of Mobile, Mobile Co., AL (Comm. No. 015007) 4-15-80.

On page 66062: City of East Point, Fulton County, GA (Comm. No. 130087) 3-15-77.

City of Garden City, Chatham County, GA (Comm. No. 135161) 3-19-76.

On page 66067: Delete Gilford County, North Carolina from this list, the community is listed correctly as Guilford County, NC.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or toll free line 800-424-8872, Room 5150, 451 Seventh Street SW., Washington, DC 20410.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: October 20, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-33793 Filed 10-29-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket 1-18; Notice 18]

Federal Motor Vehicle Safety Standards; Control and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Interpretative Amendment.

SUMMARY: Standard No. 101-80, *Controls and Displays*, requires various safety-related controls to be identified by specific symbols. The standard requires identification of the turn signal control unless it is the only control on the left hand side of the steering column. In addition to the turn signal control, some vehicles have additional controls, such as a lever to adjust the position of a tilting steering wheel, on the left hand side of the column. This notice clarifies the identification requirement to provide that a turn signal control does not have to be identified if it is the topmost control on the left side of the steering column the traditional position for such controls (i.e., the closest control to the steering wheel).

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2715).

SUPPLEMENTARY INFORMATION: On June 26, 1978, the agency published a final rule establishing Standard No. 101-80, *Controls and Displays* (43 FR 27541). The standard, which went into effect on September 1, 1980, established new identification and illumination requirements for controls and displays in passenger cars, multipurpose passenger vehicles, trucks and buses.

One provision of the standard requires the turn signal control to be identified by a specific symbol, two horizontal arrowheads, placed on or adjacent to the control. American Motors Corporation (AMC) filed a petition for reconsideration arguing that the turn signal identification requirement was unnecessary. AMC said that the location and operation of column-mounted turn signal control levers has been standarized by industry practice and is well known to drivers. In response to the AMC petition, NHTSA amended the standard to delete the identification requirement for vehicles in which the turn signal control is the only lever mounted on the left side of the steering column. The agency explained that it was taking this action because the turn signal control has become standardized at that location and there have been no reported crashes caused by the driver's unfamiliarity with the position and use of the turn signal control (Sept. 27, 1979, 44 FR 55580).

Subsequent to the publication of the response to the AMC petition for reconsideration, General Motors (GM) wrote the agency concerning an interpretation of the modified requirements. GM said that on its vehicles equipped with tilt steering columns, there is a tilt mechanism release lever located on the same side of the steering column as the turn signal control lever. GM said that the tilt release lever is "shorter and significantly farther from the steering wheel than the turn signal lever and consequently is out of the immediate finger tip reach of a hand remaining on the steering wheel." GM said that the tilt wheel mechanism is a customer convenience, not a safety feature.

GM argued that its understanding of the agency's interpretation of the modified identification requirement was that the turn signal control only had to be identified "if it is not located and operated in what has become to be considered the standarized manner or if another functional control lever related to vehicle safety could be easily confused with it." GM said that based on that interpretation, it believed that "the presence or absence of a tilt column release lever does not determine whether the turn signal control must be identified." To assist all interested parties in interpreting the requirement, GM requested the agency to consider revising the language of the standard to clarify the agency's intent.

The purpose of this notice is to make an interpretative amendment to Standard No. 101-80 to clarify the circumstances under which the turn signal control must be identified. As an interpretative amendment, there is no need for notice and comment.

The purpose of the identification requirement is to make it easier for the driver to quickly and correctly locate various safety-related vehicle controls. One of the controls that has been standarized in its location and operation for a number of years is the turn signal control. In every car, that control is mounted on the left hand side of the steering column, is located so that it is the control closest to the rim of the steering wheel, and is operated in a standarized manner, up for right, down for left. Since the turn signal control has been standardized for such a long time, it is not necessary for the control to include an identifying symbol.

As long as the turn signal control is in its standardized location, it will be instantly recognized by drivers even if there are other controls mounted on the same side of the column, farther away from the rim of the steering wheel. Thus, to clarify the identification requirements, the agency is amending the standard. The amendment provides that if the turn signal control is mounted on the left side of the steering column, in a plane essentially parallel to the steering wheel, it need not be identified if it is the control mounted closest to the rim of the steering wheel.

In consideration of the foregoing, Standard No. 101–80 (49) CRF 571.101–80) is revised to read as follows:

1. Section S5.2.1 is revised to read as follows:

S5.2.1 Vehicle controls shall be identified as follows:

(a) Except as specified in S5.2.1(b), 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. Such a control may, in addition, be identified by the word or abbreviation shown in column 2. Any such control for which no symbol is shown in Table 1 shall be identified by the word or abbreviation shown in column 2. Additional words or symbols may be used at the manufacturer's discretion for the purpose of clarity. The identification shall be placed on or adjacent to the control. The identification shall, under the conditions of S6, be visible to the driver and, except as provided in S5.2.1.1 and S5.2.1.2, appear to the driver perceptually upright.

(b) S5.2.1(a) does not apply to a turn signal control which is operated in a plane essentially parallel to the face plane of the steering wheel in its normal driving position and which is located on the left side of the steering column so that it is the control on that side of the column nearest to the steering wheel face plane.

(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 October 22, 1980.

Frank Berndt,

Acting Administrator.

[FR Doc. 80-33558 Filed 10-29-80; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 45, No. 212
Thursday, October 30, 1980

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 965

[Docket No. AO-307-A1]

Tomatoes Grown in South Texas; Decision on Proposed Amendment to Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision proposes an amendment of Marketing Order No. 965 regulating the handling of tomatoes grown in South Texas.

The proposal would add a public member to the administrative committee; establish the production area as a single district; authorize a penalty for late assessment payments; and allow the committee to finance production research projects and marketing promotion including paid advertising. The primary intent of the proposal is to improve the program's administration and usefulness.

DATES: Referendum Period November 11–25, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. The Impact Statement relative to this proposed rule is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant."

Prior documents in this proceeding: Notice of Hearing—Issued July 9, 1980, and published July 14, 1980 (45 FR 47155). Notice of Recommended Decision—Issued September 19, 1980, and published September 24, 1980 (45 FR 63288).

This proposed amendment was formulated on the record of a public hearing held at McAllen, Texas, July 30, 1980. Notice of the hearing was published in the July 14, 1980, issue of the **Federal Register** (45 FR 47155). The notice set forth a proposed amendment submitted by the Texas Valley Tomato Committee on behalf of tomato producers and handlers in the production area.

On the basis of the evidence introduced at the hearing and placed in the record, on September 19, 1980, the Deputy Administrator filed a recommended decision with the U.S. Department of Agriculture Hearing Clerk. Notice of such recommended decision was published in the September 24, 1980, issue of the **Federal Register** (45 FR 63288). In the recommended decision notice was given of the opportunity to file comments by October 9, 1980. None was filed.

The material issues, findings and conclusions, rulings and general findings of the recommended decision are hereby incorporated by reference and made part of this decision, subject to the following corrections:

On page, 63288, first column, fourth paragraph, line 6, change "propoosed" to "proposed"; line 7, change "form" to "from."

On page 63291, first column, § 965.22, paragraph 2, change "producer's" to "producers' "; second column, § 965.22, first line, change "of" to "or."

Marketing order. Annexed and made a part of this decision is a document entitled "Order Amending the Order, Regulating the Handling of Tomatoes Grown in South Texas," which has been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, that this entire decision be published in the **Federal Register.**

Referendum order. It is herby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order amending the order regulating the handling of tomatoes grown in South Texas is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be October 1, 1979, through September 30, 1980.

The agents of the Secretary to conduct such referendum are hereby designated to be David B. Fitz and Anne M. Dec.

Copies of this Decision are being mailed to known interested persons. Others may obtain copies from Mr. Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447-2615, or from David B. Fitz, Marketing Field Office, Fruit and Vegetable Division, 320 North Main, Room A-103, McAllen, Texas 78501, Phone (512) 682-2833.

Signed at Washington, D.C., on October 24, 1980.

Jerry Hill,
Deputy Assistant Secretary for Marketing Services.

Order [1] Amending the Order Regulating the Handling of Tomatoes Grown in South Texas

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in South Texas.

Upon the basis of the record, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(2) The order, as hereby amended, regulates the handling of tomatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the diffferences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of tomatoes grown in South Texas shall be in conformity to and in compliance with the terms and conditions of the said order, as hereby amended, as follows:

The provisions of the proposed marketing order, amending the order, contained in the recommended decision issued by the Deputy Administrator on September 19, 1980, and published in the **Federal Register** on September 24, 1980 (45 FR 63288), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. Revise paragraphs (a) and (b) of § 965.22 to read:

§ 965.22 Establishment and membership.

(a) The Texas Valley Tomato Committee is hereby established, consisting of 10 members, including six producers, three handlers, and one public member. Each shall have an alternate who shall have the same qualifications as the member.

(b) Each committee member and alternate shall be a resident of the production area. Industry members shall be producers or handlers, or officers or employees of a producer or handler or of a producers' cooperative marketing organization, in the district for which selected. Those representing a producers' marketing cooperative shall be eligible to serve as a handler member or alternate. The public member shall be a person who has no financial interest in the commercial production or marketing of tomatoes except as a consumer, and shall not be a director, officer or employee of any firm so engaged.

2. Revise § 966.24 to read:

§ 965.24 Districts.

For the purpose of determining the basis for selecting committee members and alternates, the entire production area shall be considered a single district. However, the area may be redistricted pursuant to § 965.25.

3. Revise § 965.26 to read:

§ 965.26 Selection.

The Secretary shall select the committee members and alternates to reflect existing representation established pursuant to § § 965.24 or 965.25.

4. Revise paragraphs (a), (c), and (d) of § 965.27 and add new paragraph (f) to read:

§ 965.27 Nomination.

(a) A meeting or meetings of producers and handlers shall be held in each district to nominate members and alternates on the committee. The committee shall hold such meetings or cause them to be held prior to June 15 of each year, or by such other date as may be specified by the Secretary.

* * * * *

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year, or by such other date as may be specified by the Secretary.

(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which to participate in designating nominees.

* * * * *

(f) The public member and alternate shall be nominated by the commmittee. The committee shall prescribe such additional qualifications, administrative rules and producers for selection and voting for each candidate as it deems necessary and as the Secretary approves.

5. Revise § 965.31 to read:

§ 965.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member during such member's absence or when designated to do so. In the event both a member of the committee and that member's respective alternate are unable to attend a committee meeting, the member, alternate, or the committee, in that order, may designate another alternate from the same group (producer or handler) to serve in such member's stead. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act for the member until a successor for such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

6. Revise § 965.32 to read:

§ 965.32 Procedure.

(a) At assembled meetings six members of the committee shall constitute a quorum and six concurring votes shall be required to approve any committee action. Such votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication. The agendas of such meetings shall be limited to nonregulatory provisions and any vote cast shall be promptly confirmed in writing. On such occasions seven concurring votes shall be required to approve any action.

§ 965.35 [Amended]

7. Amend § 965.35(a) by inserting: * * * "or alternates" * * * after "subcommittees of committee members" Add a new paragraph (n) to § 965.35 to read:

* * * * *

(n) To recommend nominees for the public member and alternate.

§ 965.42 [Amended]

8. Amend § 965.42(a) by adding the following sentence to it:

(a) * * * If a handler does not pay the assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge, or both.

Amend the first sentence of § 965.42(b) to read:

(b) Assessments, late payment charges and interest charges shall be levied upon handlers at rates established by the Secretary. * * *

§ 965.43 [Amended]

9. Amend § 965.43(a)(2) by revising the proviso in the first sentence to read as follows:

(a) * * *

(2) * * * *Provided,* That funds already in the reserve do not exceed

approximately two fiscal periods' budgeted expenses. * * *

10. Add a new § 965.44 to read:

§ 965.44 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 965.48. Furthermore, such contributions shall be free from any encumbrances by the donor and the committee shall retain complete control of their use.

11. Revise § 965.48 to read:

§ 965.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects, and marketing promotion including paid advertising designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 965.42 or § 965.44.

12. Revise § 965.60(e) to read:

§ 965.60 Inspection and certification.

* * * * *

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of tomatoes by motor vehicle or by other means unless shipment is accompanied by a copy of the inspection certificate issued thereon, or such other documents as may be required by the committee. Such certificates or documents shall be surrendered to proper authorities at such times and in such manner as may be designated by the committee, with the approval of the Secretary.

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 31 and 150

NRC's Jurisdiction Over Persons Using Byproduct, Source and Special Nuclear Material in Offshore Waters Beyond Agreement States' Territorial Waters

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering amending its regulations (1) to clarify that it has jurisdiction vis-a-vis Agreement States over persons using byproduct, source, and special nuclear materials in offshore waters beyond Agreement States' territorial waters and within the area of the Outer Continental Shelf and (2) to recognize Agreement State specific licenses in an NRC general license covering activities in these waters.

DATES: Comment period expires December 29, 1980. Comments received after December 29, 1980 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before December 29, 1980.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposed amendments or the supporting value-impact analysis, or both, to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Single copies of the value-impact analysis may be obtained on request from the Office of Executive Legal Director. Copies of the value-impact analysis and of the comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Thomas F. Dorian, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-492-8690).

SUPPLEMENTARY INFORMATION: Several recent incidents in the Gulf of Mexico involving actual or potential overexposures to radiographers disclose the need to clarify NRC's jurisdiction vis-a-vis that of coastal Agreement States [1] over offshore radiographic, well-logging, and other operations using byproduct, source, or special nuclear materials. The following discussion addresses the issue of jurisdiction including several concerns raised by Louisiana and Texas with respect to this issue.

Licensing, regulatory, and enforcement problems have arisen because it has been unclear whether a person with a specific license from an Agreement State or from NRC, operating in offshore waters beyond a coastal Agreement State's territorial waters (that is, outside State boundaries which normally extend three miles or three marine leagues from the coastline but within the ares of the Outer Continental Shelf), should be licensed and regulated by the Agreement State or by the Commission.

After examining the issue of jurisdiction, the Commission has concluded that NRC retains jurisdiction vis-a-vis coastal Agreement States over persons using byproduct, source, and special nuclear materials when these materials are used in offshore waters beyond these States' territorial waters. NRC's jurisdiction over persons using these materials begins outside these States' territorial waters off the U.S. Outer Continental Shelf, continues past the Shelf onto the high seas, and, in most instances, stops at waters under another country's jurisdiction. This conclusion is based on several considerations.

The Commission's jurisdiction over persons using byproduct, source, or special nuclerar materials is found in sections 81 and 82 (byproduct material), 62, 63, and 64 (source material), and 53, 54, and 57 (special nuclear material) of the Atomic Energy Act, as amended. These sections grant NRC *in personam* jurisdiction, that is, jurisdiction over a person (when stating, "No person may * * *").

Until the tidelands and submerged lands dispute about the Outer Continental Shelf arose between the Federal Government and certain States, the Atomic Energy Commission (AEC) followed a personal, as opposed to a territorial, approach to offshore jurisdiction. This allowed Agreement States, with AEC's acquiescence, to regulate their own citizens' offshore uses of materials within the purview of an agreement under section 274b. of the Atomic Energy Act (discussed in the footnote); in 1967, in light of the submerged lands controversy, this practice was changed in part because the Federal Government argued that things, such as oil drilling rigs, attached to the Outer Continental Shelf were subject to its exclusive jurisdiction; for the AEC, this meant than an Agreement State did not have jurisdiction to regulate possession and use of byproduct, source or special nuclear

[1] An Agreement State is a State with which NRC has an agreement under section 274 of the Atomic Energy Act. Section 274 of the Atomic Energy Act was enacted in 1959, to recognize the States' interest in atomic energy activities, to clarify the respective responsibilities of the States and the Commission under the Act, and to provide a statutory means by which the Commission can discontinue certain of its regulatory responsibilities with respect to byproduct, source, and special nuclear materials and by which the States can assume these responsibilities. An Agreeemnt made pursuant to section 274b. carries out the basic Congressional intent that either the State or the Commission—but not both—should regulate a given atomic energy activity from the point of view of radiation protection. One of the evils that Congress sought to avoid was "dual regulation." This means that, insofar as regulation of these materials by the State and Commission is concerned, the activities discontinued under the agreement will be regulated only by the State, and that the activities reserved by the Commission will be regulated only by the Commission.