

public coast stations, which by reason of Subpart G of Part 81 of the rules are required to maintain a watch on the frequency 500 kHz, to make a positive entry in the radiotelegraph log at least once each 15 minutes regarding signals received on that frequency. RCA Globcom recommended that this record keeping requirement, contained in Section 81.214(a)(4) of the rules, was burdensome and unnecessary in light of other log entry requirements. Further, it was argued that deletion would promote efficiency. In the Notice of Proposed Rule Making the Commission noted that since the proposal may have a negative effect on the level of compliance with watch standing requirements on 500 kHz, the international distress and calling frequency in the band 405-535 kHz, comments were desired from concerned members of the public. Comments were filed by Mr. John C. Anderson, Mr. L. H. Baumlin, The Central Committee on Telecommunications of the American Petroleum Institute (API), The American Institute of Merchant Shipping (AIMS), TRT Telecommunications Corporation, and the American Radio Association (ARA) and the Radio Officers Union (ROU). Reply comments were filed by API and the Communications Workers of America (CWA).

3 Three of the commenters strongly opposed adoption of the proposed amendment. Mr. Baumlin, a radio operator at public coast station WCC, disagreed with RCA Globcom's petition to delete the subject log entry requirement. He stated that the requirement has never been found to be burdensome, and does not detract from efficiency or productivity, while it does promote safety and makes personnel more cognizant of their duties. The ARA and ROU, representing radio officers serving aboard 92 percent of U.S. flag merchant ships, likewise strongly opposed the proposal. They indicated that such long entries are necessary to insure that the higher level of compliance with watch requirements is maintained for safety purposes. Further, they maintained that these entries involve no observable burden and that no apparent efficiencies would result from their deletion. AIMS, the national association of the U.S. flag merchant vessel industry, representing 70% of all active U.S. registered privately owned tonnage, stated that the maintenance of an efficient watch on 500 kHz would not be served by elimination of the subject logging requirement. AIMS feels that discontinuance of the positive entry requirement would lead to inattentive monitoring and possibly encourage abandonment of the 500 kHz listening watch for extended periods, compounding maritime communications problems. AIMS concluded by strongly suggesting denial of the proposal. CWA, the bargaining agent for employees of the public coast radiotelegraph stations operated by ITT World Communications, Inc., filed reply comments endorsing AIMS' position. CWA also noted that the personnel it represents have not recommended the subject log entry to be bur-

densome or conducive to added operating costs.

4. The three other commenters supported the proposal. Mr. Anderson of public coast station WMH, stated that he agreed with the proposed amendment. He also recommended adding a clause to § 81.214(a)(4) relative to log entries concerning the observance of silence periods. This latter suggestion does not appear necessary, nor germane to the present proceeding. TRT, the operator of public coast station coast station WNU, concurred with the petitioner's position that the subject log entries are unnecessary in view of the other requirements. While TRT submitted that the radiotelegraph industry cannot afford unnecessary requirements which increase operating costs, it was also indicated that the proposed rule change would have no significant effect on operating costs. API, herein representing companies in the petroleum and gas industry which operate vessels equipped with radiotelegraph facilities, also endorsed the deletion of the rule as proposed. Such a log entry requirement, in API's opinion, is not essential to insure that the 500 kHz watch is in fact maintained. They feel it is most important to free personnel manning public coast stations from unnecessary duties in order that they may handle essential functions properly. API also suggested a similar log entry requirement in Section 83.330, applying to ship radiotelegraph stations, be deleted from the rules. The rationale and conclusion given below apply to this additional proposal as well. In reply comments, noting the views of AIMS and others opposing the proposed amendment, API made it clear that its support is conditioned on the continuation of an efficient watch on the 500 kHz frequency, and enforcement of the other log entry requirements of § 81.214 of the rules.

5. The subject log entry requirement contained in § 81.214(a)(4) was not arbitrarily adopted, rather, it was implemented as part of a program to promote the safety of life and property at sea through the use of radio. The Commission reaffirmed in Docket No. 19544 (FCC 76-454) that the public interest, convenience and necessity required that public radiotelegraph coast stations authorized to provide service on the medium frequency bands, maintain coverage on 500 kHz, the international distress and calling frequency. The subject log entries were designed to substantiate that a proper listening watch is maintained and discourage abandonment of the watch for extended periods of time. In an adequately staffed public coast station the required entries are far from onerous. If traffic is handled the message is entered in the log as a matter of course. If no traffic is handled but stations are heard, a simple entry indicating the stations heard is sufficient. For example: "1200; stations heard—KNCB, WOE, WLO." The time involved for a qualified operator to make such an entry is approximately 5 seconds. Even less time is required to enter "nothing heard", when applicable. The comments

received from the representatives of the merchant shipping industry and ship and coast station radiotelegraph operators (who strongly opposed the proposed amendment) generally reflected the Commission's reasoning in requiring these log entries initially. Namely, safety on the high seas is promoted by insuring a high level of compliance with the 500 kHz listening watch requirement, and the entries themselves are not burdensome and do not result in operating inefficiencies. The comments supporting the proposal failed to show any significant savings or improvement that would result therefrom.

6. In light of the possible negative effect on radiotelegraph communications in the maritime services, and the fact that the subject log entry requirement is not found to be burdensome, we conclude that it is not in the public interest to amend the rules as proposed in the Notice of Proposed Rule Making in this docket.

7. In view of the foregoing, it is ordered, That this proceeding is terminated.

FEDERAL COMMUNICATIONS
COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR. Doc. 77-10331 Filed 4-6-77; 8:45 am]

DEPARTMENT OF
TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 173, 178]

[Doc. No. HM-139, Notice No. 77-3]

INDIVIDUAL EXEMPTIONS, CONVERSION
TO REGULATION OF GENERAL APPLICABILITY

Transportation of Hazardous Materials

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments by May 5, 1977.

ADDRESS COMMENTS TO: Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

D. L. Raines, Office of Hazardous Materials Operations, 2100 Second

Street SW., Washington, D.C. 20590
(202-755-4962).

SUPPLEMENTARY INFORMATION:

Each of the proposed amendments described in the table below is founded on either: (1) actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

Analysis of these proposed amendments also indicates that the costs of regulatory enforcement will not be significantly affected, nor will additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these amendments, if adopted, will authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record or analysis of shipments under the identified exemp-

tions demonstrates that significant environmental impacts will not result from any of the amendments proposed herein.

Adoption of an amendment derived from an existing exemption will obviate the need for that exemption and effectively terminate it, in which event the affected exemption holder and parties to that exemption will be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event, the exemption request will be denied and the applicant so notified. In the event the Bureau decides not to adopt any of those proposed amendments, that application will be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of

transportation other than those for which the exemption application requested is anticipated.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; and the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-4586-No.	White Chemical Corp.	173.247(a)(2)	Authorizes shipment of various corrosive and flammable liquids (including trimethyl acetyl chloride) in a DOT specification 6D cylindrical steel overpack with an inside polyethylene liner fabricated from type III polyethylene. (Modes 1, 2, and 3.) NOTE.—Trimethyl acetyl chloride was inadvertently omitted from docket No. HM-139; notice No. 76-7.	To amend the last sentence of subpar. (a)(2) to read: "Authorized for acetyl chloride, dichloroacetyl chloride, sulfuryl chloride, and trimethyl acetyl chloride only."
E-5157-No.	Mobay Chemical Corp.	173.377(b)(6)	Authorizes shipment of an organic phosphate compound mixture, dry in 12B fiberboard boxes with inside 2D paper bags with either a foil liner or with inside polyvinyl alcohol film pouches. NOTE.—Docket HM-139, amendments 173.104 and 177.38 (42 CFR 11238) added (b)(6) to sec. 173.377. The 2d sentence erroneously reads: "Paper bags must also have an additional foil liner and the mixture must be further packed in water soluble 1½ mil polyvinyl alcohol film pouches of not more than 8 oz capacity with not more than 10 pouches per bag." That sentence should read: "Paper bags must also have an additional foil liner or the mixture must be further packed in water soluble 1½ mil polyvinyl alcohol film pouches of not more than 8 oz capacity with not more than 10 pouches per bag."	To revise par. (b)(6) to read: "(6) Specification 12B (sec. 178.205 of this subchapter). Fiberboard box with inside specification 2D (sec. 178.23 of this subchapter). Paper bags not over 4-lb capacity each. The paper bags must also have an additional foil liner or the mixture must be further packed in water soluble 1½ mil polyvinyl alcohol film pouches of not more than 8 oz capacity with not more than 10 pouches per specification bag. Completed package must not exceed 65 lb gross weight and must meet the test requirements of pars. (d) and (e) of this section. Authorized only for mixtures in which the liquid is absorbed in concentrations no greater than 67 pct."
SP 6165-No.	Ashland Chemical Co.	173.272(i)(6)	Authorizes shipment of sulfuric acid in DOT 6D/2S on 2SL composite packaging. (Modes 1, 2, and 3.) NOTE.—Docket HM-139, amendment 173-101 (49 F.R. 50262, Nov. 15, 1976) amended 173.272(i)(6). The last sentence erroneously reads "overpack of 30-gal capacity must be constructed of 16-gage steel throughout when used for sulfuric acid of 93 pct or greater concentration." That sentence should have read "overpack of over 30-gal capacity must be constructed of 16-gage steel throughout when used for sulfuric acid of 93 pct or greater concentration."	To amend the last sentence of par. (6) to read: "Overpack of over 30-gal capacity must be constructed of 16-gage steel throughout when used for sulfuric acid of 93 pct or greater concentration."
SP 6561-X.	Olin Corp.	173.276	Authorizes shipment of up to 64.9 pct solutions of hydrazine in DOT specification 2E polyethylene bottles inside a DOT 12B fiberboard box with certain additional requirements. (Modes 1 and 2.)	To add para. (a)(9) to read: "(9) Specification 12B (sec. 178.205 of this subchapter). Fiberboard box with 1 inside specification 2E (sec. 178.24a of this subchapter) polyethylene bottle not over 4½-qt capacity. Polyethylene bottle must be of type III high density polyethylene having a minimum wall thickness of 30 mil and bottle must be securely closed with a screw cap.
SP 6575-X.	Remington Arms Co.	173.107(d)	Authorizes shipment of percussion caps in metal cans packed in chipboard boxes and further overpacked in specification 12B fiberboard boxes. (Modes 1 and 2.)	To add par. (d)(1) to read: "(1) Specification 12B (sec. 178.205 of this subchapter). Fiberboard box. Caps must be packed in inside metal cans containing not more than 100 caps each. Can must then be packed in a chipboard box with not more than 10 cans per box. Not more than 5 such boxes shall be packed in the 12B fiberboard box. The completed package must be such that the explosion of a part of the caps will not cause the explosion of all the caps.

PROPOSED RULES

18411

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
No. 3-No.	3M Co.; E. I. du Pont de Nemours & Co.; Shell Oil Co.	173.119(b)	Authorizes flammable liquids, n.o.s. with flashpoint above 20° F to be shipped in DOT specification 12P/2U composite packaging not over 5-gal capacity. (Modes 1, 2, and 3.)	To add par. (b)(11) to read: "(11) Specification 12P (sec. 178.211 of this subchapter). Fiberboard boxes with inside specification 2U (sec. 178.24 of this subchapter) polyethylene containers not over 5-gal capacity. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene. Not authorized for transportation by air."
E-6803-X	Halocarbon Products Corp.	173.264(b)(1)	Authorizes shipment of hydrofluoric acid, anhydrous in DOT specification 4BW welded steel cylinders. (Mode 1.)	To amend the first sentence of par. (b)(1) to read: "(1) Specifications 32, 3A, 3AA, 3B, 3C, 3E, 4, 4A, 252, or 252, (secs. 178.26, 178.37, 178.38, 178.40, 178.42, 178.48, or 178.49 of this subchapter); also specifications 4B, 4BA, 4C, or 4BW (secs. 178.50, 178.51, 178.52, or 178.61 of this subchapter) if not brazed."
SP 6814-X	Allied Chemical Corp.	173.272(d), (1)(28)	Authorizes shipments of sulfuric acid of 57.9-pect and 62.2-pect concentration in DOT specification MC-310, MC-311, or MC-312 tank motor vehicles having steel cargo tanks equipped with a phenolic lining impervious to the lading. (Mode 1.)	To revise par. (d) to read: "(d) Sulfuric acid concentration of greater than 51 pct to not over 65.25 pct. Authorized packaging is described in subpars. (1) through (16), (27), and (28) of par. (1) of this section. To add par. (28) to read: "(28) Specification MC-310, MC-311, or MC-312 (sec. 178.313 of this subchapter). Tank motor vehicles having steel cargo tanks equipped with a phenolic lining impervious to the lading."
E-6914-No.	Hercules Inc.	173.66	Authorizes shipment of blasting caps having inside packaging consisting of polyethylene bags. NOTE.—The revision to sec. 173.66(c) as published in docket HM-139; amendment 173-101 did not completely obviate the need of SP 6914. (Mode 1.)	To revise pars. (c), (d), and (d)(1) to read: (c) Blasting caps containing not more than 50 gr of explosive composition each must be placed in strong inside containers, in which they fit snugly. When caps are loaded vertically in inside metal containers, they must be covered by suitable elastic material placed over the caps. Not more than 100 such blasting caps may be packed in a single container. All inside containers, except polyethylene plastic bags not subject to static generation, must then be packed snugly in cartons or wrappings made of paper or pasteboard. (d) Not more than 5,000 blasting caps, containing not more than 50 gr of explosive composition each, packed in inside containers as prescribed in par. (c) of this section, must be packed in outside containers complying with the following specifications: (1) Specifications 14, 15A, or 16A (secs. 178.165, 178.166, and 178.165 of this subchapter). Wooden boxes (see sec. 173.67 (a) (1) note 1) or specifications 12H, 23F, or 23H (secs. 178.209, 178.214, or 178.219 of this subchapter). Fiberboard boxes, with inside containers, must be either cartons or wrappings with inside containers, or polyethylene plastic bags not subject to static generation, as prescribed in paragraph (c) of this section which, except for inside containers of polyethylene plastic bags not subject to static generation which must fit snugly in the outside box, must be separated from the outside box by at least 1 in of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 lb. To add para. (a)(2) to read: "(2) Specification 21C (sec. 178.224 of this subchapter). Fiber drums with inside glass bottles not over 1-lb capacity each. Bottles must have rubber stoppers wired-tied for securement. If shipment is to take place at a time freezing weather is to be anticipated, a suitable antifreeze solution must be used to prevent freezing."
E-6917-No.	Atlas Powder Co.	173.239(a)	Authorizes shipment of barium azide—50 pct or more water wet, in accordance with 49 CFR 173.239(a) (1) except outside container may be a DOT specification 21C fiber drum. (Modes 1 and 2.)	To add para. (a)(2) to read: "(2) Specification 21C (sec. 178.224 of this subchapter). Fiber drums with inside glass bottles not over 1-lb capacity each. Bottles must have rubber stoppers wired-tied for securement. If shipment is to take place at a time freezing weather is to be anticipated, a suitable antifreeze solution must be used to prevent freezing."
SP 6950-X	Ozark Mahoning Co.	173.275(a)	Authorizes shipments of hexafluorophosphoric acid in 55-gal DOT specification 6D cylindrical steel overpack with an inside specification 2SL polyethylene container. (Modes 1 and 3.)	To add para. (a)(5) to read: "(5) Specification 6D (sec. 178.102 of this subchapter). Cylindrical steel overpack with inside specification 2S or 2SL (secs. 178.35, 178.35a of this subchapter) polyethylene packaging. Maximum net weight 550 lb."
SP 7059-X	Oxford Chemicals; Chemtech Resources, Inc.	173.245b(a)(6)	Authorizes shipment of a corrosive solid, n.o.s. in accordance with 49 CFR 173.245b (a)(6) except maximum capacity may be 7 gal. (Modes 1 and 2.)	To revise par. (a)(6) to read: "(6) Plastic drum or pail not exceeding 80 lb net weight and not over 7-gal capacity."
E-7082-X	Igloo Corp.	173.276(a)	Authorizes shipment of corrosive liquids in a non-DOT specification 55-gal reusable molded polyethylene container. (Modes 1, 2, and 3.)	To add subpar. (9) to read: "(9) Specification 34 (sec. 178.19 of this subchapter) polyethylene container without overpack, not over 30 gal capacity. Authorized for hydrazine solution only."
E-7229-X	Dow Chemical Co.	173.304(a)(2)	Authorizes shipment of sulfur fluoride in DOT specification 3E cylinder having a service pressure of not more than 1,800 lb/in ² g. (Modes 1, 2, 3, and 4.)	To revise the 3d column of sec. 173.304(a)(2) for sulfur fluoride to read: DOT-3A480; DOT-3AA480; DOT-3E1800; DOT-4B480; DOT-4BA480; and DOT-4BW480.
E-7281-No.	RMI Titanium Co.	173.208(b)	Authorizes shipment of titanium metal powder, dry in DOT specification 17C metal drums not over 30-gal capacity. (Mode 1.)	To add par. (b)(4) to read: "(4) Specification 17C (sec. 178.115 of this subchapter). Metal drums (single trip) not over 30-gal capacity."
E-7423-No.	Dow Chemical Co.	173.220	Authorizes shipment of magnesium, metal in DOT specification 56 aluminum portable tanks. (Modes 1, 2, and 3.)	To revise par. (b) to read: (b) Magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon must be packed in containers as prescribed in sec. 173.154 or in DOT specification 56 (sec. 178.252 of this subchapter) metal portable tanks.
E-7439-No.	Bernzomatic Corp.	173.33a-2(b)	Authorizes shipment of dichlorodifluoromethane in DOT specification 2Q containers except that the maximum capacity is 55 in ³ (30.5 fluid oz). (Modes 1 and 2.)	To revise par. (b) to read: "(b) The maximum capacity of containers in this class shall not exceed 55 in ³ (30.5 fluid oz). The maximum inside diameter shall not exceed 3 in."

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) (4) of App. A to Part 102.)

Issued in Washington, D.C., on March 25, 1977.

DR. C. H. THOMPSON, P.E.,
Acting Director, Office of
Hazardous Materials Operations.

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