

have the capability to operate on VHF frequencies by January 1, 1977. It was felt that since only a small percent of the Alaska coast line had VHF coverage, the five-year extension of time would provide an opportunity for the establishment of additional VHF public coast and U.S. Coast Guard stations in Alaska.

3. Comments were received by SGC, Inc., Northwest Instrument Co., North Pacific Marine Radio Council, Commander, Seventeenth Coast Guard District, Alaska and the Commandant, U.S. Coast Guard, Washington, D.C. All of the commentators, except SGC, Inc., opposed the proposed rule amendment.

4. The Commandant, U.S. Coast Guard (Commandant) comments state that the majority of potential users of VHF service are confined to a limited portion of the total Alaskan coast-line, and that the Coast Guard has concentrated its VHF coverage in these areas and have no plans to provide complete coverage of the total expanse of the Alaskan coast line in the future. The Commandant notes that over 90 percent of the vessels in Alaska are now being served by VHF and that while the Coast Guard VHF system will be upgraded and improved as necessary, no additional coverage of population or geographical areas is anticipated and therefore, no basis for delaying the January 1, 1977, implementation date appears to exist.

5. The Commander, Seventeenth Coast Guard District, Alaska, (Commander) comments also states that Coast Guard VHF stations cover only a small percent of the Alaska coast line, but that the areas of coverage reach a vast majority of the recreational and inshore commercial users. It is estimated that 10 percent or less of the registered vessels are in areas where VHF coverage will not be provided, and that by delaying the implementation date of mandatory VHF capabilities, the Commission will foster dependency on the inadequate 2 MHz system by failing to encourage VHF. In addition, the Coast Guard has programmed and budgeted, both in funds and personnel, in anticipation of the January 1, 1977, implementation date, and that a five-year delay could promote reallocation of Coast Guard resources to other more pressing and immediate projects. The Commander further states that because of the delay in construction of some sites and the undemonstrated success of new sites, some relief of the January 1, 1977, date is in-order.

6. Northwest Instrument Co., (NI) and North Pacific Marine Radio Council (MPMRC) also opposed the proposed rule amendment for many of the reasons mentioned above. In addition, they state, as does the Commandant, that a distress system is based upon the vessel mutual assistance concept, and that while coast station coverage is important, it is not the only factor to be considered. If the five-year extension of time is granted, thousands of VHF fitted vessels could not communicate or depend on VHF exempted vessels during emergencies, or vice versa.

7. SGC, Inc., who describes itself as a "prominent manufacturer of marine single sideband, an appreciable part of which is sold in Alaska" supports the proposal. They feel that it will be a number of years before the coverage on VHF is commensurate with the contiguous 48 states. SGC offers nothing more definitive. It must be recognized that Alaska has an extremely large and rugged coast line and that total VHF coverage comparable to that in the contiguous 48 states is not feasible now or in the foreseeable future. However, it does appear that there is substantial VHF coverage of high density boating areas.

8. We are aware, however, that there are some areas of the Alaska shore line that may never have completely adequate VHF coverage, but we do not understand the failure of the Alaskan boating community to comment on these matters in this proceeding. A possible explanation may be the short interval between our Notice and the January 1977 implementation date. The Commission, however, remains concerned that the coverage and service be effective. Accordingly, we are providing a two-year exemption of the VHF requirement for SSB equipped vessels operating solely in Alaskan waters. Further, within one year the Commission will conduct a mandatory review of the progress in this area and will assess the adequacy of coverage and small boat compliance. An improved coverage plan from the Coast Guard is requested to be included as part of this review. Following such review and assessment of the adequacy and compliance, the Commission will, at the end of the first year, consider any further action that may be necessary to achieve its objective of adequate coverage in the Alaskan Maritime VHF service.

9. Accordingly, *It Is Ordered*, That pursuant to the authority contained in sections 4(i) and 303(c), (d), (f), and (r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended, as set forth below, and inasmuch as this relieves a restriction, the provisions of 5 U.S.C. 553(d) are not applicable and the rule amendment shall become effective January 1, 1977.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 83.351(c) (3) (i) is amended to read as follows and the note deleted.

§ 83.351 Frequencies available.

(c) \* \* \*  
(3) \* \* \*

(i) The ship station is equipped for use of F3 emissions on frequencies in the band 156-162 MHz, except for vessels bearing Alaska registration or documented vessels with a home port in Alas-

ka and operating solely in waters off Alaska until January 1, 1979.

Notz.—[Deleted.]

[FR Doc.76-38406 Filed 12-23-76;8:45 am]

#### Title 49—Transportation

### CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HMT-134; Amdt. No. 178-40]

#### PART 178—SHIPPING CONTAINER SPECIFICATIONS

##### Hazardous Materials Regulations Reissuance—Correction

In FR Doc. 76-26376 appearing at pages 38175-38183 in the FEDERAL REGISTER of Thursday, September 9, 1976, amendment No. 46 appearing on page 38182, column 2, is corrected by changing "178.219-3" in the second and third lines to read "178.219-13."

(49 U.S.C. 1803, 1804, 1808 and 49 CFR 1.53 (e).)

Issued in Washington, D.C. on December 27, 1976.

GEORGE S. MOORE, Jr.,  
Acting Director,  
Materials Transportation Bureau.  
[FR Doc.76-38410 Filed 12-29-76;8:45 am]

#### SUBCHAPTER D—PIPELINE SAFETY

[Docket No. OPS-18; Amdt. 192-20A]

### PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

#### Line Markers for Mains and Transmission Lines

The purpose of this amendment to 49 CFR 192.707(d) (1) and (e) (2) (i), which is in response to a petition from the Exxon Pipeline Company (Docket No. 75-11W), is to permit certain wording on gas pipeline markers as an alternative to the wording presently required.

Section 192.707(d) (1) requires that gas pipeline markers located other than at navigable waterways display the words "Gas Pipeline." Likewise, § 192.707(e) (2) (i) requires that the words "Gas Pipeline Crossing" be displayed on markers at navigable waterways. The Materials Transportation Bureau (MTB) believes that permitting those markers to display the name of the gas being transported in a pipeline, in lieu of the word "gas," conveys the information intended to be provided. MTB therefore agrees with Exxon that § 192.707 should be amended to permit such identification.

Because this amendment establishes an alternative safety requirement without reducing the level of safety provided by the existing rule, and does not impose any additional burden on the affected public, MTB finds that notice and public procedure are unnecessary and good cause exists for making the amendment effective on less than 30 days' notice.

In consideration of the foregoing, 49 CFR 192.707 is amended effective December 31, 1976, by amending paragraphs (d) (1) and (e) (2) (i) to read as follows:

**§ 192.707 Line markers for mains and transmission lines.**

(d) \* \* \*

(1) The word "Warning," "Caution," or "Danger" followed by the words "Gas (or name of gas transported) Pipeline" all of which, except for markers in heavily developed urban areas, must be in letters at least one inch high with one-quarter inch stroke.

(e) \* \* \*

(2) \* \* \*

(i) The word "Warning," "Caution," or "Danger," followed by the words "Do Not Anchor or Dredge" and the words "Gas (or name of gas transported) Pipeline Crossing"; and

(Sec. 3, Pub. L. 90-481, 82 Stat. 721, 49 USC 1672, 40 FR 43901, 49 CFR 1.53(a))

Issued in Washington, D.C. on December 22, 1976.

JAMES T. CURTIS, Jr.,

Director,

Materials Transportation Bureau.

[FR Doc.76-38269 Filed 12-29-76; 8:45 am]

**CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Docket No. 76-09]

**PART 601—ORGANIZATION, FUNCTION, AND PROCEDURES**

**Miscellaneous Amendments**

The purpose of the following is to amend 49 CFR Part 601, Subparts A and B to reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration.

Since these changes are solely matters of departmental management, procedures and practices, notice and public procedure thereon is unnecessary, and they may be made effective in less than thirty days after publication in the FEDERAL REGISTER.

49 CFR Part 601, is amended by revising Subparts A and B to read as follows:

**Subpart A—General**

- Sec.  
601.1 Purpose.  
601.2 Organization of the Administration.  
601.3 General responsibilities.  
601.4 Responsibilities of the Administrator.

**Subpart B—Delegations**

- 601.10 Delegations of authority.

**AUTHORITY:** Sec. 9. of the Department of Transportation Act (49 U.S.C. 1657), Reorganization Plan No. 2 of 1968 (82 Stat. 1369), and Sec. 1.5. of title 49 CFR, unless otherwise noted.

**Subpart A—General**

**§ 601.1 Purpose.**

This part describes the organization of the Urban Mass Transportation Administration ("UMTA") an operating administration within the Department of Transportation. This part also describes the general responsibilities and authority of the officials directing the various offices of which UMTA is composed. In addition, this part describes the sources and locations of available UMTA program information.

**§ 601.2 Organization of the Administration.**

(a) The headquarters organization of UMTA is composed of ten principal offices which function under the overall direction of the Urban Mass Transportation Administrator ("the Administrator") and Deputy Administrator. These offices are:

- (1) Office of the Administrator.
- (2) Office of the Associate Administrator for Administration.
- (3) Office of Chief Counsel.
- (4) Office of Civil Rights.
- (5) Office of Public Affairs.
- (6) Office of the Associate Administrator for Transit Assistance.
- (7) Office of the Associate Administrator for Policy and Program Development.
- (8) Office of the Associate Administrator for Transportation Planning.
- (9) Office of the Associate Administrator for Transportation Management and Demonstrations.
- (10) Office of the Associate Administrator for Technology Development and Deployment.

The Administrator receives staff support from the Executive Secretariat which coordinates internal document dissemination and project assignments and ensures policy compliance.

(b) The Office of the Administrator and the Offices of Chief Counsel, Public Affairs, the Associate Administrator for Administration, the Associate Administrator for Transit Assistance, the Associate Administrator for Policy and Program Development, and the Associate Administrator for Transportation Planning are located in the Department of Transportation Building, 400 7th Street, S.W., Washington, D.C. 20590. The Offices of Civil Rights, the Associate Administrator for Technology Development and Deployment, and the Associate Administrator for Transportation Management and Demonstrations are located in the Transpoint Building, 2100 2nd Street, S.W., Washington, D.C. 20590.

(c) (1) In addition to its headquarters organization, UMTA has ten regional offices each headed by an UMTA Representative. These regional offices provide technical guidance and planning assistance to grantee and applicants; make on-site engineering inspections and evaluation analyses; conduct audits of grant projects; monitor ongoing projects; provide continuous liaison with local planning and transportation activities; provide support to the Secretariat Representative in each region; coordinate UMTA activities with those of other operating administrations within DOT; and provide information to the public concerning UMTA activities. (2) The location, mailing address, telephone number and jurisdiction of each of the ten UMTA regional offices follow:

Region/States	Office/address	Telephone No.
I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	UMTA Representative, c/o Transportation Systems Center, Kendall Square, Room 277, 65 Broadway, Cambridge, Mass. 02142.	617 494-2075
II—New York, New Jersey, Puerto Rico, and Virgin Islands.	UMTA Representative, 26 Federal Plaza, Suite 507, New York, N.Y. 10007.	212 264-8163
III—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.	UMTA Representative, 434 Walnut St., Suite 1010, Philadelphia, Pa. 19106.	215-597-8093
IV—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.	UMTA Representative, 1720 Peachtree Rd., NW., Suite 400, Atlanta, Ga. 30309.	404-526-3948
V—Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin.	UMTA Representative, 300 South Wacker Dr., Suite 1740, Chicago, Ill. 60606.	312-353-0100
VI—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.	UMTA Representative, 819 Taylor St., Suite 3A32, Fort Worth, Tex. 76102.	817-334-3787
VII—Iowa, Kansas, Missouri, and Nebraska.	UMTA Representative, 6301 Park Hill Rd., Room 303, Kansas City, Mo. 64131.	816-920-5071
VIII—Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.	UMTA Representative, Prudential Plaza, Suite 1822, 1050 17th St., Denver, Colo. 80202.	303-837-0212
IX—Arizona, California, Hawaii, Nevada, Guam, and American Samoa.	UMTA Representative, Two Embarcadero Center, Suite 620, San Francisco, Calif. 94111.	415-550-2884
X—Alaska, Idaho, Oregon, and Washington.	UMTA Representative, Federal Bldg., Suite 3106, 915 2d Ave., Seattle, Wash. 98174.	206-442-1210

**§ 601.3 General responsibilities.**

The general responsibilities of each of the offices which comprise the headquarters organization of UMTA are:

(a) *Office of the Associate Administrator for Administration.* Directed by an Associate Administrator for Administration, this office provides general administrative support services for UMTA, including financial management, personnel administration, audit, procurement, logistical and management information systems.

(b) *Office of Chief Counsel.* Directed by a Chief Counsel, this office provides legal advice and services to the Administrator and other UMTA officials; coordinates with and provides support to the General Counsel of DOT on matters involving urban mass transportation; and provides liaison between UMTA and the Department of Labor regarding the administration of section 13(c) of Urban Mass Transportation Act of 1964, as amend ("the Act").

(c) *Office of Public Affairs.* Directed by a Director of Public Affairs, this office

advises and assists the Administrator in the area of public relations and in the dissemination to the public and the news media of information about UMTA programs, projects and activities.

(d) *Office of the Associate Administrator for Policy and Program Development.* Directed by an Associate Administrator for Policy and Development, this office advises and assists the Administrator in the development and evaluation of policies and plans for implementing the functions and programs authorized by the Act; coordinates UMTA activities with those of other agencies; and manages and administers the University Research Program under section 11 of the Act (49 U.S.C. 1607c). This office has three organizational components: the Office of Policy Development; the Office of Program Evaluation; and the Office of Policy Research.

(e) *Office of the Associate Administrator for Transit Assistance.* Directed by an Associate Administrator for Transit Assistance, this office reviews and processes all applications for urban mass transportation capital and operating assistance grants and loans under sections 3, 4, 5, 16 and 17 of the Act (49 U.S.C. 1602, 1603, 1604, 1612 and 1613); reviews and processes applications for Federal assistance to the Washington Metropolitan Area Transit Authority (WMATA) under the Transportation Act of 1972 and the National Capital Area Transit Act of 1972; directs the evaluation and analysis of proposed annual programs and individual programs and individual projects; and approves and recommends for approval annual programs and individual projects. This office has three operating components which direct and coordinate post-approval grant activities: the Office of Grant Assistance, the Office of Program Support, and the Office of Program Analysis.

(f) *Office of the Associate Administrator for Transportation Planning.* Directed by an Associate Administrator for Transportation Planning, this office assists the Administrator in directing, coordinating and controlling UMTA's transportation planning assistance and reviews planning activities both in relation to UMTA-supported State and local actions and planning policy interaction within the Department of Transportation and with other Federal agencies; and administers grants to States and local public bodies under section 9 of the Act (49 U.S.C. 1607a). This office has two organizational components: the Office of Planning Assistance and the Office of Planning Methodology and Technical Support.

(g) *Office of the Associate Administrator for Transportation Management and Demonstrations.* Directed by an Associate Administrator for Transportation Management and Demonstrations, this office assists the Administrator in directing, conducting and controlling research and demonstration activities, including information dissemination, to foster the development of methods for improving transit management and op-

erations from the perspectives of the operator and the user; administers grant and procurement contracts to demonstrate facilities, methods and techniques under section 6(a) of the Act (49 U.S.C. 1605), and managerial training fellowship grants under section 10 of the Act (49 U.S.C. 1607b). This office has two organizational components: the Office of Transit Management and the Office of Service and Methods Demonstrations.

(h) *Office of the Associate Administrator for Technology Development and Deployment.* Directed by an Associate Administrator for Technology Development and Deployment, this office is responsible for developing and administering a program of research, development, testing, evaluation, operational demonstration, product qualification, standardization, analysis, and information exchange concerning new products intended for use in transportation systems assisted by UMTA. The office is also responsible for UMTA's safety and system assurance function and for advising the Administrator on matters relating to technology. This office administers research, development and demonstration projects under section 6(a) of the Act (49 U.S.C. 1605).

(i) *Office of Civil Rights.* Directed by a Director of Civil Rights, this office advises and assists the Administrator and other UMTA officials in implementing compliance with applicable laws and directives pertaining to civil rights and equal employment opportunity, both within UMTA and in the conduct of urban mass transportation projects and programs.

#### § 601.4 Responsibilities of the Administrator.

The Administrator is responsible for the planning, direction and control of the activities of UMTA, and has authority to approve urban mass transportation grants, loans, and contracts. The Deputy Administrator is authorized to act for and on behalf of the Administrator during his absence or disability. In the event of the absence or disability of both the Administrator and the Deputy Administrator, the following officials shall, in the order named, assume and perform the duties of the Administrator:

- (a) Chief Counsel.
- (b) Associate Administrator for Policy and Program Development.
- (c) Associate Administrator for Transportation Planning.
- (d) Associate Administrator for Transit Assistance.
- (e) Associate Administrator for Technology Development and Deployment.
- (f) Associate Administrator for Administration.

#### Subpart B—Delegations

##### § 601.10 Delegations of authority

(a) Pursuant to authority delegated to the Administrator by 49 CFR 1.45(b) and 1.51 of the regulations of the Office of the Secretary of Transportation, the following powers and duties of the Admin-

istrator are redelegated to the officials indicated—

(1) The Associate Administrator for Transit Assistance is delegated authority to execute grant contracts, loan agreements, and amendments thereto with respect to approved capital and operating grants, loans and advanced land acquisition loan projects under sections 3, 4, 5, 16 and 17 of the Act (49 U.S.C. 1602, 1603, 1604, 1612 and 1613); under limited circumstances review and approve applications for grants and grant amendments under the UMT Act and section 110 of the Federal-Aid Highway Act of 1976 and 121(a) of the Federal-Aid Highway Act of 1973, as amended (23 U.S.C. 103 (e) (4) and 142). The Associate Administrator is further authorized, in connection with the administration of those projects, to approve requisitions for funds, third-party contracts, and project budget amendments within previously authorized limits.

(2) The Associate Administrator for Policy and Program Development is delegated authority to execute and amend grant contracts and amendments for university research and training projects under section 11 of the Act (49 U.S.C. 1607c). The Associate Administrator is further authorized in connection with the administration of those projects to approve requisitions for funds, third-party contracts and project budget amendments within previously authorized limits.

(3) The Associate Administrator for Technology Development and Deployment is delegated authority to execute and amend grant contracts and procurement requests for approved projects under section 6(a) of the Act (49 U.S.C. 1605); The Associate Administrator is further authorized, in connection with the administration of grant contracts, procurement contracts, interagency reimbursable agreements and purchase orders, to approve requisitions for funds, third-party contracts, and project budget amendments within previously authorized limits.

(4) The Associate Administrator for Transportation Planning is delegated authority to execute and amend grant contracts and interagency agreements for planning, engineering, architectural feasibility and operational improvement study projects under section 9 of the Act (49 U.S.C. 1607a); review and approve grant applications and grant amendments requested pursuant to section 9 of the Act by urbanized areas of less than 500,000 population. The Associate Administrator is further authorized in connection with the administration of such contracts to approve requisitions for funds, third-party contracts and project budget amendments within previously authorized limits.

(5) The Associate Administrator for Transportation Management and Demonstrations is delegated authority to execute and amend grant contracts for projects designed to demonstrate facilities, methods and techniques of transit

management and operations under section 6(a) of the Act (49 U.S.C. 1605) and for approved managerial training fellowship projects under section 10 of the Act (49 U.S.C. 1607b). The Associate Administrator is further authorized, in connection with the administration of such projects to approve requisitions for project funds, third-party contracts and project budget amendments within previously authorized limits.

(b) All authority delegated to an official listed in paragraph (a) of this section may be redelegated by that official to one or more employees under his jurisdiction.

This amendment to 49 CFR Part 601, Subpart A and B is effective upon issuance.

Issued in Washington, D.C., on December 17, 1976.

ROBERT E. PATRICELLI,  
Urban Mass Transportation  
Administrator.

[FR Doc.76-38250 Filed 12-29-76;8:45 am]

#### CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-31; Notice 02]

#### PART 557—PETITIONS FOR HEARINGS ON NOTIFICATION AND REMEDY OF DEFECTS

##### Establishment of New Regulation

This notice amends Chapter V of Title 49 of the Code of Federal Regulations by the addition of a new Part 557, *Petitions for Hearings on Notification and Remedy of Defects*, governing petitions for hearings on whether or not a manufacturer has reasonably met its obligation to notify owners, dealers, and purchasers of a safety-related defect or noncompliance with a safety standard, or to remedy the defect or noncompliance. The new part also specifies the procedures to be followed in holding such a hearing.

The NHTSA proposed the regulation (40 FR 56926, December 5, 1975) to carry out a statutory provision concerning the hearing. Section 156 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1416) provides that "[u]pon petition of any interested person or on his own motion, the Secretary may hold a hearing in which any interested person (including a manufacturer) may make oral (as well as written) presentations of data, views, and arguments on the question of whether a manufacturer has reasonably met his obligation to notify under section 151 or 152, and to remedy a defect or failure to comply under section 154." Sections 151 and 152 require a manufacturer to notify owners, dealers, and purchasers of a safety-related defect or failure to comply with an applicable Federal motor vehicle safety standard in any motor vehicle or item of equipment manufactured by him. Section 154 requires a manufacturer to remedy without charge such defects or failures to comply. Section 156 also provides that

"[i]f the Secretary determines the manufacturer has not reasonably met such obligation, he shall order the manufacturer to take specified action to comply with such obligation; and in addition, the Secretary may take other action authorized by this title.

Five comments were received from private persons, five comments were received from manufacturers and trade associations, and two comments were received from consumer groups; the Consumer Protection Division of the County Manager's Office for Metropolitan Dade County; and the Center for Auto Safety (the Center). The National Motor Vehicle Safety Advisory Council did not take a position on the proposal. The Vehicle Equipment Safety Commission did not comment on the proposal.

Four of the comments received from private persons objected to the institution of hearings as meaningless or a waste of money. The fifth private party supported issuance of the regulation. The four commenters appeared to be unaware of the provision for these hearings mandated by section 156 of the Act, independent of the promulgation of Part 557. The agency does believe that the informal hearing minimizes the expense that will be involved in fulfilling this statutory mandate.

Walker Manufacturing objected that permitting "[a]ny interested person" to file a petition would invite spurious requests whose pursuit would be a waste of time and money. The agency conformed to the statutory language of section 156 that "any interested person" can petition for this hearing, and concludes that a narrowing of the language would be contrary to the intent of Congress in establishing the right.

The Consumer Protection Division for Metropolitan Dade County suggested that the Consumer Product Safety Commission (CPSC) would be a more suitable agency with which to vest this hearing procedure, because of better public identification with its consumer protection role. However, the jurisdiction of the CPSC under the Consumer Product Safety Act (15 U.S.C. 2051, et seq.) does not include motor vehicles or motor vehicle equipment (15 U.S.C. 2052), and the authority to carry out section 156 is vested in the Department of Transportation.

Firestone Tire and Rubber Company suggested that the hearing procedure could be consolidated with the hearing procedures set forth in Part 552 (*Petitions for Rulemaking, Defect, and Non-compliance Orders*) of NHTSA regulations (49 CFR Part 552). Part 552 addresses the procedures that arise from a request for the initiation of agency action in a rulemaking, defect, or non-compliance area. Unlike those situations, Part 557 addresses the different and more limited considerations of an evaluation of an ongoing action undertaken by persons outside the agency. The separation of these functions into different procedural regulations clarifies these distinct functions. Accordingly, the agency declines to adopt the Firestone suggestion.

The Center appeared to misunderstand why minimum qualification requirements were established for hearing petitions. The regulation states that, to be considered as a petition, a document must be written in English, have the word "petition" preceding its text, request a hearing, and contain a brief statement of the alleged failure and a summary of the data, views, or arguments that would be presented at the hearing. Reasonable considerations underlie these minimum qualification requirements. For example, the agency undertakes to respond to such petitions within 60 days, and the agency must be able to recognize a document as a petition if the writer wishes to have it treated as such. This is the basis for requiring that the word "petition" appear. The Center's request that the specifications be relaxed to recognize as petitions filings in Spanish as well as English from the Commonwealth of Puerto Rico and the Canal Zone does not detract from the intent of the qualification requirements, and the final regulation is accordingly modified.

The Center's more basic objection is that persons effectively will not be on notice that a request for a hearing must conform to the requirements of Part 557 to be treated as a petition. While it is true that it must so conform to achieve petition status (entitling it to a reply within 60 days), it is not true that a non-conforming request would not result in the calling of a hearing. Any complaint, request, or series of them, can result in the calling of a hearing on the Administrator's own motion. The Administrator is not precluded from deciding to hold a hearing simply because a person's complaint does not qualify as a petition. Thus, the agency disagrees with the Center's conclusion that Part 557 "denies an owner the right to a hearing unless he or she follows the regulation in every detail."

For this reason, the agency does not consider necessary the Center's request for an amendment of the newly-revised Part 557 (dealing with notification of safety-related defects or noncompliances) to include the detailed specifications for the content of a Part 557 petition. It is noted that the agency is unaware of any supplemental submission by the Center to the docket on revision of Part 577, either at the time the comments on that docket were evaluated, or as of this date. With regard to the Center's suggestion that each complainant be advised by return mail to resubmit any request for a hearing in the proper format, it is just this sort of response the agency intends to avoid by its flexible approach.

In a related matter, the Dade County Manager's office believed that a lawyer would be required to draft the petition specified by § 557.4. This is not the case. A normal letter format, preceded by the word "petition" and containing the petitioner's complaint and its reasons for the complaint are all that is required. In response to the point that every complaint should not precipitate a hearing, it is simply noted that the grant of a