

PART 73—RADIO BROADCAST SERVICES

Section 73.603 is amended by adding new paragraph (d) to read as follows:

§ 73.603 Numerical designation of television channels.

* * * * *
(d) In Hawaii, the frequency band 488-494 MHz is allocated for nonbroadcast use. This frequency band (Channel 17) will not be assigned in Hawaii for use by television broadcast stations.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTION SERVICES

Section 74.702(d) is revised to read as follows:

§ 74.702 Frequency assignment.

* * * * *
(d) Any one of the UHF channels from 14 through 54 (except channel 37) may also be assigned to a UHF translator station meeting the minimum spacing requirements of paragraph (c), of this section, provided that an adequate showing is made that it is not possible to assign a UHF translator station on a channel from 55 through 69 in the area to be served and meet the requirements of paragraph (c) of this section, and that the highest available channel in the 14-54 range has been selected. Channel 17 is allocated for nonbroadcast use in Hawaii and will not be assigned to a UHF translator in that State.

[FR Doc. 81-23181 Filed 8-7-81; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 100 Through 199 (Ch. I)

Transport of Radioactive Materials; Extension of Deadline for Comments on Proposed Changes to International Regulations

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

ACTION: Extension of time for public comment.

SUMMARY: This notice extends the public comment period on the International Atomic Energy Agency's (IAEA) proposed 1983 revision to its "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6."

DATE: Comments should be received by August 21, 1981.

ADDRESS: Send comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2311.

SUPPLEMENTARY INFORMATION: On May 7, 1981 (46 FR 25491), MTB published notice of the availability of a "First Draft Revision" of the IAEA "Regulations for the Safe Transport of Radioactive Materials" which is scheduled for adoption in 1983. This notice included a request for public comment on this document.

After the notice was published, MTB received the "Second Draft Revision" of the IEAE regulations which consisted of the "First Draft Revision" complete with the revised fissile material proposed requirements. This more complete second draft was subsequently distributed to requestors instead of the earlier first draft.

Due to the complexity of the proposed regulations, MTB believes that it is appropriate to provide additional time for comments to be developed and received. Consequently, the comment period is extended until August 21, 1981.

Issued in Washington, D.C. on August 3, 1981.

J. T. Horning,
Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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49 CFR Part 175

[Docket No. HM-166J; Notice No. 81-5]

Carriage of Tear Gas Devices Aboard Aircraft

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.
ACTION: Notice of proposed rulemaking.

SUMMARY: The Hazardous Materials Regulations (HMR) forbid the carriage of tear gas devices aboard passenger-

carrying aircraft. In response to requests from the Federal Aviation Administration and the general public, the MTB proposes to relax this prohibition in order to permit passengers and crewmembers to carry small personal protection devices, containing tear gases or pepper extracts, in checked baggage.

DATE: Comments must be received by September 9, 1981.

ADDRESS: Comments should identify the docket and be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Five copies are requested. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202)426-2075.

SUPPLEMENTARY INFORMATION: The purpose of this proposed rulemaking is to provide relief to the travelling public with regard to the carriage aboard aircraft of personal protection devices containing tear gases. Small hand held protection devices containing small amounts of tear gas and other irritating materials are becoming an increasing problem at airports nationwide. Many of these devices are being discovered at airport screening points being carried by passengers travelling by air who, in many instances, are not aware that the Hazardous Materials Regulations (HMR) prohibit the transportation of tear gases, including devices, on passenger-carrying aircraft.

The HMR have historically forbidden the carriage of tear gases on passenger-carrying aircraft because of the potential hazard posed to passengers and crewmembers in the event of a release of such materials. The effects of tear gas on a person may include (dependent on type, concentration and length of exposure) a copious flow of tears, burning and involuntary closing of the eyes, stinging of the skin, irritation of the sinuses, coughing, respiratory distress and panic. High concentrations of certain tear gases are capable of causing nausea, vomiting and even death.

In recent years there has been a proliferation of hand held personal protection devices intended for use by

the general public. The devices are, for the most part, aerosol dispensers containing a tear gas or pepper extract dissolved in a solvent and charged with a propellant gas. The solution is dispersed in the form of a cloud, mist, droplets or stream, depending upon design of the device. The tear gas component of the solution tends to be in very low concentrations of 2 percent or less. Due to the relatively low concentrations and small sizes of these devices, it is believed that under certain conditions, they can be safely carried aboard passenger-carrying aircraft. Therefore, in response to a number of requests, the MTB is proposing to relax existing provisions of the HMR to permit the transportation of small tear gas devices aboard passenger-carrying aircraft under specified conditions when carried by a passenger or crewmember in checked baggage.

The proposed rule addresses tear gas devices which are subject to the HMR as irritating materials and also devices containing pepper extracts which, although they do not meet the definition in 49 CFR 173.380 for irritating materials, are subject to the HMR when charged with a compressed gas. The proposed rule would permit a traveller to carry one device, capacity not to exceed 2 fluid ounces, in his checked baggage if the device is packaged so as to prevent accidental activation. A limit of one device of no more than two fluid ounces capacity is believed necessary in order to minimize the possibility of tear gas escaping from the baggage in which it is packaged in the event that an accidental release occurs during flight. The means by which the device must be packaged to prevent accidental activation has not been specified, in order to provide flexibility in packaging. Some of the devices are normally carried in cases (designed to attach to belts or key chains) which of themselves protect against activation. In other instances, additional packaging may be necessary to protect against activation of the device. The proposal is limited to devices carried by passengers and crewmembers in their checked baggage to preclude commercial shipments of such devices on passenger-carrying aircraft.

In consideration of the foregoing, 49 CFR Part 175 would be amended as follows:

In § 175.10, paragraph (a)(15) would be added, as follows:

§ 175.10 Exceptions.

* * * * *

(a) * * *
(15) Personal protection devices consisting of tear gas or pepper extract

solutions in aerosol type containers carried by crewmembers or passengers in checked baggage when—

(i) The capacity of the aerosol container does not exceed 2 fluid ounces (3.61 cubic inches);

(ii) The device is packaged in a manner which will prevent its accidental activation; and

(iii) No more than one such device is contained in any one item of checked baggage.

* * * * *

[49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106]

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation, if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on July 31, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-23267 Filed 8-7-81; 8:45 am]

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National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 79-02; Notice 4]

Consumer Information Regulations

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendment of the Consumer Information Regulations to permit manufacturers to modify initial pre-introduction submissions of performance data on new vehicle models. Under the proposal, manufacturers would be permitted to modify information previously submitted to the agency, provided notification of the changes is filed with the National Highway Traffic Safety Administration at least 30 days in advance of the date of introduction of the subject vehicles and changes are necessitated by unforeseeable design modifications affecting performance. The proposal, which responds to a petition submitted by Ford Motor Company, is intended to avoid undue

restriction of pre-introduction product changes occurring shortly before the new model year.

DATES: Comments must be received on or before October 9, 1981. Proposed effective date: June 1, 1982.

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Steven Zaidman, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: The Consumer Information Regulations (49 CFR Part 575) provide consumers with information concerning various aspects of motor vehicle and tire performance in order to aid them in the purchase and operation of vehicles and equipment. In addition to supplying information in dealers' showrooms and in the vehicles themselves, manufacturers are required to submit data to the National Highway Traffic Safety Administration (NHTSA) in advance of new model introduction. The advance submission enables the agency to compile information from various manufacturers in a comparative format and disseminate the information to purchasers of new vehicles.

In order to fulfill the objective of providing useful comparative information to prospective purchasers in time to assist them in the purchase of new vehicles, it is important that the information compiled and distributed early in the model year. To further this goal, NHTSA amended § 575.6(d) of the Consumer Information Regulations (49 CFR 575.6(d) effective June 1, 1982 to advance the deadline for submission of information by manufacturers to the agency from at least 30 days prior to model introduction to at least 90 days prior to that date (45 FR 47152; July 14, 1980). The 30-day advance submission period was retained for Uniform Tire Quality Grading and for changes occurring during the model year.

Ford Motor Company has petitioned NHTSA to modify § 575.6(d) to provide a 30-day advance submission deadline for pre-introduction amendments to information initially submitted prior to the 90-day advance submission deadline. Ford argues that this modification is necessary to clarify the requirement and to avoid inhibiting pre-introduction product improvements. Ford's petition was submitted as a