

(vii) State the total number of automobiles manufactured (whether or not in the United States) by the applicant (or the controlled group of corporations in the case where the applicant is a member of the group) in the second model year immediately preceding each affected model year and the total number of automobiles likely to be manufactured in the affected model year;

(viii) Set forth the same information required by an application pursuant to section 502(e) of the Motor Vehicle Information and Cost Savings Act (as amended) and the regulations thereunder (see 49 CFR Part 525 (1978)) (whether or not the applicant under this paragraph has also made an application pursuant to such Act); and

(ix) Set forth the reasons why an alternate rate schedule should be granted under paragraph (d)(3)(ii) of this section.

(6) *Update of application.* A manufacturer making an application under this section must update the application when a material change of circumstances occurs or material information not available at the time of applying becomes available. The manufacturer must also furnish any further information relevant to the application which may be required by the Internal Revenue Service.

(7) *Processing of applications.* If a manufacturer's application is found not to contain the information required by this paragraph, the applicant will be informed of the areas of insufficiency. The application will not receive further consideration until the required information is submitted. Each applicant will be informed in writing whether an application has been granted or denied.

§ 138.4222-1 Registration.

The registration procedure set forth in § 48.4222 (a)-1 applies to tax-free sales on or after March 10, 1980, under section 4064(b)(1)(C) (relating to emergency vehicles). The manufacturer, intervening vendors (if any), and the vendee must be registered. See section 4064 and the regulations thereunder. The exceptions to the requirement for registration set forth in § 48.4222 (b)-1 shall apply. Notwithstanding any provision in paragraph (a) of § 48.4222 (b)-1, a State or local government is not required to register as provided in § 48.4222 (a)-1 even though the purchased vehicle is not purchased directly from the manufacturer for its exclusive use.

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice

and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: January 28, 1980.
Donald C. Lubick,
Assistant Secretary of the Treasury.
[FR Doc. 80-4200 Filed 2-7-80; 8:45 am]
BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 72

[T.D. ATF-65]

Appraised Value of Seized and Forfeited Carriers; Seizures and Forfeitures of Contraband Cigarettes

AGENCY: The Bureau of Alcohol, Tobacco and Firearms.

ACTION: Final rule; Treasury decision.

SUMMARY: This Treasury decision amends the seizure and forfeiture provisions by increasing from \$2,500.00 to \$10,000.00 the appraised value of seized carriers which may be administratively forfeited under the provisions of customs laws. Since the \$2,500.00 limit precluded expeditious disposal of those goods and required the U.S. Government to pursue the time-consuming and costly judicial forfeiture process, the limit was raised to \$10,000.00 by the Customs Procedural Reform and Simplification Act of 1978.

This Treasury decision also provides that contraband cigarettes are subject to seizure and forfeiture under the provisions of criminal and internal revenue laws.

EFFECTIVE DATE: February 8, 1980.

(Section 111 of Pub. L. 95-410 was effective on October 3, 1978; all sections of chapter 114, except 2342(b) and 2343, of title 18, United States Code, were effective on November 2, 1978, (Public Law 95-575))

FOR FURTHER INFORMATION:
Armida N. Stickney (202-566-7626).

SUPPLEMENTARY INFORMATION:

I. Background

A. Relating to the Appraised Value Placed Upon Carriers

On October 3, 1978, the Customs Procedural Reform and Simplification Act of 1978 was signed into law (Pub. L.

95-410). Section 111 of this Act amended 19 U.S.C. 1607, 1610, and 1612 by increasing from \$2,500.00 to \$10,000.00 the appraised value of seizures which may be forfeited and disposed of without judicial forfeiture proceedings. Accordingly, any carrier seized for a violation under 49 U.S.C. Chapter 11, having a value of \$10,000.00 or less, shall be forfeited to the U.S. Government in administrative forfeiture proceedings.

Consequently, Subpart C of 27 CFR Part 72 is amended to implement the statutory increase to \$10,000.00.

B. Relating to Contraband Cigarettes

On November 2, 1978, Chapter 114—Trafficking in Contraband Cigarettes—was added to title 18 of the United States Code (Pub. L. 95-575). Under 18 U.S.C. 2344(c) of this law, cigarettes involved in any violation of chapter 114 shall be subject to seizure and forfeiture. Also, all the provisions of title 26 of the United States Code relating to the seizure, forfeiture, and disposition of firearms (as defined in 26 U.S.C. 5845(a)) shall, as far as applicable, extend to seizures under the provisions of 18 U.S.C. Chapter 114.

Consequently, Subpart B of 27 CFR Part 72 is amended by adding the definition "contraband cigarettes" and by redefining "carriers".

Section 72.21, under Subpart C, is amended to include contraband cigarettes under the scope of property subject to seizure and forfeiture.

Subpart G is amended to cover the disposal of forfeited contraband cigarettes.

Other changes are editorial and clarifying in nature: Section 72.21 is further amended by deleting the reference to wagering laws; and § 72.65 is amended to clarify that the sale of tobacco products and cigarette papers and tubes is limited to those products seized for violation of internal revenue laws.

II. Drafting Information

The principal author of this Treasury decision is Armida N. Stickney of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. Officials from ATF and from the Department of Treasury, however, participated in developing this Treasury decision, both on matters of substance and style.

III. Compliance With Executive Order 12044

This Treasury decision is necessary to implement Pub. L. 95-410 and Pub. L. 95-575. Since these Public Laws became effective on October 3, 1978, and on November 2, 1978, respectively, Richard

J. Davis, Assistant Secretary (Enforcement and Operations), Department of the Treasury, has waived the work plan provision of Executive Order 12044, in accordance with paragraph 5(d) of Treasury Directive 50-04.F.

IV. Authority and Issuance

Because these amendments merely implement a statutory change relating to the value of carriers which may be administratively forfeited and make other clarifying changes requiring no public initiative, it is impractical, unnecessary, and contrary to the public interest to issue this Treasury decision with notice and public procedures under 5 U.S.C. 553(b).

The effective date of this regulation will not be delayed for 30 days as provided in 5 U.S.C. 553(d), because ATF has been using these statutory rules since the effective date of the Act and no change in procedures is contemplated. This Treasury decision is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended), in 49 U.S.C. 788 (53 Stat. 1293), and in 18 U.S.C. 2346.

Accordingly, 27 CFR Part 72 is amended to read as follows:

1. The table of sections is amended to read as follows:

Sec.
72.65 Sale of forfeited tobacco products and cigarette papers and tubes.

Subpart G—Disposal of Forfeited Firearms, Ammunition, Explosive Materials, or Contraband Cigarettes

2. Section 72.11 is amended by revising the meaning of *Carrier*, and by adding contraband cigarettes, in the appropriate alphabetical order:

§ 72.11 Meaning of terms.

Carrier. A vessel, vehicle, or aircraft seized under 49 U.S.C. Chapter 11 for having been used to transport, carry, or conceal a contraband firearm or contraband cigarettes. Vessels, vehicles, or aircraft seized under other provisions of applicable laws shall be considered personal property.

Contraband cigarettes. Any quantity of cigarettes in excess of 60,000, if—

(a) The cigarettes bear no evidence of the payment of applicable State cigarette taxes in the State where the cigarettes are found;

(b) The State in which the cigarettes are found requires a stamp, impression, or other indication to be placed on packages or other containers of cigarettes to evidence payment of

cigarette taxes; and

(c) The cigarettes are in the possession of any person other than any person who is—

(1) Holding a permit issued under 26 U.S.C. Chapter 52 as a manufacturer of tobacco products or as an export warehouse proprietor;

(2) Operating a customs bonded warehouse under 19 U.S.C. 1311 or 1555;

(3) An agent of a tobacco products manufacturer, an export warehouse proprietor, or an operator of a customs bonded warehouse;

(4) A common or contract carrier transporting the cigarettes involved under a proper bill of lading or freight bill which states the quantity, source, and destination of the cigarettes;

(5) Licensed or otherwise authorized by the State where the cigarettes are found to account for and pay cigarette taxes imposed by that State; and who has complied with the accounting and payment requirements relating to the license or authorization with respect to the cigarettes involved; or

(6) An agent of the United States, of an individual State, or of a political subdivision of a State and having possession of cigarettes in connection with the performance of official duties.

(7) Operating within a foreign-trade zone, established under 19 U.S.C. 81b, when the cigarettes involved have been entered into the foreign-trade zone under zone-restricted status or when foreign cigarettes have been admitted into the foreign-trade zone but have not been entered into the United States.

§ 72.21 [Amended]

3. Section 72.21 is amended by (1) deleting the wording "35 (wagering)," and (2) inserting between the wording "59 (liquor traffic)," and "229 (liquor)," the wording "114 (contraband cigarettes)."

§ 72.22 [Amended]

4. Section 72.22 is amended (1) by changing in paragraph (a)(1) the phrase "by the seizing officer at \$2,500.00 or less" to read "by the seizing officer at \$10,000.00 or less"; (2) by replacing the amount of "\$2,500.00" with "\$10,000.00" wherever it appears in paragraphs (a)(4) and (a)(5); (3) by changing in paragraph (b) the phrase "where the appraised value of the seized personal property or carrier exceeds \$2,500.00" to read "where the appraised value of the seized personal property exceeds \$2,500.00 or where the appraised value of the seized carrier exceeds \$10,000.00"; and (4) by adding the statutory provision, "(Sec. 111, Pub. L. 95-410, 92 Stat. 897, as

amended (19 U.S.C. 1607, 1610, 1612))", at the end of the section.

5. Section 72.65 is amended by revising the title and the first sentence to read as set forth below:

§ 72.65 Sale of forfeited tobacco products and cigarette papers and tubes.

All tobacco products and cigarette papers and tubes forfeited under the internal revenue laws shall be sold at a price which will include the tax due and payable on those forfeited articles.***

6. The centerhead to Subpart G and § 72.81 are revised to read as follows:

Subpart G—Disposal of Forfeited Firearms, Ammunition, Explosive Materials, or Contraband Cigarettes

§ 72.81 Authority for disposal.

Forfeited firearms, ammunition, explosive materials, or contraband cigarettes, not the subject of an allowed petition, may only be disposed of in accordance with the provisions of 26 U.S.C. 5872(b).

(18 U.S.C. 2344(c))

Signed: November 30, 1979.

G. R. Dickerson,
Director.

Approved: January 31, 1980.

Richard J. Davis,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 80-4206 Filed 2-7-80; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Mechanical Power Presses; Corrections

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Corrections.

SUMMARY: This notice announces corrections of typographical errors contained in the current mechanical power press standards (29 CFR 1910.217).

FOR FURTHER INFORMATION CONTACT: Frank A. Smith, Jr., Office of Mechanical Safety Standards, Occupational Safety and Health Administration, Department of Labor, Third Street and Constitution Avenue, NW., Room N3506, Washington, D.C. 20210; telephone (202) 523-7202.

SUPPLEMENTARY INFORMATION: Under section 6(a) of the Occupational Safety and Health Act of 1970 (the Act) (84

Stat. 1593; 29 U.S.C. 655) OSHA adopted existing national consensus standards and established Federal standards in order to ensure a minimum level of occupational safety and health protection as soon as possible but within two years from the effective date of the Act.

OSHA published its initial package of standards under § 6(a) of the Act on May 29, 1971 (36 FR 10466). Included in this package were provisions on mechanical power presses (§ 1910.217). These provisions were derived from the American National Standards Institute (ANSI) B11.1-1971 national consensus standard.

When the provisions of ANSI B11.1-1971 were reorganized into the OSHA standard in § 1910.217, several errors were made in the internal references. Paragraphs (d)(3), (d)(5) and (d)(9)(i) of § 1910.217 contain references to "paragraph (b)" where they should refer to "paragraph (c)."

An additional error was introduced into § 1910.217 when the OSHA General Industry Standards (Part 1910) were republished in 1972 (29 CFR Part 900 to end, revised as of January 1, 1972). In that republication, a typesetting error resulted in § 1910.217 (b)(8)(iv) referring to a "nominal 240-volt d.c. supply obtained from a transformer" where it should read "a nominal 120-volt a.c. supply obtained from a transformer."

The errors noted above have continued to appear in 29 CFR to this date, and it is necessary to issue the appropriate corrections at this time.

OSHA has determined that notice of these corrections and public procedure thereon is not necessary under Section 4 of the Administrative Procedure Act (5 U.S.C. 553), or under Section 6 of the Occupational Safety and Health Act (29 U.S.C. 655), since the corrections are typographical in nature. In addition, under 29 CFR 1911.5, good cause is found to publish these corrections without prior notice or public procedure thereon, and to make these changes effective immediately upon publication in the Federal Register.

Authority: This document was prepared under the direction of Eula Bingham, Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, 3rd St. & Constitution Avenue, N.W., Washington, D.C. 20210.

Accordingly, pursuant to sections 6 and 8 of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657), Section 4 of the Administrative Procedure Act (5 U.S.C. 553), Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR 1911.5, Part 1910 of Title 29 of the Code of Federal

Regulations is amended by correcting § 1910.217 as set forth below.

§ 1910.217 [Corrected]

1. In § 1910.217, paragraphs (d)(3), (d)(5), and (d)(9)(i) are corrected by changing the words "paragraph (b)" to read "paragraph (c)."

2. In § 1910.217, the first sentence of paragraph (b)(8)(iv) is corrected by changing "a nominal 240-volt d.c. supply obtained from a transformer" to read "a nominal 120-volt a.c. supply obtained from a transformer."

Signed at Washington, D.C. this 31st day of January, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-4213 Filed 2-7-80; 8:45 am]

BILLING CODE 4510-26-M

29 CFR Part 1952

Approval of Supplement to California State Plan

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final Rule.

SUMMARY: The State of California has submitted a plan supplement describing a change in its occupational safety and health program. This supplement provides for employee access to the employer's log and summary of occupational injuries and illnesses, and is essentially identical to the comparable Federal provision.

EFFECTIVE DATE: February 8, 1980.

FOR FURTHER INFORMATION CONTACT: Carol Sanford, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-6021.

SUPPLEMENTARY INFORMATION:

Background

The California Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this Chapter on April 24, 1973 (38 FR 10717). Part 1953 of the Chapter provides procedures for the review and approval of State change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary).

Description of the Supplement

In 1978, the Occupational Safety and Health Administration amended 29 CFR

1904.7 to provide access by any employee, former employee and their representatives to the employer's log and summary of occupational injuries and illnesses. In response to this change in the Federal program, the State of California amended its employer recordkeeping and reporting requirements to mirror the Federal program. These changes were submitted as a plan supplement on July 16, 1979.

Location of the Plan and Its Supplements for Inspection and Copying

A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Directorate of Federal Compliance and State Programs, Room N-3619, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Room 11349, San Francisco, California 94102; and the California Occupational Safety and Health Administration, 455 Golden Gate Avenue, San Francisco, California 94102.

Public Participation

Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any good cause which may be consistent with applicable law. The Assistant Secretary finds that the California plan supplement described above is substantially identical to the comparable Federal provision. Good cause is therefore found for approval of the supplement without public comment and notice.

Decision

After careful consideration, the California plan supplement described above is hereby approved under Part 1953 of this Chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart K of 29 CFR Part 1952 is amended by revising the heading of the section and adding a new paragraph (c) as follows:

§ 1952.175 Changes to approved plans.

(c) In accordance with Subpart C of Part 1953, of this Chapter, California amended its employer recordkeeping and reporting requirements effective November 4, 1978, so as to provide employee access to the employer's log and summary of occupational injuries and illnesses.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)). Signed at Washington, D.C. this 31st day of January, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-4212 Filed 2-7-80; 8:45 am]

BILLING CODE 4510-26-M

29 CFR Part 1952

Approval of Supplements to Kentucky State Plan

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: This notice approves supplements to the Kentucky Occupational Safety and Health Plan consisting of three parts: Volume I-B, the revised narrative portion of the Plan; Volumes II-A, II-B, and II-C, which include administrative regulations; and Volume III-A, the revised Program Operations Manual.

These supplements represent completion of the remaining developmental steps including a revised compliance manual; amended rules and regulations for standards-setting procedures; an amendment to the Kentucky statute to provide temporary variance authority; revision of regulations concerning employee access to information on exposure to toxic substances; revision of regulations on contests before the Review Commission; development of a comprehensive public employee program; and submission of an affirmative action program as part of an acceptable State Merit System, as well as an administrative reorganization transferring all occupational health and safety responsibility to the Kentucky Department of Labor, including coverage of employees of public utilities which previously had been provided by the Kentucky Public Service Commission.

These supplements were made available for public comment in Federal Register notices published December 10, 1977, and January 28, 1978.

EFFECTIVE DATE: February 8, 1980.

FOR FURTHER INFORMATION CONTACT: Veronica Allen, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-8045.

SUPPLEMENTARY INFORMATION:

Background

Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667)

(hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 31, 1973, notice was published in the Federal Register of the approval of the Kentucky plan and the adoption of Subpart Q of Part 1952 containing the decision and describing the plan (38 FR 20322). Throughout the history of the Kentucky program the Kentucky Department of Labor has submitted supplements to the plan involving updated developmental and State-initiated changes to the plan as well as additions and amendments. The dates of these submissions are outlined below in the description of the supplements.

Description of the Supplements

A. Legislation. In accordance with the commitment expressed in 29 CFR 1952.233(c), the State submitted amendments to its enabling legislation (Kentucky Revised Statutes, Chapter 338.611 through 338.911) which were designed to bring the plan into conformity with the requirements of 29 CFR Part 1902. The legislative amendments were enacted by the Kentucky General Assembly during the 1974 legislative session. The enacted amendments provide for the following:

- (1) Revision in the statutory organization of the Kentucky Department of Labor's occupational safety and health program to include a division of occupational safety and health compliance and a division of education and training (KRS 333.153(2)(a)).
- (2) Authority and procedures for granting temporary variances (KRS 333.153(2)(a)).

Further in 1974, the Kentucky General Assembly enacted new procedures to be used by administrative bodies in adopting and implementing administrative regulations, including mandatory publication of notices in the monthly Kentucky Administrative Review (KRS Chapter 13). In accord with these requirements, all new and existing Kentucky Occupational Safety and Health (KyOSHA) regulations have been filed with the Kentucky Legislative Research Commission.

In addition, KRS Chapter 13 provides for the expedited adoption of emergency regulations which remain in effect for 120 days. Kentucky will use this procedure for the adoption of emergency temporary standards.

B. Regulations. In accordance with 29 CFR 1952.233(d), by letter dated July 20, 1976, Kentucky submitted adopted regulations concerning employee access

to information on exposure to toxic materials. In addition, on December 12, 1975, Kentucky submitted revised review procedure regulations governing the operation of the independent Kentucky occupational safety and health Review Board. These regulations are comparable to the Federal regulations.

In addition, as a result of federal comment, Kentucky submitted revised regulations on October 11, 1974, and September 21, 1979, to provide for:

1. penalties for failure to correct violations;
2. mandatory penalties for failure to post a citation;
3. granting of temporary variances;
4. procedures for petition for modification of abatement dates (PMA).

Kentucky PMA regulations provide for the granting of a Petition for Modification of Abatement through an amended citation which must be posted. An adequate PMA may be granted with employee appeal rights provided through contest of the amended citation. In addition, Kentucky PMA regulations provide for the acceptance of oral PMA requests provided all necessary information is provided at that time and a written application is submitted within three (3) days.

C. By letter dated July 15, 1976, Kentucky submitted a revised plan which reflects development of its public employee plan. Public employee coverage is identical to that of private employees, including civil penalties.

D. Merit System and Affirmative Action Plan. Kentucky submitted the revised plan with details on the operation of its merit system which was reviewed and deemed to be acceptable by letter of the Secretary of Labor on May 17, 1977. Kentucky has also developed an Equal Employment Opportunity Action Plan as required, which has been reviewed by the Regional Office of Personnel Management and deemed to be substantially completed (by letter dated February 12, 1979.)

E. Management Information System. On July 15, 1975, the State submitted documentation reflecting development of a Manual Management Information System (MIS). Subsequently, on July 1, 1977, the State submitted documentation reflecting implementation of an automated system. The system provides for regular reports to the Assistant Secretary as required and provides a basis for internal management analysis of the State program.

F. Compliance Manual. On July 15, 1976, Kentucky submitted a revised Compliance Manual. Subsequently, on July 1, 1977, and September 27, 1978, and