(k) The paleontological resources of the Fossil Forest shall not be willfully destroyed, defaced, damaged, vandalized, or otherwise altered.

§ 8224.2 Penalties.

(a) Any person who willfully violates any prohibition under either § 8224.1 (b), (c) or (k) of this title shall be subject to a fine not to exceed $1,000 or imprisonment of not to exceed 12 months, or both.

(b) Any person who willfully and without authorization collects or removes paleontological resources whose value is greater than $100, for which a permit is required under § 8224.1 (a) or (b) of this title, shall be subject to a fine not to exceed $10,000, or imprisonment not to exceed 10 years, or both (18 U.S.C. 641).

J. Steven Griles,

Deputy Assistant Secretary of the Interior.

May 14, 1985.

[FR Doc. 85-12975 Filed 5-29-85; 8:45 am]

BILLING CODE 3410-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6649]

Revision of Proposed Flood Elevation Determinations; Tennessee, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Waverly, Humphreys County, Tennessee.

Due to recent engineering analysis, this proposed rule would revise the proposed determinations of base (100-year) flood elevations published in the **Federal Register** at 50 FR 10262 on March 14, 1985, and hence would supersede those previously published proposed rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 103 East Main Street, Waverly, Tennessee.

Send comments to the Honorable Ray Bell, Mayor, City of Waverly, City Hall, P.O. Box 71, Waverly, Tennessee 37185.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Waverly, Humphreys County, Tennessee, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorg. Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations are:

State, city/town/county, source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
TENNESSEE	
Waverly (City), Humphreys County, (FEMA Docket No. 6649)	
Trace Creek:	
About 1.7 miles downstream of Brown Town Road	*441
About 1.8 miles upstream of U.S. Highway 70	*615
Tributary A:	
Mouth at Trace Creek	*506
Just upstream of the Louisville and Nashville Railroad	*515
About 3,400 feet upstream of Louisville and Nashville Railroad	*556
Tributary B:	
Mouth at Trace Creek	*519
Just downstream of the upstream Little Richland Road crossing	*566
Tributary C:	
Mouth at Trace Creek	*531
About 0.8 mile upstream of North Railroad Street	*587
Tributary D:	
Mouth at Trace Creek	*572
About 1.6 mile upstream of the Louisville and Nashville Railroad	*662

Maps available for inspection at City Hall, 103 East Main Street, Waverly, Tennessee. Send Comments to Honorable Roy Bell, Mayor, City of Waverly, City Hall, P.O. Box 71, Waverly, Tennessee 37185.

Issued: May 17, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-12910 Filed 5-29-85; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 173

[Docket No. HM-188B, Notice No. 85-2]

Transportation of Hazardous Materials Between Canada and the United States

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking; notice of public hearing.

SUMMARY: The MTB proposes to amend the Department of Transportation's Hazardous Materials Regulations (HMR) in order to permit transportation of hazardous materials, with certain conditions and limitations, in accordance with the recently published Canadian regulations most of which are scheduled to become effective on July 1, 1985. This action is necessary in order to facilitate the movement of hazardous materials between Canada and the United States. The MTB believes that this action will result in the HMR being amended to recognize, to the maximum extent consistent with safety, the new Canadian regulations.

Because of the anticipated wide level of interest in this proposal, the MTB has scheduled a public hearing at which oral comments will be received. It is requested that persons desiring to provide oral comments at the hearing should notify the Dockets Branch in writing at least five days in advance of the hearing date.

DATE: The hearing will be held June 27, 1985, beginning at 9:30 a.m. Comments must be received by July 11, 1985.

ADDRESS: The hearing will be held in room 2230, Nassif Building, DOT Headquarters, 400 Seventh Street SW., Washington, D.C. 20590. Submit written comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket, and be submitted in five copies if possible. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8426, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, International Standards Coordinator, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Telephone: (202) 426-0656.

SUPPLEMENTARY INFORMATION: On February 6, 1985, Transport Canada published new multi-modal regulations for the transport of dangerous goods (hazardous materials) in Part II of the Canada Gazette. The regulations are officially titled "Regulations respecting the handling, offering for transport and transporting of dangerous goods" or simply the "Transportation of Dangerous Goods Regulations", issued pursuant to the provisions of the Transportation of Dangerous Goods Act of July 17, 1980. For the purpose of this notice, these regulations are referred to as the "TDG Regulations". Certain parts of these regulations were effective at the time of publication, other parts became effective on April 8, 1985, but the majority of the regulations, and particularly those dealing with specific transport requirements as opposed to administrative matters, are scheduled to enter into force on July 1, 1985. Copies of the TDG Regulations may be obtained from the Canadian Government Publications Center, Supply Services Canada, Ottawa, K1A 0S9, Canada, at a cost of $18 (Canadian) per copy.

On March 27, 1985, the Embassy of Canada delivered a note to the Department of State which formally requested that the United States take steps to amend the DOT HMR to grant reciprocal recognition to the TDG Regulations in order to facilitate the transport of hazardous materials between the United States and Canada. A specific proposed text for a revised 49 CFR 173.8 was attached to this note. Because the note summarizes certain aspects of the TDG Regulations, as well as underscoring the need to facilitate hazardous materials movements between Canada and the United States, the note, and the attached suggested text of § 173.8 are reproduced here for information.

The Embassy of Canada presents its compliments to the Department of State and is pleased to advise the Department that final regulations, issued under the authority of the Transportation of Dangerous Goods Act of 1980, were published in the Canada Gazette, Part II, on February 6, 1985. These regulations facilitate the northbound movement of dangerous goods between Canada and the United States and the Canadian authorities hereby request that the corresponding U.S. regulations be modified to facilitate the southbound movement of equivalent goods.

The Canadian Regulations parallel closely provisions in Title 49 of the United States Code of Federal Regulations, the International Maritime Code for Dangerous Goods (IMDG), and UN Recommendations for the Transport of Dangerous Goods.

Included in these regulations, all of which will be in force by July 1, 1985, are provisions to facilitate trade entering Canada from the United States. The new regulations on bilateral trade (called "transborder shipments" in the regulations) cover transportation by road, rail and water if in home voyage Class II, and stipulate that, with limited exceptions, shipments complying with 49 CFR shall be acceptable in Canada. Under Parts IV and V of the new Canadian regulations, goods in all nine United Nations Classes, except Class 1 or Divisions 3 or 4 of Class 2, are regulated in a manner that facilitates compliance with both the Canadian and U.S. Regulations. Thus, trade from the U.S.A. to Canada is facilitated without undue delay and without the additional cost of repackaging, relabelling, replacarding and redocumenting at the border. Equivalent acceptance of Canadian Regulations to the first destination in the U.S.A. by appropriate amendment of 49 CFR would allow the current extensive and mutally beneficial hazardous goods trade between Canada and the United States to continue.

The Canadian authorities therefore request that the appropriate United States authorities proceed expeditiously with pertinent amendments to the hazardous materials provisions of 49 CFR which currently recognize conformity with the Canadian Transport Commission's Dangerous Commodity Regulations for rail transport as being equivalent to compliance with 49 CFR. The amendments would recognize conformity with the Transportation of Dangerous Goods Regulations for all modes of transport as being equivalent to conformity with 49 CFR.

Should the required amendments to 49 CFR not be in place by July 1, 1985, there is a distinct risk of disruption in the significant dangerous goods trade between our two countries. Once implemented, however, the amendments would permit the flow of transborder trade involving dangerous goods to proceed safely under adquately controlled conditions.

The Embassy wishes to emphasize that Canadian Regulations provide for the same level of safety as U.S. Regulations, and are almost identical with Regulations under the IMDG Code, which is presently recognized as acceptable for goods in transit to first destination in the United States. Furthermore, Canadian Regulations are closer to international (U.N.) Recommendations than are United States Regulations, and over the past few years the United States has altered its own Regulations to meet U.N. standards more closely.

The Embassy understands that the Office of Hazardous Materials Regulation of the United States Department of Transportation agrees in principle that 49 CFR should be amended as suggested above. The Embassy therefore requests that the State Department bring to the attention of the Department of Transportation the urgency of proceeding with a rulemaking proceding [sic] to institute such amendments. To facilitate this process, the Canadian authorities have prepared the attached draft of a proposed amendment. (It should be noted that the reference in this text to both the Transportation of Dangerous Goods Regulations and to Canadian Transport Commission Regulations provides for those regulatory requirements which are not addressed at this time in the Transportation of Dangerous Good [sic] Regulations but which are required for rail shipments.) The Embassy would appreciate the State Department's providing to the appropriate USA authorities a copy of this text on which they may wish to draw in drafting the pertinent amendments to 49 CFR.

Text of Proposed Amendment to Section 173.8 of 49 CFR

Section 173.8 Canadian shipments and packagings.

(a) For all dangerous goods other than those classified as Class 1 or Divisions 3 or 4 of Class 2 under the Transportation of Dangerous Goods Regulations made pursuant to the Transportation of Dangerous Goods Act, 1980:

(1) Shipments of hazardous materials entering the United States from Canada or empty rail cars which contain residues of hazardous materials, that are being returned to Canada, which conform with the Regulations of the Government of Canada pursuant to the Transportation of Dangerous Goods Regulations and in addition, in the case of rail shipments, conform with the Canada Transport Commission Regulations for the Transportation of Dangerous Commodities by Rail for those requirements of the Canadian Transport Commission not addressed by the Transportation of the point of entry in the United States to their destination in the United States or through the United States en route to a destination in Canada; or, in the case of empty rail cars containing a residue of hazardous material, from their point of unloading in the United States to a destination in Canada.

(b) For dangerous goods classified Class 1 or Division 3 or 4 of Class 2 under the Transportation of Dangerous Goods Regulations:

(1) Shipments of hazardous materials which conform in Safety Marks and in Shipping Name to the Regulations of the Government of Canada pursuant to the Transportation of Dangerous Goods Regulations (under the Transportation of Dangerous Goods Act) and in all other requirements to either 49 CFR or the Transportation of Dangerous Goods Regulations and the Canadian Transport Commissioin Regulations for the Transportation of Dangerous Commodities by Rail, may be transported from the point of entry in the United States to their destination in the United States, or through the United States en route to a point in Canada. Empty rail tank cars may be transported in conformity with the Transportation of Dangerous Goods Regulations and with Canadian Transport Commission Regulations from point of origin in the United States to point of entry in Canada.

(c) Except as specified in 173.301(i) specification packagings made and maintained in full compliance with the corresponding specifications prescribed by the Railway Transport Committee of the Canadian Transport Commission (formerly the Board of Transport Commissioners for Canada), in its Regulations for the Transportation of Dangerous Commodities by Rail, and marked in accordance therewith (e.g. BTC, CTC, etc.) may be used for the shipment of hazardous materials within the United States.

While issue could be taken with a number of statements in this note, particularly with regard to the extent that the reciprocity provisions contained in the TDG Regulations will facilitate shipments entering Canada from the United States, it must be emphasized that this is not the purpose of this notice. The MTB believes that achieving the maximum level of reciprocity between the TDG Regulations and the HMR is *both* necessary and beneficial to *both* the United States and Canada for a number of reasons. However, it must be borne in mind that the purpose of these regulations is to insure safety in the transport of hazardous materials and, in the event of an incident or accident, to permit the nature of the hazards of the materials involved to be readily identified to emergency response personnel. The latter purpose can only be realized through extensive training efforts of personnel involved in the handling of hazardous materials and in response to hazardous materials incidents. In order for such training to be effective, it is essential that the salient points of the hazardous materials regulations (e.g. labeling, placarding and shipping paper description requirements) remain relatively stable, and that, when significant changes to these fundamental requirements are introduced, their introduction is a gradual process allowing sufficient time for retraining. Therefore, the MTB considers that the purpose of this notice is to explore and solicit comment on the extent to which recognition can be accorded to the TDG Regulations without seriously jeopardizing the hazard warning and emergency response systems based on the existing HMR.

Analysis of the TDG Regulations

In order to adequately assess the potential safety implications associated with recognition of the TDG Regulations, it is first necesary to examine the differences between them and the HMR. While a complete analysis and description of these differences in this notice is impracticable, it is possible to highlight some of the fundamental differences to facilitate the development of comments. Undoubtedly, many commenters will desire to conduct a far more extensive comparison individually. The following brief description of the evolution of the TDG Regulations, as well as some of the more significant differences between those regulations and the HMR, is provided to help stimulate comment.

Until the mid-1970's the regulations of the CTC (formerly the Board of Transport Commisioners for Canada) were, with few exceptions, identical to those found in the HMR. It was due to this regulatory compatibility that transborder shipments of hazardous materials moved without confusion on the part of shippers and carriers as to the applicability of regulatory requirements of each country, and that broad "reciprocal" recognition was accorded to the CTC Regulations in § 173.8. However, several years ago changes were made to the CTC Regulations that caused them to differ significantly in many respects from the HMR.

At that time, in recognition of the increasing number of "land bridge" shipments and import shipments arriving in Canada in conformance with the provisions of the International Maritime Organization's (IMO) International Maritime Dangerous Goods Code (IMDG Code), the CTC Regulations were substantially revised to replace the then existing proper shipping names, and the classification, labeling and placarding systems with those provided in the IMDG Code, which, in turn, differ only in minor respects from those in the Recommendations of the United Nations Committee of experts on the transport of Dangerous Goods (U.N. Recommendations).

To assess the potential safety implications of these newly introduced differences between the CTC Regulations and the HMR in order to determine if the broad reciprocal recognition accorded the CTC Regulations through § 173.8 was still appropriate, the MTB published an advance notice of proposed rulemaking on May 5, 1983, under Docket No. HM-188 (48 FR 20255) and also conducted a public hearing on the matter on June 2, 1983. Numerous comments were received which, for the most part, stressed the importance of maintaining reciprocal regulatory recognition of the Canadian regulations and supported the fact that, although the new description, classification, labeling and placarding requirements of the CTC Regulations differed in many respects from the corresponding provisions of the HMR, there was not an adverse effect on safety by continuing to permit shipments to enter the United States from Canada when in conformance with the CTC Regulations. One of the principle reasons for this belief was the commonality to both systems of the UN number as a means for specific hazardous materials identification. As a result of this action, it was finally concluded that there was no need from the point of view of transport safety to rescind the broad recognition of the CTC Regulations in § 173.8, and the section has remained with only one relatively minor amendment until this time. In this context, it is important to note that the reciprocity in regulation exists at the present time only in regard to transportation of hazardous materials (dangerous commodities) by railroad and only to materials that are subject to both CTC and DOT regulations (e.g., there is no CTC regulation presently applicable to combustible liquids; therefore, the provisions of § 173.8 do not apply and combustible liquids must be transported in conformance with the HMR).

Unlike the CTC Regulations, the new TDG Regulations apply to all modes of transport. On the other hand, the new regulations are similar to the CTC Regulations in that both employ the basic description, classification, labeling and placarding requirements that are provided in the U.N. Recommendations and IMDG Code. Since the CTC requirements have been permitted for several years under § 173.8, from the point of view of safety, it would not appear to be a radical departure to extend recognition of this method of description, classification, labeling and placarding to all modes of transport through recognition of the TDG Regulations. This would particularly appear to be true since the UN system is already widely employed in the marine

and air modes in the United States through regulatory recognition of the IMDG Code and the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air, respectively. It should also be noted that this system of hazardous materials description, classification, labeling and placarding has been included in the Optional Hazardous Materials Table (§ 172.102) of the HMR since 1980, and, with certain exceptions has been permitted for the rail and highway movement of hazardous materials that are in the course of being imported or exported by vessel. Nevertheless, it would appear appropriate to highlight some of the more fundamental differences between the TDG Regulations and the HMR. Once again, it must be emphasized that the following discussions do not constitute a comprehensive analysis of the TDG Regulations. They are provided only to illustrate some of the differences between the TDG Regulations and the HMR.

1. The list of dangerous goods in the TDG regulations most closely aligns with the list of the U.N. Recommendations, ICAO Technical Instructions and the IMDG Code and differs in many respects from the list in § 172.101. For example, numerous descriptions not given in § 172.101 are listed in the TDG Regulations. This list is similar to DOT's optional hazardous materials table in § 172.102.

2. A number of materials are classed differently in the TDG Regulations than they are in § 172.101. Also, the international class numbering system is used in the TDG Regulations rather than the class words as in § 172.101.

3. In addition to classifying a number of materials differently, the TDG Regulations include a new class of "Corrosive Gases" (Division 4 of Class 2) which does not exist in the DOT classification system. Included in this new class are a total of nine gases including such gases as Anhydrous ammonia and Chlorine which are classified as Non-flammable gases under the HMR. The Corrosive gas class is not included in the U.N. Recommendations, IMDG Code of ICAO Technical Instructions and these gases would be required to be labeled with a label consisting of a white square on point with a black gas cylinder in the upper half. The corrosive gas placard is simply an enlarged version of the label.

4. Under the TDG Regulations, the class number of a material is used rather than a class word(s) required by § 172.202 in referencing § 172.101. Use of class numbers alone is not generally permitted by the HMR for imported shipments moving by rail or highway; therefore, for basic descriptions of hazardous materials on shipping papers appearing in the United States, only shipments by rail coming from Canada are presently permitted (by § 173.8) to have classes identified on shipping papers by numbers in place of class words.

5. Except for placards for Explosives and Poison Gas, placards specified in the TDG Regulations are wordless enlarged UN labels bearing class numbers in the bottom corner. For example, the only distinction between a Flammable Gas and a Flammable Liquid label in class number 2 or 3, respectively, in the bottom corner. Except in cases where the indentification numbers are permitted on placards, DOT requires that the class words be displayed.

There is one additional general point regarding the TDG Regulations that is important to note. While it is envisioned that eventually the TDG Regulations will address all aspects of the transport of dangerous goods by all modes, they are not at this time complete. While they do apply to all modes of transport, they do not currently address all aspects of dangerous goods transport. For example, the TDG Regulations contain provisions applicable to all modes for classification, labeling, placarding, marking of packages and preparation of shipping papers, but they do not, at this time, contain regulations on packaging. To fill in these "gaps", the existing modal regulations (e.g. the CTC Regulations) will remain in place. However, the TDG Regulations will, to the extent that they address a particular aspect of the transport of dangerous goods, supersede the existing modal regulations. For example, the classification, labeling, placarding, package marking and preparation of shipping papers for a rail shipment in Canada will be governed by the TDG Regulations while the other aspects of transport such as packaging and car placement, not addressed in the TDG Regulations, will continue to be governed by the CTC Regulations.

Amendments to the HMR

In light of the publication of the TDG Regulations, and of the Note transmitted by the Canadian Embassy, the MTB is proposing to add a new § 171.12a to the HMR which would allow, with certain exceptions and limitations, hazardous materials to be transported into the United States from Canada in conformance with the TDG Regulations. The MTB carefully studied the text suggested by the Canadian government in the Embassy Note, but concluded that the broadly worded text did not fully take into account some of the safety consequences of recognizing the TDG Regulations, nor certain special controls the MTB must exercise, e.g., with respect to the transport of hazardous subtances and hazardous wastes. Therefore, the MTB is proposing a text which it considers more appropriately reflects the degree of recognition that should be given the TDG Regulations.

It is proposed that the revised regulations for Canadian shipments be included in a new § 171.12a rather than in § 173.8 where the existing reciprocity provisions appear. The MTB believes that Part 171 is a more appropriate location for this provision because the proposed section deals with transport requirements in general, rather than just packaging or shipper requirements. As a consequence, the existing § 173.8 would removed and reserved.

It will be noted that the proposed § 171.12a only addresses transport by rail and highway. This is due to the fact that the MTB believes it unnecessary to include reciprocity provisions for the air and marine modes since the HMR already incorporates by reference the ICAO Technical Instructions and the IMDG Code. Under the TDG Regulations, air transport in Canada is governed by the ICAO Technical Instructions. Since § 171.11 of the HMR already permits compliance with the Technical Instructions, the MTB believes there is no need to address shipments arriving from Canada by air in the proposed § 171.12a. Similarly, in the marine mode, the TDG Regulations, as supported by the Canadian Coast Guard regulations issued pursuant to the Canada Shipping Act, require, with the exception of a home-trade voyage Class II, compliance with the IMDG Code. Since §§ 171.12, 172.102 and 176.11 already generally permit compliance with the IMDG Code, the MTB considers it unnecessary to address marine mode transport in the proposed § 171.12a.

Paragraph (a) of the proposed § 171.12a contains general permission for shipments entering the United States from Canada by rail and highway to be classified, labeled, placarded, marked and described and certified on a shipping paper in accordance with the TDG Regulations. Certain exceptions to this general authorization are contained in paragraph (b) of § 171.12a.

For some hazardous materials allowed to be transported in conformance with the TDG Regulations, paragraph (a) would require certain additional information to appear on shipping papers and package markings.

For instance, the letters "RQ" would have to appear on shipping papers and in package markings, when appropriate, in order to trigger the necessary reporting requirements in the event of the release of a hazardous substance.

The exceptions to the general authorization to comply with the TDG Regulations, as set forth in paragraph (b), would be forbidden materials and packagings, explosives and materials classified as "Corrosive gases" under the TDG Regulations. The reason for excluding forbidden materials and packages from the provisions of paragraph (a) is considered self-evident. Explosives have been excluded, with the exception of allowing the use of the labels and placards required by the TDG Regulations which would contain the phrase "explosive A, B or C", as appropriate, because of the substantial differences in the classification systems and because of the heavy reliance of thousands of local ordinances on the present DOT classifications for explosives. The gases classified as "Corrosive gases" under the TDG Regulations have been excepted from the provisions of paragraph (a) because of the anticipated difficulties in the emergency response area of introducing, in a short time frame, classifications, labels and placards not heretofore known to emergency response personnel. On the basis of comments received in response to this notice, the MTB would be prepared to recognize the Corrosive gas classification, label and placard if it appears that this would not adversely affect the ability of emergency response organizations to respond to transport emergencies.

Paragraph (c) of the proposed § 171.12a is identical to the existing paragraph 173.8(b). Since the CTC specifications for packagings will be retained in effect for the time being, the MTB believes that the provisions currently contained in § 173.8(b) should be retained.

Paragraph (d) proposes to continue to give recognition to the CTC Regulations to the extent that they will still apply to rail shipments in Canada (i.e., to the extent they are not superseded by the TDG Regulations). Since there exists at this time no national regulations in Canada governing the transport of hazardous materials by road, the proposed paragraph (e) would require that shipments entering the United States from Canada by highway under the provisions of § 171.12a(a) be otherwise transported in accordance with the HMR.

Commenters are invited to address any potential safety impacts contemplated as a result of the proposed "reciprocal" regulatory provisions of § 171.12a. Of particular concern to MTB are those potential safety impacts that may be related to emergency response actions because of several fundamental differences in communications requirements. This concern may be offset by the fact that both regulatory systems use identification numbers assigned to materials based on the worldwide U.N. system. It is these identification numbers which provide rapid access to emergency response information in the U.S. Emergency Response Guidebook and Canada's Emergency Response Guide for Dangerous Goods. Commenters are encourgaged to discuss the value of this materials identification numbering commonality in offsetting other differences in light of the wide dissemination of the Guidebook and its growing use by fire, police, and other emergency response entities in the United States.

MTB again wishes to emphasize that the purpose of this Notice of Proposed Rulemaking is to solicit comments concerning safety impacts due to differences in regulations pertaining to the safe transportation of hazardous materials. It is not intended to address the merits of the TDG Regulations nor is it intended to serve as a forum for such a purpose.

Administrative Notices

A. Executive Order 12291

The MTB has determined that the effect of this regulatory proposal would not meet the criteria specified in section 1(b) of Executive Order 12291 and is, therefore, not a major rule. This is not a significant rule under DOT regulatory procedures (44 FR 11034) and requires neither a Regulatory Impact Analysis, nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.) A regulatory evaluation is available for review in the Docket.

B. Impact on Small Entities

Based on limited information concerning the size and nature of entities likely affected, I certify that this Notice will not, as promulgated, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Imports.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, 49 CFR Parts 171 and 173 would be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for Part 171 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 (e), unless otherwise noted.

2. Section 171.12a would be added to read as follows:

§ 171.12a Canadian shipments and packagings.

(a) Notwithstanding the requirements of Part 172 of this subchapter, and except as provided in paragraph (b) of this section, a hazardous material that is classified, marked, labeled, placarded and described and certified on a shipping paper in accordance with the Regulations Respecting the Handling, Offering for Transport and Transporting of Dangerous Goods (the Transportation of Dangerous Goods Regulations or TDG Regulations), issued by the Government of Canada pursuant to the Transportation of Dangerous Goods Act, may be transported by rail or highway from the point of entry in the United States to their destination in the United States, or through the United States en route to a point in Canada, provided that it fulfills the following additional requirements as applicable:

(1) When a hazardous material is not subject to the requirements of the TDG Regulations, it must be transported as required by this subchapter.

(2) When a hazardous material, that is regulated by this subchapter for transportation by rail or highway, is transported under the provisions of this section, the shipping paper must include the following:

(i) The letters "ORM-E" in association with the basic description for a material classified in Division 1 of Class 6, Packing Group III or in Class 9 of the TDG Regulations, that is also a hazardous substance;

(ii) The words "Dangerous When Wet" in association with the basic description when the Class 4, Division 4.3 label is required to be applied by the TDG Regulations.

(3) If a liquid or solid material in a package meets the definition of a poison according to this subchapter, and the fact that it is a poison is not disclosed in the shipping name or by a class entry, an indication that the material is a

poison shall be made by entering the word "Poison" on the shipping paper in association with the basic description.

(4) When a hazardous material, which is subject to the requirements of the TDG Regulations, is also a hazardous substance as defined in this subchapter, the shipping paper must include the following:

(i) The name of the hazardous substance shall be entered on shipping papers in association with the basic description, and in association with the proper shipping name required to be marked on the package, unless the proper shipping name required by the TDG Regulations already includes the name of the hazardous substance; and

(ii) The letters "RQ" shall be entered on the shipping paper either before or after the basic description required by the TDG Regulations and in association with the proper shipping name required to be marked on the package.

(5) When a hazardous material, which is subject to the requirements of the TDG Regulations, is also a hazardous waste as defined in this subchapter:

(i) The word "Waste" must precede the proper shipping name on shipping papers and package markings; and

(ii) It must be accompanied by a hazardous waste manifest as required by § 172.205 of this subchapter.

(6) Required shipping paper entries and package markings must be in English. Abbreviations may not be used in shipping paper entries or package markings unless they are specifically authorized by this subchapter. TDG Regulations class or division numbers are not considered to be abbreviations.

(b) This section does not apply to—

(1) A material which is a forbidden material: either packaged according to § 173.21 or as indicated in Column (3) of the Table to § 172.101 of this subchapter;

(2) A material or article meeting the definition of a Class A, B or C explosive according to this Subchapter, except that the package may be labeled and the freight container, motor vehicle or rail car placarded, with the label and placard required by the TDG Regulations provided that label or placard also indicates the appropriate DOT hazard class in accordance with Schedule V of the TDG Regulations;

(3) Materials classified by the TDG Regulations in Division 4 of Class 2.

(c) Except as specified in 173.301(i), specification packagings made and maintained in full compliance with the corresponding specifications prescribed by the Railway Transport Committee of the Canadian Transport Commission (formerly the Board of Transport Commissioners for Canada), in its Regulations for the Transportation of Dangerous Commodities by Rail, and marked in accordance therewith (e.g., BTC, CTC, etc.) may be used for the shipment of hazardous materials within the United States.

(d) For transportation by rail, hazardous materials transported in accordance with paragraphs (a) and (b) of this section may, in addition, be packaged and otherwise transported in conformance with the regulations of the Canadian Transport Commission from the point of entry in the United States to their destination in the United States, or through the United States en route to a point in Canada. Subject to the conditions and limitations of paragraphs (a) and (b) of this section, empty rail tank cars may be transported in conformity with Canadian Transport Commission regulations from point of origin in the United States to point of entry into Canada.

(e) Except as provided in paragraph (c) of this section, hazardous materials transported by highway in accordance with this section must be packaged and otherwise transported as required by this subchapter.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. The authority for Part 173 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR 1.53(e) unless otherwise noted.

§ 173.8 [Removed]

4. Section 173.8 would be removed and reserved.

Issued in Washington, D.C., on May 24, 1985.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-08; Notice 1]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Standard No. 208, *Occupant Crash Protection*, to upgrade the safety belt requirements for new trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of more than 10,000 pounds. The proposed rule would standardize the buckle release used in safety belts in those vehicles. In addition it would require the use of emergency locking retractors on the safety belt systems in those vehicles. These proposed changes should make the safety belt systems in heavy vehicles more convenient to use and thus promote the use of those systems. In addition, this rulemaking will assist drivers in complying with the Bureau of Motor Carrier Safety's regulation requiring safety belt use in trucks and buses engaged in interstate commerce and with the mandatory safety belt use laws being adopted by the states.

DATES: Comments must be received by July 15, 1985. If adopted, the proposed amendments would become effective September 1, 1986.

ADDRESS: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. (Docket Room hours are 8 a.m. to 4 p.m.).

FOR FURTHER INFORMATION CONTACT: Mr. William Smith, Office of Vehicle Safety Standards, Room 5320, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2242).

SUPPLEMENTARY INFORMATION: Since January 1, 1972, Safety Standard No. 208, *Occupant Crash Protection*, has required manufacturers to install safety belt systems in heavy vehicles (i.e., trucks, buses and multipurpose passenger vehicles (MPV's) with a gross vehicle weight rating of more than 10,000 pounds). The safety belts required in those vehicles have had to meet all of the strength requirements set for belt systems in passenger cars and light trucks, buses and MPV's. They have not, however, had to meet several requirements set for lighter vehicle safety belt systems which make safety belts easier to use. This notice proposes to upgrade heavy vehicle safety belt systems in two ways. First, it would require heavy vehicle safety belt systems to have the same push button buckle release that is found in lighter vehicles. In addition, it would require safety belt systems in heavy vehicles to be equipped with emergency locking retractors. Those retractors will mean that the belts will be more comfortable to wear and can be easily stored after they are used.