

B. This agreement shall take effect upon the signing by authorized representatives of the respective agencies, and shall supersede in its entirety the March 22, 1973, Memorandum of Understanding between the DOT and the Atomic Energy Commission.

C. Nothing in this Memorandum of Understanding is intended to restrict the statutory authority of either the DOT or the NRC.

Done at Washington, D.C., in triplicate, this 8th day of June 1979.

For the United States Department of Transportation.

James D. Palmer,
Administrator, Research and Special Programs Administration, Department of Transportation.

For the United States Nuclear Regulatory Commission.

Joseph M. Hendrie,
Chairman, Nuclear Regulatory Commission.

[FR Doc. 79-20393 Filed 6-29-79; 8:45 am]
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Federal Aviation Administration

Airport Traffic Control Tower at Patrick Henry International Airport, Newport News, Va.; Reduced Hours of Operation

Notice is hereby given that the Airport Traffic Control Tower at Patrick Henry International Airport, Newport News, Virginia, will reduce its hour of operation effective August 9, 1979. Hours of operation will be at 7 a.m. to midnight daily.

(Sec. 313(a) of the Federal Aviation Act of 1958, 72 Stat. 752, 49 U.S.C. 1354)

Issued in New York, New York, on June 21, 1979.

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Federal Railroad Administration

[FRA Emergency Order No. 11, Notice 8]

Amendment of Emergency Order Limiting Movement of Hazardous Materials; Louisville & Nashville Railroad Co.

On February 7, 1979, the Federal Railroad Administration (FRA) issued Emergency Order No. 11, placing certain limitations on the movement of railroad freight cars containing materials required to be placarded in accordance with Department of Transportation (DOT) regulations (49 CFR Parts 170-189) by the Louisville and Nashville Railroad Company (L&N), and by other

railroads over L&N owned or leased track (44 FR 8402; February 9, 1979). The order has been amended on three occasions. On February 21, 1979, the FRA published an amendment to the order modifying the requirements of operative paragraph 5 concerning the placement of certain cars in train consists (44 FR 10559). On April 6, 1979, the FRA published an amendment rescinding the order with respect to the L&N line between Flomaton, Alabama, and Chattahoochee, Florida (44 FR 21725). On June 12, 1979, an amendment was published lifting certain provisions of the order with respect to several identified line segments (44 FR 33755).

On June 18, 1979, the United States District Court for the District of Columbia, Judge Gesell presiding, granted the motion of the L&N for summary judgment on its application for declaratory and injunctive relief from the emergency order. *Louisville & Nashville R.R. v. Sullivan*, Civil Action No. 79-0485. The Department of Transportation has requested the Department of Justice to seek further review of the Court's decision.

Among the expressed bases for the Court's decision was the failure of the emergency order to specify the standards under which relief from the order could be obtained. The FRA agrees that a need exists to articulate the criteria and procedures employed in evaluating requests for relief.

Accordingly, the operative terms of Emergency Order No. 11 are amended by adding the following paragraphs:

"9. In determining whether an emergency situation continues to exist or whether relief should be granted under paragraph 8 of this order with respect to hazardous materials operations over any portion of the L&N system, the following factors are considered:

"a. Whether, based on field inspections, track is found to be in substantial compliance with the Track Safety Standards (49 CFR Part 213) and can be expected to remain in substantial compliance based on established programs of maintenance and repair and prevailing traffic levels;

"b. Whether, based on field inspections, freight cars utilized by the railroad are found to be in substantial compliance with the Freight Car Safety Standards (49 CFR Part 215) and Power Brake Regulations (49 CFR Part 232), insofar as those standards bear on the immediate danger of train collision or derailment;

"c. Whether, based on field inspections, locomotives utilized by the railroad are in substantial compliance

with the Locomotive Inspection Act (45 U.S.C. §§ 22-34) and implementing regulations (49 CFR Part 230), insofar as the Act and regulations bear on the immediate danger of train collision or derailment; and

"d. Whether, based on field investigations, including interviews with employees and observation of train operations and training programs, those L&N personnel responsible for the use of equipment and facilities in rail transportation are informed of, and substantially comply with, operating rules and procedures adopted by the railroad or prescribed by Federal regulation which are essential to the safe operation of trains and the safe handling of hazardous materials cars in train. See 49 CFR parts 174, 217, 218.

"10. After completion of an investigation in response to a request for relief, the FRA invites the L&N to attend an informal conference at which FRA findings with respect to the particular request for relief are reported to the L&N and the response of the railroad is solicited. In the event factual disagreements are found to exist, an immediate reinspection is conducted; and the participation of railroad representatives in this inspection is solicited. In the case of any application for relief which is denied, the FRA specifies in writing the basis for the denial. On request, the FRA provides to the L&N a written status report with respect to the investigation of any pending application for relief."

This amendment to Emergency Order No. 11 is effective immediately. However, as noted above, the emergency order has been declared invalid and is not an operative document affecting the rights of liabilities of any party.

Authority: Sec. 203, 84 Stat. 972 (45 U.S.C. § 432); 49 CFR § 1.49(m).

Issued in Washington, D.C. on June 27, 1979.

John M. Sullivan,
Administrator.

[FR Doc. 79-20341 Filed 6-29-79; 8:45 am]
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Materials Transportation Bureau

[Docket No. 79-2W, Notice 1]

Transportation of Natural and Other Gas by Pipeline; Petition for Waiver

The Department of the Army, Alaska District, Corps of Engineers (Corps), has petitioned the materials Transportation Bureau (MTB) for a waiver from compliance with the low temperature limitation of minus 20 degrees Fahrenheit in 49 CFR 192.123(b)(1) to