the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country. In addition, the Board adopted a surcharge of 3 percentage points on frequent use of the discount window by large borrowers.

EFFECTIVE DATE: The changes were effective on the dates specified below.

FOR FURTHER INFORMATION CONTACT: Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3257).

SUPPLEMENTARY INFORMATION: Pursuant to the authority of 5 U.S.C. Sec. 553(b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations required that these amendments must be adopted immediately.

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357, Part 201 is amended as set forth below:

1. Section 201.51 is revised to read as follows:

§ 201.51 Short term adjustment credit for depository institutions.

The rates for short term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston	13	Dec. 8, 1980.
New York	13	Dec. 5, 1980.
Philadelphia	13	Dec. 8, 1980.
Cleveland	13	Dec. 5, 1980.
Richmond	13	Do.
Atlanta	13	Do.
Chicago	13	Dec. 8, 1980.
St. Louis	13	Dec. 5, 1980.
Minneapolis	13	Do.
Kansas City	13	Do.
Dallas	13	Dec. 8, 1980.
San Francisco	13	Dec. 5, 1980.

A 3 percent surcharge is imposed additionally on borrowings for short-term adjustment purposes of institutions with deposits of $500 million or more.

2. Section 201.52 is revised to read as follows:

§ 201.52 Extended credit to depository institutions.

(a) The rates for seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston	13	Dec. 8, 1980.
New York	13	Dec. 5, 1980.
Philadelphia	13	Dec. 8, 1980.
Cleveland	13	Dec. 5, 1980.
Richmond	13	Do.
Atlanta	13	Do.
Chicago	13	Dec. 8, 1980.
St. Louis	13	Dec. 5, 1980.
Minneapolis	13	Do.
Kansas City	13	Do.
Dallas	13	Dec. 8, 1980.
San Francisco	13	Dec. 5, 1980.

(b) The rates for other extended credit provided to depository institutions where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston	14	Dec. 8, 1980.
New York	14	Dec. 5, 1980.
Philadelphia	14	Dec. 8, 1980.
Cleveland	14	Dec. 5, 1980.
Richmond	14	Do.
Atlanta	14	Do.
Chicago	14	Dec. 8, 1980.
St. Louis	14	Dec. 5, 1980.
Minneapolis	14	Do.
Kansas City	14	Do.
Dallas	14	Dec. 8, 1980.
San Francisco	14	Dec. 5, 1980.

3. Section 201.53 is revised to read as follows:

§ 201.53 Emergency credit for other than depository institutions.

The rates for emergency credit to individuals, partnerships, or corporations other than depository institutions under § 201.3(c) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston	16	Dec. 8, 1980.
New York	16	Dec. 5, 1980.
Philadelphia	16	Dec. 8, 1980.
Cleveland	16	Dec. 5, 1980.
Richmond	16	Do.
Atlanta	16	Do.
Chicago	16	Dec. 8, 1980.
St. Louis	16	Dec. 5, 1980.
Minneapolis	16	Do.
Kansas City	16	Do.
Dallas	16	Dec. 8, 1980.
San Francisco	16	Dec. 5, 1980.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, December 9, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-38941 Filed 12-15-80; 8:45 am]

BILLING CODE 6210-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[Regulation PS-99; Policy Statement Amendment No. 76 to Part 399; Docket 38784]

Statement of General Policy; Flight Equipment Depreciation and Residual Values

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is changing its policy so that the service lives and residual values used by carriers to calculate flight equipment depreciation expense may be used to determine service mail rates for nonsubsidized carriers. This change is at the CAB's own initiative.

DATES: Adopted: December 11, 1980. Effective: December 11, 1980.

FOR FURTHER INFORMATION CONTACT: Julien R. Schrenk, Chief, Domestic Fares & Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428: 202-673-5298.

SUPPLEMENTARY INFORMATION: In PSDR-67, 45 FR 66474, October 7, 1980 (Docket 38784), the Board proposed to change its policy so that carriers' own service lives and residual values for flight equipment depreciation may be used to determine service mail rates for nonsubsidized carriers. Since 1971, 14 CFR Part 399.42, *Flight equipment depreciation and residual values,* has required that straight-line depreciation, together with a table establishing service lives and residual value percentages, be used for all ratemaking purposes. However, in ER-1188, 45 FR 48867, July 22, 1980, the Board eliminated the requirement that nonsubsidized carriers file report schedules that show the difference between the "regulatory" depreciation mandated by the Board and the "book" depreciation used by the carrier. The service mail rate base has been set with regulatory rather than carriers' service lives and residual values. With the elimination of these reports, the calculations for the semiannual update of the service mail rates have become inaccurate and time-consuming for the Board. Therefore, the Board proposed that the regulatory service lives and residual values be retained for subsidized carriers only, so that the service mail rates for nonsubsidized carriers can be restated in terms of the service lives and residual values used by the carriers for book purposes.

Only United Airlines filed comments in response to the notice of proposed rulemaking. In general, United fully supported the Board's proposal as being in line with deregulation and the movement toward reduced reporting requirements. However, United complained about the expected loss of domestic mail revenues that probably will result from this change in policy, and urged the Board to make an upward compensatory adjustment.

The Board recognizes that the change in depreciation method may result in some loss of mail rate revenue. Originally, the Board staff estimated that among all domestic carriers, there may be a $750,000 annual reduction in revenue, out of total service mail revenue in 1979 of $332 million. Since that original estimate, the amount by which regulatory depreciation exceeds book depreciation has increased from $12 million to $20 million. According to the most current data available, the carrier-wide loss in domestic markets from this change may be as high as $1.9 million. The percentage loss in terms of total mail revenue is, however, still very small. Nevertheless, the Board will be sensitive to any loss of carrier revenue caused by this change in preparing the December 30, 1980 service mail rate update. At that time, we will consider whether a compensatory adjustment should be made. If any carrier is dissatisfied with the proposed rate update, it will have 10 days to show cause why the new rates should not be implemented. No unilateral action will be taken by the Board that may result in a significant revenue loss to carriers without prior notice and an opportunity to be heard.

This final rule will be effective immediately, so that the service mail rates can be restated in terms of the carriers' book depreciation in time for the December 30, 1980 update.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 399, *Statements of General Policy*, as follows:

1. The authority for Part 399 is amended to read:

Authority: Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504.

2. Section 399.42 is amended by adding the words "for air carriers receiving subsidy under section 406 of the Act," so that it reads as follows:

§ 399.42 Flight equipment depreciation and residual values.

For rate-making purposes, for air carriers receiving subsidy under section 406 of the Act, it is the policy of the Board that flight equipment depreciation will be based on the conventional straight-line method of accrual, employing the service lives and residual values set forth below: * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-39030 Filed 12-15-80; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-2717]

Commercial Services Co., Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the cease and desist order issued by the Commission on August 20, 1975, 40 FR 44312, 86 F.T.C. 467, by deleting the third It Is Further Ordered paragraph of the original order which requires that when the firm institutes suits in any superior court in Washington State, they attach to any summons served upon consumers a notice giving defendants an adequate explanation of what the summons means and directions for avoiding default. This portion of the order appears to be unnecessary since the revised Washington Superior Court summons form now affords consumers an adequate explanation.

DATES: Order issued August 20, 1975. Modifying order issued November 26, 1980.

FOR FURTHER INFORMATION CONTACT: Randall H. Brook, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174, (206) 442-4655.

SUPPLEMENTARY INFORMATION: In the Matter of Commerical Services Company, Inc., a corporation, and Commerical Collectors, a partnership, and Glen B. Faulk and Richard K. Swaffield, individually as co-partners doing business as Commercial Collectors, and Vincent A. Retacco, an individual. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, remain unaltered.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Order Reopening the Proceeding and Modifying Decision and Order is as follows:

On August 20, 1975, the Federal Trade Commission issued a Decision and Order against Commercial Services Company, Inc. and other related parties. The order requires respondents to refrain from certain debt collection practices; among other things, the order requires Commercial Services, whenever they cause consumers to be served with Washington Superior Court summons and complaints, to attach a clear explanation of what the summons means and how to avoid a default judgment.

The revised Washington Superior Court Rules summons form now appears to afford an adequate explanation to consumers, and obviates the need for the summons explanation forms required by the Commission. Due to this changed condition of fact, it appears to the Commission that it is the public interest to reopen this proceeding and alter its order, to delete the portion of the order requiring a summons explanation form.

On September 24, 1980 the Commission issued an order to show cause why the Commission should not reopen the proceedings and delete the third It Is Further Ordered paragraph of the original order. Respondents did not reply to the Show Cause Order and no comments were filed.

It Is Ordered that the proceeding be reopened.

It Is Further Ordered that the decision and order issued on August 20, 1975 is modified by deleting the third It Is Further Ordered paragraph of the order.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-39026 Filed 12-15-80; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1512

Amendments to Bicycle Regulation: Retroreflective Rims

AGENCY: Consumer Product Safety Commission.

ACTION: Final amendments to regulation.

SUMMARY: The Commission's bicycle safety regulation currently has side reflectivity requirements that may be satisfied by either spoke reflectors or

retroreflective tires. The Commission is now issuing amendments that will permit a third alternative for side reflectivity, retroreflective rims. They will provide flexibility to the industry and at least as much protection to bicycle riders. The Commission is taking this action in response to a petition from the 3M Company, which was granted in December 1978.

DATES: The amendments will become effective on January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Christine Nelson, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6400. The documents discussed in the preamble are available from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

SUPPLEMENTARY INFORMATION:

Background

The Commission issued a bicycle safety regulation in July 1974, and amended it in November 1975 (16 CFR Part 1512). The regulation became effective on May 11, 1976, except for certain provisions that became effective on November 13, 1976. In June 1977, a federal court of appeals upheld all but a few provisions of the regulation. *Forester* v. *Consumer Product Safety Commission*, 559 F. 2d 774 (D.C. Cir. 1977).

The relevant portion of the regulation (16 CFR 1512.16) requires bicycles to be recognizable and identifiable from the side, when illuminated by automobile headlamps. Either spoke-mounted reflectors or retroreflective tire sidewalls may be used, as long as they meet the specified performance criteria for side reflectivity. In addition, the regulation includes tests for assuring adherence and resistance to abrasion for retroreflective material used on tire sidewalls.

In a June 1978 petition (HP 78-8), the Minnesota Mining and Manufacturing Company (3M) requested amendments to the side reflectivity requirements that would permit the use of retroreflective rims as a third option on bicycles equipped with non-caliper-rim brakes (brakes that do not function by gripping the sides of the wheel rim). The Commission granted 3M's petition in December 1978.

Proposed Amendments

On May 19, 1980 the Commission proposed amendments to the existing bicycle regulation to permit retroreflective rims as a third option for side reflectivity (45 FR 32705). The existing regulation requires that the retroreflective material on bicycle tires be as resistant to abrasion as the adjacent tire sidewall itself. Further, the retroreflective material must not be capable of being peeled or scraped away without removal of tire material. Since the proposed amendments involved the application of retroreflective material to metal, two new tests, one for abrasion and one for peeling, were needed to assure the durability of the retroreflective material on any rims that would be used to comply with the side reflectivity requirements. The proposed amendments required retroreflective rims to meet these reflectivity requirements after the abrasion and peeling tests are performed.

The preamble to the proposed amendments contained full discussions of the two tests and the expected economic and injury effects of the amendments:

a. Abrasion Test

The National Bureau of Standards (NBS) and the CPSC engineering staffs developed the proposed abrasion test. It was designed to assure that retroreflective material on rims would not unduly lose its reflective properties when exposed to normal bicycle operating conditions.

Under contract to the Commission, NBS developed an abrasion test procedure that is based on a General Services Administration (GSA) test method for measuring paint scrub resistance. The GSA procedure evaluates the scrub resistance of paint that is applied to specially-described pieces of metal, and cannot be used on rims without modification. At the same time, the post-abrasion side reflectivity tests can be performed meaningfully only if the entire rim is abraded. Therefore, NBS modified the scrub resistance procedure so that the test could be performed on a bicycle wheel rim.

NBS devised a test apparatus in which a rotating brush abrades a revolving rim. Any apparatus can be used as long as four critical factors for the test are maintained: (1) The size and type of bristles on the brush; (2) the force with which the brush is applied to the rim; (3) the speeds of the rotating brush and revolving rim; and (4) the number of rim revolutions.

The petition granted by the Commission stemmed from 3M's development of a self-adhesive retroreflective tape that can be applied to metal bicycle rims. Similar 3M tape has been used on street signs, automobile license plates, and vehicle parking stickers for many years without significant degradation in reflectivity from weather and other deleterious factors. The 3M tape has also been road-tested on bicycle rims with similar results. The test and use data on the 3M tape are contained in an August 15, 1978 letter from 3M and in 3M's petition.

At the present time, the 3M tape is the only retroreflective material that the Commission knows is suitable for application to bicycle rims. Therefore, it was used as a guide for establishing the proposed abrasion test specifications. However, any other retroreflective tapes or coatings developed for this purpose are acceptable as long as they can meet the reflectivity requirements after being subjected to the abrasion test described herein.

To establish the appropriate specifications for the four critical factors, NBS and CPSC staff attempted to attain a degree of abuse similar to that which would be experienced during the GSA paint scrub resistance test.

For example, the velocity of the bicycle wheel in the proposed test was selected to approximate the velocity at which the metal pieces are stroked by the brush in the GSA test. Since the brush in the proposed bicycle rim test must be smaller than the brush specified in the GSA test so that it fits the rim, the applied force was reduced to maintain the appropriate pressure between the bristles and the reflective material. Finally, a rotational component of velocity was added to assure that abrasion will take place uniformly over the width of the reflective material.

Some degradation in the reflectivity of the 3M tape occurred when it was subjected to the proposed abrasion test. Since this tape exceeds the reflectivity requirements when new, and continues to meet the requirements after being tested, an extra margin of safety exists. The Commission expressed its belief that the proposed test specifications would assure the satisfactory performance of any other retroreflective material that might be developed in the future for use on bicycle rims.

The details of how NBS and the Commission staff developed the abrasion test and selected the proposed specifications are contained in a November 1, 1979 report from NBS, "Bicycle Wheel Rim Reflective Materials", and a February 28, 1980 staff memorandum, "Peel and Abrasion Tests for Amendment to Bicycle Regulation Requirements for Side Reflectivity."

b. Peel Test

According to the proposed amendments, retroreflective material could be applied to bicycle rims as a coating, such as paint, or as a tape, such as 3M's. If a tape is used, it must not be too easy to peel off. A vandal or a curious child could totally deprive a rim of its reflectivity in seconds by peeling the tape off in one piece around the entire rim. To prevent this, the proposed amendments included a peel test for retroreflective tape.

The proposed test required, very simply, that the tape material break before it peels. This test, performed by grasping a piece of the tape between the fingers and pulling on it, was similar to a peel resistance test published by the American Society for Testing and Materials (ASTM). Although the ASTM test measures pulling force, the purpose of the proposed test was to assure that the tape cannot be peeled off. Therefore, the proposed test specified no particular force but simply required that the tape must break rather than peel away.

c. Economic Effects and the Injury Risk

Although exact costs of retroreflective rims on a per-bicycle basis would depend on actual volume of sales, the Commission considered it likely that the cost to bicycle manufacturers would be competitive with the cost of a set of spoke reflectors. The Commission did not expect the retail price of bicycles to increase because of adoption of the proposed amendments.

Acceptance by bicycle manufacturers and consumers will determine the extent to which retroreflective rims replace other side reflectivity devices. Officials for firms manufacturing spoke reflectors had indicated to the Commission staff little concern regarding the proposed amendments due to bicycle manufacturers' and consumers' satisfaction with their product.

The Commission stated its belief that the proposed amendments would impose no economic burden on manufacturers or consumers. Rather, the amendments were expected to provide a greater choice of acceptable methods of side reflectivity for bicycles. Regardless of the alternative selected, all bicycles would be required to meet specified reflectivity requirements. Therefore, riders would be protected as fully as they are now protected.

Public comments

The Commission received four public comments on the amendments it proposed in May 1980. Three consumers generally supported the concept of reflectivity requirements for bicycles, but none of them discussed the proposed amendments. These consumers also expressed concerns about overall safety problems associated with bicycle and motor vehicle traffic.

The fourth comment came from the Bicycle Manufacturers Association of America (BMA), a trade association representing four companies that account for approximately 80 percent of domestic bicycle production. A number of BMA's comments pointed out typographical errors in the proposed amendments:

(a) In § 1512.18(o)(2)(i), the measurement "(0.79 inc.)" should appear as "(0.79 in.)."

(b) In § 1512.18(o)(2)(iii), the word "radition" should be "radiation."

(c) In §1512.18(o)(2)(iv), the phrase "ration A" should be "ratio A."

(d) In § 1512.18(r)(1), the measurement "(0.45 lb)" should appear as "(0.45 lbf)."

The Commission has found two additional typographical errors where the symbol "lb" should have been "lbf" (§§ 1512.18(r)(3)(iii) and 1512.18(r)(4)(v)). All typographical errors have been corrected in the final amendments issued below.

Another BMA comment resulted from a typographical error. The proposed amendments appeared to be design restrictive because they included a provision that "[t]he retroreflective material is applied to the rim in the form of a self-adhesive tape * * *" (§ 1512.16(i)(1)). This conflicts with the statement in the preamble that tapes *or coatings* would be acceptable. However, language inadvertently dropped from the proposal clarifies that the reflectivity material need not be tape. The correct provisions state:

(1) *The retroreflective material shall form a continuous circle on the rim.*

(2) *If* the retroreflective material is applied to the rim in the form of a self-adhesive tape, the following requirements must be met: * * *"

(The words omitted from the proposal appear in italics.) The final amendments, issued below, state the requirements correctly.

The final BMA comments concern the way that certain measurements are expressed in the amendments. BMA suggests that the metric system be used and that English equivalents be provided in parentheses (§ 1512.18(r)(3)(v) and (4)(iv)).

Throughout the bicycle regulation, metric units and English units are specified. To avoid uncertainty or confusion, the regulation clarifies that "[f]or the purpose of compliance with this part, where the metric and English units are not equal due to the conversion process the less stringent requirement will prevail" (§ 1512.3). Like the regulation itself, the amendments generally specify measurements in metric units, with the English equivalents in parentheses.

However, both provisions cited by BMA concern the particular brush that the Commission will use in the abrasion test, for compliance purposes (see footnote 6 in § 1512.18(r)(3)(v)). The reason that only English units were specified in the proposed provisions is that the manufacturer of the brush uses English units. For convenience, we are providing the *approximate* metric equivalent, rounded to the nearest millimeter, in parentheses after the English unit when describing the abrader brush. Therefore, while the Commission continues to believe that English units provide the most accurate description of the brush to be used in compliance testing, metric units are included for reference.

Conclusion

After reviewing the public comments, the Commission continues to believe that permitting a third alternative for bicycles to comply with the side reflectivity requirements will benefit consumers and industry. New technologies for rim reflectivity might prove to be more effective than spoke and tire reflectivity and the costs to consumers and the industry might prove to be lower. However, even if no measurable cost benefits are achieved, the amendments assure that bicycle riders will be protected as well as they are now and that an additional method will be available for complying with these side reflectivity requirements in the standard.

The Commission also believes that no substantive changes are needed to the amendments that were proposed in May 1980. As issued below, the amendments establish performance criteria that will enable any interested manufacturer to use rim reflectivity on its bicycles.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e)(1); 10; 74 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262, 1269) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends 16 CFR Part 1512 as follows:

1. Section 1512.16(b) is amended to read as follows:

§ 1512.16 Requirements for reflectors.

* * * * *

(b) *Side reflectors.* There shall be retroreflective tire sidewalls or, alternatively, reflectors mounted on the spokes of each wheel, or, for non-caliper rim brake bicycles, retroreflective wheel rims. The center of spoke-mounted reflectors shall be within 76 mm (3.0 in.) of the inside of the rim. Side reflective devices shall be visible on each side of the wheel.

* * * * *

2. A new § 1512.16(i) is added as follows:

(i) *Retroreflective rims.* When retroreflective rims are used in lieu of spoke-mounted reflectors or retroreflective tire sidewalls, the reflecting material shall meet the following requirements:

(1) The retroreflective material shall form a continuous circle on the rim.

(2) If the retroreflective material is applied to the rim in the form of a self-adhesive tape, the following requirement must be met: Use a sharp knife, razor blade, or similar instrument to carefully release an end of the tape material sufficient to be grasped between the thumb and finger. Grasp the freed tape end and gradually pull in a direction 90° to the plane of the rim. The tape material must break before additional separation (peeling) from the rim is observed.

(3) After the retroreflective material is abraded in accordance with the abrasion test for retroreflective rims at § 1512.18(r), the rim must then be tested for performance in accordance with the retroreflective tire and rim test at § 1512.18(o), to assure the reflectance properties over the angles given in table 3.

§ 1512.18 [Amended]

3. Section 1512.18(o) is amended to read as follows:

* * * * *

(o) Reflective tire and rim test (Ref. § 1512.16(h) and (i))—(1) *Apparatus.* Arrangements for the reflective intensity measurement shall be as shown in figure 3 of this Part 1512. A light projector (having a maximum effective lens diameter of $D/500$, where D is the distance from the source to the retroreflective surface being measured) capable of projecting light of uniform intensity shall be used to illuminate the sample. The light falling on the sample shall have a color temperature of 2856°K+*10%* (equivalent to a tungsten filament lamp operated at a color temperature of 2856°K+*10%* having approximately the relative energy distribution given in table 4 of this Part 1512). The light reflected from the test surface shall be measured with a photoelectric receiver, the response of which has been corrected for the spectral sensitivity of the average photopic human eye. The dimensions of the active area of the receiver shall be such that no point on the perimeter of the receiver is more than $D/100$ from its center (where d is the distance from the receiver to the retroreflective surface). Wheels used for the measurement of retroreflective tires or rims shall have all exposed metallic surfaces, including spokes, masked in flat black so that when measured these surfaces indicate no appreciable reflectance. The tire shall be mounted and fully inflated. Distances shall be measured from the plane of the wheel and the center of the hub. For the tests, the distance D between the projector and the center of the wheel and distance d between the center of the wheel and the receiver shall each be at least 15 m (50 ft.).

(2) *Procedure*—(i) *Masking.* The reflecting strip to be tested shall be within two concentric circles, the larger of which is no more than 0.02 m (0.79 in.) greater in radius than the smaller. While additional reflecting material is permitted outside such boundaries, such additional material shall not be counted in determining the average width of the reflecting strip and shall be masked off with opaque, matte black tape in testing the reflecting material.

(ii) *Orientation.* Every position of the reflecting strip on the rim or the mounted and fully inflated tire to be tested shall be oriented so that the normal to this portion is within 40° of parallel to the axis of rotation of the wheel.

(iii) *Measurement.* Measure the distance d from the receiver to the center of the wheel and the minimum distance r from the axis of rotation of the wheel to the unmasked portion of the reflective strip. Measure the illumination incident on the reflective strip at uniform intervals of no more than 45° around the wheel, with the receiver oriented in the direction of the incident radiation. The average of such readings will be the mean illumination of the sample E. If any one of such readings differs by more than 10 percent from the mean illumination, then a more uniform source must be obtained. Measure the illumination of the receiver due to reflection from the retroreflective surface for each entrance angle and each observation angle given in table 3 of this Part 1512. The entrance angle and the observation angle shall be in the same plane. A negative entrance angle (figure 3 of this Part 1512) is specified when the entrance angle is small because the location of the receiver with respect to the direction of illumination becomes important for distinguishing between ordinary mirror-like reflection and retroreflection. The illumination incident on the test surface and the receiver shall be measured in the same units on a linear scale. Compute the ratio A for each combination of entrance angle and observation angle listed in table 3 as follows:

$$A=[(E_r/E_s)(d^2/r)]$$

Where:

A=Ratio in meters,
E_r=Illumination incident upon the receiver,
E_s=Illumination incident upon a plane perpendicular to the incident ray at the specimen position (see instructions above in this paragraph (o)(2)(iii) for averaging), measured in the same units as E_r,
d=The distance in meters from the receiver to the center of the wheel,
r=The minimum radius in meters of the boundary circles of the retroreflective strip.

The minimum value of A shall be that listed in table 3 of this Part 1512 for each combination of entrance angle and observation angle. The plane containing the entrance angle and the plane containing the observation angle shall coincide. In table 3, a positive entrance angle corresponds to the case in which the line of sight to the receiver lies between the line of incidence and the optic axis of the reflector, and a negative entrance angle corresponds to the case in which the line of incidence lies between the line of sight of the receiver and optic axis of the reflector.

(iv) *Criteria.* The ratio A as defined in § 1511.18(o)(2)(iii) shall not be less than:

$$A=[4(\cos^2\Theta/1+(o/0.225)^{3/2}]$$

where A is ratio in meters, Θ is the entrance angle, and o is the observation angle in degrees. The criterion applies only for entrance angles from 0° to 40° and observation angles from 0.2° to 1.5°, and performance is not specified beyond this range. The values of A in table 3 are obtained from the above formula by rounding up to two significant figures. Except in cases in which the performance of the reflector is seriously questionable, a reflector with A at least the value given in table 3 at each of the six combinations of entrance and observation angles will be considered to satisfy this criteria.

* * * * *

4. A new § 1512.18(r) is added as follows:

* * * * *

(r) *Abrasion test for retroreflective rims.* (Pef. 1512.16(i).) (1) This test consists of a steel wire cup brush rotating at a constant velocity of 60 rpm that is applied at a force of 2 N (0.45 lbf) to the retroreflective material on one side of a bicycle wheel rim. The rim is rotated about the axle at a linear velocity of 0.23 m/sec (9 in./sec). The test is complete when the wheel has completed 1000 revolutions.

(2) *Apparatus.* Figure 8 of this Part 1512 illustrates the following test fixture

arrangement that is suitable to perform this abrasion test:

(i) *Test fixture.* The test fixture contains a clamp to hold the axle of a bicycle wheel so that the wheel can rotate freely about the axle. The axis of rotation is capable of being inclined from the vertical to bring that portion of the side of the wheel rim containing the retroreflective material into a horizontal plane as it passes beneath the abrading brush. A drive mechanism to rotate the bicycle wheel contains a means to adjust the rotational velocity to obtain the specified linear velocity measured at a point on the wheel rim on the axis of the abrading brush.

(ii) *Abrader.* The abrader is a cup brush meeting the specification in paragraph (r)(3)(v) of this section. It is mounted in a chuck attached to a motor that rotates about a vertical axis at the specified rotational velocity. A means is provided to apply the rotating cup brush at the specified force against the retroreflective material on the bicycle wheel rim. The axis of the abrading brush is positioned on the mid point in the width of the retroreflective material. The force is produced by deadweights applied to a pan on the axis of the counterbalanced motor/brush assembly.

(3) *Specifications.* (i) The linear velocity of the reflective band on wheel rim shall be 0.23 m/sec (9 in./sec) measured at a point on the axis of the abrading brush.

(ii) The rotational velocity of the abrading brush shall be 60 rpm.

(iii) The force normal to the plane of the retroreflective material at which the abrading brush is to be applied shall be 2 N (0.45 lbf).

(iv) The bicycle wheel shall make 1000 complete revolutions per test.

(v) The abrader shall be a cup brush having bristles that are 0.005 in. (approx. 13mm) diameter low carbon steel wire; an outside diameter of 0.5 inch (aprox. 13mm); a wire bristle length of 0.25 inch (approx. 6.4mm); and a cup diameter of 0.405 inch (approx. 10.29mm).[6]

(vi) The abrasion test shall be conducted at an ambient temperature of between 16°C (60°F) and 27°C (80°F).

(4) *Procedure.* (i) The retroreflective bicycle rim to be tested shall be an unused sample free from grit, grime and grease. Prior to beginning the test, remove, according to instructions supplied with the bicycle, any protective coating or material used to prevent damage in shipping.

[6]For compliance testing the Commission will use a brush meeting this description distributed by Dremel Manufacturing Company, Racine, Wisconsin as Dremel Part No. 442. This brush is manufactured by Weiler Brush Company as No. 26074, MC-10 Wire.

(ii) Test the wheel in a suitable test fixture, according to the specifications in paragraph (r)(3) of this section.

(iii) Clamp the wheel by its axle in the test fixture and align the axis of rotation so that the portion of the reflective material below the axis of the abrading brush is horizontal.

(iv) Shape the cup brush by hand to the specified 0.5 (approx. 13mm) diameter. Any stray wire bristles projecting more than 1/32 in. (approx. 1 mm) beyond the tip of the bulk of the bristles should be clipped off. Adjust the position of the brush so that its axis is centered over the mid-point in the width of the retroreflective material.

(v) Adjust the rotational velocity of the bicycle wheel to obtain a linear velocity of 0.23 m/sec (9 in./sec) measured at the mid-point in the width of the retroreflective material. Adjust the force to obtain a force normal to the surface under the brush of 2 N (0.45 lbf).

(vi) Apply the abrading brush to the retroreflective material on the wheel rim, and continue the test for 1000 complete revolutions of the bicycle wheel.

5. A new figure 8 is added.

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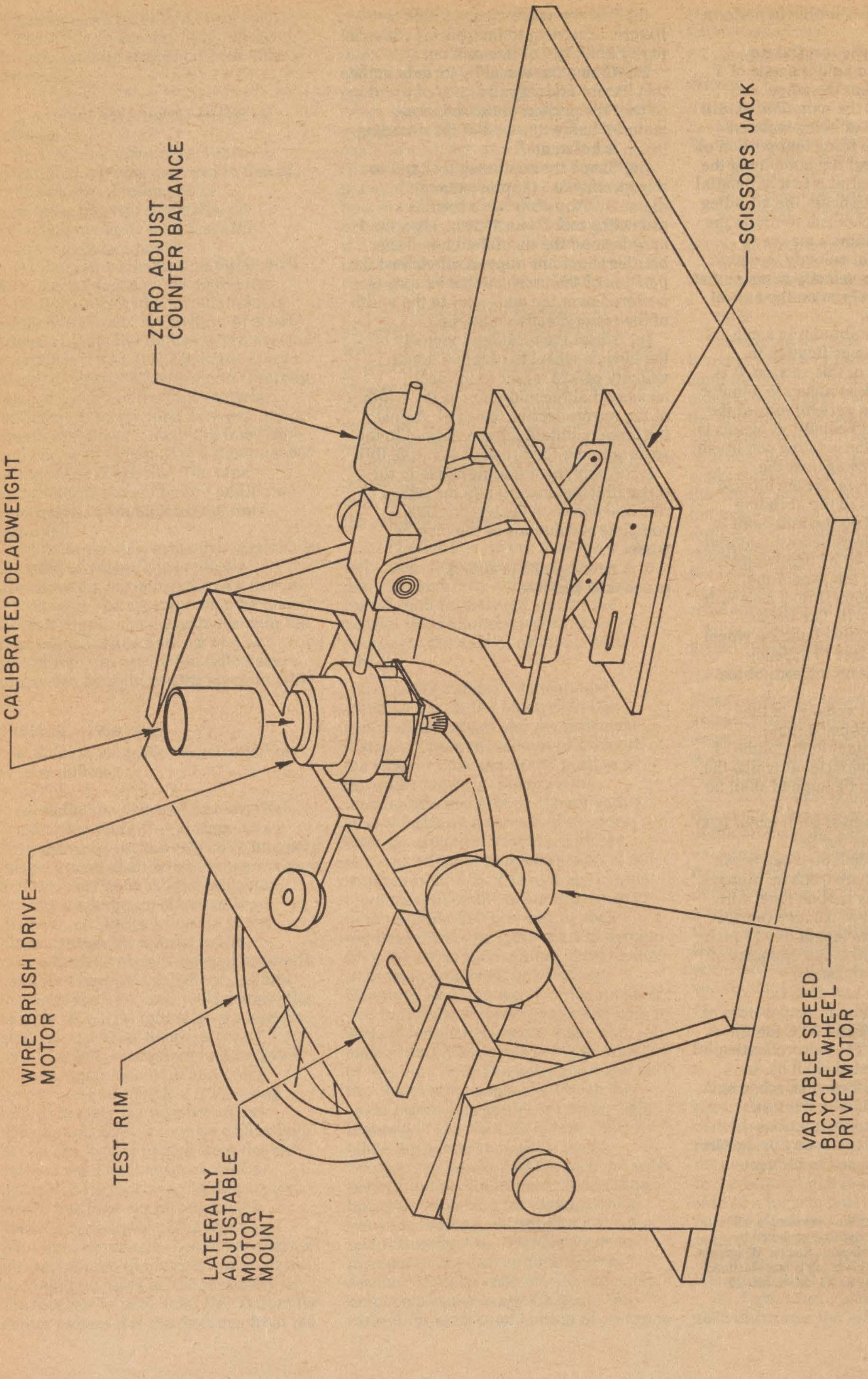

FIG 8—REFLECTORIZED BICYCLE WHEEL RIM ABRASION TEST DEVICE

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6. The title of table 3 is amended to read:

Table 3.—Minimum Acceptable Values for the Quantity—as Defined in the Retroreflective Tire and Rim Test Procedure

* * * * *

Effective date: January 15, 1981.

(Secs. 2(f)(1)(D), (q)(l)(A), (s); 3(e)(1), and 10; 74 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262, 1269)

Dated: December 3, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-37958 Filed 12-5-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Parts 0 and 58

[Order No. 921-80]

Relating to Bankruptcy Matters

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order has two purposes. The first is to issue, as a final rule, without substantive change, the Department of Justice Regulations Relating to the Bankruptcy Reform Act of 1978, which were published and made immediately effective as interim regulations on January 11, 1980 (45 FR 2316). The second is to reassign to the Associate Attorney General functions concerning the appointment and compensation of standing trustees in certain bankruptcy cases and of Assistant United States Trustees that were previously delegated to the Deputy Attorney General (44 FR 57926). In making the reassignment the order will clarify the extent of the authority previously delegated and will authorize the Associate Attorney General to redelegate it.

EFFECTIVE DATES: The Regulations Relating to the Bankruptcy Reform Act of 1978 (section 1 of this order) will be effective on January 15, 1981. Sections 2 and 3 of this order are effective on December 16, 1980.

FOR FURTHER INFORMATION CONTACT: Richard L. Levine, Director, Executive Office for United States Trustees, U.S. Department of Justice, Washington, D.C. 20530 (202-633-5122).

SUPPLEMENTARY INFORMATION: The Regulations Relating to the Bankruptcy Reform Act of 1978, to be codified as 28 CFR Part 58, were issued as an interim rule effective on January 11, 1980 (45 FR 2316). Comments on the interim regulations were solicited. No significant comments have been received and the regulations are now being issued, without substantive change, as a final rule. This final rule will be effective 30 days from the date of its publication in the Federal Register (January 15, 1981). Until the effective date of the final rule, the interim regulations remain in effect.

By a final rule published on October 19, 1979 (44 FR 57926) the Attorney General delegated to the Deputy Attorney General authority (1) to appoint Assistant United States Trustees and set their compensation and (2) to approve the appointment by United States Trustees of standing trustees in Chapter 13 bankruptcy cases and, after consultation with the appropriate United States Trustee, to fix the compensation for such standing trustees as provided in 28 U.S.C. 586(e). Section 586(e)(1) authorizes the Attorney General to fix both a maximum annual compensation for each standing trustee and a percentage fee which the standing trustees may collect in the cases which he handles under Chapter 13 of Title 11, United States Code. The source of the compensation of the standing trustee is the percentage fee. The prior rule did not clearly state that the Attorney General, in delegating to the Deputy Attorney General authority to fix the compensation of standing trustees, was also delegating the concomitant authority to set the percentage fees. Section 2 of this order reassigns the function discussed, including the setting of the percentage fees, to the Associate Attorney General. Section 2 also authorizes the Associate Attorney General to redelegate the authority conferred thereby.

Section 3 revokes the authority previously delegated to the Deputy Attorney General.

Sections 2 and 3 deal with matters of agency management and are exempt from the provisions of 5 U.S.C. 553.

Accordingly, by virtue of the authority vested in me by 5 U.S.C. 301, and 28 U.S.C. 509, 510, 586, it is hereby ordered as follows:

1. Part 58, to read as follows, is added to Chapter 1 of Title 28, Code of Federal Regulations:

PART 58—REGULATIONS RELATING TO THE BANKRUPTCY REFORM ACT OF 1978

Sec.
58.1 Authorization to establish panels of private trustees.
58.2 Authorization to appoint standing trustees.
58.3 Qualification for membership on panels of private trustees.
58.4 Qualification for appointment as standing trustees.
58.5 Non-discrimination in appointment.

Authority: 28 U.S.C. 509, 510, 588(d).

§ 58.1 Authorization to establish panels of private trustees.

(a) Each United States Trustee is authorized to establish a panel of private trustees (the "panel") pursuant to 28 U.S.C. 588(a)(1).

(b) Each United States Trustee is authorized, with the approval of the Director, Executive Office for United States Trustees (the "Director") to increase or decrease the total membership of the panel. In addition, each U.S. Trustee, with the approval of the Director, is authorized to institute a system of rotation of membership or the like to achieve diversity of experience, geographical distribution or other characteristics among the persons on the panel.

§ 58.2 Authorization to appoint standing trustees.

Each United States Trustee is authorized, subject to the approval of the Associate Attorney General, or his delegate, to appoint and remove one or more standing trustees to serve in cases under Chapter 13 of Title 11, United States Code.

§ 58.3 Qualification for membership on panels of private trustees.

(a) To be eligible for appointment to the panel and to retain eligibility therefor, an individual must possess the qualifications described in paragraph (b) of this section in addition to any other statutory qualifications. A corporation or partnership may qualify as an entity for appointment to the private panel. However, each person who, in the opinion of the United States Trustee or of the Director, performs duties as trustee on behalf of a corporation or partnership must individually meet the standards described in paragraph (b) of this section, except that each United States Trustee, with the approval of the Director, shall have the discretion to waive the applicability of paragraph (b)(6) of this section as to any individual in a non-supervisory position. No professional corporation, partnership, or similar entity organized for the practice of law or accounting shall be eligible to serve on the panel.

(b) The qualifications for membership on the panel are as follows:

(1) Possess integrity and good moral character.

(2) Be physically and mentally able to satisfactorily perform a trustee's duties.

(3) Be courteous and accessible to all parties with reasonable inquiries or comments about a case for which such individual is serving as private trustee.

(4) Be free of prejudices against any individual, entity, or group of individuals or entities which would interfere with unbiased performance of a trustee's duties.

(5) Not be related by affinity or consanguinity within the degree of first cousin to any employee of the Executive Office for United States Trustees of the Department of Justice, or to any employee of the office of the United States Trustee for the district in which he or she is applying.

(6)(i) Be a member in good standing of the bar of the highest court of a state or of the District of Columbia; OR

(ii) Be a certified public accountant; OR

(iii) Hold a bachelor's degree from a full four-year course of study (or the equivalent) of an accredited college or university (accredited as described in Part II, § III of Handbook X118 promulgated by the United States Office of Personnel Management) with a major in a business-related field of study or at least 20 semester-hours of business-related courses; or hold a master's or doctoral degree in a business-related field of study from a college or university of the type described above; OR

(iv) Be a senior law student or candidate for a master's degree in business administration recommended by the relevant law school or business school dean and working under the direct supervision of:

(A) A member of a law school faculty; or

(B) A member of the panel of private trustees; or

(C) A member of a program established by the local bar association to provide clinical experience to students; OR

(v) Have equivalent experience as deemed acceptable by the United States Trustee.

(7) Be willing to provide reports as required by the United States Trustee.

(8) Have submitted an application under oath, in the form prescribed by the Director, to the United States Trustee for the District in which appointment is sought: *Provided,* That this provision may be waived by the United States Trustee on approval of the Director.

§ 58.4 Qualification for appointment as standing trustee.

To be eligible for appointment as a standing trustee, an individual must have the qualifications for membership on a private panel of trustees set forth in § 58.3. An individual need not be an attorney to be eligible for appointment as a standing trustee. A corporation or partnership may be appointed as standing trustee only with the approval of the Director.

§ 58.5 Non-discrimination in appointment.

The United States Trustees shall not discriminate on the basis of race, color, religion, sex, national origin or age in appointments to the private panel of trustees or of standing trustees and in this regard shall assure equal opportunity for all appointees and applicants for appointment to the private panel of trustees or as standing trustee. Each United States Trustee shall be guided by the policies and requirements of Executive Order No. 11478 of August 8, 1969, relating to equal employment opportunity in the Federal Government, section 717 of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e–16), section 15 of the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 633a), and the regulations of the United States Civil Service Commission relating to equal employment opportunity (5 CFR Part 713).

2. Section 0.19 of Title 28, Code of Federal Regulations, is amended to read as follows:

§ 0.19 Associate Attorney General.

(a) * * *

(1) Exercise the power and authority vested in the Attorney General to take final action in matters pertaining to:

(i) Except as assigned to the Deputy Attorney General by § 0.15(b)(3), the employment, separation, and general administration of personnel in General Schedule grades GS–16 though GS–18, or the equivalent, and of attorneys regardless of grade or pay in the Department;

(ii) The appointment of Assistant United States Trustees when the public interest so requires, and fixing their compensation, and;

(iii) The approval of the appointment by a United States Trustee of one or more individuals to serve as standing trustee in cases arising under Chapter 13 of Title 11, United States Code, and, after consultation with the United States Trustee, fixing the maximum annual compensation and percentage fee for such standing trustee as provided in 28 U.S.C. 586(e).

* * * * *

(b) The Associate Attorney General may redelegate the authority provided in paragraph (a)(1) of this section to take final action in matters pertaining to the employment, separation, and general adminstration of attorneys in grade GS–15 and below and to the appointment and commpensation of Assistant United States Trustees to a Deputy Associate Attorney General. The Associate Attorney General may redelegate the authority provided in subparagraph (a)(1)(iii) of this section to an Assistant Attorney General or to the Director, Executive Office for United States Trustees.

§ 0.15 [Amended]

3 Section 0.15(b)(3) of Title 28, Code of Federal Regulations, is amended by the revocation of paragraphs (b)(3)(iii) and (iv).

Dated: December 9, 1980.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-39027 Filed 12-15-80; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1676-6]

Approval and Promulgation of Implementation Plans, Florida; Reformation of Air Pollution Rule—Chapter 17-2.

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

ACTION: Final rule.

SUMMARY: The State of Florida has revised the format of the Rules and Regulations Portion of its State Implementation Plan. The revised format was adopted by the State of Florida on June 8, 1978. EPA published a proposal to adopt the revised format on July 2, 1979 (44 FR 38578). No comments were received during the designated comment period. EPA is today announcing approval of the revised form.

DATES: This action is effective January 15, 1981.

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

EPA Region IV, Air and Hazardous Materials Division, 345 Courtland Street, NE, Atlanta, Georgia 30365

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

The Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20460