

**PART 232—CONTRACT FINANCING**

**232.501-1 [Amended]**

2. Section 232.501-1 is amended by adding in the second sentence between the word "the" and the words "CASH II" the words "applicable DoD cash flow computer model (e.g."; and by removing in the second sentence the words "computer program" and inserting in their place the words "or CASH III)".

**232.502-1 [Amended]**

3. Section 232.502-1(S-71) is amended by removing in the third sentence of paragraph (1) the words "(i.e., 90% or 95%)"; by removing in the third and fourth sentences of paragraph (2) the percentage figure "5%" and inserting in both places the percentage figure "15%"; by removing in the first sentence of paragraph (4) the words "CASH II" and inserting in their place the words "CASH III"; and by removing in paragraph (7) the percentage figures "7%", "3%", and "5%", and inserting in their place the percentage figures "17%", "13%", and "15%" respectively.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**252.232-7004 [Amended]**

4. Section 252.232-7004 is amended by removing in the title of the clause the date "APR 1984" and inserting in its place "MAY 1985"; and by removing in the text of the clause the percentages "five percent (5%)", "seven percent (7%)", and "three percent (3%)", and inserting in their place the percentages "fifteen percent (15%)", "seventeen percent (17%)", and "thirteen percent (13%)", respectively.

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**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Parts 173 and 175**

[Docket No. HM-149D, Amendment 173-187]

**Exceptions for Specified Quantities of Radioactive Materials**

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

**ACTION:** Emergency final rule.

**SUMMARY:** The Materials Transportation Bureau (MTB) is renewing for two years the exceptions (statutory exemptions)

for specified quantities of radioactive materials found in 49 CFR 173.4, 173.421-1 and 173.421-2. These exceptions permit the continued transportation by passenger-carrying aircraft of certain quantities of radioactive material under the existing restrictions. These materials do not present a significant hazard to passengers or crew on an aircraft. This action is necessary on an emergency basis because the existing exceptions will expire on May 3, 1985. Under the provisions of section 553 of the Administrative Procedure Act, agencies are permitted to issue a rule in final form when notice and public procedure are impracticable, unnecessary, or contrary to the public interest. This emergency final rule, entitled "Exceptions for Specified Quantities of Radioactive Materials", has been determined not to be a major rule. Its effect will permit the continued transportation by passenger-carrying aircraft of certain quantities of radioactive materials. Delay in the renewal of these provisions would be contrary to the public interest because the limits imposed on the transport of these materials via passenger-carrying aircraft would have an adverse effect on the nuclear industry, and would disrupt routine and ongoing shipments which have been made safely for 10 years under the previous exceptions. Continuation of the exceptions will have a negligible environmental impact and will not impose any additional costs on shippers, carriers or consumers.

**EFFECTIVE DATE:** May 2, 1985.

**FOR FURTHER INFORMATION CONTACT:** Lee Jackson, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590, (202) 426-2075.

**SUPPLEMENTARY INFORMATION:** On April 18, 1985, in accordance with the provisions of 49 CFR 106.31, the Department of Energy (DOE) requested the Materials Transportation Bureau (MTB) grant an emergency extension to May 3, 1987, to the provisions of 49 CFR 173.4, 173.421-1 and 173.421-2 to permit the continued transportation of specified quantities of radioactive material by passenger-carrying aircraft.

In accordance with section 107 of the Hazardous Materials Transportation Act (HMTA 49 U.S.C. 1806) governing exemptions, the exceptions provided in §§ 173.4, 173.421-1 and 173.421-2 are limited to two years unless reexamined and renewed. These exceptions expire on May 2 and May 3, 1985. Historically, these exceptions have been issued and subsequently renewed under Docket No. HM-149. The legal background and regulatory history of these exceptions

can be found in Docket HM-149C (46 FR 24184) published on April 30, 1981, and in preceding amendments dating back to April 17, 1975 (40 FR 17141).

In accordance with 49 U.S.C. 1806 and 49 CFR 106.13, MTB has reexamined the provisions of the exceptions provided in §§ 173.4, 173.421-1 and 173.421-2. Predicated on this review, and based on the very limited hazard posed by the materials excepted by these sections, MTB is (1) extending the effective dates of these exceptions until May 2, 1987 and, (2) clarifying the wording in §§ 173.448(f) and 175.700(c). No substantive changes have been made by these amendments.

The following terms from the **Federal Register Thesaurus of Indexing Terms** apply to this emergency final rule.

**List of Subjects**

*49 CFR Part 173*

Hazardous materials transportation. Packaging and containers.

*49 CFR PART 175*

Air carriers and radioactive materials.

In consideration of the foregoing, 49 CFR Parts 173 and 175 is amended as follows:

**PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS**

1. The authority citation for Part 173 is revised to read as follows:

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

2. In § 173.4, paragraph (b) is revised to read as follows:

**§ 173.4 Exceptions for small quantities.**

(b) A package containing a radioactive material also must conform with the requirements of § 173.421(a) through (e) or § 173.422(a) through (f). After May 2, 1987, a package containing a radioactive material may not be offered for transportation aboard a passenger-carrying aircraft unless that material is intended for use in, or incident to, research, medical diagnosis or treatment.

3. In § 173.421-1, paragraph (b)(2) is revised to read as follows:

**§ 173.421-1 Additional requirements for limited quantities of radioactive materials and radioactive instruments and articles.**

(b) \* \* \*  
(2) Sections 171.15, 171.16, 175.45, and 175.700(b) of this subchapter pertaining to the reporting of incidents and

decontamination if transported by aircraft. After May 2, 1987, it is also necessary to comply with §§ 173.448(f) and 175.700(c) of this subchapter.

4. In § 173.421-2, paragraph (d) is revised to read as follows:

**§ 173.421-2 Requirements for multiple hazard limited quantity radioactive materials.**

(d) After May 2, 1987, a limited quantity radioactive material classed other than radioactive material may not be offered for transportation aboard a passenger-carrying aircraft unless that material is intended for use in, or incident to, research, medical diagnosis or treatment.

5. In § 173.448, paragraph (f) is revised to read as follows:

**§ 173.448 General transportation requirements.**

(f) No person may offer for transportation aboard a passenger-carrying aircraft any radioactive material that is intended for use in, or incident to, research, medical diagnosis or treatment.

**PART 175—CARRIAGE BY AIRCRAFT**

6. The authority citation for Part 175 is revised to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1806, 1807, 1808; 49 CFR 1.53(e), unless otherwise noted.

7. In § 175.700, paragraph (c) is revised and the statement of authority at the end of the section is removed as follows:

**§ 175.700 Special limitations and requirements for radioactive materials.**

(c) Except as provided in §§ 173.4, 173.421-1 and 173.421-2 of this subchapter, no person may carry any radioactive material aboard a passenger-carrying aircraft unless that material is intended for use in, or incident to, research, medical diagnosis or treatment.

Note.—The Materials Transportation Bureau has determined that this emergency amendment is not a major rule under the terms of Executive Order 12291 or significant under DOT's regulatory procedures (44 FR 11034), and does not require Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4231, et seq.). A regulatory evaluation was not prepared prior to consideration of issuance of this rule, in view of the fact that this is an emergency rule.

Based on information available concerning size and nature of entities

likely to be affected, I certify that these amendments will not, as promulgated, have a significant economic impact on a substantial number of small entities.

Based on the potential adverse impact on shippers, carriers and consumers should relief from the compliance date not be granted, I have determined that, under 5 U.S.C. 553(b)(3) (B), public notice and an opportunity to comment would not be in the public interest, and this rule may be made effective in less than 30 days.

Issued in Washington, D.C. on April 29, 1985.

L.D. Santman,

Director, Materials Transportation Bureau.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 663**

[Docket No. 41155-4175]

**Pacific Coast Groundfish Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of fishing restrictions and request for comments.

**SUMMARY:** NOAA issues this notice establishing restrictions to reduce further the levels of fishing in 1985 for widow rockfish, the *Sebastes* complex of rockfish, and Pacific ocean perch taken off the coasts of Washington, Oregon and California, and seeks public comment on these actions. These actions are authorized under regulations implementing the Pacific Coast Groundfish Fishery Management Plan and are necessary because these stocks are biologically stressed. These actions are intended to lower fishing rates and reduce biological stress and the probability of a fishery closure before the end of the year.

**EFFECTIVE DATE:** 0001 hours (Pacific Standard Time) April 28, 1985 until modified, superseded, or rescinded. Comments will be accepted until May 13, 1985.

**ADDRESSES:** Submit comments on these actions to Mr. Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115; or Mr. E.C. Fullerton, Director, Southwest Region, 300 South Ferry Street, Terminal Island, CA 90731.

**FOR FURTHER INFORMATION CONTACT:** R.A. Schmitten at 206-526-6150, E.C.

Fullerton at 213-548-2575, or the Pacific Fishery Management Council at 503-221-6352.

**SUPPLEMENTARY INFORMATION:** The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982, and final implementing regulations were published October 5, 1982 (47 FR 43964). This action supersedes those provisions in the Federal Register notice published January 15, 1985 (50 FR 2051) which limited landings of widow rockfish (*Sebastes entomelas*), the *Sebastes* complex of rockfish (all species of rockfish in the Scorpaenidae family except widown, Pacific ocean perch (*S. alutus*), shortbelly (*S. jordanii*), and *Sebastolobus* species of rockfishes). The provisions for sablefish (*Anoplopoma fimbria*) published at 50 FR 2051 remain in effect.

As specified in the January notice, the Pacific Fishery Management Council (Council) reviewed the progress of the groundfish fishery at its April meeting in Portland, Oregon. The conditions of biological stress of widow rockfish and the *Sebastes* complex persist (first documented at 48 FR 8283, February 28, 1983); Pacific ocean perch also is considered stressed and is managed under the rebuilding schedule set forth in the FMP. The Council examined current management measures with the intent of avoiding overfishing and extending the fisheries as long as possible throughout the year. The best scientific data available through March 1985 indicated that the rate of landings of widow rockfish coastwide, and the *Sebastes* complex and Pacific ocean perch caught north of Cape Blanco must be reduced to avoid exceeding the 1985 harvest goals for these species. Accordingly, as specified in the FMP, the Secretary of Commerce (Secretary) announces by this notice measures recommended by the Council to further reduce landings of widow rockfish, the *Sebastes* complex of rockfish, and Pacific ocean perch.

The Council's recommendations for 1985 and actions taken by the Secretary on those recommendations are presented below. Because the vast majority of groundfish caught off Washington, Oregon, and California is taken from the fishery conservation zone (FCZ) 3-200 nautical miles offshore, all groundfish taken in ocean waters off Washington, Oregon, and California and retained or landed in violation of these restrictions will be treated as though they were taken in the FCZ, the same as in 1984.